



600 NE Grand Ave.
Portland, OR 97232-2736

Council work session agenda

Tuesday, December 15, 2020

2:00 PM

<https://us02web.zoom.us/j/89507527062>

or 253-215-8782 (toll free)

Please note: To limit the spread of COVID-19, Metro Regional Center is now closed to the public.

This work session will be held electronically. You can join the meeting on your computer or other device by using this link: <https://us02web.zoom.us/j/89507527062>, or by calling or 253-215-8782 (toll free).

If you wish to attend the meeting, but do not have the ability to attend by phone or computer, please contact the Legislative Coordinator at least 24 hours before the noticed meeting time by phone at 503-797-1916 or email at legislativecoordinator@oregonmetro.gov.

1. Call to Order and Roll Call

Work Session Topics:

Procurement Equity Strategies for Public Improvement Projects [20-5493](#)

Presenter(s): Gabi Schuster, Metro
Eddy Morales, Gresham City Councilor
Lacey Beaty, Mayor-elect of Beaverton
Steve Callaway, Mayor of Hillsboro
John Goodhouse, Tigard Council President

Attachments: [Public Improvement Equity Strategies](#)
[Work Session Worksheet](#)

2021 State Legislative Agenda [20-5492](#)

Presenter(s): Randy Tucker, Metro
Anneliese Koehler, Metro

Attachments: [Work Session Worksheet](#)
[Draft of Proposed 2021 Legislative Principles](#)

Chief Operating Officer Communication

Councilor Communication

Adjourn

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

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

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**Procurement Equity Strategies for Public Improvement
Projects**

Work Session Topics

Metro Council Work Session
Tuesday, December 15, 2020

PROCUREMENT EQUITY STRATEGIES FOR PUBLIC IMPROVEMENT PROJECTS

Date: November 30, 2020
Department: FRS
Meeting Date: December 15, 2020

503-797-1577
gabriele.schuster@oregonmetro.gov
Presenter: Gabriele Schuster
Length: 8 minutes

Prepared by: Gabriele Schuster,
Procurement Manager

ISSUE STATEMENT

BIPOC business community partners have asked Metro to lead the procurement equity strategy discussions for the Affordable Housing Bond construction projects.

ACTION REQUESTED

Lead and facilitate regional partner jurisdiction collaboration on making Affordable Housing Bond construction projects accessible to BIPOC owned construction firms.

IDENTIFIED POLICY OUTCOMES

N/A

POLICY QUESTION(S)

N/A

POLICY OPTIONS FOR COUNCIL TO CONSIDER

N/A

STAFF RECOMMENDATIONS

Consider applying Metro Procurement Services' recommended equity strategies for public improvement to Affordable Housing Bond projects.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The procurement equity strategy recommendations support Goal E(*) of Metro's Strategic Plan to Advance Racial Equity by creating a path for construction businesses owned by people of color to access contracting opportunities within the Affordable Housing Bond.

*(*Metro advances economic opportunities for communities of color through various avenues including equitable contracting practices, distribution of investments and grant programs).*

The discussion is an opportunity to learn more about Metro Procurement Services' best business practices in increasing BIPOC prime contractor participation on public improvement projects and facilitate a discussion with elected officials about how to apply these strategies to the Affordable Housing Bond projects.

On October 1st, 2020 Metro received a letter from the Oregon chapter of the National Association of Minority Contractors (NAMC) urging Metro to apply an equity lens to the Affordable Housing Bond construction projects in order to make bidding opportunities accessible to BIPOC owned prime contractor firms.

It is in the interest of all regional BIPOC owned prime and subcontractor firms, and small business support organizations that Metro work with the Affordable Housing Bond partner jurisdictions to lead equitable procurement process discussions for the affordable housing projects.

While Metro's Local Contract Review Board administrative rules and equity in contracting rules do not apply to regional Affordable Housing Bond partner jurisdictions, the intergovernmental agreements include required implementation strategies submitted by each jurisdiction. Each partner jurisdiction is required to apply their applicable local contract review board rules to the housing projects within their jurisdiction. Metro Procurement Services can be a resource to partner jurisdictions and provide information about best equitable procurement practices.

BACKGROUND

Metro's Procurement Services division has not been part of developing the Affordable Housing Bond intergovernmental agreements but can share past project experience and advise on best equity strategies to increase participation of BIPOC owned construction firms on public improvement projects.

ATTACHMENTS

Public Project Procurement Equity Strategies

- Is legislation required for Council action? Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today? N/A



Public Project Procurement Equity Strategies

To be considered by jurisdictions and project sponsors

1. Invite, connect, build relationships, and build trust

- Building trusting relationship takes time. Conduct an open house to provide information about the housing projects. This can be done safely either online or outdoors, practicing physical distancing and wearing masks.
- Create an opportunity for BIPOC contractors to get to know you, the jurisdiction and sponsors.
- Invite BIPOC contractors to propose.

2. Matchmaking

- Get to know the BIPOC contractors and try to match their expertise and experience to the projects. Listen and learn what they can bring to the table.

3. Provide an opportunity for partnerships – Build BIPOC contractor capacity

- Joint ventures or subcontractor relationships are a tool for BIPOC companies to propose jointly on large projects. BIPOC companies often are stronger together. There is also an opportunity for a smaller BIPOC company to learn from a larger company. Create an opportunity for mentorship and growth to expand the capacity of BIPOC contractors.

4. Reduce the public procurement burden

- Conduct an alternative procurement process to allow for criteria other than price. This gives BIPOC companies a chance to present past projects, qualifications and how they can help you achieve your workforce and subcontractor equity goals.
- Create an equitable procurement process. For example don't ask for 10 years of public improvement experience. Most BIPOC companies have not had the privilege to work on public improvement projects. Instead ask for past projects and efforts to achieve equity in workforce and subcontracting. You'll learn that BIPOC contractors use best equitable business practices in workforce diversity and subcontracting.
- Pay attention to what BIPOC contractors have to offer, such as their connection to and the role they play in providing opportunities to underserved communities. This will help you achieve your equity goals.
- Allow time to develop proposals. Short timelines can exclude less privileged contractors with limited resources.

5. Create a fair and equitable selection process

- Establish a diverse proposal evaluation team and train on an equitable selection process. For example, stay away from wanting to contract with who you know and feel comfortable with. There are many BIPOC contractors in our region who do great work but have never had the privilege to work on a public improvement project. Score on the proposed work plan and equity and sustainability strategies, such as the BIPOC contractor's contribution to underserved communities. Many BIPOC contractors have affordable housing project experience.

- Create a diverse interview evaluation team that represents our Tri-County demographics. Train the interview team on the importance of an equitable process. Stay away from favoritism.
 - Consider barriers like union shops. Some unions make it hard to nearly impossible for BIPOC communities to join. People get grandfathered in and BIPOC communities are often left out.
 - Consider manufacturer material certifications. Again, many manufacturers make it impossible for BIPOC companies to get certified. If you choose material that requires certifications you exclude most BIPOC companies as manufactures often decline even a certification application.
- 6. Consider partnering with a non-profit organization such as NAMC Oregon, who are experts in knowing the barriers which BIPOC contractors face when proposing on public improvement projects. A non-profit partner can help you succeed in your public improvement project.**
- 7. Add accountability to the process**
- Ask what processes and equity strategies have been applied to select a prime contractor.
- 8. Be intentional in creating opportunities for BIPOC contractors.**
- Often public improvement projects impact BIPOC communities the most. BIPOC contractors bring lived experience to the table.
 - Create real opportunities and a fair process in which BIPOC companies who face all these barriers can succeed. Be inclusive. As Sam Brooks from OAME always says “Everyone is in – No one is out”.
- 9. Track the equity efforts and results of each project.**
- Track equity procurement activities on an equity strategy form.
 - Track and report on BIPOC prime- and sub-contractor participation on contracts.
- 10. Continue learning new and better practices. Ask others for ideas and share your successes broadly.**

Questions?

Gabriele Schuster, Procurement Manager, Metro
503-797-1577 gabriele.schuster@oregonmetro.gov

2021 State Legislative Agenda

Work Session Topics

Metro Council Work Session
Tuesday, December 15, 2020

2021 STATE LEGISLATIVE AGENDA

Date: December 1, 2020
Department: GAPD
Meeting Date: December 15, 2020

Presenter(s) (if applicable): Randy Tucker
and Anneliese Koehler
Length: 45 minutes

Prepared by:
Randy Tucker,
randy.tucker@oregonmetro.gov

Anneliese Koehler,
Anneliese.Koehler@oregonmetro.gov

ISSUE STATEMENT

This work session is the third opportunity to discuss the Metro Council's objectives for the 2021 Oregon legislative session. The focus of this work session is proposed updates and additions to the Council's Legislative Principles. Proposed legislative priorities have been discussed in previous work sessions; additional concepts may be presented at a subsequent work session in January.

ACTION REQUESTED

The Council may wish to discuss specific legislative concepts or principles or direct staff to develop additional concepts before adopting its legislative agenda prior to the start of the 2021 legislative session.

POLICY QUESTION(S)

- Does the Council wish to make changes to previously adopted Legislative Principles that guide the actions of staff on issues that may arise during a legislative session?
- Does the Council wish to confirm previous policy direction under which staff is currently operating with respect to issues that are likely to surface in 2021?
- Are there topics on which the Council would like to adopt legislative positions aside from those that have been brought forward to date?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

See attached annotated draft of proposed 2021 Legislative Principles. Specific 2021 legislative concepts were presented at the October 13 and November 10 work sessions and more may be offered at a subsequent work session in January.

STAFF RECOMMENDATIONS

See attached annotated draft of proposed 2021 Legislative Principles.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

As when we were before you in October and November, we continue to anticipate that much of the 2021 session will be focused on the pressing matters currently facing our state related to COVID-19, police reform, wildfires, and budget balancing. The December 2020

revenue forecast, released on November 18, was consistent with the more upbeat September forecast (as compared to the dire May forecast), but budget challenges anticipated over the next couple of biennia suggest that the Legislature will be reluctant to make significant new investments.

Most of the priorities staff expects to propose for the 2021 session reflect well-established Council policy and/or legislative priorities that have previously been included in the Council's agenda. In addition to the issue preparation we undertake every session, we are also working with our staff colleagues and external partners to more effectively integrate the consideration of racial equity into the development and implementation of Metro's legislative agenda.

Since 2005, the Council has adopted a set of principles to guide staff as they respond to issues that arise in the course of a legislative session. The Council revisits those principles prior to each session. For today's work session, we seek input on an updated set of proposed Legislative Principles. The attached annotated version calls out the substantive proposed changes to these principles. The major changes are as follows:

- The reorganization of the document into two sections: principles that apply generally across the full range of legislative issues Metro works on and principles that are specific to particular issue areas
- A proposed new principle on equity in the solid waste system
- A proposed new principle on safe and equitable transportation
- The deletion of several principles as redundant or superfluous

There are also several smaller edits that amplify or update existing principles.

ATTACHMENTS

- Draft of proposed 2021 Legislative Principles

[For work session:]

- Is legislation required for Council action? Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today? Draft of proposed 2021 Legislative Principles

Exhibit B to Resolution 21-XXXX

METRO COUNCIL 2021 LEGISLATIVE PRINCIPLES¹

GENERAL PRINCIPLES:

1. **Successful Communities:** Metro supports policy and funding solutions that facilitate the achievement of the six desired outcomes for successful communities that have been agreed upon by the region: vibrant, walkable communities; economic competitiveness and prosperity; safe and reliable transportation choices; leadership in minimizing contributions to climate change; clean air, clean water and healthy ecosystems; and equitable distribution of the burdens and benefits of growth and change.²
2. **Racial Diversity, Equity and Inclusion:** Metro envisions a region and state where a person's race, ethnicity or zip code does not predict their future prospects and where all residents can enjoy economic opportunity and quality of life. Metro therefore supports legislation that acknowledges past discrimination, addresses current disparities and promotes inclusion in public programs, services, facilities and policies.³
3. **Climate Change:** Metro supports efforts to combat and adapt to climate change and to meet the state's goals for reducing greenhouse gas emissions. To this end, Metro supports state policy and funding solutions that can help to reduce emissions in all four of its main lines of business: land use and transportation planning and investment, solid waste management and reduction, parks and natural areas, and operation of visitor venues.
4. **Pre-emption:** With respect to issues related to solid waste management, urban growth management, transportation and other matters of regional concern, Metro's policy and funding authority should not be pre-empted or eroded.
5. **Funding:** To ensure a prosperous economy, a clean and healthy environment, and a high quality of life for all of their citizens, Metro and the region's counties, cities, and other service providers must have the financial resources to provide sustainable, quality public services. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions, and all state mandates should be accompanied by funding.

Commented [RT1]: Division of "general" and "specific" principles is new; some principles are more over-arching or universal, with impacts across Metro's areas of responsibility, while others are issue-specific, so it seemed appropriate to separate them.

Commented [RT2]: Moved up from the land use section below, with minor wording changes.

Commented [RT3]: Moved up from former sustainability section below; second sentence is added.

Commented [RT4]: Additional principles below that addressed pre-emption specifically related to land use and transportation have been deleted as redundant.

SPECIFIC PRINCIPLES:

HOUSING:

6. **Affordable Housing:** Metro supports efforts to ensure that housing choices are available to people of all incomes in every community in our region; to reduce the number of households that are burdened by the combined costs of housing and transportation; to support people experiencing homelessness or at risk of losing housing; and to increase affordable opportunities for home ownership.⁴ To achieve these outcomes, Metro supports legislative actions consistent with Oregon's land use laws that increase the supply of both regulated affordable housing and market-rate housing; provide funding for both housing development and services that support lower-income renters and people experiencing homelessness; and provide reasonable protections for renters against arbitrary and unfair actions.

Commented [RT5]: References to home ownership and to support for people experiencing homelessness are added.

Exhibit B to Resolution 21-XXXX

LAND USE AND URBAN GROWTH MANAGEMENT:

7. **Oregon's Land Use System:** Oregon's land use planning system provides an important foundation for the prosperity, sustainability and livability of our region; this system reflects the values of Oregonians and enjoys strong public support.⁵ The Legislature should exercise restraint and care when considering changes to Oregon's land use system.
8. **Local Land Use Decisions:** Management of the urban growth boundary is a complex undertaking that involves extensive analysis, public input, and a balancing of many factors. Urban growth management decisions have profound impacts not just on land at the boundary, but on communities within the boundary and on farms and other rural lands outside the boundary. For these reasons, the Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters.
9. **Efficient Use of Existing Urban Land:** Land within the urban growth boundary should be used efficiently before the boundary is expanded.⁶ Metro supports policy and funding strategies to facilitate efficient use of existing urban land, including investments in brownfield cleanup and industrial site readiness, as well as policy and zoning reforms that authorize and/or encourage more efficient development in residential and commercial areas.
10. **Need:** The UGB should not be expanded in the absence of demonstrated need.⁷
11. **Integration of Land Use and Transportation:** Land use and transportation planning should be coordinated so land uses do not undermine the efficiency and reliability of the transportation system and transportation investments do not lead to unintended or inefficient land uses.⁸
12. **Annexation:** Cities are the preferred governing structure for providing public services to urban areas, and Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.
13. **Fiscal Responsibility:** Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.

Commented [RT6]: Heading is modified (formerly it just said "Efficiency"); second sentence is added.

Commented [RT7]: Two principles that formerly appeared below this have been deleted:
Rules/Statutes: Administrative rules should not be adopted into statute.
Non-Regulatory Tools: State efforts at regulatory streamlining should include funding to support development of non-regulatory tools for achieving desired land use outcomes. These principles have not come into play in recent years and seem superfluous in this document.

SOLID WASTE:

14. **Life Cycle Approach:** Metro supports efforts to minimize the health, safety, environmental, economic and social impacts associated with consumer products and packaging throughout all stages of a product's life cycle, beginning with resource extraction and continuing through design, manufacturing, consumption and disposal.⁹
15. **Product Stewardship/Producer Responsibility:** Metro supports legislation providing that whoever designs, produces, sells or uses a product bears responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. Under this market-based approach, the life-cycle costs of a product are internalized into its price rather than being forced onto the general public. This approach also provides an incentive for manufacturers to design and produce their goods in a way that minimizes waste, environmental impact and management costs.
16. **Equity in the Solid Waste System:** The Regional Waste Plan aims to eliminate disparities experienced by people of color and historically marginalized communities from the full life cycle of products and packaging used and disposed in the region. Metro supports legislation that achieves this by advancing: community restoration, community partnerships and community investment; access to recycling, waste and reuse services and information; good jobs with improved worker health and safety, compensation and career pathways; business

Commented [RT8]: New principle proposed by WPES legislative team.

Exhibit B to Resolution 21-XXXX

opportunities in the local economy; and community health through minimized impacts from system operations - locally and in end markets - and from toxic chemicals in products and packaging. Legislation should require the establishment of targets, standards and compliance processes, as appropriate, to ensure progress toward equity goals.

TRANSPORTATION:

21. **Transportation Funding:** Providing adequate funding for all transportation modes that move people and freight supports economic prosperity, community livability, public health and environmental quality. For these reasons, Metro supports an increase in overall transportation funding, investments in a safe and balanced multimodal transportation system that addresses the needs of all users, and flexibility in the system to provide for local solutions to transportation problems.
22. **Climate Change:** Metro and its regional partners are committed to the Climate Smart Strategy, which includes actions needed to achieve state targets for reducing greenhouse gas emissions from transportation. The state should provide financial support for implementation of the Climate Smart Strategy.
23. **Safe and Equitable Transportation:** Our region has adopted policies and developed programs to make it safer to walk and bike to school and other destinations, reduce serious traffic crashes and deaths, and reduce the disproportionate impact of traffic crashes and traffic enforcement in low income communities and communities of color.¹⁰ Metro supports legislation that advances safe and equitable transportation, including more effective and equitable enforcement of speed limits and other safety regulations, greater investment in infrastructure that improves safety (especially in disadvantaged communities), and greater authority for local governments to safely manage their transportation networks.

Commented [RT9]: Moved from former sustainability section; limited to focus on Climate Smart Strategy (broader principle on climate change moved up to General Principles section).

Commented [RT10]: New principle proposed by P&D staff.

PARKS, NATURE AND CONSERVATION:

24. **Parks and Natural Areas:** Our region has invested heavily in protecting water quality and wildlife habitat and providing residents with access to nature and outdoor activity. Parks and natural areas are regional assets that support public health, environmental quality, strong property values and economic prosperity. For these reasons, Metro supports measures to increase local and regional authority to raise revenues to support parks and natural areas and to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.
25. **Species Conservation:** Metro supports efforts to protect and restore wildlife habitat, to recover threatened and endangered species, and to create a better future for wildlife, both in Oregon and globally.
26. **Conservation Education:** Metro supports efforts to provide stable and reliable funding to conservation education.

Commented [RT11]: Last version of principles had separate sections on "Parks and Natural Areas" and "Sustainability." Those sections are now merged and climate change principles, formerly in "Sustainability" section, have been moved elsewhere.

ECONOMIC PROSPERITY:

28. **Metro Venues:** Because the Oregon Convention Center, Expo Center, Portland's Centers for the Arts and Oregon Zoo contribute millions of dollars to the state and regional economies, Metro supports policy and funding solutions that facilitate the success of these venues in attracting visitors and enhancing the quality of their experiences.

Commented [RT12]: Formerly included a principle on Infrastructure Finance:
Infrastructure Finance: Metro supports measures, including funding or revenue measures, which facilitate state, regional or local investments in the public structures needed to accommodate population and economic growth in a way that helps the region achieve its six desired outcomes for successful communities.
We feel this is redundant with the principle on Successful Communities, which has been modified to specifically reference funding. Principle on Climate Smart Strategy also specifically discusses funding.

Exhibit B to Resolution 21-XXXX

AGENCY OPERATIONS:

- 29. Firearms and Public Facilities:** Metro supports legislation that increases Metro’s authority to regulate the carrying of firearms on Metro properties and public venues, and opposes legislation that limits or reduces that authority.
- 30. Disaster Preparedness:** Metro supports legislative efforts to improve community disaster preparedness and resilience, with the goal of enabling the Portland region to provide for the immediate needs of its residents and businesses after a catastrophic event and facilitating the region’s short- and long-term recovery.

¹ Unless otherwise noted, endnotes refer to applicable policy statements in Metro’s [Regional Framework Plan](#) (RFP).

² RFP Chapter 1 (Land Use).

³ [Strategic plan to advance racial equity, diversity and inclusion](#).

⁴ RFP Policy 1.3 (Housing Choices and Opportunities).

⁵ See <http://oregonvaluesproject.org/findings/top-findings/> (specifically item 5, Natural Resource Protections for Future Generations)

⁶ RFP Policy 1.1 (Compact Urban Form).

⁷ RFP Policy 1.9 (Urban Growth Boundary).

⁸ RFP Policy 1.3.13 (Housing Choices and Opportunities); Transportation Goal 1 (Foster Vibrant Communities and Efficient Urban Form).

⁹ [2030 Regional Waste Plan](#), page 11.

¹⁰ [2018 Regional Transportation Plan, Chapter 3](#), Safety and Security Policies 1-9 and Transportation Equity Policies 1-7.

Materials following this page were distributed at the meeting.

Procurement Equity Strategies

For Public Improvement Projects

November 2020



Equity Strategies 1-4

1. Building relationships and trust
2. Matchmaking
3. Building capacity
4. Reducing the procurement barriers

Equity Strategies 5-8

5. Creating fair and equitable processes

6. Partnering with CBO's

7. Adding accountability

8. Creating opportunities

Equity Strategies 9-10

9. Tracking

10. Learning and seeking feedback

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Metro

Metro Council Legislative Principles

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December 15, 2020



Key proposed changes

- Division into two sections: general or over-arching principles and issue-specific principles
- New principle on equity in the solid waste system
- New principle on safe and equitable transportation



General principles

- Successful communities
- Racial diversity, equity and inclusion
- Climate change
- Pre-emption
- Funding

Equity in the Solid Waste System

(DRAFT 2021 legislative principle - summary)

Based on principles of Regional Waste Plan; objective is to eliminate disparities from full life cycle of products and packaging

- Community restoration, partnerships and investment
- Equitable access to services and information
- Good jobs, working conditions, compensation and career pathways
- Equitable access to business opportunities
- Community health, locally and in end markets

Safe and Equitable Transportation

(DRAFT 2021 legislative principle - summary)

Based on Regional Transportation Plan policies aimed at improving safety and reducing the disproportionate impact of both crashes and enforcement on low income communities and communities of color

- more effective and equitable enforcement
- greater investment in safety infrastructure
- greater authority for local governments to safely manage their transportation networks

Other proposed changes

- Elimination of redundant or superfluous principles
- Consolidation of sections
- Minor language changes

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