

STAFF REPORT FOR COUNCIL MEETING

IN CONSIDERATION OF RESOLUTION NO 24-5385

Date: February 12, 2024
Department: Communications
Meeting Date: February 29, 2024

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Presenter(s):
Gloria Pinzón Marin, she/they, Principal
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Communications;
Kimberlee Ables, she/her, Strategic
Communications and Crisis manager
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Representative(s).
Length: 8 pages

ISSUE STATEMENT

This Public Engagement Guide establishes consistent guidelines to ensure people have meaningful opportunities to be involved in the regional planning process. Metro staff seeks to update and replace the Public Engagement Guide last adopted in 2013 by Resolution No. 13-4476. The update of the guide brings the guidance into alignment with Metro values, Metro's Strategic Plan to Advance Racial Equity, and the Guiding Principles for Meaningful Public Engagement adopted since 2013. The update of the guide also satisfies Metro's charge as the Metropolitan Planning Organization (MPO) responsible for producing or updating a *Public Participation Plan* every four (4) years in preparation for its duties to implement the Regional Transportation Plan (RTP) and the Metropolitan Transportation Improvement Program (MTIP) while meaningfully involving and informing the public as consistent with federal transportation guidelines.

ACTION REQUESTED

Adopt the *Public Engagement Guide* as Metro's Public Participation Plan as required by Federal transportation guidelines and the Code of Federal Regulations, 23 CFR 450.316.

The *Public Engagement Guide* is included as Attachment 1 and has been undergone revisions in concurrence with the following:

- a) Metro has collaborated with Public Engagement Review Committee (PERC), the Committee on Racial Equity (CORE), the Committee on Disability Inclusion (CODI), Metro's Tribal liaisons, and staff across Metro departments to create a revised Public Participation Plan, referred to as Metro's *Public Engagement Guide*, to set forth Metro's public engagement processes and responsibilities in compliance with federal public participation requirements; and
- b) A 52-day comment period, Dec. 19, 2023 – Feb. 9, 2024, wherein the draft Public Engagement Guide was (a) electronically distributed to interested parties including PERC, CORE, CODI committees, community organizations serving the region's underserved communities experiencing limited English proficiency, diverse cultural backgrounds, low income,

disabilities, and senior and youth statuses, (b) posted on Metro’s website and social media in English and Spanish, (c) distributed internally to Metro Senior Leadership, the Community Relations Team, and department leadership, and (d) presented to staff in Metro departments, including: Diversity, Equity, and Inclusion, Parks and Nature, Communications, Planning Development Research, Capital Asset Management, Housing, Portland’s Centers for the Arts, Data and Resource Center, and Tribal Policy liaison offices.

- c) Metro councilor briefings and a Council Work Session, Jan. 23, 2024, wherein a partial draft Public Engagement Guide was provided and feedback from Metro Councilors was gathered.

The *Summary of Engagement Input* is included in Attachment 2 reflecting feedback from Metro Council, Staff, Community partners, and public review.

IDENTIFIED POLICY OUTCOMES

Adoption and implementation of the updated Public Engagement Guide will:

- strengthen Metro’s engagement practices and align them with Metro’s Guiding Principles for Meaningful Public Engagement adopted June 15, 2023.
- support Metro Council in making decisions that are well-informed, sustainable and address the needs and priorities of the diverse communities and perspectives in greater Portland.
- Implement Metro Council’s values and direction about public engagement practices.
- Implementation of the guiding principles will support the advancement of goals in Metro’s Strategic Plan to Advance Racial Equity:

Goal A: Metro convenes and supports regional partners to advance racial equity.

Goal B: Metro meaningfully engages communities of color.

Goal C: Metro hires, trains and promotes a racially diverse workforce.

Goal D: Metro creates safe and welcoming services, programs and destinations.

Goal E: Metro’s resource allocation advances racial equity.

Updates to the draft Public Engagement Guide meet the Federal Highway Administration’s (FHA) requirements in 23 CFR 450.316 and Plan of Corrective Action 3 including:

- Simplifying the Public Participation Plan (Metro’s Public Engagement Guide) document through summaries, visualization, and other techniques to make the document accessible and comprehensible to the widest possible audience.
- Explicit procedures for outreach to be conducted at the identified key decision points.
- Specific outreach strategies to engage traditionally underserved populations.
- Criteria or process to evaluate the effectiveness of outreach processes.
- A minimum public comment period of 45 calendar days shall be provided before the revised participation plan is adopted by the MPO.

Additionally, the FHA has provided direction that the Public Engagement Guide should include information about Metro’s work outside of transportation planning, for the benefit of the public.

POLICY QUESTION(S)

1. Does the *Public Engagement Guide* reflect guidance from Metro Council, staff, community partners, and the public?
2. Does the Metro Council support the adoption of the core Public Engagement Guide?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Option 1: Adopt the *Public Engagement Guide* as is, with no additional changes.

Pros:

- Meets United States Federal Highway Administration's requirements with a submitted *Public Participation Plan* responding to their Corrective Actions related to transportation work.

Cons:

- Will not include the full guidance desired by staff, including appendices on best practices for engaging with Tribal governments and urban indigenous groups, will delay implementation and awareness of such policies.
- Continues a precedent of Metro Council approval required for any changes to the *Public Engagement Guide*.

Option 2: Adopt the *Public Engagement Guide* with minor updates based on Metro Council, PERC, CODI, and Metro staff input leading up to and including the business meeting on February 29, 2024.

Pros:

- Meets Federal Highway Administration's requirements with a submitted *Public Engagement Guide* that is adopted by Metro Council and meets their requests within a Plan of Corrective Actions related to regional transportation planning.
- Allows additional time to develop meaningful guidance needed for staff to advance Metro's values including the appendixes describing best practices for engaging with Tribal governments and urban indigenous groups, policies on how to reduce barriers, updated language access policy, et cetera.
- Changes to the appendix would not require Metro Council adoption of a new *Public Engagement Guide* prior to the expiration of the guide. Metro Council would be informed and have a chance to review any additional guidance added in the future.
- Allows gradual adjustments to improve internal coordination and apply public participation practices at Metro while maintaining federally mandated practices to update MPO *Public Participation Plans* every five years alongside the MPOs Regional Transportation Plan.
- Establishes a precedent of evaluation and continuous improvement of public participation practices.

Cons:

- Partial guidance included.

Option 3: Reject the *Public Engagement Guide* as is, and request significant additional changes be made.

Pros:

- May meet councilor requests for significant changes made to the guide or its appendixes prior to Councilor approval.
- Grants additional time to include full guidance desired by staff, including appendixes on best practices for engaging with Tribal governments and urban indigenous groups, will delay implementation and awareness of such policies.

Cons:

- Does not comply with the United States Federal Highway Administration’s requirements with a submitted *Public Participation Plan* that is adopted by Metro Council and responds to their requests made with a set of Corrective Actions related to transportation work.

STAFF RECOMMENDATIONS

The staff recommends councilors strongly consider Policy Option #2.

As part of developing the new guidance for public engagement, the project team heard input from Metro staff, Council and community members, that cannot be fully and effectively addressed within the content of the Public Engagement Guide. Some topics or issues, such as compliance with the guide or setting clear decision-making processes, would benefit from having the impacted perspectives to share in the development of solutions.

There are important organizational considerations to support meaningful public engagement practices and advance Metro values and key policies. While the *Public Engagement Guide*, provided in Attachment 1, is a complete and final iteration of Metro’s Public Participation Plan, there remains much potential in the guide and its appendices to advance Metro’s application of its values and commitments to the public and the region’s underserved communities. The staff are ready to continue their work on meeting and exceeding Metro’s expectations for public engagement to increase the impact of Metro’s work in the community and gain public trust.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The Public Engagement Guide will inherently work alongside other Metro programs and initiatives. It is important Metro maintains organizational alignment that ensures consistent implementation of best practices. This guide also provides a way to confirm that our engagement efforts resonate with the community, stakeholders, partners and Metro staff.

Through this update, Metro is identifying how to leverage existing partnerships to enhance the effectiveness of public engagement, establishing clear communication channels facilitate seamless collaboration and guidance to analyze recent public or committee engagement experiences to identify successful strategies and areas for improvement.

The Public Engagement Guide is a complement to the Strategic Plan to Advance Racial Equity, Diversity and Inclusion, encourages community and stakeholder feedback, provides transparency in creating clear decision-making processes, and is a major component in how Metro advances its racial equity goals and meets the needs of the public served.

- Stakeholder groups and individuals involved in this update include:
 - External:
 - Public Engagement and Review Committee (PERC)
 - *(Includes community members, organizations and County government staff)*
 - Committee on Racial Equity (CORE)
 - General public through public comment period (Dec. 19, 2023 – Feb. 9, 2024).
 - Internal:
 - Community relations team. This is a community practice group that includes approximately 60 staff from across the agency.
 - Senior Leadership Team

- Department specific staff engagement:
 - Advisors team representative of departments across the agency to involve in the project along the way.
 - Staff presentations were offered to all departments. These are the departments that took the opportunity: Diversity, Equity, and Inclusion leadership, Parks and Nature leadership and communications team, Communications all-staff, Planning Development and Transportation leadership, Portland's leadership, WPES leadership, Capital Asset Management leadership, Housing Department, Data and Resource Center, Tribal Affairs Policy Liaison.
- Legal Antecedents
 - *Resolution No. 13-4476, Public Engagement Guide adopted in 2013*
 - *Following Federal Highway Administration rules at 23 CFR 450.316(a), this guide serves as Metro's documented, "process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process."*
 - *In accordance with the Federal Transit Administration circular, FTA C 4702.1B, this guide serves as Metro's documented, "outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others."*

Federal requirements

- Code of Federal Regulations – Title 23 – Highways– Chapter I- Federal Highway Administration, Department of Transportation Subchapter E- Planning and research-, § 450.316 Interested parties, participation, and consultation.
- Moving Ahead for Progress in the 21st Century Act (MAP-21), public Law 112-141 as passed by Congress and signed by President Barack Obama on July 6, 2012.
- The National Environmental Policy Act of 1969 (NEPA), (included in Appendix C for more information).
- Title VI of the 1964 Civil Rights Act, 23 USC 140, 23 CFR 200, and 49 CFR 21.
- Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, signed Feb. 11, 1994 by President Bill Clinton.
- Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency, signed Aug. 11, 2000 by President Bill Clinton.
- Americans with Disabilities Act (ADA) of 1990, 42 USC 126 and 49 CFR 27.19.
- Age Discrimination Act of 1975, 42 USC. Sections 6101-6107.

Oregon state requirements

- Administrative Rules of the Oregon Department of Land Conservation and Development Commission, Oregon Statewide Goal 1 - Citizen Involvement, OAR 660.
- Oregon Revised Statutes Comprehensive Land Use Planning Coordination, ORS 197.175

- Oregon Revised Statutes Local Government Planning Coordination; Coordination Agreements, ORS 195.020 to 195.040.
- Oregon Revised Statutes Opportunity for Public Comment on New Fee or Fee Increase, ORS 294.160.
- Oregon Public Records Act, ORS 192.410 to 192.505.
- Oregon Public Meetings Law, ORS 192.610 to 192.690.

Metro requirements

- Metro Charter, Office of Citizen Involvement.
 - Resolution No. 97-2433, Metro Citizen Involvement Principles.
 - Ordinance No. 12-1275, Establishing the Metro Public Engagement Review Committee.
 - Resolution No.12-4375, Metro Diversity Action Plan.
 - Resolution No. 16-4708, Strategic Plan to Advance Racial Equity, Diversity, and Inclusion
 - Resolution No. 19-1431, the 2030 Regional Waste Plan
 - Resolution No. 23-5331, Metro's New Guiding Principles for Meaningful Public Engagement
 - Resolution No. 22-5293, Incorporating Inclusive and Plain Language Best Practices
- Anticipated Effects

Metro meets the Federal Highway Association's Plan of Corrective Actions #3 related to to public engagement practices for the Regional Transportation Plan and the Metropolitan Transportation Improvement Plan.

Metro's work related to the following guiding policies is advanced with the implementation of the guide related to public involvement:

 - *The [Strategic Plan to Advance Racial Equity, Diversity and Inclusion](#)*
 - *The [2030 Regional Waste Plan](#).*
 - *The Strategic Recovery Framework.*
 - *The [2018 Affordable Housing Bond](#)*
 - *The [2019 Parks and Nature Parks Bond](#).*
 - *The Regional Transportation Plan and the Metropolitan Transportation Improvement Program.*
 - Financial Implications (current year and ongoing)
 - *There are no direct budget impacts or additional personnel requests related to adopting the Public Engagement Guide in fiscal year 2024-2025. Implementation of guidance or implementation may impact 2025-2026 budgets for department plans and programs to adhere to best practices including stipends, partner contracts and barrier reduction. The changes overall could be minimal and involve a shift in budget line items, or implementation approach rather than a significant increase in budgets.*

BACKGROUND

The Public Engagement Guide is a flexible tool with information to enable meaningful connections and collaboration between individuals and Metro staff, the Metro Council, local governments, local businesses, and non-profit organizations. Metro is committed to advancing racial equity, climate resilience and building shared prosperity for our communities.

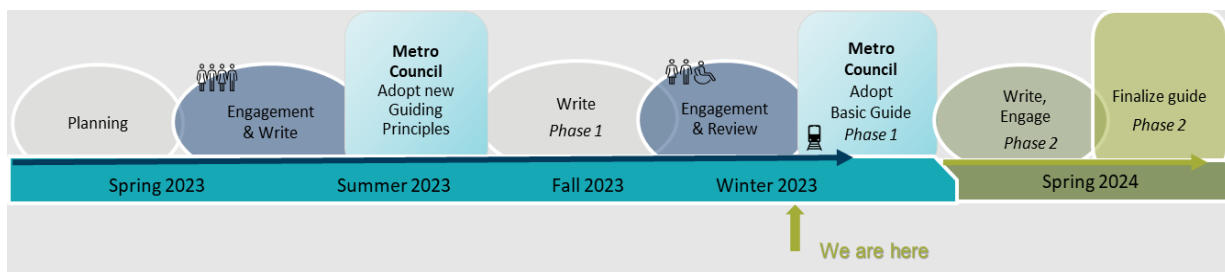
The Metro Council, staff, and Metro advisory committees use the guide along with other policies across the organization to plan and carry out engagement activities. The guide will strengthen Metro's engagement practices. It will help ensure we are supporting policymakers to make informed decisions.

This guide supports Metro's efforts toward restoration of past harms and accountability to the people we serve. It also offers an opportunity to create shared understanding about basic engagement terminology and best practices for inclusive and meaningful public engagement.

Desired outcomes

- ✓ People have accessible information and meaningful opportunities to participate in programs, services, or decision-making processes at Metro.
- ✓ Metro creates welcoming spaces that encourage civic leadership and connection through community-led activities and capacity building.
- ✓ Support the Metro Council in making decisions that are well-informed and responsive to the needs of the diverse communities and perspectives of greater Portland.

Project timeline and major steps:



Step 1: (COMPLETED) Adopt new Guiding Principles for Meaningful Public Engagement. Completed June 15, 2023. Summarize input received from engagement with Public Engagement Review Committee, Committee on Racial Equity, Metro Council and Metro staff to inform content for the future guide.

Step2: (COMPLETED) Create a draft outline of the future guide using past input from future users of the guide. Convene a group of advisors and collaborators to create, review or research for future content of the new guide. Engage with the Public Engagement Review Committee and Metro staff on the draft outline before creating content.

Step 3: (COMPLETED) Produce a new Public Engagement Guide, continue engagement, open a 45-day public comment period and get feedback on a draft guide by future users before adoption. In compliance with Corrective Action 3 and 23 CFR 450.316.

Step 4: (IN PROGRESS) Adopt a basic guide to meet minimal requirements of Federal Highway Association. Continue to develop additional tools and guidance to add to the appendix in the future. Begin to explore ways to enhance user experience through web-tools, engagements, or other processes.

Step 5: Complete the guide with additional guidance, tools or resources in appendix. This could result in minimal changes to the adopted version of the guide. This last step will be

followed by the development of a website meant to support users in navigating guidance without having to use one PDF document every time.

Keeping the guidance up to date: Once the 2024 Public Engagement Guide is adopted and completed with appendices, the guide will be ready to be used and is expected to be reviewed every three to five years starting in 2027. During the update review process user feedback and evaluation will be sought out to keep the document guidance updated and information for the public current.

ATTACHMENTS

- Exhibit A -Public Engagement Guide and partial Appendices.
 - Note that Appendix C, D and E – are significant pieces to meet federal requirements.

[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? [POWER POINT]