

Council meeting agenda

Thursday, March 21, 2024	10:30 AM	Metro Regional Center, Council Chamber, https://zoom.us/j/615079992 Webinar ID: 615 079 992 or 888-475-4499 (toll free) https://www.youtube.com/watch? v=szxP5GuOQ3I
---------------------------------	-----------------	---

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>

1. Call to Order and Roll Call

2. Public Communication

Public comment may be submitted in writing. It will also be heard in person and by electronic communication (video conference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by 4:00 p.m. the day before the meeting will be provided to the council prior to the meeting. Testimony on non-agenda items will be taken at the beginning of the meeting. Testimony on agenda items generally will take place during that item, after staff presents, but also may be taken at the beginning of the meeting.

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

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

3. Consent Agenda

- 3.1 Resolution No. 24-5396 For the Purpose of Suspending [RES 24-5396](#)
Metro Code Subsection 5.01.260(c)(2) Regarding the
Quarterly Sampling and Reporting Requirement for
Processing Residual from Material Recovery

Attachments: [Resolution No. 24-5396](#)
[Staff Report](#)

4. Resolutions

- 4.1 Resolution No. 24-5387, For the Purpose of Amending the [RES 24-5387](#)
FY 2023-24 Budget and Appropriations Schedule and FY
2023-24 Through FY 2027-28 Capital Improvement Plan
to Provide for Changes in Operations

Presenter(s): Cinnamon Williams (she/her), Financial Planning Director,
Metro

Attachments: [Resolution No. 24-5387](#)
[Exhibit A](#)
[Exhibit B](#)
[Staff Report](#)
[Attachments 1 - 4](#)
[Attachment 5](#)

5. Ordinances (first reading and public hearing)

- 5.1 Ordinance No. 24-1508 For the Purpose of Amending [ORD 24-1508](#)
Metro Code Section 5.05.055 to Allow the Disposal of
Cleanup Material at a Limited Capacity Landfill Under
Certain Conditions

Presenter(s): Will Ennis (he/him), Senior Solid Waste Planner, Metro
Warren Johnson (he/him), Policy & Compliance Director,
Metro

Attachments: [Ordinance No. 24-1508](#)
[Exhibit A](#)
[Staff Report](#)

- 5.2 Ordinance No 24-1509 For the Purpose of Amending
Metro Code Chapter 7.04 to Expand Eligible Recipients of
2040 Planning and Development Grants and Allow
Allocation of CET Funds to Community Placemaking Grant
Program

[ORD 24-1509](#)

Presenter(s): Eryn Kehe, Urban Policy & Development Manager, Metro
Serah Breakstone, 2040 Grants Manager, Metro

Attachments: [Ordinance No. 24-1509](#)
[Exhibit A](#)
[Staff Report](#)

6. **Chief Operating Officer Communication**
7. **Councilor Communication**
8. **Adjourn**

Metro respects civil rights

Metro fully complies with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and other statutes that ban discrimination. If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit oregonmetro.gov/civilrights or call 503-797-1890. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1890 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. Individuals with service animals are welcome at Metro facilities, even where pets are generally prohibited. For up-to-date public transportation information, visit TriMet's website at trimet.org

Thông báo về sự Metro không kỳ thị của

Metro tôn trọng dân quyền. Muốn biết thêm thông tin về chương trình dân quyền của Metro, hoặc muốn lấy đơn khiếu nại về sự kỳ thị, xin xem trong www.oregonmetro.gov/civilrights. Nếu quý vị cần thông dịch viên ra dấu bằng tay, trợ giúp về tiếng xúc hay ngôn ngữ, xin gọi số 503-797-1700 (từ 8 giờ sáng đến 5 giờ chiều vào những ngày thường) trước buổi họp 5 ngày làm việc.

Повідомлення Metro про заборону дискримінації

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

Metro 的不歧視公告

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。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. 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 shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

Metro의 차별 금지 관련 통지서

Metro의 시민권 프로그램에 대한 정보 또는 차별 항의서 양식을 얻으려면, 또는 차별에 대한 불만을 신고 할 수 www.oregonmetro.gov/civilrights. 당신의 언어 지원이 필요한 경우, 회의에 앞서 5 영업일 (오후 5시 주중에 오전 8시) 503-797-1700를 호출합니다.

Metro의 差別禁止通知

Metroでは公民権を尊重しています。Metroの公民権プログラムに関する情報について、または差別苦情フォームを入手するには、www.oregonmetro.gov/civilrights。までお電話ください。公開会議で言語通訳を必要とされる方は、Metroがご要望に対応できるよう、公開会議の5営業日前までに503-797-1700（平日午前8時～午後5時）までお電話ください。

សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ១ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានការប្រកាសស្តីពីការមិនរើសអើងសូមទូរស័ព្ទទៅលេខ ៥០៣-៧៩៧-១៧០០ ឬទៅលេខ ៥០៣-៧៩៧-១៨០៤ បើលេខអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមុនលេខ ៥០៣-៧៩៧-១៧០០ (ម៉ោង ៨ ព្រឹកដល់ម៉ោង ៥ ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឱ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

إشعار بعدم التمييز من Metro

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

Paunawa ng Metro sa kawalan ng diskriminasyon

Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang www.oregonmetro.gov/civilrights. Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1700 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahilingan.

Notificación de no discriminación de Metro

Metro respeta los derechos civiles. Para obtener información sobre el programa de derechos civiles de Metro o para obtener un formulario de reclamo por discriminación, ingrese a www.oregonmetro.gov/civilrights. Si necesita asistencia con el idioma, llame al 503-797-1700 (de 8:00 a. m. a 5:00 p. m. los días de semana) 5 días laborales antes de la asamblea.

Уведомление о недопущении дискриминации от Metro

Metro уважает гражданские права. Узнать о программе Metro по соблюдению гражданских прав и получить форму жалобы о дискриминации можно на веб-сайте www.oregonmetro.gov/civilrights. Если вам нужен переводчик на общественном собрании, оставьте свой запрос, позвонив по номеру 503-797-1700 в рабочие дни с 8:00 до 17:00 и за пять рабочих дней до даты собрания.

Avizul Metro privind nediscriminare

Metro respectă drepturile civile. Pentru informații cu privire la programul Metro pentru drepturi civile sau pentru a obține un formular de reclamație împotriva discriminării, vizitați www.oregonmetro.gov/civilrights. Dacă aveți nevoie de un interpret de limbă la o ședință publică, sunați la 503-797-1700 (între orele 8 și 5, în timpul zilelor lucrătoare) cu cinci zile lucrătoare înainte de ședință, pentru a putea să vă răspunde în mod favorabil la cerere.

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. Yog hais tais koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwv ua ntej ntawm lub rooj sib tham.

**Resolution No. 24-5396 For the Purpose of Suspending
Metro Code Subsection 5.01.260(c)(2) Regarding the
Quarterly Sampling and Reporting Requirement for
Processing Residual from Material Recovery**
Consent

Metro Council Meeting
Thursday, March 21 2024

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUSPENDING	)	RESOLUTION NO. 24-5396
METRO CODE SUBSECTION)	
5.01.260(c)(2) REGARDING THE	)	Introduced by Marissa Madrigal, Chief
QUARTERLY SAMPLING AND	)	Operating Officer in concurrence with
REPORTING REQUIREMENT FOR	)	Council President Lynn Peterson
PROCESSING RESIDUAL FROM)	
MATERIAL RECOVERY)	

WHEREAS, in 2007 Metro Council adopted the Enhanced Dry Waste Recovery Program (“EDWRP”) via Ordinance No. 07-1147B which implemented requirements in 2009, and

WHEREAS, Metro Council adopted EDWRP as a key component of meeting state-mandated waste reduction goals for the Metro area by recovering additional reusable and recoverable non-putrescible waste generated by the building industry; and

WHEREAS, EDWRP established material recovery requirements that, in part, require non-putrescible waste generated in the Metro region to be delivered to a material recovery facility for processing before disposal; and

WHEREAS, Metro Code Section 5.01.260(c) requires that a Metro solid waste facility licensee or franchisee must process non-putrescible waste to recover wood, metal, and cardboard and to quarterly sample the processing residual to ensure there is no more than 15 percent, by total combined weight, of wood, metal, and cardboard of a certain size in the processing residual; and

WHEREAS, in 2015 Metro Council suspended EDWRP requirements related to wood via Resolution No. 15-4666 due to a disruption in the wood market, thus leaving only metal and cardboard subject to the processing residual requirement since that time; and

WHEREAS, under Resolution No. 20-5096, Metro Council delegated to the Chief Operating Officer authority to suspend the provisions of Metro Code Section 5.01.260 regarding material recovery of non-putrescible waste when necessary to respond to the COVID-19 pandemic, which included suspension of the EDWRP requirement for a facility to quarterly sample and report the composition of its processing residual to Metro; and

WHEREAS, when the sampling and reporting requirements were suspended under Resolution No. 20-5096, licensees and franchisees continued to recover cardboard and metal and those markets are well-established; and

WHEREAS, based on the evaluation of past sampling reports and observations during inspections, it is unnecessary for a facility to take quarterly samples of its processing residual and report the findings to Metro to demonstrate it contains no more than 15 percent, by total combined weight, of metal and carboard; and

WHEREAS, Metro seeks to update and improve material recovery requirements for non-putrescible waste to better accomplish the goals and objectives of the 2030 Regional Waste Plan; now therefore,

BE IT RESOLVED that the Metro Council:

1. Suspends Metro Code Subsection 5.01.260(c)(2) requiring the quarterly sampling and reporting of processing residual.
2. Directs staff to develop recommendations to the Metro Council to update and improve material recovery requirements for non-putrescible waste generated in the Metro area and better achieve waste reduction goals.

ADOPTED by the Metro Council this ____ day of _____ 2024.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 24-5396 FOR THE PURPOSE OF SUSPENDING
METRO CODE SUBSECTION 5.01.260(c)(2) REGARDING THE QUARTERLY SAMPLING AND
REPORTING REQUIREMENT FOR PROCESSING RESIDUAL FROM MATERIAL RECOVERY

Date: March 1, 2024

Department: WPES

Meeting Date: March 21, 2024

Prepared by: Sabrina Gogol, Sabrina.Gogol@oregonmetro.gov

ISSUE STATEMENT

In 2007, Metro Council adopted the Enhanced Dry Waste Recovery Program (EDWRP) that established certain sampling and reporting requirements for material recovery facilities that are no longer necessary under current conditions. In addition, EDWRP has been in place for about 17 years and staff recommends that the program be improved and updated to better accomplish the goals and objectives of the 2030 Regional Waste Plan.

Under EDWRP, all non-putrescible waste, colloquially known as “dry waste” or “construction and demolition debris,” must be processed at a material recovery facility before being disposed. As initially adopted, a facility that performs material recovery cannot have more than 15 percent, by total combined weight, of wood, metal, and cardboard of a certain size in its processing residual. In 2015, Metro suspended the wood recovery requirement and the recovery performance standard applies only to metal and cardboard at this time. A facility must demonstrate that it meets the recovery performance standard by completing quarterly sampling of its processing residual and reporting the results to Metro.

Historical evidence, current market conditions, and observations from inspections indicate that the quarterly sampling and reporting requirements for processing residual are no longer necessary because facilities have equipment, procedures, and markets in place to adequately meet the applicable recovery requirements for cardboard and metal. Additionally, the program has been in place for about 17 years and the performance standards have not been modernized to achieve better material recovery.

ACTION REQUESTED

Staff requests that Metro Council adopt Resolution No. 24-5396 to suspend Metro Code Subsection 5.01.260(c)(2) requiring the quarterly sampling and reporting of processing residual at a material recovery facility. This proposed action does not affect the requirement that all non-putrescible waste (dry waste) must be processed prior to disposal and a material recovery facility must still meet the recovery performance standard for

cardboard and metal. Metro will continue to monitor the performance standard through observations during inspections rather than quarterly sampling of processing residual.

The Resolution also directs staff to develop recommendations to the Metro Council to update and improve dry waste recovery in the Metro area and better accomplish the goals and objectives of the 2030 Regional Waste Plan.

IDENTIFIED POLICY OUTCOMES

1. Remove quarterly sampling and reporting requirement for Metro licensees and franchisees.
2. Direct staff to develop recommendations to improve and update waste recovery requirements to advance actions addressing material recovery facilities in the 2030 Regional Waste Plan including:
 - Action 12.7 - Require post-collection material recovery for marketable materials that will advance progress toward achieving this plan's goals and targets.
 - Action 15.1 - Implement regionally consistent contamination reduction efforts to improve material quality, including education, sorting instructions, collection equipment changes, and customer feedback methods.
 - Action 15.7 - Identify and implement changes to recycling collection programs and material recovery facility operations to meet the specifications of a broad range of markets.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Approve Resolution No. 24-5396. This would suspend Metro Code Subsection 5.01.260(c)(2) requiring quarterly sampling and reporting as it relates to the amount of metal and cardboard in processing residual at a material recovery facility. This action would also direct staff to develop recommendations to Metro Council to improve dry waste recovery requirements and better achieve waste reduction goals.
2. Do not approve Resolution No. 24-5396. This would maintain the quarterly sampling and reporting requirements described in Metro Code Subsection 5.01.260(c)(2). All licensees and franchisees that are subject to these requirements would need to perform quarterly sampling of processing residual.

STAFF RECOMMENDATIONS

Staff recommends Metro Council adopt Resolution No. 24-5396.

BACKGROUND

In 2007 Metro Council adopted the Enhanced Dry Waste Recovery Program (“EDWRP”) via Ordinance No. 07-1147B with requirements going into effect in 2009. Metro Council adopted EDWRP as a key component of meeting state-mandated waste reduction goals for the Metro area by recovering additional reusable and recoverable non-putrescible waste generated by the building industry. The main component of EDWRP is that non-putrescible waste generated in the Metro region must be delivered to a material recovery facility for processing before disposal. Metro Code Section 5.01.260(c) requires that a Metro solid waste facility licensee or franchisee must process non-putrescible waste to recover wood, metal, and cardboard and to quarterly sample the processing residual to ensure there is no more than 15 percent, by total combined weight, of wood, metal, and cardboard of a certain size in the processing residual. Additionally, the residual must be sampled quarterly using a statistically valid method developed by Metro to determine the percentage of the three materials left in the processing residual. The quarterly sampling results must be reported to Metro.

Over time, certain EDWRP provisions were suspended to respond to market changes and to support a safe working environment. In 2015, Metro suspended the wood recovery requirement due to the closure of the WestRock Company paper mill located in Newberg, Oregon, which received approximately 80% of the region’s wood waste at that time. In 2020, Metro Council delegated the Chief Operating Officer authority to suspend certain solid waste requirements due to impacts from the COVID-19 pandemic, which included suspending the quarterly sampling and reporting requirements for facilities. While the temporary suspension ended in 2023, Metro has not yet reinstated the quarterly sampling and reporting requirements since that time.

Staff recommend that Metro Council consider suspending the sampling and reporting requirement for processing residual because it is not necessary since facilities are likely to continue recovering enough metal and cardboard to meet the recovery performance standard. There is recent and historical evidence that facilities can achieve the 15 percent recovery performance standard without additional verification, including:

1. When the sampling and reporting requirement for metal and cardboard were suspended to respond to the COVID-19 pandemic, facilities continued to recover metal and cardboard.
2. Removing the sampling and reporting requirement for metal and cardboard is not expected to create an incentive to remove equipment or change recovery operations. Facilities must still perform recovery and there are other incentives for recovering materials from disposal. Since EDWRP was adopted in 2007, 17 years of

facility investment and operational procedures have been in place to maintain facility compliance with the 15% residual threshold for wood, cardboard and metal. Markets for metal and cardboard remain relatively robust.

Metro can build a modern program by drawing on the 17 years of innovation in dry waste recovery since Metro developed and adopted EDWRP in 2007. While EDWRP was successful at ensuring dry waste is processed to retrieve recoverable material prior to disposal, several aspects of EDWRP have limited its success over time, including:

- **Limited materials list.** By focusing on only three materials at first, it did not promote innovation or reward for recovering other materials.
- **No prioritization of end-of-life processes to ensure maximum environmental benefit.** Current EDWRP regulations do not prioritize reuse/salvage over recycling nor recycling over incineration.
- **Policy based on outdated market conditions.** EDWRP is not agile enough to respond to market shifts for the three materials without revising Metro Code. The three materials (wood, metal, cardboard) were identified in 2007 based on historical markets that had already shifted by the time the policy was enacted.

Increasing recovery of dry waste is an important tool to reduce social and environmental harm. The most recent Oregon waste composition report found that the entire stream of construction and demolition debris materials was 20% of all materials collected in Oregon. This material stream is often collected in a drop box or self-tipping truck as a mix of recoverable and unrecoverable materials (e.g. garbage). This material stream can require significant processing to pull out recyclable and salvageable materials. Increased recovery of this material stream also supports progress towards reducing the full amount of greenhouse gas emissions that are possible to be reduced through materials management. The reuse and recycling of dry waste, such as through the smelting of scrap metal or the integration of old asphalt into new roads, results in less greenhouse gas emissions than the production of entirely new materials.

**Resolution No. 24-5387, For the Purpose of Amending the
FY 2023-24 Budget and Appropriations Schedule and FY
2023-24 Through FY 2027-28 Capital Improvement Plan
to Provide for Changes in Operations**
Resolutions

Metro Council Meeting
Thursday, March 21 2024

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY 2023-	)	RESOLUTION NO 24-5387
24 BUDGET AND APPROPRIATIONS SCHEDULE	)	Introduced by Marissa Madrigal, Chief
AND FY 2023-24 THROUGH FY 2027-28 CAPITAL	)	Operating Officer, with the concurrence of
IMPROVEMENT PLAN TO PROVIDE FOR	)	Council President Lynn Peterson
CHANGES IN OPERATIONS)	

WHEREAS, the Metro Council has reviewed and considered the need to change appropriations within the FY 2023-24 Budget; and

WHEREAS, Metro Code chapter 2.02.040 requires Metro Council approval to add any new positions to the Budget; and

WHEREAS, the need for the change of appropriations has been justified; and

WHEREAS, adequate funds exist for other identified needs; and

WHEREAS, ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund's appropriations, if such transfers are authorized by official resolution or ordinance of the governing body; and

WHEREAS, ORS 294.338(2) allows an increase in appropriations due to specific purpose grants or gifts when authorized by an official resolution or ordinance of the governing body stating the need for the recognition; and

WHEREAS, ORS 294.338(3) allows an increase in appropriations when a request for services, the cost of which is supplied by another entity, necessitates a greater expenditure of public money for any specific purpose in order to provide the services when authorized by an official resolution or ordinance of the governing body stating the need for the recognition; and

WHEREAS, ORS 294.471(a) allows for the governing body to add appropriation categories to align organizational efficiencies, changes that were not ascertained when preparing the budget; now therefore

BE IT RESOLVED,

1. That the FY 2023-24 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "March 2024 Amendment" of Exhibit A and B to this Resolution for the purpose of adding positions, modifying revenues and expenditures and transferring funds to and from contingency.
2. That the FY 2023-24 through FY 2027-28 Capital Improvement Plan is hereby amended accordingly.

ADOPTED by the Metro Council this 21st day of March, 2024.

Lynn Peterson, Council President

APPROVED AS TO FORM:

Carrie MacLaren, Metro Attorney

Exhibit A
Resolution 24-5387
Schedule of Appropriations

	Budget	March 2024 Amendment	Amended Budget
GENERAL FUND			
Council	10,801,167	235,000	11,036,167
Office of the Auditor	1,184,921	-	1,184,921
Diversity, Equity and Inclusion	3,068,733	-	3,068,733
Office of Metro Attorney	3,883,283	113,000	3,996,283
Information Technology and Records Management	8,567,564	-	8,567,564
Communications	6,833,900	-	6,833,900
Finance and Regulatory Services	12,265,741	-	12,265,741
Human Resources	6,310,038	250,000	6,560,038
Capital Asset Management	7,387,558	-	7,387,558
Planning, Development and Research Department	45,070,214	-	45,070,214
Housing	425,000	-	425,000
Special Appropriations	2,007,111	-	2,007,111
Non-Departmental			
Debt Service	2,546,179	-	2,546,179
Interfund Transfers	26,694,190	-	26,694,190
Contingency	22,898,644	(598,000)	22,300,644
<i>Total Appropriations</i>	159,944,243	-	159,944,243
Unappropriated Balance	27,170,056	-	27,170,056
Total Fund Requirements	187,114,299	-	187,114,299
SMITH AND BYBEE WETLANDS FUND			
Parks and Nature	175,000	17,500	192,500
Non-Departmental			
Interfund Transfers	57,610	-	57,610
Contingency	500,000	(17,500)	482,500
<i>Total Appropriations</i>	732,610	-	732,610
Unappropriated Balance	609,200	-	609,200
Total Fund Requirements	1,341,810	-	1,341,810
Total Appropriations	1,516,622,258	-	1,516,622,258
Total Unappropriated Balance	289,076,786	-	289,076,786
TOTAL BUDGET	1,805,699,044	-	1,805,699,044

All other funds remain the same

Exhibit B
Resolution 24-5387
Schedule of FTE

	FTE	March 2024 Amendment	Amended FTE
GENERAL FUND			
Total Fund FTE	381.50	1.00	382.50
PARKS AND NATURE BOND FUND			
Total Fund FTE	37.25	0.50	37.75
TOTAL FTE	1,151.95	1.50	1,153.45

All other FTE remain unchanged

STAFF REPORT

IN CONSIDERATION OF RESOLUTION 24-5387 FOR THE PURPOSE OF AMENDING THE FY 2023-24 BUDGET AND APPROPRIATIONS SCHEDULE AND FY 2023-24 THROUGH FY 2027- 28 CAPITAL IMPROVEMENT PLAN TO PROVIDE FOR CHANGES IN OPERATIONS

Date: March 5, 2024

Prepared by:
Joshua Burns, Budget Coordinator

Department: Finance and Regulatory Services

Presented by:
Cinnamon Williams, Financial Planning Director

Meeting date: March 21, 2024

Length: 20 minutes

ISSUE STATEMENT

Resolution 24-5387 will authorize changes in appropriations for FY 2023-24 and approve changes to the FY 2023-24 through FY 2027-28 Capital Improvement Plan.

ACTION REQUESTED

Council adoption of Resolution 24-5387.

IDENTIFIED POLICY OUTCOMES

Council approval will authorize changes in appropriations requested by departments for FY 2023-24 and approve requested changes to the FY 2023-24 through FY 2027-28 Capital Improvement Plan.

POLICY QUESTION

Council should consider whether the changes in appropriations have been justified, that adequate funds exist for identified needs, and that proposed changes to the Capital Improvement Plan appear appropriate.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Adoption of Resolution 24-5387 will provide sufficient appropriations to accommodate the changes in operations outlined by departments. Adoption will allow for changes to capital projects due to operational factors.

Disapproval of Resolution 24-5387 will require departments to reevaluate their proposed changes to operations and capital plans.

STAFF RECOMMENDATIONS

The Chief Operating Officer and Chief Financial Officer recommend adoption of Resolution 24-5387.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Relationship to Metro's Strategic Plan, racial equity, and climate action goals

By funding additional expenditures for operations, the Agency will more efficiently be able to focus on programming related to our guiding principles of racial justice, climate justice and resiliency, and shared prosperity.

Known Opposition: None known.

Legal Antecedents: ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund's appropriation if such transfers are authorized by official resolution or ordinance of the governing body. ORS 294.463(3) provides for transfers of appropriations or of appropriations and a like amount of budget resources between funds of the municipal corporation when authorized by an official resolution or ordinance of the governing body stating the need for the transfer. ORS 294.338(2) allows an increase in appropriations due to specific purpose grants or gifts when authorized by an official resolution or ordinance of the governing body stating the need for the recognition. ORS 294.338(3) allows an increase in appropriations when a request for services, the cost of which is supplied by another entity, necessitates a greater expenditure of public money for any specific purpose in order to provide the services when authorized by an official resolution or ordinance of the governing body stating the need for the recognition. ORS 294.463 (4) provides that public testimony be allowed if any funds are changing by more than 10 percent of a fund's expenditures. Metro code chapter 2.02.040 requires the Metro Council to approve the addition of any position to the budget. Metro's adopted financial policies require any project exceeding \$100,000 or an existing CIP project increasing greater than 20 percent to receive Council approval. ORS 294.471 allows for pressing and necessary changes, by supplemental budget, that could not be reasonably foreseen during budget development.

Anticipated Effects: This action provides for changes in operations and capital improvement plans as described below.

Budget Impacts: This action does not create a net change in expenditure appropriations. The new total appropriations will be \$1,805,699,044 with 1,153.45 FTE. This action has the following impacts on the FY 2023-24 budget and FY 2023-24 through FY 2027-28 Capital Improvement Plan (CIP). Details of each change can be found in Attachment 5 – Summary of March 2024 Budget Amendments.

- **General Fund: Net zero increase to the total fund appropriations.**
 - Council Office increase of \$235,000 for pay equity
 - Office of Metro Attorney increase of \$113,000 for pay equity
 - Human Resources increase of \$250,000 for pay equity
 - Contingency decrease of \$598,000
- **Smith and Bybee Wetlands Fund: Net zero increase to the total fund appropriations**
 - Increase Contracted Professional Services by \$17,500
 - Contingency Decrease of \$17,500

Below is a summary of all the proposed changes from Resolution 24-5387 that impact appropriations or CIP:

Appropriation Changes:

- **Total Appropriations** increase: \$0
 - **General Fund** increase by \$0
 - **Smith and Bybee Wetlands Fund** increase by \$0

FTE Changes:

- **Total FTE** requested: 1.5 FTE
 - Parks and Nature: 0.5 FTE
 - Planning, Development and Research: 1.0 FTE

Capital Improvement Plan (CIP):

The following proposed changes to the Capital Improvement Plan (CIP) for FY 2023-24 are:

- **Expo Center** no financial change – Attachment 1
- **Oregon Convention Center** no financial change – Attachment 2
- **Waste Prevention and Environmental Services** no financial change – Attachment 3
- **Oregon Zoo** increase of \$2,500,000 – Attachment 5

For details about CIP changes, see Attachments 1-5.

ATTACHMENTS

- Resolution 24-5387
- Exhibit A – Schedule of Appropriations
- Exhibit B – Schedule of FTE
- Attachments 1-4 - Capital Improvement Plan changes
- Attachment 5 – Summary of March 2024 Amendments

Budget Amendment for FY2023-24
Capital Improvement Plan (CIP) Detail Changes

Visitor Venue - Expo

Attachment 1

Resolution 24-5387

Description of Changes:

- Pausing the UP2 North Walkway Cover project
- Pausing the Hall C Roof Recoat project
- Shifting funds from those projects to the Hall E HVAC project

Project ID	Project Title	FY 2023-24			FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
		Current CIP	Requested Amendment	Amended CIP	Amended CIP	Amended CIP	Amended CIP	Amended CIP
8R287	Expo - Hall E HVAC	412,500	400,000	812,500	600,000	600,000	1,200,000	600,000
8N106	Expo - UP2 North Walkway Cover	250,000	(250,000)	-	75,000	100,000	300,000	-
8R227	Expo - Hall C Roof Recoat	150,000	(150,000)	-	325,000	575,000	75,000	-
<i>No changes to the CIP projects below</i>								
85114	Expo - F&B Facility Renewal and Replacement	500,000		500,000	-	-	-	-
8N108	Expo - UP2 North Walkway Cover	250,000		250,000	500,000	-	-	-
8R288	Facility Security Improvements	200,000		200,000	200,000	-	-	-
8R290	Facility Asphalt Replacement / Repair	100,000		100,000	100,000	100,000	100,000	-
8R289	Hall E Micropile Study	50,000		50,000	-	-	-	-
8R291	Expo - Facility Wide Overhead Door improvements	-		-	225,000	-	-	-
8R292	Expo Electrical Review	-		-	200,000	-	-	-
8R234	Expo Hall E Flat Roof	-		-	165,000	-	-	-
8R294	ADA Facility Study	-		-	100,000	-	-	-
8R295	Hall E Micropile Improvements	-		-	50,000	50,000	-	-
8R296	Reseal Hall D/E Flooring	-		-	-	400,000	400,000	-
8N072a	Expo - Lower Parking Lot: Grading	-		-		233,333	233,333	233,333
EXTBD75	Halls D and E Window, Door and Seal Replacement	-		-	-	100,000	100,000	-
8N072	Expo - Lower Parking Lot: Lighting	-		-		-	237,500	237,500
EXTBD60b	Expo - Hall D HVAC	-		-	-	-	-	500,000
EXTBD69	Electrical Generator Enhancement	-		-	-	-	-	250,000
EXTBD62	Expo - Halls D&E Interior Improvements	-		-	-	-	-	250,000

Budget Amendment for FY2023-24

Capital Improvement Plan (CIP) Detail Changes

Visitor Venue - OCC

Attachment 2

Resolution 24-5387

Description of Changes:

- Reducing funding from Rain Garden Waterproofing project (currently on hold) to cover other projects
- Increasing funding for Waterproofing: Spires and Crescent Glazing Repairs project
- Increasing funding for the Food & Beverage: Combi Oven Replacement
- Increasing funding for Waterproofing: Load Dock
- Increasing funding for RainGar Cost Over

Project ID	Project Title	FY 2023-24			FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
		Current CIP	Requested Amendment	Amended CIP	Amended CIP	Amended CIP	Amended CIP	Amended CIP
8R222	Waterproofing: Spires & Crescent Glazing Repairs	600,000	460,000	1,060,000	-	-	-	-
85113b	Food & Beverage: Combi Oven Replacement	225,000	50,000	275,000	-	-	-	-
8R250	OCC Waterproof: Load Dock & PPV	-	330,000	330,000	-	-	-	-
8R223D	OCC WTR: RainGar Cost Over	-	150,000	150,000	-	-	-	-
8R223C	Waterproofing: Rain Garden & Parking Garage & SW Exterior	1,995,000	(990,000)	1,005,000	-	-	-	-
No changes to the CIP projects below								
8R298	Integrated Door Access Controls & Door Replacement	1,990,000		1,990,000	-	-	-	-
8R223F	Waterproofing: P1 Parking Level Traffic Coating	975,000		975,000	-	-	-	-
8N111	CCTV: Camera Adds (Parking, Exterior, Lobbies)	600,000		600,000	-	-	-	-
8R299	Network Head End System Infrastructure Upgrade	375,000		375,000	-	-	-	-
85113a	Food & Beverage Capital Investment	200,000		200,000	1,825,000	-	-	-
8R300	Reoccurring: IT Infrastructure Investment	200,000		200,000	150,000	-	-	-
8R301	Compactor Replacement (Landfill, Recycle, Compost)	185,000		185,000	-	-	-	-
8R302	Lighting: Lobbies, Pre functions, Exterior LED Retrofits	160,000		160,000	1,975,000	-	-	-
8R303	Tech Services Shop Renovation	160,000		160,000	-	-	-	-
8R304	Public Safety Front of House Programming	150,000		150,000	2,000,000	-	-	-
8R246	Prefunction A and C Restroom Renovations	100,000		100,000	3,200,000	-	-	-
8R305	Admin Office Programming	100,000		100,000	500,000	-	-	-
8R306	Main Entrance Safety Enhancements	100,000		100,000	500,000	-	-	-
8R307	Portland Ballroom Service Corridor Programming	50,000		50,000	200,000	-	-	-
8R085	Website Redesign & Drupal Platform Upgrade			-	175,000	-	-	-
8R148	Lighting: Exhibit Hall LED Retrofits			-	150,000	1,750,000	-	-
8R308	Articulating Boom Lift Replacement			-	150,000	-	-	-
8R309	Oregon Ballroom Exterior Folding Glass Panel Programming			-	125,000	750,000	-	-
8R245	VIP B Renovation			-	120,000	1,300,000	-	-
8R188B	Cooling System Upgrade Phase II			-	100,000	4,000,000	-	-
8N109	Historical Display - Albina Neighborhood			-	100,000	-	-	-
8R207	Vertical Transportation: Elevator Modernizations			-	-	350,000	350,000	350,000
8R224B	Staff Support Area Programming: Guest Services			-	-	230,000	1,200,000	-
8R310	Boiler Plant Replacement			-	-	200,000	2,000,000	-
8R311	Reoccurring: CCTV Infrastructure Investment			-	-	80,000	-	80,000
8R312	ABC Meeting Room Renovation			-	-	-	1,200,000	8,000,000
8R313	Meeting Room Risers			-	-	-	975,000	-
8R207D	Vertical Transportation: Escalator Modernizations			-	-	-	175,000	600,000
8R314	DEF Meeting Rooms/Lobbies/Restrooms Renovation			-	-	-	-	1,200,000
8R315	Expansion Roof Replacement			-	-	-	-	200,000
OCCTBD87	Food & Beverage Programming: Planning & Design			-	-	-	-	-
OCCTBD97	Vertical Transportation: Escalator Modernizations			-	-	-	-	-
OCCTBD100	ABC Meeting Room Renovation Design & Project			-	-	-	-	-
OCCTBD101	Audio Visual Equipment Investment			-	-	-	-	-

Budget Amendment for FY2023-24
Capital Improvement Plan (CIP) Detail Changes
Waste Prevention & Environ. Services

Attachment 3
Resolution 24-5387

- Description of Changes:**
- Reduced funding for Concrete Removal and Installation at MCS
 - Reducing funding for MSS Electrical Renewal and Replacement
 - Reducing funding for MSS Roof Repairs
 - Increased funding for SJL Stormwater Facility Improvements
 - Increased funding for MSC Bay 2 & 3 Concrete Repairs
 - Increased funding for MSS Transfer Scale Replacement

Project ID	Project Title	FY 2023-24			FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
		Current CIP	Requested Amendment	Amended CIP	Amended CIP	Amended CIP	Amended CIP	Amended CIP
SMC008	Concrete Removal and Installation - MCS	500,000	(500,000)	-	-	-	-	-
SSJ007	SJL Stormwater Facility Improvements	-	50,000	50,000	-	-	-	-
CEN043	MCS Bay 2 & 3 Concrete Repairs	-	1,050,000	1,050,000	-	-	-	-
STH042	MSS Compactor Bridge Assessment and Repair	-	100,000	100,000	-	-	-	-
SMS031	MSS Electrical Renewal and Replacement	300,000	(300,000)	-	-	-	-	-
SMS008	MSS Transfer Scale Replacement	894,000	141,000	1,035,000	-	-	-	-
SMS028	MSS Roof Repairs	541,000	(541,000)	-	-	-	-	-
<i>No changes to the CIP projects below</i>								
RID003	RID Annex acquisition	3,800,000		3,800,000	-	-	-	-
SMC029	MCS - Station Operations Fleet	3,150,000		3,150,000	-	-	-	-
SMC028	MCS - Safe Roof Access	655,000		655,000	-	-	-	-
SMS015	Metro South Bays - 1&2 Ventilations System	615,000		615,000	-	-	-	-
SMS006	MSS New Office & Breakroom	500,000		500,000	-	-	-	-
SMC031	MCS roof repairs	500,000		500,000	-	-	-	-
STH035	MSS Pit Wall Repair Phase 1	350,000		350,000	-	-	-	-
SWR004	MCS MSS POS system upgrade plus hardware	300,000		300,000	750,000	-	-	-
SW5004	Integrated Garbage & Recycling Data System	300,000		300,000	500,000	-	-	-
70001S	Fleet: Solid Waste	300,000		300,000	100,000	100,000	100,000	100,000
SMC035	MCS Fire suppression system	250,000		250,000	-	-	-	-
SMC011	MCS Bay 4 Improvements for Organics	250,000		250,000	-	-	-	-
SSJ008	SJL Office Relocation	200,000		200,000	-	-	-	-
SJL009	SJL Immediate Bridge Repairs	150,000		150,000	-	-	-	-
STH034	MSS Pond Stormwater - Phase II	150,000		150,000	-	-	-	-
RID002	RID Annex- Tenant Improvements	100,000		100,000	-	-	-	-
SMC025	MCS bay 1 side load project	100,000		100,000	-	-	-	-
SMS024	MSS Signage & Wayfinding	65,000		65,000	-	-	-	-
SMC019	MCS Clarus System Replacement/Upgrade	50,000		50,000	-	-	-	-
SMC034	MCS ADA Facility Improvements	48,500		48,500	100,000	100,000	100,000	100,000
SMS030	MSS ADA Facility Improvements	48,500		48,500	100,000	100,000	100,000	100,000
SMC036	MCS electrical renewal and replacement	28,000		28,000	-	-	-	-
SMS025	MSS Trash Compactor #3	-		-	2,500,000	-	-	-
SMC032	MCS Wall in / close off maintenance area	-		-	150,000	-	-	-
SMW001	New Facility Design (NEW WEST)	-		-	-	500,000	-	-
SWR006	RFID hardware	-		-	-	500,000	-	-
SMW002	New Facility 02 Construction (NEW WEST)	-		-	-	-	3,500,000	-
SNF001	Solid Waste System Land Acquisition	-		-	-	-	-	10,000,000
SMS027	MSS covered storage	-		-	-	-	-	-
SSJ004	SJLF condition assessment	-		-	-	-	-	-
SSJ003	SJL Bridge Replacement	-		-	4,000,000	4,500,000	4,500,000	-
SWR005	Camera hardware replacement (All - both stations)	-		-	500,000	-	-	-
SMC037	MCS contractor office space refresh/remodel	-		-	-	300,000	-	-
SMC030	MCS Covered Storage HHW	-		-	-	-	-	-

Budget Amendment for FY2023-24
Capital Improvement Plan (CIP) Detail Changes

Visitor Venue - Oregon Zoo

Attachment 4

Resolution 24-5387

Description of Changes:

- Reduced unallocated project funding to provide additional funding for three projects
- Increased funding for Admin Building Refresh project
- Increased funding for Building Controls project
- Increased funding for Campus Planning and Land Use project

Project ID	Project Title	FY 2023-24			FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
		Current CIP	Requested Amendment	Amended CIP	Amended CIP	Amended CIP	Amended CIP	Amended CIP
ZRW207	Admin Bldg Refresh	200,000	2,000,000	2,200,000	-	-	-	-
ZOO138	Building Controls	200,000	150,000	350,000	-	-	-	-
ZOO132	Campus Planning and Land Use	300,000	350,000	650,000	-	-	-	-
<i>No changes to the CIP projects below</i>								
ZG0009	Jonsson Center Modernization	1,500,000		1,500,000	-	-	-	-
ZOO78	Zoo Technology and Security Upgrades	200,000		200,000	-	-	-	-
ZOOTBD22-3	F&B Improvements	600,000		600,000	837,000	838,000	-	-
ZRW114	Cascade Crest Building Systems Replacement	600,000		600,000	-	-	-	-
ZOO106	Zoo Accessibility Improvements	200,000		200,000	-	-	-	-
I3008U - Zoo	Drupal 8 Refresh	150,000		150,000	-	-	-	-
ZOO154	Point of Sale implementation	150,000		150,000	-	-	-	-

March 2024 Budget Amendments Summary

The following requested budget amendments would *increase* appropriations as follows:

- **TOTAL FUND APPROPRIATION** increase: \$0
 - **General Fund** increase by \$0
 - **Smith and Bybee Wetlands Fund** increase by \$0

The following requested budget amendments request an *additional 1.5 FTE*:

- **Parks and Nature**
 - 0.5 FTE – Administrative Specialist III (increase from 0.5 to 1.0 FTE)
- **Planning, Development & Research**
 - 1.0 FTE – Associate Transportation Planner

The following proposed changes to the FY 2023-24 Capital Improvement Plan (CIP) are:

- **Expo center** *no appropriation needed*
 - 3 projects reprioritized – net zero change in current CIP expected costs
- **Oregon Convention Center** *no appropriation needed*
 - 5 projects reprioritized – net zero change in current CIP expected costs
- **Oregon Zoo** *no appropriation needed*
 - 3 projects starting early – FY2023-24 CIP increase of \$2,500,000. (Zoo has a pool of capital resources to draw from for unplanned projects).
- **Waste Prevention and Environmental Services** *no appropriation needed*
 - 7 projects reprioritized – net zero change in current CIP expected costs

Budget Amendments and Capital Improvement Plan (CIP) Changes

Below is a list, by department, of each requested budget amendment. *Financial Planning (FP)* has provided a *brief analysis* of each request to support decision making. Associated CIP changes can be found as attachments.

Central Services

Personnel Services Increase	<p>\$598,000 increase from General Fund Contingency to cover personnel increases due to pay equity study.</p> <p>Requesting an additional \$598,000 in appropriations to transfer funding to cover pay equity increases for the following departments:</p> <ul style="list-style-type: none"> - Leadership: \$235,000 - Human Resources: \$250,000 - Office of the Metro Attorney: \$113,000 <p>In December, Metro implemented a new compensation model for non-represented employees. Using a wage placement tool, current non-represented employees were equitably and consistently placed on a new pay schedule containing progressive pay grades and steps.</p> <p>Certain departments were able to absorb the budget impacts that these compensation changes generated. However, departments that have a significant number of non-represented FTE need additional budget appropriation in the current year to pay for these changes. In HR every employee is non-represented. Office of Metro attorney and Council/COO have majority non-represented staff.</p>
------------------------------------	---

Expo Center

Capital Improvement Plan Update	<p>Shift \$400,00 to support Hall E HVAC project</p> <p>Shift project dollars of \$400,000 at Expo – Hall E HVAC project from two separate projects: \$250,000 from the UP2 North Walkway Cover project, and \$150,000 from the Hall C Roof Re-coat. No additional appropriation or contingency transfer needed. No increase to the CIP.</p>
--	---

Oregon Convention Center

Capital Improvement Plan Update	<p>Shift \$990,000 to support 4 Projects</p> <p>Shift project dollars of \$990,000 from their Waterproofing Rain Garden project that is on hold, to cover the change in spend plan for four other projects. No additional appropriation or contingency transfer needed.</p> <p>Projects increased in the CIP:</p> <ol style="list-style-type: none"> 1) Waterproofing: Spires & Glazing Repairs: increasing by \$460,000 2) Food & Beverage: Combi Oven Replacement: increasing by \$50,000 3) OCC Waterproof: Load Dock & PPV: increasing by \$330,000 4) OCC WTR: RainGar Cost Over: increasing by \$150,000
--	---

Oregon Zoo

Capital Improvement Plan Update	<p>Shifting \$2,500,000 in unallocated line-item funding to support 3 projects:</p> <p>Shift \$2,500,000 unallocated project funds to these projects: Admin Building Refresh (ZRW207) - \$2M Building Controls (ZOO138) - \$150K Campus Planning and Land Use (ZOO132) - \$350K</p>
--	---

Parks and Nature

Parks & Nature Bond Fund	
FTE Request	<p>Increase one position by 0.5 FTE to provide support for Willamette Cove.</p> <p>The Office of the Chief Operating Officer has requested the Parks and Nature admin team to provide administrative support to the Willamette Cove program. The Office of the COO has been providing administrative support to this team but is no longer able to do so. The anticipated support needed is 12 hours per week with the potential to increase. The current Parks and Nature administrative team cannot take on this additional work without additional resources or sacrificing the support of other projects deemed priority by department leadership.</p> <p>The current year budget can absorb the increased costs without a budget increase.</p>
Smith & Bybee Wetlands Fund	
M&S Increase	<p>Increase Contracted Professional Services by \$17,500</p> <p>Requesting additional funds to Smith and Bybee for FY24 to aid in getting more work done at this site in FY24. Transferring from Contingency to Contracted Professional Services.</p>

Planning, Development & Research

FTE Request	<p>1.0 FTE for RTO program</p> <p>PD&R proposes a 1.0 FTE to provide additional capacity to the growing Regional Travel Options (RTO) program, and to support implementation of the recently completed RTO Equity Implementation Strategy. This position is funded by RTO grant funds.</p> <p>This position is an FY25 budget modification that is being requested in March to allow for earlier hiring. The current year budget can absorb the increased costs without a budget increase.</p>
--------------------	---

Waste Prevention and Environmental Services

Capital Improvement Plan Updates	Adjust and reprioritize 7 projects in the CIP to address health, safety, and deferred maintenance needs (one-time) No operating, appropriation, or FTE impact.
---	--

**Ordinance No. 24-1508 For the Purpose of Amending
Metro Code Section 5.05.055 to Allow the Disposal of
Cleanup Material at a Limited Capacity Landfill Under
Certain Conditions**
Ordinances

Metro Council Meeting
Thursday, March 7, 2024

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 24-1508
CODE SECTION 5.05.055 TO ALLOW THE)	
DISPOSAL OF CLEANUP MATERIAL AT A	)	Introduced by Chief Operating Officer
LIMITED CAPACITY LANDFILL UNDER	)	Marissa Madrigal in concurrence with
CERTAIN CONDITIONS	)	Council President Lynn Peterson

WHEREAS, Metro is the solid waste system planning authority for the region and Metro regulates the solid waste system pursuant to its constitutional, statutory, and charter authority as set forth in Metro Code Title V and in accordance with the Regional Waste Plan; and

WHEREAS, Metro Code Chapter 5.05 contains the requirements for Solid Waste Flow Control; and

WHEREAS, Metro regulates the disposal of solid waste generated within the Metro jurisdictional boundary through the issuance of non-system licenses and designated facility agreements as set forth in Metro Code Chapter 5.05; and

WHEREAS, Metro Council adopted a landfill capacity policy (Ordinance No. 17-1401) that prohibits the disposal of solid waste generated within the Metro region at a new landfill or limited capacity landfill; and

WHEREAS, the landfill capacity policy was intended to ensure that solid waste generated within the region did not cause the expansion or construction of a general-purpose landfill; and

WHEREAS, the policy was not intended to affect general purpose landfills that need cleanup material to facilitate timely compliance with a Department of Environmental Quality Solid Waste Disposal Site Closure Permit; and

WHEREAS, cleanup material is a more readily available and preferred alternative to virgin soil in achieving final engineered grade at landfills needing to achieve permitted closure; and

WHEREAS, most infrastructure development projects that generate cleanup material in Oregon occur in the Metro region; and

WHEREAS, the language codified in Chapter 5.05 with respect to the current landfill capacity policy does not allow the disposal of cleanup material at a general purpose landfill that holds a Department of Environmental Quality Solid Waste Disposal Site Closure Permit, which can unintentionally extend the timeline for closure due to lack of suitable fill material generated outside of the Metro region; and

WHEREAS, timely permitted closure of a landfill is beneficial to the community near which a landfill is sited; and

WHEREAS, the Chief Operating Officer recommends that Metro Council amend Metro Code Chapter 5.05 to allow the disposal of cleanup material, as defined in Metro Code Chapter 5.00, at a general purpose landfill solely for the purpose of facilitating closure; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 5.05 (Solid Waste Flow Control) is amended as set forth in tracked changes in attached Exhibit A, with underlined text representing inserted text and strikethrough representing deleted text.

ADOPTED by the Metro Council this 11th day of April 2024.

Lynn Peterson, Council President

Attest:

Approved as to Form:

Connor Ayers, Recording Secretary

Carrie MacLaren, Metro Attorney

Metro Code Section 5.05.055 is amended as set forth below with underlined text representing inserted text.

5.05.055 Limited Capacity Landfills and New Landfills

(a) No person may dispose of solid waste generated within the Metro jurisdictional boundary at a limited capacity landfill or new landfill.

(b) Metro will not accept any application for a designated facility or non-system license that seeks to dispose of solid waste generated within the Metro jurisdictional boundary at a limited capacity landfill or new landfill.

(c) If a solid waste system facility becomes a limited capacity landfill, then within 30 days of becoming a limited capacity landfill Metro will terminate any existing designated facility agreement and non-system license in effect for that facility.

(d) This section does not apply to a disposal site that holds an applicable permit issued by the appropriate state or federal authority to:

(1) Accept hazardous waste for disposal under Subtitle C of the Resource Conservation and Recovery Act; or

(2) Accept only cleanup material such as contaminated soil and sediment.

(e) This section does not apply to a person who disposes of cleanup material at a limited capacity landfill provided that:

- 1. The landfill uses the cleanup material for the sole purpose of facilitating timely compliance with an Oregon Department of Environmental Quality Solid Waste Disposal Site Closure Permit or an equivalent permit issued by the appropriate state or federal authority; and*
- 2. Metro has issued the person a Metro solid waste non-system facility license to transport cleanup material for this purpose; and*
- 3. Metro has confirmed that the limited capacity landfill has a valid Solid Waste Disposal Site Closure Permit issued by Oregon Department of Environmental Quality or an equivalent permit issued by the appropriate state or federal authority.*

IN CONSIDERATION OF ORDINANCE NO. 24-1508 FOR THE PURPOSE OF AMENDING
METRO CODE SECTION 5.05.055 TO ALLOW THE DISPOSAL OF CLEANUP MATERIAL AT A
LIMITED CAPACITY LANDFILL UNDER CERTAIN CONDITIONS

Date: February 29, 2024

Prepared by: Will Ennis
(503) 490-1005
will.ennis@oregonmetro.gov

Department: Waste Prevention and
Environmental Services

Presenter: Will Ennis

Meeting date: March 21, 2024

Length: 15 minutes

ISSUE STATEMENT

Metro staff recommend that Metro Council amend Metro's landfill capacity policy to allow the disposal of cleanup material generated in the Metro region at a limited capacity landfill when the material is used solely for permitted closure activities.

As currently codified, Metro Code Chapter 5.05 does not allow cleanup material generated in the Metro region to be disposed of at a limited capacity landfill. This prohibition has the potential to delay the closure of limited capacity landfills which often need cleanup material to reach approved engineered grade before placing final cover and capping the landfill.

ACTION REQUESTED

Adopt Ordinance No. 24-1508. This would amend Metro Code Section 5.05.055 to allow a person to dispose of cleanup material at a limited capacity landfill under certain prescribed conditions, as discussed below.

IDENTIFIED POLICY OUTCOMES

The proposed amendment would establish that the landfill capacity policy does not apply to a person disposing of cleanup material generated in the Metro area at a limited capacity landfill when the material is used solely to facilitate closure in accordance with a Disposal Site Closure Permit provided that the person obtains a Metro Solid Waste Facility Non-System License.

POLICY QUESTION(S)

1. Should Metro amend its landfill capacity policy to allow cleanup material to be disposed of at a limited capacity landfill for the sole purpose of facilitating closure?

2. Should Metro Council amend Metro Code Chapter 5.05 to establish that Metro's landfill capacity policy does not apply to any person disposing of cleanup material at a limited purpose landfill for the sole purpose of facilitating closure provided that that person obtains a Metro Solid Waste Facility Non-System License?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Adopt the proposed amendment to Metro Code Chapter 5.05 to update Metro's landfill capacity policy as described in this staff report. This option will allow Metro area cleanup material to be disposed of at a limited capacity landfill to facilitate closure.
2. Adopt alternate amendments to Metro Code Chapter 5.05 that are different than those described in this staff report. The potential implications of this option are unknown at this time because they would be dependent on the extent of the alternate proposal.
3. Do not adopt the proposed amendment. This option would result in maintaining the landfill capacity policy as codified and prohibit Metro area cleanup material from being disposed of at a limited capacity landfill. This option may affect landfills outside of the region achieve timely compliance with a Solid Waste Disposal Site Closure Permit.

STAFF RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 24-1508 to amend Metro Code Chapter 5.05 to update Metro's landfill capacity policy as described in this staff report.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Adoption of Ordinance No. 24-1508 would result in amending Metro Code Chapter 5.05 to establish that the landfill capacity policy does not apply to a person disposing of Metro area cleanup material at a landfill to facilitate timely compliance with a Solid Waste Disposal Site Closure Permit provided that the person obtains a Metro Solid Waste Facility Non-System License.

Staff recommends updating Metro Code Chapter 5.05 as described below:

Add new Subsection 5.05.055(e) to establish that the landfill capacity policy does not apply to a person who disposes of cleanup material, such as contaminated soil or sediment, at a limited capacity landfill provided that:

- a. The landfill uses the cleanup material for the sole purpose of facilitating timely compliance with an Oregon Department of Environmental Quality (DEQ) Solid Waste Disposal Site Closure Permit or an equivalent permit issued by the appropriate state or federal authority; and

- b. Metro has issued the person a Solid Waste Non-System Facility License to transport cleanup material for this purpose; and
- c. Metro has confirmed that the landfill has a current DEQ Solid Waste Disposal Site Closure Permit, or an equivalent permit issued by the appropriate state or federal authority.

KNOWN OPPOSITION

There is no known opposition to the proposed amendment. However, it is helpful to provide some historical context to this matter. Metro received a letter from WM (formerly known as Waste Management), dated November 14, 2023, requesting that Metro amend its landfill policy to allow a limited capacity landfill to receive Metro area cleanup material to facilitate closure. WM is the owner and operator of Riverbend Landfill, a limited capacity landfill that has been issued a Solid Waste Disposal Site Closure Permit by DEQ. WM requested the amendment so that the landfill can receive cleanup material generated in the Metro region to ensure timely compliance with its closure permit. Riverbend Landfill was formerly a designated facility of Metro's regional solid waste system but became a limited capacity landfill as defined by Metro Code when it sought a site development plan amendment for expansion from DEQ. Riverbend Landfill was subsequently removed from the list of Metro designated facilities. There was general community opposition to the proposed expansion of Riverbend Landfill at that time.

PUBLIC OUTREACH

The proposed amendment would allow Metro area cleanup material to be disposed at any limited capacity landfill, including Riverbend Landfill, for the sole purpose of facilitating closure. Metro staff is aware that historically there has been general concerns from community members in Yamhill County about Riverbend Landfill and its former plans for expansion. Staff contacted a representative of the Stop the Dump Coalition (<https://stopthedumpcoalition.org/>) to seek input about the proposed amendment. A representative of that group stated that the group did not oppose the proposed amendment to Metro's landfill capacity policy. The group requests that Metro coordinate with DEQ, the regulator of Riverbend Landfill, to ensure that any Metro area cleanup material transported to that facility is used solely to facilitate closure.

Staff also contacted Yamhill County's solid waste staff to determine if the County had any concerns with the proposed amendment. County staff requested additional information about the proposed amendment and operational requirements at the landfill. Many of the questions submitted by the County fall under the jurisdiction of DEQ, the regulator of Riverbend Landfill.

LEGAL ANTECEDENTS

Metro Charter, Title V of the Metro Code and ORS Chapters 268 and 459.

ANTICIPATED EFFECTS

Adoption of Ordinance No. 24-1508 would result in amending Metro Code Chapter 5.05 to update Metro's landfill capacity policy as provided in Exhibit A.

BUDGET IMPACTS

There are no expected budget impacts associated with the adoption of this ordinance. Metro will continue to collect the regional system fee and excise tax on Metro area waste at the time of disposal. Metro assesses a reduced regional system fee and excise tax rate of \$3.50 per ton on cleanup material.

BACKGROUND

In 2017, Council adopted a landfill capacity policy that prohibited the disposal of the region's waste at any new landfill or any landfill that sought expansion after May 2017. This policy was adopted around the time that Riverbend Landfill was going through an extended process to expand its disposal capacity. The policy was intended to ensure that the region's residential and business waste didn't cause the expansion or construction of a general-purpose landfill.

The landfill capacity policy was initially adopted in the context of household garbage being disposed of at a general-purpose landfill (such as Riverbend Landfill) and applied to all landfills, regardless of the type of landfill or the waste they accepted. The policy was amended by Metro Council in 2022 to clarify that it did not apply to disposal sites with applicable permits, issued by the appropriate state or federal authority, to accept hazardous waste or to only accept cleanup material. This clarification was necessary to address several remediation and cleanup projects along the Willamette River that are expected to generate millions of tons of contaminated sediment that will require disposal over a period of many years. According to DEQ, some of this material is suitable for a general-purpose landfill while some must be disposed at a permitted hazardous waste landfill.

The landfill capacity policy was not intended to extend the timeline for a limited capacity landfill's closure due to lack of suitable fill material. As most of the cleanup material generated in the state is generated in the Metro region, staff finds that the amendment is a prudent approach to help expedite the closure of a limited capacity landfill which has been issued a DEQ Solid Waste Disposal Site Closure Permit.

Metro staff recommends that Metro Council adopt Ordinance No. 24-1508 which amends Metro Code Chapter 5.05 to establish that the landfill capacity policy does not apply to a person disposing of cleanup material at a limited capacity landfill provided that the material is used solely for facilitating the timely compliance with a Solid Waste Disposal Site Closure Permit.

**Ordinance No 24-1509 For the Purpose of Amending
Metro Code Chapter 7.04 to Expand Eligible Recipients of
2040 Planning and Development Grants and Allow
Allocation of CET Funds to Community Placemaking Grant
Program
*Ordinances***

Metro Council Meeting
Thursday, March 21 2024

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 24-1509
CODE CHAPTER 7.04 TO EXPAND ELIGIBLE)	
RECIPIENTS OF 2040 PLANNING AND	)	Introduced by Chief Operating Officer
DEVELOPMENT GRANTS AND ALLOW	)	Marissa Madrigal in concurrence with
ALLOCATION OF CET FUNDS TO	)	Council President Lynn Peterson
COMMUNITY PLACEMAKING GRANT)	
PROGRAM)	

WHEREAS, in 2006, Metro adopted Ordinance No. 06-1115, establishing a construction excise tax (CET) to generate revenue for providing grants to local governments for regional and local planning; and

WHEREAS, in 2017, the Metro Council adopted Resolution No. 17-4782, which approved revisions to the administrative rules governing the CET grant program, changed the name of the program to 2040 Planning and Development Grant Program, and changed the program to annual grant cycles; and

WHEREAS, following two extensions of the CET in 2009 and 2014, and recognizing the ongoing need for funding regional and local planning, in 2018 the Metro Council adopted Ordinance No. 18-1425, making the CET a permanent source of revenue; and

WHEREAS, since 2006, the CET has funded more than \$28 million in grants to local governments through the 2040 Planning and Development Grant Program for planning and development work across the region; and

WHEREAS, in 2020, the Metro Council adopted Ordinance No. 20-1447 to expand the purpose of the 2040 Planning and Development Grant Program to facilitate economic development and community stabilization as well as continuing to fund planning and development activities; and

WHEREAS, as the 2040 Planning and Development Grant Program continues to evolve, it has become apparent that expanding CET fund availability to include federally recognized Tribes, community groups inside unincorporated urban areas wanting to explore incorporation or annexation, and Metro's Community Placemaking Grant Program will further the grant program purposes of making land ready for development and redevelopment, and facilitating economic development and community stabilization; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 7.04 (Construction Excise Tax) is amended as shown on Exhibit A, with inserted text underlined and deleted text in strikethrough, to expand the availability of 2040 Planning and Development Grants to include federally recognized Tribes and certain community groups inside unincorporated urban areas, and to allow CET funds to be allocated to the Community Placemaking Grant Program.

ADOPTED by the Metro Council this ____ day of April 2024.

Lynn Peterson, Council President

Attest:

Approved as to Form:

Connor Ayers, Recording Secretary

Carrie MacLaren, Metro Attorney

Exhibit A to Ordinance No. 24-1509

The Metro Code Sections below are amended as shown with underlined text representing inserted text and ~~strikethrough~~ text representing deleted text.

CHAPTER 7.04

CONSTRUCTION EXCISE TAX

7.04.020 Policy and Purpose

This chapter establishes a Construction Excise Tax to provide funding for regional and local planning that is required to make land ready for development or redevelopment and to provide funding for plans and projects that will facilitate economic development and/or promote community stabilization in the Metro region.

[No changes to Sections 7.04.030 through 7.04.200]

7.04.210 Dedication of Revenue

Revenue derived from the imposition of this tax after deduction of necessary costs of collection ~~shall be~~ is dedicated to funding regional and local planning that is required to make land ready for development or redevelopment, and to provide funding for plans and projects that will facilitate economic development and /or promote community stabilization in the Metro region.

7.04.220 Procedures for Distribution

The Chief Operating Officer ~~shall~~ will distribute the revenues from the Construction Excise Tax through grants to local governments, ~~or~~ private entities partnering with local governments, federally recognized Tribes, or community groups inside unincorporated urban areas wanting to explore incorporation or annexation, for planning and projects ~~that help implement the region's long-range plan~~ consistent with Section 7.04.210. The Chief Operating Officer may also allocate a portion of Construction Excise Tax revenue to be distributed through grants awarded by Metro's Community Placemaking grant program.

STAFF REPORT FOR COUNCIL MEETING

CONSIDERATION OF ORDINANCE 24-1509, FOR THE PURPOSE OF AUTHORIZING CHANGES TO THE RULES REGARDING HOW CONSTRUCTION EXCISE TAX FUNDS MAY BE DISTRIBUTED

Date: February 28, 2024

Department: Planning, Development & Research

Meeting Date: March 21, 2024

Prepared by: Serah Breakstone, 2040 Grants Program Manager

Presenters:

Eryn Kehe, Urban Policy & Development Manager

Serah Breakstone, 2040 Grants Program Manager

Length: 15 minutes

ISSUE STATEMENT

The 2040 Planning & Development Grants program has been funding important planning work in the region for nearly 20 years. Since its establishment in 2006, the program has undergone multiple updates to enhance effectiveness and respond to shifting regional priorities, including a growing housing crisis and a need for more equity focused planning.

Staff is currently preparing a new round of updates for the program that is intended to respond to the needs of grant users and Metro staff that help administer the program. Staff discussed those updates with Council at an October 24, 2023 work session, and again at a February 13, 2024 work session to review related updates to the administrative rules that govern the 2040 grant program.

In order to complete the proposed updates to the 2040 grant program and fully implement Council's direction, amendments to the Metro Code are required. Specifically, amendments to Metro Code Section 7.04 Construction Excise Tax (CET) are proposed to update the rules regarding how CET funds can be distributed. The proposed amendments will achieve the following objectives:

- Allow federally recognized Tribes of Oregon to receive 2040 grants directly
- Allow unincorporated community groups interested in exploring incorporation or annexation to receive 2040 grants directly
- Allow CET funds to be allocated to the Community Placemaking Grants program

These outcomes will be achieved by amending language in the Metro Code that describes how CET funds may be distributed. Details regarding what entities are eligible for 2040 and Placemaking grants will be further clarified in the programs' administrative rules.

ACTION REQUESTED

Staff is requesting Council consider Ordinance 24-1509 for the purpose of amending Metro Code Section 7.04 to update the rules regarding how CET funds can be distributed.

IDENTIFIED POLICY OUTCOMES

These amendments to the Metro Code will facilitate changes to both grant programs that will enable Metro to respond to our local jurisdictional and community partners' needs. The amendments will provide flexibility for CET funds to be used in support of Metro's goals for equitable and livable communities.

STAFF RECOMMENDATIONS

Staff recommends Council approve Ordinance 24-1509 to amend Metro Code Section 7.04 to achieve the outcomes identified above.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Updates to the 2040 grants program are centered around addressing the following goals:

- Flexibility and responsiveness. Removing current barriers to participation in the grant program and providing better alignment with the needs of applicants in terms of timing, funding parameters, and program requirements.
- Streamlining. Leveraging opportunities for better efficiency, both in program administration and grant project management.
- Effectiveness. Shifting to a more simplified approach that is directly in support of the programs' stated purpose.

The proposed amendments to the Metro Code will facilitate program goals related to flexibility, responsiveness, and effectiveness.

ATTACHMENTS

- A. Ordinance 24-1509
- B. Proposed Metro Code amendment