

Council meeting agenda

Thursday, October 14, 2021

10:30 AM

**<https://zoom.us/j/615079992> or
888-475-4499 (toll free)**

Revised 10/12

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1. Call to Order and Roll Call

2. Public Communication

Public comment may be submitted in writing and will also be heard by electronic communication (videoconference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by noon on the day of 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 503-797-1916 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those requesting to comment during the meeting can do so by using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at legislativecoordinator@oregonmetro.gov. Individuals will have three minutes to testify unless otherwise stated at the meeting.

3. Presentations

- 3.1 Review and Discussion of the Metropolitan Transportation Improvement Program (MTIP) Amendment Evaluation Proposal [21-5608](#)

Presenter(s): Margi Bradway, (she/her), Metro
Ted Leybold (he/him), Metro

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

4. Consent Agenda

- 4.1 Consideration of the Council Meeting minutes for September 30, 2021. [21-5609](#)

Attachments: [093021c Minutes](#)

5. Ordinances (First Reading and Public Hearing)

- 5.1 Ordinance No. 21-1469, For the Purpose of Establishing Criteria for Metro Council District Reapportionment and Declaring an Emergency [ORD 21-1469](#)

Presenter(s): Anne Buzzini (she/her), Metro

Attachments: [Ordinance No. 21-1469](#)
[Staff Report](#)
[Attachment 1](#)

- 5.1.1 Public Hearing for Ordinance No. 21-1469

6. Councilor Stacey Farewell

7. Councilor Communication

8. Chief Operating Officer Communication

9. Adjourn

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Agenda Item No. 3.1

**Review and Discussion of the Metropolitan Transportation Improvement Program (MTIP)
Amendment Evaluation Proposal**

Presentations

Metro Council Meeting
Thursday, October 14, 2021

REVIEW AND DISCUSSION OF THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) AMENDMENT EVALUATION PROPOSAL

Date: October 5, 2021
Department: Planning, Development &
Research
Meeting Date: October 14, 2021

Prepared by: Margi Bradway, Ted Leybold
Presenters: Margi Bradway, Ted Leybold
Length: 30 minutes

ISSUE STATEMENT

The Metropolitan Transportation Improvement Program (MTIP) provides guidance for how proposed near-term transportation investment decisions are made and how they implement the priority policy outcomes defined in the long-term Regional Transportation Plan (RTP). The Metro Council is requested to adopt a new MTIP every three years and is also requested to manage changes through amendments to the MTIP each month. This work session item is to follow up on direction Metro Council provided at its September 7, 2021 work session to develop additional performance evaluation of significant MTIP amendments relative to the adopted policies on transportation investment priorities as defined in the RTP.

ACTION REQUESTED

Discuss, modify and affirm with Metro staff the performance evaluation procedures to be used for proposed MTIP amendments.

IDENTIFIED POLICY OUTCOMES

The MTIP aims to carry out regional transportation policy direction set forth in the RTP. In addition to adequately maintaining the transportation system, investments are to improve outcomes toward desired performance for the following priorities:

- **Safety:** toward the Region's Vision Zero target for fatal and serious injury crashes
- **Climate:** implementing the Region's Climate Smart Strategy
- **Equity:** eliminating inequities of the transportation system for people of color and with low income
- **Congestion relief:** implementing the Region's Congestion Management Process

When it comes to considering projects being amended in the MTIP, Metro staff has heard from Council that they want:

- Additional information on larger, motor vehicle capacity projects regarding their impacts on the four RTP priority outcomes for transportation investments
- Improved communication between Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) on how to meet the four desired outcomes

- A short term and long-term strategy for how to evaluate and update the priority outcomes at both the system and project levels

POLICY QUESTION(S)

No policy questions are proposed. Metro staff seeks to discuss and confirm the proposed MTIP amendment performance evaluation procedures accurately reflects the direction provided by Metro Council at its September 7, 2021 work session.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

The proposed evaluation performance procedures were drafted to better inform Council's consideration of MTIP amendments relative to implementation of policy on investment priorities as defined in the RTP. For the immediate, short-term procedures proposed, Metro staff seeks discussion and affirmation the proposed procedures will help ensure implementation of existing regional transportation policy when MTIP amendments are proposed.

During the 2023 RTP update process, Metro Council will provide direction to update policies on transportation investment priorities. Policy options for Council to consider will be provided as a part of that process.

STAFF RECOMMENDATIONS

Affirm that the performance evaluation procedures (Attachment 1) address Metro Council direction on additional information desired for consideration of proposed MTIP amendments.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The MTIP is both a process and a project and fund programming document to help administer how proposed near-term transportation investment decisions consider and help implement the priority policy outcomes defined in the long-term regional transportation plan. Metro Council participated in the development of the current RTP that utilized Metro equity goals and climate action goals and integrated them into regional transportation policy. Council will work through the next two years to update those policies during the development of the 2023 RTP.

To help inform Council consideration of proposed MTIP amendments, Metro Council requested staff develop updated procedures for providing additional information regarding expected impacts to the RTP's priority investment policy objectives. While the MTIP is an administrative tool rather than a means of adopting policy, the MTIP is required to be consistent with investment priority policies of the RTP. The additional performance analysis proposed should help inform and support Metro Council action on proposed project amendments on the consistency of the MTIP with the priority investment policies of the RTP.

BACKGROUND

The MTIP is a federally required process that encourages the cooperative development, evaluation, and adoption of the near-term investments in regional transportation. Its purpose is to promote communication and collaboration by agencies that allocate transportation funds, promote consideration of transportation plans and policies as a part of funding allocation processes, and to ensure fiscal accountability for agencies using federal transportation funds on projects.

The MTIP includes documenting how transportation projects prioritized for funding advance the Portland metropolitan region's shared goals and comply with federal regulations – such as fiscal constraint, air quality impacts, and public involvement. The MTIP outlines the implementation schedule of federally funded transportation projects in the region for the next four years and helps to manage the delivery of transportation projects. The MTIP exists as a financial planning and project delivery tool for the metropolitan region. As a tool, the MTIP assists in ensuring the region does not overspend and tracks the scheduled delivery of transportation projects.

Metro Council's participation in this process is framed by its role as the policy board of the region's Metropolitan Planning Organization (MPO), a role it shares with JPACT. Federal regulations require the MPO policy board to adopt each MTIP and approve subsequent amendments to the MTIP.

Council most recently approved the 2021-24 MTIP, which is currently active, and has approved subsequent amendments to the current MTIP. Work has also begun on the development of the 2024-27 MTIP. Staff has provided comments to Oregon Department of Transportation (ODOT) on the development of its funding allocation processes based on the Council adopted policy priorities and Council considered program direction for the allocation of Regional Flexible Funding Administration (RFFA) for 2025-27 at its September 9, 2021 meeting.

Staff support to the Council for the MTIP process has been guided by the 2021-24 Policy (Program Direction) Report. In addition to following federal regulations, encouraging cooperation in leveraging discretionary funding, and implementing a regional funding strategy, it emphasizes implementation of the RTP investment priority outcomes described above.

Currently the process for analysis and consideration of a new MTIP is for staff to conduct a performance assessment on the package of proposed new projects to evaluate their expected impact on the regional performance targets for the priority outcomes. Based on this assessment, staff may also make recommendations to funding agencies regarding implementation of the proposed projects or for consideration during their next funding allocation process. For individual project amendments to the current MTIP, current practice is to ensure the project is included as a part of the RTP financially constrained list (which is also analyzed for performance against the regional performance targets) and to describe which priority outcomes the project will advance.

ATTACHMENTS

Attachment 1: Memo to Metro Council regarding new procedures for MTIP Amendments

[For work session:]

- Is legislation required for Council action? ☐ Yes X No
- If yes, is draft legislation attached? ☐ Yes ☐ No
- What other materials are you presenting today? PowerPoint presentation

TO: Metro Council
FR: Margi Bradway, Ted Leybold
DATE: October 4, 2021
RE: Council direction regarding new procedures for MTIP Amendments

Introduction

Metro Council initiated a discussion on how to better utilize the Metropolitan Transportation Improvement Program (MTIP) process to ensure the region's near-term investment program reflects the investment priorities – climate, safety, equity and congestion relief (mobility) – as identified in the 2018 Regional Transportation Plan (RTP). At its September 7, 2021 work session, Council members requested a proposal from Metro staff on both new short-term procedural actions as well as long-term policy and procedural actions developed through the 2023 RTP and 2024-27 MTIP processes. This evaluation proposal for MTIP amendments is complementary to the evaluation conducted on the package of projects included in the development and adoption of a new MTIP every three years.

New Short-Term MTIP Procedural Actions

Between now and the development of the 2023 RTP, new procedural actions are proposed to better inform amendment decisions. The focus of the procedural actions is to evaluate whether projects added to the MTIP or projects in the MTIP being proposed for modification reflect and advance the four investment priorities in the 2018 RTP. The current process ensures a proposed amendment meets eligibility requirements for inclusion in the MTIP and simply identifies how a project may contribute to an RTP performance goal. Council expressed interest in focusing additional analysis efforts on larger projects that were likely to have impacts on motor vehicle capacity and/or greenhouse gas emissions.

To meet this direction, Metro staff propose the following changes.

Projects that warrant further analysis will be based on meeting the following thresholds:

- **Cost:** total project cost is expected to be approximately \$100 million or greater¹, *and*
- **Capacity:** project will add motor vehicle lane capacity (including auxiliary lanes) to the transportation system in the region, or add a system management tool that is likely to have a significant impact on motor vehicle travel demand or capacity (e.g. pricing).

Metro staff will make a determination on whether a project meets the threshold that requires further analysis.

Supplemental Analysis/Evaluation Components

The supplemental analysis will consist of the following two elements.

¹ A less expensive project may be subject to the supplemental evaluation if it is a segment or component part of a series of planned motor vehicle capacity project(s) within a corridor or sub-area.

1. Proposed policy review on priority transportation investments

State policy

For projects on the ODOT system that meet the cost and capacity threshold, Metro will request documentation on how the proposed amendment addressed and is determined to be consistent with statewide Oregon Highway Plan (OHP) Policy 1G and Action 1G.1: *“maintain highway performance and improve safety by improving system efficiency and management before adding capacity.”*

Regional Transportation Plan policy

RTP Policy 18 states that *“Prior to adding new throughway capacity beyond the planned system of through lanes, demonstrate that system and demand management strategies, including access management, transit and freight priority and congestion pricing, transit service and multimodal connectivity improvements cannot adequately address throughway deficiencies and bottlenecks.”*

Pages 3-71 and 3-72 of the 2018 RTP regarding the Congestion Management Process state that the *“The RTP calls for implementing system and demand management strategies and other strategies prior to building new motor vehicle capacity, consistent with the Federal Congestion Management Process (CMP), Oregon Transportation Plan policies (including Oregon Highway Plan Policy 1G) and Section 3.08.220 of the Regional Transportation Functional Plan (RTFP).”*

Metro will ask agency staff proposing an MTIP amendment to describe how the proposed project and the amendment is consistent with these regional policies.

2. Proposed performance assessment/evaluation

To measure the how a project or an amendment to a project advances the RTP investment priorities, Metro staff considered a wide range of performance measures for both the short-term and the long-term that would provide the most relevant information regarding a project’s performance and consistency with the four RTP investment priorities of Equity, Safety, Congestion Relief, and Climate. Metro staff will work to develop the measures and analysis tools for a long-term approach to supplemental MTIP amendment analysis and will utilize the development processes of the 2023 RTP and 2024-27 MTIP to do so, with initial ideas for performance measure development described in Appendix A. For the short-term, Metro staff recommend using information and tools that are more readily available.

Modified assessment for a Preliminary Engineering project phase

Staff will assess the project based on the information available at the time and initially screen for the appropriate level of performance assessment. Some proposed amendments to the MTIP fund only the preliminary engineering (PE) phase of a project. At this stage, the project design is often still conceptual. Prior to substantially completing the PE phase of work, the scope of the project is typically not completed enough for a detailed project performance evaluation. In these circumstances, the some of the performance measures described below may not be applicable or may need to be adjusted. Those measures are identified in the tables with footnotes.

Future project phases requesting inclusion in the MTIP by amendment, such as adding a right-of-way or construction phase of the project, will necessitate the project undergoing the full performance assessment.

Equity

To measure equity in the context of the project, Metro staff will look at whether the project increases access to travel options in Equity Focus Areas and whether it has been identified as a priority transportation improvement by communities of Black, Indigenous, and People of Color (BIPOC) and low-income persons or communities. For projects that have progressed enough through preliminary engineering and environmental impact work and clearly defined a project scope and design elements, Metro staff will also measure and describe the change in accessibility to jobs and community places for projects substantially through the Project Engineering (PE) phase with defined project elements.

Increased safety provided by projects is also a priority equity consideration and is included as a part of the safety performance evaluation described below.

Desired Outcomes	Performance Measures
Increased access to affordable travel options in Equity Focus Areas	Description of what the project contributes to building elements of the planned transportation network in equity focus areas per the RTP planned modal element network maps
Identified by the community as a priority	Description of whether it was included in the Regional Investment Measure project list, or was identified in the creation of a publicly developed plan(s) ²
Increased access to jobs and community places	Change in accessibility to jobs and community places by households in equity focus areas*

*For projects that have completed PE or have clearly defined project elements that can be modeled. Still confirming ability to complete analysis in MTIP amendment timeframe.

Safety

Current methods for evaluating safety impacts have been limited to measuring the amount and percentage of funding investment in the MTIP for projects that were developed specifically to address documented safety issues that contribute to fatal and serious injury crashes and include recognized safety countermeasures. Efforts to predict changes in crashes based on proposed projects are being developed and evaluated at the national level, but have not yet been tested or deployed locally and is therefore an evaluation tool proposed for long term action.

Investment and location information will be provided as impacted by the proposed amendment, and with break out by locations specific to high crash locations and equity focus areas.

Desired Outcomes	Performance Measures
Reduce fatal and serious injury crashes for all modes of travel	Change in the amount of investment in Safety: Programmed in the MTIP <ul style="list-style-type: none">- Located in high injury corridors- Located in high injury corridors in equity focus areas
	Description of whether project location is a priority area for safety improvements and includes safety counter-measures*

* For projects that have not completed PE, the description would be whether the project purpose is to address known safety issues and committed to assess and include appropriate safety counter measures.

² Publicly developed plan meets the guidelines of the adopted Metro Public Engagement Guidelines and project sponsor identifies comments from public or community organizations that indicate support of the project or the project's equity benefits.

Congestion Relief

Short term evaluation of congestion relief will include qualitative descriptions on the proposed project's impacts to street connectivity, whether the project includes a robust Transportation System Management and Operations (TSMO) approach and associated project elements, and whether the project includes capital or programmatic elements that may increase auto trips or options to single occupant motor vehicle travel. Staff also proposes to provide model data results for a near-term year (e.g. 2027) on changes in vehicle miles traveled and travel time between major origin and destination pairs within the travel corridor in vicinity of the project for projects substantially through the PE phase with defined project elements.

Desired Outcomes	Performance Measures
Increased reliability	Impacts to street connectivity; additional connectivity generally improves reliability
	Description of any TSMO elements of project that will increase reliability from either recurring or non-recurring causes of congestion
Increased travel efficiency	Description of whether project scope includes a robust TSMO approach and project attributes/elements to increase efficiency (in addition to meeting CMP/OHP policies)
	Change in VMT and travel time between major Origin/Destination pairs in vicinity of project*
Increased travel options, decrease drive-alone trips	Description of project capital or programmatic elements that will increase access to travel options
	Description of project elements that may increase motor vehicle travel

*For projects that have completed PE or have clearly defined project elements that can be modeled. Confirm ability to complete analysis in MTIP amendment timeframe.

Additional analysis in the short-term will not address congestion relief from additional motor vehicle capacity provided, but defers this as a long-term measure needing development of project level analytical tools that adequately consider or measure the potential dispersion of congestion to other parts of the roadway network and the potential of induced demand recreating congested conditions.

Climate

Short term evaluation strategy for climate includes an analysis of whether the projects aligns with Metro's Climate Smart goals. In addition, the description of elements that will increase access to and use of multi-modal options will be provided. Staff also proposes to provide model data results for a near-term year (e.g. 2027) on changes in greenhouse gas emissions for projects substantially through the PE phase with defined project elements.

Metro staff continues to refine and update our current climate models for the 2024 RTP and will host an Expert Panel Review on best practices in greenhouse gas (GHG) modeling. In addition, Metro initiated discussion with the ODOT Climate Office regarding tools they are developing to

qualitatively rate projects for how they contribute or detract from climate goals based on the relevant attributes of the project.

Desired Outcomes	Performance Measures
Progress towards meeting state mandated greenhouse gas emissions targets	Description of whether project scope includes capital or programmatic elements that will increase access to travel options based on adopted Climate Smart strategies
Reduced emissions from vehicles	Description of project elements that may increase motor vehicle emissions
Reduced drive alone trips	Comparison of GHG emissions with and without project in 2024 or 2027*

*For projects that have completed PE or have clearly defined project elements that can be modeled. Would not apply to PE phase as project scope not yet developed enough to perform the analysis. PE phase only projects may have different measure, such as a description of whether GHG emissions analysis is included in the project's PE phase scope of work. Still confirming ability to complete analysis in MTIP amendment timeframe.

Council Feedback and Recommendations

Metro Council provided clear feedback that they would like more analysis of proposed MTIP amendments in the short term and long term based on outcomes identified in the RTP. Metro Council expects staff to provide this information, or work with the proposing agency to provide this information, for all projects over the threshold described above.

In the short term, Metro staff will work with the project lead agency proposing the project or amendment to present additional information in the amendment staff report that comes before Council. The staff report will also show that the amendment as proposed meets technical eligibility for approval. The additional analysis will be provided to Transportation Policy Alternatives Committee (TPAC), JPACT and Metro Council in the amendment approval process. Metro staff will also continue to work with the Council through the development of the 2023 RTP and the 2024-27 MTIP to update how we evaluate projects.

Metro Council also indicated that it would like to reconsider the four investment priority areas and how they are applied to projects as part of the 2023 RTP update. As part of the update to the 2023 Regional Transportation Plan Update, Metro staff will facilitate a process to:

- Revisit and redefine priority investment policies. This will include increasing specificity of desired outcomes and methods to measure performance of those outcomes, particularly methods that can be measured at the project scale.
 - Consider whether one priority area should be weighted more heavily than another
 - Use project criteria for the Call for Projects in the 2023 RTP, with the criteria based on outcomes identified by Council and JPACT
- Ensure that the RTP provides additional guidance on how short-term investments (the MTIP as a whole) should be evaluated to ensure they are implementing the RTP investment priorities.
- Work with JPACT and the Metro Council to update the 2024-27 MTIP and MTIP Administrative Procedures to better reflect how to implement the refinements and guidance from the 2023 RTP Update process.

Appendix A lists potential desired outcomes and performance measures that may be considered and further developed as the 2023 RTP and 2024-27 MTIP are developed.

Appendix A: Potential Long-Term Approach to MTIP Amendment Analysis and 2023 RTP Development

Equity

Provide the short-term outcomes and performance measures, plus:

Desired Outcomes	Performance Measure
Increased access to jobs and community places	Change in accessibility to jobs and community places by households in equity focus areas*

* Refining methods and assessing ability to conduct analysis within a timeframe compatible with the MTIP amendment process. Likely would not apply to PE phase only amendments as project scope may not yet be developed enough to perform the analysis.

Performance Measure description

Priority transportation outcomes identified by equity stakeholders include increasing access to jobs and community places that provide opportunity and services as an important outcome for new transportation projects. Metro staff will work to refine the methodology of this performance measure as it applies to individual projects and to make sure it can be performed in a timeframe compatible with MTIP amendment procedures.

Increased safety of the transportation system has also been identified as a priority transportation outcome by equity stakeholders for equity focus areas but whose performance measure is included below in the Safety section.

Safety

Provide the short-term outcomes and performance measures, plus:

Desired Outcomes	Performance Measure
Reduce fatal and serious injury crashes for all modes of travel	Forecasted reduction in crashes* Forecasted reduction in crashes in equity focus areas*

• Further investigating the Highway Safety Manual predictive crash tool and assessment of ability to conduct analysis within a timeframe compatible with the MTIP amendment process. Likely would not apply to PE phase only amendments as project scope may not yet be developed enough to perform the analysis.

Performance Measure description

There is a new analysis tool developed at the national level to forecast the reduction in crashes by a proposed project. Metro staff is investigating the potential use of this new tool for project level analysis.

Congestion Relief

Provide the short-term outcomes and performance measures, plus:

Desired Outcomes	Performance Measure
Increased travel efficiency	Project addresses a recurring congestion issue and has a completed analysis of: <ul style="list-style-type: none">- Potential dispersion of congestion to other locations on the system- Potential for induced demand to recreate congestion on system and increase VMT

Performance Measure description

To address or measure congestion relief provided by additional motor vehicle capacity, a long-term measure and supporting analytical tools should be developed that adequately accounts for or measures the potential dispersion of congestion to other parts of the roadway network and accounts for the potential of induced demand recreating congested conditions in the future.

Climate

Provide the short-term outcomes and performance measures, plus:

Desired Outcomes	Performance Measure
Progress towards meeting state mandated greenhouse gas emissions targets Reduced emissions from vehicles	Qualitative analysis of greenhouse gas emission reduction potential based on project scope attributes*#
	Comparison of GHG emissions with and without project in 2024 or 2027*

*Refining methods and assessing ability to conduct analysis within a timeframe compatible with the MTIP amendment process. Would not apply to PE phase as project scope not yet developed enough to perform the analysis. PE phase only projects may have different measure, such as a description of whether GHG emissions analysis is included in the project's PE phase scope of work.

Tentative pending further investigation with ODOT Climate Office project analysis effort for the 24-27 STIP development.

Performance Measure description

Discussions with Metro Council have begun on development of improved analytical tools to measure transportation impacts on climate. Metro staff is also coordinating with the ODOT Climate Office on tools they are developing to consider transportation investment impacts on climate. These discussions should lead to new proposals for climate impact measurement.

Agenda Item No. 4.1

Consideration of the Council Meeting minutes for September 30, 2021

Consent Agenda

Metro Council Meeting
Thursday, October 14, 2021

Metro

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



Metro

Minutes

Thursday, September 30, 2021

10:30 AM

Revised 9/28

<https://zoom.us/j/615079992> or 888-475-4499 (toll free)

Council meeting

1. Call to Order and Roll Call

Deputy Council President Craddick called the Metro Council Meeting to order at 10:30 a.m.

Present: 6 - Councilor Shirley Craddick, Councilor Bob Stacey, Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, Councilor Mary Nolan, and Councilor Gerritt Rosenthal

Excused: 1 - Council President Lynn Peterson

2. Public Communication

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

Robert Liberty: Robert Liberty spoke to a Metropolitan Transportation Improvement Program (MTIP) amendment widening the I-5 freeway that is coming up on the councilor's agenda in November. Robert expressed concerns about a lack of public outreach work and renderings provided to councilors. Robert expressed a desire for councilors to take a pause and consider what sort of project they desire prior to being boxed into financial support for the project.

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

3. Consent Agenda

Council Discussion

There was none.

A motion was made by Councilor Stacey, seconded by Councilor Nolan, to adopt items on the consent agenda. The motion passed by the following vote:

Aye: 6 - Councilor Craddick, Councilor Stacey, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, and Councilor Rosenthal

Excused: 1 - Council President Peterson

- 3.1 Resolution No. 21-5202, For the Purpose of Confirming the Members of the Regional Waste Advisory Committee

4. Resolutions

- 4.1 Resolution No. 21-5179, For the Purpose of Accepting the Findings and Recommendations in the Regional Congestion Pricing Study

Deputy Council President Craddick introduced Margi Bradway (she/her) and Elizabeth Mros- O'Hara (she/her) to present on the Resolution. Staff brought up the *Resolution No. 21-5179 Presentation Powerpoint*.

Staff reviewed changes to the language of the resolution since they had last visited Council. The resolution was recommended for approval by JPACT. Elizabeth provided background on the 2018 Regional Transportation Plan (RTP), including key findings from a Regional Congestion Pricing (RCP) study. Staff explained how key findings have impacted program development with respect to pricing, equity, and other outlined goals. Staff outlined the purpose of the resolution and laid out a timeline moving forward.

In response to a question asked by Councilor Rosenthal staff noted that any pricing program put forward should be holistic in order to address the disproportionate effect that implementation may have on rural communities that may be auto-dependent. Staff also noted that there was no guarantee that all methods of application would affect rural communities, and that the impact is dependent on the details. Staff confirmed that no one method satisfies all the goals outlined.

In response to a question asked by Councilor Craddick staff outlined the responsibilities of the role that Metro is filling as

a Metropolitan Planning Organization (MPO) and the timing issues resulting from the State Legislature designating certain tolling roads. Nevertheless, they hope that results of the study will be utilized presently by relevant organizations (rather than waiting for the 2023 RTP).

Council Discussion

Councilor Nolan expressed a desire to identify specific indicators in achieving measurable outcomes with respect to policy implementation. Councilor Nolan additionally noted that there should be no assumption that the current measure of benefits and burden on [urban and rural] community members is fairly distributed, and that an equitable distribution of burden may not be interpreted as being equitable on its face.

Councilor Lewis expressed appreciation for the robust discussion among JPACT and other organizations around the Congestion Pricing Study and reiterated staff's hope that the outcomes of this study would be taken advantage of by those to whom it is applicable.

Councilor Nolan stated that there is definitive evidence that adding lanes does not decrease congestion, but that congestion pricing is a useful tool for this purpose. They identified this tool as being crucial in projects moving forward.

Councilor Rosenthal reiterated the need to have tolling as one piece of a larger conversation.

A motion was made by Councilor Rosenthal, seconded by Councilor Lewis, that this Resolution was adopted. The motion carried by the following vote:

Aye: 6 - Councilor Craddick, Councilor Stacey, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, and Councilor Rosenthal

Excused: 1 - Council President Peterson

4.2 Resolution No. 21-5201, For the Purpose of Approving the Parks & Nature Bond Local Share IGA Form and Approval Process

Deputy Council President Craddick introduced Jon Blasher (he/him) and Alex Gilbertson (she/her) to present on the Resolution. Staff brought up the *Resolution No. 21-5201 Presentation Powerpoint*.

Staff provided a brief overview of the Local Share Program (LSP), shared information about the Inter-Government Agreement (IGA) form and process for delegating approval authority to the Metro Chief Operating Officer (COO). The LSP distributes bond money to projects that meet bond and program criteria within 27 jurisdictions. The IGA form formalizes project commitments in review with jurisdictional partners. Council would be alerted prior to the COO's approval of an IGA. Staff sought Council's approval for the IGA form as well as the approvals process.

In response to a question asked by Councilor Craddick staff noted that updates to Council will vary in level of detail dependent on the complexity of the project.

Council Discussion:

Councilor Lewis identified this funding as being really significant to the districts, as well as small cities. She additionally appreciated the accelerated timeline, as well as the level of communication staff have set up to keep Council informed.

Seeing no further discussion on the topic, Deputy Council

President Craddick moved on to the next agenda item.

A motion was made by Councilor Lewis, seconded by Councilor Rosenthal, that this Resolution was adopted.

The motion carried by the following vote:

Aye: 6 - Councilor Craddick, Councilor Stacey, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, and Councilor Rosenthal

Excused: 1 - Council President Peterson

- 4.3 Resolution No. 21-5204, For the Purpose of Authorizing the Chief Operating Officer to Extend for 30 Days A Short-Term Intergovernmental Revenue Sharing Agreement with Multnomah, Washington, and Clackamas Counties to Implement the Metro Supportive Housing Services Program

Deputy Council President Craddick introduced Patricia Rojas (she/her) to present on the Resolution.

Patricia provided a timeline overview and highlights of the progress of the Supportive Housing Services (SHS) measure in Multnomah, Washington, and Clackamas counties.

Approval of the resolution was requested to cover the SHS measure services while a more complex long-term IGA is still in development.

Councilor Lewis asked under what conditions the COO would exercise her ability to extend the revenue sharing agreement for another 30 days. COO Marissa Madrigal identified that substantial progress is being made in the development of the IGAs, and that this is criteria she would use to approve an extension.

Marissa identified the counties advancing themselves dollars prior to the SHS taxes being distributed later on in the year as a demonstration of their commitment to this project and the collaborative effort at hand.

Council Discussion:

Councilor Nolan lauded the amazing work that has been done thus far and thanked staff.

Councilor Lewis requested Council be notified if a 30 day extension is incoming. Councilor Gonzalez agreed, affirming the Council's role in oversight.

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

A motion was made by Councilor Rosenthal, seconded by Councilor Nolan, that this Resolution was adopted. The motion carried by the following vote:

Aye: 6 - Councilor Craddick, Councilor Stacey, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, and Councilor Rosenthal

Excused: 1 - Council President Peterson

5. Chief Operating Officer Communication

Marissa Madrigal (she/her) provided an update on the following events or items:

- Metro vaccine requirement policy
- Hound bond project updates
- National Day of Remembrance for Indian Boarding Schools

6. Councilor Communication

Councilors provided updates on the following meetings and events:

- Parks & Nature Bond Info Session #1
- Middle Housing
- Natural Areas Capital Program Performance Oversight Committee (held 9/15/21)

7. Adjourn

There being no further business, Deputy Council President Craddick adjourned the Metro Council Meeting at 11:53am

Respectfully submitted,

Shay Starling

Shay Starling, Legislative Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPTEMBER 30, 2021

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
1.0	Written Testimony	09/30/21	Written Testimony	093021c-01
2.0	Powerpoint	09/30/21	Resolution No. 21-5179 Presentation Powerpoint	093021c-02
2.1	Powerpoint	09/30/21	Resolution No. 21-5201 Presentation Powerpoint	093021c-03

Agenda Item No. 5.1

Ordinance No. 21-1469, For the Purpose of Establishing Criteria for Metro Council District
Reapportionment and Declaring an Emergency

Ordinances (First Reading & Public Hearing)

Metro Council Meeting
Thursday, October 14, 2021

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING)	ORDINANCE NO. 21-1469
CRITERIA FOR METRO COUNCIL DISTRICT)	
REAPPORTIONMENT AND DECLARING AN)	Introduced by Chief Operating Officer
EMERGENCY		Marissa Madrigal with concurrence by
		Council President Lynn Peterson

WHEREAS, Section 31(1) of the Metro Charter establishes the minimum criteria for reapportionment of Council districts, requiring such districts as nearly as practicable to be of equal population and to be contiguous and geographically compact; and

WHEREAS, Section 31(1) of the Metro Charter further provides that the Council may by ordinance specify additional criteria for districts that are consistent with this section; and

WHEREAS, on September 16, 2021, Metro received data compiled by the 2020 U.S. Census; and

WHEREAS, the Metro Council wishes to set forth the criteria to be used in reapportionment of Council districts; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

In addition to the criteria for council district reapportionment contained in Section 31(1) of the Metro Charter, which requires that “as nearly as practicable, all council districts shall be of equal population and shall be contiguous and geographically compact,” the Council also specifies each of the following additional criteria in developing an apportionment plan:

1. The apportionment will comply with all applicable federal and state laws pertinent to voting rights of electors.
2. No council district will vary in population more than five percent (5.0%) from the average population of the district. “Average population” is that amount equal to one-sixth of the total Metro area population based on the data compiled by the 2020 U.S. Census. The Metro Council interprets the maximum variance of five percent to mean that no district may be more than five percent larger or more than five percent smaller in population than the average population.
3. While observing the maximum five percent population variance based on the 2020 census data required in Section (2) of this Ordinance, the Council will make every effort to create districts with population variances of zero percent (0.0%) based on the data compiled by the 2020 US Census.
4. In developing the reapportionment plan, the Council will give consideration to existing precincts and, to the maximum extent possible after meeting all other applicable criteria, will maintain communities of common interest. Such communities of common interest are represented in:
 - a. Cities under 20,000 in population
 - b. School districts
 - c. Compact minority or underrepresented communities and groups

- d. Corridors identified in the 2040 Growth Plan or corridors of regional significance in the Regional Transportation Plan
 - e. Federally-recognized transit districts within the Metro boundary
 - f. Regional centers, town centers, and investment areas identified in the 2040 Growth Plan
 - g. Established neighborhood associations and community planning and participation organizations
5. This ordinance being necessary for the health, safety and welfare of the Metro area for the reason that the work of reapportionment proceed without delay as stipulated in the Metro Charter, an emergency is declared to exist, and this ordinance shall take effect immediately pursuant to Metro Charter Section 38(1).

ADOPTED by the Metro Council this 21st day of October, 2021.

Lynn Peterson, Council President

Attest:

Approved as to Form:

Jaye Cromwell, Recording Secretary

Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF ORDINANCE NO. 21-1469, FOR THE PURPOSE OF
ESTABLISHING CRITERIA FOR METRO COUNCIL DISTRICT REAPPORTIONMENT
AND DECLARING AN EMERGENCY

Date:	October 12, 2021	Prepared by: Anne Buzzini
Department:	Council Office	Presenters: Ina Zucker, Anne Buzzini
Meeting Date:	October 14, 2021	Length: 10 minutes

ISSUE STATEMENT

Every 10 years, following the completion of the U.S. Census, the Metro Council is required to evaluate whether each of its six districts are of relatively equal population, and to make adjustments to district boundaries as necessary to guarantee equitable citizen representation. The redrawn maps shift the boundaries of the six Metro Council districts to account for any uneven growth in the metropolitan region.

The U.S. Census data delivered this September indicated some districts present a significant difference from the average population; District 4 has grown in population at a greater rate than other districts in the last ten years, whereas District 1 grew in population at a slower rate.

The Metro Council has a legal requirement of three months from receipt of U.S. Census data (September 16, 2021) to complete the redistricting process. Council must adopt new boundaries in early December 2021, to meet legal timelines for redistricting, and to afford adequate notice for the appointment process for the upcoming vacancy in District 6.

ACTION REQUESTED

Staff seeks Council approval of an ordinance that outlines additional criteria for the 2021 redistricting process.

STAFF RECOMMENDATION

Staff recommends adoption of the ordinance to provide formal direction to staff on additional criteria, to improve transparency and accountability, and to meet legal deadlines related to redistricting.

BACKGROUND

At the October 5th work session, Council reaffirmed its direction to instill the following values in the 2021 redistricting process:

- **Lead with racial equity:** Metro actively engages communities of color in redistricting and considers impacts of redistricting on communities of color, both within districts and regionwide.
- **Transparent and accessible:** Residents feel welcome and find ample opportunities to share their thoughts about redistricting with Metro Council and staff.
- **Accountable:** Metro Council districts are of equal population and reflect the region's changing demographics. Every effort is made to ensure communities of common interest are kept intact.

At the same work session, Council directed staff to move forward with a public engagement process that includes:

- A Subcommittee on Redistricting
- Ongoing consultation with community partners and stakeholders, including cities, counties, MPAC, community based organizations, and others
- Two public hearings, independent from ordinance readings
- A page on Metro's website with information about redistricting
- Opportunity for written public comments

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Legal Antecedents: US Constitution, federal Voting Rights Act, Oregon Secretary of State 2021 Redistricting Directive, Metro Charter Section 31(1), Metro Ordinance 11-1258, Metro Ordinance 01-895.

Anticipated Effects: Metro Council may choose to adopt an ordinance defining the values, outcomes, and process for redistricting prior to adopting new boundaries by ordinance on or before December 16, 2021.

Financial Implications: The resources available for this project include existing FTE and materials and services budgets. Staff from the Council Office will collaborate with staff from other departments on an as-needed basis, which may include Planning and Development, Communications, DEI, and Government Affairs. For technology, if resources beyond existing capacity are needed, existing materials and services budgets will be used to cover the costs.

ATTACHMENTS

Secretary of State Directive

[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? N/A



OFFICE OF THE SECRETARY OF STATE

ELECTIONS DIVISION

DIRECTIVE OF THE SECRETARY OF STATE	SUBJECT: Redistricting	DIRECTIVE ISSUED AT THE REQUEST OF: Secretary of State	DATE: September 9, 2021	NO.: 2021-1
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The Secretary of State, in carrying out the duties of the office, is authorized to issue detailed directives when necessary to maintain uniformity in the application, operation and interpretation of Oregon election laws. (ORS 246.110 and 246.120). The information provided below is an official directive of the Secretary of State. ORS 246.120 and 246.410 specify that a county clerk must comply with this directive. ORS 246.410 specifies that a local government or special government body, as defined in ORS 174.116 and 174.117, that fixes electoral district boundaries based on census population figures, must comply with this directive.

In an effort to promote uniform and consistent application of traditional districting principles established by the Oregon Constitution, Oregon statute and court precedent, in the drawing and redrawing of electoral districts and precincts, the Secretary of State issues this directive to each county clerk and to any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes or modifies electoral district boundaries based on population. More uniform and consistent application of traditional districting principles will assist the efficient and cost-effective administration of elections, reduce the probability of administrative errors and promote easily understandable boundaries for voters, analysts and election officials.

Each county clerk, and any local governments or special government bodies that fix electoral district boundaries based on population, shall consider the following when drawing district or precinct boundaries:

Each district or precinct, as nearly as practicable, shall:

- Be contiguous;
- Utilize existing geographic or political boundaries;
- Not divide communities of common interest; and
- Be connected by transportation links.
- For districts, be of equal population.

No district shall be drawn for the purpose of favoring any political party, incumbent elected official or other person.

No district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.

Each county clerk and any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes or modifies electoral district boundaries based on population shall, to the greatest extent practicable, consider newly drawn legislative and congressional district boundaries as well as the boundaries of neighboring jurisdictions when drawing districts. When drawing new district boundaries, the Secretary of State recommends close consultation with relevant county clerks for advice on meeting the election administration goals of this directive.

When drawing or altering precinct boundaries, county clerks shall, as nearly as practicable, contain precincts wholly within one state House district and one Congressional district, and must seek to minimize the change to current precincts. County clerks must also, to the extent possible, consider forecasted population trends to reduce the necessity for new precincts prior to the next decennial census. As soon as practicable after creating new precincts or altering existing precinct boundaries, county clerks shall notify the State Elections Division.

The timelines and processes associated with the apportionment of legislative districts is described in Appendix 2 of [*State ex rel Kotek v. Fagan*](#), 367 Or. 803 (2021). The timelines and processes associated with the apportionment of congressional districts is described in Chapter 419, Oregon Laws 2021 ([Enrolled Senate Bill 259](#)). Redistricting shall be completed with enough time for all candidates to file to appear on the ballot for all offices, including new or reapportioned districts. If events necessitate an update to this directive, further information will be provided.