



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, January 9, 2020

2:00 PM

Metro Regional Center, Council chamber

1. Call to Order and Roll Call

2. Safety Briefing

3. Public Communication

4. Resolutions

- 4.1 Resolution No. 20-5061, For the Purpose of Organizing the Metro Council and Confirming Committee Members

[RES 20-5061](#)

Attachments: [Resolution No. 20-5061](#)
[Exhibit A to Resolution No. 20-5061](#)
[Staff Report](#)

5. Consent Agenda

- 5.1 Resolution No. 19-5047, For the Purpose of Amending the FY 2019-20 Unified Planning Work Program (UPWP) to Add Funding For the Clackamas Corridor Management and Emerging Technology Projects

[RES 19-5047](#)

Attachments: [Resolution No. 19-5047](#)
[Exhibit A to Resolution No. 19-5047](#)
[Exhibit B to Resolution No. 19-5047](#)
[Staff Report](#)

- 5.2 Resolution No. 19-5050, For the Purpose of Adding or Amending Existing Project to the 2018-21 Metropolitan Transportation Improvement Program Involving Two Projects Impacting ODOT (DC20-05-DEC2)

[RES 19-5050](#)

Attachments: [Resolution No. 19-5050](#)
[Exhibit A to Resolution No. 19-5050](#)
[Staff Report](#)

- 5.3 Consideration of the Council Meeting Minutes for December 12, 2019

[18-5335](#)

Attachments: [Council Meeting Minutes for December 12, 2019](#)

6. Presentations

6.1 Metro Code of Ethics Audit [18-5331](#)

Presenter(s): Brian Evans, Metro

Attachments: [Metro's Code of Ethics](#)

7. Chief Operating Officer Communication

8. Councilor Communication

9. Adjourn

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PUBLIC OFFICER, EMPLOYEE STAFF MEMBER OR INDIVIDUAL**

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

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Agenda Item No. 4.1

Resolution No. 20-5061, For the Purpose of Organizing
the Metro Council and Confirming Committee Members

Resolutions

Metro Council Meeting
Thursday, January 9, 2020
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ORGANIZING THE) RESOLUTION NO. 20-5061
METRO COUNCIL AND CONFIRMING)
COMMITTEE MEMBERS) Introduced by Council
President Lynn Peterson

WHEREAS, the Metro Charter, Chapter IV, Section 16 (5) directs the Metro Council to adopt an annual organizing resolution for the orderly conduct of Council business; and

WHEREAS, Chapter 2.01 of the Metro Code directs the Metro Council at its first meeting after the first Monday in January each year to elect a Deputy Council President for the ensuing year; directs the Metro Council to establish such committees as the Council deems necessary for the orderly conduct of Council business; and provides that the Council President shall appoint certain committee members and committee chairs subject to confirmation by the Council by Resolution; and

WHEREAS, the Council President has nominated Councilor Juan Carlos Gonzalez to serve as the Deputy Council President for 2020; and

WHEREAS, the Council President has appointed Councilor Shirley Craddick as Chair of the Joint Policy Advisory Committee on Transportation (JPACT), Councilors Craig Dirksen and Bob Stacey as members of JPACT, and Councilor Sam Chase as an alternate member of JPACT; and

WHEREAS, the Council President has appointed Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, and Councilor Sam Chase as members of the Metropolitan Policy Advisory Committee (MPAC); and

WHEREAS, the Council President has appointed Councilors to chair and serve as members or alternates on those committees, commissions and boards as set forth in the attached Exhibit A for 2019, and the remaining Councilors wish to confirm those appointments; and

WHEREAS, the Council President has also designated Councilors to serve as liaisons or representatives of the Council for various functions, organizations, and issues determined to be related to carrying on the orderly business of the Council as also set forth in attached Exhibit A; now therefore,

BE IT RESOLVED:

1. That the Metro Council elects Councilor Juan Carlos Gonzalez as Deputy Council President for 2020.
2. That the Metro Council confirms the Council President’s appointments of Councilors to JPACT and MPAC.
3. That the Metro Council approves the designation of Councilors to serve as liaisons or representatives of the Council as also set forth in Exhibit A.

ADOPTED by the Metro Council this __ day of January 2020.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

2020 Metro Council Liaison Assignments

Revised December 30, 2019

SECTION I: ASSIGNMENTS and/or APPOINTMENTS REQUIRED BY LAW, CODE OR STATUTE

Obligatory liaison assignments are required by the Metro Charter, Metro Code or other statute. These positions are appointed by the Council President and confirmed by the Metro Council.

COMMISSION or ADVISORY COMMITTEE	SOURCE OF REQUIREMENT	COMMITMENT	COUNCILOR(S) ASSIGNED
Joint Policy Advisory Committee on Transportation (JPACT)	Federally mandated/MPO role; JPACT Bylaws	Meets at 7:30 a.m. the third Thursday of each month; other meetings as needed	Craddick (Chair) Dirksen Stacey
JPACT Alternate	“ ”	As needed	Chase
Metro Policy Advisory Committee (MPAC)	Metro Charter	Meets at 5:00 p.m. on the second and fourth Wednesdays of each month; other meetings as needed	Lewis Gonzalez Chase
Bi-State Coordination Committee	Metro resolution/IGA; Originally created by JPACT and SWRTC	As needed; usually meets twice annually	Peterson Craddick (Alternate)

SECTION II: OTHER REQUIRED APPOINTMENTS

Other liaison assignments are required by Metro legislation or intergovernmental agreements. These positions are appointed by the Council President. Confirmation by the Council is not required.

OTHER COMMITTEE	SOURCE OF REQUIREMENT	COMMITMENT	COUNCILOR(S) ASSIGNED
Committee on Racial Equity (CORE)	Bylaws; 2 Metro Councilors serve as non-voting members	Meets every other month	Craddick Lewis Gonzalez (Alternate)
Forest Grove Community Enhancement Grant Committee	IGA District 4 duty	As needed	Gonzalez
Gresham Community Enhancement Grant Committee	IGA District 1 duty	As needed	Craddick

Levy Ready Columbia	IGA District 1 duty	As needed	Craddick
Metro Audit Committee	Metro Code/Metro ordinance	Meets twice annually	Dirksen
Metro Central Enhancement Committee	Metro Code District 5 duty	Meets no less than two times during calendar year funding cycle	Chase
Metro North Portland Enhancement Committee	Metro Code District 5 duty	Meets no less than two times during fiscal year funding cycle	*INACTIVE*
Metropolitan Exposition-Recreation Commission (MERC) Council Liaison	Metro Code	Meets the first Wednesday of every month	Lewis Chase (Alternate)
Natural Areas Capital Program Oversight Committee	Metro Code	Meets as needed	Chase
Oregon City Metro Enhancement Committee	IGA District 2 duty	Meets as needed	Lewis
Oregon Zoo Bond Citizens' Oversight Committee	Metro ordinance	Meets quarterly	Craddick Lewis (Alternate)
Oregon Zoo Foundation (OZF) Board Ex Officio Members	Agreement with OZF, OZF bylaws: allows 2 Councilors; being amended for 3	Meets quarterly	Lewis Dirksen Gonzalez (temp)
Sherwood Community Enhancement Grant Committee	IGA District 3 duty	As needed	Dirksen
Southwest Washington Regional Transportation Council (SWRTC)	IGA	Meets the first Tuesday of the month	Craddick Peterson (Alternate)
Suttle Road Community Enhancement Grant Committee	IGA District 5 duty	As needed	Chase
Transit Oriented Development (TOD) Steering Committee	Metro resolution	Meets the second Thursday of every month	Stacey Chase (Alternate)
Travel Portland Board	Agreement with Travel Portland	Meets every other month	Craddick

Troutdale Community Enhancement Grant Committee	IGA District 1 duty	As needed	Craddick
Visitor Development Fund (VDF) Board	IGA President and District 1 duty	Meets quarterly	Peterson Craddick
Willamette Falls Partners Group	MOU; President and 1 Councilor	As needed	Lewis Peterson Gonzalez (Alternate)
Willamette Locks Commission	Governor appointment	As needed	Lewis
Wilsonville Community Enhancement Grant Committee	IGA District 3 duty	As needed	Dirksen

SECTION III: EXTERNAL OR OPTIONAL ASSIGNMENTS

External assignments relate to committees or organizations that request participation from the Metro Council. The Council President appoints external and optional liaisons, unless otherwise noted. Confirmation by the Council is not required.

ASSIGNMENTS	COMMITMENT	COUNCILOR(S) ASSIGNED
A Home for Everyone Coordinating Board	As needed	Chase
Clackamas County Coordinating Committee (C4)	Metro Council appoints rep. and alt. by letter from President or designee in Feb of each odd-numbered year	Lewis Craddick (Alternate)
Community Place Making Advisory Committee	As needed	Lewis
Construction Career Pathways Project (C2P2) (Executive Sponsors)	As needed (2-4 times per year)	Gonzalez Chase
Division Transit Project Policy and Budget Committee (TriMet)	As needed	Craddick
Earthquake Ready Burnside Bridge Policy Group (Multnomah County)	2-3 times per year	Dirksen

Greater Portland Inc. (GPI)	Nominated by the GPI Board Meets no more than once per month	Peterson Dirksen (Alternate)
HB 2017 Transit Advisory Committee	Meets twice a year or as needed	Stacey
Identity Clark County	As needed	Peterson
Land Conservation and Development Commission (LCDC) Local Officials Advisory Committee (LOAC)	Appointed by LCDC; advises and assists LCDC on policies and programs affecting local gov't. Meets quarterly	Stacey
Legislative Liaison	As needed	Peterson Lewis
Marquam Hill Connector Advisory Committee	By invitation from TriMet; Meets January - early spring	Stacey
Metro Regional Solutions Advisory Committee	Quarterly or as needed	Gonzalez
Oak Grove-Lake Oswego (OGLO) Bridge Policy Committee	As needed	Lewis
Oregon Department of Transportation (ODOT) Policy Group	Meets quarterly	Gonzalez Peterson (Alternate)
ODOT Region 1 Area Commission on Transportation (ACT)	Selected by Metro governing body before first meeting Meets quarterly	Dirksen
ODOT Value Pricing	Not meeting currently	Dirksen
Oregon Metropolitan Planning Organization Consortium (OMPOC)	Meets quarterly	Dirksen Peterson (Alternate)
Oregon Road User Fee Task Force (RUFTF)	Governor appointment Meets as needed	Dirksen
Property and Environmental Services (PES) Innovation & Investment Grant Selection Committee	Yearly, as needed	Craddick

Portland State University (PSU) Institute for Metropolitan Studies (IMS) Board	Nominated by the IMS Board and appointed by PSU president Meets quarterly	Lewis Jeff Frkonja (Alternate)
Regional Arts and Culture Council (RACC)	IGA	Lewis
Regional Economic Associations 1. Columbia Corridor Assoc. 2. Westside Economic Alliance 3. E. Metro Economic Alliance 4. Clack. Co. Business Alliance	Membership with board seat per agreement Boards meet monthly	1. Stacey 2. Dirksen, Gonzalez (Alt.) 3. Craddick 4. Lewis
Regional Disaster Preparedness Organization (RDPO)	Meets quarterly per bylaws	Peterson
Solid Waste Liaison	Meets every month	Craddick Gonzalez Stacey
Southwest Corridor (SWC) Steering Committee	By invitation from TriMet Meets monthly	Dirksen
Tech Pilot Funding Program Committee	As needed	Dirksen
Ultra High Speed Corridor Advisory Group	As needed	Stacey

IN CONSIDERATION OF RESOLUTION NO. 20-5061 FOR THE PURPOSE OF
ORGANIZING THE METRO COUNCIL AND CONFIRMING COMMITTEE MEMBERS

Date: December 5, 2020

Prepared by: Paul Slyman
503-797-1510
paul.slyman@oregonmetro.gov

ISSUE STATEMENT

To satisfy Metro Charter and Metro Code requirements, the Metro Council must adopt an annual organizing resolution for the orderly conduct of Council business.

ACTION REQUESTED

Consideration and adoption of an organizing resolution for the orderly conduct of business for 2019.

IDENTIFIED POLICY OUTCOMES

N/A

POLICY QUESTION(S)

N/A

POLICY OPTIONS FOR COUNCIL TO CONSIDER

N/A

STAFF RECOMMENDATIONS

Staff recommends the adoption of Resolution No. 20-5061.

STRATEGIC CONTEXT

Known Opposition/Support/Community Feedback

No opposition is known.

Legal Antecedents

Metro Charter, Chapter IV, Section 16 (5)

Metro Code, Chapter 2.01

Anticipated Effects

Adoption of this resolution would:

- a. Elect Councilor Juan Carlos Gonzalez as Deputy Council President for 2020

- b. Confirm the appointment of Councilor Shirley Craddick as Chair of the Joint Policy Advisory Committee on Transportation (JPACT), Councilors Craig Dirksen and Bob Stacey as members of JPACT, and Councilor Sam Chase as an alternate member of JPACT; and
- c. Confirm the appointment of Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, and Councilor Sam Chase as members of the Metropolitan Policy Advisory Committee.
- d. Confirm the designation of Councilors to serve as liaisons or representatives of the Council as set forth in Exhibit A for 2020.

Budget Impacts

None

BACKGROUND

The Metro Charter, Chapter IV, Section 16 (5) directs the Metro Council to adopt an annual organizing resolution for the orderly conduct of Council business. Further, Metro Code, Chapter 2.01, directs the Metro Council at its first meeting after the first Monday in January each year to

- a. Elect a Deputy Council President for the ensuing year;
- b. Establish such committees as the Council deems necessary for the orderly conduct of Council business; and
- c. Confirm by Resolution the Council President's appointment of certain committee members and committee chairs.

The annual organizing resolution before the Metro Council satisfies these requirements.

ATTACHMENTS

Exhibit A – List of Liaison and Committee Assignments

Agenda Item No. 5.1

Resolution No. 19-5047, For the Purpose of Amending the
FY 2019-20 Unified Planning Work Program (UPWP) to Add Funding For the
Clackamas Corridor Management and Emerging Technology Projects

Consent Agenda

Metro Council Work Session
Thursday, January 9, 2020
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY) RESOLUTION NO. 19-5047
2019-20 UNIFIED PLANNING WORK)
PROGRAM (UPWP) TO ADD FUNDING FOR) Introduced by Acting Chief Operating Officer
THE CLACKAMAS CORRIDOR) Andrew Scott in concurrence with Council
MANAGEMENT AND EMERGING) President Lynn Peterson
TECHNOLOGY PROJECTS)

WHEREAS, the Unified Planning Work Program (UPWP) describes all federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 2019-20 ; and

WHEREAS, the FY 2019-20 UPWP indicates federal funding sources for transportation planning activities carried out by Metro, Southwest Washington Regional Transportation Council, TriMet, Oregon Department of Transportation (ODOT) and other local jurisdictions; and

WHEREAS, approval of the budget elements of the FY 2019-20 UPWP is required to receive federal transportation planning funds; and

WHEREAS, regional transportation funds were awarded by the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council to Metro's Transportation System Management and Operations (TSMO) program as part of the 2016-18 Regional Flexible Fund Allocation (RFFA) process;

WHEREAS, Metro staff and the Transport Subcommittee of the Transportation Policy Advisory Committee (TPAC) subsequently held a prioritization process leading to a sub-allocation of funding for the Clackamas Corridor Management Project on January 14, 2015; and

WHEREAS, regional transportation funds were awarded by JPACT and the Metro Council to support the transition of public and non-profit agency fleets from internal combustion engine vehicle to plug in electric vehicles as part of the 2014-15 RFFA process; and

WHEREAS, the adopted 2018 Emerging Technology Strategy provides new direction for the use of funds previously allocated for advancing adoption of electric vehicles to instead more comprehensively address new technologies that have since emerged in our region and are substantially impacting our transportation system; and

WHEREAS, all federally-funded transportation planning projects for the Portland-Vancouver metropolitan area must be included in the FY 2019-20 UPWP; now therefore,

BE IT RESOLVED that the Metro Council hereby amends the FY 2019-20 UPWP to add the Clackamas Corridor Management and Emerging Technology and projects as shown in the attached Exhibits A and B.

ADOPTED by the Metro Council this 9th day of January, 2020

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

Clackamas Connections Integrated Corridor Management (ICM)

Staff Contact: Bikram Raghubansh, BikramRag@clackamas.us

Description

Major highways in Clackamas County are often pushed to their limit during times of peak congestion. This project will develop the concept for operations for corridor-specific Transportation System Management and Operations (TSMO) to improve real-time freeway and arterial travel by developing a Concept of Operations that integrates agencies operationally, institutionally and technologically. This includes TSMO strategies for better traveler information, smarter traffic signals and more effective incident response. Corridors subject to the initial phase of needs analysis will be sections of Interstates 5 and along Interstate 205, Wilsonville Road, Elligsen Road, Stafford Road, 65th Avenue, Boreland Road, Willamette Falls Drive, 82nd Drive/Avenue, McLoughlin Boulevard (99E) and Highway 224 in Clackamas County. The project will be beneficial for freight drivers as they make route decisions to reach destinations in the region and beyond. It will also make use of the region's transit investments, improving operations through integrated Intelligent Transportation Systems (ITS).

Overall Objectives

- Develop a systematic multimodal approach to implementation, complete with performance measures and evaluation, in accordance with multimodal mobility corridor concepts.
- Balance mobility, safety and access considerations.
- Improve multimodal access for corridor users.
- Better manage freight mobility in the corridor.
- Leverage Intelligent Transportation System (ITS) technologies to become even more active and integrated.
- Balance state, regional, and local needs in transportation planning and operations.

Previous Work *(through June 2019)*

- Previous projects to this Multimodal ICM ConOps include the I-84 Multimodal ICM study led by Metro. While the 2010-2020 TSMO Plan includes actions for mobility corridors across the region, Multimodal ICM brings those actions into a more cohesive strategy that is developed through partnership among the corridor operators.
- Clackamas County operates traffic signals for cities across the County and has expanded adaptive signals and is implementing Freight ITS in Wilsonville and the Clackamas industrial area.
- TriMet operates two MAX lines and WES Commuter Rail to the County, plus bus service throughout most of the urbanized County while Wilsonville SMART operates bus service in the southern part of the urban region. Buses are equipped with CAD/AVL systems and communications.
- Clackamas County continues to expand fiber data communication networks adding traffic monitoring cameras, variable message signs, radar traffic sensors and other technologies that create the building blocks for an integrated approach to managing a corridor that goes beyond one facility to look at a collection of multimodal facilities in a travel shed. If an incident occurs, or during a planned event, operators will be able to work in an integrated fashion to manage and mitigate impacts based on Multimodal ICM.

Methodology

Clackamas County will serve as project manager, with support from Metro TSMO Program Manager and a project team from partner agencies. TransPort, the TSMO subcommittee to the Transportation Policy Alternatives Committee (TPAC) as a reviewers of strategies and actions that relate to region-wide capabilities. This project will follow the process for completing an Integrated Corridor Management Concept of Operations, developed in US DOT ITS JPO guidance documents.

The project will complete the following components:

- Stakeholder Participation Plan – identifying the process to generate input and support from a cross section of the public, operators, and other identified stakeholders at key points in the concept development
- System Engineering (SE) framework – preparing a structure for systems engineering
- Vision, Goals and Objectives - refining the desired vision, measurable goals and objectives for multimodal ICM corridors.
- Multimodal ICM Operational Alternatives - developing an initial set of operational alternatives to achieve the desired vision, measurable goals and objectives
- Infrastructure Improvements – comparing existing/planned assets with multimodal ICM asset requirements to identify a set of improvements
- Relationships and Procedures – identifying issues and recommending actions for multimodal ICM operations
- Final Concept of Operations – preparing a final document

Major Project Deliverables/ Milestones	
1st Quarter	• N/A
2nd Quarter	• Project Scoping
3rd Quarter	• Draft Project Intergovernmental Agreement (IGA)
4th Quarter	• Finalize Project IGA and Start Project RFP Process
Ongoing	• This project will continue in FY20/21

Project Lead

- Clackamas County

Project Partners

- Metro, ODOT, TriMet, Wilsonville, Oregon City, West Linn, Gladstone, Lake Oswego, Tualatin, Milwaukie, Happy Valley, Portland, Portland State University – Stakeholders
- TransPort – Cooperate/Collaborate
- FHWA – Cooperate/Collaborate

FY 2019-20 Cost and Funding Sources

Requirements:		Resources:	
Personal Services	\$ 100,781	Clackamas County	\$ \$45,781
		General Fund	
Materials & Services	\$ \$345,000	Metro TSMO (FHWA)	\$ 400,000
TOTAL \$ \$445,781		TOTAL \$ 445,781	

FY 2019-20 Unified Planning Work Program

Full Time Equivalent Staffing:

Regular Full Time FTE: .50

Emerging Technology Implementation Study

Staff Contact: Eliot Rose, eliot.rose@oregonmetro.gov

Description

Over the past five years, emerging technologies like ride-hailing, micromobility, and electric vehicles have changed how people get around the Portland area. Metro is responsible for long-term transportation planning in the Portland region, and we need to take into account the impacts that emerging technology has on our transportation system. Metro's 2018 update to the Regional Transportation Plan included an Emerging Technology Strategy that identified how Metro and our partner agencies can harness new developments in transportation technology to make our region more equitable and livable. The Strategy created a policy framework for emerging technology, but it did not go into much detail in identifying implementation actions for transportation agencies across the region due to a lack of available data, a dearth of relevant best practices, and uncertainty in the technology sector.

The Emerging Technology Implementation Study will identify near-term opportunities for public agencies in the region to ensure that emerging technology benefits their communities, including projects, programs, regulations, policies, and follow-up planning activities. The Study will identify how, when, and where to apply different strategies by drawing on newly-available data and research on emerging technology and on lessons learned from technology pilot projects in the Portland area and peer regions. It will provide information and practical guidance that Metro's agency partners can use to better plan for and manage new developments in technology.

This study will last through December 2021, with a total budget of \$290,000, and is divided into two phases. The first phase, which will last through May 2021 and cost \$175,000, will identify opportunities and strategies for Metro and its partner agencies to deploy emerging technologies in a way that improves transportation choices and advances equity and sustainability. This phase consists of four tasks:

- Task 1 (March-May 2020) – Background Information: Update the information in the Emerging Technology Strategy on the usage, impacts, and potential growth of different emerging technologies in the Portland region based on the most recent information.
- Task 2 (June-November 2020) – Equity Analysis: Identify the most pressing barriers that communities of color and other historically marginalized communities face to benefitting from emerging technology, as well as effective measures to overcome these barriers.
- Task 3 (July 2020-January 2021) – Readiness Assessment: Identify specific areas within the region where there are opportunities to deploy different emerging technologies in a way that benefits communities.
- Task 4 (January-March 2021) – Implementation Plan: Recommend projects, programs, and policies that Metro and its partner agencies can implement to realize these opportunities.

A second phase of the project, costing up to \$115,000 and lasting through December 2021, will support selected implementation actions identified during the first phase, such as drafting model policy language, writing solicitations for emerging technology services or projects, updating local development codes, or providing technical assistance to selected Metro partner agencies with specific plans and projects. The nature of this second phase will be determined in the course of the first phase. Roughly 85 percent of the overall project budget will go toward consultant services, and

roughly 15 percent will fund Metro staff time to manage and support the project. The cost and schedule information below describes in more detail the work that will be completed on this project during FY 2019-20.

Overall Objectives

- Describe the usage, impacts, and potential growth of different emerging technologies in the Portland region.
- Recommend strategies to address the most pressing barriers that communities of color and other historically marginalized communities face to benefitting from emerging technology.
- Identify areas within the region where there are opportunities to deploy different emerging technologies in a way that benefits communities.
- Recommend projects, programs, and policies that Metro and its partner agencies can implement to realize these opportunities.

Previous Work (through June 2019)

- In November/December 2018, JPACT and the Metro Council approved the Regional Transportation Plan, including the Emerging Technology Strategy, which included an Emerging Technology Strategy that identified how Metro and our partner agencies can harness new developments in transportation technology to make our region more equitable and livable. The strategy included policies to support electric vehicle adoption, and identified new opportunities to support vehicle electrification in the Portland region. Several companies offer shared electric vehicles, scooters, and bikes, which creates an opportunity to provide a larger number of people in the Portland region with access to a shared electric vehicle at a much lower cost than if Metro or its partners were to fund EVs and chargers directly.
- In 2018, Metro moved forward with many of the next steps identified in the Emerging Technology Strategy, including issuing grants for emerging technology pilot projects through the PILOT program and initiating two different data projects – a pilot test of a new data platform, Replica, and a platform for sharing and analyzing data from shared electric scooters and bicycles – that can provide new insights about how emerging technology usage in the Portland region. These projects will provide data and best practices to inform the Emerging Technology Implementation Study.

Methodology

This project consists of four tasks:

Task 1: Background information – The selected consultant will summarize current knowledge about emerging technology in the Portland region in a way that informs the work of Metro and its partners. The consultant will review available research and data and summarize information on different emerging technologies, such as current usage in the region, impacts on regional goals, trends that may affect future growth, key issues for public agencies to consider, and relevant best practices.

Task 2: Equity analysis – This task will examine how emerging technologies impact communities of color and other historically marginalized communities (HMCs) in the Portland region and identify a set of key strategies for public agencies to make these technologies more accessible to, and beneficial for, HMCs. After conducting background research on equity and emerging technology, the consultant will develop and execute an approach for gathering the information needed to fill gaps in our

knowledge directly from community members through surveys, focus groups, and other outreach methods.

Task 3: Readiness assessment – This task will Identify places in the region where there are opportunities for public agencies to work with emerging technology to provide better, more equitable travel choices. The consultant will identify specific communities within the region that are good candidates for different emerging technologies and services based on factors such as the built environment, transportation needs, public agency readiness, and the market for different transportation services.

Task 4: Implementation plan – This task will identify policies, plans, programs, and projects that Metro and its partners can undertake to ensure that emerging technology helps the region achieve its goals, with a focus on actions that can be accomplished within the next five years. The consultant will select potential strategies based on research, case studies of peer agencies’ projects, and knowledge of best practices. The consultant will assess the feasibility of these strategies by conducting interviews with public agency staff and other stakeholders in communities where there are opportunities to implement the relevant emerging technology.

Major Project Deliverables/ Milestones	
1st Quarter	•
2nd Quarter	•
3rd Quarter	• Select consultant team
4th Quarter	<ul style="list-style-type: none"> • Initial engagement with working group • Impacts assessment memo and presentation • Equity analysis approach memo
Ongoing	<ul style="list-style-type: none"> • Project management • Presentations to working group and Metro committees

Project Lead

- Metro

Project Partners

Metro’s Emerging Technology Working Group will serve as the advisory committee for this project. The Working Group consists of staff from Metro’s agency partners and transportation management associations in the region, including representation from the following organizations:

- City of Beaverton
- City of Gresham
- City of Hillsboro
- City of Portland
- City of Troutdale
- Clackamas County Department of Transportation and Development
- Explore Washington Park
- GoLloyd
- Metro
- Multnomah County
- ODOT
- Portland State University

FY 2019-20 Unified Planning Work Program

-
- TriMet
 - University of Oregon
 - Washington County
 - Westside Transportation Alliance

FY 2019-20 Cost and Funding Sources

Requirements:		Resources:	
Personal services	\$ 48,125	Local	\$ 48,125
Requirement	\$ Amount	Resource	\$ Amount
Requirement	\$ Amount	Resource	\$ Amount
Requirement	\$ Amount	Resource	\$ Amount
Requirement	\$ Amount	Resource	\$ Amount
Requirement	\$ Amount	Resource	\$ Amount
TOTAL	\$ 48,125	TOTAL	\$ 48,125

The budget shown above reflects approximately \$35,000 in consulting services and \$13,125 in staff time.

Full Time Equivalent Staffing:

Regular Full Time FTE: 10%

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 19- 5047 FOR THE PURPOSE OF AMENDING THE FY 2019-20 UNIFIED PLANNING WORK PROGRAM (UPWP) TO ADD FUNDING FOR THE CLACKAMAS CORRIDOR MANAGEMENT AND EMERGING TECHNOLOGY PROJECTS

Date: December 6, 2019
Department: Planning
Meeting Date: January 9, 2019

Prepared by: John Mermin,
503.797.1747, john.mermin@oregonmetro.gov

ISSUE STATEMENT

The UPWP is developed annually and documents metropolitan transportation planning activities performed with federal transportation funds. The UPWP is a living document, and may be amended periodically over the course of the year to reflect changes in project scope or budget.

ACTION REQUESTED

Approval of the requested amendments to the 2019-20 UPWP

IDENTIFIED POLICY OUTCOMES

The near-term investment strategy contained in the 2018 Regional Transportation Plan (RTP) focuses on key priorities for the purpose of identifying transportation needs, including projects and the planning activities contained in the UPWP. These investment priorities include a specific focus on four key outcomes:

- Equity
- Safety
- Managing Congestion
- Climate

The planning activities proposed to be amended into the UPWP are consistent with 2018 RTP policies and intend to help the region achieve these outcomes.

STAFF RECOMMENDATIONS

Approve Resolution No. 19-5047 and amend the FY 2019-20 UPWP.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Known Opposition

No known opposition

Legal Antecedents

Metro Council Resolution No. 19-4979 FOR THE PURPOSE OF ADOPTING THE FISCAL YEAR 2019-20 UNIFIED PLANNING WORK PROGRAM

Metro Council Resolution No. 13-4467 FOR THE PURPOSE OF ALLOCATING \$142.58 MILLION OF REGIONAL FLEXIBLE FUNDING FOR THE YEARS 2016-18, PENDING AIR QUALITY CONFORMITY DETERMINATION

Metro Council Resolution No. 11-4313 FOR THE PURPOSE OF ALLOCATING \$70.73 MILLION OF REGIONAL FLEXIBLE FUNDING FOR THE YEARS 2014 AND 2015, PENDING AIR QUALITY CONFORMITY DETERMINATION

Anticipated Effects

Approval will mean that grants can be submitted and contracts executed so work can commence on these three projects between now and June 30, 2020, in accordance with established Metro priorities.

BACKGROUND

Clackamas Connections Integrated Corridor Management (ICM) project

Major highways in Clackamas County are often pushed to their limit during times of peak congestion. This project will develop the concept for operations for corridor-specific Transportation System Management and Operations (TSMO) to improve real-time freeway and arterial travel by developing a Concept of Operations that integrates agencies operationally, institutionally and technologically. This includes TSMO strategies for better traveler information, smarter traffic signals and more effective incident response. Corridors subject to the initial phase of needs analysis will be sections of Interstates 5 and along Interstate 205, Wilsonville Road, Elligsen Road, Stafford Road, 65th Avenue, Borland Road, Willamette Falls Drive, 82nd Drive/Avenue, McLoughlin Boulevard (99E) and Highway 224 in Clackamas County. The project will be beneficial for freight drivers as they make route decisions to reach destinations in the region and beyond. It will also make use of the region's transit investments, improving operations through integrated Intelligent Transportation Systems (ITS).

Emerging Technology Implementation Study

Over the past five years, emerging technologies like ride-hailing, micromobility, and electric vehicles have changed how people get around the Portland area. Metro is responsible for long-term transportation planning in the Portland region, and we need to take into account the impacts that emerging technology has on our transportation system. Metro's 2018 update to the Regional Transportation Plan included an Emerging Technology Strategy that identified how Metro and our partner agencies can harness new developments in transportation technology to make our region more equitable and livable. The Strategy created a policy framework for emerging technology, but it did not go into much detail in identifying implementation actions for transportation agencies across the region due to a lack of available data, a dearth of relevant best practices, and uncertainty in the technology sector.

The Emerging Technology Implementation Study will identify near-term opportunities for public agencies in the region to ensure that emerging technology benefits their communities, including projects, programs, regulations, policies, and follow-up planning activities. The Study will identify how, when, and where to apply different strategies by drawing on newly-available data and research on emerging technology and on lessons learned from technology pilot projects in the Portland area and peer regions. It will provide information and practical guidance that Metro's agency partners can use to better plan for and manage new developments in technology.

Agenda Item No. 5.2

Resolution No. 19-5050, For the Purpose of Adding or Amending Existing Project to the 2018-21 Metropolitan Transportation Improvement Program Involving Two Projects Impacting ODOT (DC20-05-DEC2)

Consent Agenda

Metro Council Work Session
Thursday, January 9, 2020
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING OR) RESOLUTION NO. 19-5050
AMENDING EXISTING PROJECTS TO THE)
2018-21 METROPOLITAN TRANSPORTATION) Introduced by: Chief Operating Officer
IMPROVEMENT PROGRAM INVOLVING TWO) Andrew Scott in concurrence with
PROJECTS IMPACTING ODOT (DC20-05-DEC2)) Council President Lynn Peterson

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan (RTP) to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2018-21 MTIP via Resolution 17-4817 on July 27, 2017; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the U.S. Department of Transportation (USDOT) has issued clarified MTIP amendment submission rules and definitions for MTIP formal amendments and administrative modifications that both ODOT and all Oregon MPOs must adhere to which includes that all new projects added to the MTIP must complete the formal amendment process; and

WHEREAS, MTIP amendments now must also include assessments for required performance measure compliance, expanded RTP consistency, and strive to meet annual Metro and statewide obligation targets resulting in additional MTIP amendment processing practices and procedures; and

WHEREAS, MTIP amendments involving planning projects also must successfully meet Unified Planning Work Program (UPWP) consistency assessments in conjunction with the Regional Transportation Plan (RTP) to ensure new federally funded regionally significant planning projects submitted for MTIP inclusion are included in the current UPWP; and

WHEREAS, ODOT's Transit safety improvement project with TriMet in Project Key 18839 on OR8 requires a down-scoping action to keep the project within budget constraints and results in the elimination of the project site location on OR8 at 160th Ave to be removed from the approved project scope of work; and

WHEREAS, the revised scope of work for Key 18839 for the approved \$1.698 million dollar project on OR 8 is now: (1) OR8 at SW 192nd Ave - Consolidate bus Stops, install an enhanced pedestrian crossing with bus stop improvements, (2) OR8 at SW 178th Ave - Bus Stop Location 5625, Install a 3' x 5' pad and new bus stop shelter, and install 65' of sidewalk on the north side of OR8 in front of 17825 SW Tualatin Hwy, and (3) on OR8 at St Mary's Home - remove crosswalk striping plus remove Bus Stop Locations ID #5603, and #5604; and

WHEREAS the updated Traffic Management Plan for the I-205 Abernethy Bridge to SE 82nd Drive pavement rehabilitation project requires a minor correction in limits in the amount of 0.31 miles with no scope or cost changes which will enable it to move forward to obligate the construction phase; and

WHEREAS, the MTIP's financial constraint finding is maintained as all projects proof of funding has been verified; and

WHEREAS, no negative impacts to air conformity will exist as a result of the changes completed through the December 2019 Formal MTIP Amendment; and

WHEREAS, the three ODOT projects successfully completed a required 30-day public notification/opportunity to comment period without any significant issues raised; and

WHEREAS, Metro's Transportation Policy and Alternatives Committee (TPAC) received their notification, amendment summary overview, and recommended approval to Metro Joint Policy Advisory Committee on Transportation (JPACT) on December 6, 2019; and

WHEREAS, JPACT received their notification on December 19, 2019 and provided an approval recommendation to Metro Council; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on January 16, 2019 to formally amend the 2018-21 MTIP to include the December 2019 Formal Amendment through Amendment DC20-05-DEC2 with ODOT's two projects.

ADOPTED by the Metro Council this ____ day of _____ 2020.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

2018-2021 Metropolitan Transportation Improvement Program
 Exhibit A to Resolution 19-5050



Proposed December 2019 Formal Amendment Bundle (Resolution 19-5050)

Amendment Type: **Formal/Full**

Amendment #: **DC20-05-DEC2**

Total Number of Projects: 2

ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 18839	70780	ODOT	Project Name: OR8: SW 192nd Ave (Aloha) SW 160th Ave SW 165th Ave (Beaverton)	Sidewalk infill and improvements, Signal priority, bus stop relocations, bus pads, mobility improvements and enhanced pedestrian crossing	SCOPE CHANGE: The formal amendment down-scopes the project to remain within budget constraints/ Project limits are reduced to be 192nd Ave to 165th Ave. The project name and descriptions are updated with the adjusted scope of work. Total project funding remains unchanged at \$1,698,000.
Project #2 Key 20508	70982	ODOT	I-205: Abernethy Bridge - SE 82nd Dr.	Remove and replace asphalt surface to repair rutted pavement to include replace ramp meters detection loops, replace existing striping, pave ramp and connections, and I-205 mainline plus 2 feet of outside shoulder paving.	LIMITS CHANGE: The formal amendment reduces the project limits by 0.31 miles. There is no change to funding or scope of work.



Metro
2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

**Formal Amendment
SCOPE CHANGE**
7th Amendment to Project

Lead Agency: ODOT	Project Type: O&M	ODOT Key: 18839
Project Name: OR8: SW 192nd Ave (Aloha) - SW 160th Ave SW 165th Ave (Beaverton)	ODOT Type: BikePed	MTIP ID: 70780
	Performance Meas: Yes	Status: 6
Project Status: 6 = Pre-construction activities (pre-bid, construction management oversight, etc.).	Capacity Enhancing: No	Comp Date: 12/31/2021
	Conformity Exempt: Yes	RTP ID: Nov 27 Ltr
Short Description: Sidewalk infill and improvements, Signal priority, bus stop relocations, bus pads, mobility improvements and enhanced pedestrian crossing	On State Hwy Sys: US30	RFFA ID: N/A
	Mile Post Begin: 5.23 5.58	RFFA Cycle: N/A
	Mile Post End: 6.46 7.03	UPWP: N/A
	Length: 1.64 1.45	UPWP Cycle: N/A
	1st Year Program'd: 2017	Past Amend: 4
	Years Active: 4	OTC Approval: No

Detailed Description: ~~Sidewalk infill and improvements, Signal priority, bus stop relocations, bus pads, mobility improvements and enhanced pedestrian crossing~~
 REVISE TO BE --> Revised Scope of work - (1) OR8 at SW 192nd Ave: Consolidate bus Stops, install an enhanced pedestrian crossing with bus stop improvements, (2) OR8 at SW 178th Ave: Bus Stop Location 5625 - Install a 3' x 5' pad and new bus stop shelter and install 65' of sidewalk on the north side of OR8 in front of 17825 SW Tualatin Hwy, and (3) on OR8 at St Mary's Home: Remove Crosswalk striping and remove Bus Stop Locations ID #5603, and #5604.

STIP Description: Sidewalk infill and improvements, bus stop relocations, bus pads, and enhanced pedestrian crossing.

PROJECT FUNDING DETAILS								
Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
TAP-State	Z300	2016		\$ 425,500				\$ 425,500
HSIP	MS3E	2016		\$ 289,648				\$ 289,648
ADVCON	ACP0	2019			\$ 176,768			
TAP-5K-200K	Z302	2019			\$ 61,914			\$ 61,914
ADVCON	ACP0	2020					\$ 425,320	
ADVCON	ACP0	2020					\$ 671,180	\$ 671,180
							Federal Totals:	\$ 1,448,242

Federal Fund Obligations:		\$ 715,148	\$ 61,914			Federal Aid ID
EA Number:		PE002657	R9265000			S029(031)
Initial Obligation Date:		3/21/2016	8/27/2019			

State Funds						
						\$ -
						\$ -
					State Total:	\$ -
State Fund Obligations:						
EA Number:						
Initial Obligation Date:						

Local Funds						
Local	Match	2016	\$ 48,700			\$ 48,700
Local	Match	2016	\$ 33,152			\$ 33,152
Local	Match	2019		\$ 20,232		
Local	Match	2019		\$ 7,086		\$ 7,086
Local	Match	2020			\$ 48,680	
Local	Match	2020			\$ 76,820	\$ 76,820
Other	OVM	2020			\$ 230,000	
Other	OVM	2020			\$ 84,000	\$ 84,000
					Local Total	\$ 249,758

Phase Totals Before Amend:	\$ -	\$ 797,000	\$ 197,000	\$ -	\$ 704,000	\$ 1,698,000
Phase Totals After Amend:	\$ -	\$ 797,000	\$ 69,000	\$ -	\$ 832,000	\$ 1,698,000
Year Of Expenditure (YOE):						\$ 1,698,000

Notes and Summary of Changes:
Red font = Prior amended funding or project details that is being changed. Blue font = The amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:
The formal amendment removes planned improvements at 160th Ave at OR8. Project limits are shortened as well to help the project stay within the budget constraints. Revised cross-street limits on OR8 are now 192nd east to 165th Ave. Three of four site locations remain on OR8 at (1) 192nd Ave, (2) 178th Ave, and at (3) St Mary's Crossing. The MTIP Detailed description is updated as well to reflect the three revised project site locations and associated scope of work which is now: (1) OR8 at SW 192nd Ave: Consolidate bus stops, install an enhanced pedestrian crossing with bus stop improvements, (2) OR8 at SW 178th Ave: Bus Stop Location 5625 - Install a 3' x 5' pad and new bus stop shelter and install 65' of sidewalk on the north side of OR8 in front of 17825 SW Tualatin Hwy, and (3) on OR8 at St Mary's Home: Remove Crosswalk striping and remove Bus Stop Locations ID #5603, and #5604.
> Will Performance Measurements Apply: Appears Yes

RTP References:

- > RTP IDs: November 27 2018 Ltr - ODOT Operations and Maintenance Project Groupings for the RTP
- > RTP Description: Safety & Operations Projects - Eligible safety and operational improvements for this project grouping may include the following: (1) Highway crossings improvements, (2) Roadway safety (non-capacity repairs/rehabilitation), (3) Landslides/rock falls mitigation, (4) Illumination/Signals, ITS
- > Air Quality Exemption Status: The project is exempt per 40 CFR 93.126 Table 2 - Safety - Projects that correct, improve, or eliminate a hazardous location or feature.

Fund Codes:

- > TAP-State = Federal Transportation Alternatives Program funds allocated to ODOT for various eligible transportation enhancement type improvements.
- > ADVCON = Federal Advanced Construction funds. ADVCON acts as a temporary placeholder until the specific federal fund is known or available for the project.
At that time a fund conversion occurs to change the ADVCON to the correct federal fund code.
- > HSIP = Federal Highway Safety Improvement Program funding allocated to ODOT to support various types of roadway safety improvements.
- > Local = General local funds provided by a supporting local agency to cover the local match requirement for the federal funds
- > ~~Other = General local other funds committed by the supporting local agency that are above and beyond the required minimum match to the federal funds.~~



Metro
 2018-21 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET

Formal Amendment
LIMITS CHANGE
 5th Amendment to Project

Lead Agency: ODOT	Project Type: O&M	ODOT Key: 20508
Project Name: I-205: Abernethy Bridge - SE 82nd Dr	ODOT Type: Preserve	MTIP ID: 70982
	Performance Meas: No	Status: 4
Project Status: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%,90% design activities initiated).	Capacity Enhancing: No	Comp Date: 12/31/2021
Short Description: Remove and replace asphalt surface to repair rutted pavement to include replace ramp meters detection loops, replace existing striping, pave ramp and connections, and I-205 mainline plus 2 feet of outside shoulder paving.	Conformity Exempt: Yes	RTP ID: Nov 27 Ltr
	On State Hwy Sys: I-205	RFFA ID: N/A
	Mile Post Begin: 9.31	RFFA Cycle: N/A
	Mile Post End: 13.80 13.46	UPWP: Yes
	Length: 4.49 4.15	UPWP Cycle: SFY 20
	1st Year Program'd: 2018	Past Amend: 4
	Years Active: 3	OTC Approval: No

Detailed Description: ~~On I-205 from the Abernethy Bridge in Oregon City north to 82nd Dr in Gladstone (MP 9.31 to 14.8), remove and replace asphalt surface to repair rutted pavement to include replace ramp meters detection loops, replace existing striping, pave ramp and connections, and I-205 mainline plus 2 feet of outside shoulder paving.~~ Delete previous Detailed Description and replace with the following:

I-205 preservation project to improve roadway safety and the existing system. Scope of work includes: (1) Grind and inlay travel lanes and two feet of shoulder. (2) Grind and inlay entrance/exit ramps at OR213 (Exit 10), 82nd Drive (Exit 11), and 100 feet of OR224 (Exit 13) SB entrance ramp. (3) Replace existing pavement markings with in-kind, with minor modifications associated with exit and entrance ramp connections within the project limits. (4) Reconstruct pedestrian curb access ramps at OR213 and 82nd Drive ICs to meet ADA standards. Minor traffic signal modifications will also be made at these locations. (5) Reconfigure mainline detection to the downstream system wide adaptive ramp metering (SWARM) system and replace mainline induction loop detectors with side fire radar detection. (6) Replace vehicle traffic detection loops in-kind at their current location for multiple entrance ramps.

STIP Description: Remove and replace asphalt surface to repair rutted pavement.

PROJECT FUNDING DETAILS

Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
NHPP	Z002	2018		\$ 746,982				\$ 746,982
NHPP	Z001	2020					\$ 4,736,690	\$ 4,736,690
ADVCON	ACPO	2020					\$ 1,241,408	\$ 1,241,408
							\$ -	-
							Federal Totals:	\$ 6,725,080

Federal Fund Obligations:		\$	746,982				Federal Aid ID
EA Number:			None				S064(060)
Initial Obligation Date:			1/12/2018				

State Funds							
State	Match	2018		\$	63,018		\$ 63,018
State	Match	2020				\$ 399,604	\$ 399,604
State	Match	2020				\$ 104,730	\$ 104,730
							\$ -
						State Total:	\$ -

State Fund Obligations:							
EA Number:							
Initial Obligation Date:							

Local Funds							
							\$ -
							\$ -
						Local Total	\$ -

Phase Totals Before Amend:	\$ -	\$ 810,000	\$ -	\$ -	\$ 6,482,432	\$ 7,292,432
Phase Totals After Amend:	\$ -	\$ 810,000	\$ -	\$ -	\$ 6,482,432	\$ 7,292,432
Year Of Expenditure (YOE):						\$ 7,292,432

Notes and Summary of Changes:
Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.

Amendment Summary:
The formal amendment reduces the project limits by 0.31 miles based on the updated Traffic Management Plan for the project. The project scope remains unchanged. The MTIP detailed description is updated with the fill scope elements from the Traffic Management Plan.

RTP References:
> RTP ID: November 27, 2018 Letter - ODOT Operations & Maintenance Project Groupings for the RTP
> RTP Description: Highway Pavement Maintenance - Pavement rehabilitation/repair projects include overlays, slurry seals, full pavement replacement, and other minor roadway improvements (curb and gutters, adding/widening shoulders)
> Exemption Status: Project is an exempt, non-capacity type project per 40 CFR 93.126, Table 2 - Safety - Pavement resurfacing and/or rehabilitation.

Fund Codes:
> NHPP = Federal National Highway Performance Program funding allocated to ODOT
> ADVCON = Federal Advance Construction funds. ADVCON is used as a placeholder while the State uses its own funds to initially cover the phase costs until the specific federal fund type code is selected to be committed to the project. This allows the project phase to begin and continue without delays. At a future time, a fund conversion occurs to show the actual federal fund type code for the project.
> State = General state funds provided by the lead agency as part of the required match or to cover overmatching project costs and needs

Memo



Date: Tuesday, December 24, 2019
 To: Metro Council and Interested Parties
 From: Ken Lobeck, Funding Programs Lead, 503-797-1785
 Subject: December 2019 MTIP Formal Amendment & Approval Request of Resolution 19-5050, (Regular Bundle)

STAFF REPORT

FOR THE PURPOSE OF ADDING OR AMENDING EXISTING PROJECTS TO THE 2018-21 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM INVOLVING TWO PROJECTS IMPACTING ODOT (DC20-05-DEC2)

BACKGROUND

What This Is:

The December 2019 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle (for FFY 2020) with two ODOT projects requiring MTIP amendment through the approval of Resolution 19-5050.

What is the requested action?

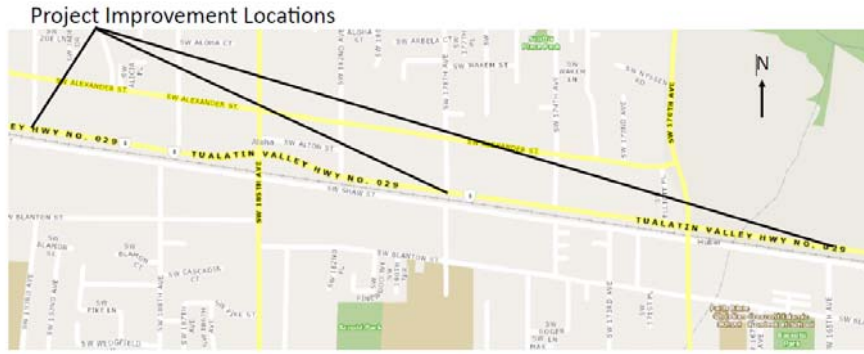
JPACT recommends Metro Council approval of the December 2019 formal amendment for the two ODOT projects in Resolution 19-5050 allowing the projects to be amended correctly into the 2018 MTIP with final approval to occur from USDOT.

Proposed December 2019 Formal Amendment Bundle					
Amendment Type: Formal/Full					
Amendment #: DC20-05-DEC2					
Total Number of Projects: 2					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 18839	70780	ODOT	Project Name: OR8: SW 192nd Ave (Aloha) - SW 160th Ave - SW 165th Ave (Beaverton)	Sidewalk infill and improvements, Signal priority, bus stop relocations, bus pads, mobility improvements and enhanced pedestrian crossing	SCOPE CHANGE: The formal amendment down-scopes the project to remain within budget constraints/ Project limits are reduced to be 192 nd Ave to 165 th Ave. The project name and descriptions are updated with the adjusted scope of work. Total project funding remains unchanged at \$1,698,000.

Project #2 Key 20508	70982	ODOT	I-205: Abernethy Bridge - SE 82nd Dr.	Remove and replace asphalt surface to repair rutted pavement to include replace ramp meters detection loops, replace existing striping, pave ramp and connections, and I-205 mainline plus 2 feet of outside shoulder paving.	LIMITS CHANGE: The formal amendment reduces the project limits by 0.31 miles. There is no change to funding or scope of work.
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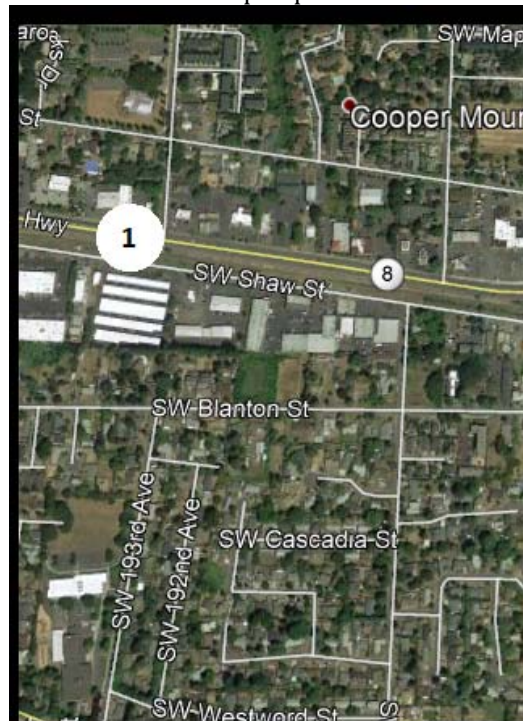
A detailed summary of the amended projects is provided in the tables on the following pages.

Project 1: OR8: SW 192nd Ave (Aloha) – SW 160th Ave SW 165th Ave (Beaverton)	
Lead Agency:	ODOT
ODOT Key Number:	18839 MTIP ID Number: 70780
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements – Sidewalk infill and improvements, Signal priority, bus stop relocations, bus pads, and enhanced pedestrian crossing Source: Existing project Funding: Source of funding is from ODOT Type: Transit safety improvement Location: In the western Metro MPO region near Aloha Cross Street Limits: Originally between 192nd Ave east to 160th Ave. Down-scope limits are now 192nd Ave east to 165th Ave Overall Mile Post Limits: Changed to be MP 5.58 to 7.03 (Approximately 1.45 miles) Current Status Code: 6 = Pre-construction activities (pre-bid, construction management oversight, etc.). STIP Amendment Number: 18-21-3382 MTIP Amendment Number: DC20-05-DEC2
What is changing?	<p>AMENDMENT ACTION: SCOPE CHANGE</p> <p>The formal amendment down-scopes the project to remain with authorized funding constraints. The project name and description are updated to reflect the adjusted scope and limits for the project.</p> <p>Updated cost estimates revealed the original planned scope and limits from 192nd Ave east to 160th Ave exceeded the authorized ODOT funding for the project. TriMet working with ODOT agreed to remove the planned improvements at SW 160th Ave. The project is currently underfunded due to ADA improvements resulting in higher than expected costs for each location. Per the terms of the IGA, TriMet is responsible for funding the project in excess of the federal award. TriMet is unable to fully fund the existing scope, and has agreed to a revised scope. Three site locations remain on OR 8 with an adjusted limits of 192nd Ave east to 165th Ave. The revised scope of work includes the following improvements:</p> <ol style="list-style-type: none"> On OR8 at SW 192nd Ave: Consolidate bus Stops, install an enhanced pedestrian crossing with bus stop improvements. On OR8 at SW 178th Ave: Bus Stop Location 5625 - Install a 3' x 5' pad and new bus stop shelter and install 65' of sidewalk on the north side of OR8 in front of 17825 SW Tualatin Hwy. On OR8 at St Mary's Home: Remove Crosswalk striping and remove Bus Stop Locations ID #5603, and #5604.
Additional Details:	



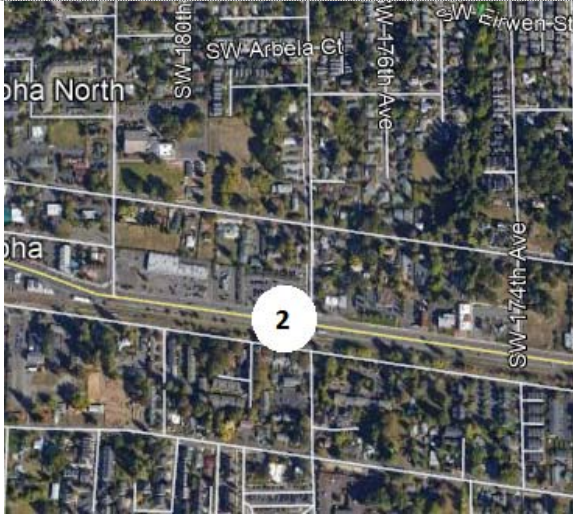
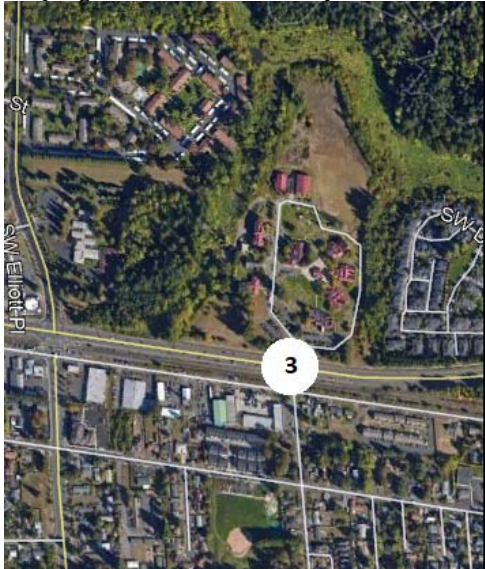
OR8 at SW 192nd Ave

Consolidate bus Stops, install an enhanced pedestrian crossing with bus stop improvements



OR8 at SW 178th Ave

Bus Stop Location 5625 - Install a 3' x 5' pad and new bus stop shelter and install 65' of sidewalk on the north side of OR8 in front of 17825 SW Tualatin Hwy

	 <p style="text-align: center;"><u>OR8 at St Mary's Home</u></p> <p>Remove Crosswalk striping and remove Bus Stop Locations ID #5603, and #5604.</p> 
<p>Why a Formal amendment is required?</p>	<p>Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, scope changes where the project limits change by more than 0.25 miles require a formal/full amendment to the MTIP project to the MTIP requires a formal/full amendment</p>
<p>Total Programmed Amount:</p>	<p>The total project programming amount remains unchanged at \$1,698,000.</p>
<p>Added Notes:</p>	<p style="text-align: center;">Additional project details can be found on ODOT's website at https://www.oregon.gov/ODOT/Projects/pages/project-details.aspx?project=18839</p>

Project 2: I-205: Abernethy Bridge - SE 82nd Dr.	
Lead Agency:	ODOT
ODOT Key Number:	20508 MTIP ID Number: 70982
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> Proposed improvements: The I-205 Abernethy Bridge to SE 82nd Ave is a preservation project that will improve roadway safety and the existing system. Scope of work includes: <ol style="list-style-type: none"> Grind and inlay travel lanes and two feet of shoulder from MP 9.31 (Abernethy Bridge) to MP 13.46 NB (OR224) and 13.37 SB. Grind and inlay entrance/exit ramps at OR213 (Exit 10), 82nd Drive (Exit 11), and 100 feet of OR224 (Exit 13) SB entrance ramp. Existing pavement markings will primarily be replaced in-kind, with minor modifications associated with exit and entrance ramp connections within the project limits. Pavement marking design will meet ODOT and MUTCD requirements. Reconstruct pedestrian curb access ramps at OR213 and 82nd Drive interchanges to meet Americans with Disabilities Act (ADA) standards. Minor traffic signal modifications will also be made at these locations to ensure pedestrian pushbuttons meet current standards. Reconfigure mainline detection to the downstream system wide adaptive ramp metering (SWARM) system and replace mainline induction loop detectors with side fire radar detection. Replace vehicle traffic detection loops in-kind at their current location for the following entrance ramps: <ul style="list-style-type: none"> OR213 (Oregon City) NB entrance and exit ramps: <ul style="list-style-type: none"> OR213 (Oregon City) SB entrance ramp 82nd Drive (Gladstone) NB entrance ramp 82nd Drive (Gladstone) SB entrance ramp OR213 (82nd Avenue) SB entrance ramp

	<ul style="list-style-type: none"> • Source: Existing project to the MTIP • Funding: ODOT allocated federal funds • Type: Operations and Maintenance/Preservation • Location: Along I-205 in eastern Portland south to the West Linn area • Cross Street Limits: Between Abernethy Bridge in the south north to the 82nd Drive IC • Overall Mile Post Limits: <ul style="list-style-type: none"> ○ Current: MP 9.31 to MP 13.80 ○ Reduced to be: MP 9.31 to 13.46 (approximately 1.4.15 miles) • Current Status Code: 4 = (PS&E) Planning Specifications, & Estimates (final design 30%, 60%, 90% design activities initiated). • STIP Amendment Number: 18-21-3384 • MTIP Amendment Number: DC20-05-DEC2
<p>What is changing?</p>	<p>AMENDMENT ACTION: LIMITS CHANGE</p> <p>The formal amendment reduces the project limits by 0.31 miles. Based on the current Traffic Management Plan for the project. Per the FHWA/FTA/ODOT/MPO MTIP and STIP Amendment Matric, projects with limit changes that are beyond 0.25 miles require a formal/full amendment to the MTIP. There does not appear to be any change in scope to the approved work elements. However, because the limits change does exceed 0.25 miles, a formal amendment to the MITIP is occurring to complete the change.</p>
<p>Additional Details:</p>	<p>See project location map in next page</p>

I-205: Abernethy Bridge to SE 82nd Drive – Project Level Traffic Management Plan
 June 21, 2019
 Page 2 of 7

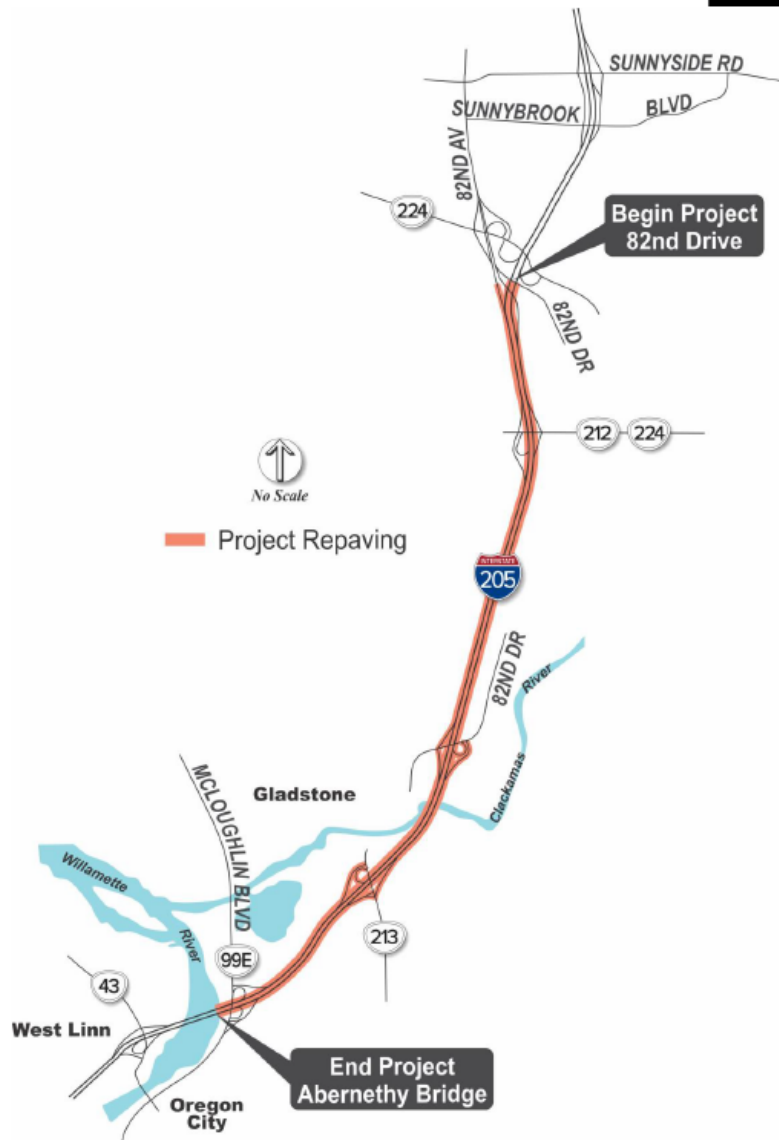


Figure 1: Project Vicinity Map

<p>Why a Formal amendment is required?</p>	<p>Per the FHWA/FTA/ODOT/MPO approved Amendment Matrix, project limit changes that exceed 0.5 miles to the MTIP requires a formal/full amendment</p>
<p>Total Programmed Amount:</p>	<p>The total project programming amount remains unchanged at \$7,292,432</p>
<p>Added Notes:</p>	<p></p>

Note: The Amendment Matrix located below is included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP that the MPOs and ODOT must follow.

METRO REQUIRED PROJECT AMENDMENT REVIEWS

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against multiple MTIP programming review factors that originate from 23 CFR 450.316-328. The programming factors include:

- Verification as required to programmed in the MTIP:
 - Awarded federal funds and is considered a transportation project
 - Identified as a regionally significant project.
 - Identified on and impacts Metro transportation modeling networks.
 - Requires any sort of federal approvals which the MTIP is involved.
- Passes fiscal constraint verification:
 - Project eligibility for the use of the funds
 - Proof and verification of funding commitment
 - Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.
- Passes the RTP consistency review:
 - Identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket
 - RTP project cost consistent with requested programming amount in the MTIP
 - If a capacity enhancing project – is identified in the approved Metro modeling network
- Satisfies RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP.
- If not directly identified in the RTP’s constrained project list, the project is verified to be part of the MPO’s annual Unified Planning Work Program (UPWP) if federally funded and a regionally significant planning study that addresses RTP goals and strategies and/or will contribute or impact RTP performance measure targets.
- Determined the project is eligible to be added to the MTIP, or can be legally amended as required without violating provisions of 23 CFR450.300-338 either as a formal Amendment or administrative modification:

ODOT-FTA-FHWA Amendment Matrix	
Type of Change	
FULL AMENDMENTS	
1.	Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized
2.	Major change in project scope. Major scope change includes: <ul style="list-style-type: none"> • Change in project termini - greater than .25 mile in any direction • Changes to the approved environmental footprint • Impacts to AQ conformity • Adding capacity per FHWA Standards • Adding or deleting worktype
3.	Changes in Fiscal Constraint by the following criteria: <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • Projects under \$500K – increase/decrease over 50% • Projects \$500K to \$1M – increase/decrease over 30% • Projects \$1M and over – increase/decrease over 20% • All FTA project changes – increase/decrease over 30%
4.	Adding an emergency relief permanent repair project that involves substantial change in function and location.
ADMINISTRATIVE/TECHNICAL ADJUSTMENTS	
1.	Advancing or Slipping an approved project/phase within the current STIP (If slipping outside current STIP, see Full Amendments #2)
2.	Adding or deleting any phase (except CN) of an approved project below Full Amendment #3
3.	Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one.
4.	Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...)
5.	Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.
6.	Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2)
7.	Adding a temporary emergency repair and relief project that does not involve substantial change in function and location.

- Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
- Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
- Is eligible for special programming exceptions periodically negotiated with USDOT as well.
- Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- Reviewed and initially assessed for Performance Measurement impacts to include:
 - Safety
 - Asset Management - Pavement
 - Asset Management – Bridge
 - National Highway System Performance Targets
 - Freight Movement: On Interstate System
 - Congestion Mitigation Air Quality (CMAQ) impacts
 - Transit Asset Management impacts
 - RTP Priority Investment Areas support
 - Climate Change/Greenhouse Gas reduction impacts
 - Congestion Mitigation Reduction impacts
- MPO responsibilities completion:
 - Completion of the required 30 day Public Notification period:
 - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.
 - Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

APPROVAL STEPS AND TIMING

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the December 2019 Formal MTIP amendment (DC20-05-DEC2) will include the following:

<u>Action</u>	<u>Target Date</u>
● Initiate the required 30-day public notification process.....	December 5, 2019
● TPAC notification and approval recommendation.....	December 6, 2019
● JPACT approval and recommendation to Council.....	December 19, 2019*
● Completion of public notification process.....	January 8, 2020
● Metro Council approval.....	January 16, 2020

Notes:

* If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps:

<u>Action</u>	<u>Target Date</u>
● Metro development of amendment narrative package	January 21, 2020
● Amendment bundle submission to ODOT for review.....	January 22, 2020
● Submission of the final amendment package to USDOT.....	January 22, 2020
● ODOT clarification and approval.....	Mid February, 2020
● USDOT clarification and final amendment approval.....	Mid February 2020

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2018-2021 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 17-4817 on July 27, 2017 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Metro Budget Impacts:** None to Metro

RECOMMENDED ACTION:

JPACT recommends Metro Council approve Resolution 19-5050 under MTIP Amendment DC20-05-DEC2 allowing the two ODOT projects to be correctly amended in the MTIP.

Note: No attachments

Agenda Item No. 5.3

Metro Consideration of the Council Meeting Minutes for December 12, 2019

Consent Agenda

Metro Council Work Session
Thursday, January 9, 2020
Metro Regional Center, Council Chamber

Metro

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



Metro

Minutes

Thursday, December 12, 2019

2:00 PM

Metro Regional Center, Council chamber

Council meeting

1. Call to Order and Roll Call

Deputy Council President Chase called the Metro Council meeting to order at 2:03 p.m.

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

Present: 6 - Councilor Sam Chase, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Bob Stacey, Councilor Christine Lewis, and Councilor Juan Carlos Gonzalez

Excused: 1 - Council President Lynn Peterson

2. Public Communication

James Beriault, City of Lake Oswego: Mr. Beriault discussed the Expo Center development opportunity study and shared that the economic impact and business usage of the Expo was missing from the study. He urged Council consider the importance of Expo to the community and the economy. (Mr. Beriault submitted written materials with his testimony; see the December 12 materials packet).

Ninette Jones, City of Portland: Ms. Jones expressed her concern for the trapping and killing of sea lions in the region's rivers, noting the importance of sea lions to the ecosystem. She asked Metro to protect sea lions. (Ms. Jones submitted written materials with her testimony; see the December 12 materials packet).

Les Poole, City of Gladstone: Mr. Poole discussed the upcoming transportation investment measure, noting that the measure was so large in scope that it would not receive voter support. He requested Council consider two separate

bond measures to address the region's transportation needs.

3. Consent Agenda

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

Aye: 6 - Councilor Chase, Councilor Craddick, Councilor Dirksen, Councilor Stacey, Councilor Lewis, and Councilor Gonzalez

- 3.1 Resolution No. 19-5055, For the Purpose of Accepting the November 5, 2019 General Election Abstract of Votes for Metro and Authorizing Continuation of the Parks and Nature Program During Refinement Planning
- 3.2 Resolution No. 19-5057, For the Purpose of Confirming the Appointments of Idris Ibrahim, Gladys Alvarado, and Donovan Smith as Community Representatives and of Taren Evans, Yousif Brahim and Wilson Munoz as Alternate Community Representatives to the Transportation Policy Alternatives Committee
- 3.3 Resolution No. 19-5058, For the Purpose of Confirming the Reappointment of Members to the Oregon Zoo Bond Citizens' Oversight Committee
- 3.4 Considerations of the Council Meeting Minutes for December 5, 2019

4. Presentations**4.1 Parks and Nature Natural Areas and Capital Program Performance Oversight Committee Report**

Deputy Council President Chase called on Mr. Jon Blasher, Director of Parks and Nature, and Mr. Peter Mohr, Chair of the Natural Areas and Capital Program Performance Oversight Committee, to provide a brief presentation. Mr. Blasher explained the role and annual reporting process of the oversight committee. Mr. Mohr provided a summary of the annual report, highlighting that more land had been acquired with bond funds that originally anticipated. He discussed the success of the Nature in Neighborhoods Capital Grants program and explained the land acquisition expenditures. Mr. Mohr then discussed the administrative costs of the bond, noting the importance of communicating the success of the bond with low administrative costs.

Council Discussion:

Councilors thanked the committee for their service and expressed their appreciation for staff's work in implementing the bond measure. Councilor Craddick shared her gratitude for the work on Johnson Creek Watershed. Councilor Lewis asked what metrics should be used to monitor performance on capital improvements. Councilor Gonzalez asked how equity performance measures were monitored.

5. Resolutions**5.1 Resolution No. 19-5053, For the Purpose of Approving Refinements to the 2040 Planning and Development Grant Program**

Deputy Council President Chase called on Ms. Elissa Gertler, Director of Planning and Development, and Ms. Lisa Miles, Metro staff, to provide a brief presentation on the

resolution. Ms. Gertler explained that the proposed program refinements to the 2040 Planning and Development Grant program were based on recommendations from the grant screening committee and direction from the Metro Council. She noted that the proposal would strengthen the equitable development approach and lead to more impactful racial equity outcomes, streamline the application process and facilitate more effective administration of the program.

Ms. Miles reviewed the program refinements including a simpler application process, consideration of comprehensive planning grants during urban growth management decision cycles and grant funding supporting technical work and community involvement. She noted that eligible applicants would be teams of both a local government and a community partner.

Council Discussion:

Councilor Stacey asked if any grants would be issued for new urban growth boundary expansion areas before the next Urban Growth Report. Councilor Lewis asked about the grant criteria for several projects in District #. Councilors Gonzalez and Dirksen expressed their appreciation for the proposed changes and the program's responsive to the region's needs. Councilor Craddick asked about if grants could be awarded to assist jurisdictions implement House Bill 2001. Deputy Council President Chase discussed the importance of engaging with applicants earlier in the process

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

Aye: 6 - Councilor Chase, Councilor Craddick, Councilor Dirksen, Councilor Stacey, Councilor Lewis, and Councilor Gonzalez

6. Chief Operating Officer Communication

Mr. Andrew Scott provided an update on the following events or items: applications open for the 2020 cycle of Metro's Nature in Neighborhood grants.

7. Councilor Communication

Councilors expressed appreciation for Ms. Sara Farrokhzadian's, Legislative and Engagement Coordinator, work in the Council office and wished her well in her next role at Metro.

8. Adjourn

There being no further business, Deputy Council President Chase adjourned the Metro Council meeting at 3:16 p.m. The Metro Council will convene the next regular council meeting on January 9, 2020 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 DECEMBER 12, 2019

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT NO.
2.1	Handout	12/12/19	Written Statement submitted by James Beriault	121219c-01
2.1	Handout	12/12/19	Written Statement submitted by Ninente Jones	121219c-02
2.1	Handout	4/19/19	Oregon Department of Fish & Wildlife Fish Screening and Passage Program: 2019 Statewide Fish Passage Priority List	120519c-03
3.4	Minutes	12/12/19	Council Meeting Minutes for December 5, 2019	121219c-04

Agenda Item No. 6.1

Metro Code of Ethics Audit

Presentations

Metro Council Work Session
Thursday, January 9, 2020
Metro Regional Center, Council Chamber



Metro's Code of Ethics:

Clarify expectations to support an ethical culture

December 2019
A Report by the Office of the Auditor

Brian Evans
Metro Auditor

Simone Rede
Senior Management Auditor

Elliot Shuford
Senior Management Auditor

Metro Accountability Hotline

The Metro Accountability Hotline gives employees and citizens an avenue to report misconduct, waste or misuse of resources in any Metro or Metro Exposition Recreation Commission (MERC) facility or department.

The Hotline is administered by the Metro Auditor's Office. All reports are taken seriously and responded to in a timely manner. The auditor contracts with a hotline vendor, EthicsPoint, to provide and maintain the reporting system. Your report will serve the public interest and assist Metro in meeting high standards of public accountability.

To make a report, choose either of the following methods:

Dial 888-299-5460 (toll free in the U.S. and Canada)
File an online report at www.metroaccountability.org



Brian Evans

Metro Auditor

600 NE Grand Ave

Portland, OR 97232-2736

TEL 503 797 1892, FAX 503 797 1831

MEMORANDUM

December 12, 2019

To: Lynn Peterson, Council President
Shirley Craddick, Councilor, District 1
Christine Lewis, Councilor, District 2
Craig Dirksen, Councilor, District 3
Juan Carlos Gonzalez, Councilor, District 4
Sam Chase, Councilor, District 5
Bob Stacey, Councilor, District 6

From: Brian Evans, Metro Auditor

Re: Audit of Metro's Code of Ethics

This report covers the audit of Metro's Code of Ethics. Public and private sector organizations use codes of ethics to provide guidance to employees about expectations. In the absence of clear expectations, there is an increased risk that employees will make decisions or take actions based on their own set of values.

We found Metro's Code of Ethics did not integrate policies, legal requirements and organizational values, which created barriers to understanding expectations. In addition to the Code of Ethics, there were additional ethics-related provisions in Metro Code and policies. The complexity of ethics-related guidance made it more difficult to determine which value, policy, or legal requirement took precedence.

Without clear guidance, it was difficult to manage issues consistently. Collecting and analyzing information can help identify common issues. Investigations help determine when expectations have not been maintained. These activities can help determine the extent to which corrective actions may be appropriate and that they are applied consistent with expectations. Several leadership positions were in transition during the audit which, provides an opportune time to clarify expectations. Once clarified, it will be important to continue to refine Metro's approach to ethics to reinforce its values of public service, excellence, teamwork, respect, innovation, and sustainability.

We have discussed our findings and recommendations with Andrew Scott, Interim COO; Carrie MacLaren, Metro Attorney; Scott Cruickshank, General Manager of Visitor Venues; Heidi Rahn, Interim Deputy COO; and Julio Garcia, Human Resources Director. A formal follow-up to this audit will be scheduled within three years. We would like to acknowledge and thank all of the employee who assisted us in completing this audit.

Summary

Governments maintain laws and policies to ensure employees behave ethically. In this audit, we evaluated how Metro managed ethics. We did not evaluate nor make conclusions about whether or not Metro had an ethical culture.

Tone-at-the-top is critical to promoting ethical behavior. We assessed the organization's ability to convey the importance of ethics by reviewing available guidance, training, and communications. We found room to improve all three areas.

We created process maps for five common ethical situations in which employees may find themselves. Process maps are a low-cost, low-risk way for organizations to show that ethics are important, and offer answers to ethical questions. They can be helpful because employees may be hesitant to raise or respond to ethical questions out of fear of not knowing what will happen.

The conclusions we reached for some parts of the process maps were inconsistent with senior leadership's expectations. The complexity of ethics-related guidance made it more difficult to determine which value, policy, or legal requirement took precedence. To whom the guidance applied, and who was responsible for addressing questions also varied. If organizations do not provide clear guidance, employees may act inconsistently with policies and laws, even when they are trying to do the right thing.

Training is another way an organization can set expectations. We found that training was ineffective because few employees attended, Metro's ethics policies were largely excluded, and they were not presented in a relatable manner. As a result, employees may be unfamiliar with Metro's ethics policies and unlikely to apply them when taking action.

Communications from senior leadership about ethics and their importance to an organization is another way to ensure effective management. We found that employee communications infrequently included references to ethics policies. Without frequent communications, employees may be less aware of expectations, and more likely to take action that does not meet them.

Without clear guidance, it was difficult for Metro to manage issues consistently. Collecting and analyzing information can help identify common issues. Investigations help determine when expectations have not been maintained. These activities can help Metro determine the extent to which corrective actions may be appropriate and that they are applied consistently.

We made recommendations to strengthen Metro's foundation for ethics, reduce barriers to understanding expectations, and create consistent approaches to address potential ethical issues.

Background

Ethics consist of theory and principles that govern how someone should act. Ethical issues can arise when people's behavior is at odds with the standards of conduct governing an individual or group. This can take many forms. For instance, people may make decisions when they have a conflict of interest, or because their choice may benefit a friend or relative when this is prohibited. Or, people can attain or use resources for a purpose not in line with the mission of an organization. Unethical conduct can be harmful to society, and have severe impacts on organizations.

The management of ethics within an organization is important to prevent and address unethical conduct. It is important for other reasons as well. For instance, how employees perceive ethics can impact their job satisfaction and retention. Public trust is also impacted by how the public perceives the ethics of a government or its employees. For Metro, public trust could also affect its ability to generate resources.

In this audit, we evaluated how Metro managed ethics. Based on a 'user perspective,' we determined how employees could answer questions about ethics based on existing guidance. We evaluated policies and laws, training efforts, and communications related to ethics. We also evaluated how Metro may respond to potential ethical issues. While all of these can impact an ethical culture, we did not evaluate nor make conclusions about whether or not Metro has an ethical culture.

Management of ethics is shared at Metro. The Chief Operating Officer (COO) oversees day-to-day operations and leads staff to implement policy. Human Resources (HR) coordinates updates to personnel policies and provides training. HR and department managers or supervisors investigate personnel issues. The Office of Metro Attorney (OMA) provides legal services and helps employees interpret Oregon laws and Metro policies. The Metro Auditor's Office conducts audits, which can stem from ethical issues.

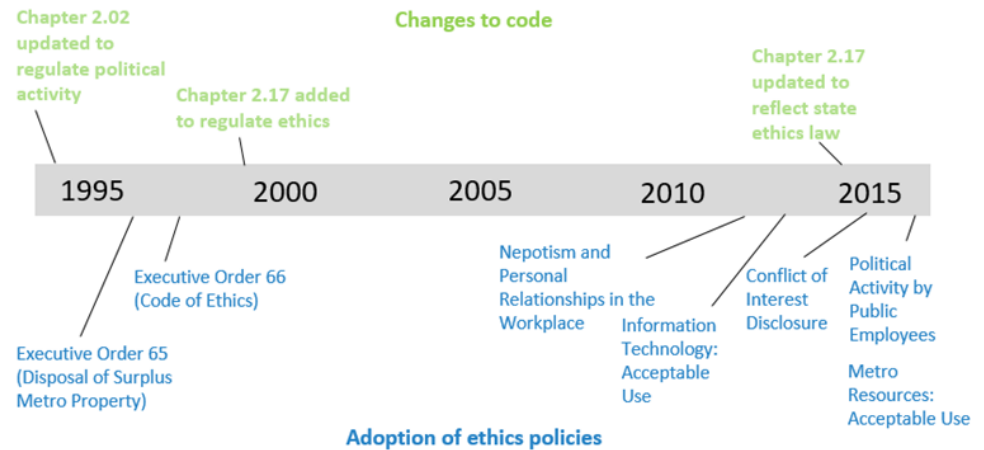
Ethical issues at Metro can be raised by employees and the public in several ways. Employees are encouraged to raise issues with a manager, HR or OMA. The Metro Auditor oversees the management of a phone and online system called the Accountability Hotline (hotline). The hotline allows employees and members of the public to anonymously report potential ethical issues. Metro also provides several ways for people to file complaints about discrimination under Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act.

Governments maintain laws and policies to ensure employees behave ethically. In some cases, policies may not be specifically about ethics, but are relevant to ensuring ethical conduct. For instance, "acceptable use" policies state how and for what reasons resources are to be used by government employees or others. They ensure that resources are not used for personal purposes, even if they do not include the word "ethics."

The Oregon Government Ethics Commission enforces state ethics laws. The Commission also offers advice and opinions and conducts training about state ethics requirements.

Metro has adopted or approved several policies and other forms of guidance related to ethics. Metro code includes a chapter (2.17) that regulates the ethical conduct of Metro officials, employees, and lobbyists. Code also includes a section that regulates political activity. In 1997, Metro adopted a policy called Executive Order 66 Code of Ethics (Code of Ethics). In 2010, Metro adopted a set of values (Metro Values) part of which emphasizes upholding the highest ethical standards. Metro also has policies to manage things like acceptable use and conflicts of interest.

Exhibit 1 Changes to Metro code and adoption of ethics policies since 1995



Source: Metro Auditor’s Office analysis of Metro code and policy

Laws, policies, and values each address ethics differently. For instance, chapter 2.17 is regulatory, largely reflecting state ethics laws. The Code of Ethics features principles intended as guideposts to promote ethical behavior. Metro Values provide general ideas about what is desired at Metro, but are not framed as ethics. Metro policies outline requirements related to specific issues. The interplay of these key documents impacts how Metro manages ethics.

Results

Effective management of ethics requires organizations to establish and maintain clear expectations. We found Metro's Code of Ethics did not integrate policies, legal requirements and organizational values, which created barriers to understanding expectations. For instance, the Code of Ethics did not refer to policies to manage specific ethical requirements.

In addition, there was a separate set of ethical expectations included in Metro Code that essentially reflected the legal requirements in Oregon Law. State law creates a minimum standard for ethical behavior of public employees. It does not address every ethical issue, and is not seen as the only ethical standard in the state.

The complexity of ethics-related guidance made it more difficult to determine which value, policy, or legal requirement took precedence. We created process maps for five common ethical situations in which employees may find themselves. We found available guidance was incomplete or inconsistent in some places. The conclusions we reached for some parts of the process maps were inconsistent with senior leadership's expectations about how employees should act. To whom the guidance applied, and who was responsible for addressing questions also varied.

Stronger connections between Metro's values, legal requirements, and policies and procedures would help build a better foundation. A solid foundation can set employees up for success. Without it, Metro will be at increased risk of employees interpreting and taking actions based on their own set of values, which could reduce consistency, and affect employee and public trust.

A solid foundation is necessary, but not sufficient to maintain an ethical culture. Current research indicates other things are also critical. Leaders at all levels should set an ethical tone. Behavioral ethics emphasizes addressing the cognitive factors that can introduce bias into decision-making. Leaders must also model ethical conduct. Employees should be supported in asking questions about ethics and should feel comfortable raising issues if needed. All employees should be treated fairly, consistent with the organization's expectations. All of these demonstrate and reinforce a commitment to ethics and foster an ethical culture.

**There were
barriers to
understanding
ethical
expectations**

Tone-at-the-top is critical to promoting ethical behavior. We assessed the organization's ability to convey the importance of ethics by reviewing available guidance, training, and communications. We found room to improve all three areas. Gaps created opportunities for employees to act in ways that may not meet the highest ethical standards. We found that:

- guidance did not establish clear expectations;
- training efforts were ineffective; and
- ethics policies were communicated infrequently.

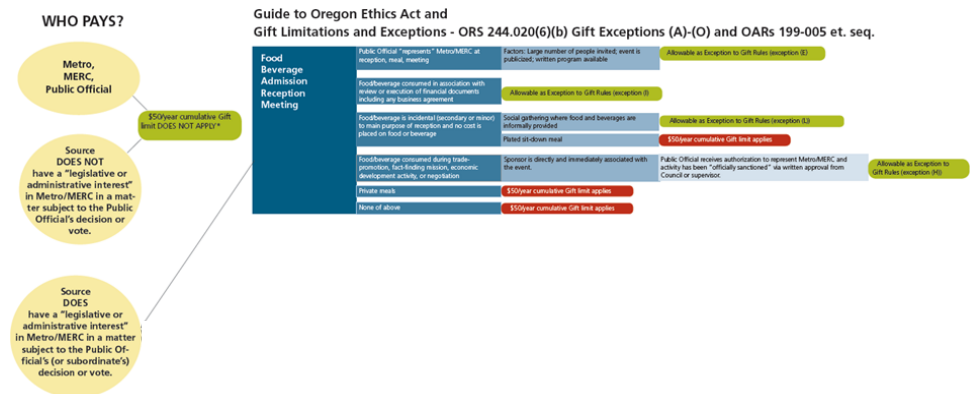
Metro's varied services may present different ethical questions for

employees. We created process maps to determine how employees could answer common ethical questions using guidance Metro provided. The maps can also be used to navigate existing laws and policies.

Process maps are a low-cost, low-risk way for organizations to show that ethics are important, and offer answers to ethical questions. They can be helpful because employees may be hesitant to raise or respond to ethical questions out of fear of not knowing what will happen. Searching for answers can be time consuming. If answers are hard to find, or difficult to interpret, employees may give up. Hard-to-find answers can also be costly to Metro’s reputation.

OMA created a similar tool that was intended as a guide for employees. It was accessible from Metro’s internal website. This made it easy for employees to reference. The tool was titled “Ethics decision tree.” However, it was limited to situations where state limits on gifts may apply. This could give the impression that employees only need to consider state limits on gifts when considering ethical requirements.

Exhibit 2 Decision trees can be an effective way to help employees understand ethical requirements



Source: Excerpt of the Office of Metro Attorney’s “Ethics decision tree”. See Appendix for the complete version.

Guidance was unclear to establish expectations

We found Metro’s existing guidance was unclear, and some guidance had not been established. If organizations do not provide clear guidance, employees may act inconsistently with policies and laws, even when they are trying to do the right thing. Inconsistent action could negatively impact Metro’s reputation.

Some definitions were not provided. This could make the policies more difficult to implement. For example, Metro’s Code of Ethics prohibited political campaigns from being conducted on Metro time or property. However, it did not define “political campaigns.” Similarly, Metro’s Nepotism and Personal Relationships in the Workplace policy was intended to prevent favoritism due to family and personal relationships, but it did not define “personal relationships.”

Some definitions varied across policies and applicable laws. This may cause confusion, and increase the risk of violation. For example, political activities were described differently in Metro’s Political Activity by Public Employees policy, Metro code, and state law. “Relative” was defined more narrowly in Metro’s Conflict of Interest Disclosure policy than in state law. “Metro official” was also defined differently between Metro code and Metro’s Code of Ethics.

Metro’s Code of Ethics used outdated terms to identify different parts of Metro. This made it hard to tell to whom the policy applied. The Code of Ethics was applicable to the Executive Officer and Executive Officer’s staff. However, Metro no longer had an Executive Officer. It also excluded employees of the Council and Metro Exposition-Recreation Commission (MERC), but the distinction between Council, MERC, and other employees was unclear. Some Metro leaders believed the distinction was irrelevant.

Metro’s Conflict of Interest Disclosure policy was also unclear as to which employees were required to complete the disclosure form, to comply with state law and Metro code. The policy indicated that only those employees who participate or may participate in contracting, procurement, or grant-making must complete the form. This could give the impression that relevant laws only applied to some employees.

Inconsistent instructions could lead to different interpretations by employees. For example, Metro’s Code of Ethics prohibited political campaigns from being conducted on Metro time or property. This could be interpreted as an absolute prohibition. In contrast, Metro’s Political Activity by Public Employees policy could be interpreted to allow certain political activities in some circumstances.

Similarly, Metro’s Code of Ethics instructed employees to file written notice of conflicts of interest with the Office of General Counsel, while Metro’s Conflict of Interest disclosure made HR responsible for maintaining conflict of interest documentation.

Other weaknesses in available guidance could compromise employees’ ability to act consistently with policies and laws when they are trying to do the right thing:

- **A lack of connectivity** made the guidance Metro provided harder to access. Metro’s Code of Ethics did not reference relevant law. Metro’s Political Activity by Public Employees policy did not reference other policies, and the links it contained to detailed state guidance were broken.
- **A lack of hierarchy** made the guidance harder to apply. Some leaders had ideas about which sources were more important than others, but those were not consistently communicated. This increased the chance that employees would choose among them to satisfy their personal standards.

- **Vague language** used in Metro’s Code of Ethics created uncertainty regarding what employees can and cannot do. The policy provided examples of questionable behavior that *should* be avoided where possible. Some employees may consider the example behaviors prohibited, while others may consider them discouraged. Precise language could leave less room for interpretation.

The Oregon Secretary of State provides safe harbor for compliance with state law regulating political activity. Organizations can ask for a review of impartiality before election-related documents are published. We also found that Metro had not established guidance for using safe harbor. Metro used safe harbor in 2016 and 2019, but not in 2018. Metro believed that the 2018 mailer met guidelines that were previously provided regarding wording and content.

Not using safe harbor resulted in additional cost to Metro. The 2018 mailer elicited a complaint that it violated state law. Metro incurred attorney’s costs from outside legal counsel to respond. If a violation had occurred, Metro could have been fined \$1,000. Such complaints may also have a negative impact on Metro’s reputation, which could reduce public trust.

Training efforts were ineffective to reinforce expectations

Training is another way an organization can set expectations. We found that training was ineffective because few employees attended, Metro’s ethics policies were largely excluded, and they were not presented in a relatable manner. As a result, employees may be unfamiliar with Metro’s ethics policies and unlikely to apply them when taking action.

Two ethics courses were available to Metro employees. One was Oregon Government Ethics Law Training provided by the State of Oregon’s Government Ethics Commission. It was offered twice to Metro employees in the last five years. The training was not required and only 1% of Metro employees took it.

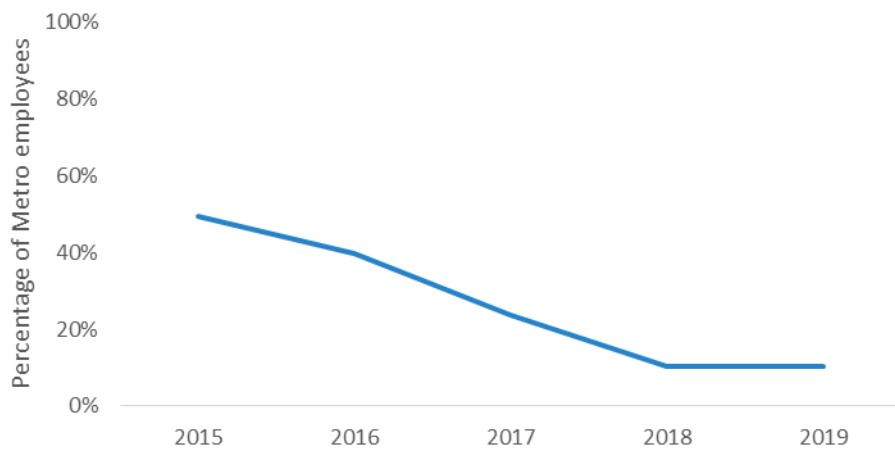
Exhibit 3 One out of every 100 Metro employees took Oregon Government Ethics Law Training



Source: Metro Auditor's Office analysis of attendance records and reported number of employees

Another effort to train Metro employees was reviewing policies. All employees were encouraged to complete the training in 2014 and 2016. It was considered mandatory, but the requirement was not enforced. Only half of Metro employees completed the policy review in 2015. The completion rate has decreased since then. Best practices for effective ethics training recommend all employees review their organization's ethics policy on an annual basis.

Exhibit 4 Completion of the policy review requirement dropped



Source: Metro Auditor's Office analysis of attendance records and reported number of employees

Even if employees had taken Oregon Government Ethics Law Training and completed a policy review, it may not have been effective because available training largely excluded Metro's ethics policies. Oregon Government Ethics Law Training did not include any of Metro's ethics policies. Metro's policy review included some of Metro's ethics policies. Two of seven policies we identified that provide guidance on common ethical issues were included in the last review.

Exhibit 5 Ethics trainings did not include several Metro policies

Policy	Oregon Government Ethics Law Training	Policy Review
Nepotism and Personal Relationships in the Workplace	○	○
Code of Ethics	○	○
EO 65 (Disposal of Surplus Metro Property)	○	○
Metro Resources Acceptable Use	○	●
Information Technology Acceptable Use	○	○
Conflict of Interest Disclosure	○	○
Political Activity by Public Employees	○	●

● = included ○ = not included

Source: Metro Auditor's Office analysis of ethics-related policies and course descriptions

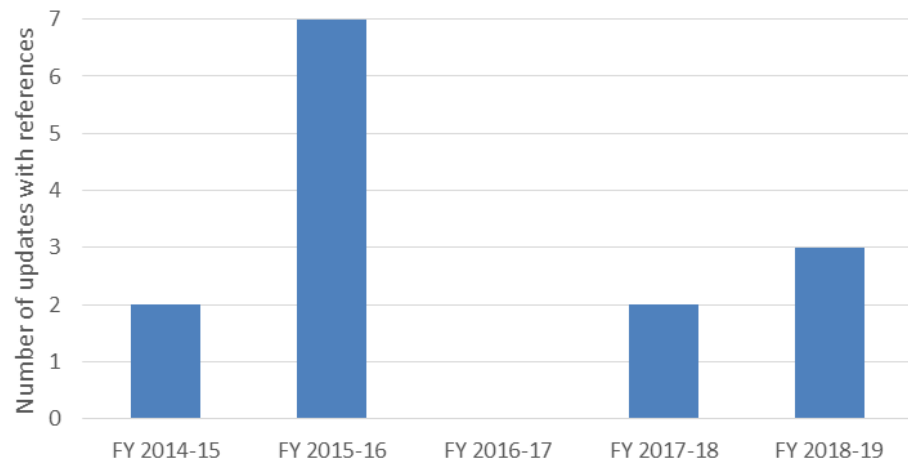
Where Metro's ethics policies were included in training efforts, they were not presented in a relatable manner. The policy review consisted of reading the policies. Employees were also encouraged to review the policies online. Best practices for effective ethics training recommend using discussions and examples to present an ethics policy to employees. They also recommend using a variety of media types, such as live seminars and webcasts, to deliver training.

Ethics policies were not communicated frequently to remind employees of expectations

Communications from senior leadership about ethics and their importance to an organization is another way to ensure effective management. They should be communicated frequently to all employees to promote ethical behavior. We found that employee communications infrequently included references to ethics policies. We also found that specific ethics-related communications occurred infrequently. Without frequent communications, employees may be less aware of expectations, and more likely to take action that does not meet them.

Agency-wide communications infrequently included references about the importance of ethics policies. The COO's weekly updates communicate important messages, events, and opportunities to Metro employees. We searched weekly updates using key words and phrases for Metro and state ethics-related policies. We found weekly updates irregularly referred to them over the last five years. One year, zero weekly updates referred to Metro or state ethics-related policies. That meant employees were not updated on expectations on a regular basis. All-staff meetings intend to bring Metro employees together twice a year to learn about organizational issues and initiatives. Over the last five years, none of those meetings covered ethics policies.

Exhibit 6 Weekly updates irregularly referred to ethics-related policies



Source: Metro Auditor's Office analysis of weekly messages, July 1, 2014 to June 30, 2019

Employees were also rarely reminded of the requirement to comply with the prohibition on political activities. OMA issued two staff reminders about restrictions on political activity over the last three years. They occurred when Metro referred ballot measures to voters. This may help employees remember not to promote Metro's ballot measures while on the job during working hours. However, it may not keep employees aware of avoiding other restricted political activity.

Without clear guidance, it was more difficult to manage ethical issues consistently

Without clear guidance, it was difficult for Metro to manage issues consistently. Clear guidance provides baseline expectations to prevent unethical conduct. Collecting and analyzing information can help identify common issues. Investigations help determine when expectations have not been maintained. These activities can help Metro determine the extent to which corrective actions may be appropriate and that they are applied consistent with expectations. Metro did not have a way to evaluate ethical trends or risks, and roles and responsibilities for investigations were unclear. Combined with a lack of clear guidance, this meant it was difficult for Metro to respond consistently to potential ethical issues and that Metro did not have a way to judge the effectiveness of its overall management of ethics.

Evaluate ethical risk

Metro did not systematically collect or analyze information about potential ethical issues. Without a reliable means to evaluate ethics, Metro was less able to identify trends or risk areas. This made it hard to know whether Metro needed to do more to address issues, or whether its efforts were sufficient to maintain expectations.

Without an analysis of ethics issues over time, Metro was reliant on individual perceptions about how well expectations were being met. This meant it would be harder to judge the significance of any one potential issue.

Some people may perceive that an issue required more corrective action, while others may believe the issue was less significant and corrective action was not needed.

We found varying views about ethics among people we interviewed. Relying on individual perceptions also meant that employee turnover could generate different views about Metro's management of ethics. Leaders we spoke to also cited few and differing sources of information about ethics.

Two sources of information mentioned were the employee engagement survey that Metro administers, and the hotline. The engagement survey included five questions about ethics since 2008. However, it did not consistently include all of them. The Auditor's Annual Report provided limited information about the number of hotline reports made and the resolution of cases. Neither of these provided enough information for Metro to determine whether expectations were consistently met.

Applying the Metro Values could help guide Metro's approach to managing ethics. For instance, the Metro Values guide described the value of excellence. It emphasized continuous learning, and looking for ways to improve. Organizations should collect and analyze information about potential ethical issues. Such analysis supports learning about the effectiveness of efforts to address ethical issues.

One of the primary barriers was that Metro did not collect information about potential ethical issues. Without the information, it was impossible to analyze trends or risks. The FY 2019-20 budget included funds in HR's budget for a labor relations case management system. Metro could use such a system to collect consistent and accurate information about ethics-related cases. This would make it easier to assess what happened when handling an individual case and the extent to which corrective actions had been applied in similar circumstances.

Regular, ongoing collection of information about ethics cases, would provide a better basis for Metro to analyze trends over time or to identify risk areas. Such analyses could also help Metro assess the significance of issues and decide if certain expectations need to be clarified or emphasized, or if other actions are needed.

More thorough use of other sources of information could also help. For instance, Metro could expand the employee survey to ask additional questions about ethics. Surveys devoted to ethics are an important way to assess ethical culture. Data from the Metro Auditor's Office annual report could also be analyzed. The data includes the number of reports to the hotline, how many were substantiated, and how many resulted in corrective action. The reports also include information about the location of concern.

Integrating different sources of information is needed to get a complete picture of ethical risk. For instance, by combining the survey results with ethics case information, Metro can better understand where to target preventative or corrective measures. However, no department had the role to integrate such information, so determining who will do this work is an important step.

Clarify investigation role

A lack of clarity for investigations was another challenge. Who investigated sometimes depended on the type of the issue. However, it was unclear who would take the lead to investigate some potential ethical issues.









Responsibilities for handling the intake, initial assessment, and investigation were also not developed for some issues. For instance, the Auditor's Office gathers initial information about hotline reports and refers them to senior leadership for investigation or conducts an audit. However, the steps that Metro takes after that are not formally documented. This would make it harder for people involved to know how to proceed, and what information needed to be gathered.

A lack of clear roles and responsibilities also had the potential to create confusion, inefficiency or inconsistency. For instance, Metro may not initially gather all of the information it needs to address some potential issues. Or, there could be confusion about which department should investigate since that role was not always clarified in writing. Confusion when conducting investigations increased the risk that employees were not treated consistently.

We found investigation roles were inconsistent in policy and practice, which contributed to the lack of clarity. For instance, the Conduct Expectations policy stated that both HR and OMA investigate violations. However, in practice, having OMA participate in investigations may create challenges for its role advising as legal counsel. Department managers or supervisors may have had the lead role to investigate in instances where employee discipline was a possibility. However, managers' and supervisors' role to investigate was not made clear in policy.

Policies were also unclear or inconsistent about who should investigate violations. The Code of Ethics required departments to develop ethical standards and enforcement mechanisms. This could be interpreted to mean departments should also conduct all investigations related to ethics, but this was not clear. However, policies specified that HR was responsible for investigating harassment and discrimination complaints and violations of the acceptable use policy. Other policies related to ethics did not specify investigation roles or responsibilities.

Exhibit 7 Investigation roles were inconsistent in policy and practice

Policy related to ethics	Investigation role assigned in policy	Investigations in practice (as reported)
Discrimination and Harassment	 Human Resources	 Human Resources
Conduct Expectations	 OR  Human Resources Office of the Metro Attorney	Can vary:
Metro Resources: Acceptable Use	 Human Resources	 Human Resources
Code of Ethics	Investigation role or responsibilities not specifically described	 Office of the Metro Attorney
Disposal of Surplus Metro Property		
Political Activity by Public Employees		
Nepotism and Personal Relationships in the workplace		
Conflict of Interest Disclosure		 Department Managers or Supervisors
Information Technology: Acceptable Use		

Source: Metro Auditor's Office analysis of Metro policies

The Metro Values guide emphasizes efficiency, getting the facts right, and implementing policies and procedures consistently. Organizations should have clear roles and responsibilities for the investigation of ethics issues. These make it more likely issues will be addressed consistently.

Recommendations

To strengthen Metro's foundation for ethics, senior management should:

1. Integrate the Code of Ethics with related policies, laws, and organizational values to make relevant guidance easier to find.

To reduce barriers to understanding ethical expectations, senior management should:

2. Update Metro's ethics-related policies to ensure they cover all employees and provide consistent definitions and instructions.
3. Establish guidance for using safe harbor.
4. Provide ethics training that:
 - a. includes Metro's ethics-related policies and how to apply them,
 - b. uses a variety of media types to accommodate different learning styles, and
 - c. is required annually of all employees.
5. Remind employees of ethical expectations periodically through agency-wide communications and events.

To consistently address potential ethical issues, the Chief Operating Officer should:

6. Assign responsibility for analyzing ethics-related trends and risks at Metro.
7. Use the analysis to determine if additional preventative or corrective measures are needed.
8. Clarify department roles and responsibilities for investigating potential ethical issues.

Scope and methodology

Our audit objective was to determine which controls to prevent, detect and correct unethical conduct Metro should strengthen to promote an ethical culture. We did not evaluate nor make conclusions about whether or not Metro has an ethical culture. We focused our audit on ethics-related policies and procedures, and Metro's training and communication efforts from FY 2014-15 to 2018-19. We issued a separate letter to management regarding out-of-date lobbying registrations in August 2019.

To familiarize ourselves with ethics and approaches to managing ethics, we attended in-person and online ethics training. We reviewed best practices for managing ethics from the Ethics and Compliance Initiative, the Association of Certified Fraud Examiners, the Institute of Internal Auditors, the Oregon Government Ethics Commission, Society for Human Resource Management (SHRM), and NAVEX Global. We also reviewed other audit reports about ethics.

To familiarize ourselves with Metro's approach to managing ethics, we reviewed state law, Metro code, Metro policy and guidance related to ethics. We also reviewed information about Metro's controls for ethics, agency goals, and Metro Values.

We selected five departments and venues for review based on employee survey scores, whether the department or venue was more public-facing or internally-focused and financial factors including the staffing level. The departments or venues we selected were the Oregon Convention Center, the Oregon Zoo, Parks and Nature, Property and Environmental Services, and Portland's.

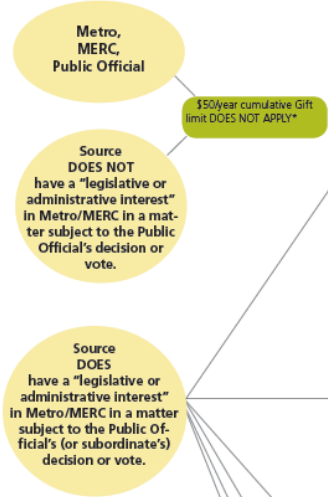
To answer our objective, we:

- Summarized relevant guidance and criteria from Metro and best practices.
- Interviewed managers, supervisors and some department directors.
- Developed 'process maps' to show how Metro employees could answer questions about ethics.
- Sought feedback on the accuracy of the process maps from management and the Metro Attorney.
- Evaluated the alignment of Metro policies and relevant ethics laws.
- Reviewed other relevant documentation including training records, all-staff communications, and department-specific policies and procedures.

This audit was included in the FY 2019-20 audit schedule. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix

WHO PAYS?



Guide to Oregon Ethics Act and Gift Limitations and Exceptions - ORS 244.020(6)(b) Gift Exceptions (A)-(O) and OARs 199-005 et. seq.

Category	Condition	Gift Limitation	Exception
Food Beverage Admission Reception Meeting	Public Official "represents" Metro/MERC at reception, meal, meeting	Factors: Large number of people invited; event is publicized; written program available	Allowable as Exception to Gift Rules (exception E)
	Food/beverage consumed in association with review or execution of financial documents including any business agreement		Allowable as Exception to Gift Rules (exception F)
	Food/beverage is incidental (secondary or minor) to main purpose of reception and no cost is placed on food or beverage	Social gathering where food and beverages are informally provided Plated sit-down meal	Allowable as Exception to Gift Rules (exception G) \$50/year cumulative Gift limit applies
	Food/beverage consumed during trade-promotion, fact-finding mission, economic development activity, or negotiation	Sponsor is directly and immediately associated with the event.	Public Official receives authorization to represent Metro/MERC and activity has been "officially sanctioned" via written approval from Council or supervisor. Allowable as Exception to Gift Rules (exception H)
	Private meals	\$50/year cumulative Gift limit applies	
	None of above	\$50/year cumulative Gift limit applies	
Travel Lodging Food Reasonable Expenses	Expenses paid by fed/state/local gov; membership organization to which Metro/MERC pay dues; or by 501(c)(3)	Public Official will deliver speech, make presentation, participate on panel	Allowable as Exception to Gift Rules (exception I) Must receive authorization to represent Metro/MERC via written approval from Council or supervisor. Allowable as Exception to Gift Rules (exception F)
	Tip is trade-promotion, fact-finding mission, economic development activity, or negotiation	Public Official will "represent" Metro/MERC but will not deliver speech, make presentation, participate on panel	\$50/year cumulative Gift limit applies \$50/year cumulative Gift limit applies
	Travel expenses paid by one public official to another for travel within Oregon	To or from an event that bears a relationship to Public Official's office and Public Official participates in an official capacity	Allowable as Exception to Gift Rules (exception K)
	None of Above	\$50/year cumulative Gift limit applies	
	Entertainment is incidental (secondary or minor) to main purpose of another event		Allowable as Exception to Gift Rules (exception M)
	Public Official is viewing and/or participating in the entertainment for a ceremonial purpose with an official role in the entertainment event	Public Official is acting in official capacity and is representing Metro/MERC	Must receive authorization to represent Metro/MERC via written approval from Council or supervisor. Allowable as Exception to Gift Rules (exception N)
Anything of economic value	As part of the usual/customary practice of Public Official's private business, employment, volunteer work.	Gift bears no relationship to Public Official's official position.	Allowable as Exception to Gift Rules (exception O)
	plaque, trophy, desk item, wall memento, or similar	Resale value reasonably expected to be less than \$25 (assumed unless made from valuable raw material)	Allowable as Exception to Gift Rules (exception C)
Unsolicited tokens or awards of appreciation	None of Above	\$50/year cumulative Gift limit applies	
	None of Above	\$50/year cumulative Gift limit applies	

*But "misuse of official position" prohibition may apply - ORS 244.040.

Created by Alison R. Keen
Metro Attorney
Metro
October 2013

Note: this chart is intended as a guide only, and is not a substitute for legal advice regarding specific situations. Please call Ethics Commission at 503-278-5105 regarding application of the Ethics Act and regulations to specific situations.

Management response

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: Monday, Dec. 9, 2019
To: Brian Evans, Metro Auditor
From: Andrew Scott, Interim Chief Operating Officer
Subject: Code of Ethics Audit Response

Thank you for your recent audit of Metro's Code of Ethics. Below you will find a written response to each of the eight recommendations including our proposed plans and implementation timelines. Management agrees with all of the recommendations, with one modification to recommendation four.

Ethics are the cornerstone of any organization, but particularly important to government because public service is a special trust. In my experience, Metro employees act with integrity and honesty; they produce results for our community; they treat people fairly; they embrace diversity and inclusion; and they act reliably and consistently in all circumstances. This the core of an ethical organization, and I am proud of the focus on ethics that I see every day.

At the same time, it is valuable to occasionally assess our ethical culture and ask whether there are areas for improvement, and this audit outlines a number of steps we can take to strengthen this culture. I appreciate the Auditor and his staff's work on this issue and look forward to moving forward on these recommendations.

Recommendation 1: Integrate the Code of Ethics with related policies, laws, and organizational values to make relevant guidance easier to find.

- **Response:** Management agrees with the recommendation.
- **Proposed plan:** OMA and HR will collaborate on updating Metro's Code of Ethics to align with related policies, laws and organizational values to improve integration and accessibility to these documents.
- **Timeline:** July 2020

Recommendation 2: Update Metro's ethics-related policies to ensure they cover all employees and provide consistent definitions and instructions.

- **Response:** Management agrees with the recommendation.
- **Proposed plan:** Metro's Code of Ethics and related policies will be updated. Over time, definitions will be removed from the individual policies and will be available in a single definitions glossary.
- **Timeline:** July 2020

Recommendation 3: Establish guidance for using safe harbor.

- **Response:** Management agrees with the recommendation.
- **Proposed plan:** Metro will seek safe harbor for elections materials.
- **Timeline:** January 2020

Recommendation 4: Provide ethics training that includes Metro’s ethics-related policies and how to apply them, uses a variety of media types to accommodate different learning styles, and is required annually of all employees.

- **Response:** Management agrees with parts of this recommendation.
- **Proposed plan:** We agree that training on Metro’s ethics-related policies should be required and that more than one type of learning platform should be made available. However, we do not necessarily agree that a formal ethics training should be required annually. Because several additional trainings will also soon be required, an ethics training on a biennial or some other regular frequency may be more reasonable. We do plan to ask directors and managers to directly and routinely discuss ethics as an agenda item at a regular staff meetings, no less than once per year.
- **Timeline:** September 2020

Recommendation 5: Remind employees of ethical expectations periodically through agency-wide communications.

- **Response:** Management agrees with the recommendation.
- **Proposed plan:** Ethics reminders will continue to be included in the Monday Message.
- **Timeline:** Ongoing

Recommendation 6: Assign responsibility for analyzing ethics-related trends and risks at Metro.

- **Response:** Management agrees with the recommendation.
- **Proposed plan:** HR will begin using a tool called Pro-Law where complaints/investigations and their outcomes will be tracked. HR and OMA will analyze ethics-related trends and risks by compiling and reviewing complaints on an annual basis.
- **Timeline:** In January of each year, beginning in January 2021

Recommendation 7: Use the analysis to determine if additional preventative or corrective measures are needed.

- **Response:** Management agrees with the recommendation.
- **Proposed plan:** HR and OMA will review complaints on an annual basis starting in January 2021. They will look for potential trends and identify additional measures that could be taken to improve the workplace. Training recommendations will be made to the COO.
- **Timeline:** January 2021

Recommendation 8: Clarify department roles and responsibilities for investigating potential ethical issues.

- **Response:** Management agrees with the recommendation.
- **Proposed plan:** Each policy that is revised will have a corresponding procedure document that will identify roles and responsibilities for investigating potential ethical issues.
- **Timeline:** July 2020