



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, March 2, 2023

10:30 AM

Metro Regional Center, Council chamber,

[https://www.youtube.com/watch?](https://www.youtube.com/watch?v=SyExWHJZRMg)

[v=SyExWHJZRMg,](https://www.youtube.com/watch?v=SyExWHJZRMg)

[https://zoom.us/j/615079992,](https://zoom.us/j/615079992) or

877-853-5257 (toll free) (Webinar ID:

615079992)

This meeting will be held electronically and in person at the Metro Regional Center Council Chamber.

You can join the meeting on your computer or other device by using this link: :

<https://www.youtube.com/watch?v=flvQ8T6feyg>

1. Call to Order and Roll Call

2. Public Communication

Public comment may be submitted in writing. It will also be heard in person and by electronic communication (video conference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by 4:00 p.m. the day before the meeting will be provided to the council prior to the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-813-7591 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those wishing to testify in person should fill out a blue card found in the back of the Council Chamber.

Those requesting to comment virtually during the meeting can do so by joining the meeting using this link: <https://zoom.us/j/615079992> (Webinar ID: 615079992) or 888-475-4499 (toll free) and using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at legislativecoordinator@oregonmetro.gov. Individuals will have three minutes to testify unless otherwise stated at the meeting.

3. Presentations

3.1 Code of Ethics Follow-up Presentation

[23-5820](#)

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

4. Consent Agenda

- 4.1 Resolution No. 23-5315, For the Purpose of For the Purpose of Amending the 2021-24 MTIP to Ensure Previously Approved Funding is Available to Support Planning Activities in the SFY 2024 Unified Planning Work Program (UPWP) [RES 23-5315](#)
Attachments: [Resolution No. 23-5315](#)
[Exhibit A](#)
[Staff Report](#)

5. Resolutions

- 5.1 Resolution No. 23-5314 For the Purpose of Amending the Affordable Housing Bond Work Plan to Allocate Bond Funds for Metro Administrative Costs [RES 23-5314](#)
Attachments: [Resolution 23-5314](#)
[Exhibit A](#)
[Staff Report](#)

6. Ordinances (First Reading and Public Hearing)

- 6.1 Ordinance No. 23-1490 For the Purpose of Annexing to the Metro District Boundary Approximately 6.58 Acres Located in Hillsboro to the West Side of SE 67th Ave North of SE Genrosa St. [ORD 23-1490](#)
Attachments: [Ordinance No. 23-1490](#)
[Exhibit A](#)
[Staff Report](#)
[Attachment 1](#)

7. Chief Operating Officer Communication

8. Councilor Communication

9. Adjourn

Metro respects civil rights

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Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт www.oregonmetro.gov/civilrights. або Якщощо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1700 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

Metro 的不歧視公告

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Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo www.oregonmetro.gov/civilrights. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullan dadweyne, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqa ka hor kullanka si loo tixgaliyo codsashadaada.

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

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

إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني www.oregonmetro.gov/civilrights. إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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Agenda Item No. 3.1

Code of Ethics Follow-up Presentation
Presentation

Metro Council Meeting
Thursday, March 02, 2023



Metro

Office of the Auditor

SUMMARY

Metro made progress on all the recommendations in the 2019 audit, **Metro's Code of Ethics: Clarify expectation to support an ethical culture** although little progress was made on the recommendations in the accompanying management letter. Four of the recommendations were implemented and four were in process. The two recommendations in the management letter related to lobbyist registrations were not implemented.

BRIAN EVANS

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Code of Ethics Follow-Up

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February 2023

BACKGROUND

The December 2019 audit found that stronger connections between organizational values, legal requirements, and policies and procedures would help build a better foundation to manage ethics. Without it, Metro was at increased risk of employees interpreting and taking actions based on their own set of values. This could reduce consistency and affect employee and public trust.

Transparency about who was seeking to influence decisions at Metro through lobbying was also identified during the audit. A letter to management in August 2019 summarized a pattern of out-of-date information, which appeared to violate Metro Code requirements. The letter recommended that stronger processes were needed to ensure complete and accurate information was available online.

RESULTS

The follow-up audit found progress was made to implement all the recommendations in the 2019 audit report, although little progress was made on the recommendations in the accompanying management letter. Management updated policies, increased training, and clarified responsibilities. These efforts strengthened the foundation for managing ethics, removed barriers to understanding ethical expectations, and increased consistency when addressing ethical concerns.

One area of continued risk was managing potential conflicts of interest in grants and contracts. The hybrid remote work environment changed some processes. As a result, it was more difficult to determine if the conflict of interest disclosure policy was followed. No actual conflicts of interests were identified in this follow-up audit.

The follow-up also found little progress was made on the recommendations contained in a letter to management regarding lobbyist information. Responsibilities were not clearly assigned and the requirements in Metro Code were not well understood. These issues reduced transparency about who was seeking to influence decisions.

Exhibit 1 Status of Recommendations

| 2019 Audit Recommendations | Status |
|---|-----------------|
| 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. | In process |
| 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. | In process |
| 3. Establish guidance for using safe harbor. | In process |
| 4. Provide ethics training that: <ul style="list-style-type: none"> 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 | Implemented |
| 5. Remind employees of ethical expectations periodically through agency-wide communications and events | In process |
| To consistently address potential ethical issues, the Chief Operating Officer should: | |
| 6. Assign responsibility for analyzing ethics-related trends and risks at Metro | Implemented |
| 7. Use the analysis to determine if additional preventative or corrective measures are needed | Implemented |
| 8. Clarify department roles and responsibilities for investigating potential ethical issues | Implemented |
| 2019 Management Letter Recommendations | Status |
| In order to ensure that lobbyist registrations are kept up to date, Metro should: | |
| A. Strengthen controls to ensure lobbyist registrations are kept up-to-date; and | Not implemented |
| B. Clearly assign responsibilities to: <ul style="list-style-type: none"> i. ensure lobbyist requirements are being followed; and ii. maintain updated lobbyist information online | Not implemented |

Source: Metro Auditor’s Office analysis of documents and interviews

Sustain progress to ensure effectiveness

Management made substantial progress on all recommendations made in the 2019 audit except those related to lobbyist registrations. Metro adopted an updated Employee Ethics policy. The Ethics policy replaced some older policies. This helped resolve prior inconsistencies. The new policy also integrated some other ethical requirements and clarified to whom requirements applied. For example, the Ethics policy mentioned Metro's Conflict of Interest Disclosure policy, Metro Code, and state ethics laws.

Although Metro clarified guidance some barriers remained that could create an opportunity for inconsistent management. The Ethics policy did not integrate Metro's organizational values. This may cause employees to think the policy was the only ethical standard.

Metro developed a strategic framework to guide the agency through 2024. It outlined principles of racial justice, climate justice and resilience, and shared prosperity. It was unclear whether those principles replaced a previous set of values. Some senior leaders pointed to the framework as a source of Metro values. Without connecting the framework principles to the Ethics policy, they may not be reinforced or seen as important as other ethical standards. Either could reduce consistency and trust.

The Ethics policy listed principles that were addressed by other ethics-related policies, but it did not reference those policies. This made relevant guidance harder to access. For example, the policy stated that "Whistleblowing is appropriate on unlawful or improper actions and should be done with no threat of reprisals." But the policy did not mention that Metro had a whistleblowing policy. Metro's nepotism policy specified procedures to prevent favoritism or unfairness in the workplace due to family and personal relationships. Not mentioning it in the Ethics policy could make employees less likely to apply those procedures.

Metro's ethics-related policies were also broader than the principles listed in the Ethics policy itself. These included new, updated, and established policies about conduct expectations. For example, there were eight policies to support a safe and inclusive workplace. None of those policies were mentioned in the Ethics policy.

Exhibit 2 Metro’s Ethics policy did not integrate several ethics-related policies

- Acceptable Use of Metro Resources
- Anti-Bullying*
- Conduct Expectations*
- Discrimination and Harassment-Free Workplace*
- Drug & Alcohol Use
- Employee Conduct*
- Gender Inclusion*
- IT Acceptable Use
- Nepotism and Personal Relationships in the Workplace
- Non Retaliation*
- Political Activity by Public Employees
- Supervisor Expectations & Responsibilities*
- Whistleblowing*

**Metro policies that support a safe and inclusive workplace
Source: Metro Auditor’s Office analysis of Metro policies*

Metro posted most policies on an internal webpage. The webpage organized the policies into sections. This was an area of improvement. It made the policies easier for employees to navigate, which strengthened the agency’s foundation for ethics.

However, it was difficult to determine the status of one ethics-related policy that was not posted on that webpage: Employee Conduct. The content of the Employee Conduct policy was from 2007. Most of it had been replaced, but some provisions may still be in effect.

The way information is organized on the internal webpage can help employees understand expectations and see the alignment with Metro’s organizational value. Ensuring there is a periodic process to update policies, remove outdated ones, and link policies with organizational values could be a low-cost way to ensure the risks identified in the original audit are not repeated.

Metro’s use of the Secretary of State’s safe harbor process to review election-related material provided a good example of how guidance and policy considerations can change quickly. In response to a 2019 audit recommendation, senior management stated that they would use safe harbor to assure compliance with restrictions on political campaigning. Metro sought and was granted safe harbor for informational materials associated with all the ballot measures it filed since the 2019 audit.

Metro’s practice was to produce multiple documents for each measure and submit them for review. However, for the November 2022 election, the Secretary of State’s Office declined to review substantially similar material twice. This was a change from their past practice. That meant Metro could use previously approved material or publish unreviewed material. If Metro chose to publish unreviewed material that deviated from what was approved, it may elicit a complaint that it violated state election law and could face penalties and legal fees. The agency agreed to pay a contractor \$325 per hour

to respond to an election complaint filed against Metro Council in 2018.

We determined that the status of the 2019 recommendation was in process. Metro used safe harbor, but changes at the Secretary of State created additional risks for Metro. Updating guidance or creating a written policy would help employees navigate these new dynamics.

Training recommendations implemented

The 2019 audit found that training was ineffective because few employees attended, ethics policies were largely excluded, and they were not presented in a relatable manner. As a result, employees may have been unfamiliar with ethics policies and unlikely to apply them.

Two ethics courses were available to employees. One was Oregon Government Ethics Law Training provided by Oregon's Government Ethics Commission. It was offered twice to Metro employees. The training was not required and only 1% of Metro employees took it. The 2019 audit recommended that senior management provide ethics training that included Metro's ethics-related policies and how to apply them, used a variety of media types to accommodate different learning styles, and was required annually of all employees.

During the follow-up audit, we found the recommendation was implemented. Management communicated a new requirement for all employees to participate in regular ethics training. The ethics law training learning objectives included defining Conflict of Interest, among others. Management also developed several other trainings related to ethics as part of the Safe and Inclusive Workplace initiative. These required trainings were only recently implemented. As a result, the follow-up audit did not assess employee participation in them. In the future, tracking employee attendance will be crucial to ensure employee training requirements are sustained.

Continue to communicate about ethics

Communications from senior leadership about ethics and their importance to an organization is another way to ensure effective management. The 2019 audit found that employee communications infrequently referenced ethics policies. Without frequent communications, employees may be less aware of expectations, and more likely to take action that does not meet them. The original audit recommended that senior management remind employees of ethical expectations periodically through agency-wide communications and events.

For the follow-up audit, we found that recommendation five was in process. Management communicated periodically about trainings related to ethics. However, annual reminders about restrictions on political activity using public resources were inconsistent. We heard that email reminders about restrictions on political activity were sent prior to some elections following the original audit, but not all. We learned that management planned to send reminders prior to every election in the future. Moving forward, to achieve implementation of this recommendation, management should continue to remind employees of ethical expectations periodically through agency-wide communications and events.

Analysis of ethics-related risks and trends began in January 2022

The 2019 audit found that 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.

The audit recommended that senior management assign responsibility for analyzing ethics-related trends and risks. It also recommended that the analysis be used to identify whether additional preventive and corrective actions were needed.

The follow-up audit found that both recommendations were implemented. Human Resources (HR) and Office of Metro Attorney (OMA) were assigned the role of identifying trends and presenting their findings annually. We learned that they implemented the process for the first time in January 2022.

The results of their analysis were used to identify preventative and corrective action in an email to senior management. The email recommended analysis of processes and training to prevent similar issues from repeating. Moving forward, management should continue to use this process to systematically gather data and recommend preventative and corrective actions.

New software put in place in 2022 has the potential to organize reports based on themes, which may make it easier to replicate the process from year to year. However, we heard that some investigations were conducted by an external contractor and that the results of those investigations may not always be included in the case management system. If not, they may not be considered in annual analysis of risks and trends.

Investigation roles were clarified

The 2019 audit found it was unclear who would take the lead to investigate some potential ethical issues. Policies were also unclear or inconsistent about who should investigate potential violations. The audit recommended that the Chief Operating Officer clarify department roles and responsibilities for investigating potential ethical issues.

The follow-up audit found that the recommendation was implemented. Management created new information about what to expect during an investigation, created more guidance about how to report concerns, and documented procedures for investigating potential policy violations.

To ensure ongoing effectiveness, it will be important to periodically update these documents and continue to make them available to employees. Guidance can be forgotten or replaced when procedures, personnel, or policies change. For example, some of the fifteen policies related to ethics did not define investigation roles. In addition, some potential policy violations may be investigated by external contractors. This could impact employee willingness to report concerns. HR's summary documents mitigate many of those potential weaknesses. To build trust and ensure consistency, employees need to know where to find the most up-to-date versions.

Increase consistency to improve transparency

The 2019 audit found that Metro's Conflict of Interest Disclosure policy was unclear 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.

The most recent management response to the audit noted that management updated the previous Conflict of Interest policy and consolidated it under the new Employee Ethics policy. This policy contains an overview of Conflict of Interest and refers employees to procedures included in the Conflict of Interest Disclosure policy.

For the follow-up audit, we found that Conflict of Interest Disclosure policy was not updated. The Conflict of Interest Disclosure policy guides employees in how they should document potential conflicts of interest in accordance with state law. The form prompted employees that participate or may participate in contracting to declare either an actual or potential conflict of interest if they had one. The form also prompted supervisors and managers to complete the form if they have an actual or potential conflict, or if they have no conflicts.

We found that use of the disclosure form was inconsistent, which decreased transparency. We reviewed disclosure forms submitted in the last three years. This was used to determine if employees who had disclosed a potential conflict of interest had participated in making a financial award. We found some instances where managers did not sign the form, but we did not identify any conflicts of interest. We also noticed additional documentation challenges that appeared to be caused by the use of electronic forms. These documents showed mismatches between names and signatures on some forms.

With high dollar amount contracts or contracts that involve approval exemptions in particular, documentation that employees have acknowledged the Conflict of Interest policy could reduce risks. In the event of a concern related to conflicts of interest, managers may rely on documentation to confirm that there were no conflicts of interest. If there were no documents, or if the documentation was inconsistent, this could increase the time and resources spent investigating the issue.

Consistent documentation related to conflicts of interest also improves transparency. Transparency helps maintain public trust that financial awards through contracts and grants were fairly awarded. Consistently documenting review of the policy could improve transparency.

Stronger processes needed to ensure lobbyists meet registration requirements

A letter to management was sent in August 2019 documenting that lobbyist information online was out-of-date in 2015, 2017, and 2019. The letter included recommendations to strengthen processes to ensure lobbyist registrations were kept up to date and to clearly assign responsibilities to ensure that lobbyist requirements were being followed.

Metro Code requires any person who spends more than five hours every three months lobbying to register with Council. The purpose of these requirements is to increase transparency for the public about those seeking to influence decisions.

Lobbying means influencing or attempting to influence legislative action through oral or written communication with Metro officials. Metro officials include managers, department directors, Metropolitan Exposition and Recreation Commissioners (MERC), and elected officials. Lobbying also includes solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of Councilors.

This follow-up audit found existing lobbyist registrations were updated every two years, but processes to ensure information online was accurate and complete were still lacking. The information on Metro's website was inconsistent with requirements in Metro Code. As a result, some lobbyists may not be registered because they think the requirements only apply to their time lobbying Metro Council.

There were also cases where information posted online was inconsistent with information provided by registered lobbyists. Metro Code requires lobbyists to file a statement containing the name of the lobbyist's employer, a description of the employer, and the subjects of legislative interest. It instructs lobbyists to provide information for each entity they represent.

In most cases, the information posted online was different from what was provided by lobbyists when they registered. Metro did not list two registered lobbyists on its website, which meant the online information was incomplete. Another registered lobbyist was associated with only one of its employers online. In addition, the majority of lobbyists' interests online did not match what they provided. This meant the information online was not accurate.

Exhibit 3 Examples of lobbyists’ interests online that did not match the interests they provided

| Issue(s) Posted Online | Stated Interest(s) |
|---|---|
| Rights-of way, emergency response, land use, climate action | Land use, climate policy, transportation, housing, and waste/ recycling management, renewable natural gas |
| Municipal | Metro policies that impact the cities located within the jurisdiction of the Metro region |
| Housing | Homelessness/Housing crisis advocacy |
| Land use, transportation, housing | Land use |
| Solid waste | Recycling, dry waste processing, solid waste, MRF, commercial and residential organics |

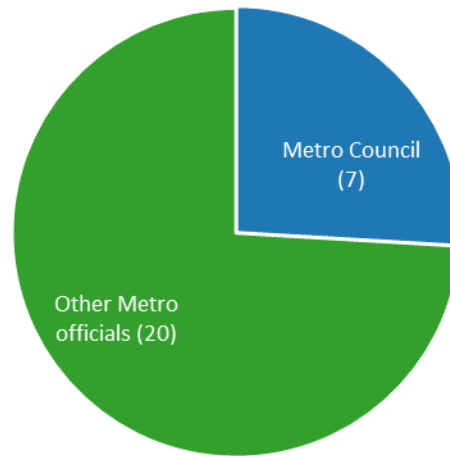
Source: Metro Auditor’s Office analysis of lobbyist registration forms and lobbyist information on Metro’s website

These inconsistencies appeared to have two potential causes. Employees may have changed the information submitted by lobbyists or may not have updated information online for lobbyist who had been previously registered. Guidance to manage the registration process would help employees know what should be posted online and what sources should be used to ensure complete and accurate information.

Government Affairs and Policy Development (GAPD) personnel thought the requirements applied to only lobbyists of elected officials. In Metro Code, legislative action means introduction, sponsorship, testimony, debate, voting, or any other official action on any ordinance, resolution, amendment, nomination, appointment or report, or any matter which may be the subject of action by the Council or any committee thereof. Both Council and MERC vote on legislation and receive reports from departments and venues.

Information on Metro’s website reflected a narrow interpretation of lobbyist registration requirements. As a result, some lobbyists would not know the requirements applied to them. The follow-up audit determined that communication with at least twenty other Metro officials may qualify as time spent lobbying as defined by Code.

Exhibit 4 Employees interpreted lobbyist registration requirements to only apply to Metro Council*



Source: Metro Auditor's Office analysis of Metro Code and FY 2022-23 Adopted Budget

*Other Metro officials include heads of departments/venues and commissioners. This chart does not include managers or Metro Auditor.

Lobbyists needed to state relationships with some Metro officials, but not others, in their registrations. This difference may have contributed to inconsistent guidance. Metro Code required lobbyists to name any member of the Council who was employed by or associated with the same business as them. It did not require them to name other Metro officials with whom they had employment or business relationships.

In one case, a lobbyist and a Metro official shared an employer. But, consistent with Metro Code, the relationship was not stated. Requiring lobbyists to name any Metro official who was employed by or associated with the same business as the lobbyist would make their relationships more transparent.

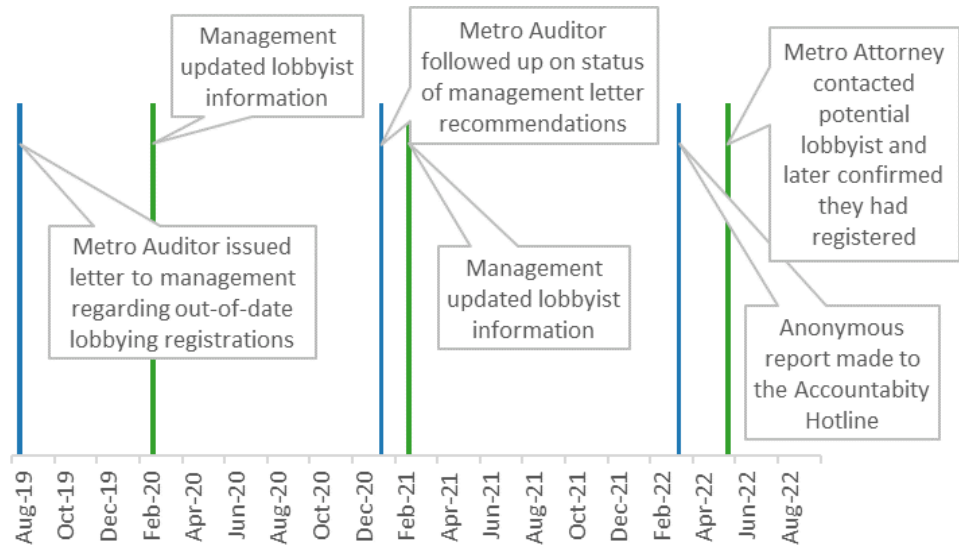
The follow-up audit found responsibilities to ensure requirements were being followed were not clearly assigned. Employees in GAPD contacted registered lobbyists when their registrations expired, but it was unclear who was responsible for determining if anyone else needed to register. As a result, there was no effort to identify new lobbyists since February 2020.

Management stated that a specific position would be responsible for the program once that position was filled. Management filled the position twice since April 2020. However, it did not document responsibility for the program. The position description did not include lobbyist registration and understanding of the requirements was weak among involved personnel.

Employees encouraged lobbyists to renew their registrations in 2020 and 2021. But the information may not capture individuals who lobbied Metro between updates or who have never registered. In 2019, 2020, and 2021, management stated that an employee would work with Council Office staff

and Metro officials to review meetings with external entities on a quarterly basis to determine if individuals have spent more than five hours lobbying. We found that quarterly reviews had not occurred between September 2019 and September 2022.

Exhibit 5 Metro Auditor has prompted management updates to lobbyist information for the last three years



Source: Metro Auditor’s Office analysis of Metro Auditor and management correspondence

Although some responsibilities had been assigned, Metro was unprepared to respond to questions about the requirements to register. An anonymous complaint that a lobbyist had not registered as required was made to the Accountability Hotline in March 2022. On average, hotline cases were resolved in about 19 days that year. It took 77 days and consultation with GAPD and OMA to address the complaint.

In May 2022, the Metro Auditor sought to change Code to take responsibility for managing the process. Later that month, OMA concluded that Metro Charter prevents the Auditor from taking on the function. Clearly assigning responsibility for lobbyists registrations and documenting procedures would help ensure compliance with Metro Code and increase transparency about who has sought to influence decisions.

SCOPE & METHODOLOGY

The purpose of this audit was to assess the status of recommendations from the 2019 Code of Ethics audit. There were three objectives:

1. Summarize conclusions reached in the survey phase of the audit about recommendations one through five.
2. Determine if sufficient preventative action was taken to ensure that lobbyist registration information was kept up to date online to address management letter recommendations A and B.
3. Determine if Metro had effective controls in place to detect potential ethical issues, including conflicts of interest, related to recommendations six through eight.

The audit scope included activities carried out since the initial audit was released in December 2019 and analysis of some events leading up to and following the release of the August 2019 Management Letter about lobbyist registration.

To meet the audit objectives, we interviewed Metro employees involved in implementation, including Human Resources and Office of Metro Attorney leadership. We reviewed training, policy, and emails. We also reviewed lobbyist registration information, conflict of interest disclosure forms, contracts, and information about the investigation process.

This audit was included in the FY 2022-23 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.



Memo

Date: Monday, February 13, 2023
To: Brian Evans, Metro Auditor
From: Andrew Scott, Deputy Chief Operating Officer
Subject: Code of Ethics Audit -Management Response

Thank you for your follow up on the 2019 Code of Ethics Audit. We agree with the Auditor’s findings in the follow-up to this audit and appreciate the Auditor and his staff’s work on this issue. We look forward to moving forward on these recommendations and are pleased that the Auditor finds that Metro has successfully implemented recommendations 4, 6, 7, and 8.

With regards to audit recommendations 1, 2, and 5, these are focused on ensuring that ethics are integrated in Metro’s laws, policies, and values; that those policies are clear and consistent and cover all employees; and that employees are reminded throughout the year of their ethical obligations and expectations. Management agrees that this is, and needs to remain, a core value of our organization. We appreciate the Auditor’s recommendations and will continue moving forward with this work. Due to the length of time needed for policy changes, management plans to fully implement these recommendations by June 30, 2024. However, in the meantime we will ensure that employees are aware of their ethical expectations through agency-wide communications as well as in department-level staff meetings.

For audit recommendation 3 regarding establishing guidance for using safe harbor, management did provide clear guidance to staff following the original audit. However, during the Parks levy measure the Secretary of State’s office changed the way they review and respond to these requests, informing Metro that they would no longer be reviewing materials that are substantially similar to materials that had previously been given safe harbor. This creates a risk, albeit small, that new materials could be challenged as containing political advocacy in violation of ORS 260.432. Management believes that it is important for government to provide accurate, objective, nonpolitical information for voters, especially during a time of growing misinformation, and we plan to continue doing so. We will work with the Secretary of State to understand their new procedure and develop guidance for staff.

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:** June 30, 2024

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:** June 30, 2024

Recommendation 3: Establish guidance for using safe harbor.

- **Response:** Management agrees with the recommendation.
- **Proposed plan:** We will work with the Secretary of State to understand their new procedure and develop guidance for staff.
- **Timeline:** Ongoing

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 and dispersed per the HR response to audit recommendations. These include:
 - Political activity email reminder (prior to every primary, general or special election).
 - Reminder every odd numbered year of the online Employee Ethics course requirement.
 - COO to ask directors and managers to directly and routinely discuss ethics as an agenda item at a regular staff meeting, no less than once per year.
- **Timeline:** Ongoing



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

Date: February 16, 2023
To: Brian Evans, Metro Auditor
From: Andrew Scott, Deputy Chief Operating Officer
Subject: Code of Ethics Follow-up Audit -Lobbyist Registration-Management Response

In August 2019, the Auditor sent a letter to the COO regarding Metro’s process for registration of lobbyists. The Auditor’s 2023 Code of Ethics follow-up audit reinforced the need for Metro to maintain stronger processes to ensure lobbyists meet registration requirements. Overall, Metro has strived to improve our compliance with Metro code, though progress was interrupted by staff turnover and COVID-related workflow difficulties. Metro’s Government Affairs and Policy Development (GAPD) team, along with the Council Office, is taking steps to ensure best practices for lobbyist registration requirements.

Metro code requires individuals who receive compensation for lobbying and spend more than five hours every three months lobbying to register with Metro. Although responsibility for registering lies solely with the lobbyist, Metro posts the lobbyist registrations so that we can be transparent about who is lobbying Metro officials.

The registration form for lobbyists is posted on the Metro lobbyist registration webpage and lobbyists are asked to complete it and return it to the GAPD coordinator. Going forward, management will ensure that the GAPD coordinator takes the following actions:

- Record and store the registration forms in one filing location.
- Perform an annual audit of the Metro lobbyist registration webpage every January to review any expired registrations and email each lobbyist to encourage re-registration.
- Review the weekly Councilor “External Meetings” list and consult with Council Office staff every quarter to identify individuals who may be meeting or nearing the threshold for registering and contact the potential lobbyists.

The Auditor noted that some lobbyists may not be registered because they think the registration requirements only apply to lobbying the Metro Council whereas the Metro Code states lobbying includes influencing or attempting to influence “Metro officials.” A "Metro official" means any department director, manager, elected official or Metro commissioner. Management intends to include the definition of “Metro official” on the lobbyist registration website along with the already published definitions of “lobbyist” and “lobbying” to promote greater clarity and help potential lobbyists understand their responsibilities. We will also clarify the lobbyist registration page to remove language suggesting that only those lobbying Metro Council need register.

The Auditor also notes that lobbyist information posted online was inconsistent with the actual information submitted by lobbyists or incomplete. In the future the GAPD coordinator will doublecheck all submissions to ensure accuracy on the Metro website and will post what is submitted by lobbyists as close to verbatim as possible to ensure accurate and complete information is posted online. Finally, the lobbyist registration duties will be added to the GAPD coordinator position description, and process documents related to this body of work will include more detail to ensure understanding of the responsibilities.

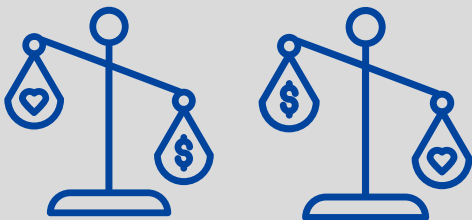
Code of Ethics Follow-up Audit

Why this audit is important

Ethics consists 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. Unethical conduct can be harmful to society and have severe impacts on organizations.

A December 2019 audit **Metro’s Code of Ethics: Clarify expectation to support an ethical culture** found that stronger connections between organizational values, legal requirements, and policies and procedures would help build a better foundation to manage ethics. Without it, Metro was at increased risk of employees interpreting and taking actions based on their own set of values. This could reduce consistency and affect employee and public trust.

Transparency about who was seeking to influence decisions through lobbying was also identified during the 2019 audit. An August 2019 letter to management summarized a pattern of out-of-date information, which appeared to violate Metro Code requirements. The letter recommended that stronger processes were needed to ensure complete and accurate information was available online.



What we found

Metro made progress on all the recommendations in the 2019 audit. Four were implemented and four were in process. However, little progress was made on the recommendations in the management letter. The two related to lobbyist registrations were not implemented.

| 2019 Audit Recommendations | Status |
|---|-----------------|
| 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 | In process |
| 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 | In process |
| 3. Establish guidance for using safe harbor | In process |
| 4. Provide ethics training that: <ul style="list-style-type: none"> 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 | Implemented |
| 5. Remind employees of ethical expectations periodically through agency-wide communications and events | In process |
| To consistently address potential ethical issues, the Chief Operating Officer should: | |
| 6. Assign responsibility for analyzing ethics-related trends and risks at Metro | Implemented |
| 7. Use the analysis to determine if additional preventative or corrective measures are needed | Implemented |
| 8. Clarify department roles and responsibilities for investigating potential ethical issues | Implemented |
| 2019 Management Letter Recommendations | Status |
| In order to ensure that lobbyist registrations are kept up to date, Metro should: | |
| A. Strengthen controls to ensure lobbyist registrations are kept up-to-date; and | Not implemented |
| B. Clearly assign responsibilities to: <ul style="list-style-type: none"> a. ensure lobbyist requirements are being followed; and b. maintain updated lobbyist information online | Not implemented |

Agenda Item No. 4.1

**Resolution No. 23-5315, For the Purpose of For the Purpose of Amending the 2021-24 MTIP
to Ensure Previously Approved Funding is Available to Support Planning Activities in the SFY
2024 Unified Planning Work Program (UPWP)**

Consent Agenda

Metro Council Meeting
Thursday, March 02, 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 23-5315
2021-24 MTIP TO ENSURE PREVIOUSLY)
APPROVED FUNDING IS AVAILABLE TO) Introduced by: Chief Operating Officer
SUPPORT PLANNING ACTIVITIES IN THE SFY) Marissa Madrigal in concurrence with
2024 UNIFIED PLANNING WORK PROGRAM) Council President Lynn Peterson
(UPWP))

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

WHEREAS, the U.S. Department of Transportation requires federal funding for transportation projects located in a metropolitan area to be programmed in an MTIP; and

WHEREAS, in July 2020, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved Resolution No. 20-5110 to adopt the 2021-24 MTIP; and

WHEREAS, pursuant to the U.S. Department of Transportation’s MTIP amendment submission rules, JPACT and the Metro Council must approve any subsequent amendments to the MTIP to add new projects or substantially modify existing projects; and

WHEREAS, preliminary development of Metro’s State Fiscal Year 2024 Unified Planning Work Program (UPWP) now requires programming adjustments to prior approved UPWP funding areas in the MTIP to support the SFY 2024 UPWP; and

WHEREAS, the prior approved UPWP Surface Transportation Block Grant allocations to the Regional Travel Options (RTO) and Safe Routes to School (SRTS) outreach activities are being advanced to FFY 2023 in the MTIP to support the SFY 2024 UPWP; and

WHEREAS, both the RTO and SRTS UPWP projects will remain as stand-alone projects in the MTIP allowing them to be flex-transferred and obligated through the Federal Transit Administration during FFY 2023; and

WHEREAS, Metro’s Finance Department has determined the preliminary funding need using Surface Transportation Block Grant funds necessitates the advancement and funding adjustments to two prior approved Next Corridor Planning MTIP projects in support of the SFY 2024 UPWP budget; and

WHEREAS, Metro staff reviewed and confirmed the MTIP’s financial constraint finding is maintained with this amendment; and

WHEREAS, Exhibit A to this resolution includes the project names, descriptions, and amendment action for the four projects proposed for amendment; and

WHEREAS, on February 3, 2023, Metro’s Transportation Policy and Alternatives Committee recommended that JPACT approve this resolution; and

WHEREAS, on February 16, 2023, JPACT approved and recommended the Metro Council adopt this resolution; now therefore

BE IT RESOLVED that the Metro Council adopts this resolution to amend the four projects, identified in Exhibit A, in the 2021-24 Metropolitan Transportation Improvement Program.

ADOPTED by the Metro Council this ____ day of _____ 2023.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

2021-2026 Metropolitan Transportation Improvement Program
Exhibit A to Resolution 23-5315

February FFY 2023 Formal Transition Amendment Bundle Contents
 Amendment Type: Formal/Full
 Amendment #: FB23-06-FEB
 Total Number of Projects: 4

| Key Number & MTIP ID | Lead Agency | Project Name | Project Description | Amendment Action |
|--|-------------|--|---|--|
| (#1) ODOT Key # 22158 MTIP ID 71107 | Metro | Regional Travel Options (RTO) program (FFY 2023) | The Regional Travel Options (RTO) program implements strategies to help diversify trip choices, reduce pollution and improve mobility. (FY 2023 UPWP allocation year) | ADVANCE PROJECT: Advance the project and funding from FFY 2025 to FFY 2023 to support the development and funding needs of the SFY 2024 UPWP |
| (#2) ODOT Key # 22161 MTIP ID 71114 | Metro | Safe Routes To Schools program (FFY 2023) | Promotes through planning funding and outreach activities the ability for youth to safely affordably and efficiently access school by walking biking and transit. (FY 2023 allocation year) | ADVANCE PROJECT: Advance the project and funding from FFY 2025 to FFY 2023 to support the development and funding needs of the SFY 2024 UPWP |
| (#3) ODOT Key # 22598 MTIP ID 70871 | Metro | Corridor and Systems Planning (2021) | Corridors and Systems Planning Program conducts planning level work in corridors. Emphasizes the integration of land use and transportation. Determines regional system needs, functions and desired outcomes. (FY 2021 fund allocation year) | COMBINE FUNDING: Combine \$295,924 of STBG plus match from Key 22154 into Key 22598 to support SFY 2024 UPWP Next Corridor Planning needs |
| (#4) ODOT Key # 22154 MTIP ID 71111 | Metro | Next Corridor Planning (FFY 2022) | Funds to contribute toward development of prioritized transportation improvements and funding strategy for the region's next priority corridor. (FY 2022 UPWP allocation year) | SPLIT FUNDING: Split \$295,924 of STBG plus match from key 22154 and combine into Key 22598 to support Next Corridor Planning needs in the SFY 2024 UPWP |

Proposed Amendment Review and Approval Steps:

- Wednesday, January 31, 2023: Post amendment & begin 30-day notification/comment period
- Friday, February 3, 2023: TPAC meeting (Required notification)
- Thursday, January 16, 2023: JPACT meeting
- Wednesday, March 1, 2023: End 30-day Public Comment period
- Thursday, March 9, 2023: Metro Council meeting
- Wednesday, March 15, 2023: Signed resolution available to complete amendment bundle
- Thursday, March 16, 2023: Metro approved February 2023 Formal MTIP Amendment bundle sent on to ODOT and FHWA for final reviews and approvals
- Mid-April 2023: Final approvals expected from FHWA.

2021-2026 MTIP Formal Amendment - Exhibit A

February 2023 Formal Amendment for FFY 2023 - Amendment Number FB23-06-FEB

Summary Reason for Change: Project is being advanced to FFY 2023 to be incorporated into and support the SFY 2024 UPWP



**Metro
2021-26 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET**

**MTIP Formal Amendment
ADVANCE PROJECT**
Advance Key 22158 to FFY 2023 as
part of the SFY 24 UPWP

| | | | | |
|---|--------------------------|----------------------------------|---------------------------------|------------------------|
| Lead Agency: Metro | | | Project Type: Local Rd | ODOT Key: 22158 |
| Project Name: Regional Travel Options (RTO) program (FFY 2023) | 1 | Fiscal Constraint Cat: Other | MTIP ID: 71107 | Status: 0 |
| | | ODOT Type: TBD | Comp Date: 12/31/2025 | RTP ID: 11103 |
| Project Status: 0 = No activity. | | Performance Goal: N/A | RTP Approval: 12/6/2018 | Trans Model: 12/6/2018 |
| | | Capacity Enhancing: No | TCM: No | TSMO Award: No |
| | | Conformity Exempt: Yes | TSMO Cycle: N/A | TSMO Cycle: N/A |
| | | On CMP: No | RFFA ID: 50397 | RFFA ID: 50397 |
| | | 30 Day Notice Begin: 1/31/2023 | RFFA Cycle: 2022-24 | RFFA Cycle: 2022-24 |
| | | 30 Day Notice End: 3/1/2023 | UPWP: No | UPWP: No |
| | | Funding Source: Metro | UPWP Cycle: N/A | UPWP Cycle: N/A |
| | | Funding Type: STBG | Past Amend: 1 | Past Amend: 1 |
| | | State Highway Route: N/A | Council Appr: Yes | Council Appr: Yes |
| | | Mile Post Begin: N/A | Council Date: 3/9/2023 | Council Date: 3/9/2023 |
| | | Mile Post End: N/A | OTC Approval: No | OTC Approval: No |
| | | Length: N/A | OTC Date: N/A | OTC Date: N/A |
| | | Flex Transfer to FTA: YES | MTIP Amnd #: FB23-06-FEB | |
| | | FTA Conversion Code: 5307 | | |
| | 1st Year Program'd: 2023 | | | |
| | Years Active: 1 | | | |
| | STIP Amend #: TBD | | | |

Detailed Description: The Regional Travel Options (RTO) program implements strategies to help diversify trip choices, reduce pollution and improve mobility. RTO includes all of the alternatives to driving alone, such as carpooling, vanpooling, riding transit, bicycling, walking and telecommuting. The program maximizes investments in the transportation system and relieves traffic congestion by managing travel demand in the region, particularly during peak commute hours. (UPWP RFFA Step 1 STBG allocation)

STIP Description: TBD

Last Amendment of Modification: Formal - May 2021 - MA21-10-MAY - REPROGRAM FUNDS: Reprogram to the unconstrained FY 2025 to avoid possible conflicts with the development and execution of annual obligation targets

PROJECT FUNDING DETAILS

| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Construction | Other | Total |
|---|------------------|-----------------|--------------|-------------------------|--------------|--------------|-------------------------|---------------------|
| Federal Funds | | | | | | | | |
| STBG-U | Y230 | 2025 | - | | | | \$ 2,839,398 | \$ - |
| STBG-U | Y230 | 2023 | \$ 2,839,398 | | | | | \$ 2,839,398 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Federal Totals: | \$ 2,839,398 |
| State Funds | | | | | | | | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | State Total: | \$ - |
| Local Funds | | | | | | | | |
| Local | Match | 2025 | - | | | | \$ 324,982 | \$ - |
| Local | Match | 2023 | \$ 324,982 | | | | | \$ 324,982 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| Other funds = local overmatch contribution | | | | | | | Local Total | \$ 324,982 |
| Phase Totals Before Amend: | | | \$ - | \$ - | \$ - | \$ - | \$ 3,164,380 | \$ 3,164,380 |
| Phase Totals After Amend: | | | \$ 3,164,380 | \$ - | \$ - | \$ - | \$ - | \$ 3,164,380 |
| Total Project Cost Estimate (all phases): | | | | | | | | \$ 3,164,380 |
| Year of Expenditure Cost Amount: | | | | | | | | \$ 3,164,380 |

Programming Summary Details

Why project is short programmed:

| | | | | | | |
|------------------------|--------------|---------|---------|---------|----------------|------------|
| Phase Change Amount: | \$ 3,164,380 | \$ - | \$ - | \$ - | \$ (3,164,380) | \$ - |
| Phase Change Percent: | 100% | #DIV/0! | #DIV/0! | #DIV/0! | -100% | 0% |
| Revised Match Federal: | \$ 324,982 | \$ - | \$ - | \$ - | \$ - | \$ 324,982 |
| Revised Match Percent: | 10.27% | N/A | N/A | N/A | N/A | 10.27% |

Phase Obligations and Expenditures Summary

| Item | Planning | PE | ROW | Construction | Other | |
|--------------------------|----------|----|-----|--------------|-------|----------------|
| Total Funds Obligated: | | | | | | Federal Aid ID |
| Federal Funds Obligated: | | | | | | |
| Initial Obligation Date: | | | | | | Other Notes |
| EA Number: | | | | | | |
| EA Start Date: | | | | | | |
| EA End Date: | | | | | | |
| Known Expenditures: | | | | | | |

MTIP Programming Consistency Check Details and Glossary

General Areas

| | |
|---|--|
| 1 | Phase funding fields: Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred. |
| 2 | Amendment Purpose: The purpose of an MTIP amendment is normally to add a new project due to required federal review actions involving the MTIP and STIP, or complete required changes to the project (name description, or funding) to meet the project's next federal approval delivery step. |
| 3 | This amendment to the MTIP completes what action: The amendment advances the approved STBG funding and match for the RTO program from FFY 2025 forward into the constrained year of FFY 2023. The funds are allocated to the project for FFY 2023 and will be part of the SFY 2024 UPWP. |
| 4 | MTIP Programming Submitted Supporting Documentation: RFFA Step 1 allocation table and Finance Department confirmation |

Public Notification and Comment Process:

| | |
|----|---|
| 5A | Was a 30 Public Notification/Opportunity to Comment Period Required? Yes |
| 5B | What were the 30 day Public Notification/Opportunity to Comment Start and end dates? January 31, 2023 to March 1, 2023 |
| 5C | Was the Public Notification/Opportunity to Comment period completed consistent with the Metro Public Participation Plan? Yes |
| 5D | Was the Public Notification/Opportunity to Comment period included on the Metro website allowing email submissions as comments? Yes |
| 5E | Were there a significant amount of comments received requiring a comments log summary provided to Metro Communications Staff? No. However, any significant comments received are sent on to Metro's Communication staff for review plus evaluation, and response as needed. |

6 Added clarifying notes: RTO activities are a component of the annual UPWP and are considered planning activities. As such, they are being moved back to their appropriate phase "Planning" as part of this amendment.

Fiscal Constraint Consistency Check Areas

| | |
|----|---|
| 1 | Will Performance Measurements Apply? No. This is a planning activity. Performance measurements do not apply to planning activities. |
| 2A | Does the amendment include fiscal updates? No. The authorized funding is not changing, only being advanced forward to FFY 2023. |
| 2B | What is the funding source for the project? Metro RFFA Step 1 annual funding |
| 2C | Was the Proof-of Funding requirement satisfied and how? Confirmation of project need in FFY 2023 and verification that the funds will be part of the SFY 2024 UPWP. |
| 2D | Was overall fiscal constraint demonstrated? Yes. |

RTP Consistency Check Areas

| | |
|----|--|
| 1A | RTP ID and Name: ID# 11103 - Regional MPO Activities for 2018-2027 |
| 1B | RTP Project Description: System planning, topical planning, and activities that Metro must conduct for the period 2018-2027 in order to remain certified as an metropolitan planning organization (MPO) by the federal government and be eligible to receive and distribute federal transportation dollars. |
| 2A | Is the project exempt per 40 CFR 93.126, Table 2 or 40 CFR 92.127, Table 3? Yes, per 40 CFR 93.126, Table 2 |
| 2B | What is the exception category per the regulation: Table 2 - Other - Planning and technical studies. |
| 3A | Is the project considered capacity enhancing? No. The project is a planning project. It is not capacity enhancing. |
| 3B | If capacity enhancing, did the project complete required transportation demand modeling through the RTP Update or via an RTP amendment? No. |
| 3C | Is Air Quality analysis required? No. The Metro MPA has obtained conformity attainment. Special air quality analysis requirements do not apply |
| 3D | Is an Air Quality analysis approval date required? No. If the project is capacity enhancing, then transportation modeling analysis was completed as part of the RTP update. The RTP approval date 12/6/2018 can be considered the date for the completion of any required transportation demand modeling requirements for projects if they are capacity enhancing. |
| 4 | What RTP Goal(s) does the project support? Goal #11 - Transparency and Accountability. Objective 11.2 Performance-Based Planning – Make transportation investment decisions using a performance-based planning approach that is aligned with the RTP goals and supported by meaningful public engagement, multimodal data and analysis. |
| 5 | Does the project require a special performance assessment evaluation as part of the amendment? (applies to capacity enhancing projects, \$100 million or greater, and regionally significant). No. The project is not capacity enhancing nor does it exceed \$100 million dollars in cost. |

UPWP Consistency Check Areas

| | |
|----|--|
| 1A | Does the MTIP action also require an UPWP amendment: Yes, but as part of the SFY 24 UPWP. The project will be part of the UPWP, but remain as stand-alone independently programmed project in the MTIP |
| 1B | Can the MTIP amendment proceed ahead of the UPWP amendment? Yes. The MTIP amendment can proceed concurrently with the UPWP development |
| 2 | What UPWP category does the project fit under (e.g. Master Agreement, Metro Funded Regionally Significant, or Non-Metro Funded Regionally Significant)? Metro Master Agreement - but independent stand-alone programming for flex transfer needs to FTA. |

Other Review Areas

| | |
|----|---|
| 1 | Is the project location identified on the National Highway System (NHS), and what is its designation? No - Not applicable |
| 2A | Is the project location identified as part of one or more of Metro Modeling Networks, and which one(s)? No - Not applicable |
| 2B | What is the Metro modeling designation? Not applicable |
| 3 | Is the project designated as a Transportation Control Measure (TCM)? No |
| 4 | Is the project location identified on a Congestion Management Plan route? No |

Fund Type Codes References

| | |
|--------|---|
| Local | General Local funds committed by the lead agency that normally cover the minimum match requirement to the federal funds |
| STBG-U | (Metro STBG) Federal Surface Transportation Block Grant funds appropriated to ODOT and with a portion allocated under a formula to the MPOs and then committed to eligible projects via a discretionary award process |

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ODOT Key: 22158 | MTIP ID: 71107

Regional Travel Options (RTO) program (FFY 2023) - Cycle 2021-26

Current Programming

| phase | year | fund type | federal amount | minimum local match | other amount | total | hold from mtip |
|------------------------|-------------|------------|--------------------|---------------------|--------------|--------------------|--------------------------|
| Other (explain) | 2025 | | \$2,839,398 | \$324,982 | \$0 | \$3,164,380 | <input type="checkbox"/> |
| | 2023 | STBG-URBAN | \$2,839,398 | \$324,982 | \$0 | \$3,164,380 | |
| Totals >> | | | \$2,839,398 | \$324,982 | \$0 | \$3,164,380 | |

| | Federal Fiscal Year | | | | | | | | |
|---------------------------------------|---------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--|
| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | |
| 3 HCT Bond | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$20,380,000 | \$21,390,000 | \$21,390,000 | \$21,830,000 | \$21,840,000 | |
| 4 TOD | \$3,021,148 | \$3,063,139 | \$3,105,713 | \$3,198,884 | \$3,294,851 | \$3,393,696 | \$3,495,507 | \$3,600,373 | |
| 5 TSMO Grant bucket | \$1,523,092 | \$1,546,545 | \$1,570,363 | \$1,585,262 | \$1,534,801 | \$1,478,467 | \$1,667,159 | \$1,717,173 | |
| 6 TSMO Administration (Metro) | | | | \$113,045 | \$178,852 | \$183,211 | \$188,707 | \$194,369 | |
| 7 RTO | \$2,302,760 | \$2,336,500 | \$2,370,740 | \$2,522,695 | \$2,598,451 | \$2,676,405 | \$2,756,697 | \$2,839,398 | |
| 8 RTO - Safe Routes to Schools | | | | \$485,000 | \$500,000 | \$515,000 | \$530,450 | \$546,364 | |
| 9 Corridor & System Planning | \$507,427 | \$514,963 | \$522,610 | \$538,288 | \$554,437 | \$571,070 | \$588,202 | \$605,848 | |
| 10 Freight & Eco Devo System Planning | | | | \$67,900 | \$70,000 | \$72,100 | \$74,263 | \$76,491 | |
| 11 MPO Planning | \$1,173,042 | \$1,208,233 | \$1,244,480 | \$1,281,815 | \$1,320,269 | \$1,359,877 | \$1,400,673 | \$1,442,694 | |
| 12 | | | | | | | | | |
| 13 Total Bond Commitment (annual) | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$20,380,000 | \$21,390,000 | \$21,390,000 | \$21,830,000 | \$21,840,000 | |
| 14 Total Step 1 (annual) | \$8,527,469 | \$8,669,380 | \$8,813,906 | \$9,792,889 | \$10,051,661 | \$10,249,826 | \$10,701,659 | \$11,022,709 | |
| 15 Bond Commitment & Step 1 (annual) | | | | | | \$31,639,826 | \$32,531,659 | \$32,862,709 | |
| 16 | | | | | | | | | |

2021-2026 MTIP Formal Amendment - Exhibit A

February 2023 Formal Amendment for FFY 2023 - Amendment Number FB23-06-FEB

Summary Reason for Change: Project is being advanced to FFY 2023 to be incorporated into and support the SFY 2024 UPWP



**Metro
2021-26 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET**

**MTIP Formal Amendment
ADVANCE PROJECT**
Advance Key 22161 to FFY 2023 as
part of the SFY 24 UPWP

| | | | | |
|--|--------------------------|----------------------------------|------------------------------|------------------------|
| Lead Agency: Metro | | | Project Type: Local Rd | ODOT Key: 22161 |
| Project Name: Safe Routes To Schools program (FFY 2023) | 2 | Fiscal Constraint Cat: Other | MTIP ID: 71114 | |
| | | ODOT Type: TBD | Status: 0 | |
| Project Status: 0 = No activity. | | Performance Goal: N/A | Comp Date: 12/31/2025 | |
| | | Capacity Enhancing: No | RTP ID: 12021 | |
| | | Conformity Exempt: Yes | RTP Approval: 12/6/2018 | |
| | | On CMP: No | Trans Model: 12/6/2018 | |
| | | 30 Day Notice Begin: 1/31/2023 | TCM: No | |
| | | 30 Day Notice End: 3/1/2023 | TSMO Award: No | |
| | | Funding Source: Metro | TSMO Cycle: N/A | |
| | | Funding Type: STBG | RFFA ID: 50405 | |
| | | State Highway Route: N/A | RFFA Cycle: 2022-24 | |
| | | Mile Post Begin: N/A | UPWP: No | |
| | | Mile Post End: N/A | UPWP Cycle: N/A | |
| | | Length: N/A | Past Amend: 1 | |
| | | Flex Transfer to FTA: YES | Council Appr: Yes | |
| | | FTA Conversion Code: 5307 | Council Date: 3/9/2023 | |
| | | 1st Year Program'd: 2023 | OTC Approval: No | |
| | Years Active: 1 | OTC Date: N/A | | |
| | STIP Amend #: TBD | MTIP Amnd #: FB23-06-FEB | | |

Detailed Description: To achieve a region where all kids and youth are able to safely, affordably, and efficiently access school and their community by walking, biking, and transit, the Metro SRTS Program promotes collaboration between SRTS practitioners, provides technical assistance to support new & existing programs, and supports the growth of sustainable funding for SRTS. (FY 2023 allocation year)

STIP Description: TBD

Last Amendment of Modification: Formal - June 2021 - JN21-11-JUN REPROGRAM PROJECT: Push out the UPWP SRTS project to FFY 2025. When the UPWP is approved requiring the funds, they will be advanced to the applicable obligation year

PROJECT FUNDING DETAILS

| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Construction | Other | Total |
|---|------------------|-----------------|------------|-------------------------|--------------|--------------|---|-------------------|
| Federal Funds | | | | | | | | |
| STBG-U | Y230 | 2025 | - | | | | \$ 546,364 | \$ - |
| STBG-U | Y230 | 2023 | \$ 546,364 | | | | | \$ 546,364 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Federal Totals: | \$ 546,364 |
| State Funds | | | | | | | | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | State Total: | \$ - |
| Local Funds | | | | | | | | |
| Local | Match | 2025 | - | | | | \$ 62,534 | \$ - |
| Local | Match | 2023 | \$ 62,534 | | | | | \$ 62,534 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| Other funds = local overmatch contribution | | | | | | | Local Total | \$ 62,534 |
| Phase Totals Before Amend: | | | \$ - | \$ - | \$ - | \$ - | \$ 608,898 | \$ 608,898 |
| Phase Totals After Amend: | | | \$ 608,898 | \$ - | \$ - | \$ - | \$ - | \$ 608,898 |
| | | | | | | | Total Project Cost Estimate (all phases): | \$ 608,898 |
| | | | | | | | Year of Expenditure Cost Amount: | \$ 608,898 |

Programming Summary Details

Why project is short programmed:

| | | | | | | |
|------------------------|------------|---------|---------|---------|--------------|-----------|
| Phase Change Amount: | \$ 608,898 | \$ - | \$ - | \$ - | \$ (608,898) | \$ - |
| Phase Change Percent: | 100% | #DIV/0! | #DIV/0! | #DIV/0! | -100% | 0% |
| Revised Match Federal: | \$ 62,534 | \$ - | \$ - | \$ - | \$ - | \$ 62,534 |
| Revised Match Percent: | 10.27% | N/A | N/A | N/A | N/A | 10.27% |

Phase Obligations and Expenditures Summary

| Item | Planning | PE | ROW | Construction | Other | |
|--------------------------|----------|----|-----|--------------|-------|----------------|
| Total Funds Obligated: | | | | | | Federal Aid ID |
| Federal Funds Obligated: | | | | | | |
| Initial Obligation Date: | | | | | | Other Notes |
| EA Number: | | | | | | |
| EA Start Date: | | | | | | |
| EA End Date: | | | | | | |
| Known Expenditures: | | | | | | |

MTIP Programming Consistency Check Details and Glossary

General Areas

| | |
|---|--|
| 1 | Phase funding fields: Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred. |
| 2 | Amendment Purpose: The purpose of an MTIP amendment is normally to add a new project due to required federal review actions involving the MTIP and STIP, or complete required changes to the project (name description, or funding) to meet the project's next federal approval delivery step. |
| 3 | This amendment to the MTIP completes what action: The amendment advances the approved STBG funding and match for the RTO program from FFY 2025 forward into the constrained year of FFY 2023. The funds are allocated to the project for FFY 2023 and will be part of the SFY 2024 UPWP. |
| 4 | MTIP Programming Submitted Supporting Documentation: RFFA Step 1 allocation table and Finance Department confirmation |

Public Notification and Comment Process:

| | |
|----|---|
| 5A | Was a 30 Public Notification/Opportunity to Comment Period Required? Yes |
| 5B | What were the 30 day Public Notification/Opportunity to Comment Start and end dates? January 31, 2023 to March 1, 2023 |
| 5C | Was the Public Notification/Opportunity to Comment period completed consistent with the Metro Public Participation Plan? Yes |
| 5D | Was the Public Notification/Opportunity to Comment period included on the Metro website allowing email submissions as comments? Yes |
| 5E | Were there a significant amount of comments received requiring a comments log summary provided to Metro Communications Staff? No. However, any significant comments received are sent on to Metro's Communication staff for review plus evaluation, and response as needed. |

6 Added clarifying notes: Metro's SRTS activities are a component of the annual UPWP and are considered planning activities. As such, they are being moved back to their appropriate phase "Planning" as part of this amendment.

Fiscal Constraint Consistency Check Areas

| | |
|----|---|
| 1 | Will Performance Measurements Apply? No. This is a planning activity. Performance measurements do not apply to planning activities. |
| 2A | Does the amendment include fiscal updates? No. The authorized funding is not changing, only being advanced forward to FFY 2023. |
| 2B | What is the funding source for the project? Metro RFFA Step 1 annual funding |
| 2C | Was the Proof-of Funding requirement satisfied and how? Confirmation of project need in FFY 2023 and verification that the funds will be part of the SFY 2024 UPWP. |
| 2D | Was overall fiscal constraint demonstrated? Yes. |

RTP Consistency Check Areas

| | |
|----|--|
| 1A | RTP ID and Name: ID# 12021 - Regional Safe Routes to School Program for 2018-2027 |
| 1B | RTP Project Description: Through the Regional Travel Options program, funding is allocated to school districts and other partners to implement ongoing educational programs in schools that encourage children to walk and bicycle to school. |
| 2A | Is the project exempt per 40 CFR 93.126, Table 2 or 40 CFR 92.127, Table 3? Yes, per 40 CFR 93.126, Table 2 |
| 2B | What is the exception category per the regulation: Table 2 - Other - Planning and technical studies. |
| 3A | Is the project considered capacity enhancing? No. The project is a planning project. It is not capacity enhancing. |
| 3B | If capacity enhancing, did the project complete required transportation demand modeling through the RTP Update or via an RTP amendment? No. |
| 3C | Is Air Quality analysis required? No. The Metro MPA has obtained conformity attainment. Special air quality analysis requirements do not apply |
| 3D | Is an Air Quality analysis approval date required? No. If the project is capacity enhancing, then transportation modeling analysis was completed as part of the RTP update. The RTP approval date 12/6/2018 can be considered the date for the completion of any required transportation demand modeling requirements for projects if they are capacity enhancing. |
| 4 | What RTP Goal(s) does the project support? Goal #11 - Transparency and Accountability. Objective 11.2 Performance-Based Planning – Make transportation investment decisions using a performance-based planning approach that is aligned with the RTP goals and supported by meaningful public engagement, multimodal data and analysis. |
| 5 | Does the project require a special performance assessment evaluation as part of the amendment? (applies to capacity enhancing projects, \$100 million or greater, and regionally significant). No. The project is not capacity enhancing nor does it exceed \$100 million dollars in cost. |

UPWP Consistency Check Areas

| | |
|----|--|
| 1A | Does the MTIP action also require an UPWP amendment: Yes, but as part of the SFY 24 UPWP. The project will be part of the UPWP, but remain as stand-alone independently programmed project in the MTIP |
| 1B | Can the MTIP amendment proceed ahead of the UPWP amendment? Yes. The MTIP amendment can proceed concurrently with the UPWP development |
| 2 | What UPWP category does the project fit under (e.g. Master Agreement, Metro Funded Regionally Significant, or Non-Metro Funded Regionally Significant)? Metro Master Agreement - but independent stand-alone programming for flex transfer needs to FTA. |

Other Review Areas

| | |
|----|---|
| 1 | Is the project location identified on the National Highway System (NHS), and what is its designation? No - Not applicable |
| 2A | Is the project location identified as part of one or more of Metro Modeling Networks, and which one(s)? No - Not applicable |
| 2B | What is the Metro modeling designation? Not applicable |
| 3 | Is the project designated as a Transportation Control Measure (TCM)? No |
| 4 | Is the project location identified on a Congestion Management Plan route? No |

Fund Type Codes References

| | |
|--------|---|
| Local | General Local funds committed by the lead agency that normally cover the minimum match requirement to the federal funds |
| STBG-U | (Metro STBG) Federal Surface Transportation Block Grant funds appropriated to ODOT and with a portion allocated under a formula to the MPOs and then committed to eligible projects via a discretionary award process |

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ODOT Key: 22161 | MTIP ID: 71114
 Safe Routes to Schools program (FFY 2023) - Cycle 2021-26

Current Programming

| phase | year | fund type | federal amount | minimum local match | other amount | total | hold from mtip |
|------------------------|-------------|------------|------------------|---------------------|--------------|------------------|--------------------------|
| Other (explain) | 2025 | | \$546,364 | \$62,534 | | \$608,898 | <input type="checkbox"/> |
| | 2023 | STBG-URBAN | \$546,364 | \$62,534 | | \$608,898 | |
| Totals >> | | | \$546,364 | \$62,534 | \$0 | \$608,898 | |

| | Federal Fiscal Year | | | | | | | |
|--|---------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
| 3 HCT Bond | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$20,380,000 | \$21,390,000 | \$21,390,000 | \$21,830,000 | \$21,840,000 |
| 4 TOD | \$3,021,148 | \$3,063,139 | \$3,105,713 | \$3,198,884 | \$3,294,851 | \$3,393,696 | \$3,495,507 | \$3,600,373 |
| 5 TSMO Grant bucket | \$1,523,092 | \$1,546,545 | \$1,570,363 | \$1,585,262 | \$1,534,801 | \$1,478,467 | \$1,667,159 | \$1,717,173 |
| 6 TSMO Administration (Metro) | | | | \$113,045 | \$178,852 | \$183,211 | \$188,707 | \$194,369 |
| 7 RTO | \$2,302,760 | \$2,336,500 | \$2,370,740 | \$2,522,695 | \$2,598,451 | \$2,676,405 | \$2,756,697 | \$2,839,398 |
| 8 RTO - Safe Routes to Schools | | | | \$485,000 | \$500,000 | \$515,000 | \$530,450 | \$546,364 |
| 9 Corridor & System Planning | \$507,427 | \$514,963 | \$522,610 | \$538,288 | \$554,437 | \$571,070 | \$588,202 | \$605,848 |
| 10 Freight & Eco Devo System Planning | | | | \$67,900 | \$70,000 | \$72,100 | \$74,263 | \$76,491 |
| 11 MPO Planning | \$1,173,042 | \$1,208,233 | \$1,244,480 | \$1,281,815 | \$1,320,269 | \$1,359,877 | \$1,400,673 | \$1,442,694 |
| 12 | | | | | | | | |
| 13 Total Bond Commitment (annual) | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$20,380,000 | \$21,390,000 | \$21,390,000 | \$21,830,000 | \$21,840,000 |
| 14 Total Step 1 (annual) | \$8,527,469 | \$8,669,380 | \$8,813,906 | \$9,792,889 | \$10,051,661 | \$10,249,826 | \$10,701,659 | \$11,022,709 |
| 15 Bond Commitment & Step 1 (annual) | | | | | | \$31,639,826 | \$32,531,659 | \$32,862,709 |
| 16 | | | | | | | | |

2021-2026 MTIP Formal Amendment - Exhibit A

February 2023 Formal Amendment for FFY 2023 - Amendment Number FB23-06-FEB

Summary Reason for Change: The project combines STBG and Match (\$295,924 of STBG plus match) into Key 22598 to support Next Corridor Planning needs as part of the SFY 2024 UPWP



**Metro
2021-26 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET**

**MTIP Formal Amendment
COMBINE FUNDING**
Combine funds from Key 22154 into
22598 as part of the SFY 24 UPWP

| | | | | | |
|--|----------|------------------------|--------------------------|---------------------------------|----------------------------------|
| Lead Agency: Metro | | Project Type: | Other | ODOT Key: | 22598 |
| Project Name: Corridor and Systems Planning (2021) | 3 | Fiscal Constraint Cat: | Planning | MTIP ID: | 70871 |
| | | ODOT Type | Planning | Status: | 0 |
| Project Status: 0 = No activity. | | Performance Goal: | N/A | Comp Date: | 12/31/2025 |
| | | Capacity Enhancing: | No | RTP ID: | 10000 11103 |
| | | Conformity Exempt: | Yes | RTP Approval: | 12/6/2018 |
| | | On CMP: | No | Trans Model: | 12/6/2018 |
| | | 30 Day Notice Begin: | 1/31/2023 | TCM: | No |
| | | 30 Day Notice End: | 3/1/2023 | TSMO Award | No |
| | | Funding Source | Metro | TSMO Cycle | N/A |
| | | Funding Type: | STBG | RFFA ID: | 50364 |
| | | State Highway Route | N/A | RFFA Cycle: | 2019-21 |
| | | Mile Post Begin: | N/A | UPWP: | Yes |
| Mile Post End: | N/A | UPWP Cycle: | SFY 24 | | |
| Short Description: Corridors and Systems Planning Program conducts planning level work in corridors. Emphasizes the integration of land use and transportation. Determines regional system needs, functions and desired outcomes. (FY 2021 fund allocation year) | | Length: | N/A | Past Amend: | 5 |
| | | Flex Transfer to FTA | No | Council Appr: | Yes |
| | | FTA Conversion Code: | N/A | Council Date: | 3/9/2023 |
| | | 1st Year Program'd: | 2023 | OTC Approval: | No |
| | | Years Active: | 1 | OTC Date | N/A |
| | | | STIP Amend #: TBD | MTIP Amnd #: FB23-06-FEB | |

Detailed Description: The Corridor and Systems Planning program focuses on completing planning level work in corridors that emphasizes the integration of land use and transportation in determining regional system needs, functions, desired outcomes, performance measures, and investment strategies. This work enables jurisdictions and other regional agencies to prioritize investments in the transportation system. The program evaluates priority corridors in the region and identifying investments to improve mobility of all travel modes in these areas.

STIP Description: Conduct planning level work that emphasizes the integration of land use and transportation in corridors. The Corridors and Systems Planning Program determines regional system needs, functions, desired outcomes, performance measures, investment strategies.

Last Amendment of Modification: Administrative - July 2022 - AM22-25-JUL2 - COMBINE FUNDS: The Administrative Modification combines \$56,368 from Key 22169 as a Metro UPWP corrective action.

PROJECT FUNDING DETAILS

| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Construction | Other | Total |
|----------------------|-----------------|-----------------|-----------------------|-------------------------|--------------|--------------|------------------------|-------------------|
| Federal Funds | | | | | | | | |
| STBG-U | Y230 | 2023 | \$ 121,649 | | | | - | \$ - |
| STBG-U | Y230 | 2023 | \$ 417,573 | | | | | \$ 417,573 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Federal Totals: | \$ 417,573 |

\$295,924 of STBG-U (plus match) is being transferred from Key 22154 and combined into Key 22598 for Next Corridor UPWP needs

| | | | | | | | | |
|--------------------|--|--|--|--|--|--|---------------------|-------------|
| State Funds | | | | | | | | |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | State Total: | \$ - |

| | | | | | | | | |
|--------------------|------------------|-----------------|----------------------|--|--|--|--------------------|------------------|
| Local Funds | | | | | | | | |
| Local | Match | 2023 | \$ 13,923 | | | | - | \$ - |
| Local | Match | 2023 | \$ 47,793 | | | | | \$ 47,793 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Local Total | \$ 47,793 |

| | | | | | | | |
|----------------------------|-----------------------|------|------|------|------|------|-----------------------|
| Phase Totals Before Amend: | \$ 135,572 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 135,572 |
| Phase Totals After Amend: | \$ 465,366 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 465,366 |

Total Project Cost Estimate (all phases): \$ 465,366

Year of Expenditure Cost Amount: \$ 465,366

Programming Summary Details

Why project is short programmed: The project is not short programmed. The remaining authorized funding from the FFY 2021 allocation year is being combined into the FFY 2023 allocation year in Key 22154

| | | | | | | |
|------------------------|------------|------|------|------|------|------------|
| Phase Change Amount: | \$ 329,794 | \$ - | \$ - | \$ - | \$ - | \$ 329,794 |
| Phase Change Percent: | 243% | 0% | 0% | 0% | 0% | 243% |
| Revised Match Federal: | \$ 47,793 | \$ - | \$ - | \$ - | \$ - | \$ 47,793 |
| Revised Match Percent: | 10.27% | N/A | N/A | N/A | N/A | 10.27% |

Phase Obligations and Expenditures Summary

| Item | Planning | PE | ROW | Construction | Other | |
|--------------------------|----------|----|-----|--------------|-------|--|
| Total Funds Obligated: | | | | | | Federal Aid ID |
| Federal Funds Obligated: | | | | | | |
| Initial Obligation Date: | | | | | | Other Notes All STBG and match will be combined into Key 22311 later as part of the SFY 24 UPWP for Next Corridor needs |
| EA Number: | | | | | | |
| EA Start Date: | | | | | | |
| EA End Date: | | | | | | |
| Known Expenditures: | | | | | | |

MTIP Programming Consistency Check Details and Glossary

General Areas

| | |
|---|--|
| 1 | Phase funding fields: Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred. |
| 2 | Amendment Purpose: The purpose of an MTIP amendment is normally to add a new project due to required federal review actions involving the MTIP and STIP, or complete required changes to the project (name description, or funding) to meet the project's next federal approval delivery step. |
| 3 | This amendment to the MTIP completes what action: The amendment transfers and combines 295,924 of STBG (and match) from into Key 22154 to pool and increase the STBG to meet the SFY 2024 UPWP Next Corridor planning needs. In April, a final admin mod will occur to shift all funds in Key 22598 to Key 22311 into the UPWP Mster Agreement. This action is the first of a two-step process to incorporate the STBG into the Master Agreement into Key 22311. |
| 4 | MTIP Programming Submitted Supporting Documentation: RFFA Step 1 allocation table and Finance Department confirmation |

Public Notification and Comment Process:

| | |
|----|---|
| 5A | Was a 30 Public Notification/Opportunity to Comment Period Required? Yes |
| 5B | What were the 30 day Public Notification/Opportunity to Comment Start and end dates? January 31, 2023 to March 1, 2023 |
| 5C | Was the Public Notification/Opportunity to Comment period completed consistent with the Metro Public Participation Plan? Yes |
| 5D | Was the Public Notification/Opportunity to Comment period included on the Metro website allowing email submissions as comments? Yes |
| 5E | Were there a significant amount of comments received requiring a comments log summary provided to Metro Communications Staff? No. However, any significant comments received are sent on to Metro's Communication staff for review plus evaluation, and response as needed. |

6 Added clarifying notes: The nature of the specific approved corridor study activities to be part of the SFY 2024 UPWP will determine if they and any funds will be combined into Key 22311, or remain as stand alone projects.

Fiscal Constraint Consistency Check Areas

| | |
|----|--|
| 1 | Will Performance Measurements Apply? No. This is a planning activity. Performance measurements do not apply to planning activities. |
| 2A | Does the amendment include fiscal updates? No. The authorized funding is not changing, but being pooled together based on the estimated need of a total of \$805,000 for corridor planning study support as part of the SFY 2024 UPWP. |
| 2B | What is the funding source for the project? Metro RFFA Step 1 annual funding |
| 2C | Was the Proof-of Funding requirement satisfied and how? Confirmation of project need in FFY 2023 and verification that the funds will be part of the SFY 2024 UPWP. |
| 2D | Was overall fiscal constraint demonstrated? Yes. |

RTP Consistency Check Areas

| | |
|----|--|
| 1A | RTP ID and Name: ID# 11103 - Regional MPO Activities for 2018-2027 |
| 1B | RTP Project Description: System planning, topical planning, and activities that Metro must conduct for the period 2018-2027 in order to remain certified as an metropolitan planning organization (MPO) by the federal government and be eligible to receive and distribute federal transportation dollars. |
| 2A | Is the project exempt per 40 CFR 93.126, Table 2 or 40 CFR 92.127, Table 3? Yes, per 40 CFR 93.126, Table 2 |
| 2B | What is the exception category per the regulation: Table 2 - Other - Planning and technical studies. |
| 3A | Is the project considered capacity enhancing? No. The project is a planning project. It is not capacity enhancing. |
| 3B | If capacity enhancing, did the project complete required transportation demand modeling through the RTP Update or via an RTP amendment? No. |
| 3C | Is Air Quality analysis required? No. The Metro MPA has obtained conformity attainment. Special air quality analysis requirements do not apply |
| 3D | Is an Air Quality analysis approval date required? No. If the project is capacity enhancing, then transportation modeling analysis was completed as part of the RTP update. The RTP approval date 12/6/2018 can be considered the date for the completion of any required transportation demand modeling requirements for projects if they are capacity enhancing. |
| 4 | What RTP Goal(s) does the project support? Goal #11 - Transparency and Accountability. Objective 11.2 Performance-Based Planning – Make transportation investment decisions using a performance-based planning approach that is aligned with the RTP goals and supported by meaningful public engagement, multimodal data and analysis. |
| 5 | Does the project require a special performance assessment evaluation as part of the amendment? (applies to capacity enhancing projects, \$100 million or greater, and regionally significant). No. The project is not capacity enhancing nor does it exceed \$100 million dollars in cost. |

UPWP Consistency Check Areas

| | |
|----|--|
| 1A | Does the MTIP action also require an UPWP amendment: Yes, but as part of the SFY 24 UPWP. |
| 1B | Can the MTIP amendment proceed ahead of the UPWP amendment? Yes. The MTIP amendment can proceed concurrently with the UPWP development |

2 What UPWP category does the project fit under (e.g. Master Agreement, Metro Funded Regionally Significant, or Non-Metro Funded Regionally Significant)?
Metro Master Agreement.

Other Review Areas

| | |
|----|---|
| 1 | Is the project location identified on the National Highway System (NHS), and what is its designation? No - Not applicable |
| 2A | Is the project location identified as part of one or more of Metro Modeling Networks, and which one(s)? No - Not applicable |
| 2B | What is the Metro modeling designation? Not applicable |
| 3 | Is the project designated as a Transportation Control Measure (TCM)? No |
| 4 | Is the project location identified on a Congestion Management Plan route? No |

Fund Type Codes References

| | |
|--------|---|
| Local | General Local funds committed by the lead agency that normally cover the minimum match requirement to the federal funds |
| STBG-U | (Metro STBG) Federal Surface Transportation Block Grant funds appropriated to ODOT and with a portion allocated under a formula to the MPOs and then committed to eligible projects via a discretionary award process |

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ODOT Key: 22598 | MTIP ID: 70871

Corridor and Systems Planning (2021) - Cycle 2021-26

Current Programming

| phase | year | fund type | federal amount | minimum local match | other amount | total | hold from mtip |
|------------------------|------|------------|------------------|---------------------|--------------|------------------|--------------------------|
| Planning | 2023 | | \$121,649 | \$13,923 | | \$135,572 | <input type="checkbox"/> |
| | 2021 | STBG-URBAN | \$121,649 | \$13,923 | | \$135,572 | |
| Totals >> | | | \$121,649 | \$13,923 | \$0 | \$135,572 | |

| | Federal Fiscal Year | | | | | | | | |
|---|---------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--|
| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | |
| 3 HCT Bond | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$20,380,000 | \$21,390,000 | \$21,390,000 | \$21,830,000 | \$21,840,000 | |
| 4 TOD | \$3,021,148 | \$3,063,139 | \$3,105,713 | \$3,198,884 | \$3,294,851 | \$3,393,696 | \$3,495,507 | \$3,600,373 | |
| 5 TSMO Grant bucket | \$1,523,092 | \$1,546,545 | \$1,570,363 | \$1,585,262 | \$1,534,801 | \$1,478,467 | \$1,667,159 | \$1,717,173 | |
| 6 TSMO Administration (Metro) | | | | \$113,045 | \$178,852 | \$183,211 | \$188,707 | \$194,369 | |
| 7 RTO | \$2,302,760 | \$2,336,500 | \$2,370,740 | \$2,522,695 | \$2,598,451 | \$2,676,405 | \$2,756,697 | \$2,839,398 | |
| 8 RTO - Safe Routes to Schools | | | | \$485,000 | \$500,000 | \$515,000 | \$530,450 | \$546,364 | |
| 9 Corridor & System Planning | \$507,427 | \$514,963 | \$522,610 | \$538,288 | \$554,437 | \$571,070 | \$588,202 | \$605,848 | |
| 10 Freight & Eco Devo System Planning | | | | \$67,900 | \$70,000 | \$72,100 | \$74,263 | \$76,491 | |
| 11 MPO Planning | \$1,173,042 | \$1,208,233 | \$1,244,480 | \$1,281,815 | \$1,320,269 | \$1,359,877 | \$1,400,673 | \$1,442,694 | |
| 12 | | | | | | | | | |
| 13 Total Bond Commitment (annual) | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$20,380,000 | \$21,390,000 | \$21,390,000 | \$21,830,000 | \$21,840,000 | |
| 14 Total Step 1 (annual) | \$8,527,469 | \$8,669,380 | \$8,813,906 | \$9,792,889 | \$10,051,661 | \$10,249,826 | \$10,701,659 | \$11,022,709 | |
| 15 Bond Commitment & Step 1 (annual) | | | | | | \$31,639,826 | \$32,531,659 | \$32,862,709 | |
| 16 | | | | | | | | | |

2021-2026 MTIP Formal Amendment - Exhibit A

February 2023 Formal Amendment for FFY 2023 - Amendment Number FB23-06-FEB

Summary Reason for Change: \$232,156 of STBG-U (\$258,721 total) is being split off Key 22155 to support Next Corridor Planning needs for Key 22154 to support the SFY 2024 UPWP



**Metro
2021-26 Metropolitan Transportation Improvement Program (MTIP)
PROJECT AMENDMENT DETAIL WORKSHEET**

**MTIP Formal Amendment
SPLIT FUNDING**
Split \$295,924 of STBG plus match
and combine int Key 22598

| | | | | | |
|---|----------|--------------------------|------------------------------|---------------------------------|-------------------|
| Lead Agency: Metro | | Project Type: | Local Rd Other | ODOT Key: | 22154 |
| Project Name: Next Corridor Planning (FFY 2022) | 4 | Fiscal Constraint Cat: | Other Planning | MTIP ID: | 71111 |
| | | ODOT Type | Planning | Status: | 0 |
| Project Status: 0 = No activity. | | Performance Goal: | N/A | Comp Date: | 12/31/2025 |
| | | Capacity Enhancing: | No | RTP ID: | 11103 |
| | | Conformity Exempt: | Yes | RTP Approval: | 12/6/2018 |
| | | On CMP: | No | Trans Model: | 12/6/2018 |
| | | 30 Day Notice Begin: | 1/31/2023 | TCM: | No |
| | | 30 Day Notice End: | 3/1/2023 | TSMO Award | No |
| | | Funding Source | Metro | TSMO Cycle | N/A |
| | | Funding Type: | STBG | RFFA ID: | 50402 |
| | | State Highway Route | N/A | RFFA Cycle: | 2022-24 |
| | | Mile Post Begin: | N/A | UPWP: | Yes |
| Short Description: Funds to contribute toward development of prioritized transportation improvements and funding strategy for the region's next priority corridor. (FY 2022 UPWP allocation year) | | Mile Post End: | N/A | UPWP Cycle: | SFY 24 |
| | | Length: | N/A | Past Amend: | 2 |
| | | Flex Transfer to FTA | No | Council Appr: | Yes |
| | | FTA Conversion Code: | N/A | Council Date: | 3/9/2023 |
| | | 1st Year Program'd: | 2025 | OTC Approval: | No |
| | | Years Active: | 0 | OTC Date | N/A |
| | | STIP Amend #: TBD | | MTIP Amnd #: FB23-06-FEB | |

Detailed Description: Funds to contribute toward development of prioritized transportation improvements and funding strategy for the region's next priority corridor. (UPWP RFFA Step 1 STBG Allocation)

STIP Description: TBD

Last Amendment of Modification: Formal - March 2022 - MA22-09-MAR- SPLIT FUNDING: \$136,871 of STBG plus match (\$152,536 total) is being transferred to Key 20888 in FFY 2022 to support the SFY 2023 UPWP development

PROJECT FUNDING DETAILS

| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Construction | Other | Total |
|----------------------|-----------------|-----------------|-----------------------|-------------------------|--------------|--------------|------------------------|-------------------|
| Federal Funds | | | | | | | | |
| STBG-U | Y230 | 2025 | \$ 451,331 | | | | - | \$ - |
| STBG-U | Y230 | 2025 | \$ 155,407 | | | | | \$ 155,407 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | Federal Totals: | \$ 155,407 |

Note: STBG-U is being combined into Key 22598

| State Funds | | | | | | | | |
|--------------------|--|--|--|--|--|--|---------------------|-------------|
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| | | | | | | | State Total: | \$ - |

| Local Funds | | | | | | | | |
|---|------------------|-----------------|----------------------|--|--|--|--------------------|------------------|
| Local | Match | 2025 | \$ 51,657 | | | | - | \$ - |
| Local | Match | 2025 | \$ 17,787 | | | | | \$ 17,787 |
| | | | | | | | | \$ - |
| | | | | | | | | \$ - |
| Other funds = local overmatch contribution | | | | | | | Local Total | \$ 17,787 |

| | | | | | | | |
|---|-----------------------|------|------|------|------|------|-----------------------|
| Phase Totals Before Amend: | \$ 502,988 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 502,988 |
| Phase Totals After Amend: | \$ 173,194 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 173,194 |
| Total Project Cost Estimate (all phases): | | | | | | | \$ 173,194 |
| Year of Expenditure Cost Amount: | | | | | | | \$ 173,194 |

Programming Summary Details

Why project is short programmed: The project is not short programmed. Key 22154 is being adjusted to reflect the Next Corridor Planning fund needs for the SFY 2024 UPWP

| | | | | | | |
|------------------------|--------------|------|------|------|------|--------------|
| Phase Change Amount: | \$ (329,794) | \$ - | \$ - | \$ - | \$ - | \$ (329,794) |
| Phase Change Percent: | -65.6% | 0% | 0% | 0% | 0% | -65.6% |
| Revised Match Federal: | \$ 17,787 | \$ - | \$ - | \$ - | \$ - | \$ 17,787 |
| Revised Match Percent: | 10.27% | N/A | N/A | N/A | N/A | 10.27% |

Phase Obligations and Expenditures Summary

| Item | Planning | PE | ROW | Construction | Other | |
|--------------------------|----------|----|-----|--------------|-------|----------------|
| Total Funds Obligated: | | | | | | Federal Aid ID |
| Federal Funds Obligated: | | | | | | |
| Initial Obligation Date: | | | | | | Other Notes |
| EA Number: | | | | | | |
| EA Start Date: | | | | | | |
| EA End Date: | | | | | | |
| Known Expenditures: | | | | | | |

MTIP Programming Consistency Check Details and Glossary

General Areas

| | |
|---|--|
| 1 | Phase funding fields: Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred. |
| 2 | Amendment Purpose: The purpose of an MTIP amendment is normally to add a new project due to required federal review actions involving the MTIP and STIP, or complete required changes to the project (name description, or funding) to meet the project's next federal approval delivery step. |
| 3 | This amendment to the MTIP completes what action: The amendment splits \$295,924 of STBG plus match and combines it into Key 22598 to support the Next Corridor Planning funding requirement in the SFY 2024 UPWP. |
| 4 | MTIP Programming Submitted Supporting Documentation: RFFA Step 1 allocation table and Finance Department confirmation |

| | |
|---|---|
| Public Notification and Comment Process: | |
| 5A | Was a 30 Public Notification/Opportunity to Comment Period Required? Yes |
| 5B | What were the 30 day Public Notification/Opportunity to Comment Start and end dates? January 31, 2023 to March 1, 2023 |
| 5C | Was the Public Notification/Opportunity to Comment period completed consistent with the Metro Public Participation Plan? Yes |
| 5D | Was the Public Notification/Opportunity to Comment period included on the Metro website allowing email submissions as comments? Yes |
| 5E | Were there a significant amount of comments received requiring a comments log summary provided to Metro Communications Staff? No. However, any significant comments received are sent on to Metro's Communication staff for review plus evaluation, and response as needed. |

6 Added clarifying notes: The nature of the specific approved corridor study activities to be part of the SFY 2024 UPWP will determine if they and any funds will be combined into Key 22311, or remain as stand alone projects.

Fiscal Constraint Consistency Check Areas

| | |
|----|---|
| 1 | Will Performance Measurements Apply? No. This is a planning activity. Performance measurements do not apply to planning activities. |
| 2A | Does the amendment include fiscal updates? No. The authorized funding is not changing, but being pooled together based on the estimated need of a needed \$805,136 of STBG-U for corridor planning study support (in Key 22154) as part of the SFY 2024 UPWP. |
| 2B | What is the funding source for the project? Metro RFFA Step 1 annual funding |
| 2C | Was the Proof-of Funding requirement satisfied and how? Confirmation of project need in FFY 2023 and verification that the funds will be part of the SFY 2024 UPWP. |
| 2D | Was overall fiscal constraint demonstrated? Yes. |

RTP Consistency Check Areas

| | |
|----|--|
| 1A | RTP ID and Name: ID# 11103 - Regional MPO Activities for 2018-2027 |
| 1B | RTP Project Description: System planning, topical planning, and activities that Metro must conduct for the period 2018-2027 in order to remain certified as an metropolitan planning organization (MPO) by the federal government and be eligible to receive and distribute federal transportation dollars. |
| 2A | Is the project exempt per 40 CFR 93.126, Table 2 or 40 CFR 92.127, Table 3? Yes, per 40 CFR 93.126, Table 2 |
| 2B | What is the exception category per the regulation: Table 2 - Other - Planning and technical studies. |
| 3A | Is the project considered capacity enhancing? No. The project is a planning project. It is not capacity enhancing. |
| 3B | If capacity enhancing, did the project complete required transportation demand modeling through the RTP Update or via an RTP amendment? No. |
| 3C | Is Air Quality analysis required? No. The Metro MPA has obtained conformity attainment. Special air quality analysis requirements do not apply |
| 3D | Is an Air Quality analysis approval date required? No. If the project is capacity enhancing, then transportation modeling analysis was completed as part of the RTP update. The RTP approval date 12/6/2018 can be considered the date for the completion of any required transportation demand modeling requirements for projects if they are capacity enhancing. |
| 4 | What RTP Goal(s) does the project support? Goal #11 - Transparency and Accountability. Objective 11.2 Performance-Based Planning – Make transportation investment decisions using a performance-based planning approach that is aligned with the RTP goals and supported by meaningful public engagement, multimodal data and analysis. |
| 5 | Does the project require a special performance assessment evaluation as part of the amendment? (applies to capacity enhancing projects, \$100 million or greater, and regionally significant). No. The project is not capacity enhancing nor does it exceed \$100 million dollars in cost. |

UPWP Consistency Check Areas

| | |
|----|--|
| 1A | Does the MTIP action also require an UPWP amendment: Yes, but as part of the SFY 24 UPWP. |
| 1B | Can the MTIP amendment proceed ahead of the UPWP amendment? Yes. The MTIP amendment can proceed concurrently with the UPWP development |

2 What UPWP category does the project fit under (e.g. Master Agreement, Metro Funded Regionally Significant, or Non-Metro Funded Regionally Significant)?
Metro Master Agreement.

Other Review Areas

| | |
|----|---|
| 1 | Is the project location identified on the National Highway System (NHS), and what is its designation? No - Not applicable |
| 2A | Is the project location identified as part of one or more of Metro Modeling Networks, and which one(s)? No - Not applicable |
| 2B | What is the Metro modeling designation? Not applicable |
| 3 | Is the project designated as a Transportation Control Measure (TCM)? No |
| 4 | Is the project location identified on a Congestion Management Plan route? No |

Fund Type Codes References

| | |
|--------|---|
| Local | General Local funds committed by the lead agency that normally cover the minimum match requirement to the federal funds |
| STBG-U | (Metro STBG) Federal Surface Transportation Block Grant funds appropriated to ODOT and with a portion allocated under a formula to the MPOs and then committed to eligible projects via a discretionary award process |

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ODOT Key: 22154 | MTIP ID: 71111
Next Corridor Planning (FFY 2022) - Cycle 2021-26

Current Programming

| phase | year | fund type | federal amount | minimum local match | other amount | total | hold from mtip |
|------------------------|------|------------|------------------|---------------------|--------------|------------------|--------------------------|
| Planning | 2025 | | \$451,331 | \$51,657 | | \$502,988 | <input type="checkbox"/> |
| | 2022 | STBG-URBAN | \$451,331 | \$51,657 | | \$502,988 | |
| Totals >> | | | \$451,331 | \$51,657 | \$0 | \$502,988 | |

| | Federal Fiscal Year | | | | | | | | |
|----|------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | |
| 1 | | | | | | | | | |
| 2 | | | | | | | | | |
| 3 | HCT Bond | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$20,380,000 | \$21,390,000 | \$21,390,000 | \$21,830,000 | \$21,840,000 |
| 4 | TOD | \$3,021,148 | \$3,063,139 | \$3,105,713 | \$3,198,884 | \$3,294,851 | \$3,393,696 | \$3,495,507 | \$3,600,373 |
| 5 | TSMO Grant bucket | \$1,523,092 | \$1,546,545 | \$1,570,363 | \$1,585,262 | \$1,534,801 | \$1,478,467 | \$1,667,159 | \$1,717,173 |
| 6 | TSMO Administration (Metro) | | | | \$113,045 | \$178,852 | \$183,211 | \$188,707 | \$194,369 |
| 7 | RTO | \$2,302,760 | \$2,336,500 | \$2,370,740 | \$2,522,695 | \$2,598,451 | \$2,676,405 | \$2,756,697 | \$2,839,398 |
| 8 | RTO - Safe Routes to Schools | | | | \$485,000 | \$500,000 | \$515,000 | \$530,450 | \$546,364 |
| 9 | Corridor & System Planning | \$507,427 | \$514,963 | \$522,610 | \$538,288 | \$554,437 | \$571,070 | \$588,202 | \$605,848 |
| 10 | Freight & Eco Devo System Planning | | | | \$67,900 | \$70,000 | \$72,100 | \$74,263 | \$76,491 |
| 11 | MPO Planning | \$1,173,042 | \$1,208,233 | \$1,244,480 | \$1,281,815 | \$1,320,269 | \$1,359,877 | \$1,400,673 | \$1,442,694 |
| 12 | | | | | | | | | |
| 13 | Total Bond Commitment (annual) | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$20,380,000 | \$21,390,000 | \$21,390,000 | \$21,830,000 | \$21,840,000 |
| 14 | Total Step 1 (annual) | \$8,527,469 | \$8,669,380 | \$8,813,906 | \$9,792,889 | \$10,051,661 | \$10,249,826 | \$10,701,659 | \$11,022,709 |
| 15 | Bond Commitment & Step 1 (annual) | | | | | | \$31,639,826 | \$32,531,659 | \$32,862,709 |
| 16 | | | | | | | | | |

Memo



Metro

600 NE Grand Ave.
Portland, OR 97232-2736

Date: February 21, 2023
To: Metro Council and Interested Parties
From: Ken Lobeck, Funding Programs Lead
Subject: February FFY 2023 MTIP Formal Amendment & Resolution 23-5315 Approval Request

FORMAL MTIP AMENDMENT STAFF REPORT

Amendment Purpose Statement

FOR THE PURPOSE OF AMENDING THE 2021-24 MTIP TO ENSURE PREVIOUSLY APPROVED FUNDING IS AVAILABLE TO SUPPORT PLANNING ACTIVITIES IN THE SFY 2024 UNIFIED PLANNING WORK PROGRAM (UPWP)

BACKGROUND

What This Is:

The February FFY 2023 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment bundle is primarily a re-positioning amendment supporting the development of the State fiscal Year (SFY) Unified Planning Work Program (UPWP). The summary of changes includes the following:

- Key 22158, the FFY 23 Regional Travel Options (RTO) project is being advanced from FFY 2025 to FFY 2023.
- Key 22161, the FFY 23 Safe Routes to School (SRTS) project is being advanced from FFY 25 to FFY 2023.
- To meet the preliminary funding estimate for the Next Corridor Study project UPWP area:
 - \$295,924 of STBG plus match is being split from Key 22154 and combined into Key 22598.
 - Key 22154 is reduced and left in FFY 2025.

What is the requested action?

JPACT met on February 16, 2023, and approved Resolution 23-5315. JPACT now requests Metro Council provide the final approval for Resolution 23-5315 consisting of the four amended projects in support of the SFY 2024 UPWP development.

A summary of the projects and amendment actions within the bundle are shown on the next pages.

| February FFY 2023 Formal Transition Amendment Bundle Contents | | | | |
|---|-------------|--|---|--|
| Amendment Type: Formal/Full | | | | |
| Amendment #: FB23-06-FEB | | | | |
| Total Number of Projects: 4 | | | | |
| Key Number & MTIP ID | Lead Agency | Project Name | Project Description | Amendment Action |
| (#1) ODOT Key # 22158 MTIP ID 71107 | Metro | Regional Travel Options (RTO) program (FFY 2023) | The Regional Travel Options (RTO) program implements strategies to help diversify trip choices, reduce pollution and improve mobility. (FY 2023 UPWP allocation year) | ADVANCE PROJECT: Advance the project and funding from FFY 2025 to FFY 2023 to support the development and funding needs of the SFY 2024 UPWP |
| (#2) ODOT Key # 22161 MTIP ID 71114 | Metro | Safe Routes To Schools program (FFY 2023) | Promotes through planning funding and outreach activities the ability for youth to safely affordably and efficiently access school by walking biking and transit. (FY 2023 allocation year) | ADVANCE PROJECT: Advance the project and funding from FFY 2025 to FFY 2023 to support the development and funding needs of the SFY 2024 UPWP |
| (#3) ODOT Key # 22598 MTIP ID 70871 | Metro | Corridor and Systems Planning (2021) | Corridors and Systems Planning Program conducts planning level work in corridors. Emphasizes the integration of land use and transportation. Determines regional system needs, functions and desired outcomes. (FY 2021 fund allocation year) | COMBINE FUNDING: Combine \$295,924 of STBG plus match from Key 22154 into Key 22598 to support SFY 2024 UPWP Next Corridor Planning needs |
| (#4) ODOT Key # 22154 MTIP ID 71111 | Metro | Next Corridor Planning (FFY 2022) | Funds to contribute toward development of prioritized transportation improvements and funding strategy for the region's next priority corridor. (FY 2022 UPWP allocation year) | SPLIT FUNDING: Split \$295,924 of STBG plus match from key 22154 and combine into Key 22598 to support Next Corridor Planning needs in the SFY 2024 UPWP |

AMENDMENT BUNDLE SUMMARY:

A total of four projects are included in the January FFY 2023 MTIP Formal Amendment bundle. The amendment bundle is proceeding under amendment number FB23-06-FEB. All changes are to existing projects. There are no new projects included in the bundle. All projects completed a 30-day public notification/opportunity to comment period consistent with Metro’s Public Participation Plan. The public comment period opened on January 31, 2023 and closed on March 1, 2023.

JPACT 2-16-2023 Meeting Summary

The February 2023 Formal MTIP Amendment bundle was included on JPACT's Consent calendar. JPACT moved and approved the Consent calendar including the February Formal Amendment under Resolution 23-5315 unanimously and without discussion.

TPAC 2-3-2023 Meeting Summary:

Ken Lobeck, Metro Funding Programs Lead provided TPAC members with a short overview and purpose for the February 2023 Formal MTIP Amendment. The amendment bundle consists of four projects that require repositioning and/or programming updates to support the developing SFY 2024 UPWP. The MTIP is used as an obligation safety net providing the accountability and transparency when the various UPWP federal funds are obligated and approved to be expended. To avoid conflicts with the annual Obligation Targets program, several of the prior approved UPWP funding elements have been moved out to FFY 2025. Ken explained that as the SFY 2024 UPWP budget is coming together, a preliminary estimate of the needed federal funds is clearer allowing the individual needed projects to be re-positioned in FFY 2023 to support the SFY 2024 UPWP.

Ken noted that this amendment bundle is advancing into FFY 2023 the FFY 2023 Regional Travel Options (RTO) and FFY 2023 Safe Routes to Schools (SRTS) now that the preliminary UPWP budget has confirmed their federal Surface Transportation Block Grant (STBG) funds will be needed this year. The STBG funding allocated to these two programs has been approved previously as part of the RFFA Step 1 Table process. The amendment action is ensuring the required STBG will be available to be obligated before the end of FFY 2023.

He added that the remaining two projects in the bundle reflect the preliminary federal STBG estimate that will be needed in support of the SFY 2024 Next Corridor Planning area. The impacted Next Corridor Planning programming Keys in the MTIP and STIP are now being advanced, combined, and updated to reflect the estimated STBG that will be needed to the final list of approved planning projects.

As a final note, Ken explained that by repositioning and updating the STBG now, final required updates or changes can occur during April administratively without the need for another formal amendment. The goal is to have the final MTIP and STIP programming ready by May to allow the SFY 2024 UPWP Master Agreement to complete its required final reviews and approvals before the end of May with the final obligations occurring in early June 2023.

A TPAC member raised a question about the source of the Next Corridor Planning STBG requirements and how this is determined. Ken and Ted Leybold, Metro Resource Management Department Manager explained that Metro's Planning Group reviews and determines the annual planning priorities and specific studies to be included in the UPWP. The identification and selection process begins in November and by February the preliminary funding needs have been identified. During February, the applicable Next Corridor Planning revenue buckets are adjusted and updated to ensure sufficient funding is programmed in the correct obligation year.

By each February, preliminary financial requires have now been identified and a preliminary budget summary list of draft projects has been established. See the table on the next page as an example. Using the budget summary list, the MTIP and STIP are adjusted to reflect the funding needs. On the next page is the preliminary summary for the Next Corridor Planning section in the UPWP. The preliminary list of planning projects indicates that a total of \$417,573 of federal STBG will be required. The February 2023 Formal MTIP amendment is completing the funding updates and repositioning to support this area. Note: The amendment action is not approving the identified

projects. The amendment action is setting up the MTIP and STIP to have the required federal STBG ready in FFY 2023 to move forward and be obligated. Changes to this Next Corridor Planning section can still occur. If they result in different funding requirements, the change now can occur administratively instead of requiring another formal amendment.

Draft SFY 2024 UPWP Budget Summary and Next Corridor Planning Area Funding Needs

| METRO | Requirements | | Resources | | | | | | | | | |
|--|---------------------------------|----------|--------------|-----------------|------------|--------------------|--------------|-------------------------|------------------------|--------------------------------------|---------------------------|---------------|
| | Total Direct and Indirect Costs | Indirect | PL | PL Match (ODOT) | 5303 | 5303 Match (Metro) | STBG | STBG Match (Metro/ODOT) | FTA, FHWA, ODOT Grants | FTA, FHWA, ODOT Grants Match (Metro) | Metro Direct Contribution | Local Support |
| 6 Regional Transit Program | \$ 306,878 | ## | | | | | \$ 275,362 | \$ 31,518 | | | | |
| 7 Regional Freight Program | \$ 312,544 | ## | | | | | \$ 280,445 | \$ 32,099 | | | | |
| 8 Complete Streets Program | \$ 90,195 | ## | \$ 81,021 | \$ 9,273 | | | | | | | | |
| 9 Regional Travel Options | \$ 4,803,116 | ## | | | | | | | \$ 4,644,559 | \$ 158,557 | | |
| 10 Safe Routes to School Program | \$ 573,262 | ## | | | | | | | \$ 548,690 | \$ 24,572 | | |
| 11 Transportation System Management & Operations - Regional Mobility Program | \$ 285,077 | ## | | | | | \$ 255,800 | \$ 29,277 | | | | |
| 12 TSMO Program Plus | \$ 183,414 | ## | | | | | | | \$ 164,578 | \$ 18,837 | | |
| 13 Better Bus Program | \$ 2,617,071 | ## | | | | | | | | | \$ 2,617,071 | |
| 14 Connecting First and Last Mile: Accessing Mobility through Transit Study | \$ 606,000 | ## | | | | | | | | | \$ 606,000 | |
| 15 Regional Emergency Transportation Routes | \$ 79,055 | ## | | | | | \$ 70,936 | \$ 8,119 | | | | |
| Metro led Regionwide Planning Total | \$ 14,554,069 | ## | \$ 2,225,568 | \$ 254,729 | \$ 421,078 | \$ 48,194 | \$ 1,611,706 | \$ 184,467 | \$ 5,357,827 | \$ 201,966 | \$ 4,248,515 | \$ - |
| Metro led Corridor / Area Planning | | | | | | | | | | | | |
| 1 Investment Areas (Corridor Refinement and Project Development) | \$ 716,437 | ## | | | | | \$ 256,227 | \$ 29,328 | | | \$ 430,883 | |
| 2 Southwest Corridor Transit Project | \$ 754,434 | ## | | | | | | \$ 630,000 | \$ 124,434 | | | |
| 3 Columbia Connects | \$ 91,960 | ## | | | | | \$ 83,516 | \$ 8,444 | | | | |
| 4 TV Highway Transit and Development Project | \$ 890,165 | ## | | | | | | \$ 342,761 | \$ 38,823 | | \$ 268,781 | \$ 240.00 |
| 5 82nd Ave Transit Project | \$ 1,163,994 | ## | | | | | \$ 78,830 | \$ 9,022 | | | \$ 1,026,142 | \$ 250.00 |
| Metro led Corridor / Area Planning Total | \$ 3,617,189 | ## | \$ - | \$ - | \$ - | \$ - | \$ 417,571 | \$ 47,793 | \$ 972,761 | \$ 163,257 | \$ 1,725,805 | \$ 490.00 |
| Metro Administration & Support | | | | | | | | | | | | |
| 1 MPO Management and Services | \$ 554,941 | ## | \$ 411,165 | \$ 47,053 | | | | | | | \$ 96,723 | |

| Metro led Corridor / Area Planning | |
|------------------------------------|--|
| 1 | Investment Areas (Corridor Refinement and Project Development) |
| 2 | Southwest Corridor Transit Project |
| 3 | Columbia Connects |
| 4 | TV Highway Transit and Development Project |
| 5 | 82nd Ave Transit Project |

DEVELOPMENT OF THE METRO ANNUAL UPWP:

The Metro annual UPWP begins development around the end of October with the budget completed by March of each year. March through April include final Metro reviews and approvals. May follows with Metro and ODOT completing the final expenditure contract for the approved list of UPWP projects. The expenditure contract also is referred to as the Master Agreement of annual UPWP projects.

As the region’s MPO, Metro is required by the federal government to develop the Unified Planning Work Program each year with input from local governments, TriMet, the Oregon Department of Transportation, Federal Highway Administration and Federal Transit Administration. The program is a guide for transportation planning activities to be conducted over the course of each fiscal year (July 1 to June 30).

The UPWP includes:

- Planning priorities for the region
- Projects of regional significance: description, objectives, previous work, methodology, products expected, responsible entities, costs, funding sources and schedules
- Transportation planning, programs, projects, research and modeling: participating entities, tasks and products for the coming year along with costs, funding sources and schedules.

Metro uses a decision-making structure that provides state, regional and local governments the opportunity to participate in transportation and land use decisions. The Joint Policy Advisory

Committee on Transportation (JPACT) which consists of elected and appointed officials, must approve regional transportation policies and plans in concert with the Metro Council.

The annual UPWP is normally comprised of approximately 25 planning projects and includes MPO operational activities. A partial listing of the included projects is shown below. Individual projects are detailed within the UPWP which the complete list shown in the Budget Summary page.

| METRO | Requirements | | Resources | | | | | |
|---|---|--------------|--------------|-----------------|------|--------------------|--------------|-------------------------|
| | Total Direct and Indirect Costs | | PL | PL Match (ODOT) | 5303 | 5303 Match (Metro) | STBG | STBG Match (Metro/ODOT) |
| Regional Transportation Planning | | | | | | | | |
| 1 | Transportation Planning | \$ 469,533 | | | | | \$ 421,312 | \$ 48,221 |
| 2 | Climate Smart Implementation | \$ 478,854 | | | | | \$ 69,838 | \$ 7,996 |
| 3 | Regional Transportation Plan Update 2023 | \$ 2,632,643 | \$ 578,989 | \$ 66,268 | | | \$ 889,255 | \$ 44,552 |
| 4 | Metropolitan Transportation Improvement Program | \$ 1,615,530 | \$ 1,243,227 | \$ 142,293 | | | | |
| 5 | Air Quality Program | \$ 36,918 | | | | | \$ 24,193 | \$ 2,764 |
| 6 | Regional Transit Program | \$ 169,984 | | | | | \$ 121,121 | \$ 13,863 |
| 7 | Regional Freight Program | \$ 215,337 | | | | | \$ 193,222 | \$ 22,115 |
| 8 | Complete Streets Program | \$ 126,635 | | | | | \$ 113,630 | \$ 13,005 |
| 9 | Regional Travel Options and Safe Routes to School Program | | | | | | | |
| 10 | Transportation System Management & Operations - Regional Mobility Program | \$ 310,438 | | | | | \$ 278,556 | \$ 31,882 |
| 11 | High Capacity Transit Strategy Update | | | | | | | |
| 12 | Enhanced Transit Concepts Program | | | | | | | |
| 13 | Regional Freight Delay and Commodities Movement Study | | | | | | | |
| 14 | Economic Value Atlas Implementation | \$ 66,491 | | | | | \$ 55,663 | \$ 6,829 |
| 15 | Regional Emergency Transportation Routes | | | | | | | |
| Regional Transportation Planning Total: | | \$ 6,112,353 | \$ 1,822,217 | \$ 208,561 | \$ - | \$ - | \$ 1,670,770 | \$ 191,227 |
| Regional Corridor/Area Planning | | | | | | | | |
| 1 | Investment Areas (Corridor Refinement and Project Development) | | | | | | | |
| 2 | Southwest Corridor Transit Project | | | | | | | |

In lieu of dues, Metro relies on our allocated FHWA “PL” planning funds, FTA based “Section 5303”, State matching funds, allocated Surface Transportation Block Grant (STBG) funds, local supporting funds, and periodic discretionary planning grant funds to support the UPWP. The annual UPWP total budget needs range from year to year based on regional study needs, staffing, need and the available funds. To help with the budget development and UPWP future needs, Metro’s Resource Development Department and Finance Department develop UPWP program area funding estimates. This enables Metro to evaluate the planning needs, capacity, and elasticity requirements on an annual basis. Metro’s Regional Flexible Fund Allocation, Step 1 allocation tables help determine annual program needs where STBG will be the primary funding source for the UPWP program area. Overall, the UPWP budget development is complicated, fluid, changes, often evolves, and must react to constantly changing funding levels.

THE ROLE OF THE MTIP:

The MTIP’s role is to provide the funding snapshot for UPWP program areas and act as the obligation source for the UPWP. UPWP program areas such as Next Corridor Planning needs, Regional Travel Options (RTO), Safety Routes to School outreach activities. Estimated annual funding needs for these program areas are programmed in the MTIP. This helps Metro determine short and long range UPWP funding needs and commitments. Unfortunately, the MTIP is not an accounting document and the implementation of annual obligation targets as part of the document can the flexibility the UPWP requires.

The establishment of obligation targets within the MTIP required most of the programmed UPWP projects to be moved out into non-constrained MTIP years to protect the funds and ensure any delays in their obligation and use did not come back as penalties against the MPO. As the annual UPWP budget is developed, “out-year” programmed UPWP projects are now advanced, adjusted, split, and recombined as needed to support the UPWP budget.

JANUARY/FEBRUARY FORMAL MTIP AMENDMENTS AND THE UPWP BUDGET:

As the and UPWP budget begins to take shape (usually by the end of December), MTIP reprogramming actions begin in January and continue through February. Required STBG project funding is advanced into the current obligation year to support the UPWP. PL, 5303, and other funding adjustments occur as updates are received. This process is referred to as UPWP funds repositioning. The goal to help ensure a sufficient amount of approved STBG, PL, 5303, local, and any applicable discretionary grant funding is in the current federal fiscal year to support the UPWP. Approved projects then can move forward to obligate their federal funds normally in June. The January and February reprogramming actions allows the UPWP funding scorecard to be created and ready for later obligations.

With the January 2023 Formal MTIP Amendment, staff began adjusting the anticipated final authorized levels for PL, 5303, and STBG for basic planning needs. The February 2023 Formal MTIP amendment continues the UPWP funding repositioning by completing the following actions:

1. Approved STBG funding for the FFY 2023 RTO program will be needed to obligate during FFY 2023. As result, the program funding in Key 22158 is being advanced from FFY 2025 to the current federal fiscal year of FFY 2023. The project will be part of the final SFY 2024 UPWP.

| | | | | | | | |
|--------------|-----------------|--|--------------------------------|---------------------|------------------|--------------|-------------|
| LEAD AGENCY | | Metro | | | | | |
| PROJECT NAME | | Regional Travel Options (RTO) program (FFY 2023) | | | | | |
| Project IDs | | Project Description | | | Project Type | | |
| ODOT KEY | 22158 | The Regional Travel Options (RTO) program implements strategies to help diversify trip choices reduce pollution and improve mobility. (FY 2023 UPWP allocation year) | | | Regional Program | | |
| MTIP ID | 71107 | | | | | | |
| RTP ID | 11103 | | | | | | |
| Phase | Year | Fund Type | Federal Amount | Minimum Local Match | Other Amount | Total Amount | |
| Other | 2025 | STBG-URBAN | \$2,839,398 | \$324,982 | \$0 | \$3,164,380 | |
| | | 2023 | FY 21-26 Totals | \$2,839,398 | \$324,982 | \$0 | \$3,164,380 |
| | | | Estimated Project Cost (YOE\$) | \$2,839,398 | \$324,982 | \$0 | \$3,164,380 |

2. The same process is occurring for the Metro UPWP Safe Routes to Schools Program (SRTS). Program funding has been confirmed will be needed this UPWP cycle and the project is being advanced from FFY 2025 to FFY 2023.

| | | | | | | | |
|--------------|-----------------|---|--------------------------------|---------------------|------------------|--------------|-----------|
| LEAD AGENCY | | Metro | | | | | |
| PROJECT NAME | | Safe Routes to Schools program (FFY 2023) | | | | | |
| Project IDs | | Project Description | | | Project Type | | |
| ODOT KEY | 22161 | Promotes through planning funding and outreach activities the ability for youth to safely affordably and efficiently access school by walking biking and transit. (FY 2023 allocation year) | | | Regional Program | | |
| MTIP ID | 71114 | | | | | | |
| RTP ID | 12021 | | | | | | |
| Phase | Year | Fund Type | Federal Amount | Minimum Local Match | Other Amount | Total Amount | |
| Other | 2025 | STBG-URBAN | \$546,364 | \$62,534 | \$0 | \$608,898 | |
| | | 2023 | FY 21-26 Totals | \$546,364 | \$62,534 | \$0 | \$608,898 |
| | | | Estimated Project Cost (YOE\$) | \$546,364 | \$62,534 | \$0 | \$608,898 |

3. Reprogramming actions for the next two projects involve anticipated funding for the UPWP Next Corridor Planning area. The Net Corridor Investment Areas completes system planning and develops multimodal projects in major transportation corridors identified in the Regional Transportation Plan (RTP) as well as developing shared investment strategies to

align local, regional and state investments in economic investment areas that support the region’s growth economy. It includes ongoing involvement in local and regional transit and roadway project conception, funding, and design.

Determining the annual funding needs for this area is difficult as the planning need can be fluid and change multiple times. Staff wait as long as possible until the needed funding amount can be estimated. For the SFY 2024 UPWP, the preliminary STBG need totals \$417,573 of STBG plus required matching funds. Project Keys 22598 and 22154 are being reprogrammed in this amendment bundle to reflect the anticipated STBG funding need. The final Next Corridor program funding need for SFY 2024 will be represented in Key 22598. All of the funding in Key 22598 is expected to be needed as part of the Master Agreement and will be shifted into Key 22311 during April administratively. The re-programming actions are shown below.

A. Key 22598: Add STBG (and match) from Key 22154.

| | | | | | | |
|--------------|-------|--|----------------|---------------------|--------------------------|--------------|
| LEAD AGENCY | | Metro | | | | |
| PROJECT NAME | | Corridor and Systems Planning (2021) | | | | |
| Project IDs | | Project Description | | | Project Type | |
| ODOT KEY | 22598 | Corridors and Systems Planning Program conducts planning level work in corridors. Emphasizes the integration of land use and transportation. Determines regional system needs functions and desired outcomes. (FY 2021 fund allocation year) | | | System/corridor planning | |
| MTIP ID | 70871 | | | | | |
| RTP ID | 10000 | | | | | |
| Phase | Year | Fund Type | Federal Amount | Minimum Local Match | Other Amount | Total Amount |
| Planning | 2023 | STBG-URBAN | \$121,649 | \$13,923 | \$0 | \$135,572 |
| | | FY 21-26 Totals | \$121,649 | \$13,923 | \$0 | \$135,572 |
| | | Estimated Project Cost (YOE\$) | \$121,649 | \$13,923 | \$0 | \$135,572 |

B. Key 22154: Split \$295,924 of STBG plus match and combine into Key 22598 above.

| | | | | | | |
|--------------|-------|--|----------------|---------------------|--------------------------|--------------|
| LEAD AGENCY | | Metro | | | | |
| PROJECT NAME | | Next Corridor Planning (FFY 2022) | | | | |
| Project IDs | | Project Description | | | Project Type | |
| ODOT KEY | 22154 | Funds to contribute toward development of prioritized transportation improvements and funding strategy for the region’s next priority corridor. (FY 2022 UPWP allocation year) | | | System/corridor planning | |
| MTIP ID | 71111 | | | | | |
| RTP ID | 11103 | | | | | |
| Phase | Year | Fund Type | Federal Amount | Minimum Local Match | Other Amount | Total Amount |
| Planning | 2025 | STBG-URBAN | \$451,331 | \$51,657 | \$0 | \$502,988 |
| | | FY 21-26 Totals | \$451,331 | \$51,657 | \$0 | \$502,988 |
| | | Estimated Project Cost (YOE\$) | \$451,331 | \$51,657 | \$0 | \$502,988 |

C. Final Next Corridor Programming Summary for Key 22598 reflecting a total of \$417,573 of STBG plus match = \$465,366.

| PROJECT FUNDING DETAILS | | | | | | | | | |
|---|-----------|------|-------------|-------------------------|--------------|--------------|------------------------|---|------------|
| Fund Type | Fund Code | Year | Planning | Preliminary Engineering | Right of Way | Construction | Other | Total | |
| Federal Funds | | | | | | | | | |
| STBG-U | Y230 | 2023 | \$ -121,649 | | | | \$ - | \$ - | |
| STBG-U | Y230 | 2023 | \$ 417,573 | | | | \$ - | \$ 417,573 | |
| | | | | | | | \$ - | \$ - | |
| | | | | | | | \$ - | \$ - | |
| | | | | | | | Federal Totals: | \$ 417,573 | |
| \$295,924 of STBG-U (plus match) is being transferred from Key 22154 and combined into Key 22598 for Next Corridor UPWP needs | | | | | | | | | |
| State Funds | | | | | | | | | |
| | | | | | | | \$ - | \$ - | |
| | | | | | | | \$ - | \$ - | |
| | | | | | | | State Total: | \$ - | |
| Local Funds | | | | | | | | | |
| Local | Match | 2023 | \$ -13,923 | | | | \$ - | \$ - | |
| Local | Match | 2023 | \$ 47,793 | | | | \$ - | \$ 47,793 | |
| | | | | | | | \$ - | \$ - | |
| | | | | | | | \$ - | \$ - | |
| | | | | | | | Local Total: | \$ 47,793 | |
| Phase Totals Before Amend: | | | \$ -135,572 | \$ - | \$ - | \$ - | \$ - | \$ -135,572 | |
| Phase Totals After Amend: | | | \$ 465,366 | \$ - | \$ - | \$ - | \$ - | \$ 465,366 | |
| | | | | | | | | Total Project Cost Estimate (all phases): | \$ 465,366 |
| | | | | | | | | Year of Expenditure Cost Amount: | \$ 465,366 |

- Why a formal MTIP amendment is required: The re-programming and re-positioning of federal STBG funds occur from the non-fiscally constrained year of FFY 2025 forward into the fiscally constrained year of FFY 2023. When federal funds are moved from non-constrained to constrained years, the fiscal constraint finding must be re-confirmed. This action must occur through the completion of a formal MTIP amendment.

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 and eligible to be programmed in the MTIP.
- Passes fiscal constraint verification.
- 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
- Consistent with RTP project costs when compared with programming amounts in the MTIP
- If a capacity enhancing project, the project is identified in the approved Metro modeling network and has completed required air conformity analysis and transportation demand modeling
- 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:
- Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
- Reviewed and determined that Performance Measurements will or will not apply.
- Completion of the required 30-day Public Notification/Opportunity to Comment period:
- Meets MPO responsibility actions including project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.

APPROVAL STEPS AND TIMING

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the February FFY 2023 Formal MTIP amendment (FB23-06-FEB) will include the following:

| <u>Action</u> | <u>Target Date</u> |
|---|----------------------|
| • TPAC Agenda mail-out..... | January 27, 2023 |
| • Initiate the required 30-day public notification process..... | January 31, 2023 |
| • TPAC notification and approval recommendation..... | February 3, 2023 |
| • JPACT approval and recommendation to Council..... | February 16, 2023 |
| • Completion of public notification process..... | March 1, 2023 |
| • Metro Council approval..... | March 9, 2023 |

Notes:

- * The above dates are estimates. JPACT and Council meeting dates could change.
- ** If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps (The below timeline is an estimation only):

| <u>Action</u> | <u>Target Date</u> |
|---|-------------------------|
| • Final amendment package submission to ODOT & USDOT..... | March 15 ,2023 |
| • USDOT clarification and final amendment approval..... | Early to mid-April 2023 |

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:**
 - a. Amends the 2021-24 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 20-5110 on July 23, 2020 (FOR THE PURPOSE OF ADOPTING THE 2021-2024 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA).
 - b. Oregon Governor approval of the 2021-24 MTIP: July 23, 2020
 - c. 2021-2024 Statewide Transportation Improvement Program (STIP) Approval and 2021 Federal Planning Finding: September 30, 2020
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds, or obtain the next required federal approval step as part of the federal transportation delivery process.
4. **Metro Budget Impacts:**
 - a. Parallels the development of the Metro SFY 2024 UPWP approved budget
 - b. MTIP programming is subordinate to UPWP budget approval.
 - c. MTIP programming will be adjusted to reflect the final approved SFY 2024 UPWP.
 - d. Will enable Metro funded programs part of the SFY 2024 UPWP to be obligated, funds expended, and approved planning activities to be implemented.

RECOMMENDED ACTION:

JPACT met on February 16, 2023, and approved Resolution 23-5315. JPACT now requests Metro Council provide the final approval for Resolution 23-5315 consisting of the four amended projects in support of the SFY 2024 UPWP development.

No Attachments

Agenda Item No. 5.1

**Resolution No. 23-5314 For the Purpose of Amending the
Affordable Housing Bond Work Plan to Allocate Bond
Funds for Metro Administrative Costs**
Resolution

Metro Council Meeting
Thursday, March, 02, 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 23-5314
AFFORDABLE HOUSING BOND WORK PLAN TO)
ALLOCATE BOND FUNDS FOR METRO) Introduced by Chief Operating Officer
ADMINISTRATIVE COSTS) Marissa Madrigal with the Concurrence of
Metro Council President Lynn Peterson

WHEREAS, on June 7, 2018, the Metro Council adopted Resolution No. 18-4898, referring to the Metro area voters a ballot measure authorizing the issuance of general obligation bonds for the purpose of funding affordable housing (the “Housing Bond Measure”); and

WHEREAS, on November 6, 2018, the voters approved the Housing Bond Measure; and

WHEREAS, on January 31, 2019, the Metro Council adopted Resolution No. 19-4956, approving the Metro Affordable Housing Bond Measure Program Work Plan (the “Work Plan”) that serves as a framework for the Metro Housing Bond Measure implementation activities; and

WHEREAS, on October 17, 2019, the Metro Council adopted Resolution No. 19-5015, amending the Work Plan to clarify certain aspects of Metro’s Regional Site Acquisition Program; and

WHEREAS, Metro staff now proposes to further amend the Work Plan to allocate a portion of the Housing Bond Measure funds identified therein as “reserved for future allocation” to pay for programmatic administrative costs; now therefore,

BE IT RESOLVED, that the Metro Council hereby adopts the Amended and Restated Metro Affordable Housing Bond Measure Program Work Plan attached hereto as Exhibit A.

ADOPTED by the Metro Council this 2nd day of March, 2023.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney



Affordable Housing Bond Program Work Plan

Amended March 2023

Public service

*We are here to serve the public
with the highest level of
integrity.*

Excellence

*We aspire to achieve exceptional
results*

Teamwork

*We engage others in ways that foster
respect and trust.*

Respect

*We encourage and appreciate
diversity in people and ideas.*

Innovation

*We take pride in coming up with
innovative solutions.*

Sustainability

*We are leaders in demonstrating
resource use and protection.*

Metro's values and purpose

We inspire, engage, teach and invite people to preserve and enhance the quality of life and the environment for current and future generations.

If you picnic at Blue Lake or take your kids to the Oregon Zoo, enjoy symphonies at the Schnitz or auto shows at the convention center, put out your trash or drive your car – we've already crossed paths.

So, hello. We're Metro – nice to meet you.

In a metropolitan area as big as Portland, we can do a lot of things better together. Join us to help the region prepare for a happy, healthy future.

Stay in touch with news, stories and things to do.

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Metro Council President

Lynn Peterson

Metro Councilors

Shirley Craddick, District 1

Christine Lewis, District 2

Craig Dirksen, District 3

Juan Carlos Gonzales, District 4

Sam Chase, District 5

Bob Stacey, District 6

Auditor

Brian Evans

600 NE Grand Ave.
Portland, OR 97232-2736
503-797-1700

2019 AFFORDABLE HOUSING BOND PROGRAM WORK PLAN

Adopted by Resolution No. 19-4956 on January 31, 2019 by the Metro Council.

Ammended by Resolution No. 19-5015 on October 17, 2019 by the Metro Council.

Ammended by Resolution No. 23-5314 on March 2, 2023 by the Metro Council.

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1. INTRODUCTION

On November 6, 2018, voters approved a \$652.8 million bond measure (“Bond Measure”), directing Metro to fund affordable housing throughout the Metro region. As defined in the Bond Measure, the term “affordable housing” means “land and improvements for residential units occupied by low-income families making 80% or less of area median income.” Such housing may be of any type, including but not limited to single-family, multi-family, houses, apartments, and/or the land on which such facilities are located or may be constructed.

In June of 2018, the Metro Council adopted the Metro Chief Operating Officer’s recommended program framework, as set forth in Regional Investment Strategy: Affordable Homes for Greater Portland (“Initial Housing Bond Framework”), which included recommendations for unit production goals, commitments to advancing racial equity, and implementation guidelines developed in collaboration with stakeholders, jurisdictions, housing providers and other partners.

This Affordable Housing Program Work Plan (“Work Plan”) provides a comprehensive plan for implementing Metro’s Bond Measure program (referred to herein as the “Housing Bond Program” or “Program”). This document incorporates and supplements the Initial Housing Bond Framework, and is the governing document for Program implementation, addressing how Bond Measure proceeds will be administered to ensure delivery of the outcomes described in the Bond Measure.

2. UNIT PRODUCTION TARGETS AND GUIDING PRINCIPLES

The primary goal of the Housing Bond Program is create at least **3,900 new affordable homes**, of which:

- At least 1,600 homes will be affordable to households making 30% of area median income (AMI) or below;
- At least 1,950 homes will be sized for families, with 2 or more bedrooms; and
- No more than 10 percent of homes will be provided for households making 61-80% of AMI.

For acquired rental properties, the above targets and cap on homes for households making 61-80% of AMI will be applied upon turnover.

In its efforts to achieve the Program unit production targets referenced above (“Unit Production Targets” or “Targets”), Metro is guided by four principles (“Guiding Principles”), which were derived from (a) existing Metro policies, including the agency’s Strategy to Advance Racial Equity, Diversity, and Inclusion and (b) conversations with key stakeholders who participated in a six month public process convened prior to the referral of the Bond Measure. Those Guiding Principles are:

- 1) Lead with racial equity.** Ensure that racial equity considerations guide and are integrated throughout all aspects of Program implementation, including community engagement, project location prioritization, tenant screening and marketing, resident and/or supportive services, and inclusive workforce strategies.

- 2) **Create opportunity for those in need.** Ensure that Program investments serve people currently left behind in the region’s housing market, especially: communities of color, families with children and multiple generations, people living with disabilities, seniors, veterans, households experiencing or at risk of homelessness, and households at risk of displacement. Incorporate commitments for tracking and reporting on Program outcomes for people of color and other historically marginalized groups.
- 3) **Create opportunity throughout the region.** Ensure that Program investments are distributed across the region to (a) expand affordable housing options in neighborhoods that have not historically included sufficient supply of affordable homes, (b) increase access to transportation, employment, education, nutrition, parks and natural areas, and (c) help prevent displacement in changing neighborhoods where communities of color live today.
- 4) **Ensure long-term benefits and good use of public dollars.** Provide for community oversight to ensure transparency and accountability in Program activities and outcomes. Ensure financially sound investments in affordable, high quality homes. Allow flexibility and efficiency to respond to local needs and opportunities, and to create immediate affordable housing opportunities for those in need.

These Guiding Principles will be implemented consistent with applicable requirements of the federal Fair Housing Act and ORS Chapter 659a and, as appropriate, in consultation with the Fair Housing Council of Oregon.

3. GOVERNANCE

3.1 BOND MEASURE; GENERAL OBLIGATION BOND REQUIREMENTS

On June 7, 2018, the Metro Council adopted Resolution 18-4898 referring to Metro area voters the Bond Measure authorizing Metro to issue general obligation bonds in the amount of \$652.8 million to fund affordable housing. The Program and this Work Plan must comply with the promises made to the voters in the Bond Measure. In addition, in accordance with Oregon law, the bond funds may be used only to pay for capital costs, including costs associated with acquisition, construction, improvement, remodeling, furnishing, equipping, maintenance or repair having an expected useful life of more than one year. Bond funds may not be used to pay for general project maintenance and repair, supplies, or equipment that are not intrinsic to a structure or for any other costs that do not meet the definition of “capital costs” under the Oregon Constitution and Oregon law.

3.2 METRO COUNCIL

The Metro Council provides policy direction for the Housing Bond Program through:

- A. Adoption of this Work Plan;
- B. Appointment of Community Oversight Committee members, chair and/or co-chairs, collectively charged with monitoring program implementation;
- C. Approval of Local Implementation Strategies and Metro Regional Site Acquisition Strategy;

- D. Approval of intergovernmental agreements for implementation (each, an “Implementation IGA”) with Local Implementation Partners; and
- E. Monitoring of Program outcomes, with guidance from the Community Oversight Committee.

3.3 METRO CHIEF OPERATING OFFICER AND STAFF

The Metro Chief Operating Officer (COO) is authorized by the Metro Council to implement this Work Plan, and the COO will direct staff to conduct all program administration activities referenced herein, including (without limitation) the following:

- A. Acquisition of real property and associated project funding in accordance with the Metro Regional Site Acquisition Strategy and the criteria and conditions set forth in this Work Plan;
- B. Authorization of Metro Bond Measure funding for projects and program administration activities of Local Implementation Partners in accordance with the criteria and conditions set forth in this Work Plan; and
- C. Convening meetings and providing administrative support for the Community Oversight Committee.

3.4 LOCAL IMPLEMENTATION PARTNERS

Government agencies that are eligible to become Local Implementation Partners include counties, public housing authorities, and cities with populations over 50,000 that receive and administer their own federal Community Development Block Grant (CDBG) funding. To be eligible to receive Metro Bond Measure funds, Local Implementation Partners that receive Bond funding must:

- A. Adopt a Local Implementation Strategy, informed by community engagement, that includes a development plan to achieve the unit production targets, a strategy for advancing racial equity, and ensuring community engagement in implementation (see Section 5.2 and Exhibit C);
- B. Enter into an Implementation IGA with Metro, obligating the Local Implementation Partner to comply with this Work Plan and enter into certain covenants required to ensure compliance with the Bond Measure and other applicable law; and
- C. Provide adequate assurances to Metro that Metro Bond Measure funds will be expended solely to make permitted capital investments to create affordable housing in accordance with this Work Plan.

4. COMMUNITY OVERSIGHT COMMITTEE

In accordance with Metro Code Section 2.19, Metro will appoint a Community Oversight Committee (“Oversight Committee”) to ensure Program transparency and accountability. The Oversight Committee will be charged with the following duties:

- A. Review local implementation strategies and Metro’s Regional Site Acquisition Implementation Strategy for alignment with the Guiding Principles and clear plan to achieve the local share of Unit Production Targets, and recommend strategies for Metro Council approval; and
- B. Monitor program expenditures and outcomes and provide an annual report and presentation to Metro Council. The Committee may recommend changes to implementation strategies as necessary to achieve Unit Production Targets and adhere to the Guiding Principles.

Metro staff will consult members of the Community Oversight Committee as needed to advise on projects prior to the Metro COO’s authorization of funding.

5. DISTRIBUTION OF FUNDS AND TARGETS AND REQUIREMENTS FOR LOCAL IMPLEMENTATION PARTNERS

The Housing Bond Program is guided by regional goals and oversight, but implemented by the Local Implementation Partners, who are best positioned to respond to community affordable housing needs. Successful implementation requires flexibility for local jurisdictions to create and nimbly pursue strategies that respond to local community priorities and market contexts. Metro and the Local Implementation Partners must work together to ensure that Local Implementation Strategies, actions and investments advance desired regional outcomes that honor the commitments made to the region’s voters.

5.1 ALLOCATION OF BOND FUNDS

Metro Bond Measure funds will be allocated to Local Implementation Partners on the basis of assessed value of property, as described in Exhibit B. Except for permitted Program administration funding disbursements, Program funds will be committed and disbursed on a project-by-project basis following execution of Implementation IGAs. Distribution of Bond Measure funds will be conditioned on a Local Implementation Partner’s ongoing demonstration of progress toward its assigned share of the Unit Production Targets set forth in Exhibit B.

5.2 LOCAL IMPLEMENTATION STRATEGIES

To be eligible to receive Bond Measure funds, a Local Implementation Partner must create a Local Implementation Strategy outlining strategies for achieving its allocated share of Unit Production Targets. Each Local Implementation Strategy will be aligned with the Guiding Principles.

Each Local Implementation Strategy must include the following components, described in more detail in Exhibit C:

- A. Development Plan to achieve the Unit Production Targets, including criteria and selection process(es);
- B. Strategy for advancing racial equity throughout implementation;

- C. Engagement report summarizing how stakeholder input shaped the development of the Local Implementation Strategy; and
- D. Plan for ongoing community engagement to inform project implementation.

Approval and Revision Process

The Community Oversight Committee will review Local Implementation Strategies and recommend them for approval by the Metro Council. One Local Implementation Strategies have been approved by local governing bodies and Metro Council, they will be incorporated into Implementation IGAs.

As needed, the Oversight Committee and/or Local Implementation Partners may recommend changes to Local Implementation Strategies based on annual evaluation of Program outcomes. Local Implementation Strategies may be revised only following approval by the Metro Council and local governing bodies.

6. METRO REGIONAL SITE ACQUISITION PROGRAM

The Regional Site Acquisition Program will seek to support Local Implementation Partners in achieving the overall Unit Production Targets. Program funds will primarily be used to purchase regionally significant sites. Program funds may also be used to help ensure the development of affordable housing on regionally significant sites owned by Metro, including but not limited to sites previously acquired by Metro's Transit Oriented Development Program

6.1 REGIONAL SITE ACQUISITION IMPLEMENTATION STRATEGY

Up to ten percent of Bond Measure funds will be retained by Metro for the Regional Site Acquisition Program. Metro will create a Regional Site Acquisition Implementation Strategy outlining commitments and strategies for ensuring that regional site acquisitions and the expenditure of program funds are coordinated with Local Implementation Partners to support regional progress toward Unit Production Targets. The Regional Site Acquisition Implementation Strategy will be aligned with the Guiding Principles.

The Regional Site Acquisition Implementation Strategy must include the following components, consistent with applicable required elements of Local Implementation Strategies, as described in Exhibit C:

- A. Development plan including criteria and selection process(es), including a process for engaging relevant Local Implementation Partners;
- B. Strategy for advancing racial equity throughout implementation, in alignment with applicable Local Implementation Strategy approaches; and
- C. Engagement report summarizing how stakeholder input shaped the development of the Regional Site Acquisition Implementation Strategy.

Metro will engage Local Implementation Partners throughout the development of the Regional Site Acquisition Strategy to ensure alignment and coordination with Local Implementation Strategies and approaches.

Approval and Revision Process

The Community Oversight Committee will review the Regional Site Acquisition Implementation and recommend such strategy for approval by Metro Council.

As needed, the Oversight Committee and/or Metro staff may recommend changes to the Regional Site Acquisition Implementation Strategy based on annual evaluation of Program outcomes. The Regional Site Acquisition Implementation Strategy may be revised only following approval by the Metro Council.

7. CAPITAL INVESTMENT ACTIVITIES

Affordable housing projects proposing to use Bond Measure funds must be selected using a process and criteria consistent with the applicable Local Implementation Strategy and/or Metro Site Acquisition Implementation Strategy. Funding will be authorized by the Metro COO based on consistency with applicable strategy and compliance with this Work Plan. Metro staff will consult members of the Community Oversight Committee as needed to advise on projects prior to authorization of funding by the COO.

Once a project is approved by the Metro COO, Bond Measure funds will be released to the Local Implementation Partner in accordance with the terms of the Implementation IGA, which may require the release of funds in stages upon completion of construction and development benchmarks. Local Implementation Partners may directly utilize the Bond Measure funds for public improvement projects, or loan, grant or otherwise contribute these funds to a non-governmental entity, such as a Low Income Housing Tax Credit (LIHTC) Partnership or LLC for private projects.

7.1 NONGOVERNMENTAL REHABILITATION AND NEW CONSTRUCTION

Local Implementation Partners may contribute Metro Bond Measure funds to private for-profit and nonprofit development entities to pay for new construction of privately owned affordable housing or for the acquisition and rehabilitation of existing market rate/unregulated housing being converted to regulated affordable housing. Bond Measure funds may be contributed to projects as either the primary source of project funding or as “gap funding” as described below.

Gap Funding

Local Implementation Partners may use Bond Measure funds to provide grants and make loans to qualified private for-profit or nonprofit entities developing, owning and operating affordable housing projects, including LIHTC Partnerships or LLCs, to assist these entities in closing funding gaps between all other available sources of funding (including but not limited to LIHTC equity, senior secured project indebtedness, other state and local loan and grant proceeds and programs, and private and/or philanthropic sources), and the actual project development and construction costs. Local Implementation Partners may provide Bond Measure funds to such private entities in the form of loans or grants. Loans may be “cash-flow-only,” or “soft loans” and may include below market or no interest, non-recourse, extended amortization or fully “forgivable” repayment terms.

Eligible Costs

Bond Measure funds may be used to pay for qualified capital costs associated with the following:

- Construction of new affordable housing for households earning 80% area median income (AMI) or less;
- Acquisition and rehabilitation of residential buildings with no existing form of public affordability restriction;
- Construction of new affordable housing as part of the redevelopment of a residential property with existing public affordability restrictions, as long as the redevelopment results in a substantial net increase in the total number of affordable homes. In such cases, Program funding may only be used for the portion of new homes that are not replacing regulated affordable homes currently on the site and related project/site improvements, such as parking, infrastructure improvements, and community space;
- Construction of ancillary commercial space, community space, and resident amenities, as long as ancillary spaces and amenities are part of buildings that contribute toward Unit Production Targets;
- All necessary and required site work and infrastructure for the above projects;
- Predevelopment costs, including third party reports, design studies, financial modeling and community outreach, which may be reimbursed upon closing of construction financing of an affordable housing project. Prior to closing, these costs are an eligible use of bond program administration funding, but will count toward administrative funding caps prior to reimbursement through a project closing; and
- Administrative costs that comply with requirements laid out in Section 9.2.

Ineligible Costs

Bond proceeds must be used to finance projects that constitute capital construction, capital improvement or a capital cost as those terms are defined by the relevant provisions or the Oregon Constitution, Oregon law (including ORS 310.140) and the parameters of the Bond Measure.

Costs that are ineligible for bond funding include but are not limited to:

- Acquisition of housing with existing public affordability restrictions;
- Rehabilitation of housing with existing public affordability restrictions;
- Redevelopment of residential properties with existing public affordability restrictions that does not result in a substantial net increase in the number of affordable homes on the site;
- Project operating costs, including the provision of resident support services;
- Rental assistance; and
- Administrative costs that do not comply with requirements laid out in Section 9.2.

7.2 PUBLIC REHABILITATION AND NEW CONSTRUCTION

Local Implementation Partners may utilize Bond Measure funds only to pay qualified capital costs to develop, finance, construct and equip new affordable housing and to acquire and rehabilitate market rate housing with no existing public affordability restriction for conversion to affordable housing with a public affordability restriction. Metro housing bond funds may not be used to acquire and/or rehabilitate any housing with an existing public affordability restriction.

Eligible and ineligible costs are set forth in Section 7.1, above.

7.3 PROJECT APPROVAL AND FUNDING PROCESS

The Metro COO will approve funding commitments for all qualified projects identified by Local Implementation Partners at two stages: (1) a Concept Endorsement and (2) a Final Approval. The Concept Endorsement is a preliminary commitment of funding on the basis of consistency of the early project concept with the Local Implementation Strategy. The Concept Endorsement is optional for acquisition and rehabilitation projects (to be pursued at the Local Implementation Partner's discretion), but is mandatory for new construction projects.

Stage 1: Concept Endorsement (optional for acquisition/rehabilitation; required for new construction)

The Metro COO will provide Concept Endorsements for preliminary development and acquisition/rehabilitation projects. Presented concepts should consist of, at minimum, an identified site which the Local Implementation Partner or the private developer/sponsor controls, a preliminary development or rehabilitation plan, a preliminary unit and affordability mix, preliminary estimates of total development costs, preliminary estimate of requested Metro Housing bond funds and an identified development team.

The Concept Endorsement will be made based upon the following criteria:

- Endorsement of Local Implementation Partner;
- Concept's contribution to Unit Production Targets relative to requested amount of bond funding **or** demonstration of how proposed project will contribute to Local Implementation Partner's portfolio of planned or completed projects to achieve the local share of Unit Production Targets; and
- Consistency with Local Implementation Strategy.

Stage 2: Funding Authorization and Release of Funds

The Metro COO will authorize project funding only after a finalized development program, design development drawings and confirmed funding sources have been provided. Metro staff will consult members of the Community Oversight Committee as needed to advise on projects prior to authorization of funding by the COO. The Metro COO's authorization of funding will be based on the satisfaction of the following criteria:

- Continued support for the project by Local Implementation Partner;
- Development program's contribution to Unit Production Targets (including affordability and bedroom size targets) relative to requested amount of bond funding; **or** demonstration of how proposed project will contribute to Local Implementation Partner's portfolio of planned or

completed projects to achieve the local share of Unit Production Targets;

- Consistency with Local Implementation Strategy; and
- Provision of requested documentation to demonstrate project feasibility.

Prior to the release of funds to the Implementation Partner, a Regulatory Agreement (as defined below) approved by the Office of the Metro Attorney and meeting the criteria described further in Section 8.1 will be executed. The Regulatory Agreement will be recorded against the property at or prior to the time of closing.

7.4 REAL PROPERTY ACQUISITIONS

Bond funds may be used by Metro or Local Implementation Partners to acquire real property (including land and buildings) for the development, rehabilitation, or adaptive reuse as affordable housing consistent with this Work Plan (hereinafter referred to as “Property Acquisitions”).

Property Acquisition costs that may be paid for with Bond funds include the purchase price and all costs related to pre-purchase due diligence including appraisals, purchase of options, earnest money for purchase and sale agreements, environmental assessments, geotechnical reports, preliminary development cost estimates, zoning capacity studies, physical capital needs assessments for acquired buildings, and other third party reports. Eligible pre-purchase due diligence costs will be reimbursed to Local Implementation Partners only upon completion of the Property Acquisition, although bond Program Administration funds may be applied to due diligence costs prior to reimbursement.

Bond Measure funds may also be loaned or granted to projects sited on real property previously acquired by a project sponsor or Local Implementation Partner using non-Bond funds. For these projects, the costs of previous real property acquisition will be included in overall project costs, subject to Metro appraisal requirements.

Property Acquisition Parameters

Bond Measure funds may be used for Property Acquisition provided the following criteria are met:

- The property is owned by a willing seller;
- An appraised value has been obtained in accordance with applicable Uniform Standards of Professional Appraisal Practice (USPAP) standards. In general, the purchase price should not exceed 10 percent over appraised value. However, exceptions may be made at the discretion of the Metro COO if it can be demonstrated that the site presents unique opportunities to advance the Unit Production Targets and Guiding Principles;
- The anticipated project on the site will contribute proportionately to Unit Production Targets (including affordability and bedroom size targets) relative to the forecasted bond funding; or the Local Implementation Partner demonstrates how the anticipated project will contribute to that Partner’s portfolio of planned or completed projects to achieve the local share of Unit Production Targets;
- The property consists of a development-ready site, with zoned capacity to support the preliminary development concept, road access, utility connections, buildable soils, and mitigation

plan for any environmental conditions; and

- The acquisition is consistent with the applicable Implementation Strategy.

The requirement for zoned capacity, utility connections, and other infrastructure improvements may be waived in cases where an approved plan provides for needed improvements and such improvements are expected within two years.

Funding Authorization and Release of Funds

Funding authorizations for Property Acquisitions will be authorized by the Metro COO. Metro staff will consult members of the Community Oversight Committee as needed to advise on projects prior to authorization of funding by the COO.

Prior to the release of funds, a Regulatory Agreement (as defined in Section 8.1) will be recorded against the property at or prior to the time of closing. The Local Implementation Partner will provide a copy of the recorded Regulatory Agreement to Metro promptly after closing.

8. AFFORDABILITY COVENANTS AND MONITORING

8.1 METRO AFFORDABILITY COVENANTS

Each Implementation IGA will require that a regulatory agreement or similar affordability/restrictive covenant (the “Regulatory Agreement”), in form and substance acceptable to Metro, must be recorded on the title of every property that receives Bond project funding. The Regulatory Agreement will acknowledge the use of Bond Measure funds and the restrictions associated with the use of such funds, including the affordability restrictions and other policies upon which the funding was conditioned, provide monitoring and access rights to Metro, and be enforceable by the Local Implementation Partner and Metro.

The Regulatory Agreement will have a term of not less than 60 years for newly constructed projects and existing market-rate projects that are converted to affordable/regulated projects, except in the case of converted projects where the project is more than 10 years old at the date of acquisition, in which case the minimum term will be not less than 30 years. The Regulatory Agreement will provide a first right of refusal for qualified nonprofit organizations or government entities to acquire the project upon expiration of the affordability period.

In the case of Property Acquisitions, the Regulatory Agreement will ensure development of the property consistent with the requirements set forth in this Work Plan.

8.2 MONITORING RESPONSIBILITIES

Owners of private projects receiving Bond Measure funds will be required to enter into a Regulatory Agreement, or similar agreement for the benefit of both Metro and the Local Implementation Partner, to periodically provide tenant income verification data to ensure compliance with affordability restrictions. Project owners will also be required to provide certain information, including voluntarily

collected tenant demographic data, to support evaluation of program outcomes. Finally, owners will be required to provide Metro with access to asset management data, including financial performance and physical condition of the project, and to provide physical access to the property when requested by Metro and/or the Local Implementation Partner. Metro will work with Local Implementation Partners, Oregon Housing and Community Services, or other public agencies to develop shared monitoring and reporting requirements and functions that align with established funding programs, including LIHTC.

9. PROGRAM OPERATIONS

9.1 PROCEDURES MANUAL

A Program procedures manual (“Procedures Manual”) will be maintained by Metro to support fair and consistent consideration of Program funding requests, clear standards for reporting on Program outcomes, and continuous improvements in Program operations. Revisions to the Procedures Manual require Planning and Development Department Director approval.

The Affordable Housing Program procedures will include, at a minimum, guidance related to:

1. *Concept Endorsement and Final Approval Guidelines*: Guidelines related to Metro staff project evaluation based on contribution to the Unit Production Targets relative to the amount of bond funding proposed, and consistency with the LIS, Bond Measure, and this Work Plan;
2. *Risk Controls*: Preconditions for contractual commitments and release of funds, procedures for funding disbursement and updates during project construction, and recurring investment policies;
3. *Project Documentation Checklists and Templates*: List of required documents for Property Acquisition, Concept Endorsement, and Project Funding Authorization;
4. *Local Implementation Partner and Metro Site Acquisition Program Project and Program Outcomes Reporting*: Metrics, protocol, and templates for Local Implementation Partners and Metro’s Site Acquisition Program to submit (a) post-construction and post-occupancy project reports and (b) annual reports on program outcomes for review by the Community Oversight Committee; and
5. *Local Implementation Partner Financial Reporting Guidelines*: Protocol and templates for Local Implementation Partners to submit annual end-of-year reporting on project and administrative expenditures, to demonstrate compliance with the Bond Measure and this Work Plan.

9.2 CAPITAL EXPENDITURES - ADMINISTRATIVE COST CAP

Bond Measure funds must be used to pay for or reimburse prior expenditures that constitute qualified capital costs, consistent with the requirements of the Bond Measure, the Oregon Constitution and other applicable law.

The purpose and focus of the Affordable Housing Program is to expand the region's supply of affordable housing. Consistent with requirements set forth in the Bond Measure, no more than five percent of total Bond Measure proceeds may be expended on administrative costs associated with the implementation of Program activities, including Program development and administration, financial administration, and monitoring and oversight functions prior to the completion of the Unit Production Targets. All administrative and Program costs funded with Metro Bond Measure proceeds must be capital costs, as defined by the Oregon Constitution and Oregon Statutes, allocable to affordable housing projects.

Subject to compliance with Oregon law and the Bond Measure, Local Implementation Partners are eligible to receive funding for administrative costs associated with Program implementation according to the distribution described in Exhibit B. Each Local Implementation Partner must submit an annual report demonstrating use of the previous year's funding as well as certification that Metro Bond Measure funds have been and will be applied solely to the payment or reimbursement of capital costs consistent with Oregon law and the Bond Measure. A partial year allocation will be made available to eligible Local Implementation Partners for FY2018-19 in February 2019. Further allocations will be available following execution of Implementation IGAs. All distributions of administrative funding will be conditioned on Local Implementation Partners making reasonable progress towards their Unit Production Targets.

9.3 PROGRAM AMENDMENTS

This Work Plan may be amended, as needed, by Metro staff with approval of the Metro Council to ensure compliance with Bond Measure covenants, applicable law, achievement of Unit Production Goals, and alignment with Guiding Principles.

EXHIBIT A
BOND MEASURE BALLOT TITLE

Attachment to SEL 805

| | |
|------------------------|---|
| Caption: | Bonds to fund affordable housing in Washington, Clackamas, Multnomah counties. |
| Question: | Shall Metro issue bonds, fund affordable housing for low-income families, seniors, veterans, people with disabilities; require independent oversight, annual audits? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution |
| Summary: | <p>Measure authorizes \$652.8 million in general obligation bonds to fund affordable housing in Washington, Clackamas, and Multnomah counties.</p> <p>Bonds will be used to build affordable housing for low-income households; purchase, rehabilitate, and preserve affordability of existing housing; buy land for affordable housing; help prevent displacement.</p> <p>Affordable housing means land and improvements for residential units occupied by low-income households making 80% or less of area median income, which in 2018 for a family of four was \$65,120; improvements may include a mix of unit sizes, spaces for community and resident needs and services. Some units will be accessible for people with disabilities and seniors; flexibility for existing tenants and hardship.</p> <p>Requires community oversight and independent financial audits. Creates affordable housing function for Metro, implemented by Metro and local housing partners. Local and regional administrative costs capped at 5% of bond proceeds. Bond costs estimated at \$0.24 per \$1,000 of assessed value annually, approximately \$5.00/month for the average homeowner. Bonds may be issued over time in multiple series.</p> |
| Explanatory Statement: | <p>In the Metro region, rents and housing prices are rising faster than wages. Between 2010 and 2016, the median income for a renter increased 19% while the average rent increased 52%. The need for affordable housing continues to increase, with demand for affordable housing outpacing supply. This is especially true for people on fixed incomes, working families, and seniors and disabled people in our region.</p> <p>This measure will authorize Metro to issue \$652.8 million in general obligation bonds to provide affordable housing for low-income families, seniors, veterans and</p> |

Exhibit A to Resolution No. 23-5314

| | |
|--|--|
| | <p>people with disabilities in the Metro region which includes Washington, Clackamas and Multnomah counties.</p> <p>The bond funds will be used to build affordable housing for low-income households, to purchase and rehabilitate existing housing to preserve its affordability and prevent displacement, and to buy land for the immediate or future construction of new affordable housing.</p> <p>The measure will create an affordable housing function for Metro, and will be implemented by Metro and local governments. The administrative costs of Metro and local housing providers paid for by the measure will not exceed 5% of bond funds. Metro may issue the bonds over time in multiple series. Metro estimates that the cost of the measure to the average homeowner to be 24 cents per \$1,000 of assessed value annually, or approximately \$5.00/month. An independent community oversight committee will review bond expenditures and provide annual reports, and an independent public accounting firm will perform an annual financial audit of the expenditure of bond funds.</p> <p>For purposes of the bond measure, “Affordable Housing” means land and improvements for residential units occupied by low-income households making 80% or less of the area median income, which in 2018 for a family of four was \$65,120. The improvements constructed or purchased with bond funds may be composed of a mix of unit sizes, and may include spaces for community and resident needs and services, such as, without limitation, spaces for childcare services, healthcare services, grocery, onsite utility and building facilities, and other commercial, office and retail uses. Some units will be accessible for people with disabilities and seniors. The income eligibility rules may provide for a waiver or temporary relief from the limitations on qualifying income, if needed to avoid undue hardship or displacement of persons living in existing housing.</p> |
|--|--|

On behalf of:

Metro Council President Tom Hughes
Councilor Shirley Craddick
Councilor Betty Dominguez
Councilor Craig Dirksen
Councilor Kathryn Harrington
Councilor Sam Chase
Councilor Bob Stacey

Submitted by: Metro Council President Tom Hughes

EXHIBIT B
BREAKDOWN OF UNIT PRODUCTION TARGETS AND
FUNDING ELIGIBILITY
UPDATED FEBRUARY 2023

| Jurisdiction | Unit Production Targets | | | Total Project Funding Available | Total Admin. Funding Available |
|--|------------------------------|--------------|--------------|---------------------------------|--------------------------------|
| | Total | 30% AMI | Family-Size | | |
| Beaverton | 218 | 89 | 109 | \$31,587,595 | \$655,591 |
| Clackamas County | 812 | 333 | 406 | \$117,854,094 | \$2,446,065 |
| Gresham | 187 | 77 | 93 | \$27,140,995 | \$563,305 |
| Hillsboro | 284 | 117 | 142 | \$41,240,081 | \$855,939 |
| Home Forward (balance of Multnomah County, plus Dekum Court project in Portland) | 258 | 107 | 129 | \$37,141,206 | \$334,297 |
| Portland | 1,315 | 539 | 657 | \$197,490,792 | \$0 |
| Washington County (balance of county) | 814 | 334 | 407 | \$118,135,532 | \$2,451,906 |
| Metro Site Acquisition Program | Contributes to above targets | | | \$62,016,000 | \$1,305,600 |
| Metro accountability and financial transaction costs | n/a | | | n/a | \$13,756,000 |
| Reserved for future allocation as determined necessary to achieve targets | n/a | | | \$20,525,195 | \$12,006,638 |
| Total | 3,900 | 1,600 | 1,950 | \$653,131,490 | \$34,375,341 |

Any administrative funding from bond proceeds must be consistent with the requirements of Oregon law and the Bond Measure and Metro will, in consultation with bond and tax counsel, request certification from jurisdictions that proceeds are being applied to qualified capital costs.

The Initial Housing Bond Framework called for distribution of targets and funding to counties on the basis of assessed value, but provided flexibility for how partners within each county further distribute targets and funding. The updated table reflects updates to unit targets and funding within that original allocation, as agreed to with partners via IGAs.

Funding availability has been updated to reflect affordable housing bond interest earnings, including funding allocated through approved IGA amendments as of February 2023.

The Regional Site Acquisition Program aims to distribute investments proportionately across the region to support local progress toward the Unit Production Targets. In the event that regional investments are not proportionately distributed, the above Unit Production Targets may be adjusted pursuant to a Work Plan amendment.

EXHIBIT C

LOCAL IMPLEMENTATION STRATEGY REQUIREMENTS

1. Development Plan to achieve the Unit Production Targets that includes the following elements:
 - a. Anticipated number, size, and range of project types (estimates are acceptable) and cost containment strategies to achieve local share of unit production targets (including 30% AMI and family-size unit goals and the cap on units at 61-80% AMI) using local share of eligible funding;
 - b. Consideration for how new bond program investments will complement existing regulated affordable housing supply and pipeline;
 - c. Goals and/or initial commitments for leveraging additional capital and ongoing operating and/or service funding necessary to achieve the local share of Unit Production Targets;
 - d. Strategy for aligning resident or supportive services with housing investments, including [optional] any local goals or commitments related to permanent supportive housing; and
 - e. Description of project selection process(es) and prioritization criteria, including anticipated timing of competitive project solicitations and how existing or new governing or advisory bodies will be involved in decisions regarding project selection.
2. Strategy for advancing racial equity in implementation that includes:
 - a. Location strategy that considers geographic distribution of housing investments, access to opportunity, strategies to address racial segregation, and strategies to prevent displacement and stabilize communities;
 - b. Fair housing strategies and/or policies to eliminate barriers in accessing housing for communities of color and other historically marginalized communities, including people with low incomes, seniors and people with disabilities, people with limited English proficiency, immigrants and refugees, and people who have experienced or are experiencing housing instability;
 - c. Strategies and/or policies, such as goals or competitive criteria related to diversity in contracting or hiring practices, to increase economic opportunities for people of color; and
 - d. Requirements or competitive criteria for projects to align culturally specific programming and supportive services to meet the needs of tenants.
3. Engagement report summarizing engagement activities, participation and outcomes, including:
 - a. Engagement activities focused on reaching communities of color and other historically marginalized communities, including people with low incomes, seniors and people with disabilities, people with limited English proficiency, immigrants and refugees, and people who have experienced or are experiencing housing instability;
 - b. Summary of key community engagement themes related to local housing needs and priority outcomes for new affordable housing investments, approach to geographic distribution and location strategies, acknowledgement of historic/current inequitable

Exhibit A to Resolution No. 23-5314

access to affordable housing and opportunities for stakeholders to identify specific barriers to access, and opportunities to advance racial equity through new investments;

- c. Summary of how the above themes are reflected in the Local Implementation Strategy.
4. Plan to ensure ongoing community engagement to inform project implementation, including:
 - a. Strategies for ensuring that ongoing engagement around project implementation reaches communities of color and other historically marginalized community members, including: people with low incomes, seniors and people with disabilities, people with limited English proficiency, immigrants and refugees, existing tenants in acquired buildings, and people who have experienced or are experiencing housing instability; and
 - b. Strategy for ensuring community engagement to shape project outcomes to support the success of future residents.

IN CONSIDERATION OF RESOLUTION NO. 23-5314 FOR THE PURPOSE OF
AMENDING THE AFFORDABLE HOUSING BOND WORK PLAN TO ALLOCATE BOND
FUNDS FOR METRO ADMINISTRATIVE COSTS

Date: February 14, 2023

Department: Housing, Finance

Meeting date: March 2, 2023

Prepared by: Emily Lieb, emily.lieb@oregonmetro.gov; Rachael Lembo,
Rachael.lembo@oregonmetro.gov

ISSUE STATEMENT

Implementation of the 2018 Affordable Housing Bond is in full swing, with over 3,200 new affordable homes complete or in the production pipeline and at least 1,500 more anticipated to be developed with remaining funds. The program is expected to exceed production goals, and partners are on track to commit all funds to projects by 2024, with final projects breaking ground in 2026.

While the program is on track to deliver on its production goals, funding program administration has been a challenge. The measure required administrative costs of Metro and seven other implementing jurisdictions to not exceed 5% of bond funds. In accordance with Metro’s Work Plan, which was approved by the Council in 2019, administrative funding is distributed across eight implementing jurisdictions (see Attachment 1). The initial allocation reserved \$6,528,000 “for future allocation as determined necessary to achieve the targets.”

Additional administrative funding is available due to interest earnings and a change in the Portland Housing Bureau’s administrative funding plan. Interest earnings on bond funds, of which up to 5% can be used for administrative costs, have increased administrative funding by \$1.7 million. The Portland Housing Bureau is not using Metro bond funds to cover their administrative costs, freeing up \$4.4 million in administrative funding. Unallocated administrative funding is now \$12.7 million, as shown in the table below.

| | 2019 Work Plan | As of Dec 2022 |
|------------------------------------|----------------------|----------------------|
| Total Bond Funding | \$652,656,000 | \$687,506,832 |
| Admin funding: | | |
| Allocated to Metro | \$14,361,600 | \$14,631,600 |
| Allocated to local partners | \$11,750,400 | \$7,307,104 |
| Unallocated | \$6,528,000 | \$12,706,638 |
| Total admin funding | \$32,640,000 | \$34,375,341 |
| Admin as % of total funding | 5.0% | 5.0% |

The FY23-24 draft budget projects that Metro administrative costs will exceed the current allocation by \$700,000 in FY23-24. Staff is proposing to fill this gap by amending the work plan to allocate \$700,000 of the unallocated administrative funding to Metro administrative

costs. This action will allow Metro to continue its administrative and oversight duties without requesting financial support from the General Fund in FY23-24.

When the Metro Council decided to incorporate the 5% admin cap into the measure in 2018, it was with recognition of the impacts the cap would have on Metro and jurisdictional partners' general funds. Metro Council and leadership anticipated a need for General Fund support to supplement the admin funding allocated through the work plan. The program's budget for FY19-20 included a \$500,000 General Fund allocation; however, this funding was returned to the General Fund in spring of 2020 to mitigate agency-wide layoffs resulting from the early impacts of the COVID-19 pandemic. The program budget in subsequent years has not included a General Fund allocation.

Furthermore, initial administrative funding allocations did not anticipate the significant role Metro would play in supporting regional coordination to respond to emerging challenges and opportunities, such as development of policy guidance to ensure sufficient air conditioning in response to heatwaves, strategies to respond to cost escalation and constrained availability of private activity bonds, and opportunities to support integration and alignment of SHS and bond funds to rapidly scale up the production of permanent supportive housing.

In coming months, staff plans to assess administrative funding needs and risks across the program in order to develop recommendations for Council action on the remaining unallocated administrative funds. Staff, oversight committee members, and jurisdictional partners have identified several challenges and risks that may require additional funding to address, such data collection during lease up.

ACTION REQUESTED

Adopt Resolution No. 23-5314, amending the Affordable Housing Bond Work Plan to allocate \$700,000 in unallocated administrative bond funds toward FY23-24 Metro program administrative costs. This action revises the Work Plan Exhibit B to allocate \$700,000 from "reserved for future allocation as determined necessary to achieve targets" to "Metro accountability and financial transaction costs". The updated Work Plan Exhibit B also incorporates other changes to unit targets and funding within that original allocation based on assessed value, as agreed to with partners via IGAs, as well as formatting updates. Funding availability has also been updated to reflect affordable housing bond interest earnings, including funding allocated through approved IGA amendments as of February 2023.

IDENTIFIED POLICY OUTCOMES

This action will allow Metro to continue its administrative and oversight duties without requesting financial support from the General Fund in FY23-24.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

- A. Adopt Resolution No. 23-5314 amending the Affordable Housing Bond Work Plan to allocate \$700,000 in unallocated administrative bond funds toward FY23-24 Metro program administrative costs.
- B. Allocate \$700,000 in General Fund to cover program administrative costs in FY23-24.

STAFF RECOMMENDATIONS

Adopt Resolution No. 23-5314

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The proposed Resolution amends the Work Plan previously approved and amended by the Metro Council through the following actions:

- Resolution 19-4956 approving the Metro Affordable Housing Bond Measure Program Work Plan
- Resolution 19-5015 amending the Metro Affordable Housing Bond Measure Program Work Plan

BACKGROUND

The Affordable Housing Bond is implemented by Metro in partnership with seven local implementing jurisdictions. Metro provides oversight and accountability, including staffing the oversight committee, providing quarterly and annual program reports, reviewing each project funding request to evaluate risks and ensure alignment with program goals, evaluating project outcomes for advancing racial equity, and convening partners and stakeholders to ensure consistency in funding evaluation and outcomes reporting and regional coordination to respond to emerging challenges and opportunities. Metro also administers the Site Acquisition Program, which acquires and supports the development of regionally significant sites, to contribute toward local program goals.

Local implementation partner jurisdictions are responsible for directly administering funding. Specifically, their administration responsibilities include developing and administering competitive funding solicitations to select projects that are aligned and contribute toward program production and racial equity goals, conducting due diligence and underwriting to determine appropriate funding amounts and support Metro funding approval review, monitoring construction collecting data from projects following completion, and providing annual progress reports.

Agenda Item No. 6.1

**Ordinance No. 23-1490 For the Purpose of Annexing to the Metro District
Boundary Approximately 6.58 Acres Located in Hillsboro
to the West Side of SE 67th Ave North of SE Genrosa St.**
Ordinance (First reading & public hearing)

Metro Council Meeting
Thursday, March, 02, 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) ORDINANCE NO. 23-1490
METRO DISTRICT BOUNDARY)
APPROXIMATELY 6.58 ACRES LOCATED IN) Introduced by Chief Operating Officer
HILLSBORO ON THE WEST SIDE OF SE 67TH) Marissa Madrigal with the Concurrence of
AVE NORTH OF SE GENROSA ST) Council President Lynn Peterson

WHEREAS, Pacific Northwest Land Company has submitted a complete application for annexation of 6.58 acres of Hillsboro (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the territory to the urban growth boundary (UGB) by Ordinance No. 02-969B adopted on December 5, 2002; and

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

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

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

WHEREAS, the Council held a public hearing on the proposed amendment on March 2, 2023; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated February 7, 2023, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this 2nd day of March 2023.

Lynn Peterson, Council President

Attest:

Approved as to form:

Connor Ayers, Recording Secretary

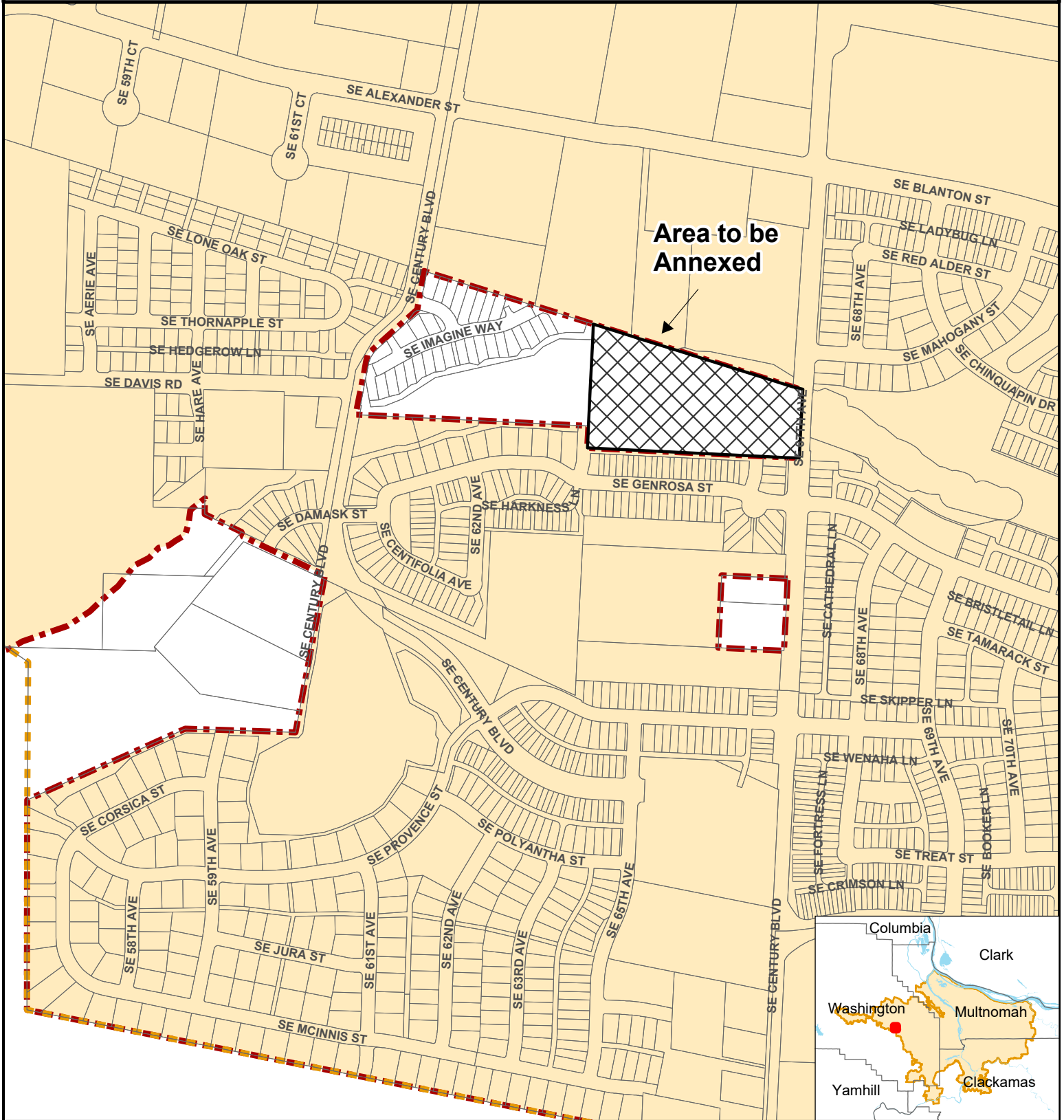
Carrie MacLaren, Metro Attorney

Proposal No. AN0123




1S2W10

Annexation to the Metro Service District

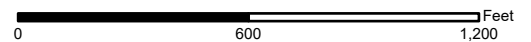
Washington County



Research Center
 600 NE Grand Ave
 Portland, OR 97232-2736
 (503) 797-1742
<http://www.oregonmetro.gov/drc>

-  Taxlots
-  Urban growth boundary
-  Metro district boundary

Proposal No. AN0123



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 23-1490, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 6.58 ACRES LOCATED IN HILLSBORO ON THE WEST SIDE OF SE 67th AVE NORTH OF SE GENROSA ST

Date: February 7, 2023
Department: Planning, Development & Research

Prepared by: Glen Hamburg
Associate Regional Planner

BACKGROUND

CASE: AN-0123, Annexation to Metro District Boundary

PETITIONER: Pacific Northwest Land Company
4931 SW 76th Ave, PMB 360
Portland, OR 97225

PROPOSAL: The petitioner requests annexation of land in Hillsboro to the Metro District Boundary.

LOCATION: The parcel is located on the west side of SE 67th Ave, north of SE Genrosa St, and south of SE Mahogany St. It is approximately 6.58 acres in area and can be seen in Attachment 1.

ZONING: The land is zoned Future Development 20-Acre District (FD-20) by Washington County.

The parcel was added to the urban growth boundary (UGB) in 2002 and is in the South Hillsboro Community Plan. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

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

3.09.070 Changes to Metro's Boundary

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

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

Staff Response:

The parcel was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B. Therefore, the affected territory is within the UGB and the application meets the criteria of MC Subsection 3.09.070(E)(1).

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

Staff Response:

Urban Growth Management Functional Plan Title 11 requires territories be annexed to the Metro District Boundary prior to urbanization. Washington County has applied the Future Development 20-Acre (FD-20) designation to the subject property to prevent premature urbanization of the subject territory prior to annexation by the City of Hillsboro. Provisions of the City's adopted Comprehensive Plan call for annexation to the City as a prerequisite for City zoning or extension of City utilities and services. The submitted application states that the territory is in the process of being annexed to the City. The application meets the criteria of MC Subsection 3.09.070(E)(2).

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

Staff Response:

The subject territory has land use plan designations of "Residential Medium Density" and "Floodplain" in the City of Hillsboro's December 2022 Comprehensive Plan Map. The territory is also in the South Hillsboro Community Plan area, a sub-area of the City's Comprehensive Plan Map. The Community Plan calls for urban residential development of the southern portion of subject territory and protection of riparian areas in the floodplain. The proposed boundary change would allow for the planned urban residential development of the subject territory. The subject territory is already within the UGB and is not in an urban reserve with a concept plan. Urban services will be provided by the City of Hillsboro and Clean Water Services (CWS). The application meets the criteria in MC Subsection 3.09.070(E)(3).

ANALYSIS/INFORMATION

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

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

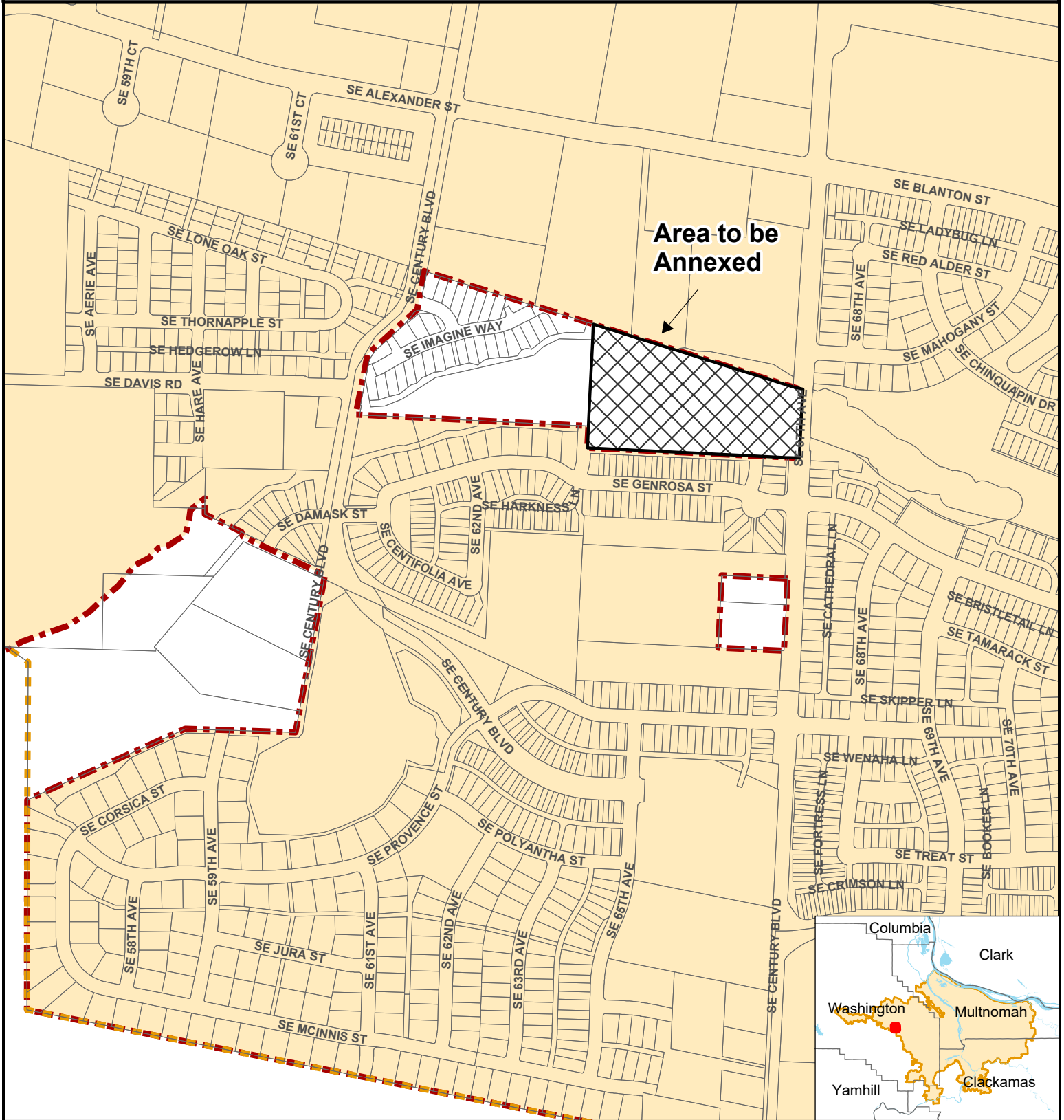
Anticipated Effects: This amendment will add approximately 6.58 acres to the Metro District. The land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the South Hillsboro Community Plan.

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




RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 23-1490.

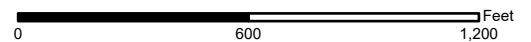
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-  Taxlots
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Proposal No. AN0123



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Materials following this page were distributed at the meeting.



Metro



Affordable Housing Bond Work Plan Amendment Resolution 23-5314 | March 2, 2023

Overview

- Affordable Housing Bond is on track to exceed goals.
- Administrative funding has been a challenge due to the 5% admin cap.
- Metro's expected FY23-24 administrative costs exceed the bond funding allocation in the work plan.
- **Council action is recommended to allocate \$700,000 of unallocated bond admin funding for FY23-24 budget.**

Metro's administrative role

Oversight & accountability

- Project funding approvals
- Quarterly and annual progress reporting
- Oversight committee staffing and facilitation
- Evaluation of outcomes for advancing racial equity
- Operational procedures, tools and methodologies

Metro's administrative role

Responding to a shifting landscape

- Private activity bond constraints, cost escalation, and interest rates
- SHS/AHB integration, including allocation of AHB interest earnings for PSH
- Policy guidance and funding allocation to include air conditioning in all units

Context on admin cap

- Council established the 5% admin cap in 2018, with recognition of impacts to Metro and partner general funds
- Initial funding allocations did not anticipate the full scope of Metro's role in responding to a shifting landscape
- No General Fund utilization to date; FY19-20 budget included \$500,000 in General Fund allocation that was returned in spring 2020 to mitigate impacts of Covid-19 pandemic

Housing bond funding availability and allocation

| | 2019 Work Plan | As of Dec 2022 |
|------------------------------------|----------------------|----------------------|
| Total bond funding | \$652,656,000 | \$687,506,832 |
| Admin funding breakdown | | |
| Allocated to Metro | \$14,361,600 | \$14,631,600 |
| Allocated to local partners | \$11,750,400 | \$7,307,104 |
| Unallocated | \$6,528,000 | \$12,706,638 |
| Total admin funding | \$32,640,000 | \$34,375,341 |
| Admin as % of total funding | 5.0% | 5.0% |

Connor,

Please see the attached documents in relation to case # AN-0123. Attached are links to historical records of the owners historical projects & the current state of the subject property. Thank you for your time & consideration.

Sincerely,
Elijah Lessard

"Technique and ability alone do not get you to the top; it is the willpower that is the most important. This willpower you cannot buy with money or be given by others..it rises from your heart."

Junko Tabei - First woman to climber Mt. Everest 1975

<https://caselaw.findlaw.com/or-court-of-appeals/1690402.html>

This is his court case against a potential business partner after losing the subject property in default to Umpqua Bank

<https://www.portlandoregon.gov/bds/article/696718>

This is his submission from 2018 for a proposed development that appears to have never been finished (page 7)

His Whispering Heights development in Salem is a DR Horton community (low budget homes) sub \$350M sale prices

<file:///C:/Users/fbgel/Downloads/DEQ%20LUCS%20form.pdf>

His application from August 2022 for Misty Meadows development just down the road from Whispering Heights which appears to have never been finished or started.











Area to be Annexed



SE BLANTON ST

SE LADYBUG LN

SE RED ALDER ST

SE 68TH AVE

SE MAHOGANY ST

SE CH...

...E WAY

SE GENROSA ST

SE 62ND AVE

SE HARKNESS LN

...A AVE

SE CATHEDRAL LN

SE 68TH AVE

SE ...

SE ...

SE CENTURY BLVD

SE SKIPPER LN

SE 69TH AVE

SE WENAHA LN

SE POLYANTHA ST

...OR TRESS LN



Feb. 28, 2023

Metro Council President Peterson

600 NE Grand Ave.

Portland Or 97232

President Peterson and Metro Councilors,

On behalf of the Board of County Commissioners, I am sharing our comments on the Jan. 2023 Draft High Capacity Transit Strategy for the 2023 Regional Transportation Plan to help shape final draft investments and priorities. High Capacity Transit investments play a key role in achieving our 2040 Growth Vision, meeting State mandated Greenhouse Gas Reduction targets and providing equitable transportation. With limited resources, setting priorities is essential. Our comments are organized around the proposed priorities with Tier one the highest and Tier four the lowest priority for consideration of the full range of transit investments that make up High Capacity Transit.

SW Corridor Light Rail Transit Project: We strongly support inclusion of SW (Southwest) Corridor LRT as a Tier one priority. This is a regionally significant project connecting South Washington County to the rest of the regional light rail system. It will only become more important with I-5 tolling. With a completed environmental impact statement and Record of Decision from the Federal Transit Administration, we need to continue to seek funding to move this project forward.

Tualatin Valley Highway Bus Rapid Transit Project: We appreciate and support the TV Hwy Transit project between Beaverton and Forest Grove as a Tier one priority. Safety, access to transit and transit service improvements through this corridor are needed to meet the needs of this high equity focus area. Continuing efforts to study and identify feasible investment scenarios and a locally preferred alternative is a near term priority. While the Council Creek Regional Corridor presents long term opportunities for transit, the near term focus is on TV Highway.

185th Avenue/Farmington Road and Beaverton-Hillsdale Highway Corridors: We support the continued study to identify feasible and effective transit improvements in these two corridors as Tier two priorities. Transit improvements are needed to support growth in these corridors and increase ridership. Both corridors provide significant opportunities to improve service in equity areas and connect to essential destinations.

Hwy 99W Corridor: Hwy 99W is a higher priority than Tier four and we recommend it be moved to a Tier two corridor. It connects growing communities in southern Washington County to the regional transit network. Transit improvements on 99W will be even more valuable as a connection to SW Corridor LRT in Tigard and as a travel option to the increasing vehicle travel to/from Yamhill County and other areas.

Board of County Commissioners

155 North First Avenue, Suite 300, MS 22, Hillsboro, OR 97124-3072

phone: (503) 846-8681 • fax: (503) 846-4545

WES Corridor: We recognize that ridership on the WES corridor has not achieved its original expectations. The broader Hwy 217 corridor still has, however, a critical need for transit service and has a unique exclusive right of way in the rail corridor. We request that we work together to identify feasible upgrades to the WES service, improve transit access in this corridor and other investments that would increase ridership starting in the near term, not long term.

High Capacity Transit is not feasible to serve all communities in the region. To provide services in areas not served by HCT we recommend working with County staff to continue exploring Enhanced Transit Services and strategies to improve access to transit. We are hopeful that TriMet's Forward Together service proposal will improve services to these underserved and growing areas as well.

We appreciate all the opportunities you have provided for comment during the HCT Strategy update process, starting with the Metro Council/JPACT workshop in October 2022, which I was able to attend, and continuing with comment opportunities at MPAC, JPACT and Washington County Coordinating Committee (WCCC).

Sincerely,



Kathryn Harrington, Chair

On behalf of the Washington Board of County Commissioners

Cc: Board of County Commissioners
Metro Council
Washington County Coordinating Committee