



600 NE Grand Ave.  
Portland, OR 97232-2736

## Council meeting agenda

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Thursday, October 26, 2023

10:30 AM

Metro Regional Center, Council Chamber,  
[https://www.youtube.com/live/FBFm61oim](https://www.youtube.com/live/FBFm61oimLk?si=CMXrzFvkwOJsa7NH)

[Lk?si=CMXrzFvkwOJsa7NH,](https://www.youtube.com/live/FBFm61oimLk?si=CMXrzFvkwOJsa7NH)

<https://zoom.us/j/615079992> Webinar ID:

615 07

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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/live/FBFm61oimLk?si=CMXrzFvkwOJsa7NH>, <https://zoom.us/j/615079992>, or 877-853-5257 (toll free) (Webinar ID: 615079992).

**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](mailto: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](mailto: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](mailto:legislativecoordinator@oregonmetro.gov). Individuals will have three minutes to testify unless otherwise stated at the meeting.

**3. Consent Agenda**

- 3.1 Resolution No. 23-5364 For the Purpose of Authorizing the Chief Operating Officer to Purchase Property in the Clackamas River Bluffs and Greenway Target Area  
Attachments: [Resolution No. 23-5364](#)  
[Staff Report](#) [RES 23-5364](#)
- 3.2 Consideration of the September 14, 2023 Council Meeting Minutes (consent)  
Attachments: [091423c Minutes](#) [23-5962](#)
- 3.3 Consideration of the September 28, 2023 Council Meeting Minutes (consent)  
Attachments: [092823c Minutes](#) [23-5963](#)
- 3.4 Consideration of the October 5, 2023 Council Meeting Minutes (consent)  
Attachments: [100523c Minutes](#) [23-5964](#)

**4. Resolutions**

- 4.1 Resolution No. 23-5357 For the Purpose of Accepting the Draft Oregon Zoo Campus Plan  
Presenter(s): Heidi Rahn (she/her), Oregon Zoo Director, Metro  
Kristin Solomon (she/her), Senior Capital Project Manager,  
Metro  
Attachments: [Resolution No. 23-5357](#)  
[Staff Report](#) [RES 23-5357](#)

**5. Ordinances (First Reading and Public Hearing)**

- 5.1 Ordinance No. 23-1503 For the Purpose of Amending Metro Code Chapters 7.05 (Income Tax Administration) and 7.06 (Personal Income Tax) to Add Certain Clarifications and Make Housekeeping Changes [ORD 23-1503](#)

Presenter(s): Justin Laubscher, Tax Compliance Program Manager, Metro  
Josh Harwood, Fiscal & Tax Policy Director Metro

Attachments: [Ordinance No. 23-1503](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)  
[Staff Report](#)

- 5.2 Ordinance No. 23-1502 For the Purpose of Annexing to the Metro District Approximately 23.71 Acres Located on the North Side of NE Evergreen Rd, East of NE 30th Ave, and West of NE Starr Blvd [ORD 23-1502](#)

Presenter(s): Glen Hamburg (he/him), Regional Planner, Metro

Attachments: [Ordinance No. 23-1502](#)  
[Exhibit A](#)  
[Staff Report](#)  
[Attachment 1](#)

**6. Other Business**

- 6.1 Private Facility Rate Transparency [23-5951](#)

Presenter(s): Marta McGuire (she/her), WPES Director, Metro,  
Jenna Jones (she/her), State and Regional Affairs Advisor,  
Metro,  
Holly Stirnkorb (she/her), Principle Planner

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

**7. Chief Operating Officer Communication**

**8. Councilor Communication**

**9. Adjourn**

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尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1700（工作日上午8點至下午5點），以便我們滿足您的要求。

### 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](http://www.oregonmetro.gov/civilrights). Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullaan 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 ១ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានការបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឱ្យគេបកប្រែសម្រាប់លោកអ្នក ។

### 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](http://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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### Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntxov txog 5 teev tsaus ntxuj weekdays) 5 hnuv ua hauj lwv ua ntej ntwm lub rooj sib tham.

**Resolution No. 23-5364 For the  
Purpose of Authorizing the Chief  
Operating Officer to Purchase  
Property in the Clackamas River  
Bluffs and Greenway Target  
Area (consent)**  
*Resolution*

Metro Council Meeting  
Thursday, October 26th , 2023

BEFORE THE METRO COUNCIL

|                                     |   |                                       |
|-------------------------------------|---|---------------------------------------|
| FOR THE PURPOSE OF AUTHORIZING THE  | ) | RESOLUTION NO. 23-5364                |
| CHIEF OPERATING OFFICER TO PURCHASE | ) |                                       |
| PROPERTY IN THE CLACKAMAS RIVER     | ) | Introduced by Chief Operating Officer |
| BLUFFS AND GREENWAY TARGET AREA     | ) | Marissa Madrigal in concurrence with  |
|                                     | ) | Council President Lynn Peterson       |
|                                     | ) |                                       |

WHEREAS, on June 6, 2019, the Metro Council adopted Resolution 19-4988, referring to the voters of the Metro area the question of authorizing Metro to issue general obligation bonds in an amount not to exceed \$475 million for the purposes of protecting natural areas, water quality and fish and wildlife habitat and connecting people to nature (the “2019 Parks and Nature Measure”); and

WHEREAS, at the election held on November 5, 2019, the voters in the Metro area approved the 2019 Parks and Nature Measure (Ballot Measure 26-203); and

WHEREAS, the Clackamas River Bluffs and Greenway Target Area was identified in the 2019 Parks and Nature Measure as one of 24 regional target areas for land acquisition; and

WHEREAS, on December 12, 2019, the Metro Council approved Resolution No. 19-5055, authorizing the Chief Operating Officer to continue to acquire property with 2019 Parks and Nature Measure funds in accordance with the Acquisition Parameters and Due Diligence Guidelines of the Amended and Restated Natural Areas Implementation Work Plan (adopted pursuant to Metro Council Resolution No. 14-4536) and Open Spaces Leasing Policy (adopted pursuant to Metro Council Resolution No. 97-2483); and

WHEREAS, on April 14, 2022, the Council approved Resolution No. 22-5250, “For the Purpose of Approving Acquisition Target Area Refinement Plans for the 2019 Parks and Nature Bond Measure,” which included the Clackamas River Bluffs and Greenway Target Area Refinement Plan and authorized the Chief Operating Officer to acquire specific properties identified on corresponding confidential tax-lot maps, provided such acquisitions comply with the applicable Amended and Restated Natural Areas Implementation Work Plan requirements; and

WHEREAS, Metro Council met in executive session on October 17, 2023, to conduct deliberations with persons designated by the governing body to negotiate real property transactions concerning certain real property, which property is a Tier I property in the Clackamas River Bluffs and Greenway Target Area and will be available for purchase (the “Property”); and

WHEREAS, because of the timeline of the Property being offered up for sale, Metro will not be able to comply fully with all of the Acquisition Parameters and Due Diligence Guidelines of the Amended and Restated Natural Areas Implementation Work Plan and the Chief Operating Officer must obtain Council approval to acquire the Property; now therefore,

BE IT RESOLVED that the Metro Council approves the purchase of the Property and authorizes the Chief Operating Officer or her designee to complete the acquisition of the Property based on the terms authorized in the executive session and execute any documents as may be required in connection with this acquisition, in the form approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this \_\_\_\_ day of October 2023.

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Lynn Peterson, Council President

Approved as to Form:

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Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 23-5364, FOR THE PURPOSE OF  
AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE PROPERTY IN THE  
CLACKAMAS RIVER BLUFFS AND GREENWAY TARGET AREA

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Date: October 18, 2023  
Department: Parks and Nature  
Meeting Date: October 26, 2023

Prepared by: Shannon Leary,  
Shannon.leary@oregonmetro.gov  
Presenter(s), (if applicable): not  
applicable  
Length: not applicable

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**ISSUE STATEMENT**

The Chief Operating Officer requests authorization from the Metro Council to acquire a particular property (the “Property”) in the Clackamas River Bluffs and Greenway Target Area as discussed at the October 17, 2023, executive session.

**ACTION REQUESTED**

Staff requests Council authorize the Chief Operating Officer (or her designee) to acquire the Property in accordance with the general terms discussed at the October 17, 2023, executive session.

**IDENTIFIED POLICY OUTCOMES**

Acquisition of this Property will fulfill the overarching goals and objectives set by the Metro Council through Resolution 19-4988, the 2019 Parks and Nature bond measure, as well as meet target area specific goals and objectives for the Clackamas River Bluffs and Greenway Target Area identified in the Target Area Refinement Plans for the bond measure as adopted by the Metro Council via Resolution 22-5250.

**POLICY QUESTION(S)**

Should the Metro Council authorize the Chief Operating Officer to acquire the Property in accordance with the general terms discussed at the October 17, 2023, executive session?

**POLICY OPTIONS FOR COUNCIL TO CONSIDER**

Option 1: The Metro Council authorizes the Chief Operating Officer to acquire the Property in accordance with the general terms discussed at the October 17, 2023, executive session. This enables the Property to be protected in perpetuity and is in alignment with previous Council legislation directing staff to achieve the goals and objectives of the 2019 Parks and Nature bond measure as well as the specific target area goals and objectives adopted by the Metro Council through the Target Area Refinement Plans. Metro’s acquisition of the

Property will be funded through the 2019 bond funds and funding is available in this fiscal year's budget to acquire the Property.

Option 2: The Metro Council does not authorize the Chief Operating Officer to acquire the Property. This will prohibit Metro from implementing this portion of previous Council direction through the 2019 Parks and Nature bond measure and Target Area Refinement Plans.

## **STAFF RECOMMENDATIONS**

Staff recommends the Metro Council authorize the Chief Operating Officer to acquire the Property in accordance with the general terms discussed at the October 17, 2023, executive session.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

The Property, 1.52 acres in size, is immediately adjacent to Metro's 96-acre Richardson Creek Natural Area. The Clackamas River Bluffs and Greenway Target Area has been a priority for acquisition since the 1995 Open Spaces, Parks and Streams bond measure and was again identified as a priority for the 2006 Natural Areas bond measure and the 2019 Parks and Nature bond measure. Metro's ownership of the Property will enable effective, consistent natural areas management while also removing the risk of private ownership within Richardson Creek Natural Area.

Metro protection of the Property is in alignment with the 2019 Parks and Nature bond measure because this Property helps connect existing public lands in the Clackamas River Bluffs and Greenway Target Area. Acquisition of this property also fulfills the goals of the Target Area Refinement Plan by protecting and restoring riparian, floodplain and aquatic habitats along the Clackamas River that are used by Salmon, Steelhead, Cutthroat Trout and Pacific Lamprey. Acquisition of the Property would also fulfill the Tier 1 Refinement Plan objectives to protect and restore land along the lower Clackamas River from Eagle Creek downstream to Rock Creek and to prioritize lands adjacent to existing publicly owned lands that allow for reconnection of floodplains and side channels and restoration of aquatic habitat that benefits Salmon, Steelhead, Cutthroat Trout and Pacific Lamprey.

The principles, program criteria, and geographically specific 24 target areas identified in the 2019 parks and nature bond measure and subsequent refinement plans reflect Council direction and community priorities. The bond program protects land and water and align with regional conservation goals, strengthens our region's climate resilience, and benefits communities who have been historically excluded from decision making or have not benefitted equitably from past investments. The refinement plans for each target area, adopted by the Metro Council in 2022 via Resolution 22-5250, articulate goals and objectives for each of the bond-identified target areas and were developed through a robust public engagement process including ecological assessments of each target area and stakeholder interview sessions and roundtable discussions with people who identify as Black, Indigenous, or a person of color, or a person living with a disability.

**Known Opposition/Support/Community Feedback**

Acquisition of the Property advances goals of the Clackamas Partnership, a coalition of 15 organizations and agencies working to recover Salmon, Steelhead, Cutthroat Trout and Lamprey in the Clackamas River watershed.

There is no known opposition to the Metro’s acquisition of the Property.

**Legal Antecedents**

1995 Open Spaces bond measure; 2006 Natural Areas bond measure

Resolution No. 19-4988, “For the Purpose of Submitting the Voters of the Metro Area General Obligation Bonds in the Amount of \$475 Million to Fund Natural Area and Water Quality Protection and to Connect People to Nature Close to Home; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance”, adopted by Metro Council on June 6, 2019.

Resolution No. 22-5250, “For the Purpose of Approving Acquisition Target Area Refinement Plans for the 2019 Parks and Nature Bond Measure”, adopted by Metro Council on April 14, 2022.

**Anticipated Effects**

Should Metro Council authorize the COO to acquire this property, Metro staff will attempt to acquire the Property at auction on November 8, 2023.

**Financial Implications**

Purchase of the Property will occur with 2019 Parks and Nature bond funds and is within the budget allocation for fiscal year 2024.

**BACKGROUND**

This work builds on the 1995 and 2006 bond measures, which included funds for land acquisition for conservation and future trail development. The 2019 bond measure, referred to the voters by the Metro Council in June of 2019, established principles and criteria to guide protecting and restoring greater Portland’s special places and securing gaps in the regional trail system in geographically specific target areas and regional trail corridors. The bond measure also directed staff to further refine these priority areas if the voters supported the measure, which was completed, and refinement plans adopted by the Metro Council in April 2022.

**ATTACHMENTS**

None

- Is legislation required for Council action?  Yes    No
- If yes, is draft legislation attached?  Yes    No

- What other materials are you presenting today? Not applicable

**Consideration of the September 14, 2023 Council Meeting Minutes  
(consent)**  
*Minutes*

Metro Council Meeting  
Thursday October 26th, 2023

Council meeting

Minutes

September 14, 2023

## Metro

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



Metro

## Minutes

**Thursday, September 14, 2023**

**10:30 AM**

**Metro Regional Center, Council  
chamber,[https://www.youtube.com/live/RXUnWxWwq5M?  
feature=share](https://www.youtube.com/live/RXUnWxWwq5M?feature=share) <https://zoom.us/j/615079992>, or 877-853-5257 (toll  
free) (Webinar ID: 615079992)**

## **Council meeting**

## Minutes

Council meeting

September 14, 2023

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://zoom.us/j/615079992>, or 877-853-5257 (toll free) (Webinar ID: 615079992). <https://www.youtube.com/live/RXUnWxWwq5M?feature=share>

### 1. Call to Order and Roll Call

**Present:** 7 - Council President Lynn Peterson, Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, Councilor Mary Nolan, Councilor Gerritt Rosenthal, Councilor Duncan Hwang, and Councilor Ashton Simpson

### 2. Public Communication

Council President Peterson opened the meeting to members of the public wanting to testify on non-agenda items. Michael Harrison spoke about the growing E-bike and bicycle demographic. Harrison proposed a plan for the city to implement an elevated skyway infrastructure system. Harrison explained there are systems such as the plan proposed around the world, and he explained he received 500 signatures from the community. Alondra Flores Avina testified on behalf of Trash for Peace and spoke about how the 2030 regional waste plan has made an impact with Trash For Peace and the community they work with and expressed that they look forward to working with Metro.

### 3. Presentations

- 3.1 **Resolution No. 23-5354** For the Purpose of Proclaiming September 15 - October 15 as Hispanic Heritage Month in the Portland Metro Region

Attachments: [Resolution No. 23-5354](#)  
[Staff Report](#)  
[Attachment 1](#)

Council President Peterson called on Eduardo Ramos (He/Him), Policy Advisor, Metro and Amparo Agosto, (She/Her), Community Engagement

Manager, TriMet to present.

Eduardo Ramos (he/him), in his introductory remarks, extended a warm welcome to all the distinguished guests gathered in the council chamber. He highlighted the remarkable contributions of these guests within the community. Ramos emphasized the inception of the Latinos in Government initiative, a beacon for fostering equitable and thriving communities. He underscored the significance of bringing attention to Hispanic Heritage Month, emphasizing the need for collective reflection on how each individual can contribute to the betterment of the Latino community. Subsequently, Ramos introduced Amparo Agosto to address the council.

Amparo Agosto, in her presentation, shed light on the rich diversity within the Latino community, underlining the importance of celebrating Hispanic Heritage Month. She emphasized the critical role this celebration plays in paving the way for the success of future generations of Latinos. Agosto called upon Metro and its regional partners to amplify their voices and support for the Latino community, urging a united effort to uplift and empower.

Following her address, Ramos extended recognition to Cynthia Gomez for her distinguished career and mentorship in higher education. He emphasized Gomez's pivotal role in numerous endeavors aimed at supporting Latinos and positively impacting the lives of many. With gratitude, Ramos then introduced Cynthia Gomez to share her thoughts.

Cynthia Gomez reminisced about her early childhood experiences and her decision to dedicate her career not only to the community but also to Portland State University. She stressed the importance of garnering public support for the university, which, in turn, would enhance the prospects of

student success. Gomez expressed her heartfelt thanks to Eduardo Ramos for his commendable contributions.

Ramos rounded out the presentation by showcasing visual representations of Cynthia Gomez's extensive community service. He expressed gratitude to the Metro council for granting the opportunity to make this impactful presentation.

Council President Peterson called for a motion to approve Resolution 23-5354 For the Purpose of Proclaiming September 15 - October 15 as Hispanic Heritage Month in the Portland Metro Region.

Council discussion:

Councilor Gonzales expressed gratitude to Eduardo and his team for their commendable efforts and acknowledged the substantial work accomplished.

Councilor Hwang commended Metro's dedication to centering the racial equity strategy and extended thanks to the presenting team for their significant contributions.

Councilor Simpson acknowledged the impressive work conducted by the team within the community and extended gratitude for their efforts.

Councilor Lewis expressed appreciation for the team's ongoing contributions and dedication.

The council discussion concluded.

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

## Minutes

Council meeting

September 14, 2023

**Aye:** 7 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, Councilor Hwang, and Councilor Simpson

### 4. Consent Agenda

#### Approval of the Consent Agenda

**A motion was made to adopt items on the consent agenda. The motion passed by the following vote:**

**Aye:** 7 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, Councilor Hwang, and Councilor Simpson

- 4.1 **Resolution No. 23-5349**, For the Purpose of Confirming the Appointments of Michael Hull and Sanjaya Silga to the Metro Central Station Community Enhancement Committee (MCSCEC)  
Attachments: [Resolution No. 23-5349](#)  
[Staff Report](#)  
[Attachment 1](#)  
[Attachment 2](#)
- 4.2 **Resolution No. 23-5350**, Resolution 23-5350 For the Purpose of Confirming the Appointment of Members to the Investment Advisory Board  
Attachments: [Resolution No. 23-5350](#)  
[Staff Report](#)
- 4.4 Consideration of the June 15, 2023 Council Meeting Minutes  
Attachments: [061523c Minutes](#)
- 4.3 Consideration of the May 30, 2023 Council Meeting Minutes  
Attachments: [053023c Minutes](#)
- 4.5 Consideration of the June 22, 2023 Council Meeting Minutes  
Attachments: [062223c Minutes](#)
- 4.6 Consideration of the June 29, 2023 Council Meeting Minutes

Attachments: [062923c Minutes](#)

- 4.7 Consideration of the July 11, 2023 Council Meeting **Minutes**

Attachments: [071123c Minutes](#)

- 4.8 Consideration of the July 18, 2023 Council Meeting Minutes

Attachments: [071823cw Minutes](#)

- 4.9 Consideration of the July 20, 2023 Council Meeting Minutes

Attachments: [072023c Minutes](#)

- 4.10 Consideration of the July 27, 2023 Council Meeting Minutes

Attachments: [072723c Minutes](#)

## 5. Resolutions

- 5.1 **Resolution No. 23-5351** For the Purpose of Confirming the Reappointment of Dañel Malán to the Metropolitan Exposition Recreation Commission

Attachments: [Resolution No. 23-5351](#)  
[Staff Report](#)  
[Attachment 1](#)

Council President Lynn Peterson called on Steve Faulstick (he/him), General Manager of Metro Visitor Venues, Metro to present The Purpose of Confirming the Reappointment of Dañel Malán to the Metropolitan Exposition Recreation Commission.

Steve Faulstick spoke about the nomination of Daniel Malan to serve a 4-year term. Faulstick then spoke about her co creating the bilingual Educational Program and her other work she has done within the community.

Council Discussion:

Councilor Lewis thanked Faulstick and expressed she is excited for Danel Malan future participation.

## Minutes

Council meeting

September 14, 2023

Council President Lynn Peterson called for a motion to approve **Resolution No. 23-5351** For the Purpose of Confirming the Reappointment of Dañel Malán to the Metropolitan Exposition Recreation Commission.

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

**Aye:** 7 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, Councilor Hwang, and Councilor Simpson

- 5.2 **Resolution No. 23-5352** For the Purpose of Approving the Purchase of Certain Real Property for the Regional Illegal Dumping (RID) Deployment Center

Attachments: [Resolution 23-5352](#)  
[Staff Report](#)

Council President Lynn Peterson called on Marta McGuire, WPES Director Stephanie Rawson (she/her), Community Stewardship Program Manager to present on **Resolution No. 23-5352** For the Purpose of Approving the Purchase of Certain Real Property for the Regional Illegal Dumping (RID) Deployment Center

Marta McGuire took the lead in presenting and addressed the critical need for approval to acquire a property intended for storing the RID utility vehicles, situated on the SE 8th Ave site.

Subsequently, Stephanie Rawson delved into the program overview, highlighting key elements such as addressing clean-up issues, securing \$2.5 million in funding, outlining long-term implementation strategies, discussing building

## Minutes

Council meeting

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improvements, and providing insights into the current staff levels.

Following the presentation, the council engaged in a discussion:

Council President Peterson expressed her anticipation for the future and extended gratitude to Stephanie and her team for their commendable achievements.

Councilor Gonzales conveyed his admiration for the impressive work accomplished and thanked the team for their efforts.

Council President Lynn Peterson called for a motion to approve **Resolution No. 23-5352** For the Purpose of Approving the Purchase of Certain Real Property for the Regional Illegal Dumping (RID) Deployment Center.

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

**Aye:** 7 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, Councilor Hwang, and Councilor Simpson

### 6. Ordinances (First Reading and Public Hearing)

- 6.1 **Ordinance No. 23-1497** For the Purpose of Annexing to the Metro District Approximately 0.71 Acres Located West of NE Starr Blvd, North of NE Huffman St, and South of NE Constable St in Hillsboro

Attachments: [Ordinance No. 23-1497](#)  
[Staff Report](#)

[Exhibit A](#)  
[Attachment 1](#)

Council President Lynn Peterson called on Glen Hamburg (he/him), Associate Regional Planner, Metro, to present on Ordinance No. 23-1497 For the Purpose of Annexing to the Metro District Approximately 0.71 Acres Located West of NE Starr Blvd, North of NE Huffman St, and South of NE Constable St in Hillsboro.

Carrie McLaren, Metro Attorney (she/her), provided an overview of the procedural requirements for this segment of the meeting.

Council President Peterson proceeded to inquire if any council members had any conflicts of interest.

Council members responded that they did not have any conflicts of interest to declare.

Following these introductory proceedings, a summary of the presentation is as follows:

Glen Hamburg explained the rules and proposal related to the annexation.

A public hearing was conducted during this session; however, there was no testimony from the public, and council members did not engage in a discussion on the matter.

Council President Peterson noted that the vote on the annexation proposal is scheduled to take place during the upcoming September 28th council meeting.

This marked the conclusion of Glen Hamburg's presentation,

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September 14, 2023

ending this segment of the meeting.

### 7. Other Business

#### 7.1 Regional Waste Plan Outcomes and Council Priorities Discussion

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

Council President Lynn Peterson called on Marta McGuire (she/her), WPES Director to present on the 2030 Regional Waste Plan Outcomes - Investments and Priorities presentation.

Staff pulled up the presentation.

Summary of presentation:

Marta McGuire went over the Sept 12 work session recap, Metro authorities and roles, current actions and investments areas, regional outcomes, and direction on council priorities.

Council discussion:

Council President Peterson asked where the actual reduction of waste outcomes is in the presentation

Marta McGuire explained that it is a primary objective of the plan as it serves as Metro's strategic waste reduction plan, and clarified it is inherent in the statements around better purchasing choices and reduction of consumption.

Peterson then asked if there was any formal statewide regulatory direction.

McGuire pointed out the presence of state recovery goals.

Councilor Rosenthal suggested considering appropriate training as technology advances.

Councilor Hwang asked about the approach to addressing illegal dumping in the context of regional outcomes.

McGuire linked this concern to the "excellent, accessible, and resilient garbage and recycling system" part of the presentation.

Shane Abma, OMA advisor (he/him), presented next on Metro's regulatory authority by explaining Metro's regulatory authority.

Abma focused on Metro-Specific Solid Waste Statutory Authority, including flow control authority.

Council Discussion:

Councilor Gonzalez asked about the connection to household garbage.

Abma explained the existence of a hazardous waste collection site.

Councilor Hwang inquired about Metro's authority over RID Patrol.

Abma indicated that he would address this matter later in the presentation.

Councilor Lewis expressed surprise at Metro having authority over liquid waste.

Abma clarified that it falls under the broader category of solid waste.

Warren Johnson, Metro staff, clarified that the definition in the solid waste code includes liquid waste, and it was an unintended distinction from the past.

Councilor Hwang sought clarification on the term "control" in this context.

Abma explained that it denotes regulation, as originally drafted by a lawyer.

Councilor Gonzalez asked about the historical development of Metro's authority in the home rule charter's early days.

Abma discussed Metro's regional challenges and the elimination of the need to involve the legislature in decision-making.

Council President Peterson suggested hosting a knowledge-sharing session with the individuals who crafted the language to understand the historical context better.

Marta McGuire then resumed presenting and covered current actions and investment levels.

Council discussion:

Peterson inquired about how regulatory services are funded.

McGuire explained they are funded through the solid waste system fee.

Councilor Gonzalez asked about I and I grants and their accessibility to local governments.

McGuire clarified that the grants were only available to

private entities.

President Peterson probed further about how Metro's fees impact the industry, their fairness, and what they fund and when.

McGuire explained they are working on budget round tables to aid in budget and fee development.

Councilor Rosenthal raised questions about evaluating the self-haul location's potential to increase recycling and reuse and the plan for regulating private haulers.

McGuire noted that these issues would be addressed as part of the system facility plan discussion and acknowledged the existing gap in the region.

Councilor Lewis inquired about the absence of the reuse collaborative warehouse from the presentation.

McGuire indicated they would consider adding it to support infrastructure.

Councilor Gonzales asked about the implementation timeline for the phased requirements and sought clarification on the term "infrastructure."

Pam Peck, Metro staff, explained the delay in implementing the phases, extending them by about a year.

McGuire explained that they plan to revisit the definition of "infrastructure" in the near future as part of their investment discussions.

Councilor Hwang asked about WPES collaboration in advancing Metro's goals through investment and innovation

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grants partnerships with the housing department.

McGuire highlighted the importance of partnerships and their use of grants and round tables to incorporate Metro's input.

Councilor Simpson requested an overall summary of worker safety and employee experience, aiming to enhance Metro for its employees.

McGuire noted that they have made investments within the WPES department to address resource allocation.

Rob Nathan, equity culture and engagement manager WPES (he/him), encouraged further discussion on the authority and capacity to invest in workers.

Councilor Simpson expressed the desire to see Metro's commitment to employee well-being.

The council discussion concluded at this point.

### 8. Chief Operating Officer Communication

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

- She explained that on September 19th the Planning and Development staff will bring a new an updated work plan around the urban growth report.
- On September 29th she will be attending a new round table for the 2024 urban growth report.
- Council could consider a third work session around strategic target.

### 9. Councilor Communication

Councilors provided updates on the following meetings and

## Minutes

Council meeting

September 14, 2023

events:

- Councilor Hwang announced they are recruiting 3 more members for the Committee on a Racial Equity (CORE).
- Councilor Rosenthal noted he, Councilor Gonzales and Commissioner Malan attended the Hispanic Metropolitan Chamber of Commerce Celebration.
- Councilor Simpson informed council that he and Congressman Blumenauer and east county officials met to discuss what is needed in district one. He said

lifting people up and the quality of life were the main takeaway.

### 10. Adjourn

There being no further business, Council President Lynn Peterson adjourned the Metro Council Meeting at 1:07 p.m.

Respectfully submitted,

*Sermad Mohamad*

Sermad Mohamad, Legislative Assistant

**Consideration of the September  
28, 2023 Council Meeting  
Minutes (consent)**  
*Minutes*

Metro Council Meeting  
Thursday, October 26th, 2023

# Metro

600 NE Grand Ave.  
Portland, OR 97232-2736  
[oregonmetro.gov](http://oregonmetro.gov)



Metro

## Minutes

Thursday, September 28, 2023

10:30 AM

Metro Regional Center, Council chamber,  
<https://www.youtube.com/live/MExjo4tkk6E?si=SzyWldErbyyeRGBj>  
<https://zoom.us/j/615079992>, or 877-853-5257 (toll free) (Webinar ID:

615079992)  
**Council meeting**

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://zoom.us/j/615079992>, or 877-853-5257 (toll free) (Webinar ID: 615079992) <https://www.youtube.com/live/MExjo4tkk6E?si=SzyWIdErbyyeRGBj>

**1. Call to Order and Roll Call**

**Present:** 7 - Council President Lynn Peterson, Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, Councilor Mary Nolan, Councilor Gerritt Rosenthal, Councilor Duncan Hwang, and Councilor Ashton Simpson

**2. Public Communication**

**3. Presentations**

**3.1 National Day of Remembrance for U.S. Indian Boarding Schools**

Council President Peterson introduced Katie McDonald, Tribal Liaison Metro, to present on the National Day of Remembrance for U.S. Indian Boarding Schools

Staff pulled up the National Day of Remembrance for U.S. Indian Boarding Schools to present to Council.

Summary of the Presentation:

Katie McDonald mentioned that she was joined by her colleague, Ashley Scofield, from the Government Affairs and Policy Development Office, to present on this significant topic. McDonald proceeded to address the purpose of the presentation, which is to pay tribute to the survivors and victims of the residential, day, and mission schools in Canada and the United States. She highlighted that Alaskan natives, American Indians, and Native Hawaiians had their identities, cultures, and languages forcibly stripped away due to their enrollment in these federally funded Indian boarding schools. McDonald delved into the historical context, describing the immense suffering that tribes endured at the

hands of the government. She concluded her presentation by urging consideration of support for native-run organizations and encouraging brainstorming on ways to assist those affected.

Council Discussion:

Councilor Nolan expressed gratitude to Katie McDonald for her informative presentation and for shedding light on this important issue.

Councilor Gonzales acknowledged McDonald's presentation and applauded her for prompting the council to take action. He also expressed eagerness to support the resolution and any additional measures Metro can undertake as an agency.

Councilor Lewis thanked McDonald for her willingness to share her story and bring attention to the council. She expressed her desire to advance the resolution and proposed that Metro work on crafting a letter to partner jurisdictions lacking tribal affairs departments.

Councilor Rosenthal voiced his support for the resolution, emphasizing the importance of raising awareness about this subject.

Councilor Lewis concluded the discussion by expressing her anticipation for the resolution's passage.

End of Discussion.

#### 4. Consent Agenda

- 4.1 **Resolution No. 23-5355**, For the Purpose of Confirming the Members of the Metro Regional Waste Advisory Committee (RWAC)

Attachments: [Resoution No 23-5355](#)  
[Staff Report](#)

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

**Aye:** 7 - Council President Peterson, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, Councilor Hwang, and Councilor Simpson

## 5. Resolutions

- 5.1 **Resolution 23-5356**, For the Purpose of Authorizing an Exemption from Competitive Bidding and Procurement of Construction Manager/General Contactor Services by Competitive Request for Proposals for the Arlene Schnitzer Concert Hall Roof Replacement

Attachments: [Resolution 23-5356](#)  
[Staff Report](#)  
[Exhibit A](#)  
[Attachment 1](#)

Council Deputy Lewis Introduced Kim Paul (she/her), Procurement Analyst, Metro, and Nancy Strening (she/her), Senior Construction Project Manager, Metro to speak about Resolution 23-5356 for the purpose of authorizing an exemption from competitive bidding and procurement of constriction manager/general contractor services by competitive request for proposals for the Arlene Schnitzer Concert Hall Roof Replacement.

Kim Paul provided an overview of the State of Oregon Public Contracting Rules and Metro's contracting rules. She emphasized the inclusion of criteria related to contractors' experience, diversity, and overall best value for Metro. She also proposed utilizing the RFP (Request for Proposals) process as the most efficient method for this purpose and sought approval to proceed with it.

Councilor Nolan inquired whether the request for interest or proposals would encompass prevailing wage requirements.

Both Paul and Streining confirmed that prevailing wage requirements would indeed be included.

Councilor Rosenthal sought a preliminary estimate of the project's cost.

Streining explained that the estimated cost would be approximately in the range of \$3,000,000.

Councilor Rosenthal further inquired about the availability of contractors for the project.

Streining mentioned the intention to initiate the bidding process before summer and stated that there should be at least half a dozen qualified contractors in the area.

Councilor Hwang inquired about the incorporation of elements from the construction careers pathway programs if Metro moves forward with the RFP.

Streining clarified that these elements would be incorporated into the requirements and would be a part of the pre-bidding process.

Councilor Rosenthal asked about the timeline for releasing the RFP once it receives approval.

Streining indicated that it could be released as early as the following week.

Council Deputy Lewis raised a procedural question, asking Nathan Sykes if the council was acting as the local contract review board and if this needed to be mentioned.

Nathan Sykes, Deputy Metro Attorney, explained that Council Deputy Lewis would transition into the contract review board's role and then return to the council meeting.

End of Discussion.

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

**Aye:** 6 - Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, Councilor Hwang, and Councilor Simpson

**Excused:** 1 - Council President Peterson

**6. Ordinances (Second Reading)**

6.1 **Ordinance No. 23-1497** For the Purpose of Annexing to the Metro District Approximately 0.71 Acres Located West of NE Starr Blvd, North of NE Huffman St, and South of NE Constable St in Hillsboro

Attachments: [Ordinance No. 23-1497](#)  
[Staff Report](#)  
[Exhibit A](#)  
[Attachment 1](#)

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

**Aye:** 6 - Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, Councilor Hwang, and Councilor Simpson

**Excused:** 1 - Council President Peterson

**7. Ordinances (First Reading and Public Hearing)**

7.1 **Ordinance No. 23-1496**, For the Purpose of Amending the 2018 Regional Transportation Plan (RTP) to Comply with Federal and State Law and

## Amending the Regional Framework Plan

Attachments: [Ordinance-23-1496](#)  
[Staff Report](#)  
[Exhibit A](#)  
[Attachment 1](#)  
[Attachment 2](#)

Council Deputy Lewis opened the floor to members of the public who wished to provide testimony on Ordinance No. 23-1496.

Sarah Iannarone (she/her) from The Street Trust expressed her belief that the mobility and pricing policies are moving in the right direction. She emphasized the need for substantial investments in neighborhoods, particularly those in need, to ensure safe transit and streets conducive to walking and biking. Iannarone also raised the issue of the \$1.2 billion in safety projects proposed by ODOT and urged the council to consider unbundling them.

Representative Khanh Pham extended gratitude to those who have been closely following the plan's development. She encouraged the council to pursue advocates and investments that would contribute to lower emissions and reduce traffic fatalities.

Ariadna Gonzales (she/her) from GTT emphasized the significance of the high-capacity transit strategy and highlighted the crucial role played by ACT investments, which stem from the tenacity, leadership, and engagement of local jurisdictions. She stressed the importance of continuing to advocate for an ACT strategy that amplifies the voices of local leaders and expressed GTT's support for the RTP's emphasis on safety pillars.

Brett Morgan (he/him) from 1000 Friends of Oregon outlined several key points. He stressed the need to unbundle the operations list and emphasized the importance

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of safety projects. Morgan also voiced support for Chapter 8 policy and called for increased engagement with the community in the RTP.

Indi Namkoong (she/they) from Verde conveyed appreciation for the engagement and consideration shown by staff in their work on the RTP. Namkoong underscored the importance of unbundling the \$1.2 billion allocated for safety projects to provide clarity on funding distribution.

Aaron Kuehn addressed the RTP investment categories. He noted that 45% of the spending is allocated to driving, while only 7% is allocated to biking. Kuehn recommended reducing funding for specific projects with the goal of shifting resources from driving-focused modes to walking and biking-focused modes. He provided a list of recommended reductions for the council's consideration. (his recommendation to council is to reduce the following projects; RTP ID's: 10866, 11176, 12020, 11990, 11904, 11969,11991, 10867, 11301, 11330, 11988.)

End of Public Hearing.

## **8. Chief Operating Officer Communication**

Marissa Madrigal, Chief Operating Officer, provided an update on the following events and items:

COO Madrigal discussed the recent developments related to WPES (presumably an acronym or specific event). She highlighted the extensive work done in collaboration with the panel. Madrigal also expressed how inspiring it was to listen to individuals discuss climate change and to hear insights from experts regarding the way forward.

Madrigal expressed her appreciation for everyone who attended the Expo Future Executive Steering Committee

meeting.

**9. Councilor Communication**

Councilors provided updates on the following meetings and events:

Councilor Nolan reported on discussions within MPACT (presumably a committee or organization related to transportation). She noted that there were conversations addressing transportation issues and expressed that there would be challenging times ahead in this regard.

Councilor Rosenthal mentioned the upcoming Galas and stressed the importance of councilors attending these events.

**10. Adjourn**

There being no further business, Council President Peterson adjourned the Metro Council Meeting at 11:57am

Respectfully submitted,

*Sermad Mohamad*

Sermad Mohamad, Legislative Assistant

**Consideration of the October 5,  
2023 Council Meeting Minutes  
(consent)**  
*Minutes*

Metro Council Meeting  
Thursday, October 26th, 2023

# Metro

600 NE Grand Ave.  
Portland, OR 97232-2736  
[oregonmetro.gov](http://oregonmetro.gov)



Metro

## Minutes

Thursday, October 5, 2023

10:30 AM

Metro Regional Center, Council chamber,  
[https://www.youtube.com/live/Srbg9FtsDng?  
si=hfyPHewPPpdP7vou](https://www.youtube.com/live/Srbg9FtsDng?si=hfyPHewPPpdP7vou), <https://zoom.us/j/615079992> Webinar ID:  
615 079 992 or 888-475-4499 (toll free)

**Council meeting**

**1. Call to Order and Roll Call**

**Present:** 5 - Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, Councilor Mary Nolan, Councilor Gerritt Rosenthal, and Councilor Ashton Simpson

**Excused:** 2 - Council President Lynn Peterson, and Councilor Duncan Hwang

**2. Public Communication**

Deputy Council President Lewis opened the meeting to members of the public wanting to testify on a non-agenda items.

There were none.

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

**3. Presentations****3.1 Indigenous Peoples Day**

**Presenter(s):** Ashley Schofield (she/her), GAPD Coordinator, Metro

Deputy Council President Lewis introduced Ashley Schofield (she/her, GAPD Coordinator, Metro to present on the topic of Indigenous Peoples Day.

**Presentation Summary:**

This presentation was presented to acknowledge Indigenous Peoples Day and to discuss the false history that accompanies the former holiday, Columbus Day. Schofield remarked that Indigenous Peoples Day emphasizes Indigenous resistance and resilience in the face of colonization and allows for non-Native people to have the opportunity to learn the history of colonization of Indigenous people and acknowledge the harmful legacy of colonialism. The presentation also discussed the events in

the region that uplift Indigenous work, resilience, and life during Indigenous Peoples Day. Schofield also read aloud Resolution 22-5286, which created the proclamation of Indigenous Peoples Day in the greater Portland region.

*Council Discussion*

Deputy Council President Lewis thanked Schofield for their presentation.

Councilor Rosenthal reminded people that the harm caused to Indigenous people spans much larger than just in the Pacific Northwest.

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

3.2 Auditor's Office Annual Report

Presenter(s): Brian Evans (he/him), Metro Auditor

Attachments: [Auditor Annual Report](#)  
[Auditor Annual Report Presentation](#)

Deputy Council President Lewis introduced Brian Evans (he/him), Metro Auditor to present the Auditor's Office Annual Report.

Staff pulled up the Auditor Annual Report Presentation to present to Council.

Presentation Summary:

Auditor Evans relayed information on the responsibilities, accomplishments, and performance measures of the Metro auditors. Auditor Evans additionally presented the average hours per audit and per department, the expenditures, and relayed the amount of auditee feedback in the 22-23 fiscal year.

*Council Discussion*

Councilor Rosenthal thanked Auditor Evans and asked which audit took 3300 hours.

Auditor Evans explained that the audit was the parks and nature bond implementation.

Councilor Rosenthal asked if the parks and nature bond implementation also included a general audit of their general operations.

Auditor Evans responded no, explaining that it was only the bond implementation in that audit, which looked at whether there was a measure in place for Metro to analyze if there was equity in the programs.

Councilor Rosenthal asked what impact COVID-19 affected had for this year's audits.

Auditor Evans responded that they received relatively the same amount of feedback, but it was a bit different than other years.

Councilor Nolan thanked Auditor Evans for the clear presentation.

Deputy Council President Lewis asked if there is anything that is concerning Auditor Evans.

Auditor Evans responded that they have been focused on diversity, equity, and inclusion measures and they use effectiveness as an umbrella term of diversity, equity, and inclusion. The measure of effectiveness is not explicitly in

the report but Auditor Evans stated that equity was actively being worked on in relation to the audits.

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

#### 4. Ordinances (First Reading and Public Hearing)

- 4.1 **Ordinance No. 23-1498**, For the Purpose of Amending Certain Metro Code Chapters in Title V ("Solid Waste") for Housekeeping updates and to Incorporate Plain Language Best Practices

Presenter(s): Shane Abma (he/him), Senior Attorney, Metro

Attachments: [Ordinance No. 23-1498](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Staff Report](#)  
[Attachment 1](#)

Deputy Council President Lewis called on Shane Amba (he/him), Senior Attorney, Metro, to present to Council.

Staff pulled up the Ordinance No. 23-1498 PowerPoint to present to Council.

Presentation Summary:

This presentation discussed the Title V (Solid Waste) Code housekeeping updates surrounding Ordinance No. 23-1498. These updates include changes involving the Solid Waste Facility Regulation (Chapter 5.01) and the Solid Waste Flow Control (Chapter 5.05). For Chapter 5.01, the updates include fixing cross-reference errors, changing the term "citizens" to "residents", updating wording to ensure readability, changing the term "planning director" to "planning department", and removing redundant and unnecessary words without changing the underlying meaning. Chapter 5.05 additionally includes changing the term "citizens" to "residents", changing "regional" boundary to "jurisdictional" boundary, removing redundant

and unnecessary words without altering the underlying meaning, changing the phrase “generated within Metro” to “generated within the Metro jurisdictional boundary”, capitalizing the terms “Regional System Fee” and “Excise Tax”, and changing the term “Administrative Procedure” to “Administrative Rule”. The presentation emphasized that the ordinance does not change current policy, practice, or intent.

*Council Discussion:*

Councilor Rosenthal questioned about the change from “shall” to “will”.

Amba explained that “shall” can mean “will, must, or may”. Hence, the meaning of “shall” changes based on the context. While acknowledging that the State uses “shall” often, Amba suggested that shall is being used less than it used to be due to its unclear meaning, and that they typically use “must”.

Deputy Council President Lewis asked if there is a style guide and if the style guide is available to the public or if it is only for internal use.

Amba responded that there are style guides in different departments, and the policy is public.

Councilor Gonzalez acknowledged how much he appreciated the language change from “citizen” to “resident” in the code. Councilor Gonzalez added that the change made reflects the community in a very positive way and expressed gratitude.

Public Hearing:

Deputy Council President Lewis opened the meeting to

members of the public wanting to testify on Ordinance No. 23-1498

There were none.

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

- 4.2 **Ordinance No. 23-1499**, For the Purpose of Repealing Metro Code Chapter 2.05 (“Procedure for Contested Cases”) and Replacing it with a new, Updated Metro Code Chapter 2.05 (“Contested Cases Procedures”)

Presenter(s): Shane Abma (he/him), Senior Attorney, Metro

Attachments: [Ordinance No. 23-1499](#)

[Exhibit A](#)

[Staff Report](#)

[Attachment 1](#)

- 4.3 **Ordinance No. 23-1500**, For the Purpose of Repealing Metro Code Chapter 2.03 (Civil Penalties) and Replacing it with a new Metro Code Chapter 2.03 (Civil Penalties), and Amending Certain Metro Code Chapters to Align with the new Chapter 2.03

Presenter(s): Shane Abma (he/him), Senior Attorney, Metro

Attachments: [Ordinance No. 23-1500](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Staff Report](#)

[Attachment 1](#)

- 4.4 **Ordinance No. 23-1501**, For the Purpose of Amending Metro Code Chapter 5.09 (“Illegal Disposal”) to Align it with the new Metro Code Chapter 2.05 (“Contested Cases”) and Incorporate Plain Language Best Practices

Presenter(s): Shane Abma (he/him), Senior Attorney, Metro

Attachments: [Ordinance No. 23-1501](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Staff Report](#)  
[Attachment 1](#)

Deputy Council President Lewis called on Shane Amba (he/him), Senior Attorney, Metro, to present to Council.

Staff pulled up the Ordinance No. 23-1499, No. 23-1500, and No. 23-1501 PowerPoint to present to Council. All three ordinances were presented together.

Presentation Summary:

This presentation discussed Ordinance Nos. 23-1499 (Contested Case; Chapter 2.05), No. 23-1500 (Civil Penalties; Chapter 2.03), and No. 23-1501 (Illegal Disposal; Chapter 5.09) code chapter updates. The presentation relayed what the chapters govern, and explained why the Council should update these chapters. Reasons for Chapters 2.05 and 2.05 to be updated included the understanding that some procedures were impractical, outdated, needed to be streamlined and simplified, or needed to have greater consistency. Reasons for Chapter 2.09 to be updated included the understanding that illegal disposal has significantly increased within the Metro region, there are greater numbers of citations and requests for hearings to contest them, some language references were not applicable to local government, current hearings procedures were confusing or unworkable, and that this chapter should align better with the other two chapters. The presentation also gave a brief summary of these updates that centered readability, removing up-front cost burdens, clarifying when a contested case exists, and updated definitions to reflect current meanings.

*Council Discussion:*

Councilor Rosenthal clarified that if there are contested cases, the Council will not have a role in those cases.

Amba explained that yes, that is the proposal. Amba added that it is not practical for code enforcements to go to an elected body in most cases.

Councilor Rosenthal followed up asked if there is a right of appeal for these cases.

Amba responded that there is a right of appeal, and they can file a writ with the circuit court.

Councilor Rosenthal asked if it would go to the circuit court judge.

Amba responded that yes, that is what would happen if someone appealed.

Deputy Council President Lewis questioned if it would happen in Multnomah County or where the infraction took place.

Amba explained that it would go to the Multnomah County Circuit Court because the regional government is administratively located in Multnomah County.

Councilor Rosenthal asked how many illegal disposal citations were given in the past year and what percentage of those were appealed.

Amba stated that he did not know the answer to that, but that there were two that were appealed to the hearings officer in the past four months. Amba further added that there the pandemic slowed down the issuance of citations into the system. Amba also added that the staff report lists

every change made.

Public Hearing:

Deputy Council President Lewis opened the meeting to members of the public wanting to testify on Ordinance No. 23-1499, No. 23-1500, and No. 23-1501 .

There were none.

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

## **5. Chief Operating Officer Communication**

Deputy Chief Operating Officer Holly Calhoun provided an update on the following events or items:

- The corrective action plan issued to Multnomah County on the FY23 underspend had a meeting to review status and there will be a formal update coming soon.
- There is an employee engagement survey and the results found will be incorporated into department action plans. It is starting with the directors next week.
- The EXPO Future Governance committees began to meet, and the Sports and Financial Feasibility study has started. The Committee on Racial Equity has three vacant spots, and they are currently recruiting. The Accessibility Advisory Committee, an external body, is newly formed.

## **6. Councilor Communication**

Councilors provided updates on the following topics:

Councilor Simpson remarked that COVID-19 is still around and when in a crowded space, wear a mask.

**7. Adjourn**

There being no further business, Deputy Council President Lewis adjourned the Metro Council Meeting at 11:39

Respectfully submitted,

*Georgia Langer*

Georgia Langer, Legislative Assistant

**Resolution No. 23-5357 For the Purpose of Accepting the Draft Oregon  
Zoo Campus Plan**  
*Resolutions*

Metro Council Meeting  
Thursday, October 26th, 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING THE ) RESOLUTION NO. 23-5357  
DRAFT OREGON ZOO CAMPUS PLAN )  
CONCEPTS ) Introduced by Chief Operating Officer  
Marissa Madrigal in concurrence with  
Council President Lynn Peterson

WHEREAS, in 2022 the Oregon Zoo successfully completed implementation of \$125 million in investments approved by Metro District voters through the 2008 Oregon Zoo Bond, Measure 26-96; and

WHEREAS, delivered on time and on budget, these investments updated and expanded animal habitats and care facilities, increased educational opportunities, enhanced guest experience, and improved water and energy conservation across roughly 40% of the Oregon Zoo campus; and

WHEREAS, despite this progress, there remain aging and outdated habitats, guest facilities and other infrastructure in areas of the Oregon Zoo not addressed by the 2008 bond; and

WHEREAS, beginning in fall 2022 staff from the Oregon Zoo and Capital Asset Management began work on a new draft Campus Plan, focusing on improvements to areas of the zoo not improved by the 2008 bond; and

WHEREAS, staff engaged a diverse range of community organizations and leaders, zoo guests and members, staff, the Oregon Zoo Foundation and other stakeholders to understand current needs and conditions at the zoo, thus informing and guiding the development of the new draft Campus Plan; and

WHEREAS, staff have also considered and applied the most modern standards for animal care and habitat design to the development of the draft Campus Plan concepts; and

WHEREAS, the draft Campus Plan concepts emphasize ensuring the highest standards of animal health and well-being across the zoo; improving zoo experiences and accessibility for all visitors regardless of age, ability or background; and advancing ambitious goals for energy and water conservation; and

WHEREAS, the Metro Council recognizes the opportunity for further renewal, upgrades and improvements at the Oregon Zoo, the Portland metropolitan area's most-visited ticketed attraction, to advance regional goals for racial equity, accessibility, climate resilience and economic vitality; and

WHEREAS, when complete and accepted by the Metro Council following permitting review by the City of Portland, the Campus Plan will replace the 2011 Master Plan that guided the successful implementation of the 2008 Oregon Zoo Bond; and

WHEREAS, acceptance of the draft Campus Plan concepts directs Oregon Zoo staff to submit relevant portions of a draft plan for permitting review by the City of Portland, a necessary step to renew the Oregon Zoo's 10-year Conditional Use Permit; and

WHEREAS, following the renewal of a Conditional Use Permit from the City of Portland, the updated Campus Plan will be brought to the Metro Council for consideration; and

BE IT RESOLVED that the Metro Council:

1. Accepts the draft Oregon Zoo Campus Plan concepts for the purposes of submittal to permitting review by the City of Portland, a necessary step for renewal of the Zoo's 10-year Conditional Use Permit; and
2. Directs staff to explore potential capital financing options to advance the Campus Plan for further Metro Council discussion and consideration.

ADOPTED by the Metro Council this 26th day of October, 2023.

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Lynn Peterson, Council President

Approved as to Form:

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Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 23-5357, FOR THE PURPOSE OF  
ACCEPTING THE DRAFT OREGON ZOO CAMPUS PLAN CONCEPTS

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Date: Oct. 9, 2023

Department: Oregon Zoo, Capital Asset  
Management

Meeting Date: Oct. 26, 2023

Presenters: Heidi Rahn (she/her), Oregon  
Zoo Director; Kristin Solomon (she/her),  
Senior Capital Program Manager

Prepared by: Kristin Solomon,  
[Kristin.solomon@oregonmetro.gov](mailto:Kristin.solomon@oregonmetro.gov);  
Craig Beebe,  
[craig.beebe@oregonmetro.gov](mailto:craig.beebe@oregonmetro.gov)

Length: 45 min.

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### **ISSUE STATEMENT**

In development since fall 2022, the draft Oregon Zoo Campus Plan will propose significant improvements to animal habitats, guest experience and accessibility, resource conservation, and staff facilities, focusing on the 60% of the zoo campus that was not substantially improved through the bond measure voters approved in 2008.

### **ACTIONS REQUESTED**

Accept the draft Oregon Zoo campus plan concepts and direct staff to begin permitting review with the City of Portland for the purposes of renewing the zoo's 10-year Conditional Use Permit.

Direct staff to explore capital financing options and business planning to support implementation of the Campus Plan concepts.

### **IDENTIFIED POLICY OUTCOMES**

- Advance the Oregon Zoo's mission of connecting our community to the wonder of wildlife to create a better future for all
- Support animal well-being and care, visitor experience and accessibility, energy and water conservation, and climate resilience at the zoo
- Implement Metro's Sustainable Buildings and Sites Policy, the Strategic Plan to Advance Equity, Diversity and Inclusion, and construction workforce diversity and construction clean air policies

### **POLICY QUESTIONS**

1. How well do the draft Oregon Zoo campus plan concepts advance the zoo's goals and needs?

2. How well do the campus plan concepts incorporate community and stakeholder input, Council direction, and adopted policy?
3. What capital financing tools would you like staff to explore to support implementation of the campus plan concepts?

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

- Accept the draft campus plan concepts and direct staff to submit for permitting review by the City of Portland, explore financing and business planning, and proceed with further work to refine cost estimates and potential implementation
- Direct staff to emphasize specific elements of the draft Campus Plan through permitting review and plan finalization, prior to final approval by the Metro Council in spring 2024

### **STAFF RECOMMENDATION**

Staff recommends the Council adopt the resolution.

### **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

The Oregon Zoo is a source of pride for the greater Portland region, advancing conservation education and species recovery locally as well as around the globe. The zoo is committed to continually improving animal well-being, guest and staff experiences, equity, accessibility, climate resilience and conservation across its 64-acre campus in Washington Park.

In 2008, the region’s voters approved Measure 26-96, authorizing \$125 million in general obligation bonds to dramatically improve animal habitats, visitor facilities and sustainability at the zoo. The zoo successfully completed implementation of the 2008 bond in 2022, having transformed around 40% of the campus, including the elephant, polar bear and primate habitats, as well as a new veterinary medical center, California condor exhibit and conservation education center.

In fall 2022, staff from the Oregon Zoo and Capital Asset Management began work on a new Campus Plan to replace the zoo’s 2011 Master Plan that guided implementation of the bond. The new plan focuses on areas of the campus that were not targeted for substantial investment from the 2008 bond. Included are some of the zoo’s oldest existing habitats and buildings, as well as outdated and not fully accessible pathways and facilities.

The new Campus Plan is a significant opportunity to advance the Metro Council’s goals for climate, equity, accessibility and economic vitality in one of Metro’s most beloved visible public-serving properties. The Campus Plan updates the previous master plan’s assessments of conditions, needs and standards for habitats, guest experience and zoo infrastructure. It also aligns the zoo’s long-range vision with policy adopted by the Metro Council since the 2011 Master Plan, including but not limited to the 2016 Strategic Plan to Advance Racial Equity, Diversity and Inclusion and the 2022 Sustainable Buildings and

Sites Policy Update. Staff have engaged zoo guests, community members, staff and a variety of technical experts during the development of the plan.

The draft Campus Plan aims to advance animal care, guest experience and accessibility, and resource conservation in some of the zoo's oldest yet most popular areas, including Coastal Shores, the Great Northwest and Africa. New spaces such as a herpetarium and tropical house would increase community access to a more diverse collection of reptiles, amphibians, birds, bats and other small mammals. These buildings would complement plans to expand other habitats, and provide guests with more indoor viewing opportunities.

The draft Campus Plan also proposes improvements to wayfinding, amenities and accessibility in plazas, pathways, and other guest areas, to improve the experience of all zoo guests regardless of age, ability or background.

### **Community engagement**

Development of the plan has included in-person engagement sessions with historically marginalized communities, including representatives of the following organizations:

- Adelante Mujeres
- Autism Empowerment
- Boys & Girls Club of the Portland Metro Area
- Center for African Immigrants and Refugees
- Centro Cultural
- People of Color Outdoors
- Rosewood Initiative
- Self-Enhancement Inc.
- Youth Empowerment Project PNW

Staff have also engaged with youth participating in the Zoo Apprenticeship Program; the zoo's Community Advocacy Council, composed of young professionals of color; zoo volunteers and members; staff and board of the Oregon Zoo Foundation; and zoo staff.

Zoo staff heard broad community support for the goals of the draft plan, particularly goals to improve accessibility, wayfinding and other visitor facilities at the zoo, and to update or replace outdated animal habitats, particularly in the popular Coastal Shores, Africa and Great Northwest areas. Zoo staff were also supportive of proposed improvements to behind-the-scenes care-staff facilities, guest amenities, storage areas and service access.

### **Legal antecedents**

When complete and approved by the Metro Council following City of Portland permitting, the final Campus Plan will update the 2011 Comprehensive Capital Master Plan, approved by the Metro Council through Resolution No 11-4304.

The 2011 Master Plan guided the implementation of Measure 26-96, the Oregon Zoo bond measure approved by the region's voters in November 2008, as well as other non-bond-funded improvements.

The new Campus Plan's finalization and implementation will also advance several other Metro Council policies, including but not limited to:

- Strategic Plan to Advance Racial Equity, Diversity and Inclusion
- Sustainable Buildings and Sites Policy
- Clean Air Construction policy
- Construction Careers Pathways policy
- Contracting Equity Policy

### **Anticipated effects**

Adoption of the resolution will direct staff to submit the draft campus plan to the City of Portland for land use review to support the renewal of the zoo's Conditional Use Permit. This process, expected to be complete by Spring 2024, will support the completion a final Campus Plan for later Metro Council adoption, and in turn the approval of a new Conditional Use Master Plan by the City of Portland.

Future phases of planning will include the development of refined cost estimates, implementation phasing plans and, following the finalization of the Campus Plan, more detailed architecture, design and construction planning. Future construction plans will advance Metro's Clean Air Construction, Subcontracting Equity and Construction Careers Pathways policies.

### **Financial implications**

The Metro Council's adopted budget for FY24 includes funding for zoo campus planning as part of the agency's capital improvement plan.

### **BACKGROUND**

The Metro Council received a tour of potential Campus Plan focus areas on Sept. 5, 2023, followed by a presentation and discussion of the Campus Plan concepts and their development. Staff have incorporated the Council's work session discussion into the planning process, as well as noting Council input for future phases of design and implementation.

The Metro Council previously discussed the Campus Plan's development at a work session in May 2023.

### **ATTACHMENTS**

- Resolution text

**Ordinance No. 23-1503 For the Purpose of Amending Metro Code  
Chapters 7.05 and 7.06 to Add Certain Clarifications and Make  
Housekeeping Changes**  
*Ordinance*

Metro Council Meeting  
Thursday, October 26th , 2023

BEFORE THE METRO COUNCIL

|                                      |                                       |
|--------------------------------------|---------------------------------------|
| FOR THE PURPOSE OF AMENDING METRO )  | ORDINANCE NO. 23-1503                 |
| CODE CHAPTERS 7.05 (INCOME TAX )     |                                       |
| ADMINISTRATION) AND 7.06 (PERSONAL ) | Introduced by Chief Operating Officer |
| INCOME TAX) TO ADD CERTAIN )         | Marissa Madrigal in concurrence with  |
| CLARIFICATIONS AND MAKE )            | Council President Lynn Peterson       |
| HOUSEKEEPING UPDATES )               |                                       |

WHEREAS, on December 17, 2020, the Metro Council adopted Ordinance 20-1454, which codified the personal and business income taxes approved by the voters for Metro’s Supportive Housing Services Ballot Measure into new code chapters 7.05 (Income Tax Administration), 7.06 (Personal Income Tax); and

WHEREAS, following codification of the personal and business income taxes, Metro staff consulted with stakeholders, Metro’s tax administrator, and tax experts to establish administrative rules to further implement the income taxes; and

WHEREAS, during the administrative rule adoption process, Metro staff determined that certain clarifications and housekeeping changes were needed to code chapters 7.05 and 7.06; and

WHEREAS, In December 2022, Metro Council adopted Resolution No. 22-5293, which recognizes that certain regulatory code chapters—primarily solid waste and income taxes—require “frequent housekeeping updates to reflect changes in state law and ongoing regulatory clarity,” with annual updates; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Certain sections of Metro Code Chapter 7.05 (INCOME TAX ADMINISTRATION) are amended as set forth in tracked changes in Exhibit A, with underlined text representing inserted text and strikethrough representing deleted text.
2. Certain sections of Metro Code Chapters 7.05 and 7.06 (PERSONAL INCOME TAX) are amended as set forth in tracked changes in Exhibit B, with underlined text representing inserted text and strikethrough representing deleted text.

3. Certain sections of Metro Code Chapter 7.06 (PERSONAL INCOME TAX) are amended as set forth in tracked changes in Exhibit C, with underlined text representing inserted text and strikethrough representing deleted text.

ADOPTED by the Metro Council this 26th day of October 2023.

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Lynn Peterson, Council President

Attest:

Approved as to Form:

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Connor Ayers, Recording Secretary

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Carrie MacLaren, Metro Attorney

## **Chapter 7.05 Income Tax Administration for Personal and Business Taxes**

1. Amend Section 7.05.170 Return Due Date; Extensions as follows, with underlined text representing inserted text and strikethrough representing deleted text:

(a) – (d) unchanged.

(e) Authority to require filing of returns by electronic means.

1. As used in this section:

A. “Electronic means” includes computer-generated electronic or magnetic media, Internet-based applications or similar computer-based methods or applications.

B. “Paid tax preparer” means a person who prepares a tax return for another or advises or assists in the preparation of a tax return for another, or who employs or authorizes another to do the same, for valuable consideration.

C. “Tax return” means a return filed under the Business Income Tax Law.

2. The Administrator may by rule require a paid tax preparer to file tax returns by electronic means if the paid tax preparer is required to file federal tax returns by electronic means.

3. The Administrator may by rule require that a business subject to the Business Income Tax Law file tax returns by electronic means if it is required to file, or voluntarily files, federal tax returns by electronic means.

4. The Administrator may by rule establish exceptions to the electronic filing requirements of this section.

**CHAPTER 7.05**  
**INCOME TAX ADMINISTRATION FOR PERSONAL AND BUSINESS TAXES**

1. Amend Section 7.05.270 as follows, with red text representing inserted text and strikethrough representing deleted text:

**7.05.270 Penalties for Violations of Personal Income Tax Law**

The Administrator will assess the following penalties upon **employers or** personal income taxfilers:

(a) **Failure to File a Correct W-2.** If an employer fails to file a correct W-2 that, along with any other W-2 that must be filed, supports amounts reported on the annual withholding reconciliation return, or amended annual withholding reconciliation return, as required by code, administrative rule, written policy, or form instructions by the date specified, the Administrator will assess a penalty of \$50 for each missing or incomplete W-2.

The Administrator may waive all or any part of the penalty imposed under this subsection on a showing by the employer that there was reasonable cause for the failure to file a correct W-2 when due and that the employer acted in good faith. Before any penalty waiver or reduction, all withholding balances must be paid in full and reconciliations or other forms or reports must be submitted to the Administrator.

(b) Failure to File a Return; Failure to Pay Tax When Due. If a taxfiler fails to file a return or fails to pay a tax by the date on which the filing or payment is due, the Administrator will add a delinquency penalty of:

1. Five percent of the amount of the unpaid tax.
2. An additional penalty of one hundred percent of the unpaid tax of all tax years if the failure to file is for three or more consecutive tax years.
3. For purposes of this section, unpaid tax is the taxfiler's tax liability reduced by payment of tax and any credit against tax that is claimed on the return.

The Administrator may for good cause waive all or any part of the penalty imposed under this subsection according to and consistent with written policies.

(bc) Underpayment of Tax. A penalty will be assessed if a person:

1. Fails to pay at least ninety percent of the total tax liability by the original due date; or
2. Fails to pay at least one hundred percent of the prior year's total tax liability by the original due date.
3. The penalty under subsection (b) is five percent of the tax underpayment, but not less than \$5.

The Administrator may for good cause waive all or any part of the penalty imposed under this subsection according to and consistent with written policies.

**(ed) Intent to Evade.** If a taxfiler fails to file a return with the intent to evade the tax imposed under this chapter or Chapter 7.06, or a taxfiler prepares or causes to be prepared a return and files that return with the intent to evade the tax imposed under this chapter or Chapter 7.06, the Administrator will impose a penalty in the amount of one hundred percent of any deficiency that the Administrator determines is due.

**(de) Substantial Understatement of Tax.** If the Administrator determines that there is a substantial understatement of tax due under this chapter or Chapter 7.06, the Administrator will add to the amount of tax required to be shown on the return a penalty equal to twenty percent of the amount of any underpayment of tax attributable to the understatement.

1. For purposes of this subsection, a substantial understatement of tax exists if the amount of the understatement exceeds \$1,000 of tax otherwise due.

2. In the case of any item attributable to an abusive tax shelter: no reduction of the amount of the understatement will be made with regard to that item regardless of the existence of substantial authority for the treatment of the item by the taxfiler; and, no reduction of the amount of the understatement will be made with regard to that item regardless of the disclosure of the facts affecting the tax treatment of the item unless, in addition to the disclosure, the Administrator determines in the Administrator's sole discretion, that the taxfiler reasonably believed that the tax treatment of the item was more likely than not the proper treatment. This chapter expressly adopts the definitions contained in ORS 314.402 and the administrative rules thereunder.

3. The Administrator may waive all or any part of the penalty imposed under this subsection on a showing by the taxfiler that there was reasonable cause for the understatement or any portion thereof, and that the taxfiler acted in good faith.

**(ef) Frivolous Return Position.** If the Administrator determines that taxfiler has taken a frivolous position in preparing the taxfiler's tax return, the Administrator will add a \$500 penalty to the amount of tax required to be shown on the tax due under this chapter or Chapter 7.06. For purposes of this subsection, a tax return position is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316-0652(2) are adopted by direct reference, but are not a definitive list of those positions.

**(fg) Failure of Administrative Compliance.** The Administrator may impose a penalty of up to \$500 for the following violations of this chapter:

1. Failure to file any tax return within 60 days of the Administrator's original written notice to file;
2. Failure to pay any tax within 60 days of the Administrator's original written notice for payment;
3. Failure to provide either documents or information as required by this chapter or Chapter 7.06 within 60 days of the Administrator's original written notice to provide the documents or information;
4. Failure to fully complete any form required under the Personal Income Tax Law; or

5. Failure to fully comply with the requirements of any section of Chapter 7.05 or Chapter 7.06 unless the section has a separate penalty calculation.

The Administrator may impose a civil penalty under this subsection only if the Administrator gave notice of the potential for assessment of civil penalties for failure to comply or respond in the original written notice. The Administrator may waive all or any part of the penalty imposed under this paragraph on a showing by the taxfiler that there was reasonable cause for the Failure of Administrative Compliance, and that the taxfiler acted in good faith.

(gh) Penalties cumulative. Each penalty imposed under this section is in addition to any other penalty imposed under this section.

(hi) The provisions set forth in Metro Code Chapter 2.03 do not apply with respect to any penalty that maybe be assessed under this chapter or the Personal Income Tax Law.

## **CHAPTER 7.06 PERSONAL INCOME TAX**

2. Amend Section 7.06.130 as follows:

### **7.06.130 Withholding Reconciliation by Employer for Payment of Withheld Tax**

(a) Quarterly Withholding Reconciliation. On or before the last day of the month following the quarter in which withholdings pursuant to 7.06.120(a) have been made, the employer must file a quarterly tax report. If the due date is on a weekend or federal holiday, the report is due the next business day.

(b) Annual Withholding Reconciliation. On or before the last day of January following any calendar year in which withholdings pursuant to 7.06.120(a) have been made, the employer must file with the Administrator a reconciliation of taxes withheld and taxes remitted. If the due date is on a weekend or federal holiday, the reconciliation is due the next business day.

(c) The Administrator will determine by administrative rule, **written policy, or published guidelines** the required format and information necessary to comply with subsections (a) and (b) above.

**CHAPTER 7.06  
PERSONAL INCOME TAX**

1. Amend Section 7.06.090 as follows, with red text representing inserted text and ~~strikethrough~~ representing deleted text.
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**7.06.090 Deduction for Pass-through Income**

- (a) A taxfiler is allowed a deduction from taxable income for pass-through income subject to tax under Metro Chapter 7.07 Business Income Tax. Pass-through income comes from a business whose net income is taxed on the owners' or partners' personal tax returns. This includes, but is not limited to, entities taxed as partnerships and S corporations.
- (b) The deduction amount allowed in subsection (a) is the individual owners' or partners' distributive share of income **apportionable to Metro** on the **pass-through entity's** Metro Business Income Tax return, as calculated and reported to the owner or partner by the business. **The administrator will provide guidance in calculating this amount. If the Metro Business Income Tax return has not been filed for the relevant tax year, then no deduction is allowed.**
- (c) If the taxable income per the Metro Business Income Tax return is zero, **or a net operating loss**, the taxfiler is not allowed a deduction **under subsection (a)**. **The amount of the deduction cannot exceed the amount determined under subsection (b).**
- (d) A taxfiler is allowed a deduction for a pass-through net operating loss from a business subject to tax under Metro Code Chapter 7.07, Business Income Tax.**
- (e) The deduction amount allowed in subsection (d) is limited to the current year's pass-through net operating loss included in Oregon taxable income for a resident or Metro sourced income for a nonresident. This net operating loss can only be used in the current year and cannot be carried to any other year to be used as a deduction. Any carryover deduction of this net operating loss included in federal or Oregon taxable income in another tax year must be added back to the extent it is included in federal or Oregon taxable income.**
- (f) A taxfiler is allowed a deduction for a pass-through net operating loss or net operating loss deductions from businesses not subject to tax under Metro Code Chapter 7.07, Business Income Tax.**
- (g) The deduction amount allowed in subsection (f) is limited to the pass-through net operating loss or net operating loss deduction included in Oregon taxable income for a resident or Multnomah County sourced income for a nonresident.**

(h) Passive activity losses that are not from a pass-through entity will be treated similarly to Oregon for personal income tax purposes to the extent they are included in Oregon taxable income or, for a nonresident, included in County sourced income.

IN CONSIDERATION OF ORDINANCE 23-1503, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTERS 7.05 (INCOME TAX ADMINISTRATION) AND 7.06 (PERSONAL INCOME TAX) TO ADD CERTAIN CLARIFICATIONS AND MAKE HOUSEKEEPING UPDATES.

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Date: October 9, 2023  
Department: Finance & Reg. Services  
Meeting Date: October 26, 2023

Presenter(s), (if applicable): Justin Laubscher, Tax Compliance Program Manager; Josh Harwood, Fiscal & Tax Policy Director  
Length: 20 minutes

Prepared by: Justin Laubscher

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### ISSUE STATEMENT

Through the course of 2022 and 2023 Metro has continued work on implementation of the Supportive Housing Services tax collection system with the tax administrator, the City of Portland. As part of the ongoing maintenance of the income tax system, staff works to identify portions of the tax code and administrative rules that could be clarified or to help more efficiently collect the taxes. Because the current code does not explicitly address these issues or provide guidance to tax practitioners, staff is proposing code amendments to codify these items. Three sections of the tax code have prompted discussions and comments.

- **E-Filing Mandate.** Metro would like to increase the number of tax returns filed electronically by implementing a mandate for electronic filing to expedite processing of tax returns, reduce data entry errors, and allows issuance of refunds sooner. This ordinance will authorize Metro to implement a mandate by administrative rule. The administrative rules would allow the Administrator to phase-in in a manageable manner that accommodates taxpayers, tax preparers, tax software vendors, and City of Portland resources. This aligns with how the State implemented its electronic filing mandate. Metro has been working closely with the City of Portland and Multnomah County with the intent to implement this mandate uniformly with all three tax entities. It is Metro's intent to implement these requirements beginning with the 2024 tax year (tax returns generally due in April of 2025).
- **Employer Penalties for Incorrect Withholding.** Currently, neither Metro's withholding tax code nor administrative rules specify that employers must submit accurate annual wage and tax statements (Form W-2s). Without specifying that employers may be penalized for submitting incorrect information, the administrator lacks a tool to enforce requests made to employers to provide accurate and/or corrected wage statements (Form W-2Cs).

- **Pass-Through Entity Deduction.** Metro and Multnomah County personal income tax programs allow a deduction for previously taxed income from pass-through entities (PTEs). However, the code and rules do not provide clear and complete guidance for all tax situations. The proposed amendment will provide further clarification for both tax preparers and tax filers.

### **ACTION REQUESTED**

Staff requests that Metro Council adopt Ordinance No. 23-1503.

### **IDENTIFIED POLICY OUTCOMES**

The Metro income tax codes (Chapters 7.05, 7.06, and 7.07 collectively) codify certain provisions of the Supportive Housing Services Measure approved by the voters. The proposed amendments to the Metro income tax codes will further clarify the intent of the code adopted in December 2020. These chapters established code requirements to implement the taxes imposed by the measure in an effective and efficient manner.

### **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

- Adopt this ordinance. This results in more clarity in the income tax codes, which guide the tax collection system.
- Adopt this ordinance with revisions or modifications as described by Council.
- Reject this ordinance with other direction to staff. The existing income tax code would remain in place, but proposed amendments would not be made.

### **STAFF RECOMMENDATIONS**

Staff recommend that Metro Council adopt Ordinance No. 23-1503.

### **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

*E-Filing.* Most federal and Oregon tax returns are prepared electronically as it facilitates the ease of tax return preparation and filing. An e-file mandate will encourage tax software developers to write software that accommodates the electronic filing of Metro tax returns which in turn will provide taxpayers with the same ease of tax return preparation and filing.

Not all Metro tax returns are available from software providers to tax filers and tax preparers which impacts the ability to file electronic tax returns. The federal government and the State of Oregon (State) both experienced this issue when they began accepting electronically filed tax returns. They implemented mandates requiring that certain taxpayers and tax preparers file tax returns electronically. Over time, this resulted in more federal and state tax returns and forms being filed electronically.

*Employer Penalties for Incorrect Withholding.* The Administrator reports seeing employers submit W-2s along with their annual reconciliation withholding return (AWR) reporting the number of W-2s issued. Later in the following year, the business will amend their prior year quarterly return and AWR but will not include the updated form W-2Cs. Without supplying the Form W-2Cs, there is no precise way to determine the accuracy of the

withholding claims. Requiring accurate and complete W-2s to be filed when the annual reconciliation is due and additionally when the return is amended addresses this concern. These proposed withholding enforcement penalties would not have a material impact on Metro collections revenue or expenses.

*Pass-through entity deduction.* Unlike the federal government and Oregon's tax treatment of pass-through entities, Metro, Multnomah County, and the City of Portland impose their business income taxes on pass-through entities doing business within our jurisdictions. Metro and Multnomah County adopted personal income taxes by tying to Oregon's personal income tax law as the starting point. This tie means that pass-through entity income is initially included in income reported on these returns. Adjustments are allowed to avoid double taxation.

While developing rules for the personal income tax programs Metro, Multnomah County, and the City of Portland determined that for pass-through entities (PTEs) that were subject to the business income taxes, net operating losses (NOL) incurred remained with the business entity. Since the PTE carries over and uses the loss the individual owner is not entitled to use the same loss. To the extent a PTE's loss is reported on the federal and state personal income tax returns, it must be added back to zero out the loss. It is not allowed to reduce any other income of the individual.

Prior to, and throughout the tax filing season, tax professionals inquired about the proper treatment. Some have suggested not allowing the use of NOLs and NOL deductions by the owner results in double taxation. Others have expressed concern that they receive no benefit of an NOL or the NOL deductions use. The latter reflects what actually occurs.

Data to determine PTE deduction revenue collection impacts is not available because the deduction occurs on the state return and then "flows through" to the Metro return as part of Metro taxable income. Staff considered options and determined that the best course of action was codifying the allowance of a deduction with adjustments to avoid double taxation when multiple tiers of PTEs are involved. Staff also ensured that the deduction should not exceed the individual taxpayer's share of distributive income from the PTE included in the return.



**Ordinance No. 23-1502 For the  
Purpose of Annexing to the  
Metro District Approximately  
23.71 Acres Located on the  
North Side of NE Evergreen Rd,  
East of NE 30th Ave, and West of  
NE  
*Ordinance***

Metro Council Meeting  
Thursday, October 26th, 2023

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE ) ORDINANCE NO. 23-1502  
METRO DISTRICT BOUNDARY )  
APPROXIMATELY 23.71 ACRES LOCATED IN ) Introduced by Chief Operating Officer  
HILLSBORO ON THE NORTH SIDE OF NE ) Marissa Madrigal with the Concurrence of  
EVERGREEN RD, EAST OF NE 30<sup>TH</sup> AVE, AND ) Council President Lynn Peterson  
WEST OF NE STARR BLVD )

WHEREAS, Mike Casey of STACK Infrastructure has submitted a complete application for annexation of four tax lots (“the territories”) totaling approximately 23.71 acres of Hillsboro to the Metro District; and

WHEREAS, the Metro Council added the territories to the urban growth boundary (UGB) by Ordinance No. 05-1070A adopted on November 17, 2005; and

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

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territories; 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 October 26, 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 October 7, 2023, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this \_\_\_ day of November 2023.

\_\_\_\_\_  
Lynn Peterson, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Connor Ayers, Recording Secretary

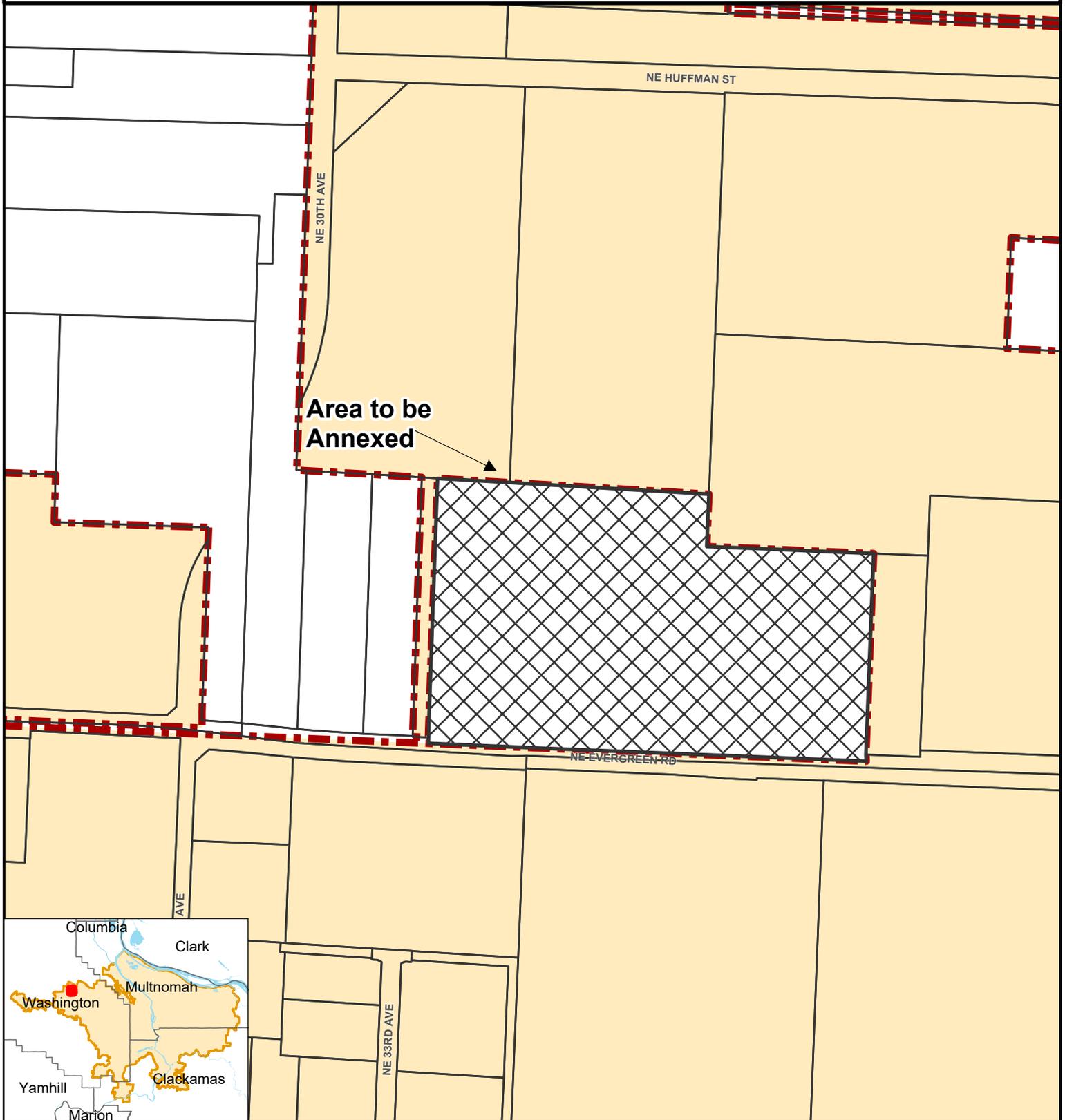
\_\_\_\_\_  
Carrie MacLaren, Metro Attorney

# Proposal No. AN0623

1N2W21

Annexation to the Metro Service District

Washington County



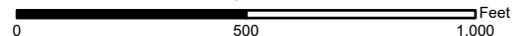
Research Center  
 600 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-1742  
<http://www.oregonmetro.gov/drc>

-  Taxlots
-  Metro district boundary

Proposal No. AN0623



1:5,000



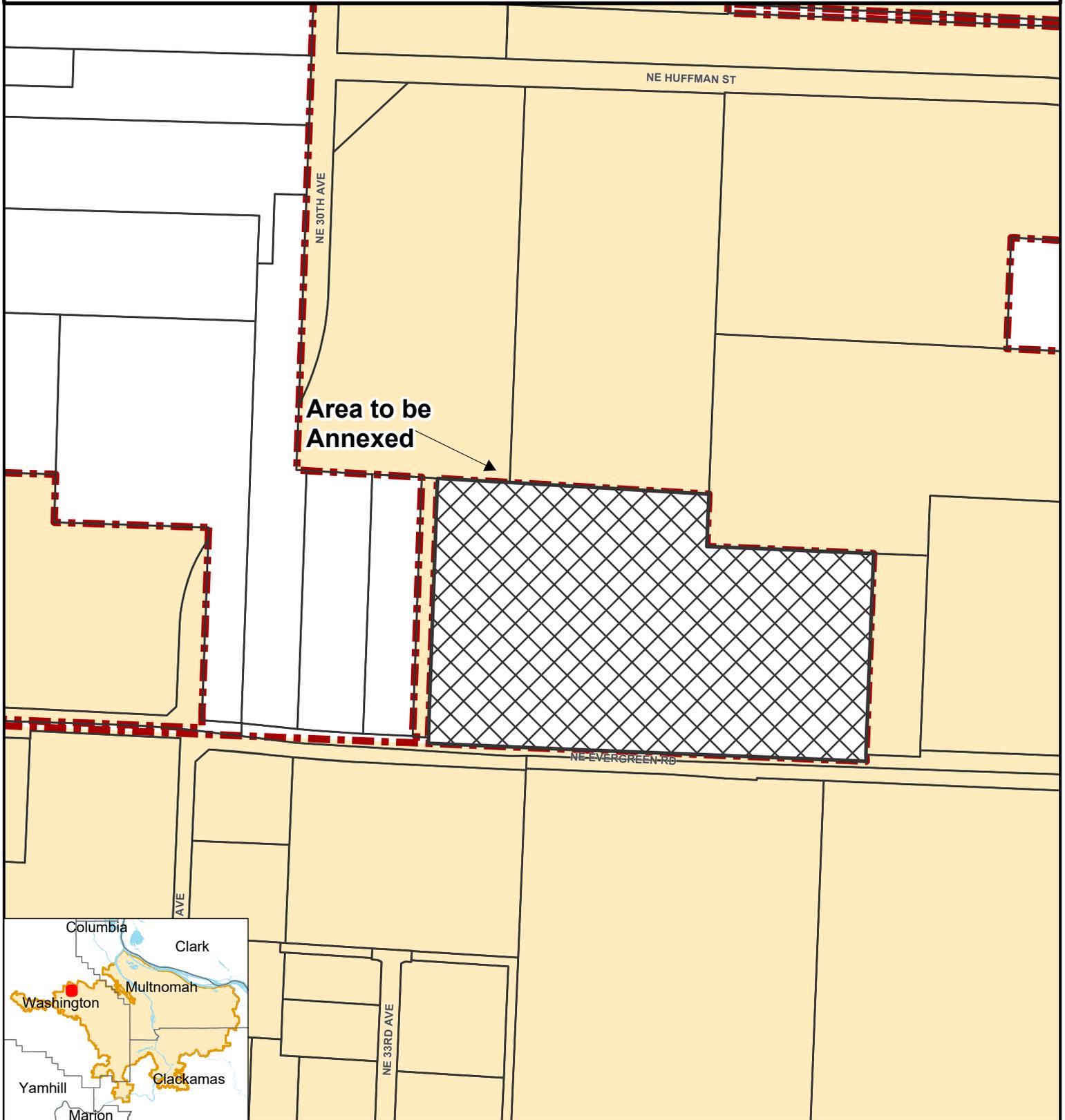
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# Proposal No. AN0623

1N2W21

Annexation to the Metro Service District

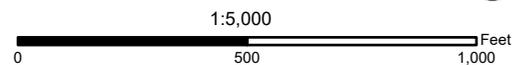
Washington County



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

-  Taxlots
-  Metro district boundary

Proposal No. AN0623



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## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 23-1502, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 23.71 ACRES LOCATED IN HILLSBORO ON THE NORTH SIDE OF NE EVERGREEN RD, EAST OF NE 30TH AVE, AND WEST OF NE STARR BLVD

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

Prepared by: Glen Hamburg  
Associate Regional Planner

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## BACKGROUND

CASE: AN-0623, Annexation to Metro District Boundary

PETITIONER: Mike Casey, STACK Infrastructure  
3555 NE Evergreen Rd  
Hillsboro, OR 97124

PROPOSAL: The petitioner requests annexation of four tax lots in Hillsboro to the Metro District Boundary.

LOCATION: The subject territories include four tax lots on the north side of NE Evergreen Rd, east of NE 30<sup>th</sup> Ave and west of NE Starr Blvd. The subject territories total approximately 23.71 acres in area and can be seen in Attachment 1.

ZONING: The City of Hillsboro adopted Ordinance No. 6413 on September 20, 2022, to zone the subject territory Industrial Sanctuary (I-S).

The subject territories were added to the urban growth boundary (UGB) in 2005. The territories 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 subject territories were brought into the UGB in 2005 through the Metro Council's adoption of Ordinance No. 05-1070A. Therefore, the territories are 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:

The City of Hillsboro has already annexed the subject territories with approval of Ordinance No. 6412. 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 territories have been approved by the City to be zoned for industrial use and the proposed boundary change would allow for their industrial development. The subject territories are already within the UGB and are 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 23.71 acres to the Metro District. The territories are currently within the UGB and approval of this request will allow for their urbanization consistent with the City of Hillsboro Comprehensive Plan and Community Development Code.

**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. 23-1502.

**Private Facility Rate  
Transparency**  
*Other Business*

Metro Council Meeting  
Thursday, October 26th, 2023

## STAFF REPORT

### WASTE PREVENTION AND ENVIRONMENTAL SERVICES: PRIVATE RATE TRANSPARENCY

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**Date:** September 20, 2023

**Department:** WPES

**Meeting Date:** October 26, 2023

**Presenter(s) (if applicable):** Marta McGuire (she/her), Jenna Jones (she/her) and Holly Stirnkorb (she/her)

**Prepared by:**

Jenna Jones, [jenna.jones@oregonmetro.gov](mailto:jenna.jones@oregonmetro.gov)

Holly Stirnkorb,

[holly.stirnkorb@oregonmetro.gov](mailto:holly.stirnkorb@oregonmetro.gov)

**Length:** 30 minutes

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### ISSUE STATEMENT

During the creation of the FY23-24 budget, Metro Council directed the Waste Prevention and Environmental Services department to provide ongoing technical education about fees and regional waste priorities to inform future Council direction on the annual WPES budget and regional waste fees.

During the last budget and fee setting process, cities and counties elevated the need to ensure that rates charged at private stations are reasonable, regionally consistent, and well understood. Local governments began expressing concern in 2010 as rates at private facilities began to exceed rates at public stations. Metro does not currently regulate rates at privately owned facilities but could exercise the authority to do so if Metro Council finds it to be in the public interest. This work session is the opportunity for Metro Council to get an update on rates at private transfer stations and provide guidance to staff on whether Council would like to proceed to Step 3 in the Transfer System Configuration Policy adopted in 2016.

### ACTION REQUESTED

Staff request guidance on proceeding with formal consideration of a resolution to direct staff to conduct a cost-of-service study of the rates of private transfer stations that process putrescible waste in the Metro region to determine costs relative to rates charged. This informational session will also support Council conversations about FY24-25 budget and fee development, adopting a Systems Facilities Plan, and other policy actions.

### IDENTIFIED POLICY OUTCOMES

Currently, Metro has the authority to regulate rates within the region but does not exercise it. Private transfer station rates are directly tied to fees established by local governments for collection services for households and businesses. Conducting a cost-of-service study will provide information for Council to inform further actions to advance 2030 Regional Waste Plan goals including:

Goal 14: Adopt rates for all services that are reasonable, responsive to user economic needs, regionally consistent and well understood.

Action 14.2: Implement transparent and consistent annual rate-setting processes for all facilities.

Action 14.3: Establish rates across the region that are consistent for like services.

## **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

1. Direct staff to move forward with Step 3 of the Transfer System Configuration Policy, which includes conducting a fully detailed cost of service study at private waste transfer stations that includes formal approval of the attached draft resolution.
2. Direct staff to take no action.

## **STAFF RECOMMENDATION**

Staff recommends Metro Council move forward with Step 3 of the Transfer Station Configuration Study and consider formal approval of the attached resolution.

## **STRATEGIC CONEXT**

### *Inconsistency of Regional Rates at Private Transfer Stations*

Inconsistent rates that are not well understood impact the equity of the garbage and recycling system. Local governments are concerned that the rates charged by private transfer stations are too high and these rates, which are passed onto residential and commercial customers through collection and other service rates, have resulted in increased costs to customers that are not representative of the cost of service. Additionally, inconsistent rates may have a larger impact on communities with low income. As of 2023, three of the four private transfer stations that charge more than Metro's fees serve communities with some of the highest percentages of people with low incomes. These communities are in western Washington County and east Multnomah County.

The steps that Metro has taken to improve rate transparency at private transfer stations have provided estimates, but actual detailed cost data is needed to understand rates charged by private transfer stations and determine if charges are reasonable based on cost of service. The voluntary incentives offered by the goals-based tonnage allocation program to advance rate affordability and consistency have not been effective in encouraging private transfer stations to set rates that are no more than Metro's garbage disposal fee. In the last two years for an average load size of 8 tons, rates ranged from slightly below Metro's fees to as much as 15% above Metro's fees.

Conducting cost-of-service studies and rate reviews of private service providers is a common practice. Oregon Department of Environmental Quality recently completed a cost-of-service study to inform fee development for privately owned material recovery facilities. All local governments in the Metro region conduct rate reviews for garbage hauling services and most companies that own private transfer stations participate in these rate reviews.

### *If Council Choose to Proceed Towards a Rate Review*

If Council wishes to continue toward a cost-of-service study, Metro staff would convene industry, local government, and community with an independent third-party expert to a develop data gathering and cost calculation process. The information would be used to evaluate the cost of service and determine the aggregated cost per ton for wet waste transfer at privately owned transfer stations in the region. The data gathering process will include surveys and interviews, site visits, and review of financial information. Confidentiality and data security procedures will be developed to protect the confidentiality of participant's business data.

The project would include input from industry, government, and community to inform the development of the cost-of-service study. Stakeholders' input will also inform decisions with other

related projects including the System Facilities Plan, Tonnage Allocation Program, and Recycling Modernization Act rulemaking. The Regional Waste Advisory Committee would be informed about the study design and resulting aggregated cost-per-ton for wet waste transfer by private transfer stations.

## **BACKGROUND**

In July 2016, to improve overall system function, the Metro Council adopted the Transfer System Configuration Policy and directed the Chief Operating Officer to proceed with its implementation (Resolution 16-4716). The resolution set direction for several policies related to improving the region's garbage and recycling system to better serve the public's interest including an approach to improve transparency of rates charged by both publicly and privately owned transfer stations and a policy to allocate wet waste tonnage on a percentage basis to ensure flow to public transfer stations.

The approach to improve transparency of rates is a three-step process as follows:

- **Step 1:** Estimate the costs of public stations and publish these costs to provide a clear benchmark for local governments in their rate setting process.
- **Step 2:** Conduct a high-level cost study of private wet waste transfer station costs to estimate various components (transfer, transport, disposal) of each station's tip fee. **This did not allow Metro access to an operator's comprehensive financial records at a detailed level.**
- **Step 3:** Conduct a full detailed rate review at private waste transfer stations, including a detailed review of financial records, to determine costs relative to rates charged.

Metro has accomplished both step 1 and step 2. In 2017, it released cost estimates for private stations and in 2019 Metro completed a cost study of private wet waste transfer costs based on estimates of various components of each station's rate (Step 2 of the Transfer System Configuration Policy to improve rate transparency). Metro staff went to Council in 2019 to seek direction to move to Step 3 (a full rate review of actual costs rather than estimates) because the study based on estimates did not provide sufficient information.

In 2016, staff designed a transparent method to allocate a percentage of the region's wet waste tons to private transfer stations in recognition of the value those stations provide in terms of geographic distribution of services. Following the adoption of the Regional Waste Plan in 2019, Council directed staff to incentivize progress toward achieving five Regional Waste Plan goals through goals-based wet waste tonnage allocations. With this approach transfer stations receive an annual base tonnage allocation and, if they apply for and meet criteria for goals-based tonnage, they receive additional tonnage. One of the five Regional Waste Plan goals is Goal 14 which advances the adoption of rates that are reasonable, regionally consistent, and well understood. The incentive is designed to encourage private transfer stations to advance rate affordability and consistency by charging rates that were no more than Metro's garbage disposal fee.

The voluntary incentives offered by the goals-based tonnage allocation program have not been successful in incentivizing private transfer stations to charge rates that are no more than Metro's garbage disposal fee. In 2022 and 2023, several private transfer stations opted not to meet Metro's rate and as a result opted not to receive the additional tonnage allocations. In 2022 three transfer stations opted out and this year four transfer stations opted out. As a result, rates currently charged are not regionally consistent. In 2022 rates ranged from slightly below Metro's fees to as much as

15% above Metro's fees for an average load size of 8 tons. This year (2023), rates charged range from slightly below Metro's fees to as much as 6% above Metro's fees.

Key parties with a high level of interest include local governments around the region, both persons and companies in the solid waste and recycling field, both individually and through the Oregon Refuse and Recycling Association (ORRA), and owner/operators of the 6 privately owned transfer stations in our region.

#### **ATTACHMENTS**

N/A

[For work session:]

- Is legislation required for Council action?  Yes  No
- If yes, is draft legislation attached?  Yes  No
- What other materials are you presenting today? Legislative issue sheets

BEFORE THE METRO COUNCIL

|                                       |   |                                       |
|---------------------------------------|---|---------------------------------------|
| FOR THE PURPOSE OF DIRECTING STAFF TO | ) | RESOLUTION NO. 23-XXXX                |
| PROCEED WITH A FORMAL COST OF         | ) |                                       |
| SERVICE STUDY OF PRIVATE TRANSFER     | ) | Introduced by Chief Operating Officer |
| STATIONS IN THE METRO REGION          | ) | Marissa Madrigal in concurrence with  |
|                                       | ) | Council President Lynn Peterson       |

WHEREAS, Goal 14 in Metro’s 2030 Regional Waste Plan seeks “rates that are reasonable, responsive to user economic needs, regionally consistent and well understood”; and

WHEREAS, Goal 14 further includes the specific action of “Establish[ing] rates across the region that are consistent for like services,” and

WHEREAS, ORS 268.317 authorizes Metro to “maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities” within the Metro region; and

WHEREAS, in 2019 Metro completed a cost study of private transfer station’s putrescible waste transfer costs based on estimates of various components of each station’s rate, but this was only an estimate because Metro did not have access to each transfer station’s financial records: and

WHEREAS, as of October 2023, there are transfer stations in the Metro region that charge more for putrescible solid waste transfer than the rate Metro charges at its Metro South and Metro Central transfer stations; and

WHEREAS, these transfer stations touch each corner of the Metro region in Forest Grove, Wilsonville, Gresham, and Troutdale; and

WHEREAS, rate differences result in some residents paying more for like services than others; and

WHEREAS, most local governments in the Metro region conduct periodic rate reviews for their franchised garbage hauling services; and

WHEREAS, a rate review of private transfer station rates in the Metro region would provide the detailed cost data needed to align with other related projects, including Metro’s System Facilities Plan, Metro’s Tonnage Allocation Program, and the Recycling Modernization Act implementation; now therefore,

BE IT RESOLVED that the Metro Council directs staff to:

1. Direct staff to conduct an independent cost of service study of the rates of private transfer stations that process putrescible waste in the Metro region to determine costs relative to rates charged.
2. Convene industry, community, and local government partners with an independent third-party contractor to help Metro design the cost-of-service study.
3. Provide findings on cost-of-service study to Metro Council for consideration.

ADOPTED by the Metro Council this [insert date] day of [insert month] [insert year].

Approved as to Form:

---

Lynn Peterson, Council President

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Carrie MacLaren, Metro Attorney

DRAFT

Materials following this page were distributed at the meeting.



# Supportive Housing Services Program and Tax Implementation Ordinance 23-1503

October 26, 2023

# Ordinance 23-1503: Proposed Code Updates

## Three Amendments:

- E-filing Mandate
- Employer Penalties for incorrect withholding; and
- Pass-Through Entity deduction

# Exhibit A: E-filing Mandate, Chapter 7.05

- Only applies to tax preparers
- Expedites processing of returns; Increases efficiency, decreases errors
- To be implemented uniformly with all three jurisdictions effective 2024 tax year – tax returns due in April of 2025

# Exhibit B: Employer Penalties for Incorrect Withholding, Chapters 7.05 & 7.06

- Current code lacks a tool (penalty) to enforce accurate withholding reporting claims by employers.
- Requires accurate and complete W-2s be filed when the annual reconciliation is due and additionally when a return is amended.

# Exhibit C: Pass-through Entity Deduction, Chapter 7.06

- Metro personal income tax programs allow a deduction for previously taxed income from pass-through entities.
- Current code and rules do not provide clear and complete guidance.
- Tax practitioners are seeking guidance.

# Pass-through Entity Deduction Chapter 7.06, cont'd.

- Allows a taxfiler a deduction for a pass-through net operating loss, with conditions.
- Limited to the current year; cannot be carried over to any other year.
- Must be added back to the extent it is included in federal or Oregon taxable income.

**oregonmetro.gov**  
/housingservices



# Private transfer station rate transparency

Councilor Meeting

Jenna Jones, State and Regional Affairs Advisor

Holly Stirnkorb, Principal Planner

Oct 26, 2023



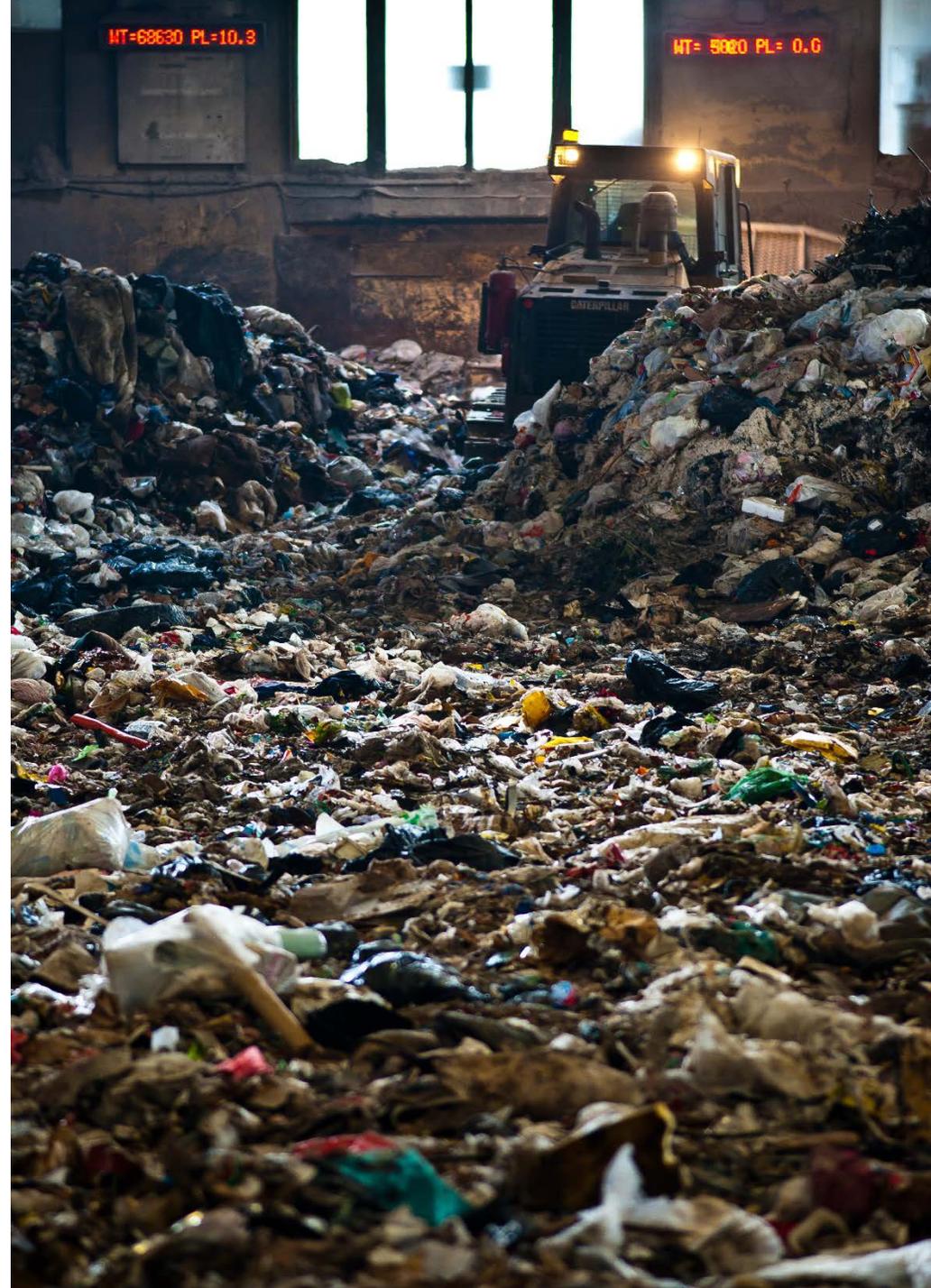
# Today's discussion

Current policy framework and outcomes

Action requested

Staff recommendation

Discussion



# Current Policy Framework

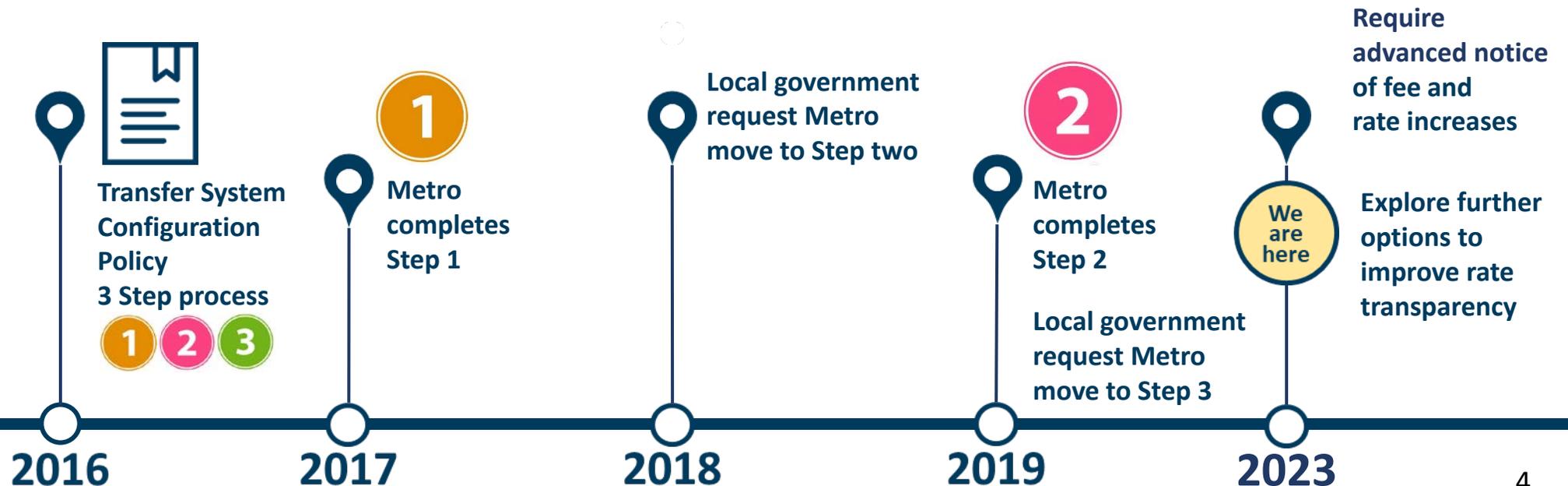
- 2030 Regional Waste Plan
  - Goal 14 to advance the adoption of rates that are reasonable, responsive to user economic needs, regionally consistent and well understood
- 2016 Transfer System Configuration Policy
  - Ensure rate transparency
  - Tonnage allocation



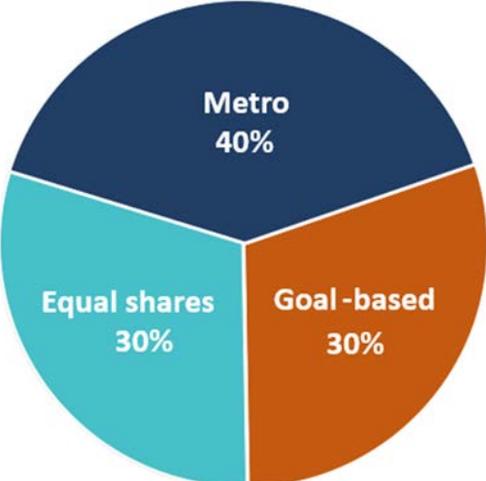
# Ensure rate transparency

Metro does not regulate rates at privately owned facilities, but could exercise the authority to do so if the Metro Council finds it to be in the public interest

Local governments began expressing transparency concerns in 2010 as rates at private facilities began to exceed rates at public stations



# Goal-based tonnage allocation



Living wages and good benefits

Increase workforce diversity

Reduce environmental impacts

Invest in communities

Reasonable, responsive, consistent rates



*Goal 14: Reasonable, responsive, consistent rates*

Total charge per ton (inclusive of all fees) is no more than Metro’s Solid Waste fee.

# Outcome of Current Policies

Implementation of current policies have not advanced 2030 Regional Waste Plan goals to adopt rates for all services that are regionally consistent or well understood.

- Insufficient information to understand rates charged by private transfer stations and determine if charges are reasonable based on cost of service
- Voluntary incentives unsuccessful in encouraging all private transfer stations to charge rates for wet waste that are consistent with fees at Metro transfer stations

**2022 Rates**  
Slightly below to  
15% above  
Metro's fee

**2023 Rates**  
Equal to 6% above  
Metro's fee

# Why a cost-of-service study may be necessary



Good Governance



Better Data, Better Transparency, Better Decisions



Touches Many Parts of the Region



Keeping Promises to Local Government Partners



Impacts Business and Residential Customers

# What the process could look like

- Convene industry, local government and community partners
- Independent third-party expert
- Confidentiality and data security procedures
- Aggregated cost results



# Discussion

Do you have any questions about the information presented?

Do you support the staff recommendations?

# Thank you!

Jenna Jones

Jenna.Jones@oregonmetro.gov

Holly Stirnkorb

Holly.Stirnkorb@oregonmetro.gov

October 26, 2023





**Oregon Zoo**  
Together for Wildlife

October 26, 2023

# Campus planning

# Mission

The Oregon Zoo connects our community to the wonder of wildlife to create a better future for all.



# Who we are

We are a hub for science, conservation, education and animal well-being, delivering the highest quality of care.



# Community treasure

One of most visited  
cultural landmarks in  
the Northwest



# Conservation powerhouse

Making a difference  
for wildlife, at home  
and around the world



# Condor recovery

- 163 eggs
- 109 chicks
- 85 wild releases



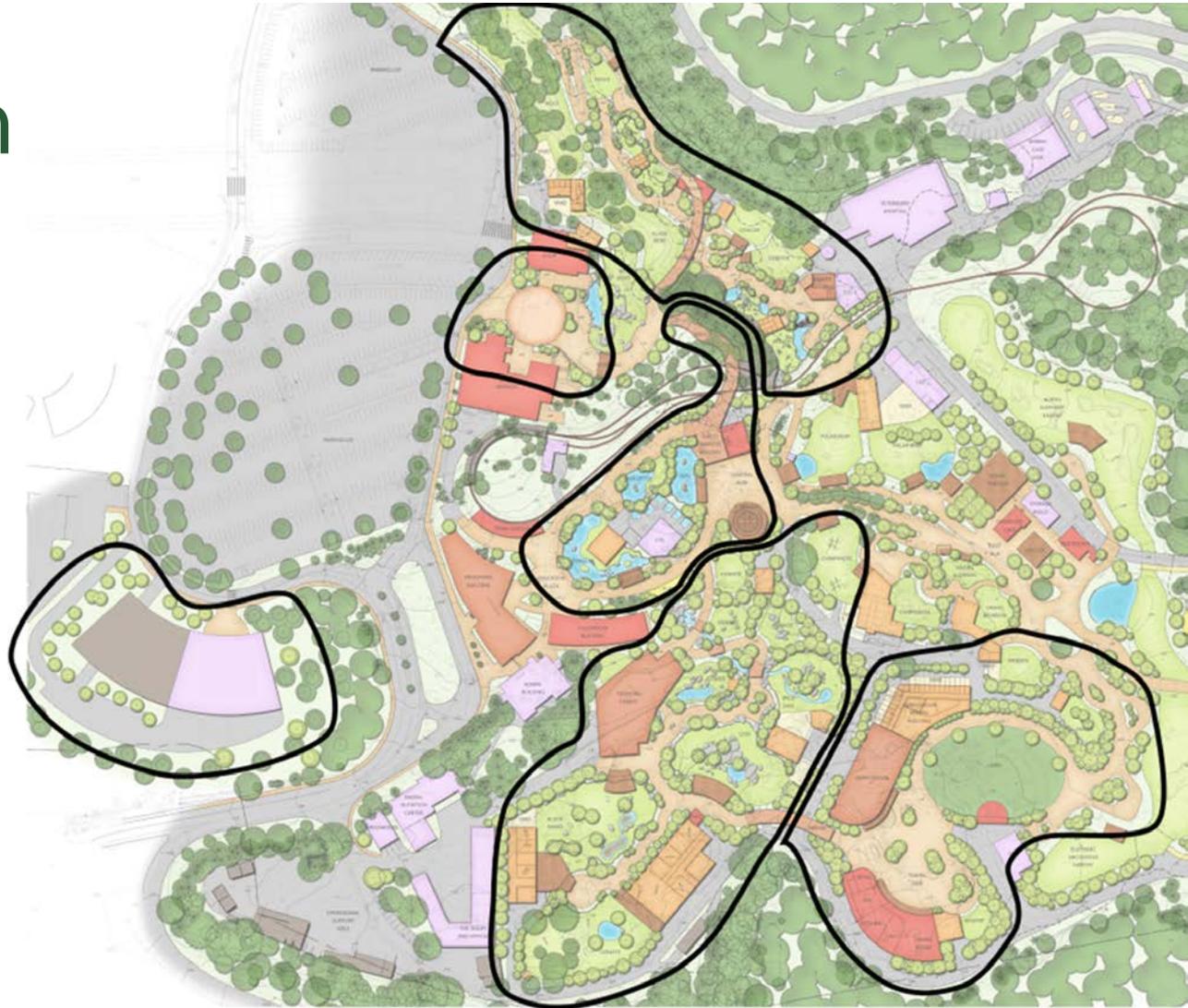
# Sea otter reintroduction

Supporting the Elakha Alliance's work to bring sea otters back to the Oregon Coast



# Campus plan

The Oregon Zoo connects our community to the wonder of wildlife to create a better future for all.



# Background: 2008 bond measure

- Nearly 40% of zoo updated
- Focus on animal well-being, sustainability
- All projects completed on time and on budget





# Community engagement

Bringing together key stakeholders, we looked at where we've been and where we want to go.



# Community engagement

Response to each element of the plan was overwhelmingly positive.



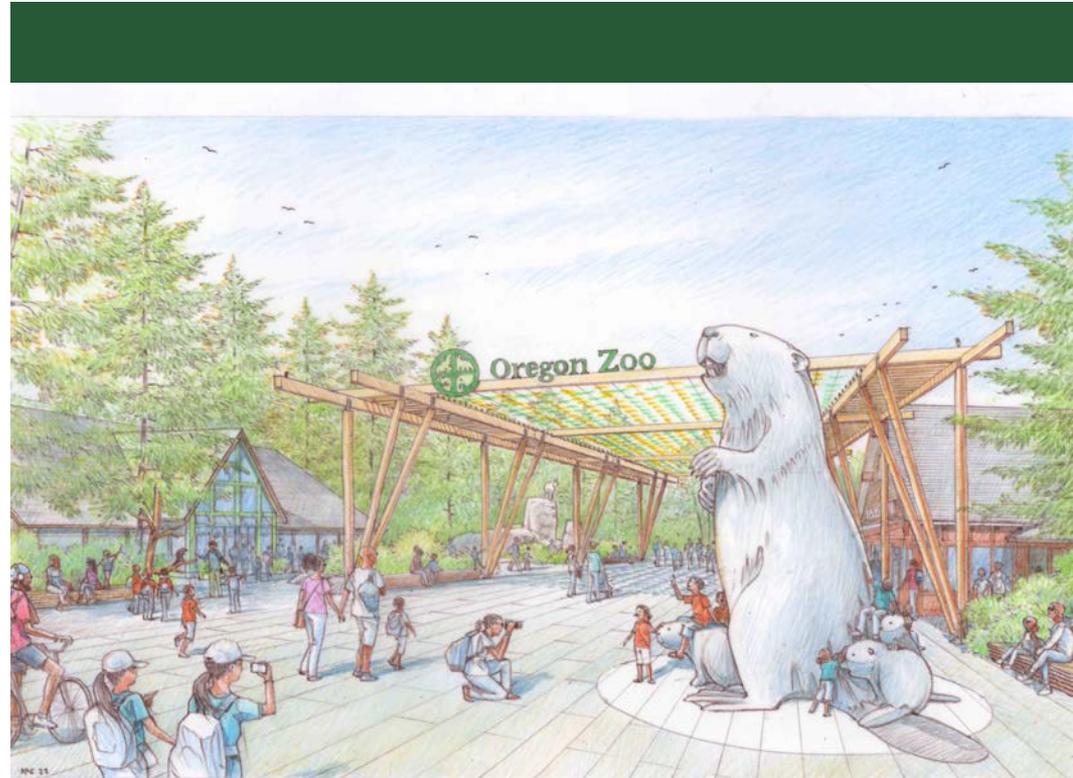
# Design concepts

New entry plaza with improved wayfinding and protection from the elements



# Design concepts

New entry plaza with improved wayfinding and protection from the elements





## Great Northwest

- Maintain immersive forest experience
- Improve pathways
- Modernize animal habitats and keeper areas
- Highlight zoo's Northwest species recovery work

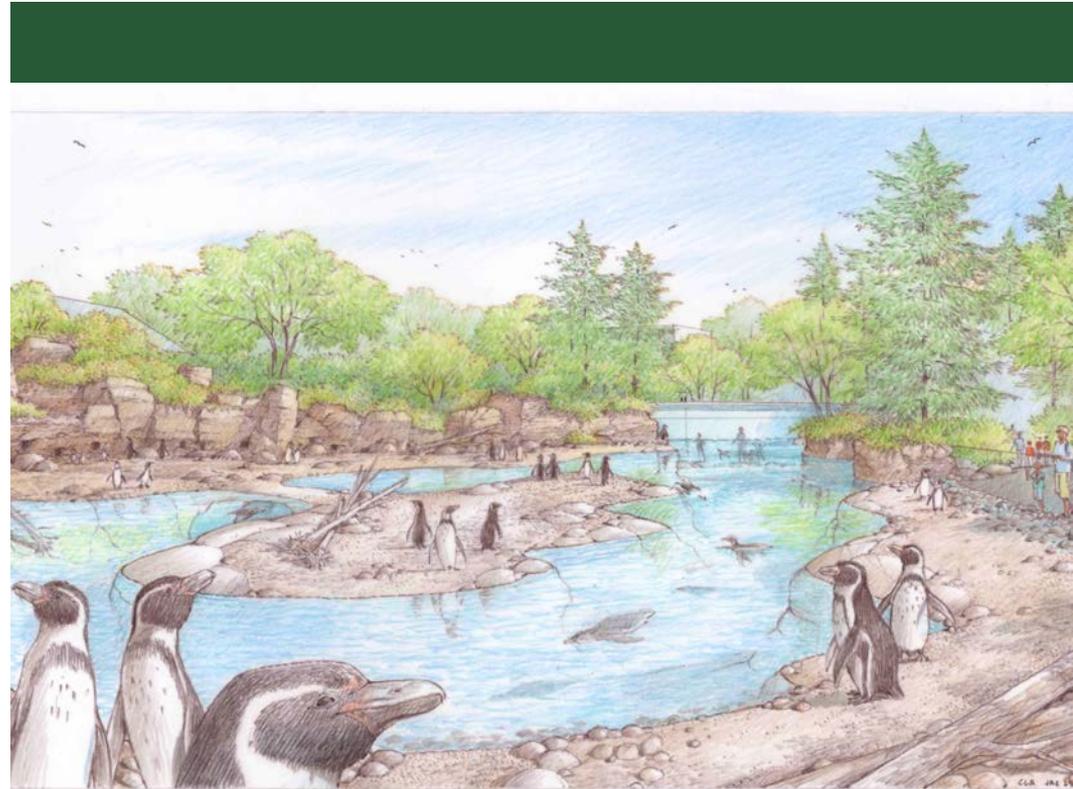
# Coastal Shores

- Address aging infrastructure
- Showcase keystone marine species
- Sea otters and kelp ecosystem



# Design concepts

New outdoor habitat  
to replace outdated  
Penguinarium



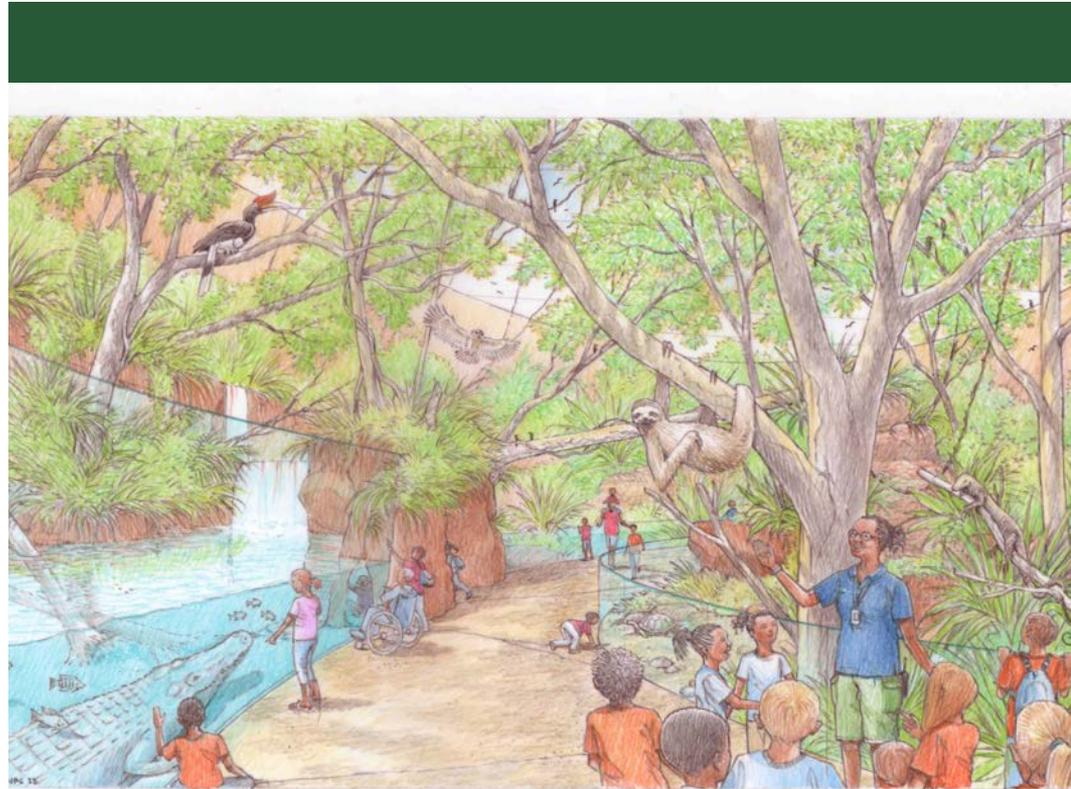
# South Hub

- Expand guest amenities and food options
- New concentration of Asian animals allows better conservation storytelling
- Improve play, rest and event areas



# Design concepts

Indoor “herpetarium”  
and home for zoo’s  
ambassador animal  
program





# African zone

- Modernize facilities
- Improve accessibility
- New interactive opportunities
- Improve hillside experience
- Indoor tropical bird and botanical gardens

# Public benefits programs

- Clean air construction
- Construction career pathways
- Contracting equity





# Sustainability

Conserving natural resources and inspiring sustainable practices









# Oregon Zoo

Together for Wildlife

The Oregon Zoo is part of Metro.  Metro