



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, April 11, 2019

2:00 PM

Metro Regional Center, Council chamber

1. Call to Order and Roll Call

2. Safety Briefing

3. Public Communication

4. Consent Agenda

- 4.1 Consideration of the Council Meeting Minutes for April 4, 2019

[18-5194](#)

- 4.2 Resolution No. 19-4980, For the Purpose of Authorizing the Chief Operating Officer to Amend the Non-System License for Gresham Sanitary Service to Authorize an Increased Tonnage Limit for Transport and Disposal of Putrescible Waste at the Wasco County Landfill and, Under Certain Unusual Circumstances, Finley Buttes Landfill.

[RES 19-4980](#)

Attachments: [Resolution No. 19-4980](#)
[Exhibit A to Resolution No. 19-4980](#)
[Staff Report](#)

- 4.3 Resolution No. 19-4986, For the Purpose of Approving an Amendment to the Distributed Antenna System License Agreement at the Oregon Convention Center

[RES 19-4986](#)

Attachments: [Resolution No. 19-4986](#)
[Exhibit A to Resolution No. 19-4986](#)
[Attachment 1 to Exhibit A to Resolution No. 19-4986](#)
[Staff Report](#)

5. Ordinances (First Reading and Public Hearing)

- 5.1 Ordinance No. 19-1436, For the Purpose of Annexing to the Metro Boundary Approximately 21.57 Acres Located at 4091 NE Constable Street and Approximately 12.1 Acres Located West of NE Starr Boulevard and South of NE Huffman Road in Hillsboro [ORD 19-1436](#)

Presenter(s): Tim O'Brien, Metro

Attachments: [Ordinance No. 19-1436](#)
[Exhibit A to Ordinance No. 19-1436](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)

6. Ordinances (Second Reading)

- 6.1 Ordinance No. 19-1434, For the Purpose of Approving an Increased Tonnage Allocation and Authorizing the Chief Operating Officer to Issue an Amended Solid Waste Facility Franchise for GSS Transfer, LLC [ORD 19-1434](#)

Presenter(s): Roy Brower, Metro
Hila Ritter, Metro

Attachments: [Ordinance No. 19-1434](#)
[Exhibit A to Ordinance No. 19-1434](#)
[Staff Report](#)
[Attachment 1 to Staff Report](#)
[Attachment 2 to Staff Report](#)

7. Resolutions

- 7.1 Metro Chief Operating Officer Acting as Budget Officer Presents the Proposed Fiscal Year 2019-20 Budget and Budget Message to the Metro Council, Acting as the Budget Committee [18-5192](#)

Presenter(s): Martha Bennett, Metro
Tim Collier, Metro
Brian Evans, Metro Auditor

- 7.1.1 Resolution No. 19-4976, For the Purpose of Approving the FY 2019-20 Budget, Setting Property Tax Levies and Transmitting the Approved Budget to the Multnomah County Tax Supervising and Conservation Commission

[RES 19-4976](#)

Attachments: [Resolution No. 19-4976](#)
[Staff Report](#)

- 7.1.2 Public Hearing on Resolution No. 19-4976

8. Chief Operating Officer Communication

9. Councilor Communication

10. Adjourn

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប្រព័ន្ធរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Materials following this page will be distributed at the meeting.

Agenda Item No. 4.1

Consideration of the Council Meeting Minutes for April 4, 2019

Consent Agenda

Metro Council Meeting
Thursday, April 11, 2019
Metro Regional Center, Council Chamber

Agenda Item No. 4.2

Resolution No. 19-4980, For the Purpose of Authorizing the Chief Operating Officer to Amend the Non-System License for Gresham Sanitary Service to Authorize an Increased Tonnage Limit for Transport and Disposal of Putrescible Waste at the Wasco County Landfill and, Under Certain Unusual Circumstances, Finley Buttes Landfill

Consent Agenda

Metro Council Meeting
Thursday, April 11, 2019
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF) RESOLUTION NO. 19-4980
OPERATING OFFICER TO AMEND THE)
NON-SYSTEM LICENSE FOR GRESHAM SANITARY) Introduced by Chief Operating
SERVICE TO AUTHORIZE AN INCREASED) Officer Martha Bennett in
TONNAGE LIMIT FOR TRANSPORT AND DISPOSAL) concurrence with Council
OF PUTRESCIBLE WASTE AT THE WASCO COUNTY) President Lynn Peterson
LANDFILL AND, UNDER CERTAIN UNUSAL
CIRCUMSTANCES, FINLEY BUTTES LANDFILL

WHEREAS, the Metro Code requires a non-system license of any person that delivers solid waste generated from within the Metro Region to a non-system disposal facility; and

WHEREAS, Gresham Sanitary Service operates a transfer station and holds Metro Solid Waste Facility Franchise No. F-019-16B, which authorizes the facility to accept up to 23,687 tons of putrescible for calendar year 2019; and

WHEREAS, Gresham Sanitary Service filed a complete application seeking to increase the franchise tonnage allocation up to 49,000 tons of putrescible waste for 2019; and

WHEREAS, Gresham Sanitary Service holds Metro Solid Waste Facility Non-System License No. N-019-16E, which authorizes Gresham Sanitary Service to transport and dispose of up to 23,687 tons of putrescible at Wasco County Landfill in calendar year 2019;

WHEREAS, Gresham Sanitary Service seeks to increase the non-system license tonnage authorization up to 49,000 tons in calendar year 2019 to align with its franchise allocation; and

WHEREAS, Gresham Sanitary Service's non-system license authorizes the transport and disposal of putrescible waste generated from within the Metro boundary at Wasco County Landfill; and

WHEREAS, Gresham Sanitary Service seeks to use Finley Buttes Landfill as a backup disposal option during certain unusual circumstances or emergency situations that would otherwise prevent the facility from transporting waste to Wasco County Landfill; and

WHEREAS, Metro Code Chapter 5.05 provides that the Chief Operating Officer will review an amendment for a non-system license for putrescible waste and that Metro Council has authority to approve or deny the amendment; and

WHEREAS, the Chief Operating Officer recommends that Metro Council approve amendment of Gresham Sanitary Service's non-system license to increase the tonnage authorization to align with the facility's franchise tonnage allocation and add Finley Buttes Landfill as a disposal option during unusual circumstances or emergency situations; now therefore,

BE IT RESOLVED that (1) the amendment of Gresham Sanitary Service's non-system license is approved subject to the terms, conditions, and limitations contained in this Resolution and Exhibit A, (2) the Chief Operating Officer is authorized to issue an amended Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A which replaces and supersedes the current non-system license for Gresham Sanitary Service.

ADOPTED by the Metro Council this ____ day of April, 2019.

Lynn Peterson, Council President

Approved as to Form:

Nathan A. S. Sykes, Acting Metro Attorney



600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

**METRO SOLID WASTE FACILITY
NON-SYSTEM LICENSE
No. N-019-16F**

LICENSEE:	
Gresham Sanitary Service 2131 NW Birdsdale Ave Gresham, OR 97030	
CONTACT PERSON:	
	Matt Miller
Phone:	(503) 665-2424
Fax:	(503) 666-0917
E-mail:	matt@gss-nw.com
MAILING ADDRESS:	
Gresham Sanitary Service P.O. Box 1560 Gresham, OR 97030	

This non-system license replaces and supersedes the provisions of Metro Solid Waste Facility Non-System License No. N-019-16E.

ISSUED BY METRO:

Martha Bennett,
Chief Operating Officer

Date

1	NATURE OF WASTE COVERED BY LICENSE
	Putrescible solid waste that is generated within the Metro region and received at GSS Transfer, LLC in accordance with its Metro solid waste facility franchise.
2	CALENDAR YEAR TONNAGE ALLOCATION
	<ol style="list-style-type: none">1. The licensee is authorized to transport up to 49,000 tons for calendar year 2019, beginning January 1, 2019, and ending December 31, 2019, of the waste described in Section 1 to the non-system facilities described in Section 3.2. This license does not increase the total tonnage that the licensee is authorized to accept under its Metro solid waste facility franchise
3	NON-SYSTEM FACILITY
	<p>The licensee is authorized to transport the waste described above in Section 1 to the following non-system facility:</p> <p style="text-align: center;">Wasco County Landfill 2550 Steele Road The Dalles, OR 97058</p> <p>And, during certain unusual circumstances or emergency situations as described in Section 7, the licensee is authorized to transport the above referenced waste to the following non-system facility:</p> <p style="text-align: center;">Finley Buttes Landfill 73221 Bombing Range Road Boardman, OR 97818</p> <p>This license is issued on condition that the non-system facilities named in this section are authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality or Wasco County that this non-system facility is not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 7.</p>
4	TERM OF LICENSE
	The term of this license originally commenced on July 1, 2016 and expires at midnight on December 31, 2019, unless terminated sooner under Section 7.

5	REPORTING OF ACCIDENTS AND CITATIONS
	The licensee must report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.

6	RECORD KEEPING AND REPORTING
	<p>(a) The licensee must keep and maintain accurate records of the amount of all solid waste that the licensee transports to the non-system facility described in Section 3. These records must include the information specified in the Metro document titled, <u>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements</u>.</p> <p>(b) The licensee must perform the following no later than fifteen days following the end of each month:</p> <ul style="list-style-type: none">i. Transmit to Metro the records required under Section 6(a) above in an electronic format prescribed by Metro;ii. Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; andiii. Remit to Metro the requisite Regional System Fees and Excise Taxes in accordance with the Metro Code provisions applicable to the collection, payment, and accounting of such fees and taxes. <p>(c) The licensee must make available to Metro (or Metro's designated agent) all records from which Sections 6(a) and 6(b) above are derived for its inspection or copying, as long as Metro provides at least three business days written notice of an intent to inspect or copy documents. The licensee must, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facilities named in Section 3.</p> <p>(d) Metro may require the licensee to report the information required by this section on a weekly or daily basis.</p>

7	ADDITIONAL LICENSE CONDITIONS
	<p>This license is subject to the following conditions:</p> <p>(a) The licensee is authorized to transfer putrescible waste to Finley Buttes Landfill only during certain unusual circumstances or emergency situations, such as the closure of Interstate 84, which would prevent the licensee from transporting such waste to the Wasco County Landfill.</p>

- (b) If the licensee transports putrescible waste to Finley Buttes Landfill as provided above in Section 7(a), the licensee must:
 - i. Report the unusual circumstance or emergency situation to Metro within 12 hours of its discovery; and
 - ii. Notify Metro in writing if such transport of waste to the Finley Buttes Landfill continues for more than three consecutive business days. The written notification required by this section must include a detailed description of the particular circumstance resulting in such transport and its expected duration.
- (c) The permissive transport of solid waste to the non-system facility, listed in Section 3, authorized by this license is subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.
- (d) The COO may amend or terminate this license in the event that the COO determines that:
 - i. There has been sufficient change in any circumstances under which Metro issued this license;
 - ii. The provisions of this license are actually or potentially in conflict with any provision in Metro's disposal contract with Waste Management Disposal Services of Oregon, Inc., dba Oregon Waste Systems, Inc.;
 - iii. Metro's solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 be transferred to, and disposed of at, a facility other than the facilities listed in Section 3; or
 - iv. There has been a change in the amount of tonnage that the licensee is authorized to accept under its Metro solid waste facility franchise. In the event that Metro amends the tonnage authorization provided in the facility's franchise, the COO may amend Section 2 of this license to match the same calendar year tonnage authorization in the franchise.
- (e) This license is, in addition to subsections (b)(i) through (b)(iv), above, subject to amendment, suspension, or termination pursuant to the Metro Code.
- (f) The licensee must not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.
- (g) This license will terminate upon the execution of a designated facility agreement with the facility listed in Section 3 that authorizes the acceptance of the waste described in Section 1.
- (h) This license authorizes the transport of solid waste to the facility listed in Section 3. The transport of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.
- (i) The COO may direct the licensee's waste flow under this non-system license to

	<p>Metro Central Transfer Station or Metro South Transfer Station with a minimum of 24 hours written notice. Any redirection of the waste flow by the COO is effective immediately.</p> <p>(j) If the licensee exceeds the calendar year authorization set forth in Section 2, each ton or portion thereof by which the licensee exceeds the authorization constitutes a separate violation subject to a penalty of up to \$500.</p>
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8	COMPLIANCE WITH LAW
	<p>The licensee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative rules adopted pursuant to Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the licensee’s solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee is deemed part of this license as if specifically set forth herein.</p>

9	INDEMNIFICATION
	<p>The licensee must defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license. Expenses include, but are not limited to all attorneys’ fees, whether incurred before any litigation is commenced, during any litigation or on appeal.</p>

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 19-4980 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO AMEND THE NON-SYSTEM LICENSE FOR GRESHAM SANITARY SERVICE TO AUTHORIZE AN INCREASED TONNAGE LIMIT FOR TRANSPORT AND DISPOSAL OF PUTRESCIBLE WASTE AT WASCO COUNTY LANDFILL AND, UNDER CERTAIN UNUSUAL CIRCUMSTANCES, FINLEY BUTTES LANDFILL.

Date: March 28, 2019
Department: Property and Environmental
Services
Meeting Date: April 11, 2019

Prepared by: Hila Ritter, 503-797-1862,
hila.ritter@oregonmetro.gov
Presenters: Staff is available for questions

ISSUE STATEMENT

Gresham Sanitary Service (partner company of GSS Transfer, LLC.), a Metro-franchised transfer station located in the city of Gresham, seeks to increase the amount of putrescible waste that it is authorized to transport and dispose at Wasco County Landfill. In addition, Gresham Sanitary Service seeks to use Finley Buttes Landfill as a backup disposal site option during certain unusual circumstances and emergency situations that would otherwise prevent the facility from transporting waste to Wasco County Landfill. This resolution, which addresses the transport and disposal of putrescible waste received at GSS Transfer, LLC, is a companion to Ordinance No. 19-1434 which the Metro Council will also consider at its meeting on April 11, 2019.

Metro Code Section 5.05.110(c) requires the Metro Council to approve or deny a non-system license (NSL) to transport putrescible waste.

ACTION REQUESTED

Approve Resolution No. 19-4980 which will authorize the Chief Operating Officer (COO) to amend the NSL for Gresham Sanitary Service to align the tonnage limit authorized by its current NSL with the tonnage allocation authorized in its franchise. This action also adds Finley Buttes Landfill as a backup disposal site option for use during certain unusual circumstances and emergency situations. If Metro Council adopts companion Ordinance No. 19-1434, then Gresham Sanitary Services' NSL would be amended to increase the tonnage authorization from 23,687 tons to 49,000 tons for calendar year 2019.

IDENTIFIED POLICY OUTCOMES

This proposed resolution addresses the transport and disposal of waste that the Metro Council will consider under companion Ordinance No. 19-1434 at its meeting on April 11, 2019. These proposed decisions align with the goals of the 2030 Regional Waste Plan and help achieve the transfer system configuration policy objectives that Council adopted in

2016. The staff report to Ordinance No. 19-1434 provides a fuller description of these expected policy outcomes, and is summarized again in this staff report.

POLICY QUESTION

Should the Metro Council grant the Chief Operating Officer authority to amend the NSL for Gresham Sanitary Service to (1) increase the amount of waste that the facility may transport to align it with its franchise tonnage allocation and (2) add Finley Buttes Landfill as a backup disposal site option in calendar year 2019 according to the provisions of Metro Code Chapter 5.05.140 and as described in the resolution?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve the resolution as proposed to authorize the Chief Operating Officer to amend the NSL to increase the tonnage authorization up to 49,000 tons or otherwise align the limit with the franchise tonnage allocation and add Finley Buttes Landfill as a backup disposal site option during unusual circumstances and emergency situations for 2019.
2. Amend the resolution to grant a different tonnage authorization and disposal site other than that requested by the applicant.
3. Do not approve the resolution.

STAFF RECOMMENDATIONS

Provided Metro Council approves the franchise tonnage allocation increase in Ordinance No. 19-1434, staff would also recommend adoption of Resolution No. 19-4980 to authorize the Chief Operating Officer to increase the non-system license tonnage limit to align with the franchise tonnage allocation and add Finley Buttes Landfill as a backup disposal site option. If Council approves this resolution, the new tonnage authorization will become effective during the calendar year and will apply to 2019 in its entirety.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

NSLs are the main vehicles by which Metro manages the flow of solid waste transported to facilities located outside the Metro regional boundary because they allow Metro to closely monitor and potentially guide waste flows to authorized facilities for faster response to changing conditions. Metro and Waste Management are parties to a disposal contract through the end of 2019 that requires Metro to deliver 87 percent of the region's putrescible waste, that is delivered to a general purpose landfill during the calendar year, to a landfill owned by Waste Management (the "flow guarantee"). This proposed NSL covers a portion of the 13 percent of uncommitted waste not guaranteed to Waste Management under the disposal contract because neither Wasco County Landfill nor Finley Buttes Landfill are Waste Management owned landfills. Over the last several years, Metro has allocated proportional shares of its uncommitted tonnage to licensees based on Metro's solid waste tonnage forecast.

On July 21, 2016, the Metro Council adopted a transfer system configuration policy. The configuration policy shifts Metro away from its current "tonnage cap" approach, in which the Metro Council establishes annual facility tonnage limits as described above, to a more systematic and predictable "tonnage allocation" system, in which tonnage authority is

proportionally allocated to privately owned stations each year beginning in 2020. Staff is developing the detailed methodology for future tonnage allocations for adoption as administrative rules later this year, which will be effective in 2020. The proposed increase to authorize Gresham Sanitary Service to transport up to 49,000 tons is intended only for calendar year 2019. In the future, Metro will determine and adjust tonnage allocations for all privately-owned transfer stations in the region, including Gresham Sanitary Service, by applying a percentage-based allocation methodology currently being developed using the allocation framework that Metro Council adopted in November 2018. This tonnage allocation methodology will inform any future non-system license authorizations.

This resolution is complimentary to the proposed Ordinance No. 19-1434, which is consistent with Metro's transfer system configuration policy and the 2030 Regional Waste Plan (goals 12, 13, 16, and 18) because it promotes efficient off-route travel which reduces environmental impacts (goal 12), continues to support investment in the host community by way of the Community Enhancement Grant program (goal 13), implements the configuration policy (goal 16.7), and supports a small, locally-based business that is part of the region's solid waste system (goal 18).

Known Opposition/Support/Community Feedback

There is no known opposition to the proposed amendments to the NSL.

Legal Antecedents

Metro Code Chapter 5.05, entitled "Solid Waste Flow Control." Specifically, section 5.05.140 states the factors to consider regarding NSL issuance:

- (1) Wasco County Landfill and Finley Buttes Landfill are well known to Metro. They are both permitted Subtitle D disposal sites under the Resource Conservation and Recovery Act (RCRA), which establishes national landfill standards. The environmental risk associated with the use of this disposal site is regulated by the appropriate local and state authorities. It has been Metro's practice to rely on the local land use authority and the state environmental agency to determine whether environmental or human health risks posed are known, reasonable and appropriate.
- (2) Metro staff's investigation of this company has revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations.
- (3) The landfills use operational practices and management controls that are typical of RCRA Subtitle D landfills. DEQ staff considers the operational practices and controls in place at this landfill appropriate for the proper management and disposal of waste and adequate for the protection of health and the environment.
- (4) The proposed license authorizes the transport and disposal of putrescible solid waste, which currently has limited recovery potential. The license puts no long-term constraint on the waste if recovery alternatives emerge for the region. Thus, approval of the proposed license extension is not expected to impact the region's recycling and waste reduction efforts.
- (5) As previously explained above, Metro and Waste Management are parties to a disposal contract that includes a flow guarantee. NSLs are the main vehicles by which Metro manages this contractual obligation. This proposed NSL controls a

portion of the uncommitted waste not guaranteed to Waste Management under the disposal contract. Metro's contract with Waste Management expires at the end of 2019. Provisions in the NSL allow Metro to monitor compliance with its disposal contract.

- (6) Gresham Sanitary Service is currently in compliance with its Metro-issued franchise and NSLs. It has not had any compliance issues with regard to Metro requirements or other regulations related to public health, safety, or the environment during the term of the current license.
- (7) The COO finds that it is in the public's interest to increase the tonnage authorization in order to align it with Gresham Sanitary Service's proposed franchise tonnage allocation and to the facility with flexibility to use alternate disposal sites if it is otherwise unable to transport waste to Wasco County Landfill. With the exception of the above-mentioned amendments, the proposed license carries forward the current license conditions.

Anticipated Effects

Adoption of Resolution No. 19-4980 will authorize an increase from 23,687 to 49,000 tons for Gresham Sanitary Service and add Finley Buttes Landfill as a disposal option in unusual circumstances and emergency situations for calendar year 2019. If the proposed resolution is adopted, the amended non-system license is effective upon issuance. Upon adoption, the tonnage authorization of 49,000 tons applies to calendar year 2019 in its entirety.

Financial Implications (current year)

As set forth in Metro's contract for disposal of solid waste with Waste Management, the more solid waste that Metro directs to a Waste Management-owned landfill, the cheaper the disposal price is per ton for Metro's transfer stations (aka the "declining block rate"). As mentioned earlier, the Waste Management disposal contract mandates that Metro allocate *at least* 87 percent of the region's solid waste to a Waste Management landfill (primarily Columbia Ridge Landfill). Thus, Metro may allocate up to 13 percent to a non-Waste Management landfill. This 13 percent is sometimes referred to as the "uncommitted" waste because it is not committed to a Waste Management landfill, and Metro allocates this waste to other disposal sites via a NSL.

When Metro authorizes the transport of waste to a non-Waste Management owned landfill, this increases the tip fee at Metro's transfer stations because Metro must pay more, per ton, to dispose of Metro South and Metro Central's waste at a Waste Management landfill. As previously explained, the proposed Gresham Sanitary Services license allocates a portion of the 13 percent uncommitted waste to Wasco County Landfill and Finley Buttes Landfill, which are not owned by Waste Management.

Metro generally factors the uncommitted waste allocated by NSLs into its budget when setting Metro transfer station rates. However, Gresham Sanitary Service's proposed tonnage increase was not included in the forecast for FY2019-20, nor factored into the FY2018-19 rates. This would have resulted in an increase of approximately \$0.50 per ton to the mixed solid waste fee charged at Metro Central and Metro South (based on Metro's increased costs to dispose of its waste at Columbia Ridge Landfill). However, any shortfall

this fiscal year can be recouped by Metro by adjusting its tonnage charge for mixed solid waste in FY2020-21. Additionally, all of the waste authorized under the proposed NSL will continue to be subject to Metro's regional system fee and excise tax.

BACKGROUND

The applicant, Gresham Sanitary Service, Inc. is a partner company of GSS Transfer, LLC. - a local, family-owned waste collection business established in 1948.

Currently, Gresham Sanitary Service collects waste from its routes in small trucks and transports it to its facility for consolidation and top-loading into transfer trailers. The consolidated waste is then transported to a landfill for disposal, primarily Wasco County Landfill. Gresham Sanitary Service also holds NSL No. N-019-17(2)B which authorizes it to transport up to 23,687 tons of putrescible waste in calendar year 2019 to Columbia Ridge Landfill and during certain unusual circumstances and emergency situation, to Coffin Butte Landfill. Both NSLs expire on December 31, 2019, and no changes are being proposed to N-019-17(2)B. Approving the increased tonnage authorization for this NSL does not increase the total tonnage that the Gresham Sanitary Service is authorized to accept under its Metro solid waste facility franchise.

The applicant seeks to continue its current practice of consolidating putrescible waste from its collection routes at its facility, but seeks increased tonnage authorization and flexibility in landfill disposal allowances for a more sustainable operation, to expand its operation to allow third-party haulers, and avoid the added costs of travel time and tipping fees using other transfer stations.

ATTACHMENTS

- A. Exhibit A to Resolution No. 19-4980: Draft Non-System License No. N-019-16F

Agenda Item No. 4.3

Resolution No. 19-4986, For the Purpose of Approving an
Amendment to the Distributed Antenna System License
Agreement at the Oregon Convention Center

Consent Agenda

Metro Council Meeting
Thursday, April 11, 2019
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING AN) RESOLUTION NO. 19-4986
AMENDMENT TO THE DISTRIBUTED)
ANTENNA SYSTEM LICENSE AGREEMENT AT) Introduced by Chief Operating Officer
THE OREGON CONVENTION CENTER) Martha Bennett in concurrence with
) Council President Lynn Peterson

WHEREAS, the Oregon Convention Center (OCC) desires to provide the highest level of services, including fast and reliable technology, to OCC clients; and

WHEREAS, in order to provide extended and improved wireless communication services to OCC visitors, the Metropolitan Exposition Recreation Commission (MERC) issued a Request for Proposals (RFP) for the design, installation, operation and maintenance of a neutral-host Distributed Antenna System (DAS) at the Oregon Convention Center (OCC); and

WHEREAS, Insite Wireless Development, LLC was the highest ranked proposer to respond to the RFP and in January 2017, after obtaining approvals from both MERC (MERC Resolution 16-32, on December 7, 2016) and the Metro Council (Metro Resolution 16-4759, on December 15, 2016), the OCC entered into a long term License Agreement with InSite Wireless Development for the Distributed Antenna System; and

WHEREAS, the OCC and Insite Wireless Development have since determined that installing a rooftop Macro Facility on the OCC lower lobby roof utilizes existing DAS infrastructure to supplement exterior cellular coverage, which is beneficial to OCC customers; and

WHEREAS, the Metro Council, as the fee owner of the Oregon Convention Center, is required to approve contracts for the transfer of real property owned by Metro; now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the Metro Chief Operating Officer to amend the long term License Agreement with Insite Wireless Development, LLC to allow for the placement of a rooftop Macro Facility at the OCC, provided such amendment is in a form substantially similar to the attached Exhibit A.

ADOPTED by the Metro Council this 11 day of April, 2019.

Lynn Peterson, Council President

Approved as to Form:

Nathan Sykes, Metro Attorney

Amendment 2

MERC CONTRACT NO. 207043

**OREGON CONVENTION CENTER
NEUTRAL-HOST DISTRIBUTED ANTENNA SYSTEM
SECOND AMENDMENT TO
LICENSE AGREEMENT**

This Second Amendment to License Agreement for Distributed Antenna System (the “Second Amendment”) is made and entered into as of the ____ day of April, 2019 (the “Second Amendment Execution Date”) by and between the **Metropolitan Exposition Recreation Commission**, an appointed commission of Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter (Metro and MERC jointly referred to herein as “Licensor”), and **InSite Wireless Development, LLC**, a Delaware limited liability company (“Licensee”).

RECITALS:

- A. Licensee and Licensor are parties to that certain License Agreement for Distributed Antenna System dated January 31, 2017, as amended by that certain First Amendment to License Agreement dated August 9, 2018 (together with this Second Amendment, the “Agreement”); and
- B. Licensee and Licensor desire to modify the agreement to further memorialize the parties’ understanding with respect to the license rights set forth therein.
- C. Accordingly, the parties desire to enter into this Second Amendment for limited purposes set forth below.

AGREEMENT:

1. Section 1.2 of the Agreement (as it was revised by Section 1 of the First Amendment) is hereby deleted in its entirety and replaced with the following:

“1.2. Licensee has the exclusive right and obligation to construct, install, upgrade, own, operate, repair and maintain the DAS and related equipment, wiring, conduit, and cable (collectively, the “DAS Facilities”) on and within certain portions of OCC Property (the “Licensed Premises”) for the Communications Purpose; provided, however, that Licensee agrees it will not operate the DAS using unlicensed spectrum, nor permit the Sub-Licensees to deploy LTE in the unlicensed spectrum (LTE-U) or similar technologies using unlicensed spectrum, without Licensor’s prior written approval, which will not be unreasonably withheld, conditioned or delayed. The Licensed Premises include: (a) an identified equipment room for the DAS Facilities (the “Equipment Room”); (b) identified portions of the interior of the OCC facility for the infrastructure required to support the DAS Facilities, which may include without limitation, antennas, remotes, cables, wiring, conduits, HVAC, fire protection, security systems, spare modules, electric services and other related utility services, and other equipment as determined to be necessary or appropriate by Licensee in the ownership and operation of the DAS Facilities; (c) identified space on the rooftop of the OCC Property for installation of GPS and/or donor antennae to support operation of the DAS Facilities; and (d) certain space on the rooftop indicated in Attachment 1 to Exhibit B (the “Rooftop Space”) and within the building located on the OCC Property (the “Building Space”) for

Amendment 2

MERC CONTRACT NO. 207043

the placement of Licensee's equipment, cabinet(s), shelter(s) and tower(s) for the purpose of constructing, establishing, and maintaining a radio transmission facility for Licensee's use and that of its Sub-Licensees, which facility may include tower(s), cabinet(s), shelter(s), radio transmitting and receiving antennas, communications equipment, and related cables, wires, conduits, air conditioning equipment and other appurtenances (collectively, the "Macro Facilities"); provided, however, that Licensee agrees it will not construct or operate any such Macro Facilities, nor permit a Sub-Licensee to construct or operate such Macro Facilities, without Licensor's prior written approval of the construction plans for any such construction, in each instance, which may be withheld in its sole discretion. The Licensed Premises is more fully described/depicted on Exhibit "B" attached hereto. The DAS Facilities will be designed and constructed to provide extended and improved wireless communication to 100% of the publicly accessed areas within the interior of the OCC (the "DAS Coverage Area"). The DAS Coverage Area is depicted on the map attached hereto as Exhibit "C". For the avoidance of doubt, the Communications Purpose is defined to include the construction, installation, operation, maintenance, repair, replacement and relocation of the Macro Facilities and the Licensed Premises is defined to include the Rooftop Space."

2. Section 4.1 of the Agreement is hereby deleted in its entirety and replaced with the following:

"4.1. The parties agree that Licensee's ability to use the Licensed Premises is dependent upon Licensee obtaining, at its sole cost and expense, any and all certifications, licenses, variances, permits, conditional use permits or authorizations required from all applicable federal, state, local government and/or regulatory entities (the "Governmental Approvals" or the "Permits" herein) pertaining to the work to be performed by Licensee in constructing, operating, and maintaining the DAS Facilities and other necessary equipment in the manner authorized by this Agreement. Licensee will act diligently to apply for and obtain such Permits. Licensor hereby agrees to cooperate in good faith with Licensee, at Licensee's cost and expense, in obtaining Governmental Approvals by: (i) allowing Licensee to obtain Governmental Approvals and file such applications, letters and/or documents for zoning and/or building permits as are deemed necessary or appropriate by Licensee in connection with the Communications Use of the Licensed Premises; (ii) promptly executing any documents or applications as requested by Licensee to apply for permits authorizing the construction, use, and operation of the DAS Facilities at the Licensed Premises; (iii) promptly executing any documents or applications as requested by Licensee to apply for permits for the use of the Rooftop Space and the deployment of Macro Facilities at the Property; (iv) using commercially reasonable efforts to promptly execute all documents/applications necessary for Licensee to submit all conditional use permit and variance applications related to the deployment of Macro Facilities at the Property, provided that such documents/applications will be prepared by Licensee in collaboration with, and with the support of, Licensor and provided that such documents/application do not result in Licensor or the Property being subjected to any conditions of approval which are not reasonably acceptable to Licensor (v) undertaking any other steps reasonably necessary to obtain any Governmental Approval(s) deemed necessary or appropriate by Licensee."

3. The following Section 4.7 is hereby added to the Agreement:

"4.7 (a) From time to time during the term of this Agreement, Licensee shall have the right, subject to the prior written approval by Licensor of applicable construction plans, to construct, install, operate, maintain, replace, remove, modify, add to, upgrade, rebuild, and/or relocate any or all of the Macro

Amendment 2

MERC CONTRACT NO. 207043

Facilities; provided, however, that initial installation of any Macro Facilities shall not be permitted until final design approval is provided by Licensor and the City of Portland (if necessary), which may be withheld in the sole discretion of Licensor and the City of Portland (if necessary). Notwithstanding the fact that certain equipment and appurtenances that are a part of the Macro Facilities may be classified as fixtures under applicable law, the parties agree and acknowledge that all such equipment and appurtenances are, and shall at all times remain, the sole property of Licensee or the Sub-Licensee, as the case may be, and that Licensee shall have the right, but not the obligation, to remove any or all of the same during the term of this Agreement and/or at the expiration or earlier termination hereof. Upon expiration or earlier termination of this License (or any earlier removal of any such Macro Facilities), Licensee shall return the Rooftop Space to its original condition and in no case shall Licensee's removal of the Macro Facilities affect the integrity of the OCC building facility or the Rooftop Space.

(b) The Macro Facilities shall be initially configured as generally set forth on Attachment 1 to Exhibit C (Macro Site Plan) attached hereto and incorporated herein. Licensee shall have the right to modify, replace, add to, upgrade, rebuild, and/or relocate (subject to Licensor's sole reasonable approval) the Macro Facilities at any time during the Term.

(c) Licensee shall be solely responsible for the operation, maintenance, repair of, and the insurance for, the Macro Facilities."

4. The following Section 19.3 is hereby added to the Agreement:

"19.3 Licensor shall recognize the rights of the Sub-Licensees to occupy and use the Licensed Premises (including, for the avoidance of doubt, the Rooftop Space) and will permit such Sub-Licensees to occupy and use such Licensed Premises so long as such Sub-Licensees are not in default of any material obligation under the Sub-License Agreements beyond any applicable notice and cure period."

5. Schedule 7.2 of the Agreement is hereby deleted in its entirety and replaced with the Schedule 7.2 attached hereto and incorporated herein.

6. Modified Exhibits.

Licensor and Licensee agree that, as of the Second Amendment Effective Date: (i) Attachment 1 to Exhibit B (Rooftop Equipment Space) is hereby deleted in its entirety and replaced with the Attachment 1 to Exhibit B in the form attached hereto and incorporated herein; (ii) a new Attachment 1 to Exhibit C (Macro Site Plan) is hereby added to the agreement in the form attached hereto and incorporated herein.

7. No Other Modifications.

Except as expressly amended and modified hereby, the parties hereby ratify and confirm all of the terms and provisions set forth in the Agreement, and the parties acknowledge and agree that the Agreement, as expressly amended and modified hereby, continues and shall remain in full force and effect. In the event of a conflict between the terms of the Agreement and the terms of this Second Amendment, the terms of this Second Amendment shall control.

Amendment 2

MERC CONTRACT NO. 207043

8. Counterparts.

This Second Amendment may be executed in one or more counterparts, each of which will be the binding agreement of the executing party and which, when taken together, shall be deemed to be one and the same instrument. Electronic copies shall be deemed to be original counterparts for all purposes.

[Remainder of Page Intentionally Left Blank]

Amendment 2

MERC CONTRACT NO. 207043

IN WITNESS THEREOF, LICENSOR and LICENSEE have caused their duly-authorized representatives to execute this Second Amendment to License Agreement for Distributed Antenna System as of the Execution Date set forth above.

LICENSOR:

**The Metropolitan Exposition
Recreation Commission**

By: _____

Name: _____

Title: _____

Date: _____

LICENSEE:

InSite Wireless Development, LLC

By: _____

Name: _____

Title: _____

Date: _____

Amendment 2

MERC CONTRACT NO. 207043

ATTACHMENT 1 TO EXHIBIT B TO LICENSE AGREEMENT

Rooftop Space

[See attached]

Amendment 2

MERC CONTRACT NO. 207043

ATTACHMENT 1 TO EXHIBIT C TO LICENSE AGREEMENT

MACRO SITE PLAN

Licensor and Licensee shall mutually review and approve the initial design of the Macro Facilities, which mutual approval shall be confirmed in writing and which design shall be deemed to have been incorporated into this Attachment 1 to Exhibit C.

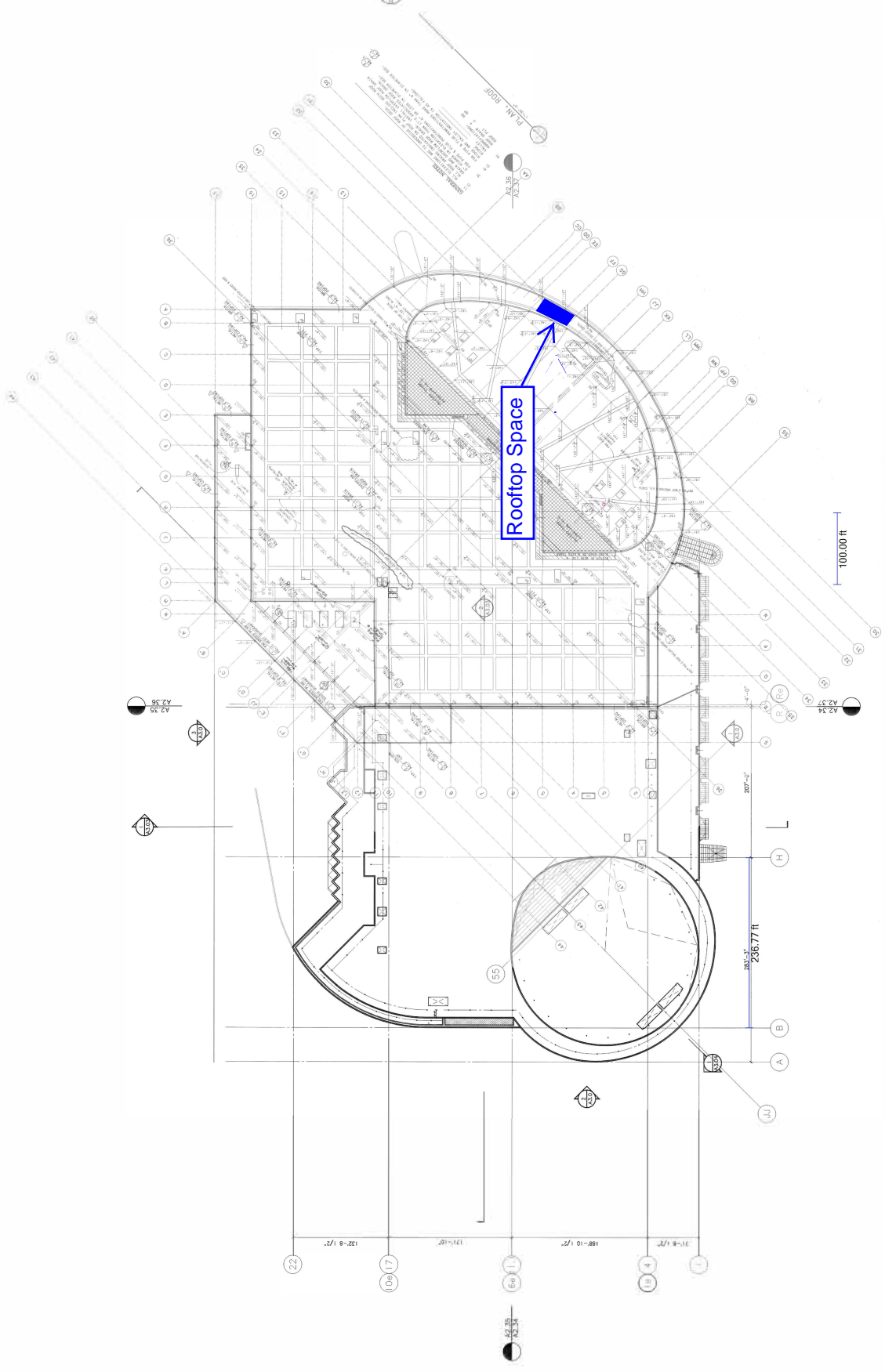
Amendment 2

MERC CONTRACT NO. 207043

SCHEDULE 7.2 LICENSE FEES

The License Fee amounts payable to Licensor during the Term will be equal to the below-designated percentage of the Sub-License Fee Income Stream (as hereafter defined) actually received by Licensee during the applicable period from each Sub-Licensee Carrier pursuant to the terms of a fully-executed and commenced Sub-License Agreement with Licensee authorizing the Sub-Licensee’s use of the DAS Facilities for the Communications Purpose (“Licensor’s Allocated Percentage”). As used in this Schedule 7.2, the term “Sub-Licensee Income Stream” means the monthly recurring Sub-License Fees actually received by Licensee (including applicable annual escalations thereof) pursuant to a fully-executed Sub-License Agreement with any Sub-Licensee. For the avoidance of doubt, the Sub-Licensee Income Stream includes Sub-License Fees applicable to DAS Facilities and Macro Facilities. As used in this Agreement, “Sub-Licensee Income Stream” shall not be deemed to include any of the following: (i) any sales, use or similar tax required to be collected by Licensee from the Sub-Licensees; (ii) routine costs for maintenance and repairs of the DAS Facilities; (iii) utility costs not paid directly to Licensor by Sub-Licensees; (iv) system monitoring expenses; (v) additional payments, if any, by Sub-Licensees for reimbursement of capital, equipment, and/or construction costs, whether paid in lump sum or through a capital License payment/paid installment, or similar; and (vi) other normal and customary operating expenses, including insurance costs incurred by Licensee.

<u>Sub-Licensee(s)</u>	<u>Licensor’s Allocated Percentage</u>
For each Sub-Licensee	55% of the applicable Sub-Licensee Income Stream



Rooftop Space

250.00 ft

100.00 ft

236.77 ft

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 19-4986, FOR THE PURPOSE OF APPROVING AN AMENDMENT TO THE DISTRIBUTED ANTENNA SYSTEM LICENSE AGREEMENT AT THE OREGON CONVENTION CENTER ALLOWING A ROOFTOP MACRO FACILITY

Date: April 11, 2019

Prepared by: Matthew Uchtman,
OCC Director of Operations
503-731-7841

Department: Oregon Convention Center

MatthewUchtman@oregoncc.org

Presenter: Matthew Uchtman

Meeting date: April 11, 2019

Length:

ISSUE STATEMENT

ACTION REQUESTED

[Include a timeline and work plan information]

This resolution authorizes amendment to the existing long-term License Agreement for a Distributed Antenna System with Insite Wireless Development, LLC to allow for the placement of a rooftop Macro Facility (cellular antenna) at the OCC. This installation would be at no cost to the OCC and would provide on-going revenue share funding to the OCC.

IDENTIFIED POLICY OUTCOMES

[Based on prior policy direction or adopted documents from Council]

POLICY QUESTION(S)

[What policy outcomes are we trying to achieve?]

POLICY OPTIONS FOR COUNCIL TO CONSIDER

[You should ideally be able to offer multiple policy options, and the pros and cons, anticipated effects and financial implications of each.]

STAFF RECOMMENDATIONS

[Include if applicable or appropriate]

Staff recommends that the Metro Council, by Resolution, approve amendment (attached hereto) to the existing license agreement and delegate authority to the General Manager of Visitor Venues to execute the license agreement amendment.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

[Please provide strategic context where applicable and frame the discussion around how this project fits in with other Metro programs, recent public or committee engagement, stakeholder decisions, budget challenges or opportunities, etc.]

Please note, not all of the items below items will be applicable to the proposed legislation, project or issue. Include as appropriate:

- How is this related to Metro's Strategic Plan (to be developed in 2019) or Core Mission?
The improved cellular service that would be provided through this amendment aligns with Metro's values of Public Service and Excellence. This service would benefit residents of the region, as well as patrons of the OCC, by offering or expanding cellular signal coverage in and around the OCC, including the north plaza currently under renovation.
- How does this advance Metro's racial equity goals?
- How does this advance Metro's climate action goals?
- Known Opposition/Support/Community Feedback
None known.
- Legal Antecedents
The Metropolitan Exposition Recreation Commission approved forwarding the Distributed Antenna System license agreement to the Metro Council on December 7, 2016. The Metro Council approved Resolution No. 16-4759 on December 16, 2016 authorizing the current long-term license.
- Anticipated Effects
This amendment will allow the Distributed Antenna System licensee to install a rooftop Macro Facility on the OCC's lower lobby roof.
- Financial Implications (current year and ongoing)
The OCC will incur no costs to install the Macro Facility and receive revenue share funding. For the duration of the 10 year license, InSite Wireless Development, LLC will pay to OCC 55% of monthly revenues, not including capital contributions or payment of ongoing pass through expenses for utilities, taxes, monitoring, insurance and maintenance paid by the carriers for the added rooftop Macro Facility.

BACKGROUND

[Provide a brief summary of the project, program or legislation including most recent council policy direction. This summary should include a description of how the project has moved forward since the last time it was before the Metro Council.]

OCC hosts approximately 550 events a year with total attendance exceeding 600,000. Currently, the building's infrastructure of steel and concrete disrupts the transmission of cellular signals throughout the building. Given public and client expectations for cellular usage in and around the building, OCC entered a long-term license agreement with InSite Wireless Development, LLC to install a carrier neutral Distributed Antenna System. Metro Council approved OCC entering the long-term license agreement in 2016. That system includes numerous antennas in the building and parking garage that support cellular transmissions. Installation of that system is nearing completion with an expected completion in fall of 2019. The system is being installed at no cost to OCC and OCC will receive on-going revenue share funding from system use.

InSite Wireless Development, LCC has approached the OCC to add another hardware element to the cellular antenna system – a Macro Facility. The Macro Facility would be installed on the Oregon Ballroom lobby roof and provide cellular transmissions to members of the public and OCC guests in and around that location, including the north plaza currently under renovation.

The original license agreement approved in 2016 was intended primarily to provide a system for cellular transmissions inside the building and parking garage. This amendment would add an external antenna to serve the building's north plaza as well as members of the public in proximity to the antenna. Given the slight difference in the system, Metro management believes it prudent to seek Metro Council approval to move forward with the amendment to the existing license agreement.

ATTACHMENTS

[Identify and submit any attachments related to this legislation or presentation]

InSite Wireless Amendment 2 attached hereto

InSite Wireless Attachment 1 to Exhibit B attached hereto

Agenda Item No. 5.1

Ordinance No. 19-1436, For the Purpose of Annexing to
the Metro Boundary Approximately 21.57 Acres Located
at 4091 NE Constable Street and Approximately 12.1 Acres
Located West of NE Starr Boulevard and South of NE
Huffman Road in Hillsboro

Ordinances (First Reading and Public Hearing)

Metro Council Meeting
Thursday, April 11, 2019
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) ORDINANCE NO. 19-1436
METRO DISTRICT BOUNDARY)
APPROXIMATELY 21.57 ACRES LOCATED) Introduced by Chief Operating Officer
AT 4091 NE CONSTABLE STREET AND) Martha J. Bennett with the Concurrence of
APPROXIMATELY 12.1 ACRES LOCATED) Council President Lynn Peterson
WEST OF NE STARR BLVD AND SOUTH OF)
NE HUFFMAN ROAD IN HILLSBORO)

WHEREAS, Flexential Colorado Corp. has submitted a complete application for annexation of 21.57 acres and T5 Data Centers has submitted a complete application for annexation of 12.1 acres in the Evergreen area of North Hillsboro (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the Evergreen Industrial Area to the UGB, including the territory, by Ordinance No. 05-1070A on November 17, 2005; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on April 11, 2019; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
- 2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated March 22, 2019, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this _____ day of April 2019.

Lynn Peterson, Council President

Attest:

Approved as to form:

Sara Farrokhzadian, Recording Secretary

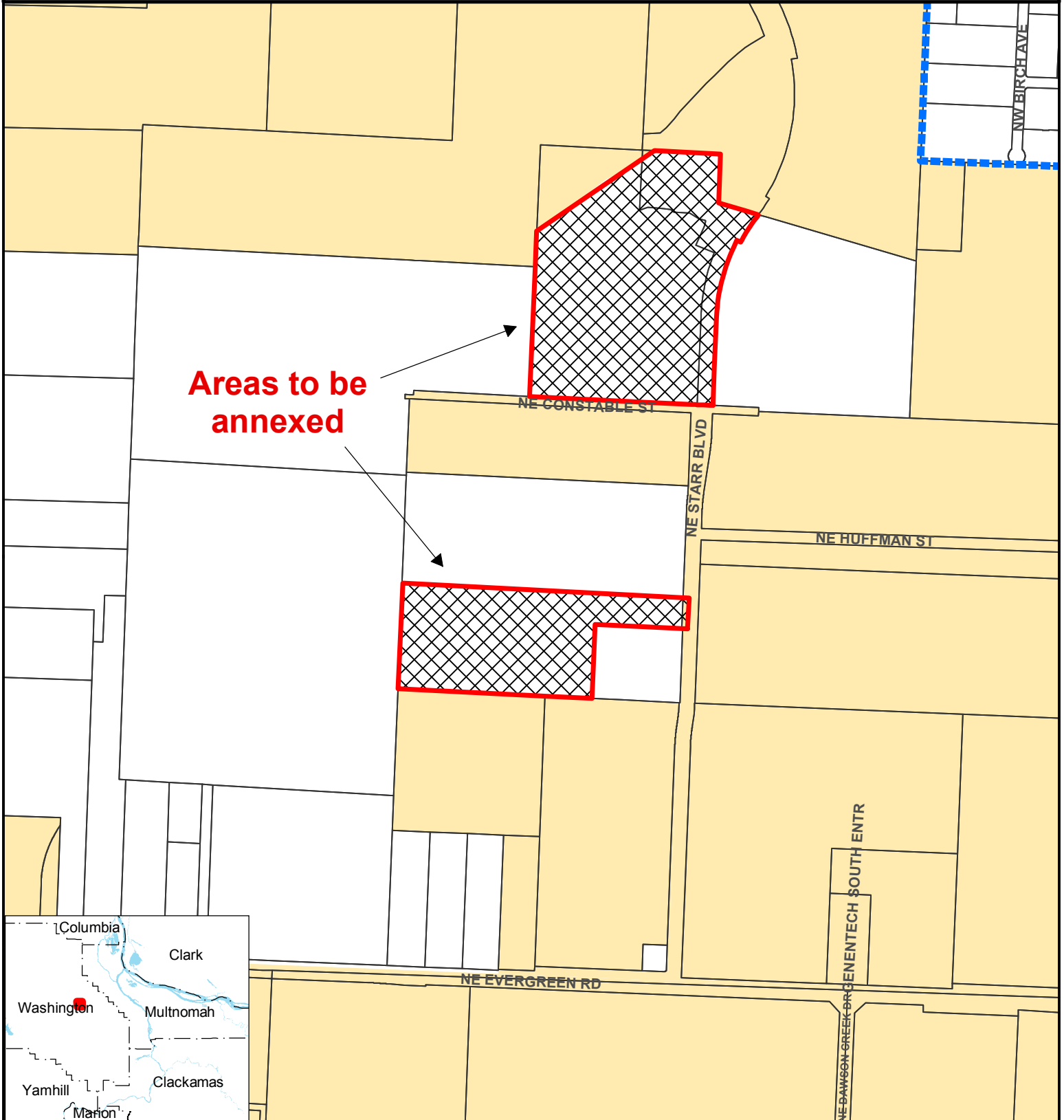
Nathan A. S. Sykes, Acting Metro Attorney

Proposal No. AN-0119

1N2W21

Annexation to the Metro District Boundary

Washington County







Areas to be annexed

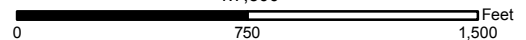


Proposal No. AN-0119 Metro District Boundary



-  Urban growth boundary
-  Area to be annexed
-  Taxlots
-  Metro District Boundary

1:7,500



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 19-1436, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 21.57 ACRES LOCATED AT 4091 NE CONSTABLE STREET AND APPROXIMATELY 12.1 ACRES LOCATED WEST OF NE STARR BLVD AND SOUTH OF NE HUFFMAN ROAD IN HILLSBORO

Date: March 22, 2019

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0119, Annexation to Metro District Boundary

PETITIONER: Flexential Colorado Corp.
11900 E Cornell Ave, Building B 3rd Floor
Aurora, Colorado 80014

T5 Data Centers
3344 Peachtree Road NE, Suite 2550
Atlanta, GA 30326

PROPOSAL: The two petitioners request annexation of land in North Hillsboro to the Metro District Boundary.

LOCATION: The two parcels are in the North Hillsboro Industrial Area Plan District. The first parcel located at 4091 NE Constable Street is approximately 21.57 acres in size. The second parcel located west of NE Starr Blvd and south of NE Huffman Road is approximately 12.1 acres in size. Both parcels can be seen in Attachment 1.

ZONING: The properties are zoned for industrial use (I-S) by Hillsboro.

Both parcels were added to the UGB in 2005 and are part of the Evergreen Area Industrial Plan that was adopted by Hillsboro. The Evergreen Area Industrial Plan area was incorporated into the North Hillsboro Industrial Area Plan District. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

Both parcels were brought into the UGB in 2005 through the Metro Council's adoption of Ordinance No. 05-1070A. Thus the affected territory is within the UGB.

2. *The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

Washington County applied the Future Development-20 Acres (FD-20) designation to all the land included in Ordinance No. 05-1070A to prevent premature urbanization of the expansion area prior to the completion of the comprehensive planning of the area and annexation to the City of Hillsboro. The conditions of approval for Ordinance No. 05-1070A include a requirement that interim protection measures be implemented as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. The Flexential property was annexed to the City of Hillsboro on February 19, 2019 and the T5 Data Centers property will be annexed to Hillsboro in the near future. Thus the affected territory is subject to measures that prevent urbanization until the territory is annexed to the City.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The two parcels proposed for annexation are part of Hillsboro's Evergreen Area Industrial Plan adopted by the City of Hillsboro in 2008. The Evergreen Area Industrial Plan area was incorporated into the North Hillsboro Industrial Area Plan District. The proposed annexation is consistent with these two plans and the Urban Planning Area Agreement between Washington County and the City of Hillsboro adopted in 2017. Thus the inclusion of the affected territory within the Metro District is consistent with all applicable plans and agreements.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add two parcels totaling approximately 33.67 acres in the North Hillsboro Industrial Area. All of the land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the Evergreen Area Industrial Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

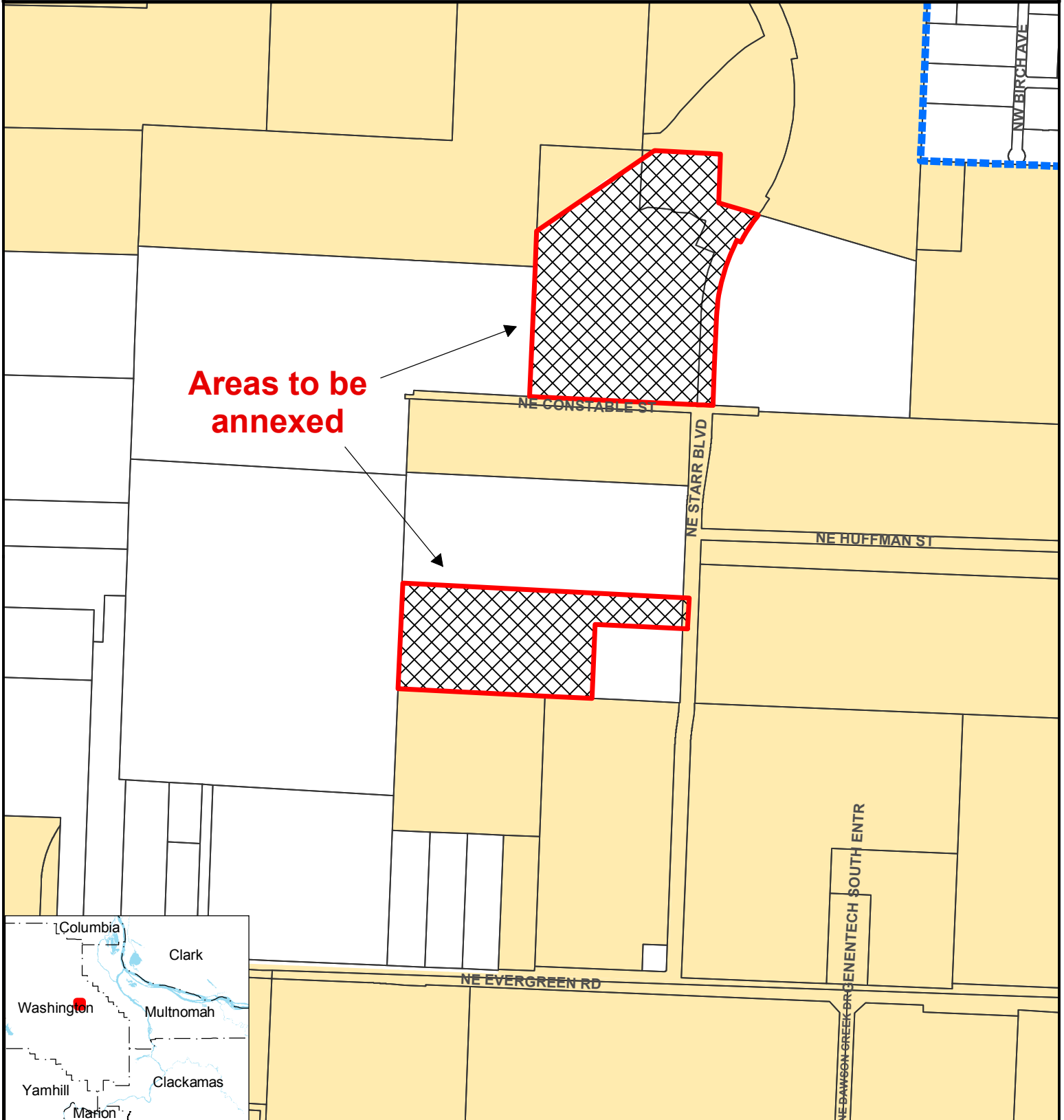
Staff recommends adoption of Ordinance No. 19-1436.

Proposal No. AN-0119

1N2W21

Annexation to the Metro District Boundary

Washington County







Areas to be annexed

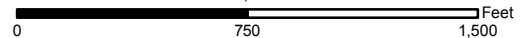


Proposal No. AN-0119 Metro District Boundary



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Agenda Item No. 6.1

Ordinance No. 19-1434, For the Purpose of Approving an
Increased Tonnage Allocation and Authorizing the Chief
Operating Officer to Issue an Amended Solid Waste
Facility Franchise for GSS Transfer, LLC

Ordinances (Second Reading)

Metro Council Meeting
Thursday, April 11, 2019
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING AN)	ORDINANCE NO. 19-1434
INCREASED TONNAGE ALLOCATION AND)	
AUTHORIZING THE CHIEF OPERATING)	Introduced by Chief Operating Officer Martha
OFFICER TO ISSUE AN AMENDED SOLID)	Bennett in concurrence with Council
WASTE FACILITY FRANCHISE FOR GSS)	President Lynn Peterson
TRANSFER, LLC)	

WHEREAS, Metro Code Section 5.01.150 states that a Metro Solid Waste Facility Franchise is required for any person owning or controlling a facility that operates a transfer station; and

WHEREAS, GSS Transfer, LLC (“GSS Transfer”) operates a transfer station and holds Metro Solid Waste Facility Franchise Number F-019-16B, which sets an annual tonnage authorization for the franchisee; and

WHEREAS, Metro Council adopted a transfer system configuration policy via Resolution No. 16-4716 that directed Metro staff to establish a predictable and transparent framework for tonnage allocations; and

WHEREAS, Metro Council adopted Resolution No. 18-1426 to establish a framework for allocating the region’s putrescible waste tonnage to privately-owned transfer stations beginning in 2020; and

WHEREAS, Metro Code Section 5.01.230(a)(3) states that a franchisee is required to submit an application to Metro when seeking to modify conditions of its franchise; and

WHEREAS, on November 28, 2018, GSS Transfer applied for a change of authorization to its franchise seeking to increase its tonnage allocation; and

WHEREAS, GSS Transfer does not propose to alter any other activities that already occur at its transfer station site; and

WHEREAS, the Chief Operating Officer recommends amending the franchise to increase the tonnage authorization up to 49,000 tons of putrescible waste for calendar year 2019; and

WHEREAS, beginning in 2020, Metro will allocate the region’s putrescible waste tonnage to privately-owned transfer stations in accordance with Metro’s tonnage allocation methodology;

WHEREAS, beginning in 2020, Metro will require at least 40 percent of the region’s putrescible waste tonnage to flow to publicly-owned transfer stations; and

WHEREAS, the Metro Council finds that the terms, conditions, and limitations contained in Exhibit A to this Ordinance are appropriate; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The increased tonnage allocation for GSS Transfer is approved subject to the terms, conditions, and limitations contained in Exhibit A.

2. The Chief Operating Officer is authorized to issue to GSS Transfer an amended solid waste facility franchise substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of April 2019.

Lynn Peterson, Council President

Attest:

Approved as to Form:

Sara Farrokhzadian, Recording Secretary

Nathan A. S. Sykes, Metro Attorney



SOLID WASTE FACILITY FRANCHISE
No. F-019-16C

FRANCHISEE:	FACILITY NAME AND LOCATION:
GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917	GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
OPERATOR:	PROPERTY OWNER:
GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917	Michael & Deborah Miller PO Box 1560 Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917

This franchise replaces and supersedes the provisions of Metro Solid Waste Facility Franchise No. F-019-16B. Metro grants this franchise to the franchisee named above. The franchisee is authorized to operate and maintain a solid waste facility and to accept the solid wastes and perform the activities authorized by and subject to the conditions stated in this franchise.

ISSUED BY METRO:

 Martha Bennett, Chief Operating Officer

 Date



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1.0	ISSUANCE	
1.1	Franchisee	GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
1.2	Corporate affiliation	Gresham Sanitary Service, Inc. 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
1.3	Contact	Matt Miller Tel. (503) 665-2424 Fax. (503) 666-0917 e-mail: matt@gss-nw.com
1.4	Franchise number	When referring to this franchise, please cite: Metro Solid Waste Facility Franchise No. F-019-16C.
1.5	Term	The franchise originally commenced on December 13, 2016. The franchise will expire on December 31, 2019, unless amended, suspended, or revoked as provided in this franchise.
1.6	Renewal	The franchisee may apply for a franchise renewal as provided in Metro Code Chapter 5.01.
1.7	Facility name and mailing address	GSS Transfer, LLC. PO Box 1560 Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
1.8	Operator	GSS Transfer, LLC 2131 NW Birdsdale Av. Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917



1.9	Facility premises description	Tax Lot Identification Nos. 1S3E05AD 01500, 01600, 01700, and 1S3E05DA 00100, City of Gresham, Multnomah County, State of Oregon
1.10	Property owner	Michael & Deborah Miller PO Box 1560 Gresham, Oregon 97030 Tel. (503) 665-2424 Fax. (503) 666-0917
1.11	Permission to operate	Franchisee has obtained the property owner's consent to operate the facility as specified in this franchise.

2.0	CONDITIONS AND DISCLAIMERS	
2.1	Guarantees	This franchise does not vest any right or privilege in the franchisee to receive specific quantities of solid waste at the direction of Metro during the term of the franchise.
2.2	Non-exclusive franchise	This franchise does not in any way limit Metro from granting other solid waste franchises within Metro's boundaries.
2.3	Property rights	This franchise does not convey any property rights in either real or personal property.
2.4	Amendment	Except as provided in Section 11.0, no amendment will be effective unless approved by the Metro Council.
2.5	No recourse	The franchisee will have no recourse whatsoever against Metro or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this franchise or because of the enforcement of the franchise or in the event Metro determines that the franchise or any part thereof is invalid.
2.6	Indemnification	The franchisee must indemnify Metro, the Council, the Chief Operating Officer (COO), and any of their employees or agents and save them harmless from any and all loss, damage, claim, expense including attorney's fees, or liability related to or arising out of the granting of this franchise or the franchisee's performance of or failure to perform any of its obligations under the franchise or Metro Code Chapter 5.01, including without



		limitation patent infringement and any claims or disputes involving subcontractors.
2.7	Binding nature	This franchise is binding on the franchisee. The franchisee is liable for all acts and omissions of the franchisee's contractors and agents.
2.8	Waivers	To be effective, a waiver of any terms or conditions of this franchise must conform with Section 11.0 and be in writing and signed by the COO.
2.9	Effect of waiver	Waiver of a term or condition of this franchise does not waive nor prejudice Metro's right otherwise to require subsequent performance of the same term or condition or any other term or condition.
2.10	Choice of law	The franchise will be construed, applied, and enforced in accordance with the laws of the State of Oregon.
2.11	Enforceability	If a court of competent jurisdiction determines that any provision of this franchise is invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this franchise will not be affected.
2.12	Franchise not a waiver	This franchise does not relieve any owner, operator, or the franchisee from the obligation to obtain all required permits, franchises, or other clearances and to comply with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
2.13	Franchise not limiting	This franchise does not limit the power of a federal, state, or local agency to enforce any provision of law relating to the facility.
2.14	Definitions	<ol style="list-style-type: none">1. "Mixed Non-Putrescible Waste" means a mixture of more than one type of non-putrescible waste, including commingled recyclables other than residential curbside recyclable material. This category includes construction and demolition waste but excludes Cleanup Materials Contaminated by Hazardous Substances, Source-Separated Recyclable Material, special waste, land clearing debris and yard debris.2. Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.00.



3.0		AUTHORIZATIONS
3.1	Purpose	This section of the franchise describes the wastes that the franchisee is authorized to accept at the facility and the waste-related activities the franchisee is authorized to perform at the facility.
3.2	General conditions on solid waste	The franchisee is authorized to accept at the facility only the solid wastes described in Section 3.0 of this franchise. The franchisee is prohibited from knowingly receiving any solid waste not authorized in this section.
3.3	General conditions on activities	The franchisee is authorized to perform at the facility only those waste-related activities that are described in Section 3.0 of this franchise.
3.4	Acceptance and management of putrescible solid waste	<ol style="list-style-type: none">1. The franchisee is authorized to accept putrescible waste for reload and transfer to an appropriate destination as provided in Section 12.2. The franchisee also is authorized to accept putrescible waste for material recovery.2. The franchisee must receive, manage, store, reload, and transfer all putrescible waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides or alternatively, inside watertight covered or tarped containers or within covered or tarped transport trailers.3. The franchisee is authorized to accept putrescible waste generated inside the Metro region only from persons who are franchised or permitted by a local government unit to collect and haul putrescible waste.
3.5	Acceptance and management of mixed non-putrescible solid waste	<ol style="list-style-type: none">1. The franchisee is authorized to accept loads of mixed non-putrescible solid waste for reload and transfer to a facility authorized by Metro to perform material recovery.2. Except as provided below in Subsections (a) and (b), the franchisee must receive, sort, store, reload, and transfer all mixed non-putrescible solid waste on an impervious surface, for example asphalt or concrete, and inside a roofed building that is enclosed on at least three sides.<ol style="list-style-type: none">a. Unusually large vehicles, for example 30-foot tippers, may tip wastes outside, provided the tipped wastes are moved under cover prior to processing, within 12 hours



		<p>of receipt, or by the end of the business day, whichever is earlier.</p> <p>b. Public self-haul customers may tip waste outside, provided that such waste is tipped directly into watertight containers that are covered or tarped within 12 hours of receipt, or by the end of the business day, whichever is earlier.</p> <p>3. The franchisee must reload and remove all mixed non-putrescible waste from the site within 48 hours of receipt.</p>
3.6	Acceptance of source-separated recyclable materials	<p>1. The franchisee must provide a place for collecting source-separated recyclable materials on the facility premises.</p> <p>2. The franchisee is authorized to accept source-separated recyclable materials for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer and other similar functions related to preparing these materials for reuse or recycling.</p>
3.7	Acceptance of yard debris	<p>The franchisee is authorized to accept source-separated yard debris that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The franchisee may accept yard debris for grinding and reloading to authorized facilities for composting, use as hogged fuel, or other useful purposes as described in an operating plan and approved in writing by the COO.</p>
3.8	Acceptance of source-separated food waste	<p>The franchisee is authorized to accept source-separated food waste that has not reached a state of decomposition sufficient to produce malodors detectable beyond the boundaries of the facility. The franchisee may accept source-separated food waste only for reloading to authorized facilities for composting or other useful purposes as described in an operating plan and approved in writing by the COO.</p>
3.9	Acceptance of untreated wood	<p>The franchisee is authorized to accept for processing and reloading, source-separated, untreated and unpainted wood waste, for example untreated lumber and wood pallets. The franchisee may accept clean wood waste for grinding and reloading to authorized facilities for composting, use in paper production, use as hogged fuel, or other useful purposes as described in an operating plan and approved in writing by the COO.</p>



3.10	Acceptance of painted and treated wood	The franchisee is authorized to accept painted and treated wood waste for grinding and reloading to authorized facilities for use as hogged fuel or other useful purposes as described in an operating plan and approved in writing by the COO. The franchisee must not use or incorporate painted or treated wood into mulch, animal bedding, compost feedstock, or any other product unless otherwise described in an operating plan and approved in writing by the COO.
3.11	Acceptance of electronics devices	The franchisee is authorized to accept source-separated electronic devices for the purpose of sorting, classifying, consolidating, baling, temporary storage, transfer, and other similar functions related to preparing these materials for reuse, recycling, or disposal as required by the Oregon Department of Environmental Quality (DEQ).
3.12	Acceptance of inert material	The franchisee is authorized to accept inert materials for purposes of classifying, consolidating, transfer, and other similar functions related to preparing these materials for useful purposes.
3.13	Production of hogged fuel	<ol style="list-style-type: none"> 1. As authorized by Section 3.0, the franchisee is authorized to accept and process only untreated wood, painted wood, and incidental quantities of treated wood for delivery to facilities with industrial boilers for use as hogged fuel. 2. The franchisee is prohibited from mixing any other solid waste with the wood wastes described above in Section 3.15.1 for the production of hogged fuel.

4.0	LIMITATIONS AND PROHIBITIONS	
4.1	Purpose	This section of the franchise describes limitations and prohibitions on the wastes handled at the facility and activities performed at the facility.
4.2	Tonnage allocation	<ol style="list-style-type: none"> 1. In calendar year 2019, beginning on January 1 and ending December 31, 2019, the franchisee is authorized to accept up to 49,000 tons of putrescible waste generated inside the Metro region. 2. Metro bases its tonnage allocations on its <i>Solid Waste Forecast</i>. Although Metro makes every effort to include accurate and reliable information in its forecast, Metro may



		adjust tonnage allocations based on tonnage trends and actual solid waste generation.
4.3	Waste hauler access	<p>It is in the public's best interest that transfer stations located inside the Metro region maintain adequate capacity to accommodate solid waste generated within the region and provide adequate access to waste haulers that collect solid waste within the geographic proximity of the facility. Therefore:</p> <ul style="list-style-type: none">a) The franchisee must not accept solid waste generated outside the Metro region if to do so would limit the franchisee from accepting any putrescible or non-putrescible waste generated inside the Metro region;b) The franchisee should not accept solid waste collected outside of the geographic proximity of the facility if to do so would deny access to waste haulers that collect solid waste within the geographic proximity of the facility;c) The franchisee must not deny access to any unaffiliated waste hauler without due cause or written notice 30-days in advance. Due cause includes, but is not limited to, load contamination, failure to pay, or risk of exceeding the franchise tonnage allocation; andd) The COO may require the franchisee to provide a written explanation of its rationale if the facility denies access or refuses service to a waste hauler.
4.4	Prohibited waste	<p>The franchisee must not knowingly receive, process, reload, or dispose of any solid waste not authorized by this franchise. The franchisee must not knowingly accept or retain any material amounts of the following types of waste: materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by the DEQ.</p>
4.5	Prohibition on mixing	<ul style="list-style-type: none">1. The franchisee must not mix or commingle any source-separated recyclable materials, source-separated yard debris or wood wastes brought to the facility with any unprocessed solid wastes or solid wastes destined for disposal.2. The franchisee must not mix or commingle putrescible solid waste with non-putrescible solid waste or source-separated



		<p>recyclable materials, including without limitation wood waste and yard debris.</p> <p>3. The franchisee must not mix or commingle non-putrescible solid waste with putrescible solid waste or source-separated recyclable materials, including without limitation wood waste and yard debris.</p>
4.6	Prohibition of size reduction on non-putrescible waste	The franchisee must not crush, grind or otherwise reduce the size of non-putrescible waste except when such size reduction constitutes a specific step in the facility's material recovery operations, reload operations, or processing residual consolidation or loading operations, and such size reduction is described in an operating plan and approved by the COO.
4.7	No disposal of recyclable materials	The franchisee must not transfer source-separated recyclable materials to a disposal site, including without limitation landfills and incineration facilities.
4.8	Composting prohibited	The franchisee must not keep yard debris on site long enough for more than negligible biological decomposition to begin.
4.9	Limits not exclusive	This franchise will not be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this franchise document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

5.0	OPERATING CONDITIONS	
5.1	Purpose and general performance goals	<p>This section of the franchise describes criteria and standards for the operation of the facility. The franchisee must operate in a manner that meets the following general performance goals:</p> <ul style="list-style-type: none"> a) Environment. The franchisee must design and operate the facility to avoid undue threats to the environment including, but not limited to, stormwater or groundwater contamination, air pollution, and improper acceptance and management of hazardous waste, asbestos and other prohibited wastes. b) Health and safety. The franchisee must design and operate the facility to avoid conditions that may degrade public health and safety including, but not limited to, fires, vectors, pathogens and airborne debris.



		<p>c) Nuisances. The franchisee must design and operate the facility to avoid nuisance conditions including, but not limited to, litter, dust, odors, and noise.</p>
5.2	Qualified operator	<ol style="list-style-type: none">1. The franchisee must, during all hours of operation, provide an operating staff employed by the facility and qualified and competent to carry out the functions required by this franchise and to otherwise comply with Metro Code Chapter 5.01.2. Facility personnel, as relevant to their job duties and responsibilities, must be familiar with the relevant provisions of this franchise and the relevant procedures contained within the facility's operating plan.3. A qualified operator must be an employee of the facility with training and authority to reject prohibited waste that is discovered during load checks and to properly manage prohibited waste that is unknowingly received.
5.3	Fire prevention	<p>The franchisee must provide fire prevention, protection, and control measures, including but not limited to, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from processing and storage areas.</p>
5.4	Adequate vehicle accommodation	<p>The franchisee must:</p> <ol style="list-style-type: none">a) Provide access roads of sufficient capacity to adequately accommodate all on-site vehicular traffic. The franchisee must maintain access roads to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.b) Take reasonable steps to notify and remind persons delivering solid waste to the facility that vehicles must not park or queue on public streets or roads except under emergency conditions or as provided by local traffic ordinances.c) Post signs to inform customers not to queue on public roadways.d) Provide adequate off-street parking and queuing for vehicles, including adequate space for on-site tarping and untarping of loads.



5.5	Managing prohibited wastes	<ol style="list-style-type: none">1. The franchisee must reject prohibited waste upon discovery and must properly manage and dispose of prohibited waste when unknowingly received.2. The franchisee must implement a load-checking program to prevent accepting prohibited waste. This program must include at a minimum:<ol style="list-style-type: none">a) Visual inspection. As each load is tipped, a qualified operator must visibly inspect the load to prevent the acceptance of waste that is prohibited by the franchise.b) Containment area. A secured or isolated containment area for the storage of prohibited wastes that are unknowingly received. Containment areas must be covered and enclosed to prevent leaking and contamination.c) Record maintenance. The franchisee must maintain records of the training of personnel in the recognition, proper handling, and disposition of prohibited waste and make those records available for review by Metro.d) Upon discovery, the franchisee must remove all prohibited or unauthorized wastes or manage the waste in accordance with DEQ requirements and procedures established in the operating plan. All such wastes the franchisee unknowingly receives must be removed from the site and transported to an appropriate destination within 90 days of receipt, unless required to be removed earlier by the DEQ or local government.
5.6	Storage and exterior stockpiles	<p>The franchisee must:</p> <ol style="list-style-type: none">a) Manage, contain, and remove at sufficient frequency stored materials and solid wastes to avoid creating nuisance conditions, vector or bird attraction or harborage, or safety hazards;b) Maintain storage areas in an orderly manner and keep the areas free of litter;c) Position exterior stockpiles within footprints identified on the facility site plan or operating plan; andd) Not stockpile recovered or source-separated materials for longer than 180 days (6 months).



5.7	Dust, airborne debris and litter	<p>The franchisee must operate the facility in a manner that minimizes and mitigates the generation of dust, airborne debris and litter, and must prevent its migration beyond property boundaries. The franchisee must:</p> <ul style="list-style-type: none">a) Take reasonable steps, including signage, to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit;b) Maintain and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit;c) Maintain and operate all access roads and receiving, processing, storage, and reload areas in such a manner as to minimize dust and debris generated on-site and prevent such dust and debris from blowing or settling off-site;d) Keep all areas within the site and all vehicle access roads within ¼ mile of the site free of litter and debris generated directly or indirectly as a result of the facility's operation;e) Maintain on-site facility access roads to prevent or control dust and to prevent or control the tracking of mud off-site; andf) Provide access to the facility for the purpose of uncovered load enforcement. During all times that solid waste or recyclable materials are being accepted, authorized representatives of Metro, including law enforcement personnel on contract to Metro, must be permitted access to the premises of the facility for the purpose of making contact with individuals they have observed transporting uncovered loads of solid waste or recyclable materials on a public road right-of-way in violation of Section 5.09.040 of the Metro Code.
5.8	Odor	<ol style="list-style-type: none">1. The franchisee must operate the facility in a manner that prevents the generation of odors that are detectable off-site.2. The franchisee must establish and follow procedures in the operating plan for minimizing odor at the facility.



5.9	Vectors (e.g. birds, rodents, insects)	<ol style="list-style-type: none">1. The franchisee must operate the facility in a manner that is not conducive to harboring rodents, birds, insects, or other vectors capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.2. If vectors are present or detected at the facility, the franchisee must implement vector control measures.
5.10	Noise	The franchisee must operate the facility in a manner that avoids noise sufficient to cause adverse off-site impacts and to the extent necessary to meet applicable regulatory standards and land-use regulations.
5.11	Water contaminated by solid waste and solid waste leachate	The franchisee must operate the facility consistent with an approved DEQ stormwater management plan or equivalent and must: <ol style="list-style-type: none">a) Operate and maintain the facility to prevent contact of solid wastes with storm water runoff and precipitation; andb) Dispose of or treat water contaminated by solid waste generated on-site in a manner complying with local, state, and federal laws and regulations.
5.12	Access control	<ol style="list-style-type: none">1. The franchisee must control access to the facility as necessary to prevent unauthorized entry and dumping.2. The franchisee must maintain a gate or other suitable barrier at potential vehicular access points to prevent unauthorized access to the site when an attendant is not on duty.
5.13	Signage	The franchisee must post signs at all public entrances to the facility. The signs must comply with local government signage regulations. These signs must be easily and readily visible, and legible from off-site during all hours and must contain at least the following information: <ol style="list-style-type: none">a) Name of the facility;b) Address of the facility;c) Emergency telephone number for the facility;d) Operating hours during which the facility is open for the receipt of authorized waste;e) Fees and charges;



		<ul style="list-style-type: none"> f) Metro’s name and telephone number (503) 234-3000; g) A list of authorized and prohibited wastes; h) Vehicle / traffic flow information or diagram; i) Covered load requirements; and j) Directions not to queue on public roadways.
5.14	Nuisance complaints	<ol style="list-style-type: none"> 1. The franchisee must respond to all nuisance complaints in timely manner (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors), and must keep a record of such complaints and any action taken to respond to the complaints, including actions to remedy the conditions that caused the complaint. 2. If the facility receives a complaint, the Franchisee must: <ul style="list-style-type: none"> a) Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of its attempts (whether successful or unsuccessful); and b) Log all such complaints as provided by the operating plan. The franchisee must retain each log entry for one year and it must be available for inspection by Metro.
5.15	Access to franchise document	The franchisee must maintain a copy of this franchise on the facility’s premises, and in a location where facility personnel and Metro representatives have ready access to it.

6.0	OPERATING PLAN	
6.1	Purpose	This section lists the requirements associated with preparing and implementing a facility operating plan, and lists the procedures that must be included in the required facility operating plan.
6.2	Plan compliance	The franchisee must operate the facility in accordance with an operating plan approved in writing by the COO. The operating plan must include sufficient detail to demonstrate that the facility will be operated in compliance with this franchise. The franchisee may amend or revise the operating plan from time to time, subject to written approval by the COO.



6.3	Plan maintenance	The franchisee must revise the operating plan as necessary to keep it current with facility conditions, procedures, and requirements. The franchisee must submit amendments and revisions of the operating plan to the COO for written approval prior to implementation.
6.4	Access to operating plan	The franchisee must maintain a copy of the operating plan on the facility premises and in a location where facility personnel and Metro representatives have ready access to it.
6.5	Procedures for inspecting loads	The operating plan must establish: <ul style="list-style-type: none">a) Procedures for inspecting incoming loads for the presence of prohibited or unauthorized wastes;b) Procedures for identifying incoming and outgoing loads for waste classifications;c) A set of objective criteria for accepting and rejecting loads; andd) An asbestos testing protocol for all materials that appear to contain friable asbestos.
6.6	Procedures for processing and storage of loads	The operating plan must establish procedures for: <ul style="list-style-type: none">a) Processing authorized solid wastes;b) Reloading and transfer of authorized solid wastes;c) Managing stockpiles to ensure that they remain within the authorized weights, volumes and pile heights;d) Storing authorized solid wastes; ande) Minimizing storage times and avoiding delay in processing of authorized solid wastes.
6.7	Procedures for managing prohibited wastes	The operating plan must establish procedures for managing, reloading, and transferring to appropriate facilities or disposal sites each of the prohibited or unauthorized wastes if they are discovered at the facility. In addition, the operating plan must establish procedures and methods for notifying generators not to place hazardous wastes or other prohibited wastes in drop boxes or other collection containers destined for the facility.
6.8	Procedures for odor prevention	The operating plan must establish procedures for preventing objectionable odors generated at the facility from being detected off the premises of the facility. The plan must include:



		<ul style="list-style-type: none">a) A management plan that will be used to monitor and manage odors of any derivation including malodorous loads delivered to the facility; andb) Procedures for receiving and recording odor complaints, immediately investigating all odor complaints to determine the cause of odor emissions, and remedying promptly all odor problems at the facility.
6.9	Procedures for dust prevention	<p>The operating plan must establish procedures for preventing dust from blowing off the premises of the facility. The plan must include:</p> <ul style="list-style-type: none">a) A management plan that the franchisee will use to monitor and manage dust of any derivation; andb) Procedures for receiving and recording dust complaints, immediately investigating all dust complaints to determine the cause of dust emissions, and remedying promptly all dust problems at the facility.
6.10	Procedures for emergencies	<p>The operating plan must establish procedures that the franchisee will follow in case of fire or other emergency.</p>
6.11	Procedures for nuisance complaints	<ul style="list-style-type: none">1. For every nuisance complaint (for example odor, dust, vibrations, and litter) received, the franchisee must record:<ul style="list-style-type: none">a) The nature of the complaint;b) The date the complaint was received;c) The name, address and telephone number of the person or persons making the complaint; andd) Any actions taken by the operator in response to the complaint (whether successful or unsuccessful).2. The franchisee must make records of such information available to Metro upon request. The franchisee must retain each complaint record for a period of not less than one year.
6.12	Closure protocol	<p>The franchisee must establish protocol for closure and restoration of the site in the event of a long-term cessation of operations as provided in Metro Code Section 5.01.072(c)(3).</p>
6.13	Financial assurance	<p>The financial assurance requirement is waived as provided in Metro Code Chapter 5.01</p>



7.0	FEES AND RATES	
7.1	Purpose	This section of the franchise specifies fees payable by the franchisee, and describes rate regulation by Metro.
7.2	Annual fee	The franchisee must pay an annual franchise fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the franchise fee at any time by action of the Metro Council.
7.3	Rates	<ol style="list-style-type: none">1. The rates charged by the franchisee for accepting solid waste are not subject to regulation by Metro unless the Metro Council adopts an ordinance that establishes Metro's rate regulation authority.2. Notwithstanding the provision above, the rates charged by the franchisee must not exceed the rates posted at the facility as described in Section 5.13.
7.4	Metro fee and tax imposed on disposal	The franchisee is liable for payment of the Metro Regional System Fee, as provided in Metro Code Title V, and the Metro Excise Tax, as provided in Metro Code Title VII, on all solid wastes delivered to a disposal site.
7.5	Metro community enhancement fee imposed on waste received	The franchisee must collect and remit to Metro a community enhancement fee, as provided in Metro Code Chapter 5.06, in an amount equal to \$1.00 per ton for all putrescible waste including food waste and residential yard debris mixed with food waste. The franchisee must remit the community enhancement fees to Metro on a monthly basis in conjunction with fees remitted in Section 7.4

8.0	RECORD KEEPING AND REPORTING	
8.1	Purpose	This section of the franchise describes record keeping and reporting requirements. The franchisee must effectively monitor facility operation and maintain accurate records of the information described in this section.
8.2	Record keeping requirements	For all solid waste and materials the franchisee is authorized to accept under Section 3.0, the franchisee must keep and maintain accurate records of the amount of authorized materials the franchisee accepts, recovers, recycles, reloads, and disposes. These records include the information specified in the Metro



		document titled, <u><i>Reporting Requirements and Data Standards for Metro Solid Waste Licensees, Franchisees, and Parties to Designated Facility Agreements.</i></u>
8.3	Reporting requirements	The franchisee must transmit to Metro records required under Section 8.0 no later than fifteen days following the end of each month in a format prescribed by Metro.
8.4	Account number listing	Within five business days of Metro's request, franchisee must provide Metro with a listing that cross-references the account numbers used in the transaction database with the company's name and address.
8.5	Transactions based on scale weights	Except for minimum fee transactions for small, lightweight loads, the franchisee must record each inbound and outbound transaction electronically based on actual and accurate scale weights using the franchisee's on-site scales.
8.6	DEQ submittals	The franchisee must provide Metro with copies of all correspondence, exhibits, or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or this franchise within two business days of providing such information to DEQ.
8.7	Copies of enforcement actions provided to Metro	The franchisee must ensure Metro receives copies of any notice of violation or noncompliance, citation, or any other similar enforcement actions issued to the franchisee by any federal, state, or local government (other than Metro) related to the operation of the facility.
8.8	Unusual occurrences	<ol style="list-style-type: none">1. The franchisee must keep and maintain accurate records of any unusual occurrences (such as fires or any other significant disruption) encountered during operation, and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.2. The franchisee must notify Metro within 24 hours of any breakdown of the franchisee's equipment if the breakdown will substantially impact the facility's ability to comply with this franchise or with Metro Code, or which will create off-site impacts.3. The franchisee must report any facility fires, accidents, emergencies, and other significant incidents to Metro within 12 hours of the discovery of their occurrence.



8.9	Changes in ownership	<ol style="list-style-type: none">1. Any change in control of franchisee or the transfer of a controlling interest of franchisee requires prior written notice to Metro. "Transfer of a controlling interest of franchisee" includes without limitation the transfer of 10% or more of the ownership of franchisee to or from a single entity. Metro may amend this franchise under Section 11.3 to require the new ownership of franchisee to assume all the rights and obligations of this franchise.2. The franchisee may not lease, assign, mortgage, sell, or otherwise transfer control of the franchise unless the franchisee follows the requirements of Metro Code Section 5.01.076.
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9.0	INSURANCE REQUIREMENTS	
9.1	Purpose	This section describes the types of insurance that the franchisee must purchase and maintain at the franchisee's expense, covering the franchisee, its employees, and agents. The franchisee must provide Metro with documentation demonstrating that it holds all of the required insurance coverage described in Section 9.0.
9.2	General liability	The franchisee must carry the most recently approved ISO (Insurance Services Office) Commercial General Liability policy, or its equivalent, written on an occurrence basis, with limits not less than \$1,000,000 per occurrence and \$1,000,000 aggregate. The policy will include coverage for bodily injury, property damage, personal injury, death, contractual liability, premises and products/completed operations. Contractor's coverage will be primary as respects Metro.
9.3	Automobile	The franchisee must carry automobile bodily injury and property damage liability insurance.
9.4	Coverage	Insurance coverage must be a minimum of \$1,000,000 per occurrence and \$1,000,000 aggregate.
9.5	Additional insureds	Metro, its elected officials, departments, employees, and agents must be named as ADDITIONAL INSURED.
9.6	Worker's Compensation Insurance	The franchisee, its subcontractors, if any, and all employers working under this franchise, are subject employers under the Oregon Workers' Compensation Law must comply with ORS 656.017, which requires them to provide Workers' Compensation



		coverage for all their subject workers. The franchisee must provide Metro with certification of Workers' Compensation insurance including employer's liability. If the franchisee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
9.7	Notification	The franchisee must give at least 30 days written notice to the COO of any lapse or proposed cancellation of insurance coverage.

10.0	ENFORCEMENT	
10.1	Generally	Metro will enforce this franchise as specified in Metro Code Chapter 5.01.
10.2	Authority vested in Metro	The power and right to regulate, in the public interest, the exercise of the privileges granted by this franchise is at all times vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against franchisee.
10.3	No enforcement limitations	This franchise may not be construed to and does not limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor does this franchise limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this franchise or the franchisee's operation of the facility.
10.4	Penalties	Each violation of a franchise condition is punishable by penalties as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation.

11.0	AMENDMENT, SUSPENSION, AND REVOCATION	
11.1	Amendment by agreement	At any time during the term of the franchise, either the COO or the franchisee may propose amendments to this franchise. If either the COO or the franchisee proposes amendments to this franchise,



		both parties will make good faith efforts to arrive at consensus on the intent and implementing language of said amendments.
11.2	Amendment by Metro Council action	<p>Except as provided in Section 11.3, the provisions of this franchise will remain in effect unless the Metro Council:</p> <ul style="list-style-type: none">a) Amends the Metro Code, amends the Regional Solid Waste Management Plan, or implements other legislation of broad applicability that affects the class of facilities of which this franchisee is a member; andb) Adopts an ordinance amending this franchise to implement the policy, code or process specified by said ordinance. <p>If, in the course of considering an ordinance amending this franchise as provided in (b) above, the franchisee provides evidence that the amendment will result in significant capital cost to the franchisee, the Metro Council will include capital cost and the ability of the franchisee to achieve a reasonable rate of return on any additional investment required as factors when considering whether to adopt the ordinance.</p>
11.3	Amendment, suspension or revocation by Metro for cause	<p>The COO may, at any time before the expiration date, amend, suspend, or revoke this franchise in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:</p> <ul style="list-style-type: none">a) Violation of the terms or conditions of this franchise, Metro Code, or any applicable statute, rule, or standard;b) Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this franchise;c) Failure to disclose fully all relevant facts;d) A significant release into the environment from the facility;e) Significant change in the character of solid waste received or in the operation of the facility;f) Any change in ownership or control;g) A request from the local government stemming from impacts resulting from facility operations;h) Compliance history of the franchisee; andi) Changes in regional tonnage trends or actual solid waste generation.



12.0	GENERAL OBLIGATIONS	
12.1	Compliance with law	The franchisee must fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this franchise, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility are deemed part of this franchise as if specifically set forth herein. These conditions and permits include those cited within or attached as exhibits to the franchise document, as well as any existing at the time the franchise is issued but not cited or attached, and permits or conditions issued or amended during the term of the franchise.
12.2	Deliver waste to appropriate destinations	The franchisee must ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code Chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits.
12.3	Right of inspection and audit	Authorized representatives of Metro may take photographs, collect samples of materials, and perform any inspection or audit as the COO deems appropriate. The franchisee must allow authorized representatives access to the premises of the facility at all reasonable times during business hours with or without notice or at such other times upon giving reasonable advance notice (not less than 24 hours). Metro inspection reports, including site photographs, are public records subject to disclosure under Oregon Public Records Law. Subject to the confidentiality provisions in Section 12.4, Metro's right to inspect includes the right to review all information from which all required reports are derived including all books, maps, plans, income tax returns, financial statements, contracts, and other similar written materials of franchisee that are directly related to the operation of the facility.
12.4	Confidential information	The franchisee may identify as confidential any reports, books, records, maps, plans, income tax returns, financial statements, contracts and other similar written materials of the franchisee that are directly related to the operation of the facility and that are submitted to or reviewed by Metro. The franchisee must prominently mark any information that it claims confidential with



		<p>the mark "CONFIDENTIAL" prior to submittal to or review by Metro. Metro will treat as confidential any information so marked and will make a good faith effort not to disclose such information unless Metro's refusal to disclose such information would be contrary to applicable Oregon law, including, without limitation, ORS Chapter 192. Within five days of Metro's receipt of a request for disclosure of information identified by franchisee as confidential, Metro will provide franchisee written notice of the request. The franchisee will have three days within which time to respond in writing to the request before Metro determines, at its sole discretion, whether to disclose any requested information. The franchisee is responsible for any costs incurred by Metro as a result of Metro's efforts to remove or redact any such confidential information from documents that Metro produces in response to a public records request. This Section 12.0 does not limit the use of any information submitted to or reviewed by Metro for regulatory purposes or in any enforcement proceeding. In addition, Metro may share any confidential information with representatives of other governmental agencies provided that, consistent with Oregon law, those representatives agree to continue to treat the information as confidential and make good faith efforts not to disclose the information</p>
12.5	Compliance by agents	<p>The franchisee is responsible for ensuring that its agents and contractors comply with this franchise.</p>

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 19-1434 FOR THE PURPOSE OF APPROVING AN INCREASED TONNAGE ALLOCATION AND AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE AN AMENDED SOLID WASTE FACILITY FRANCHISE FOR GSS TRANSFER, LLC.

Date: March 21, 2019
Department: Property and Environmental Services
Meeting Date: April 4, 2019

Prepared by: Hila Ritter, 503-797-1862, hila.ritter@oregonmetro.gov
Presenters: Roy Brower and Hila Ritter
Length:

ISSUE STATEMENT

GSS Transfer, LLC, (partner company of Gresham Sanitary Service) a Metro-franchised transfer station located in the city of Gresham, seeks to increase the tonnage allocation authorized under its solid waste facility franchise. Metro Code Section 5.01.180 states that the Metro Council may determine whether to approve or deny an application for a solid waste franchise.

ACTION REQUESTED

Staff recommends approval of Ordinance 19-1434 which will authorize the Chief Operating Officer to amend the solid waste facility franchise for GSS Transfer, LLC to increase the amount of putrescible waste that the transfer station may accept in 2019. Approval of this ordinance will increase GSS Transfer's tonnage authorization from 23,687 tons to 49,000 tons for calendar year 2019.

IDENTIFIED POLICY OUTCOMES

Approval of this ordinance will support the goals of the 2030 Regional Waste Plan adopted by Metro Council on March 7, 2019, via Ordinance No. 19-1431.¹ It will also help achieve the transfer system configuration policy objectives that Council adopted in 2016 via Resolution No. 16-4716. The staff report to Ordinance 19-1434 provides a fuller description of these expected policy outcomes.

POLICY QUESTION

Does the Metro Council grant the Chief Operating Officer authority to amend the franchise for GSS Transfer to increase the amount of waste that the facility may accept in calendar year 2019 according to the provisions of Metro Code Chapter 5.01.230 and as described in the ordinance?

¹ Goals 12, 13, 16 and 18 as described in the strategic context section of this report.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve the ordinance as proposed to authorize the Chief Operating Officer to amend the franchise to increase the tonnage authorization up to 49,000 tons for 2019.
2. Amend the ordinance to grant a different tonnage authorization than that requested by the applicant.
3. Do not approve the ordinance.

STAFF RECOMMENDATIONS

Staff recommends adoption of Ordinance No. 19-1434 to approve the increased tonnage allocation requested by the applicant. If Council approves this ordinance, the new tonnage allocation will become effective during the calendar year and will apply to 2019 in its entirety.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The 2030 Regional Waste Plan, adopted by Metro Council on March 7, 2019, sets the policy direction to shape the future of the solid waste system to better attain public benefits and improved sustainability. A major component of this plan is to take a broad look at the role, configuration, and services offered by publicly and privately-owned transfer stations. Prior to this, on July 21, 2016, the Metro Council adopted a transfer system configuration policy. The primary objectives of the policy are to: 1) ensure that the region's transfer system provides maximum public benefit, 2) maintain the current configuration of publicly and privately-owned transfer stations, 3) ensure that an adequate amount of putrescible waste flows to publicly owned stations (at least 40 percent of the region's putrescible tons), 4) limit the amount of putrescible waste that any one company may accept for transfer within the region (no more than 40 percent), and 5) improve rate transparency. The configuration policy also seeks to promote efficient off-route transport of waste to reduce greenhouse gas and provide opportunities for small, locally based businesses to participate in the region's solid waste system.

In addition to the objectives above, the configuration policy shifts Metro away from its current "tonnage cap" approach, in which the Metro Council establishes annual facility tonnage limits, to a more systematic and predictable "tonnage allocation" system, in which tonnage authority is proportionally allocated to privately owned stations each year beginning in 2020. Staff is developing the detailed methodology for future tonnage allocations for adoption as administrative rules later this year, which will be effective in 2020. This proposed 49,000-ton allocation amount for GSS Transfer is intended only for calendar year 2019. In the future, Metro will determine and adjust tonnage allocations for all privately-owned transfer stations in the region, including GSS Transfer, by applying a percentage-based allocation methodology currently being developed using the allocation framework that Metro Council adopted in November 2018 under Ordinance No. 18-1426.

This proposed ordinance is consistent with Metro's transfer system configuration policy and the 2030 Regional Waste Plan (goals 12, 13, 16, and 18) because it promotes efficient off-route travel which reduces environmental impacts (goal 12), continues to support investment in the host community by way of the Community Enhancement Grant program

(goal 13), implements the configuration policy (goal 16.7), and supports a small, locally-based business that is part of the region's solid waste system (goal 18).

Known Opposition/Support/Community Feedback

Metro posted notice and provided an opportunity for the public to review and submit comments on the change of authorization application. A detailed description of the community response is provided in the *Public Comment Report* included as Attachment 2 to this staff report. Overall, the comments that Metro received indicated general support for the proposed tonnage increase requested by GSS Transfer for calendar year 2019.

In addition to posting the application for public review and comment, staff also attended a meeting of the Northwest Neighborhood Association (NWNNA) on January 28, 2019, to discuss GSS Transfer's application. As explained further in the *Public Comment Report*, NWNNA currently considers GSS Transfer's operations reasonable, but has some concerns about expanded transfer station operations. The city of Gresham staff supports the proposed increase at GSS Transfer because the facility's rates are on par with those at the publicly-owned transfer stations, and it allows their licensed haulers to increase route efficiencies which keep rates stable for its ratepayers.

Staff finds that GSS Transfer has a good compliance history and adequately demonstrated that it will appropriately manage the increased tonnage without creating negative off-site impacts. Staff finds it is in the public's interest to authorize an increased tonnage amount for GSS Transfer for calendar year 2019.

Legal Antecedents

Metro Code Chapter 5.01, entitled "Solid Waste Facility Regulation." Specifically, section 5.01.230(a)(3) states that a franchisee must submit an application to Metro when the franchisee requests to modify other limiting conditions of the applicant's franchise.

GSS Transfer submitted a complete change of authorization application to Metro on November 28, 2018, including the \$100 application fee.

Anticipated Effects

Adoption of Ordinance No. 19-1434 will authorize an increase from 23,687 to 49,000 tons for GSS Transfer for calendar year 2019. If the proposed ordinance is adopted, the amended franchise will become effective 90 days after the date of adoption. Upon adoption, the tonnage allocation of 49,000 tons applies to calendar year 2019 in its entirety.

Financial Implications (current year)

GSS Transfer is seeking a change of authorization to its franchise to increase the amount of waste it is authorized to accept by an additional 25,313 tons of putrescible waste for calendar year 2019. While approval of this ordinance is expected to reduce the amount of putrescible waste received at Metro's transfer stations, it is not expected to decrease Metro's share of the overall putrescible waste tonnage in the region by a commensurate amount. A portion of the tonnage that the applicant plans to divert from other transfer stations (including Metro Central and South) will likely be backfilled, at least in part, by the

subsequent shifting of tons in order to fully utilize the regional system. Notwithstanding, staff expects that Metro Central and South will experience a slight decrease in putrescible waste tonnage through direct diversion to GSS Transfer. Whenever Metro stations receive lower tonnage amounts, it results in higher per unit processing costs in the short term. Therefore, approval of the proposed ordinance is expected to impact Solid Waste Fund operating costs and revenues in the short term until rates are adjusted to account for future tonnage amounts. Furthermore, beginning in 2020, as part of Metro's tonnage allocation methodology, Metro will require that at least 40 percent of the region's putrescible waste tonnage flows to publicly owned transfer stations (Metro Central and South).

The full amount of GSS Transfer's proposed tonnage increase was not included in the forecast for FY2019-20, nor factored into the FY2018-19 rates. This would have resulted in an increase of approximately \$0.50 per ton to the mixed solid waste fee charged at Metro Central and South. Any shortfall this fiscal year can be recouped by Metro by adjusting its tonnage charge for mixed solid waste in FY2020-21.

Community enhancement committee in the city of Gresham could receive up to an additional \$25,313 per year under the proposed tonnage increase – for a total of up to \$49,000 for 2019. As a result of this action, the city of Troutdale enhancement committee might experience a reduction in funds based on potential tonnage shifts from Troutdale to Gresham. In addition, it is likely that the Metro Central and South community enhancement committees would also experience a reduction in fees from any tonnage diverted to other facilities.

Staff is developing an administrative rule that sets forth a detailed process for determining and adjusting future tonnage allocations. Staff notes that this prescribed tonnage allocation process, beginning in 2020, may result in a different, not yet determined, tonnage allocation for GSS Transfer.

BACKGROUND

The applicant, GSS Transfer, is a partner company of Gresham Sanitary Service, Inc. - a local, family-owned waste collection business established in 1948. Gresham Sanitary began operations as an "exempt" solid waste reload facility in 1992 at its base of operations located at 2131 NW Birdsdale Avenue in Gresham. In 2016, the Metro Council authorized Gresham Sanitary to expand its operations from simply reloading waste to other transfer stations, to becoming a franchised transfer station that transports waste directly to a landfill.² Gresham Sanitary has collected putrescible waste from residential and commercial customers within the city of Gresham, East Multnomah County, and the Port of Portland for nearly 30 years. Gresham Sanitary also holds a solid waste transfer station permit issued by the Oregon Department of Environmental Quality (DEQ) in 2016.³

Metro has conducted seven inspections of GSS Transfer during the term of the current franchise. GSS Transfer is currently in compliance with Metro's requirements and it has

² Ordinance No. 16-1391-A

³ Solid Waste Disposal Site Permit No. 1392

not had any compliance issues during the term of its current franchise. In addition, DEQ and city of Gresham staff have reported that there are no enforcement or compliance issues associated with this site.

Currently, Gresham Sanitary collects waste from its routes in small trucks and transports it to its facility for consolidation and top-loading into transfer trailers. The consolidated waste is then transported to a landfill for disposal, primarily Wasco County Landfill.

The applicant seeks to continue its current practice of consolidating putrescible waste from its collection routes at its facility, but seeks increased tonnage allocation to ensure a more sustainable operation, expand its operation to allow third-party haulers, and avoid the added costs of travel time and tipping fees using other transfer stations.

On November 28, 2018, the applicant submitted to Metro a complete solid waste facility change of authorization application accompanied by payment of the appropriate application fee. The applicant requested to both increase its annual franchise tonnage authorization from 23,687 tons to 49,000 tons and amend its non-system license (N-019-16E) to similarly increase the annual tonnage it is authorized to transport to Wasco County Landfill. The proposed non-system license amendment will be brought to Metro Council for consideration on April 11, 2019 under Resolution No. 19-4980.

ATTACHMENTS

- A. Exhibit A to Ordinance No. 19-1434: Draft Franchise No. F-019-16C
- B. Attachment 1 to Staff Report: Images
- C. Attachment 2 to Staff Report: Public comment report

Attachment 1: Images

Attachment 1 to Staff Report for Ordinance No. 19-1434

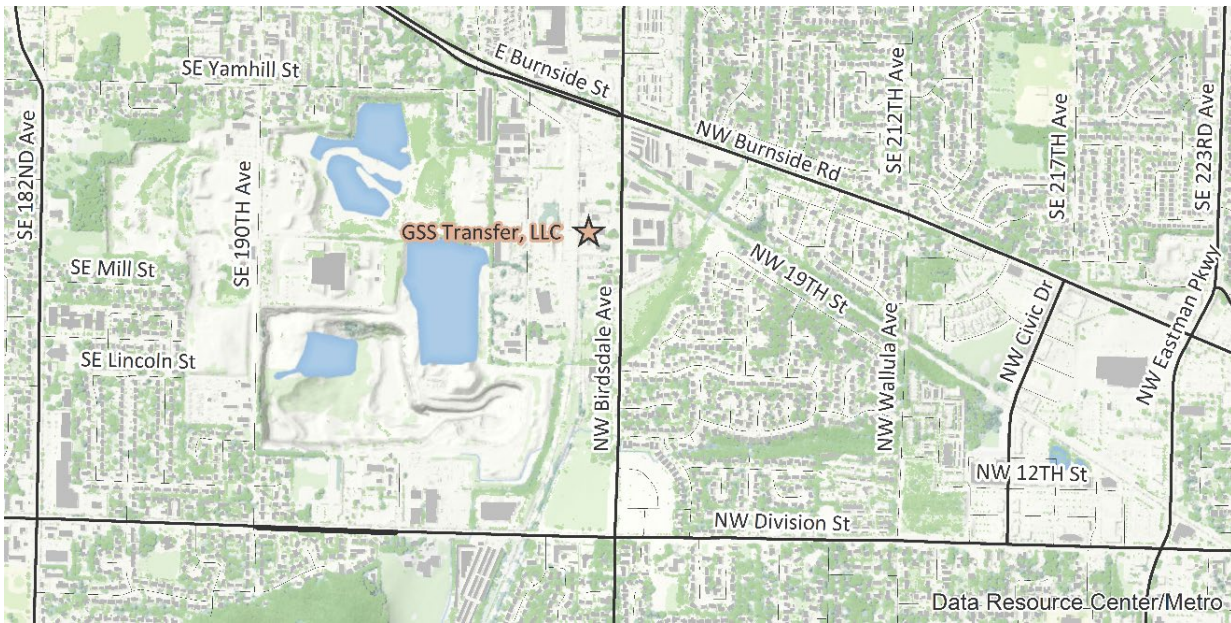


Photo 1: Map of GSS Transfer, LLC.



Photo 2: GSS Transfer located at 2131 NW Birdsdale Ave. in Gresham

Public comment report



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

Attachment 2 to Staff Report for Ordinance No. 19-1434

March 21, 2019

Prepared by: Hila Ritter
503-797-1862

Background

Adoption of Ordinance No. 19-1434 will authorize the Chief Operating Officer (COO) to amend the solid waste facility franchise for GSS Transfer, LLC to increase the amount of waste accepted at its transfer station located in the city of Gresham and to transport that waste to the Wasco County Landfill.

GSS Transfer submitted a change of authorization application to Metro requesting to increase its annual tonnage authorization from 23,687 tons to 49,000 tons and amend its non-system license (N-019-16E) to similarly increase the annual tonnage it is authorized to transport to Wasco County landfill from 23,687 to 49,000 tons.

Public Notice and Opportunity to Comment

Metro posted notice and provided an opportunity for the public to review and submit comments on the change of authorization application. The public notice was posted on Metro's website, mailed to approximately 755 property owners and residents surrounding the proposed facility, and emailed to various other parties that are generally interested in solid waste issues. The 30-day public comment period began on December 28, 2018 and was extended an additional two-weeks at the request of the local neighborhood association (Northwest Neighborhood Association – Nwana), and closed on February 8, 2019.

Nwana invited Metro, DEQ, city of Gresham, and GSS Transfer to attend its monthly meeting on January 28, 2019 to discuss GSS Transfer's application. Metro staff and the aforementioned organizations described the tonnage increase request and answered questions with approximately 55 people in attendance. Subsequent to the meeting, the Nwana Board of Directors submitted a written comment as summarized below, and included in-full below with the other comments received during the public notice period.

GSS Transfer submitted a response to comments, which is also summarized below and attached in-full below.

Summary of written public comments on application

Metro received four comments during the public notice period. Three of the comments are in support of the proposed tonnage increases citing support for local business, reduced costs, improved environmental benefits, no necessary infrastructure improvements required for the change and the applicant's demonstrated ability to manage waste without causing adverse off-site impacts. Metro also received a comment from the Nwana Board of Directors expressing concern about the close proximity of GSS to projected infill residential and commercial customers. In summary, Nwana's letter outlines four areas of concern:

1. Traffic – the expected increase in trucks is between five to 15 additional trucks per day which will not significantly affect current traffic patterns. However, the area is projected to have

redevelopment from the locally approved urban renewal plan, and there is concern about how garbage and semi-trucks will impact neighborhoods.

2. Monitoring for negative off-site impacts – GSS’ current level of attentiveness to sanitation and safety is appreciated. However, increased access to Metro inspection reports is desired for comparison with neighborhood observations of off-site impacts such as: noise, odor, vectors, dust, litter and hazardous waste spills.
3. Best facility for public benefit – GSS is currently a good neighbor and provides an essential service. However, future evaluations of the location of transfer stations should be conducted and include impact to surrounding community and out-of-direction traffic routes in comparison to other transfer stations.
4. Economic benefits shared with ratepayers – it is unclear how an increased alliance between GSS and Waste Connections, who is based out of Texas, will benefit local ratepayers, haulers, and independent waste companies.

Applicant response to comments: GSS submitted a response to comments that generally describes its commitment to good housekeeping measures and maintaining a record of zero complaints and positive role in the community. It explains that most of the traffic associated with the facility utilizes a federally recognized freight-way, and that additional traffic impact is insignificant (.01% of total traffic). It addresses livability issues by pointing out that hazardous waste is not accepted at GSS and further acknowledges the oversight responsibilities of regulatory agencies along with underscoring its own responsibility to continue to mitigate off-site impacts. It then explains the economic benefits that could be shared by describing the process by which the City of Gresham performs an annual review process for determining rates and how that can result in reduced costs to the ratepayer. The second economic benefit it describes is the opportunity to accept increased waste from independent operators which are expected to benefit from disposal cost savings, reduced operating costs and lower environmental impacts from decreased transportation.

Metro response to comments: Thank you for the comments in support.

In regards to the concerns described by NWNA:

1. Traffic - Metro primarily relies on the local jurisdiction, in this case city of Gresham, to determine traffic allowances. Based upon the information that Metro received from city of Gresham staff, the proposed increase complies with the City’s traffic requirements. In addition, the increase in truck traffic is considered negligible, .01 percent of total traffic in the area.
2. Monitoring for negative off-site impacts – Metro employs two full time solid waste facility inspectors who are trained in environmental compliance and tasked with monitoring the 50+ solid waste facilities authorized by Metro in and around the region. The inspectors generally perform seven or eight inspections of a facility annually. When greater attention at a facility is merited, Metro performs an increased amount of both announced and un-announced facility inspections and complaint investigations in neighboring areas surrounding the facility. Metro has conducted eight inspections of GSS Transfer during the term of the current franchise. GSS Transfer is currently in compliance with Metro’s requirements and has not had any compliance issues during the term of its current franchise. In addition, DEQ and city of Gresham staff has reported that there are no enforcement or compliance issues associated with this site.

3. Best facility for public benefit – It is not Metro’s intent to cause any facility to close — including GSS Transfer — due to regulation. Staff is developing administrative rules to further implement the configuration policy and future tonnage allocations for adoption later in 2019, which will be effective in 2020. This proposed amendment to the franchise for GSS Transfer is for the calendar year 2019 only. Future tonnage allocations for all transfer stations, including GSS Transfer, will be determined and adjusted applying the percentage based allocation methodology currently being developed.
4. Economic benefits shared with ratepayers – The functions of regional solid waste system are implemented by Metro, cities and counties, and many private for-profit businesses and non-profit organizations. This sharing of responsibilities means that Metro has a strong interest in the success of the private sector at creating, expanding, preserving and broadening efforts that advance waste prevention, reuse, recycling and energy recovery. In addition, Metro has a strong interest in the success of the local jurisdictions in the rate setting process for residents and businesses who depend on garbage and recycling collection services. At this time, Metro does not regulate rates that private facilities or haulers charge their customers, and is working to increase rate transparency at all facilities and throughout the region.

Comments are listed in the order in which they were received:

1. We are located in the neighborhood of this business. We hardly know this location exists. They are very considerate of our business. I see no reason why this expansion should not be approved. It seems it will benefit all of us and not create any burden on the area. I appreciate the professionalism I have encountered with this business and believe they have the best interests of community in mind. Please feel free to contact us with questions.
2. GreenWay Recycling, LLC supports GSS Transfer application on the basis that it supports local business.
3. On behalf of the Gresham Northwest Neighborhood Association [NWNA] membership, thank you for the opportunity to provide public comment While our neighborhood association has appreciated GSS as important, responsibly-operated partners in our business community, adjacent to our neighborhood association boundary (shared with the Rockwood NA boundary), we do have concerns regarding how expanded operations at the transfer station would impact West Gresham residents and property owners
Our Understanding of the Area and GSS Proposal
The most closely impacted neighbors are commercial and industrial properties -- including TriMet’s MAX yard on the west side of the Gresham/Fairview Trail The nearest residential neighbors are approximately 1,000 feet from the GSS facility To date we have not received any specific complaints from neighbors Neither have we witnessed any activities that would be considered hazardous or obtrusive We are nonetheless concerned about the close proximity of infill residential and commercial neighbors

In 2003, City of Gresham residents voted for a 20-year urban renewal plan authorizing over \$90 million in tax increment financing for redevelopment projects in Rockwood/West Gresham. These efforts have resulted in high-value infrastructure upgrades for one of the Metro region's most struggling communities. Urban renewal projects like this one encourage private investment opportunities which, in Rockwood's case, may vanish or become substantially reduced if 'urban' Rockwood's industrial neighbors directly or indirectly bring further hardship to the community.

Upon reviewing the application with GSS management, Metro, DEQ and City of Gresham staff, we understand the intention is

to 'spread out' the intake of putrescible waste during normal hours of operation. The extra truckloads will be arriving during currently under-utilized times of day. In theory, this would increase operating efficiencies without resulting in traffic bottlenecks, increases in on-site storage of waste or waste-related impacts noticeable from offsite. In other words, neighbors should be subjected to substantially the same level of impacts; which are currently considered reasonable.

Our Concerns about the GSS Proposal

In the interest of resident's health, safety and welfare; and the existing character and future development potential of Gresham neighborhoods, we respectfully raise the following points:

1 - Concern about traffic. Significant new residential development has occurred and additional residential development is planned near the transfer station. The neighborhood is concerned that increasing the use of this transfer station will result in both (local) garbage truck and (landfill-bound) semi-truck traffic through the neighborhood. According to GSS and City of Gresham staff, the majority of GSS traffic will be routed along E Burnside St / NW Burnside Rd, a federally recognized freight-way, which our neighborhood prefers. We understand that the permit anticipates approximately five --and up to fifteen -- additional daily truck trips dropping off waste at GSS. The anticipated increase in vehicles will not significantly affect current traffic patterns.

2 - Monitoring for negative impact. Neighbors appreciate GSS's current level of attentiveness to safety and sanitation. Adjustments in garbage transfer operations could potentially increase noise, odor and result in other impacts negatively affecting neighborhood livability — such as vector-borne disease, wind-blown dust and litter, and hazardous waste spillage. We understand Metro staff conducts six to eight surprise site inspections each year. Inspection results are available in staff reports made public as part of the license renewal procedures and are available through public records requests. Neighborhood members would like to review staff reports and will compare available data with neighbors' observations to ensure that emissions continue to meet acceptable standards, accidental discharges are properly contained and reported, and insects/rodents associated with waste are controlled within limits acceptable for the neighborhood.

3 - Best facility for public benefit. We feel confident that GSS has good intentions and will make every effort to continue being a good neighbor while providing an essential service to the broader community. However, if transfer operations do become untenable at the Birdsdale location, NWNA will appreciate efforts to re-evaluate and address the costs/benefits of waste transfer locations. Specifically, which locations offer 1) the least impact to residential and commercial neighbors; and 2) the least out-of-direction routings for local haulers and long-

distance landfill-bound transfer vehicles relative to other transfer facilities in the metro region Metro should consider whether other facilities, for example Waste Management's Commercial Transfer Station in Troutdale, which is nearer to I-84 (and further from established residential areas) would be more-appropriate for the increased waste handling and semi-truck transportation

4-From an economic perspective GSS has stated the requested changes will result in cost reductions and benefits to rate payers. A stronger alliance between GSS and Arrow Sanitary Service — which shares the same Texas-based parent company as Wasco County Landfill — should generate benefits for all players in the waste stream serviced by these companies How will rate payers, and other local haulers, especially independent operators, share the benefits of the proposed changes?

Thank you for considering these comments.

4. We fully support Gresham Sanitary's application to expand their transfer facility. It makes sense for two reasons. 1. It good for the environment in that other Gresham haulers don't have to go miles away to dump. Reduces traffic, wear and tear on the highway, exhaust and fuel saving benefit the environment. 2. Gresham Sanitary already has the capacity to handle the extra tonnage and triggers no new land or zoning permits for the City of Gresham. And, it has virtually no impact on the surrounding neighborhood. Please approve this application.

GSS Transfer response to comments:

Re: Response to public comment regarding GSS Transfer change of authorization.

Dear Ms. Ritter,

We understand that most of the comments received by Metro are positive in nature and do reflect our ongoing commitment to health and safety. As a heavy industrial property owner and a current transfer station licensee, we believe we are a good neighbor as well as an asset to our community.

To date we have not received any specific complaints from neighbors, and during our last DEQ unannounced inspection on January 4t11, 2019, "no violations were observed" and "litter control and waste organization was excellent."

The concern regarding traffic has been addressed. Most local and all landfill-bound traffic is routed along E Burnside St/ NW Burnside Rd which is a federally recognized freight-way. With the increased tonnage, total traffic impact is insignificant when compared to the overall traffic on the street. The added trips are less than .01% of total traffic at these locations.

The concern regarding livability has been addressed. Hazardous waste is prohibited from placement in solid waste and is not accepted at our facility. We believe the regulating authorities of the State of Oregon, Metro, DEQ, and the City of Gresham do a good job monitoring and enforcing rules and regulations in the best interest of the public. Our current operating plan, as well as current practices, address and mitigate any negative impacts to surrounding area, GSS Transfer's current level of attentiveness to safety and sanitation can be expected to continue.

Regarding the question about "How will rate payers, and other local haulers, especially independent operators, share the benefits of the proposed changes?"

Public comment report



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

Attachment 2 to Staff Report for Ordinance No. 19-1434

The City of Gresham reviews the solid waste system's financial performance and collection rates annually. City Staff, and an outside auditor, analyze the financial reports submitted by the City's licensed haulers. The adjusted composite results for the whole system are used as the basis for determining whether rate increases are necessary to cover future collection costs. The reduced disposal fees at GSS Transfer, as well as the decreased operating costs for the Haulers using the facility, will be passed on to the customers through this annual review process.

Regarding the sharing of these decreased costs for "independent operators," a significant portion of the increased tons will come from independent operators. Rockwood Solid Waste is using the GSS Transfer facility, and their trucks are based less than 1/4 mile from GSS Transfer. As a result, in addition to the significant disposal savings, Rockwood Solid Waste will also achieve reduced operating costs and lower its environmental impact.

We appreciate the feedback and comments regarding our proposal. It has given more people a better understanding about who we are, and hopefully clarified our level of commitment to excellence, especially toward our community and neighbors. We welcome continued dialog with stakeholders when desired and will always make ourselves available to do so.

-Matt Miller

Vice President - GSS Transfer

Agenda Item No. 7.1.1

Resolution No. 19-4976, For the Purpose of Approving the
FY 2019-20 Budget, Setting Property Tax Levies and
Transmitting the Approved Budget to the Multnomah
County Tax Supervising and Conservation Commission

Resolutions

Metro Council Meeting
Thursday, April 11, 2019
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE FY 2019-20 BUDGET, SETTING PROPERTY TAX LEVIES AND TRANSMITTING THE APPROVED BUDGET TO THE MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION)

RESOLUTION NO 19-4976

Introduced by Lynn Peterson, Council President

WHEREAS, the Metro Council, convened as the Budget Committee, has reviewed the FY 2019-20 Proposed Budget; and

WHEREAS, the Council, convened as the Budget Committee, has conducted a public hearing on the FY 2019-20 Proposed Budget; and

WHEREAS, pursuant to Oregon Budget Law, the Council, convened as the Budget Committee, must approve the FY 2019-20 Budget, and said approved budget must be transmitted to the Multnomah County Tax Supervising and Conservation Commission for public hearing and review; now, therefore,

BE IT RESOLVED,

- 1. That the Proposed FY 2019-20 Budget as amended by the Metro Council, convened as the Budget Committee, which is on file at the Metro offices, is hereby approved.
2. That property tax levies for FY 2019-20 are approved as follows:

SUMMARY OF AD VALOREM TAX LEVY

Table with 3 columns: Tax Levy Type, Subject to the General Government Limitation, Excluded from the Limitation. Rows include Permanent Tax Rate, Local Option Tax Rate, and General Obligation Bond Levy.

3. That the Chief Operating Officer is hereby directed to submit the Approved FY 2019-20 Budget and Appropriations Schedule to the Multnomah County Tax Supervising and Conservation Commission for public hearing and review.

ADOPTED by the Metro Council this 2nd day of May, 2019.

Lynn Peterson, Council President

APPROVED AS TO FORM:

Nathan A. S. Sykes, Acting Metro Attorney

STAFF REPORT

CONSIDERATION OF RESOLUTION # 19-4976 APPROVING THE FY 2019-20 BUDGET, SETTING PROPERTY TAX LEVIES AND TRANSMITTING THE APPROVED BUDGET TO THE MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVTION COMMISSION

Date: 4.11.19

Prepared by: Tim Collier 503.797.1913

Department:
Council

Presenters:
Martha Bennett, Chief Operating Officer,
503.797.1541,

Finance and Regulatory Services

Martha.Bennett@oregonmetro.gov
Tim Collier, Director of FRS, 503.797.1913,
Tim.Collier@oregonmetro.gov

Meeting date: 5.2.19

Length: 60 minutes

ISSUE STATEMENT

Martha Bennett, Chief Operating Officer, acting as the Budget Officer, presented the FY 2019-20 Proposed Budget to the Metro Council, sitting as Budget Committee at the April 11th, 2019 Council meeting. A public hearing was held where the Council, sitting as Budget Committee received testimony from interested members of the general public and agency stakeholders.

ACTION REQUESTED

Council consideration and vote on Resolution #19-4976 approving the FY 2019-20 budget, setting property tax levies and transmitting the approved budget to the Multnomah County Tax Supervising and Conservation Commission

IDENTIFIED POLICY OUTCOMES

Compliance with Oregon Budget Law

POLICY QUESTION(S)

Does the budget as proposed reflect Council policies and goals?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Council approval of the budget will meet one of the legal mandates established by Oregon Budget Law.

STAFF RECOMMENDATIONS

The Council President recommends adoption of Resolution 19-4976 approving the FY 2019-20 budget and authorizing the Chief Operating Officer to submit the approved budget to the Multnomah County Tax Supervising and Conservation Commission.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The FY 2019-20 Proposed Budget was released electronically to the Council on March 28th, 2019 and presented by the Chief Operating Officer in her capacity as the Budget Officer to the Council sitting as Budget Committee on Thursday, April 11th, 2019.

1. **Known Opposition** – None known at this time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro’s annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Multnomah County Tax Supervising and Conservation Commission by May 15th, 2019. The Commission will conduct a hearing on June 6th, 2019 for the purpose of receiving information from the public regarding the Council’s approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this resolution will set the maximum tax levies for FY 2019-20 and authorize the transmittal of the approved budget to the Multnomah County Tax Supervising and Conservation Commission.
4. **Budget Impacts** – The total amount of the proposed FY 2019-20 annual budget is \$1,348,980,005. Any changes approved by the Council at the time of approval will be incorporated into the budget prior to transmittal to the TSCC.

BACKGROUND

The actions taken by this resolution are the interim steps between initial proposal of the budget and final adoption of the budget in June. Oregon Budget Law requires that Metro approve and transmit its budget to the Multnomah County Tax Supervising and Conservation Commission (TSCC). Members of the TSCC are appointed by the Governor to supervise local government budgeting and taxing activities in Multnomah County. The TSCC will hold a public hearing on Metro’s budget on Thursday, June 6th, 2019 at 12:30 p.m. in the Metro Council Chamber Annex. Following the meeting, the TSCC will provide a letter of certification for Metro’s budget. The Council’s adoption of the final FY 2019-20 budget is currently scheduled for Thursday, June 20th, 2019.

Oregon Budget Law requires the Budget Committee of each local jurisdiction to set the property tax levies for the ensuing year at the time the budget is approved. Under budget law the Metro Council sits as the Budget Committee for this action. The tax levies must be summarized in the resolution that approves the budget and cannot be increased beyond this amount following approval. Metro’s levy for general obligation debt reflects actual debt service levies for all outstanding general obligation bonds and anticipated debt service for the Affordable Housing general obligation bonds issuance planned for May 2019. The levy authorization for FY 2019-20 also includes the renewed 5-year local option levy for Parks and Natural Areas support as well as the levy for Metro’s permanent tax rate for general operations.

ATTACHMENTS

Resolution #19-4976 - Approving the FY 19-20 budget, setting property tax levies and transmitting the approved budget to the Multnomah County Tax Supervising and Conservation Commission.

Materials following this page were distributed at the meeting.

Metro

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



Metro

Minutes

Thursday, April 4, 2019

2:00 PM

Metro Regional Center, Council chamber

Council meeting

1. Call to Order and Roll Call

Deputy Council President Sam Chase called the Metro Council meeting to order at 2:02 p.m.

Present: 5 - Councilor Sam Chase, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Christine Lewis, and Councilor Juan Carlos Gonzalez

Excused: 2 - Councilor Bob Stacey, and Council President Lynn Peterson

2. Safety Briefing

Deputy Council President Chase called on Councilor Lewis to provide a safety briefing. Councilor Lewis provided a safety briefing for the meeting including information on the location of emergency exits, fire extinguishers and automated external defibrillators.

3. Public Communication

Sharon Nasset, Economic Transportation Alliance: Ms. Nasset discussed the I5 project environmental assessment and stated her belief that the assessment should include a no build option that would allow modifications inside of the right of way. She noted the importance of identifying impacts on safety. Ms. Nasset then discussed the impact of Moda Center and Oregon Convention Center events on parking and congestion in the area.

Art Lewellan, City of Portland: Mr. Lewellan offered his latest design for the former United States post office site rebuild in the Pearl District and stated his belief that it offered a better view and design. He expressed his concern for the SW Corridor light rail project and advocated for further studies of bus rapid transit. Mr. Lewellan discussed using existing rail lines for light rail expansion and pointed to his design proposal that would have less impact on the east bank area. (Mr. Lewellan submitted written materials as

part of his testimony; see the April 4 materials packet.)

Ninette Jones, City of Portland: Ms. Jones expressed her concern for the salmon and sea lion populations in the Wilamette River and the risk of rising water temperatures and algae blooms to these populations. She explained the importance of fish grates in addition to culverts to protect fish populations and stated that the Oregon Department of Transportation should meet fish passage criteria.

4. Resolutions

4.1 Resolution No. 19-4982, For the Purpose of Affirming Metro's Dedication to an Accurate 2020 Census Count

Deputy Council President Chase called on Ms. Raahi Reddy, Director of Diversity, Equity and Inclusion, and Ms. Ernest Hayes, Metro staff, to present on the resolution. Mr. Hayes explained that the resolution was part of a partnership with Multnomah and Washington Counties to convene around the 2020 census and ensure a complete census count for the region's communities.

Ms. Reddy stated that Metro was currently discussing ways to support the three counties and jurisdictional partners in the complete count plan for the 2020 census. She noted the numerous communities that have not participated in the census, highlighting the importance of their representation in the 2020 census count. Ms. Reddy discussed opportunities to fund community partnerships to work directly with communities to encourage participation.

Councilor Craddick highlighted the importance of the complete count and noted its significance in Metro's Strategic Plan to Advance Racial Equity. Councilor Lewis noted the direct impact of census counts on federal funding for important services including, school lunch programs,

housing vouchers and foster care services. She asked what key partnership opportunities existed for this work. Deputy President Chase discussed the importance of a complete count in light of the federal administration's efforts to limit the census count.

A motion was made by Councilor Gonzalez, seconded by Councilor Craddick, that this item be adopted. The motion passed by the following vote:

Aye: 5 - Councilor Chase, Councilor Craddick, Councilor Dirksen, Councilor Lewis, and Councilor Gonzalez

5. Presentations

5.1 DEI Diversity Award Presentation

Deputy Council President Chase introduced the Diversity, Equity, and Inclusion (DEI) Difference Makers Awards, noting that the awards honored and recognized Metro employees whose actions and behaviors had helped Metro grow as an agency. He explained that in January Metro celebrated its fifth annual DEI Awareness month. Deputy President Chase stated that as part of the celebration, employees were invited to nominate their colleagues or project teams for their contributions to embracing diversity, advancing regional equity, and practicing inclusion.

Deputy President Chase expressed that the Metro Council was grateful for the awardees contributions, talent, and commitment to helping Metro be a regional leader. He then called on Ms. Raahi Reddy, Director of Diversity, Equity and Inclusion, to call upon the recipients and present the awards. Ms. Reddy explained the award had specific criteria, including influencing others, being a role model, continually learning, cultivating diverse teams, innovating and taking risks, and holding oneself and others accountable for advancing diversity, equity, and inclusion. She then recognized the following award recipients; for the full list

please see the April 4 meeting packet. The Metro Council thanked the recipients for their contributions to Metro and the region.

6. Consent Agenda

A motion was made by Councilor Dirksen, seconded by Councilor Craddick, that these items be adopted. The motion passed by the following vote:

Aye: 5 - Councilor Chase, Councilor Craddick, Councilor Dirksen, Councilor Lewis, and Councilor Gonzalez

Excused: 2 - Councilor Stacey, and Council President Peterson

- 6.1 Resolution No. 19-4971, For the Purpose of Adding or Amending Existing Projects to the 2018-21 Metropolitan Transportation Improvement Program Involving Three Projects Impacting Gresham, Oregon City, and Wilsonville (MR19-07-MAR)
- 6.2 Resolution No. 19-4974, For the Purpose of Confirming the Appointment of Members to the Transportation Funding Task Force
- 6.3 Consideration of Council Special Presentation Minutes for March 14, 2019
- 6.4 Consideration of Council Meeting Minutes for March 21, 2019

7. Ordinances (First Reading and Public Hearing)

- 7.1 Ordinance No. 19-1434, For the Purpose of Approving an Increased Tonnage Allocation and Authorizing the Chief Operating Officer to Issue an Amended Solid Waste Facility Franchise for GSS Transfer, LLC

Deputy Council President Chase called on Mr. Roy Brower, Interim Director of Property and Environmental Services, and Ms. Hila Ritter, Interim Manager of the Solid Waste Compliance Group, to provide a brief presentation on the ordinance. Mr. Brower explained that the ordinance was a franchise amendment to the Gresham Sanitary Service (GSS) solid waste transfer station and outlined the regulatory structure for Metro Council's authority over this matter. He explained that the ordinance would increase the tonnage allocation to Gresham Sanitary Service, a private transfer

station, for 2019.

Ms. Ritter stated that the ordinance would increase the tonnage allocation for GSS transfer station from 23,687 tons annually to 49,000 tons for 2019. She noted that GSS transfer station was a locally owned waste collection business and had a good history of regulatory compliance. Ms. Ritter discussed the impacts of the proposed increase tonnage allocation, noting short term impacts to the solid waste fund operating costs and increases in funds for community enhancement projects in the area. She highlighted the proposal's alignment with the 2030 Regional Waste Plan, noting the reduction in greenhouse gas emissions as a result of more efficient transport of solid waste.

Ms. Ritter discussed a companion resolution to be brought forward that would align the non-system license with the outbound tonnage at the landfill. She introduced Mr. Matt Miller, Vice President of GSS, to discuss the proposed increase. Mr. Miller stated his support for the ordinance, explaining that it would promote the reduction of greenhouse gases due to decreased travel and place downward pressure on rates due to operational efficiency. He highlighted GSS's community investments including support for My Father's House, the Salvation Army and the Gresham Barlow School District Foundation.

Councilor Craddick announced that she attended a NW Neighborhood Association meeting in the City of Gresham where Mr. Miller and GSS representatives met with community members. She noted that she did not participate in the meeting and merely observed.

- 7.1.1 Public Hearing for Ordinance No. 19-1434, For the Purpose of Approving an Increased Tonnage Allocation and Authorizing the Chief Operating Officer to Issue an Amended Solid Waste Facility Franchise for GSS Transfer, LLC

Deputy Council President Chase opened up a public hearing on Ordinance No. 19-1434 and requested that those wishing to testify come forward to speak.

Shannon Martin, City of Gresham: Mr. Martin, Recycling and Solid Waste Manager for the City of Gresham, expressed support for the ordinance. He explained that the proposal would allow licensed haulers an efficient off-route travel alternative, highlighting the anticipated reduction in emissions. Mr. Martin stated that the projected decrease in expenses would benefit the City of Gresham's rate payers. He thanked Metro staff for their work in the community.

Seeing no further testimony, Deputy President Chase gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 19-1434 would take place on Thursday, April 11.

8. Resolutions

- 8.1 Resolution No. 19-4963, For the Purpose of Adopting the 2021-2024 Metropolitan Transportation Improvement Program Policy Statement for the Portland Metro Area

Deputy Council President Chase called on Ms. Grace Cho and Mr. Ted Leybold, Metro Planning and Development staff, to provide a brief presentation. Mr. Leybold explained that Metro updated the Metropolitan Transportation Improvement Plan (MTIP) on a three year cycle and noted that adoption of the MTIP policy statement would complete phase one of the process.

Ms. Cho stated that the MTIP was a federally required

document for the region to expend federal transportation dollars. She reviewed the following three components of the program: a list of regionally significant investments, a narrative of the prioritization and evaluation of significant and a description of administrative procedures for managing and implementing the MTIP. Ms. Cho explained that the purpose of the MTIP during the development process was to give guidance to regional partners on the regional objectives for transportation investments. Ms. Cho noted that once adopted, the MTIP served as an implementation tool for tracking progress, monitoring fund availability and confirming eligibility. She stated that ODOT, TriMet and MART were Metro's key regional partners in the MTIP as each entity either directly received spend or allocation federal funding.

Ms. Cho explained that the policy statement would provide direction to partners in developing and implementing on the upcoming MTIP for fiscal years 20221-2024. She stated that the MTIP policy was primarily caring forward existing and previously adopted MTIP policies but with updates to reflect newly adopted regional plans including the 2018 Regional Transportation Plan. Ms. Cho reviewed the four proposed MTIP policies related to regional outcomes for transportation investments, highlighting the emphasis on the priorities of safety, equity and addressing climate change that emerged from the 2018 RTP. She stated that third and fourth MTIP policies related to the coordination of investments to meet the region's goals for the transportation system. Ms. Cho reviewed the MTIP timeline, noting that final MTIP package would come before Council in early 2020.

Councilor Gonzalez asked whether there were changes in the federal regulations under the current administration.

Mr. Leybold explained the federal legislation and administrative rulemaking process. Councilor Dirksen provided some background on the extensive process for developing the MTIP policy.

A motion was made by Councilor Lewis, seconded by Councilor Gonzalez, that this item be adopted. The motion passed by the following vote:

Aye: 5 - Councilor Chase, Councilor Craddick, Councilor Dirksen, Councilor Lewis, and Councilor Gonzalez

8.2 Resolution No. 19-4959, For the Purpose of Adopting the 2022-2024 Regional Flexible Funds Allocation Policy Statement for the Portland Metropolitan Area

Deputy Council President Chase called on Mr. Dan Kaempff and Mr. Ted Leybold, Metro Planning and Development staff, to provide a brief presentation. Mr. Leybold stated that the Regional Flexible Funds were federal investments directly to Metro to allocate to specific projects and programs, explaining that the resolution was a policy statement for those funds.

Mr. Kaempff explained that, as a metropolitan planning organization (MPO), Metro was responsible for conducting a process on how it would spend the Regional Flexible Funds allocated to the MPO. He stated that the first step in this process was to adopt a policy on how to invest the funds. Mr. Kaempff reviewed Council's direction in developing the policy document, highlighting Council's direction to continue the previous allocation methodology, maintain the focus regions and better align project outcomes with the 2018 Regional Transportation Plan (RTP). He stated the step two project criteria had been adjusted to reflect the following RTP priorities: equity, safety, climate and congestion relief. Mr. Kaempff noted the addition of enhanced transit concepts to make cycling and walking safer and to improve

freight movement.

Mr. Kaempff discussed the two step funding framework and reviewed the fiscal years 2022-2024 funding estimates of approximately \$140 million. He explained that 25% of funds would be designated to freight and economic development projects and 75% of funds would be designated for active transportation projects. He reviewed the RFFA timeline, noting that adoption of the RFFA policy would complete phase one of the timeline.

Council Discussion:

Councilor Lewis stated her support for the inclusion of economic development initiatives in the step two projects.

A motion was made by Councilor Dirksen, seconded by Councilor Craddick, that this item be adopted. The motion passed by the following vote:

Aye: 5 - Councilor Chase, Councilor Craddick, Councilor Dirksen, Councilor Lewis, and Councilor Gonzalez

9. Chief Operating Officer Communication

Ms. Martha Bennett provided an update on the following events or items: the Regional Illegal Dumping Patrol clean up in Sullivan's Gulch and the upcoming Parks and Nature engagement events on the potential bond measure.

10. Councilor Communication

Councilors provided updates on the following meetings and events: the Metropolitan Exposition Recreation Commission, the Oregon Zoo Foundation Board of Trustee meeting, the Rethinking Health event from Clackamas County public health, the Cornelius Place grand opening, Tualatin Riverkeepers gala, and the Transportation Fund Task Force

meeting.

11. Adjourn

There being no further business, Deputy Council President Chase adjourned the Metro Council meeting at 3:26 p.m. The Metro Council will convene the next regular council meeting on April 11, 2019 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,



Sara Farrokhzadian, Legislative and Engagement
Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 4, 2019

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
3.0	Handout	4/4/19	Brief Description of the 14 Page Pamphlet submitted by Art Lewellan	4419c-01
3.0	Handout	4/4/19	Drawing of Single Deck and Double Deck Bridges submitted by Art Lewellan	4419c-02
3.0	Map	4/4/19	Proposed Transit Map submitted by Art Lewellan	4419c-03
3.0	Handout	4/4/19	Barbur Boulevard Light Rail Concerns submitted by Art Lewellan	4419c-04
3.0	Handout	4/4/19	Drawing of Proposed Marquam Bridge Redesign submitted by Art Lewellan	4419c-05
6.4	Minutes	4/4/19	Council Meeting Minutes for March 21, 2019	4419c-06
8.1	Powerpoint	4/4/19	2021-2024 Metropolitan Transportation Improvement Program Policy	4419c-07
8.2	Powerpoint	4/4/19	Resolution No. 19-4959 2022-24 Regional Flexible Funds Allocation Policy	4419c-08



Metro Council
600 NE Grand Avenue
Portland, OR 97232
Sent via email

April 3, 2019

Attn: Metro President Lynn Peterson, Metro Councilors Shirley Craddick, Christine Lewis, Craig Dirksen, Juan Carlos Gonzalez, Sam Chase, and Bob Stacey

Re: Open Space Bond Funding for Regional Agricultural Viability

Dear Metro Council:

The East Multnomah Soil & Water Conservation District (EMSWCD) is a non-regulatory agency that serves Multnomah County east of the Willamette River with a primary purpose of keeping water clean, conserving water and keeping soil healthy. One way we effect that work is through the protection of important open lands that provide access to nature for underserved communities and which safeguard critical natural resources. We are honored to have partnered with Metro in several instances on these efforts – at Grant Butte and Nadaka Nature Park – and **we wholeheartedly support a new Open Space Bond that will allow Metro to continue this important work.** This work is vital to protecting and enhancing our regional quality of life.

We wanted to bring your attention to another important way in which we advance our work and request that Metro help support us (and others) in these efforts. Our Land Legacy Program is working to ensure **a sustainable future for agriculture** within our service area. EMSWCD believes **Metro can play a pivotal role in these efforts by making at least \$10 million available in the proposed Open Space Bond to support the protection of working farmland properties that will advance the sustainability of agriculture within our region.**

The retention of agriculture matters because sustainably managed agriculture contributes so much to the greater Portland region – clean air, water and soil, local food, iconic landscapes, and jobs. Addressing these issues at this time is critical – as Multnomah County has seen some 50,000 acres of farmland converted to other uses since 1945 and has some of the highest agricultural land values in the entire state. **Without strategies that make sure farmland remains in production, is accessible and affordable to farmers and is sustainably managed, it's uncertain that agriculture in the Metro area will have the foundation to be a part of our collective future in a meaningful way.**



While stakeholder representation from the agricultural community on the potential Metro Open Space Bond has been limited, support from Metro for farmland protection would be consistent with the feedback from the agricultural community found in the October 2018 report commissioned by Metro and authored by Nellie McAdams. That report indicated a desire for Metro to help local partners protect the most productive agricultural lands in order to ensure its continued agricultural use. And, the proposal to fund farmland protection efforts at the state level through the Oregon Agricultural Heritage Program would mean an additional source of funds which Metro could help local agencies access and leverage.

While land use regulations have helped slow the loss of farmland, these regulations do not have the capacity to address the many other issues that have led to the disappearance of agricultural enterprises and their replacement by other uses throughout the Metro area. **Robust and creative farmland protection techniques would benefit the regional quality of life which Metro has done so much to nurture** by helping sustain a strong rural economy that also provides multiple benefits to urban residents.

EMSWCD believes that a strong and inventive approach to the many challenges facing agriculture will help ensure that it can continue to endure, thrive and enhance our collective quality of life. The attached *Appendix A* identifies some of the strategies EMSWCD currently employs.

EMSWCD and other regional entities have limited resources and cannot do this work alone. We need Metro's support to ensure this important resource continues to contribute to our shared quality of life. **Thank-you for your consideration of our request for \$10 million to help fund the farmland protection work of regional partners.** We would welcome the opportunity to review our program and ideas for collaboration further.

Sincerely,

Jay Udelhoven
Executive Director

C: Clackamas SWCD
West Multnomah SWCD
Tualatin SWCD
Coalition of Oregon Land Trusts



Appendix A

EMSWCD Farmland Sustainability Strategies

- **Operate the Headwaters Incubator Program.** This farm incubator facilitates the establishment of new farm businesses by overcoming some of the traditional barriers faced by those seeking to enter farming. The five-year program offers subsidized access to land, farming equipment and training opportunities where beginning farmers can develop their farming skills and learn sound business practices.
- **Provide Technical and Cost-Share Assistance.** To help ensure farms enhance our regional soil and water quality/quantity, we provide technical/cost-share assistance to on-farm projects.
- **Protect the Long-Term Sustainability of Farmland.** EMSWCD purchases working farmland easements, which are a valuable source of working capital for the agricultural community and may also help with farm succession. These easements preclude the future development of these properties, **but they also do so much more.** They require that the protected properties stay in highly productive agricultural use, thus avoiding the scenario where rural estate uses convert once productive farm properties into nothing more than a *de minimis* agricultural use. They require the development of Agricultural Management Plans, which ensure the use of agricultural practices that protect and enhance soil and water quality and habitat values. And these easements seek to address the rapidly increasing costs of farmland which make access to farmland so challenging for the next generation of farmers; strategies include limiting / precluding residential development opportunities, requiring resale to a qualified farmer or stipulating that resale must be based on the agricultural value of the property.
- **Prevent the Imminent Conversion of Farmland.** Where farms are threatened with conversion to non-farm uses (e.g. a potential sale to a rural estate buyer), EMSWCD can purchase the property to ensure that it remains available for and is utilized for its full, sustainable agricultural potential. Upon acquisition we make these properties available for lease to farmers – including beginning farmer graduates from our Headwaters Incubator Program. And, in those instances where we are not making the properties available for mid/long-term agricultural leases, we resell these properties to farmers – with a working farmland easement restriction (as described above).
- **Assist with Farmland Transitions.** Over 60% of farms in Oregon will change hands in the next 20 years, and many of these owners do not have succession plans. To help address this huge challenge, we are providing access to individualized farm succession planning resources. And, we are further working to help create access to farmland by making connections between beginning farmers – including those from our Headwaters Incubator Program – and those farmers who are nearing retirement. We are also exploring ways that those efforts can create access to farmland for groups that have historically been marginalized from farmland ownership, such as persons of color.
- **Strategic.** Our work is strategic, with our farmland protection efforts focused outside of the Urban Growth Boundary & Urban Reserve within an area that has the highest density of suitable agricultural soils and certificated water rights. Properties within that area are prioritized for protection based on their individual agricultural capability.

Working Farmland Protection Program Benefits



Attractive **cash purchase** offers



Certainty your property **remains a working farm**



Possible income and estate **tax savings**



May assist with **farm transfer** to next generation



Possible opportunities for **cost-share** on farm infrastructure



Possible **incentive payments** for soil and water practices

Want to learn more?

Contact Matt Shipkey,
our Land Legacy Program
Manager, at:

(503) 935-5374
matt@emswcd.org

Or visit our website at:
emswcd.org/farmland



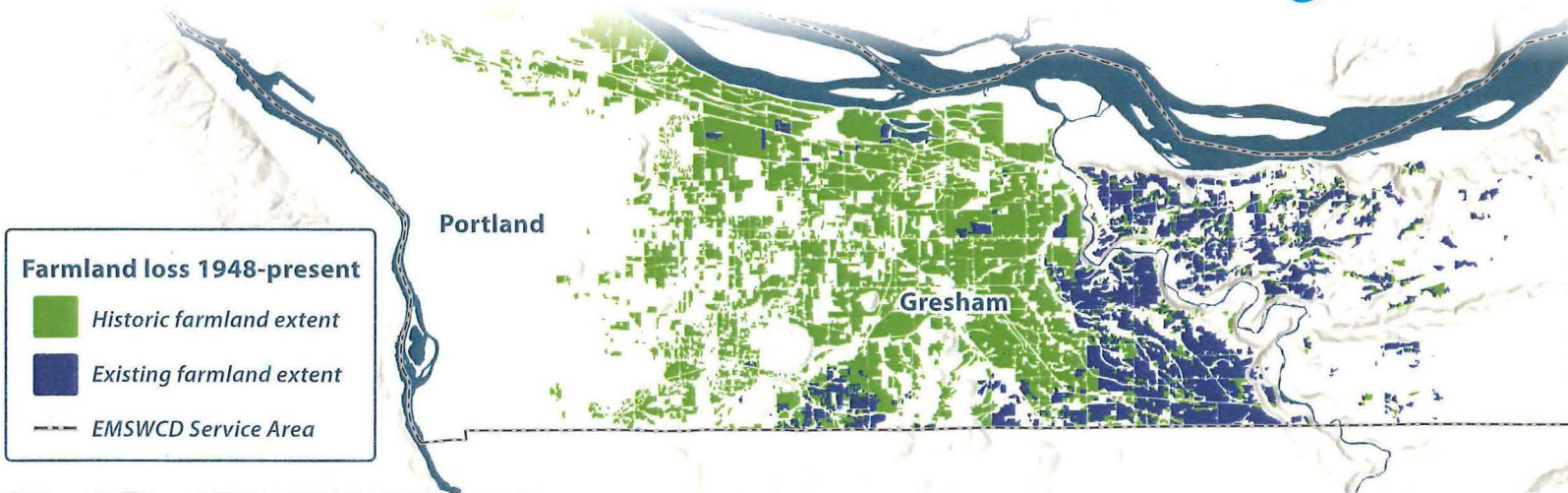
About EMSWCD

The East Multnomah Soil and Water Conservation District (EMSWCD) is a unit of local government serving Northwest Oregon's Multnomah County east of the Willamette River. We work entirely on a voluntary, non-regulatory basis.



East Multnomah
Soil and Water Conservation District
5211 N Williams Avenue, Portland, OR 97217

Working Farmland Protection Program





EMSWCD can partner
with you in planning
for the future of
your farm

Looking to sell
your farm?

*EMSWCD can
purchase farms at risk
of conversion to
non-farm uses.*

Staying on your farm
but looking for cash?

*EMSWCD can purchase
working farmland
easements which
ensure farms remain
in agricultural use.*

Is your situation
something else?

*EMSWCD may be able
to help - give Matt a call!*

(503) 935-5374
matt@emswcd.org

Why Protect Farmland?

- **Jobs:** Agricultural products are the largest export in Oregon and support tens of thousands of related jobs.
- **Made in Oregon:** We need farmland to enjoy delicious locally produced fruits, vegetables, meats, cheese, beer, nuts and so much more.
- **Northwest Values:** Farms help provide us with the clean air, water and scenic views that make our area such a special place.





Headwaters Farm Incubator

Cultivating Farms and Future Stewards



Launch Your Farm Business!

The Headwaters Incubator Program (HIP) leases farmland, equipment and other farm resources to individuals with farming experience who are seeking to establish a farm business. HIP provides a supportive and affordable production environment where participants can learn good stewardship techniques and sound business practices. Any prospective farm business that fits the 5-year program model is encouraged to apply!

How To Apply: Visit emswcd.org/farm-incubator to fill out and submit:

1. Farm Incubator Application
2. Farm Business Plan
3. Resume

Applications are accepted during the month of October.

For more information, visit emswcd.org/farm-incubator
or contact Rowan Steele, Headwaters Farm Program Manager
(503) 939-0314 or Rowan@emswcd.org

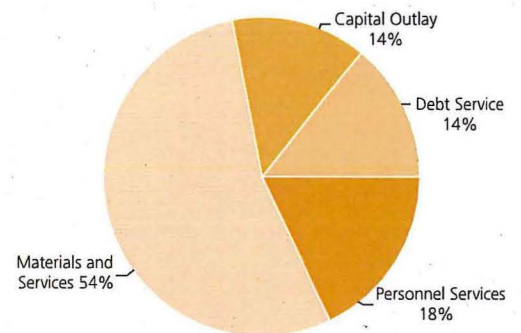
FY 2019-20 Proposed Budget

by the numbers

	FY 2018-19 Amended Budget	FY 2019-20 Proposed Budget	% Change
Operating Funds			
General Fund	131,900,000	141,100,000	7%
MERC Fund	139,000,000	123,400,000	(11%)
Oregon Zoo Operating Fund	46,600,000	51,800,000	11%
Parks and Natural Areas Local Option Levy Fund	23,400,000	20,800,000	(11%)
Solid Waste Revenue Fund	133,700,000	137,800,000	3%
Total Operating	\$474,600,000	\$474,900,000	0%
Bond/Capital Funds			
General Assets Management Fund	39,700,000	41,300,000	
Natural Areas Fund	32,400,000	22,900,000	
Open Spaces Fund	300,000	-	
Oregon Zoo Asset Management Fund	6,000,000	6,300,000	
Oregon Zoo Infrastructure and Animal Welfare Fund	40,700,000	31,100,000	
Total Bond/Capital	\$119,100,000	\$101,600,000	(15%)
Debt Service Funds			
General Obligation Bond Debt Service Fund	46,800,000	88,700,000	
General Revenue Bond Fund	25,600,000	10,800,000	
Total Debt Service	\$72,400,000	\$99,500,000	37%
Other Funds			
Affordable Housing Fund	10,000,000	664,900,000	
Cemetery Perpetual Care Fund	700,000	800,000	
Community Enhancement Fund	2,200,000	1,500,000	
Risk Management Fund	4,500,000	4,100,000	
Smith & Bybee Wetlands Fund	2,000,000	1,700,000	
Total Other	\$19,400,000	\$673,000,000	3369%
Total All Funds	\$685,500,000	\$1,349,000,000	97%
FTE	931.46	956.71	3%

	FY 2018-19 Amended Budget	FY 2019-20 Proposed Budget	% Δ
Enterprise revenues			
Enterprise revenues	\$164 million	\$173 million	6%
Solid Waste	71 million	77 million	
Venues			
Oregon Zoo	30 million	31 million	
MERC	54 million	56 million	
Property Taxes			
Permanent Operating Rate (per thousand)	9.66¢	9.66¢	
Parks and Natural Areas Local Option Levy (per thousand)	9.60¢	9.60¢	
Debt service (per thousand)	28¢	52¢	86%
Average homeowner (\$200,000 assessed value) (\$250,000 market value)	\$95	\$142	49%

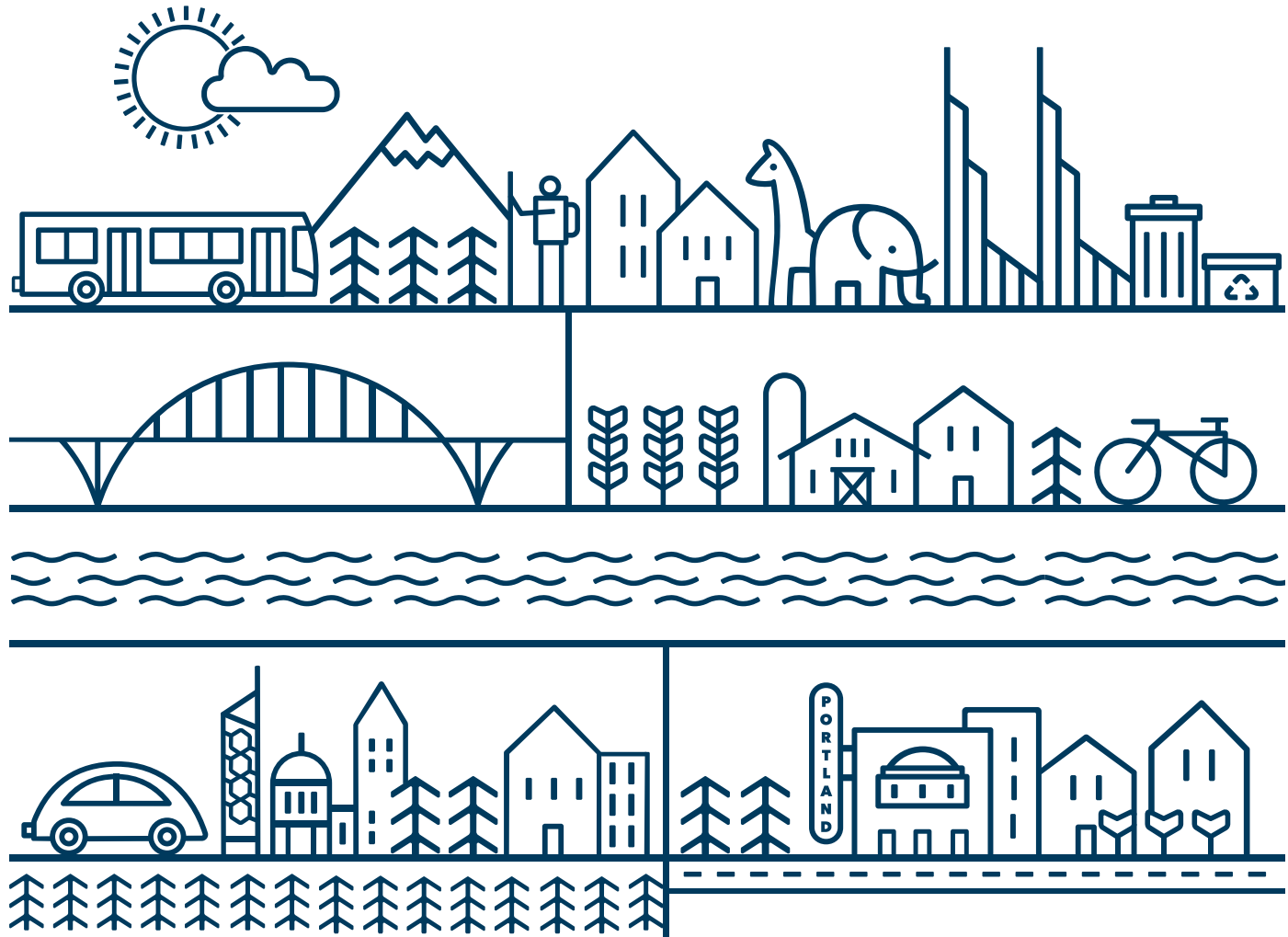
Current Expenditures



Total \$687,836,905



Metro



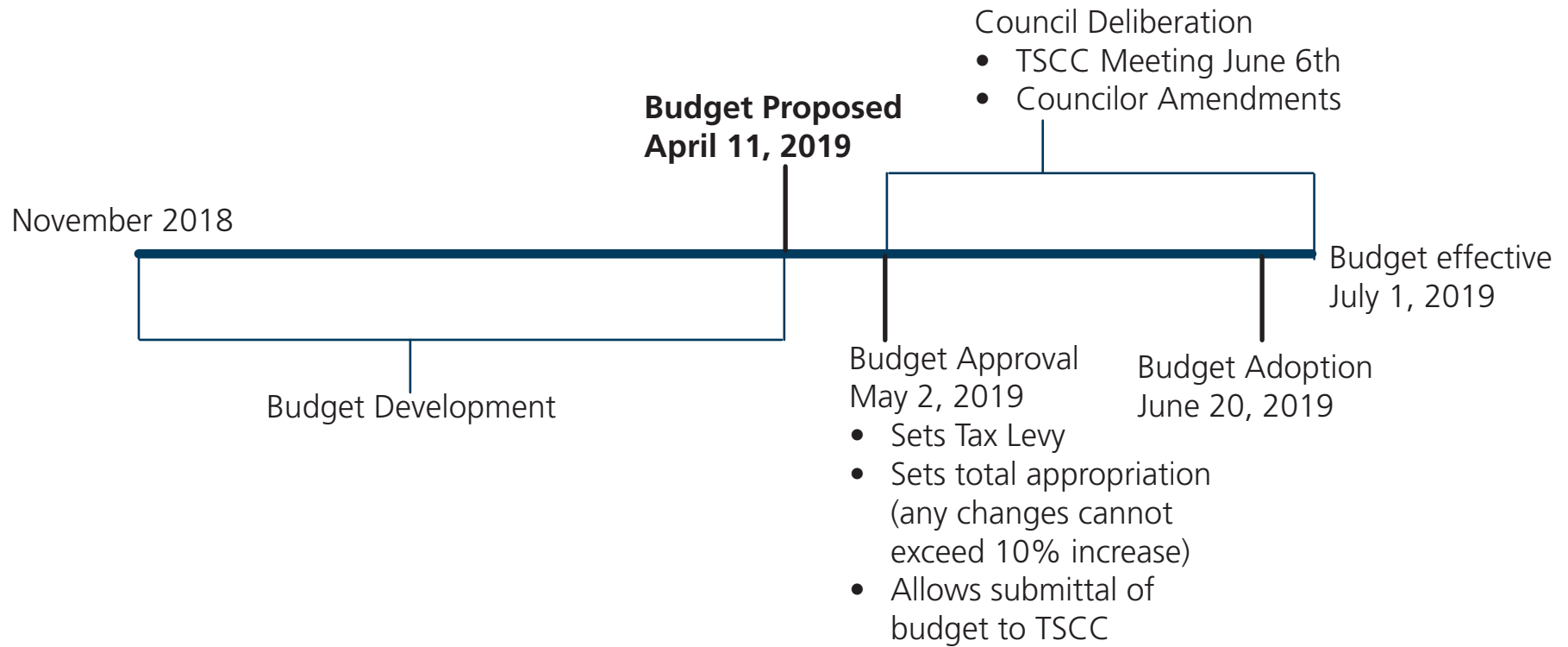
Proposed Budget

FY 2019-20

Overview

- Budget process
- Budget message
- Budget by the numbers
- Office of Metro Auditor
- Moving the budget forward
- Public Hearing

Budget Process



Budget message

Budget Focus

Continue to deliver high quality public services

Diversity, Equity and Inclusion

Tackle financial headwinds

Invest in agency infrastructure

Decision-making tools

- **Guidance from Council**
- **Agency Goals**
- **6 desired regional outcomes**



What the budget looks like

	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget	% Change
Operating Funds	\$474,600,000	\$474,900,000	0%
Bond/Capital Funds	\$119,100,000	\$101,600,000	(15%)
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Other Funds	\$19,400,000	\$673,000,000	3369%
Total All Funds	\$685,500,000	\$1,349,000,000	97%
FTE	931.46	956.71	3%

What the budget delivers

Metro Council Initiatives

- Regional Investment Strategy
- Planning for the future of our region's economy.
- Regional solid waste plan
- Climate change and regional disaster preparedness
- Employer of choice.

What the budget delivers

Equity, Diversity, and Inclusion

- Construction Careers Pathway Project next steps
- Equity action plans in four departments adopted in 2018
- Support for department specific equity planning.
- Continued funding for the Community Partnerships pilot project;

What the budget delivers

Equity, Diversity, and Inclusion

- American Disability Act assessments
- Human Resources recruitment goals
- Increase participation with Certification Office of Business Inclusion and Diversity (COBID) firms

What the budget delivers

Metro's infrastructure

- Technology
- Buildings and Physical Assets



Metro

2019-20 Proposed Budget

Budget by the numbers

Tim Collier, Director

Finance and Regulatory Services

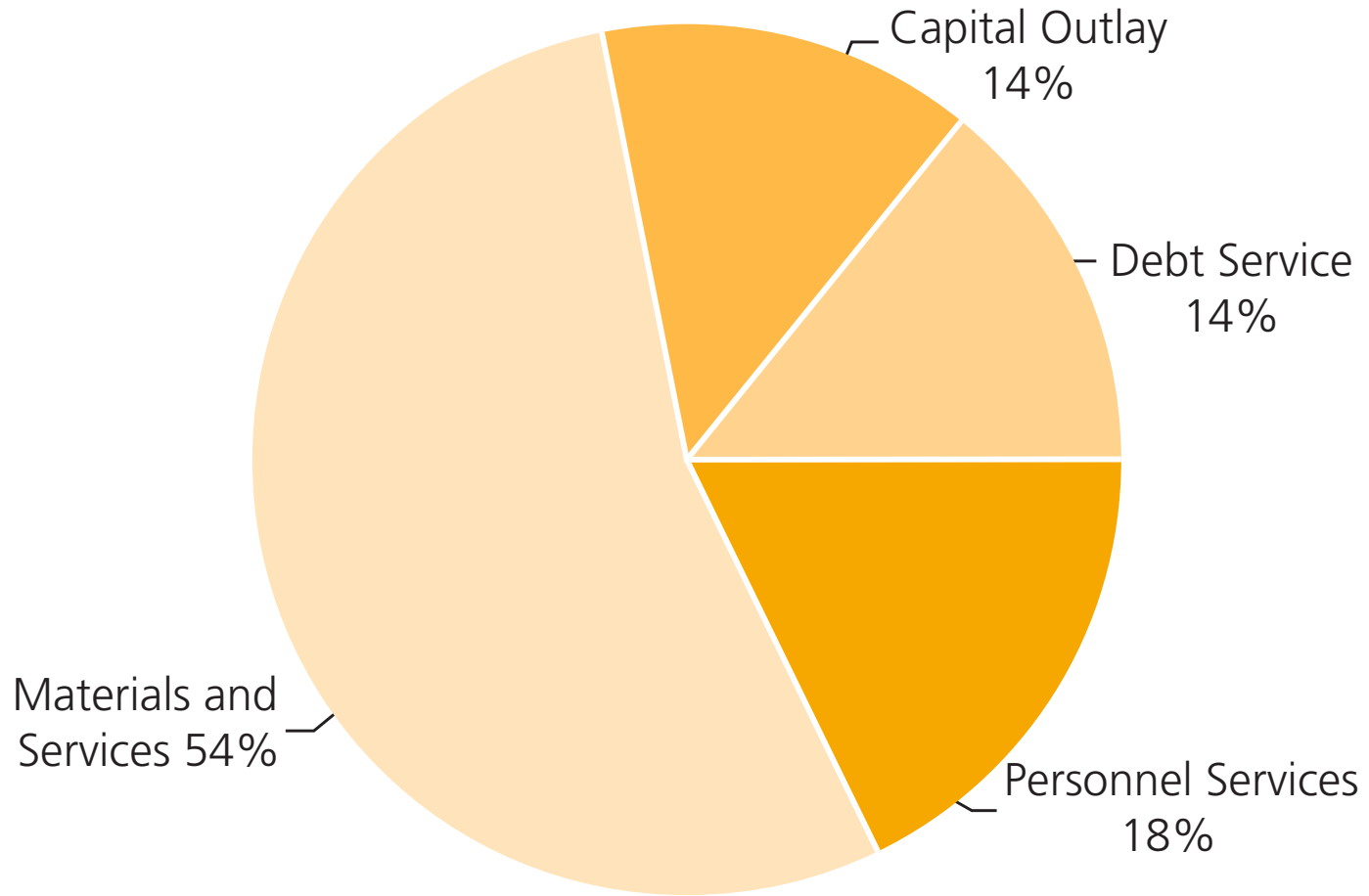
The Budget Summary

	FY 2018-19 Amended Budget	FY 2019-20 Proposed Budget	Budget % Change
Total Budget <i>(all resources and requirements)</i>	\$686 million	\$1.349 billion	97%
Current Revenues	335 million	392 million	17%
Current Expenditures	445 million	688 million	55%
Wages and benefits	114 million	122 million	7%
Full-time positions	931.46 FTE	956.71 FTE	25.25 FTE

Budget by fund

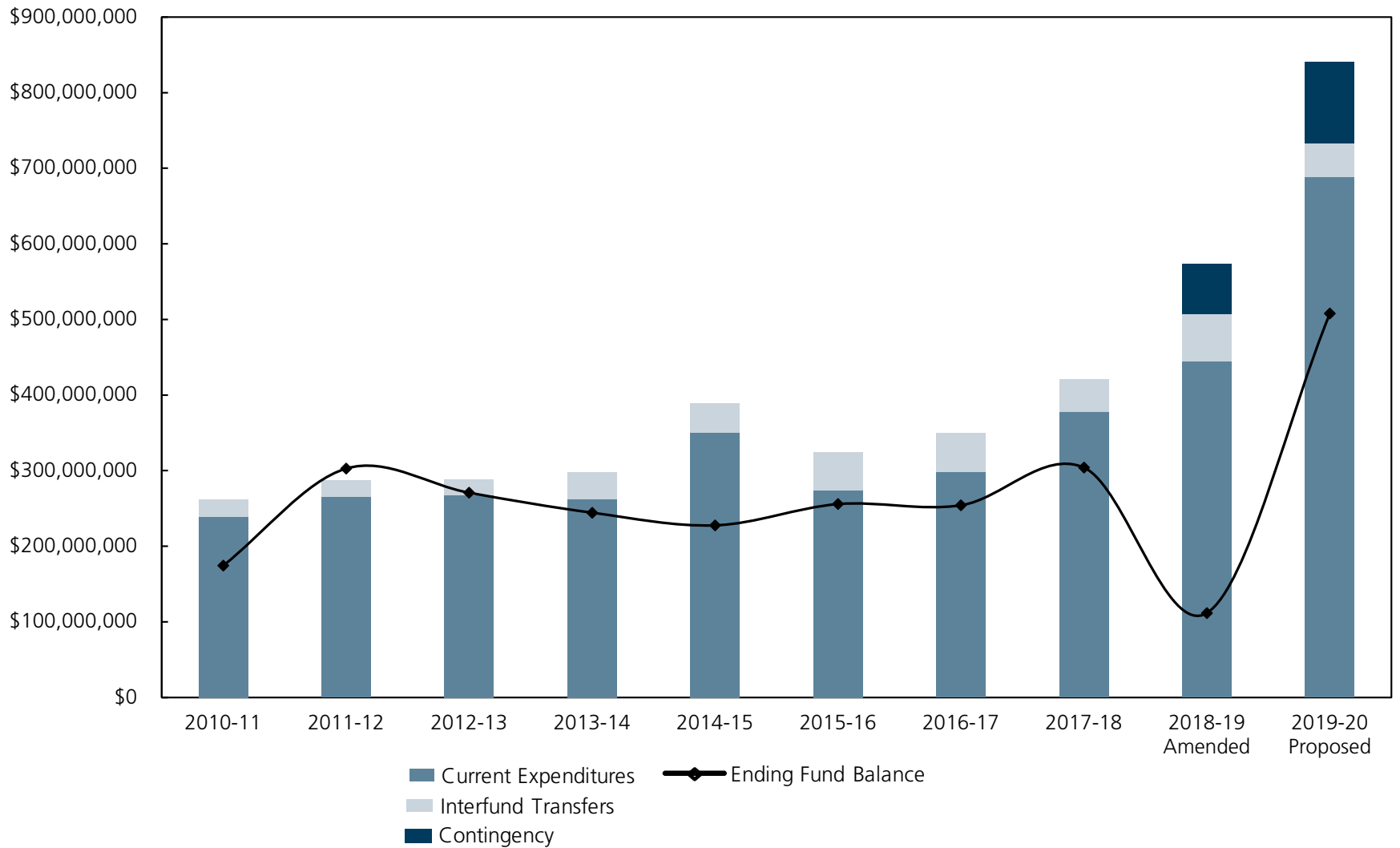
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Natural Areas Fund	32,400,000	22,900,000	
Open Spaces Fund	300,000	0	
Oregon Zoo Asset Management Fund	6,000,000	6,300,000	
Oregon Zoo Infrastructure Bond Fund	40,700,000	31,100,000	
<i>Total Bond/Capital</i>	\$119,100,000	\$101,600,000	(15%)
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Risk Management Fund	4,500,000	4,100,000	
Smith & Bybee Wetlands Fund	2,000,000	1,700,000	
<i>Total Other</i>	\$19,400,000	\$673,000,000	3369%
Total All Funds	\$685,500,000	\$1,349,000,000	97%
FTE	931.46	956.71	3%

Category of Expense

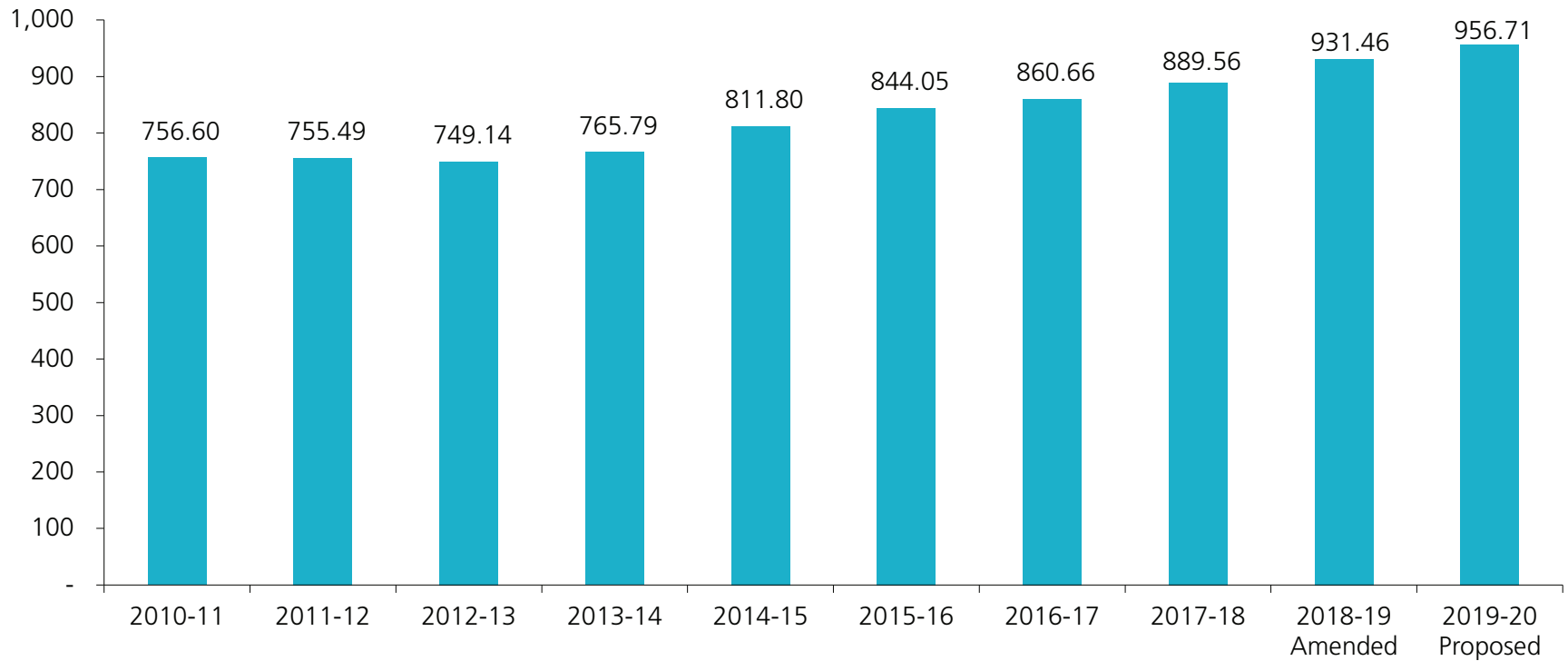


Total current expenditures: \$687,836,905

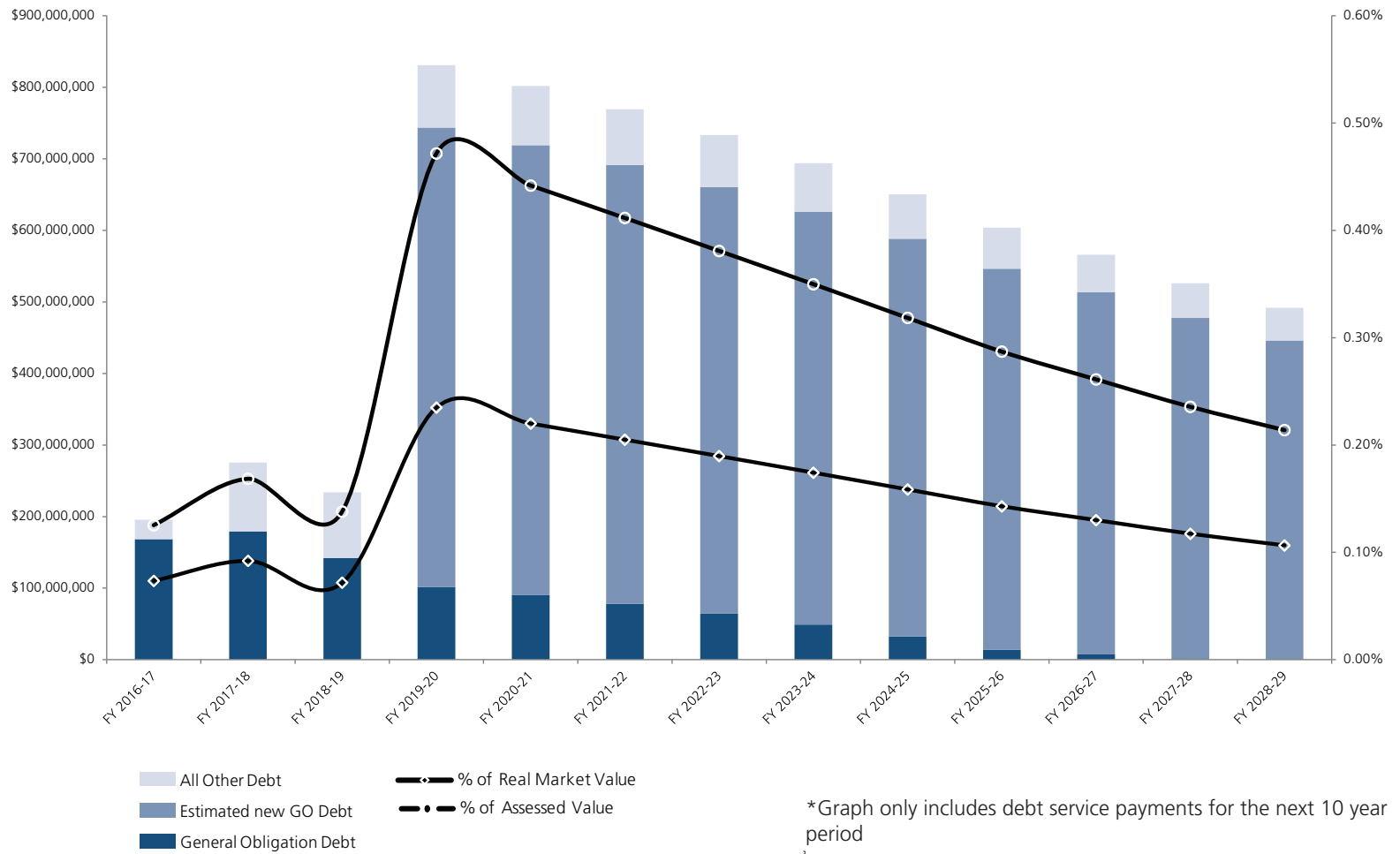
10-year expenditure history



10-year total agency FTE history



Debt service obligations*



Property tax levy

General Obligation Bond Fund	Principal	Interest	Total
<i>General Obligation Bonds</i>			
Natural Areas 2012A Series	4,610,000	2,335,950	6,945,950
Natural Areas 2018 Series	8,110,000	1,024,000	9,134,000
Oregon Zoo Infrastructure 2012A Series	3,050,000	1,791,325	4,841,325
Oregon Zoo Infrastructure 2016 Series	8,105,000	405,250	8,510,250
Oregon Zoo Infrastructure 2018 Series	1,645,000	494,250	2,139,250
Affordable Housing 2019 Series	10,550,000	30,735,893	41,285,893
<i>General Obligation Refunding Bonds</i>			
Natural Areas 2014 Series	15,115,000	755,750	15,870,750
	51,185,000	37,542,418	88,727,418

Property Taxes	FY 2018-19 Amended Budget	FY 2019-20 Proposed Budget
Permanent Operating Rate (per thousand)	9.66¢	9.66¢
Parks and Natural Areas Local Option Levy (per thousand)	9.60¢	9.60¢
Debt service (per thousand)	28¢	52¢
Average homeowner (\$200,000 assessed value) (\$250,000 market value)	\$95	\$142

Transient Lodging Tax (TLT)

Revenues	2015-16 Actual	2016-17 Actual	2017-18 Actual	2018-19* Amended	2019-20* Proposed
OCC	\$10,186,000	\$10,899,000	\$16,258,000	\$17,990,000	\$19,108,000
Portland'5 Expo	1,341,000 -	1,356,000 -	1,391,000 894,000	1,425,000 1,120,000	1,410,000 1,175,000
Pooled Capital	6,741,000	6,526,000	-	-	-
TOTAL	\$18,268,000	\$18,781,000	\$18,543,000	\$20,535,000	\$21,693,000

* Pooled Capital is budgeted directly to Venue (OCC 85% and Expo 15%)

Venue Summary

	2018-19 Amended Budget	2019-20 Proposed Budget	% Change
Venue Total Budget			
OCC	\$87,800,000	\$69,000,000	(21%)
Oregon Zoo	46,600,000	51,700,000	11%
Portland'5	31,700,000	35,700,000	13%
Expo	11,900,000	11,200,000	(6%)
Admin	7,600,000	7,500,000	(1%)
<i>Total</i>	\$185,600,000	\$175,100,000	(6%)
Venue Full Time Positions			
OCC	118.42	117.70	(1%)
Oregon Zoo	202.25	203.85	1%
Portland'5	60.71	61.35	1%
Expo	17.42	17.30	(1%)
Admin	4.42	4.35	(2%)
<i>Total</i>	403.22	404.55	<1%



Metro

2019-20 Proposed Budget

Moving the budget forward

Martha Bennett

Chief Operating Officer

Moving the budget forward

Does the budget move Metro and the region in the right direction?

Does the budget strike the right balance in responding to both program needs and ensuring funding for future years?

Does the budget reflect your guidance?

Does the budget continue to maintain the confidence of Metro's citizens?

Next important dates

			Public Hearing
April	April 11	Budget introduced	*
	April 16	Council worksession on proposed budget	
May	May 2	Public Hearing Resolution to approve budget, set tax levy, forward budget to TSCC Budget ordinance continued to June	*
	May 15	Budget documents to TSCC	
June	June 6	TSCC review and hearing	*
	June 13	Final amendments are voted on	*
	June 20	Budget adoption	*
July	July 1	New budget begins	
	July 15	Tax levy submitted to counties	

Acknowledgements

Thanks to:

Finance Team

Program Managers and Analysts

Senior Leadership Team

Cover Design

Creative Services

Thank you



To view Metro's budget and the budget message in its entirety please visit:

www.oregonmetro.gov/budget