

Metro

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Metro

Minutes

Tuesday, December 13, 2022

10:30 AM

Metro Regional Center, Council Chamber,
<https://youtu.be/7qxdz99QoZU>, <https://zoom.us/j/615079992>, or
877-853-5257 (toll free) (Webinar ID: 615079992)

Council work session

Call to Order and Roll Call

Deputy Council President Lewis called the Work Session to order at 10:30 a.m.

Work Session Topics:

10:30 Carbon Reduction Program update

Attachments: [Staff Report](#)
[Attachment 1](#)
[Attachment 2](#)

Deputy Council President Lewis introduced Metro's Deputy Director of Planning, Development, and Research Margi Bradway (she/her) to present on the topic.

Bradway introduced Ted Leybold (he/him) and Suzanne Carlson, ODOT's Climate Office Director, and Grace Cho, Metro's lead on the allocation of the Climate Reduction Program funds.

Staff pulled up the Carbon Reduction Program Presentation to present to Council.

The presentation overviewed how the Biden Administration's Bipartisan Infrastructure Law (BIL) will impact funding opportunities for Oregon's Carbon Reduction Program. Bradway and Carlson detailed the specific measures of the BIL, explaining to the council the carbon reduction requirements necessary for funding. Carlson discussed how this money will be incorporated into the existing Statewide Transportation Strategy (STS), Oregon's strategy framework for reducing transportation greenhouse gas emissions. Transportation Management Associations (TMAs) will be used to identify projects that will receive funding, while ODOT will identify projects for statewide allocation. Leybold explained that Metro, as a

TMA, will receive a direct allocation of funds from the BIL, approximately \$18.8 million dollars. A detailed timeline displaying the next steps for the project was provided.

Council Discussion

Councilor Rosenthal questioned the date by which all of funds from the program will need to be spent.

Leybold began by noting that the program funds were not yet available in 2022, and that allocation must be completed by the end of 2023. He stated that funds may continue to be spent past the program's end date in 2026, although projects being funded must be obligated by that time.

Councilor Gonzalez asked the presenters what makes a Metropolitan Planning Organization (MPO) a TMA.

Leybold clarified that TMAs are determined after the decennial census, with any area being defined by the census bureau as a contiguous area that has a population of over 200,000 people. To qualify as an MPO a region must have a population greater than 50,000 individuals.

Councilor Gonzalez expressed his hope that the allocation methodology seeks to highlight carbon reduction strategies that are contact sensitive to the needs of the individual counties and jurisdictions in the region. He then commented that this program could serve to strengthen Metro's existing climate policies, making them more competitive on a larger scale.

Councilor Hwang requested clarification on the distinction between regional TMAs and local TMAs.

Bradway explained that in the local and regional TMAs share an acronym but serve different purposes; local TMAs receive money to manage transportation options, while regional TMAs are defined by federal law.

Councilor Hwang then asked if these funds will be eligible to contribute towards key transportation projects like 82nd Avenue or TV Highway, and if this money can be matched.

Bradway commented that the best use of these funds for the stated projects would be completing the project development work necessary to move into the FTA process. She noted that Metro will need roughly \$20 million dollars to move through the project development process for 82nd Avenue or TV Highway. Bradway stated that this money cannot be used to match, however, the current plan for 82nd Avenue is to leverage transfer funds from ODOT and PBOT to use to match for the FTA process.

Councilor Craddick questioned if a portion of ODOT's funds could join the funds being allocated to the projects.

Carlson notified the councilor that ODOT has not yet determined the statewide projects. She explained that a sizable share of projects tend to fall in the Portland region, so it is possible that their funding could be combined with Metro's on a project.

Councilor Craddick asked staff whether projects being allocated funds from the BIL are evaluated on their impact to greenhouse gas emissions. She expressed that she would like to see money designated to the projects that will make the largest positive impact on climate outcomes.

Carlson stated that the federal government does not require

quantitative evaluation on this scale; if a project is eligible under the requirements of the BIL it may receive funding even if there are other uses for the money that may provide a large reduction in emissions. She remarked that ODOT is weighing prospective projects on this metric, prioritizing programs that will most efficiently reach their desired climate goals. Bradway commented that while Metro utilizes modeling to evaluate the climate impacts of certain projects, active transportation investments in population centers are the most effective at reducing greenhouse gas emissions.

Councilor Rosenthal questioned if there is a mechanism for optimizing coordination between semi-rural transportation services, such as rideshare, with Trimet operations to create an efficiency of scale.

Bradway notified the councilor that the first major project after the completion of the 2023 Regional Transportation Plan will be to address micro-transit in Clackamas and Washington counties. She explained that funds and a system plan are already in place for this project to commence.

Councilor Rosenthal suggested that a potential policy solution could be transitioning micro-transit towards electric vehicles.

Deputy Council President Lewis cautioned staff about the workload of this allocation process overlapping with the final stages of the RTP.

Seeing no further discussion on the topic, Deputy Council President Lewis moved onto the next agenda item.

11:15 State Legislative Agenda

Attachments: [Staff Report](#)
[Attachment 1](#)
[Attachment 2](#)
[Attachment 3](#)
[Attachment 4](#)

Deputy Council President Lewis introduced Metro's Legislative Affairs Manager Anneliese Koehler (she/her) and State and Regional Affairs Advisor Jenna Jones (she/her) to present on the topic.

Staff pulled up the State Legislative Agenda Update to present to Council.

The presentation overviewed the results of the November 2022 election cycle as the staff commented on how this new congressional make-up may affect Metro policy measures and programs. Koehler discussed several key legislative issues for Metro to focus on, providing context and suggestion for future actions. Land use was cited as a major legislative topic, as the presenters commented on the importance of supporting legislation that makes industrial land ready for development, particularly for advancing the semiconductor task force recommendations, and helps increase equitable housing production in line with the fundamentals of Oregon's land use system. A timeline for the next steps in adopting the legislative agenda was provided.

Council Discussion

Councilor Craddick emphasized her support of legislation that prepares industrial land ready for development, stating that this removes a large barrier to funding and advancement. She noted that she would also like to see support for legislation that addresses assembling

contiguous pieces of land, asking the presenters if this has been proposed.

Koehler responded by stating that all the efforts in the past decade around industrial land readiness have included property aggregation as a piece of the legislation.

Councilor Craddick acknowledged the presenter's explanation, then restated that if we have the ability to aggregate properties for natural lands, we should be able to do the same for industrial land.

Councilor Rosenthal highlighted that industrial land development benefits the general fund, therefore, the state is incentivized to support the development of these lands. The councilor asked what the state can do to best support this development, particularly in jurisdictions that are less willing to begin this growth on their own.

Koehler explained that in many cases jurisdictions will only need technical assistance and funding from the state to become willing to develop their industrial land. However, she noted that another solution to this issue could be forming a new entity focused on land use that could guide these discussions and plans across the region as a whole.

Councilor Rosenthal followed Koehler's response by questioning where the League of Oregon Cities stand on this issue.

Staff stated that the League is present in these meetings and generally expressing enthusiasm about the opportunities inherent in industrial land development and the semiconductor industry.

Councilor Hwang noted that there could be more advocacy around workforce development and job creation in this discussion, asking the presenters if these topics are included in the legislative decision-making process.

Jones remarked that workforce development has been particularly present in conversations about the semiconductor industry, and that the need for housing has informed land use planning.

Councilor Nolan commented that both chambers of the State legislature will have historically diverse memberships, and this this gives Metro the opportunity to create genuine partnerships with BIPOC, women, and LGBTQ leaders.

Jones highlighted that the legislative agenda places a major focus on racial equity and inclusion, as well as recently including tribal sovereignty which seeks to recognize the government-to-government partnership between Metro and the tribes. She agreed that if Metro wants to live up to its values, we must intervene to support these partners when needed, building a relationship of trust of respect.

Deputy Council President Lewis noted that Metro has been included in the Brownfield Coalition, emphasizing the importance of remaining a strong partner in this coalition.

Councilor Rosenthal asked what kind of feedback there has been from the rest of the state regarding the appropriation of \$1 billion dollars for the Interstate 5 Bridge Replacement project. He also remarked that discussions of transportation equity cannot ignore regional equity, expressing his concerns that tolling may disproportionately affect certain communities and leave them feeling alienated.

Koehler stated that there has been lots of feedback on the budget for the Interstate Bridge project, both positive and critical. She noted that while the \$1 billion dollar appropriation is large, that this project should not be viewed as only serving the Portland Metropolitan area but the state as a whole.

Seeing no further discussion on this topic, **Deputy Council President Lewis** moved onto the next agenda item.

12:00 Employment Agreement Update

Attachments: [Staff Report](#)

Deputy Council President Lewis introduced Metro's Chief Operating Officer Marissa Madrigal (she/her) and Metro Attorney Carrie MacLaren to present on the topic.

Staff pulled up the Employment Agreements Presentation to present to Council.

Madrigal began the presentation by overviewing Metro's current policies surrounding employment agreements, as well as the events of the January 2020 Employment Agreements Audit. Madrigal explained that the Employment Agreements Audit that occurred in 2020 sought to improve transparency and consistency, as well as reducing financial and compliance risks. Recommendations from the audit were clarified in a March 2020 Council Work Session, in which the Council reached the consensus to continue to delegate authority to the COO, clarify with whom the COO can enter into agreements, and change contract language to compensation from salary.

Councilor Nolan interjected to ask if other policies set benchmarks based on compensation rather than salary.

MacLaren responded by noting that policy benchmarks use overall compensation, which encompasses both salary and other monetary benefits, as the metric.

Councilor Nolan then asked if there is a compensation target in regards to recruiting, and if this number is based on total compensation or salary.

Madrigal explained that Metro strives to recruit around the 50th percentile for compensation, making our levels of compensation comparable to averages in the region. She noted that some employees fall on the high end of the compensation spectrum, but that these workers receive extra compensation due to expertise and experience rather than high recruiting salaries.

Returning to the presentation, MacLaren noted that the Council's decisions in the March 2020 Work Session resulted in code amendments to retain the existing employment agreement terms, define executive-level positions, as well as requiring Council approval for agreements with different terms or amendments.

Council Discussion

Councilor Craddick commented that the consensus of the Council in the mentioned Work Session was that there needs to be continuity and consistency across director's compensations while still allowing a degree of flexibility. She questioned if the auditor's report in 2020 highlighted significant disparities in severance payments across former employees.

MacLaren responded, explaining that the audit should be

viewed in terms of consistency in employment agreements, and in consistency in severance and other employment settlements. MacLaren noted that there is consistency in expectations for executive-level employees, as three months of severance pay is a standard component of hiring contracts for this level of workers.

Councilor Rosenthal questioned if there is a definition of executive positions or if Metro maintains a list of who qualifies as holding an executive position.

MacLaren stated that there is not a definition of an executive position, and this causes a degree of ambiguity regarding compensation. She recommended that the Council supports the drafting a clear definition of what positions qualify as being executive and reworking the framework of position titles to align with this description.

Councilor Hwang was curious as to how the differing natures of executive positions plays a role in compensation discussions and pay equity. He then questioned how significant of a role the negotiation process plays in an employees compensation.

Madrigal began by acknowledging that the new pay equity law is the primary driver in compensation considerations. However, she explained that the market is also a key tool used to determine salaries, and that Metro will be conducting research to examine individual executive positions and their justified level of compensation based upon market factors. In regards to negotiations, Madrigal noted that the pay equity law has limited employee's ability to negotiate for significantly higher wages, and thus other benefits may be introduced into pay negotiations to keep Metro competitive.

Councilor Hwang followed up his previous questions by asking if plain language will be used in rewriting this specific section of the Metro code.

MacLaren confirmed that only this section of the code would be rewritten using plain language, with a focus on reducing ambiguity and creating clearer procedures for the future.

Deputy Council President Lewis questioned if Metro is adequately contemplating compensation packages for employees serving as interim directors or executives.

Staff explained that they did not see a need for employment contracts for interim appointments as interim positions are usually given to employees already working at Metro, and thus job security agreements such as severance pay are already in place. Madrigal noted that employees receive an increase to salary, calculated using their prior level of compensation, upon being placed in an interim position.

Seeing no further discussion on the topic, Deputy Council President Lewis moved onto the next agenda item.

12:20 Chief Operating Officer Communication

Marissa Madrigal provided an update on the following events or items:

- The garbage and recycling system facilities plan is being developed to support implementation in the 2023 Regional Waste Plan.
- The 2023 Portland Point in Time Count is an upcoming event in which the region's three counties count and learn more about those experiencing homelessness.

12:25 Councilor Communication

Councilors provided updates on the following meetings and events:

- **Councilor Gonzalez** noted that he attended a tour of TV Highway.

12:30 Adjourn

There being no further business, Deputy Council President Lewis adjourned the Metro Work Session at 12:39 p.m.

Respectfully submitted,



Jeffrey Kain, Legislative Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE WORK SESSION OF DECEMBER 13, 2022

| Item | Topic | Doc. Date | Document Description | Doc. Number |
|-------------|--------------|------------------|--|--------------------|
| 1.0 | PowerPoint | 12/13/2022 | Carbon Reduction Program Presentation | 121322cw-01 |
| 2.0 | PowerPoint | 12/13/2022 | State Legislative Agenda Update Presentation | 121322cw-02 |
| 3.0 | PowerPoint | 12/13/2022 | Employment Agreements Presentation | 121322cw-03 |