

Metro

*600 NE Grand Ave.
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Metro

Minutes

Thursday, October 5, 2023

10:30 AM

**Metro Regional Center, Council chamber,
[https://www.youtube.com/live/Srbg9FtsDng?
si=hfYPHewPPpdP7vou](https://www.youtube.com/live/Srbg9FtsDng?si=hfYPHewPPpdP7vou), <https://zoom.us/j/615079992> Webinar ID:
615 079 992 or 888-475-4499 (toll free)**

Council meeting

1. Call to Order and Roll Call

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

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

2. Public Communication

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

There were none.

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

3. Presentations**3.1 Indigenous Peoples Day**

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

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

Presentation Summary:

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

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

Council Discussion

Deputy Council President Lewis thanked Schofield for their presentation.

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

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

3.2 Auditor's Office Annual Report

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

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

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

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

Presentation Summary:

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

Council Discussion

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

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

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

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

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

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

Councilor Nolan thanked Auditor Evans for the clear presentation.

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

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

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

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

4. Ordinances (First Reading and Public Hearing)

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

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

Attachments: [Ordinance No. 23-1498](#)

[Exhibit A](#)

[Exhibit B](#)

[Staff Report](#)

[Attachment 1](#)

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

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

Presentation Summary:

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

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

Council Discussion:

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

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

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

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

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

Public Hearing:

Deputy Council President Lewis opened the meeting to

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

There were none.

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

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

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

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

[Exhibit A](#)

[Staff Report](#)

[Attachment 1](#)

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

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

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

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Staff Report](#)

[Attachment 1](#)

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

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

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

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

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

Presentation Summary:

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

Council Discussion:

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

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

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

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

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

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

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

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

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

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

every change made.

Public Hearing:

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

There were none.

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

5. Chief Operating Officer Communication

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

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

6. Councilor Communication

Councilors provided updates on the following topics:

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

7. Adjourn

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

Respectfully submitted,

A handwritten signature in black ink that reads "Georgia Langer". The script is cursive and fluid.

Georgia Langer, Legislative Assistant