

Exhibit A

Summary of Initially Proposed Changes to Metro Code Title V in Comparison with Revisions Made in Response to Comments

July 6, 2016

<u>Revision</u>	<u>Initial Draft 02/05/2016</u>	<u>Revised Draft 07/06/2016</u>
1	<p><u>Chapter 5.00 – Solid Waste Definitions</u></p> <p><u>“Community enhancement fee” means the fee collected in addition to general disposal rates that pays for rehabilitation and enhancement projects in the areas surrounding solid waste facilities and disposal sites.</u></p>	<p><u>Chapter 5.00 - Solid Waste Definitions</u></p> <p><u>“Community enhancement fee” or “enhancement fee” means the fee collected in addition to general disposal rates that pays for rehabilitation and enhancement projects in the areas surrounding solid waste facilities and disposal sites.</u></p>
2	<p><u>Chapter 5.00 - Solid Waste Definitions</u></p> <ul style="list-style-type: none"> • "Designated facility" means one of the facilities constituting a facility that Metro designates as part of the system designated from time to time pursuant to Chapter 5.05. • "Metro designated facility" means a facility in the system of solid waste facilities and disposal sites that Metro authorizes is authorized under Chapter 5.05 to accept waste generated within the jurisdiction of Metro. 	<p><u>Chapter 5.00 - Solid Waste Definitions</u></p> <ul style="list-style-type: none"> • "Designated facility" <u>means a facility in the system of solid waste facilities and disposal sites that Metro authorizes under Chapter 5.05 to accept waste generated within the jurisdiction of Metro.</u>means one of the facilities constituting a part of the system designated from time to time pursuant to Chapter 5.05. • "Metro designated facility" means a facility in the system of solid waste facilities and disposal sites that is authorized under Chapter 5.05 to accept waste generated within the jurisdiction of Metro.

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3	<p>The initial draft did not include a definition for the term “electronic device.”</p>	<p>Chapter 5.00 - Solid Waste Definitions</p> <p><u>“Electronic device” means:</u></p> <ol style="list-style-type: none"> <u>(1) A computer monitor of any type having a viewable area greater than four inches measured diagonally;</u> <u>(2) A desktop computer or portable computer;</u> <u>(3) A television of any type having a viewable area greater than four inches measured diagonally;</u> <u>(4) A computer peripheral; or</u> <u>(5) A printer.</u> <p><u>The term electronic device does not include:</u></p> <ol style="list-style-type: none"> <u>(1) Any part of a motor vehicle;</u> <u>(2) Any part of a larger piece of equipment designed and intended for use in an industrial, commercial or medical setting, such as diagnostic, monitoring or control equipment;</u> <u>(3) Telephones or personal digital assistants of any type unless the telephone or personal digital assistant contains a viewable area greater than four inches measured diagonally; or</u> <u>(4) Any part of a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.</u>
4	<p>Chapter 5.00 - Solid Waste Definitions</p> <ul style="list-style-type: none"> • "Regional system fee" means those fees which pay the cost of the a fee that pays Metro waste management system <u>costs</u>. • "<u>Regional transfer charge</u>" means those fees which pay a fee that pays the direct unit operating costs of the Metro transfer stations. This fee is imposed upon all solid waste delivered to Metro disposal system facilities. 	<p>Chapter 5.00 - Solid Waste Definitions</p> <ul style="list-style-type: none"> • "Regional system fee" means those fees which pay the cost of the a fee that pays the costs for all associated Metro solid waste services related to management of the entire recycling, processing and disposal system. Metro waste management system. • "<u>Regional transfer charge</u>" means those fees which pay the direct unit operating costs of the Metro transfer stations. This fee is imposed upon all solid waste delivered to Metro disposal system facilities.

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5	<p>Chapter 5.00 – Solid Waste Definitions</p> <p>"Standard recyclable materials" means newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high-grade office paper, tin/steel cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines, and empty aerosol cans.</p>	<p>Chapter 5.00 – Solid Waste Definitions</p> <p>"Standard recyclable materials" means newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard and kraft paper, aluminum, container glass, high-grade office paper, tin/steel cans, yard debris, mixed scrap paper, milk cartons, plastic containers, milk jugs, phone books, magazines, and empty aerosol cans.</p>
6	<p>Section 5.01.010 - Purpose</p> <p><u>(a)</u> This chapter governs the regulation of solid waste disposal sites and solid waste facilities within Metro. The purposes of this chapter are to protect:</p> <p><u>(1) Protect</u> and preserve the health, safety and welfare of Metro's residents; to implement</p> <p><u>(2) Protect and preserve the environment and livability of the region;</u></p> <p><u>(3) Implement programs</u> cooperatively with federal, state and local agencies <u>consistent with</u> the Regional Solid Waste Management Plan; to provide a</p> <p><u>(4) Provide</u> coordinated regional disposal, <u>management</u> and resource recovery program and a solid waste management plan programs to benefit all citizens of Metro; and to reduce</p> <p><u>(5) Adapt and respond to changes in the solid waste system; and</u></p> <p><u>(6) Reduce</u> the volume of solid waste disposal through source reduction, recycling, reuse and resource recovery.</p> <p><u>(b)</u> The provisions of this chapter shall be liberally construed to accomplish these purposes.</p>	<p>Section 5.01.010 - Purpose</p> <p><u>(a)</u> This chapter governs the regulation of solid waste disposal sites and solid waste facilities within Metro. The purposes of this chapter are to protect:</p> <p><u>(1) Protect</u> and preserve the health, safety and welfare of Metro's residents; to</p> <p><u>(2) Implement the Regional Solid Waste Management Plan</u> cooperatively with federal, state and local agencies; the Regional Solid Waste Management Plan; to</p> <p><u>(3) Provide</u> a coordinated regional disposal and resource recovery program and a solid waste management plan to benefit all citizens of Metro; and to</p> <p><u>(4) Reduce</u> the volume of solid waste disposal through source reduction, recycling, reuse and resource recovery.</p> <p><u>(b)</u> The provisions of this chapter shall be liberally construed to accomplish these purposes.</p>
7	<p>Section 5.01.030 – Prohibited Activities</p> <p><i>The initial draft did not include a prohibition on the outdoor storage of "electronic devices."</i></p>	<p>Section 5.01.030 – Prohibited Activities</p> <p><u>(g) Any person to store electronic device waste uncovered and outside of a roofed structure.</u></p>

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8	<p>5.01.040 – Exemptions to Prohibited Activities</p> <p>(D) Operations or facilities that chip or grind wood wastes, unless:</p> <p style="padding-left: 40px;">(i) such chipped or ground wood wastes are processed for composting;</p> <p style="padding-left: 80px;">or</p> <p style="padding-left: 40px;">(ii) such operations or facilities are other wise regulated under Metro Code Section 5.01.045.</p>	<p>5.01.040 – Exemptions to Prohibited Activities</p> <p>(8) (D) An O operations or facilityies that chip or grind<u>processes</u> wood wastes, unless:</p> <p style="padding-left: 40px;">(i) The<u>such chipped or ground</u> wood wastes are processed for composting; or</p> <p style="padding-left: 40px;">(ii) The<u>such</u> operations or facilityies is<u>are</u> other-wise regulated under Metro Code Section 5.01.050<u>45</u>this chapter.</p>
9	<p>5.01.050 – License Requirements and Fees</p> <p>(5) Chipping or grinding<u>Processing</u> wood waste for use as an industrial fuel if such facility is otherwise regulated under this Section 5.01.045 of this chapter.</p>	<p>5.01.050 – License Requirements and Fees</p> <p>(5) Chipping or grinding<u>Processing</u> wood waste for use as an industrial fuel if such facility is otherwise regulated under this Section 5.01.045 of this chapter.</p>
10	<p>Section 5.01.050 - License Requirements and Fees</p> <p>(6) Shredding, milling, pulverizing, or storing outdoors any electronic waste.</p>	<p>Section 5.01.050 - License Requirements and Fees</p> <p><i>The revised draft does not include the initially proposed licensing requirement for shredding, milling, pulverizing, or storing electronic waste outdoors</i></p>

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11	<p><u>Section 5.01.080 – License Issuance</u></p> <p>(e) If the Chief Operating Officer does not act to grant or deny a license application within 120 days after the <u>filing of applicant files</u> a complete application, the license shall be deemed granted for <u>applicant may send a written request to the solid waste facility or activity requested in Council President requesting that the application, and Council direct</u> the Chief Operating Officer shall issue a license containing the standard terms and conditions included in other comparable licenses issued by Metro to act.</p> <p>(f) If the applicant substantially modifies the application during the course of the review, the review period for the decision shall be <u>is</u> restarted. The review period can be extended by mutual agreement of the applicant and the Chief Operating Officer. An applicant may withdraw its application at any time prior to before the Chief Operating Officer's decision and may submit a new application at any time thereafter.</p>	<p><u>Section 5.01.080 – License Issuance</u></p> <p>(e) If the Chief Operating Officer does not act to grant <u>approve</u> or deny a <u>new</u> license application within 120 <u>180</u> days after the <u>filing of applicant files</u> a complete application, the license shall is be deemed granted for the solid waste facility or activity requested in the application. <u>The deadline for the Chief Operating Officer to approve or deny an application may be extended as provided in this section. If a license is issued pursuant to the subsection, then and the Chief Operating Officer shall issue at the license will contain license containing</u> the standard terms and conditions included in other comparable licenses issued by Metro.</p> <p>(f) If the applicant substantially modifies the application during the course of the review, the review period for the decision shall be restarted. The review period can be extended by mutual agreement of the applicant and the Chief Operating Officer. At any time after an applicant files a complete license application, the deadline for the Chief Operating Officer to approve or deny the application is extended if:</p> <p>(1) <u>The applicant substantially modifies the application during the review period, in which case the 180 days review period for the Chief Operating Officer to act is restarted as of the date Metro receives the applicant's modifications; or</u></p> <p>(2) <u>The applicant and Chief Operating Officer mutually agree to extend the deadline for a specified time period.</u></p> <p>(g) An applicant may withdraw its application at any time prior to before the Chief Operating Officer's decision and may submit a new application at any time thereafter.</p>
12	<p><u>5.01.110 – License Renewal</u></p> <p>(a) The Chief Operating Officer shall renew <u>may approve or deny a license renewal of</u> a solid waste facility license.</p>	<p><u>5.01.110 – License Renewal</u></p> <p>(a) The Chief Operating Officer shall renew a solid waste facility license is <u>responsible for approving or denying a solid waste facility license renewal. The Chief Operating Officer will approve or deny a license renewal consistent with this section.</u></p>

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13	<p><u>Section 5.01.180 – Franchise Issuance</u></p> <p>(g) The Council shall act to<u>must</u> grant or deny a franchise application within 120 days after the filing of applicant files a complete application. The, unless the deadline for the Council to act to grant or deny an application may be extended as provided in this section. If the Council does not act to grant or deny an application by the deadline for such action, the franchise shall be deemed granted for the solid waste facility or disposal site requested in the application, and the Chief Operating Officer shall issue a franchise containing the standard terms and conditions included in other comparable franchises issued by Metro.</p> <p>(h) At any time after the filing of an applicant files a complete franchise application, the deadline for the Council to act to grant or deny the application shall be extended if:</p> <ol style="list-style-type: none"> (1) The Council acts to extend<u>extends</u> the deadline for up to an additional 60 days, which the Council may do one time only once for any single application; (2) The applicant substantially modifies the application during the course of the review <u>period</u>, in which case the 120 days review period for the Council to act shall be restarted as of the date Metro receives the applicant's modifications; or (3) The applicant and the Chief Operating Officer <u>mutually</u> agree to extend the deadline for the Council to act for a specified <u>time</u> period of time. 	<p><u>Section 5.01.180 – Franchise Issuance</u></p> <p>(g) If Tthe Council shall act to<u>does not grant approve</u> or deny a <u>new</u> franchise application within 120<u>180</u> days after the <u>applicant files filing of</u> a complete application <u>the franchise is be deemed granted for the solid waste facility or disposal site requested in the application.</u> The deadline for the Council to act to grant approve or deny an application may be extended as provided in this section. <u>If a franchise is issued pursuant to the subsection, then the franchise will contain the standard terms and conditions included in other comparable franchises issued by Metro.</u> If the Council does not act to grant or deny an application by the deadline for such action, the franchise shall be deemed granted for the solid waste facility or disposal site requested in the application, and the Chief Operating Officer shall issue a franchise containing the standard terms and conditions included in other comparable franchises issued by Metro.</p> <p>(h) At any time after the filing of an applicant files a complete franchise application, the deadline for the Council to act to grant<u>approve</u> or deny the application shall be extended if:</p> <ol style="list-style-type: none"> (1) The Council acts to extend<u>extends</u> the deadline for up to an additional 60 days, which the Council may do one time only once for any single application; (2) The applicant substantially modifies the application during the course of the review <u>period</u>, in which case the 120<u>180</u> days review period for the Council to act shall be restarted as of the date Metro receives the applicant's modifications; or (3) The applicant and the Chief Operating Officer <u>mutually</u> agree to extend the deadline for the Council to act for a specified <u>time</u> period of time.

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14	<p>5.01.320 – Enforcement Provisions</p> <p>(f) If Metro revokes or refusalrefuses to renew thea franchise or license, all rights of the franchisee or licensee <u>rights</u> in the franchise or license shall immediately be divestedbecome void.</p>	<p>5.01.320 – Enforcement Provisions</p> <p>(f) If Metro revokes or refusalto renew thea franchise or license, all rights of the franchisee or licensee <u>rights</u> in the franchise or license shall immediately be divestedbecome void.</p>
15	<p>5.02.050 Source Separated Recyclable Disposal Charge Credit</p> <p>Notwithstanding the provisions of Metro Code Section 5.02.025,</p> <p>(a) A non-commercial customerscustomer at Metro South Station or Metro Central Station who disposedisposes of source-separated recyclable material as defined in ORS 459.005 shallwill receive a <u>\$3.00</u> disposal charge credit in the amount of \$3.00 forwhen disposing of fewer than 100 pounds of recyclables, and in the amount of a \$6.00 for credit when disposing of 100 pounds or more of recyclables. source-separated recyclable material. "Source separated recyclable material" has the same meaning as defined in ORS 459.005.</p>	<p>5.02.050 Source-Separated <u>Standard</u> Recyclable <u>Materials</u> Disposal Charge Credit</p> <p>Notwithstanding the provisions of Metro Code Section 5.02.025,</p> <p>(a) A non-commercial customerscustomer at Metro South Station or Metro Central Station who disposedisposes of source-separated <u>standard</u> recyclable materials <u>(except yard debris) that are generated by a household as defined in ORS 459.005 shallwill</u> receive a <u>\$3.00</u> disposal charge credit in the amount of \$3.00 forwhen disposing of fewer than 100 pounds of <u>such</u> recyclables, and in the amount of a \$6.00 for credit when disposing of 100 pounds or more of <u>such</u> recyclables.</p>
16	<p>Section 5.02.060 - Charges for Management of Household Hazardous Wastes</p> <p>(a) There is hereby establishedCustomers delivering household hazardous waste at Metro hazardous waste facilities must pay a "household hazardous waste management charge that shall be collected on household hazardous waste accepted at Metro hazardous waste facilities. Such household hazardous waste management." This charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and enhancement fees, and certification non-compliance fees that may be required by this chapter; and excise taxes required by Chapter 7.01.</p>	<p>Section 5.02.060 - Charges for Management of Household Hazardous Wastes</p> <p>(a) There is hereby establishedCustomers delivering household hazardous waste at Metro hazardous waste facilities must pay a "household hazardous waste management charge that shall be collected on household hazardous waste accepted at Metro hazardous waste facilities. Such household hazardous waste management." This charge shall be in lieu of all other base disposal charges, user fees, regional transfer charges, rehabilitation and <u>community</u> enhancement fees, and certification non-compliance fees that may be required by this chapter; and excise taxes required by Chapter 7.01.</p>

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17	<p>Section 5.02.120 - Regional System Fees</p> <p>(a) The regional system fee shall be the dollar amount per ton of solid waste adopted by anCouncil ordinance effor the <u>purpose of paying for Metro waste management system costs.</u> Metro Council, proratedwill round the regional system fee to the nearest one-hundredth of a ton and prorate it based on the actual weight of solid waste. at issue rounded to the nearest one-hundredth of a ton.</p>	<p>Section 5.02.120 - Regional System Fees</p> <p>The regional system fee shall be the dollar amount per ton of solid waste adopted by anCouncil ordinance effor the <u>purpose of paying the costs for all associated Metro solid waste services related to management of the entire recycling, processing and disposal system.</u> Metro Council, proratedwill round the regional system fee to the nearest one-hundredth of a ton and prorate it based on the actual weight of solid waste. at issue rounded to the nearest one-hundredth of a ton.</p>
18	<p>Section 5.05.010 - Purpose</p> <p><u>This chapter governs the regulation of solid waste transported, managed and disposed at locations outside the Metro regional boundary. The purposes of this chapter are to:</u></p> <p>(a) <u>Protect and preserve the health, safety and welfare of residents located outside the region when solid waste generated within Metro is delivered there;</u></p> <p>(b) <u>Protect and preserve the environment and livability of areas located outside the region when solid waste generated within Metro is delivered there;</u></p> <p>(c) <u>Implement programs and authorizations cooperatively with federal, state and local agencies consistent with the regional solid waste management plan;</u></p> <p>(d) <u>Provide a coordinated regional disposal, management and resource recovery program to benefit all citizens of Metro and communities that receive solid waste generated within Metro;</u></p> <p>(e) <u>Adapt and respond to changes in the solid waste system; and</u></p> <p>(f) <u>Reduce the volume of solid waste disposal through source reduction, recycling, reuse and resource recovery in accordance with the regional solid waste management plan.</u></p> <p><u>The provisions of this chapter should be liberally construed to accomplish these purposes.</u></p>	<p>Section 5.05.010 - Purpose</p> <p>(a) <u>This chapter governs the regulation of solid waste transported, managed and disposed at locations outside the Metro regional boundary. The purposes of this chapter are to:</u></p> <p>(1) <u>Protect and preserve the health, safety and welfare of Metro's residents;</u></p> <p>(2) <u>Implement the Regional Solid Waste Management Plan cooperatively with federal, state and local agencies;</u></p> <p>(3) <u>Provide a coordinated regional disposal and resource recovery program and a solid waste management plan to benefit all citizens of Metro;</u></p> <p>(4) <u>Reduce the volume of solid waste disposal through source reduction, recycling, reuse and resource recovery; and</u></p> <p>(5) <u>Protect the citizens of the region from liability arising from the use of a disposal site subject to federal law.</u></p> <p>(b) <u>The provisions of this chapter shall be liberally construed to accomplish these purposes.</u></p>

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19	<p>Section 5.05.080 - Removing From and Amending the Designated Facilities List</p> <p>(6) (b) Any other factor the Council considers appropriate.</p>	<p>Section 5.05.080 - Removing From and Amending the Designated Facilities List</p> <p>(6) (b) Any other factor the Council considers appropriate to accomplish the purposes of this chapter.</p>
20	<p>Section 5.05.150 - Non-System License Issuance Timetable for Non-Putrescible Waste</p> <p>(b) The Chief Operating Officer shall formulate and provide to the Council may impose conditions on the issuance of a new or renewed non-system license for non-putrescible waste as the Chief Operating Officer considers necessary under the circumstances.</p>	<p>Section 5.05.150 - Non-System License Issuance Timetable for Non-Putrescible Waste</p> <p>(b) The Chief Operating Officer shall formulate and provide to the Council may impose conditions on the issuance of a new or renewed non-system license for non-putrescible waste as the Chief Operating Officer considers necessary under the circumstances to accomplish the purposes of this chapter.</p>
21	<p>Chapters 5.01, 5.02, and 5.05 - Authority of Chief Operating Officer to Adopt Rules, Standards, Procedures, and Forms</p> <p>(a) The Chief Operating Officer may adopt rules, performance standards, procedures and forms to implement any provision of this chapter. Any rule, performance standard, procedure and form adopted under this section has the same force and effect as any other chapter provision.</p> <p>(b) Before the Chief Operating Officer adopts a rule or performance standard under this section, the Chief Operating Officer will provide an opportunity for public comment for a period of at least 30 days. The Chief Operating Officer may also hold a public hearing on any proposed rule or performance standard if the Chief Operating Officer determines that there is sufficient public interest in the proposed rule or performance standard.</p> <p>(c) If the Chief Operating Officer holds a public hearing on any proposed rule or performance standard, the Chief Operating Officer will give public notice of the hearing not less than 10 days nor more than 30 days before the public hearing. The notice will include the time, place, and purpose of the public hearing, a brief description of the proposed rule or performance standard, and the location at which a person may obtain copies of the full text of the proposed rule or performance standard.</p> <p>(d) Unless otherwise stated, all rules and performance standards adopted under this section take effect when the Chief Operating Officer adopts them.</p>	<p>Chapters 5.01, 5.02, and 5.05 - Authority of Chief Operating Officer to Adopt and Amend Rules, Standards, and Forms</p> <p>(a) The Chief Operating Officer may adopt <u>or amend</u> rules, performance standards, procedures and forms to implement any provision of this chapter. Any rule, performance standard, procedure and/or form adopted <u>or amended</u> under this section has the same force and effect as any other chapter provision.</p> <p>(b) Before the Chief Operating Officer adopts <u>or amends</u> a rule or performance standard under this section, the Chief Operating Officer will provide an opportunity for public comment for a period of at least 30 days. <u>The Chief Operating Officer will provide notice of the public comment period in a manner reasonably calculated to reach interested parties. The notice will include a brief description of the proposed rule, performance standard or form; the location at which a person may obtain a copy of the full text of the proposed rule, performance standard or form; the method for submitting public comments; and the deadline for submitting public comments. The Chief Operating Officer may also hold a public hearing on any proposed rule or performance standard if the Chief Operating Officer determines that there is sufficient public interest in the proposed rule or performance standard.</u></p>

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21	<p><u>Chapters 5.01, 5.02, and 5.05 - Authority of Chief Operating Officer to Adopt Rules, Standards, Procedures, and Forms (CONTINUED)</u></p> <p>(e) Notwithstanding subsection (b), the Chief Operating Officer may adopt an interim rule or performance standard without prior public notice or comment upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of an affected party. The Chief Operating Officer must include the specific reasons for the serious prejudice. Any rule or performance standard adopted pursuant to this subsection expires no later than 180 days from its effective date.</p>	<p><u>Chapters 5.01, 5.02, and 5.05 - Authority of Chief Operating Officer to Adopt and Amend Rules, Standards, and Forms (CONTINUED)</u></p> <p>(c) <u>In addition to public comments, the Chief Operating Officer will also hold a public hearing on any proposed rule or performance standard or amendment to an existing rule or performance standard. If the Chief Operating Officer holds a public hearing on any proposed rule or performance standard, the public hearing will take place not less than 14 days from the deadline for submitting public comments. The Chief Operating Officer will give public notice of the hearing not less than 10 days nor more than 30 days before the public hearing. The notice will include the time, place, and purpose of the public hearing, a brief description of the proposed rule or performance standard, and the location at which a person may obtain copies of the full text of the proposed rule or performance standard.</u></p> <p>(d) <u>During the public hearing, the Chief Operating Officer will receive any offered written or oral testimony regarding the proposed rule, including any written comments received during the public comment period.</u></p> <p>(e) <u>After the public hearing is closed, the Chief Operating Officer may adopt the rule as originally proposed, adopt a modified version of the proposed rule, or reject the proposed rule. If the Chief Operating Officer intends to adopt a substantially modified version of the proposed rule, the Chief Operating Officer must mail a notice of opportunity to comment on the proposed modifications along with a copy of the text of the new proposed changes to each person who has either submitted written comments on the proposal, testified at the public hearing, or asked to receive a notice of proposed modifications. Metro must also post the notice on its website. The public has 15 days from the mailing date to provide written comment on the proposed modifications, but no further public hearing is required. After the 15-day comment period ends, the Chief Operating Officer may adopt the proposed rule.</u></p> <p>(f) <u>Unless otherwise stated, all rules and performance standards Any rule or performance standard adopted under this section takes effect 30 days after when the Chief Operating Officer adopts them, unless the Chief Operating Officer specifies a later effective date.</u></p>

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21	Intentionally left blank. Continued from previous page.	<p>Chapters 5.01, 5.02, and 5.05 - Authority of Chief Operating Officer to Adopt and Amend Rules, Standards, and Forms (CONTINUED)</p> <p>(g) Notwithstanding subsections (b) and (c), the Chief Operating Officer may adopt an interim rule or performance standard without prior public notice, or comment or hearing upon a written finding that a failure to act promptly will result in serious prejudice to the public interest or the interest of an affected party. The Chief Operating Officer must include the specific reasons for the serious prejudice. Any rule or performance standard adopted pursuant to this subsection expires no later than 180 days from its effective date.</p> <p>(h) <u>If the Metro Council enacts an ordinance establishing rulemaking procedures that are applicable agency-wide, then the rulemaking procedures set forth in this chapter are superseded by the agency-wide procedures. However, the procedures set forth in this chapter will still apply to the adoption or amendment of performance standards and forms.</u></p> <p>(i) <u>Any form, performance standard, or administrative rule (formerly known as an “administrative procedure”) that is in effect on the date of this ordinance’s adoption remains in effect unless otherwise repealed or amended.</u></p> <p>(j) <u>For purposes of ORS 34.020, any rule adopted by the Chief Operating Officer under this section is considered a final decision.</u></p>

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