

Metro

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Metro

Minutes

Thursday, October 26, 2023

10:30 AM

Metro Regional Center, Council Chamber,
[https://www.youtube.com/live/FBFm61oimLk?
si=CMXrzFvkwOJsa7NH](https://www.youtube.com/live/FBFm61oimLk?si=CMXrzFvkwOJsa7NH), <https://zoom.us/j/615079992> Webinar ID:
615 07

Council meeting

This meeting will be held electronically and in person at the Metro Regional Center Council Chamber. You can join the meeting on your computer or other device by using this link: <https://www.youtube.com/live/FBFm61oimLk?si=CMXrzFvkwOJsa7NH>, <https://zoom.us/j/615079992>, or 877-853-5257 (toll free) (Webinar ID: 615079992).

1. Call to Order and Roll Call

Present: 5 - Councilor Christine Lewis, Councilor Mary Nolan, Councilor Gerritt Rosenthal, Councilor Duncan Hwang, and Councilor Ashton Simpson

Excused: 2 - Council President Lynn Peterson, and Councilor Juan Carlos Gonzalez

2. Public Comment

Councilor Anthony Martin, city of Hillsboro, spoke about the private transfer rate review topic and expressed his support for the private transfer station rates. Martin mentioned that the private transfer stations play a critical role in the community and noted that the rates in his city of Hillsboro are fair and then explained that Metro has significantly raised the rates with little to no explanation and that it is good governance for the community to be told about the rates being raised and it should be a standard to have fair rate prices.

Matthew Barnett expressed his dissatisfaction with the proposed 2023 regional transit plan and noted that the plan under funded transit and pedestrian projects and that it is not aligning with its promises.

3. Consent Agenda

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

Attachments: [Resolution No. 23-5364](#)
[Staff Report](#)

3.2 Consideration of the September 14, 2023 Council Meeting Minutes

Attachments: [091423c Minutes](#)

3.3 Consideration of the September 28, 2023 Council Meeting Minutes

Attachments: [092823c Minutes](#)

3.4 Consideration of the October 5, 2023 Council Meeting Minutes

Attachments: [100523c Minutes](#)

4. Resolutions

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

Attachments: [Resolution No. 23-5357](#)
[Staff Report](#)

Deputy council president Lewis spoke about the significance of Resolution 23-5357 for the future of the zoo, emphasizing its role as a leader in animal conservation. She also highlighted that the zoo is the top tourist attraction in the state of Oregon. Lewis then explained that the zoo's team has collaborated with experts and staff to make substantial improvements, including updating animal habitats and enhancing protection against heat for both staff and visitors.

Following that, Katie McDonald connected to the council through a Zoom video call from the Oregon Zoo, joined by members of the Yakima tribe. Katie McDonald introduced some members from the Yakima Nation Tribe including Casey Mac Walahie, member of tribal Council who announced that they had picked pumpkins the previous day and would be donating them to the zoo. Christopher Walahie expressed appreciation for the bond they share with the zoo and look forward to future relationships. Danella Miller, a Tribal Member, expressed her satisfaction with the efforts being made at the zoo.

Councilor Lewis thanked the staff for their hard work.

Councilor Rosenthal commented on the positive contributions of the tribe members at the zoo.

End of the call.

Councilor Deputy President Lewis then introduced Heidi Rahn (she/her), Oregon Zoo Director, Metro, and Kristin Solomon (she/her), Senior Capital Project Manager, Metro, to present Resolution No. 23-5357, focusing on accepting the Draft Oregon Zoo Campus Plan.

The staff presented a PowerPoint for the council.

Summary of the presentation: Heidi Rahn began her presentation by introducing the zoo's mission and shared a handwritten letter from a visitor highlighting the zoo's positive impact on children. Rahn elaborated on the zoo's core focus areas and its significance in the community, emphasizing its role in wildlife conservation both locally and globally. She proudly announced the successful reintroduction of the California Condor, with over 300 birds now thriving in California thanks to the Oregon Zoo's efforts. Rahn discussed design concepts, including a new outdoor habitat to replace the penguinarium, expanded guest amenities, food options, and outdoor areas. The indoor herpetarium will also be redeveloped, and the African zone will be upgraded to meet future Association of Zoos and Aquariums (AZA) requirements. Rahn mentioned the introduction of a new mission, brand, and logo at the Oregon Zoo and concluded the presentation with a video featuring zoo staff expressing their passion for their work and the importance of the zoo's existence.

Councilor discussion:

Councilor Simpson expressed gratitude to Rahn for considering councilors' thoughts and comments when they visited the zoo.

Councilor Rosenthal noted that the resolution didn't mention the AZA requirements and asked about any other updates in the zoo that weren't mentioned.

Rahn explained that there were specific findings related to penguin and giraffe holdings and mentioned their sponsorship of a PHD student at Portland State University (PSU) who would study best welfare practices for animals and reptiles and incorporate them into habitat designs.

Councilor Hwang asked Rahn to explain the economic benefits the zoo brings to the community.

Rahn explained that the zoo had 700 contractors at one point, contributing to the region's construction careers. She also mentioned the zoo's annual \$80 million revenue impact in the region and its role as a community getaway.

Councilor Hwang then asked if they have a public return on investment.

Rahn explained they don't have those numbers right now, however she noted it costs \$140,000 a day to run the zoo.

Councilor Lewis noted that the work being done is incredibly powerful.

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

Aye: 5 - Councilor Lewis, Councilor Nolan, Councilor Rosenthal, Councilor Hwang, and Councilor Simpson

Excused: 2 - Council President Peterson, and Councilor Gonzalez

5. Ordinances (First Reading and Public Hearing)

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

Attachments: [Ordinance No. 23-1503](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Staff Report](#)

Deputy Council President Lewis introduced Josh Harwood, Fiscal Tax Policy Advisor, Metro, and Justin Laubscher, Tax Compliance Program Manager, Metro, to present on the Supportive Housing Services Program and Tax Implementation Ordinance 23-1503.

Harwood passed the conversation to COO Marissa Madrigal for an important announcement. Madrigal shared that this tax will now be included on TurboTax for electronic filers.

Harwood proceeded to discuss three minor changes to the tax codes and then handed over the presentation to Laubscher.

Laubscher provided an overview of the presentation,

focusing on Exhibit A, which includes the E-filing mandate, employer penalties for incorrect withholdings, and chapters 7.05 & 7.06. He highlighted that the current code lacks a penalty to enforce accurate withholdings reporting claims by employers.

Councilor Rosental inquired about the penalties associated with these changes.

Laubscher clarified that the penalty will amount to \$50 per missing W-2, and it will be applied at discretion.

The presentation concluded, and the vote on the matter is scheduled for November 9, 2023.

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

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

Deputy Council President Lewis introduced Glen Hamburg (he/him), regional planner, Metro, to present on Ordinance 23-1502.

Metro Attorney Carrie McLaren provided an overview of the procedural requirements.

Councilor Lewis inquired whether any council members had conflicts of interest to declare.

All council members declared that they did not have any conflicts of interest.

Hamburg then proceeded to highlight the proposal, explaining that it involves annexing a 23.17-acre area in Hillsboro, Oregon, within the Metro district boundary. This area falls within the Hillsboro city limits and is designated for industrial use only. He noted that it is within the urban growth boundary (UGB) boundary and was added in 2005. To prevent urbanization, certain measures need to be applied to the territory. Hamburg also mentioned that they had sent notices of the application to nearby property owners, posted it in newspapers, and received no comments or concerns about the proposal.

Councilor Hwang inquired about potential future land use for the area.

Hamburg explained that it is intended for stack infrastructure, and the specific use will be determined by the property owners and the City of Hillsboro.

The second reading and vote are scheduled for November 16, 2023.

6. Other Business

6.1 Private Facility Rate Transparency

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

Deputy Council President Lewis introduced Jenna Jones, State and Regional Affairs Advisor, and Holly Strinkorb, Principal Planner, to provide an overview of private transfer station rate transparency.

Marta McGuire, Director of Waste Prevention and Services at Metro, outlined the objectives of the private transfer station rates, feedback received from stakeholders, and concerns from private transfer stations. McGuire pointed out that there's a draft resolution in the materials, although no formal action is required during this meeting.

Strinkorb discussed the current policy framework, including the 2030 Regional Waste Plan and the 2016 Transfer System Configuration Policy. She emphasized that while Metro doesn't typically regulate rates at privately owned facilities, they have the authority to do so if it serves the public interest.

Jones explained the necessity of a cost of service study, emphasizing its role in good governance, data enhancement, improved transparency, and better decision-making. She highlighted the importance of keeping commitments to local government partners and impacting both business and residential customers positively.

Strinkorb then informed the council that a third-party entity would be responsible for designing the cost of study, and all six transfer stations would have the opportunity to participate.

Council Discussion:

Councilor Nolan raised concerns about potential conflicts of interest when Metro collaborates with private competitors and asked how this structure aligns with Waste Prevention and Environmental Services (WPES) efforts to reduce long-term waste to landfills.

McGuire explained that they would explore this structure further.

Councilor Nolan inquired about the knowledge of what private transfer stations charge.

McGuire clarified that they are aware of the charges but lack information about the differences in services.

Strinkorb mentioned the variation in charges among transfer stations, with some charging 15% more than others, and the need to understand the reasons behind these discrepancies, which may be due to different business models.

Jones emphasized that Metro can pursue the option that seems more advantageous as long as it is supported by data.

Councilor Nolan questioned the availability of curbside service in every property in the Metro Service District (MSD).

Jones sought clarification on what Councilor Nolan meant by "available."

Councilor Nolan inquired whether, as a property owner in the Metro boundary could have garbage picked up at the curb.

McGuire explained that it is not mandatory, but if the property owner desires the service, it can be provided.

Councilor Nolan asked how Metro accounts for the value of properties and operations in the region, particularly in regions that do not pay property taxes.

CFO Brian Kennedy explained that the land value and potential tax revenue are not part of the public sector rate-setting process and are accounted for through the

community enhancement fee.

Councilor Simpson suggested that Metro should conduct comparative rate analyses alongside the public sector for transparency and expressed a desire to learn more about the third-party experts and their prior government collaborations in this field.

McGuire addressed the first comment, assuring transparency in the process.

Strinkorb explained that the third-party company has relevant experience, and this approach is standard.

Councilor Simpson asked if the study would consider the impact of the COVID-19 pandemic years.

Councilor Lewis expressed hope for disaggregating data between the south and central regions.

Councilor Rosenthal inquired about the potential disaggregation of South Hall.

Strinkorb clarified that the study would only focus on wet waste.

McGuire mentioned that if the council decides to proceed with a cost of service study, they can return with a design that aligns with Metro's needs.

Councilor Hwang asked for an explanation of Metro's role as a regulator and the objectives Metro aims to achieve through the study.

Jones explained that the study's goals would be determined by the council, with the authority to choose the path forward. She emphasized the study's purpose is to gain a

better understanding of what makes sense for Metro.

Council Deputy President Lewis then called for public comment opportunity on the private rate transparency.

6.1.1 Public Comment Opportunity for Agenda Item 6.1

Thomas Eglestan (he/him), Washington County Solid Waste Manager, provided testimony on behalf of Washington County in support of the review of public/private rate stations. Eglestan emphasized the county's reliance on Metro for transparency and encouraged Metro to proceed with the review.

Peter Bandom, Cornelius City Manager, expressed support for the review of public/private stations and raised concerns about the mysterious fees charged by private facilities. He suggested conducting an audit to determine what is fair. Bandom also pointed out that private facilities are a more convenient option for customers due to their proximity, which should be considered in the review.

Kristen Leichner, Vice President of Pride Recycling Company, stressed the need for transparency and offered her company's perspective on efforts to increase revenue.

Ternell Gunn, Greenway Recycling, discussed their higher recovery rate compared to other stations and thanked Metro for its support. Gunn highlighted differences in pricing and urged the council to request a transparent conversion of Metro TIP fees to include real costs paid by private facilities not currently factored into Metros TIP fees. He argued that private facilities offer the best deal, making an audit unnecessary.

Cindy Rodgers, Manager for Republic Services, pointed out three omissions in goal 14, emphasizing that Metro rates

are subsidized by the regional system fee, making them an inadequate representation of fairness compared to other transfer systems in the region. She also highlighted the variance in fixed and variable cost allocations per ton and the importance of including variable costs for facilities and locations in the tip fee. Rodgers requested that Metro provide information on their real costs.

Evan Polk, City of Portland Solid Waste Manager, expressed the city's support for moving forward with the review.

Council Discussion:

Councilor Nolan asked Polk if the city requests detailed information when gathering bids from construction companies, particularly related to employee compensation and equipment purchase, and inquired about where the city draws the line.

Polk explained that they request detailed information and if the cost is deemed inappropriate, they seek alternative bids.

Madrigal clarified that there are automatic allocations, some allocated based on criteria, and a base tonnage allocation.

McGuire explained that Metro retains 40% of the waste while private stations hold 60%.

Councilor Rosenthal acknowledged the differences in business models between private and Metro facilities and expressed the need for more information.

Strinkorb explained that Metro cannot set costs for private stations until the evaluation is completed due to a lack of cost data.

Councilor Rosenthal followed up regarding a change in how

Metro allocates to reserves and asked about the potential impact on Metro's rate structure.

CFO Brian Kennedy explained that the regional system fee does not directly subsidize transfer station operations, and Metro breaks down costs separately.

Councilor Hwang read a statement on behalf of Councilor Gonzalez, expressing support for a balanced and cost-effective garbage and recycling ecosystem. Gonzalez supported staff moving forward with the study.

Councilor Hwang asked what was insufficient in phase 2 data that prevents Metro from using it and how Metro can balance transparency and privacy goals.

Strinkorb explained that Metro couldn't obtain cost data and acknowledged the study's limitations from the beginning.

Councilor Hwang inquired about aggregated information.

Strinkorb confirmed that the data would be aggregated.

Councilor Hwang asked if the data collected from the third party would be subject to public records requests.

Metro attorney Shane Abma explained that since Metro does not possess the information, it is not subject to public records requests.

Strinkorb addressed the idea that Metro might be seen as a competitor and explained that private stations are located to maintain a noncompetitive environment.

Jones clarified that Metro is not a competitor; rather, it is a regulator allowing private stations to operate and providing some of their tons to create a fair environment.

Councilor Nolan expressed that they are not prepared to move forward.

Councilor Lewis called for another work session on this topic before proceeding.

- 7. **Chief Operating Officer Communication**
- 8. **Councilor Communication**
- 9. **Adjourn**

There being no further business, Deputy Council President Lewis adjourned the Metro Council Meeting at 1:10pm.

Respectfully submitted,

Sermad Mohamad

Sermad Mohamad, Legislative Assistant