

IN CONSIDERATION OF RESOLUTION NO. 20-5123, FOR THE PURPOSE OF
REFERRING TO METRO AREA VOTERS A BALLOT MEASURE AUTHORIZING A TAX
TO FUND GET MOVING 2020 FOR SAFETY, TRAFFIC AND TRANSIT
IMPROVEMENTS

Date: July 13, 2020
Department: Government Affairs &
Policy Development
Meeting Date: July 16, 2020

Presenters: Andy Shaw, Director of
Government Affairs and Policy
Development; Margi Bradway, Deputy
Director of Planning & Development
Length: 60 min.

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ISSUE STATEMENT

For more than 18 months, Metro has worked with community leaders and the public on a plan to make it safer and easier for everyone to get around as the Portland area continues to grow. The Get Moving 2020 plan includes dozens of shovel-ready projects to create tens of thousands of family wage jobs, jumpstarting economic recovery and building the transportation system the region will need in order to thrive in the decades ahead.

In short, if approved by voters, this will be the largest-ever regional investment in our region's transportation system. The proposed Get Moving 2020 plan includes more than \$5 billion in capital transportation corridor investments and regionwide programs. The measure is also currently expected to leverage an additional \$2.84 billion in additional funding from federal, state, local and other sources.

Get Moving 2020 will make comprehensive investments to make travel safer, easier and more reliable in regionally-significant corridors that are largely overlooked by other funding sources, or that need greater investment than is currently available. Additionally, through the regionwide programs, Get Moving 2020 will make regionally-important investments to improve safety, access to transit and community stability across the region.

Together, Metro, partners and community will work together to create a seamless regional transportation system that is more reliable, safer and interconnected than ever before, while advancing our shared goals for racial equity, economic prosperity, healthy ecosystems and climate change.

IDENTIFIED POLICY OUTCOMES

The Metro Council identified a number of policy outcomes for the Get Moving 2020 measure in early 2019. These were further refined through work with the Transportation Funding Task Force.

These outcomes include:

- Improve safety for everyone
- Prevent displacement and benefit communities of color
- Make it easier to get around
- Address climate change and support resiliency from disasters and emergencies
- Support clean air, clean water, and healthy ecosystems
- Support economic growth
- Increase opportunity for low-income Oregonians
- Leverage regional and local investments

Metro staff has presented to Metro Council, the Task Force, advisory bodies and community organizations detailed analyses of how the proposed Get Moving 2020 measure will advance desired outcomes for racial equity, climate change, and economic activity.

ACTION REQUESTED

Approve Resolution No. 20-5123, referring the Get Moving 2020 ballot measure to voters.

PUBLIC INPUT

The Get Moving 2020 plan reflects greater Portland's priorities because it was built by the people who live here.

The Metro Council established a 35-member Transportation Funding Task Force which met 22 times over the course of 16 months to advise Metro Council on the outcomes the measure should focus on, the places it should invest in, the programs the measure should support, and key principles around revenue mechanisms, oversight and accountability. Investment priorities were informed by more than 19,000 community conversations that resulted in the adoption of the 2018 Regional Transportation Plan. The measure's investments were further informed by the engagement of three Local Investment Teams who provided feedback based on their lived experience to potential projects; the testimony of hundreds of members of the public to the Transportation Funding Task Force and the Metro Council; more than 100 workshops, stakeholder meetings and presentations around the region on various parts of the measure; and more than 7,500 online survey responses. Engagement reports were posted online and shared with the Metro Council and community partners.

In the winter and spring of 2020, Metro partnered with four community-based organizations to engage communities of color in Washington, Clackamas and Multnomah counties. Through these partnerships, thousands of people gave input in 11 languages that especially helped shape investments in the regionwide programs. Community Partners reported to the Metro Council at work sessions in May 2020.

Additionally, Metro staff and councilors met regularly with state and local government partners, business leaders, transportation and racial equity advocates, and other stakeholders throughout the process of developing Get Moving 2020.

KNOWN SUPPORT & OPPOSITION

As is appropriate for a plan built on such a wide range of community and partner input, staff see broad support for referring the Get Moving 2020 measure. The Metro Council heard support from a diverse array of elected, community and business leaders during listening sessions in late June and early July.

As with any proposal of this scope, there is a potential for opposition to aspects of the proposal and/or its funding mechanism.

LEGAL ANTECEDENT

Metro Charter Section 10 provides that Metro may impose, levy, and collect taxes and may issue revenue bonds and general and special obligation bonds. Metro Charter Section 11 requires any ordinance of the Council imposing broadly based taxes of general applicability on payroll (wages paid) be approved by the voters of Metro before taking effect.

Metro Charter Section 36(1) requires the Metro Council to adopt legislation of Metro by ordinance. See also Metro Code Section 2.01.070.

ANTICIPATED EFFECTS

The effect of this resolution will be the referral to voters of the Get Moving 2020 transportation funding measure in the November 3, 2020 General Election.

Upon approval of the Get Moving 2020 measure by voters, staff will work with community, partners and the Council to develop and implement Get Moving 2020 corridor and program investments adopted by the Metro Council in Resolution No. 20-5118 and Resolution No. 20-5122, in alignment with the procedures, policies and oversight described in the Expenditure Plan, equity strategies and air quality monitoring program adopted by the Metro Council in Resolution No. 20-5117, unless modified by future Council action.

Upon approval of the measure by voters, staff will also begin to prepare for the collection of proposed taxes and issuing of revenue bonds to begin project investments. Bonds are expected to be issued in 2021. Collection of proposed taxes would begin in 2022.

Staff will also prepare and distribute impartial informational materials regarding the proposed measure, in accordance with state laws and guidelines. Regional Investment Strategy funding has been identified for this purpose in Fiscal Year 2020-21.

The referral of this measure to the voters will require Metro to pay for election expenses, estimated at approximately \$150,000. This amount may change based on the number of issues on the ballot, and the number of region-wide items on the ballot. The Council President's 2020-21 adopted budget includes appropriation for this expense.

The Council can establish appropriation authority related to the successful passage of the measure once the election has been certified. If the measure passes, staff will work with Council on the development of the necessary budgetary appropriation to be approved by Ordinance at a later date.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REFERRING TO) RESOLUTION NO. 20-5123
METRO AREA VOTERS A BALLOT MEASURE)
AUTHORIZING A TAX TO FUND GET) Introduced by the Metro Council
MOVING 2020 FOR SAFETY, TRAFFIC AND
TRANSIT IMPROVEMENTS AND PROGRAMS

WHEREAS, everyone in the Portland region deserves safe, reliable and affordable options to travel wherever they need to go by whatever means they use to get there; and

WHEREAS, a safe and reliable transportation system is a key part of a livable, equitable and prosperous Portland region, along with affordable homes, clean air and water, and access to parks and natural areas; and

WHEREAS, since January 2019, Metro has worked with local leaders and community members throughout the greater Portland region on a plan to make the Metro area’s transportation system safer, more reliable, more accessible and more affordable for everyone; and

WHEREAS, in early 2019 the Metro Council President appointed a Transportation Funding Task Force with more than 30 community leaders and officials from across Clackamas, Multnomah and Washington counties, to advise the Metro Council on key outcomes, investments and implementation for the Get Moving 2020 Transportation Measure; and

WHEREAS, in the summer of 2019, three local investment teams composed of community members with experience living, working and traveling in Clackamas, Multnomah and Washington counties, closely studied potential transportation investments and provided input to staff, the Task Force and Council about investments that could advance the Metro Council’s and the Task Force’s desired outcomes; and

WHEREAS, the Task Force met 22 times between February 2019 and April 2020, and despite diverse experiences and perspectives found remarkable consensus and common ground, making extensive recommendations to the Metro Council regarding investments in key travel corridors and programmatic investments to benefit communities throughout the region; and

WHEREAS, thousands of residents of the region helped shape the plan through community forums and workshops across the region, commenting at Metro Council hearings and Task Force meetings, and online surveys and focus groups; and

WHEREAS, this Get Moving 2020 plan includes comprehensive investments to make travel safer and more reliable for all in 17 of the region’s busiest travel corridors, as well as additional investment programs to improve transit, safety and options and deepen community stability throughout the region; and

WHEREAS, the investments in the plan would make it safer, easier and more affordable to get to jobs, services and other destinations, with an intentional focus on benefitting people with lower incomes and communities of color; and

WHEREAS, Metro has partnered with community-based organizations to ensure that the experiences and priorities of people of color are integral to proposed transportation investments in this plan, including proposed investments that will help reduce serious crashes, connect people to opportunity via more reliable transit, deepen community stability and improve access to affordable housing near improved transportation; and

WHEREAS, the investments in the plan have the potential to create tens of thousands of direct and indirect jobs, just as transportation investments have been critical to every economic recovery since the Great Depression because they bring jobs in the short term and build the infrastructure needed for future prosperity; and

WHEREAS, the investments in the plan will reduce the pollution that causes climate change by investing billions of dollars in bus efficiency improvements and electrification, new and updated MAX light rail service, and investments that make it easier to walk and bike; and

WHEREAS, the transportation investments in this plan will upgrade aging roads and bridges, improving safety for travelers and access to transit, and creating tens of thousands of jobs to help to rebuild our economy at the same time as we rebuild our transportation system; and

WHEREAS, the investments in the plan leverage and support investments by local, regional, state, federal, nonprofit and private partners in transportation, affordable housing, parks and nature, and other key community priorities; and

WHEREAS, throughout the implementation of the plan Metro commits to ongoing community and stakeholder engagement, independent and transparent community oversight, and tracking of key outcomes identified by the Metro Council, Task Force and communities of color; and

WHEREAS, Get Moving 2020 advances the policies and visions identified in the 2018 Regional Transportation Plan, the 2040 Growth Concept, the Climate Smart Strategy, and the Strategic Plan to Advance Racial Equity, Diversity and Inclusion; and

WHEREAS, it's time to get the Portland region moving; and

WHEREAS, on July 16, 2020, the Metro Council adopted Resolution Nos. 20-5117, 20-5118, and 20-5122, in which the Metro Council adopted Get Moving 2020 implementation procedures, program descriptions, and corridor investments; and

WHEREAS, on July 16, 2020, the Metro Council adopted Ordinance No. 20-1448, For the Purpose of Imposing a Tax for Transportation Improvements and Programs for Voter Approval; and

WHEREAS, Metro Charter Section 4 provides that Metro has jurisdiction over matters of metropolitan concern; and

WHEREAS, the Metro Charter recognizes regional transportation planning as one of Metro's primary functions and directs the Metro Council to appropriate funds sufficient to support this function; and

WHEREAS, Metro Charter Section 10 provides that Metro may impose, levy, and collect taxes and Metro Charter Section 11 provides that any ordinance of the Council imposing a broadly based tax of general applicability requires approval of the voters before taking effect; now therefore,

BE IT RESOLVED:

1. The Metro Council submits to the qualified voters of the Metro Area the ballot measure attached to this Resolution as Exhibit A, authorizing a tax for the purpose of funding the Get Moving 2020 Transportation Measure (the “Transportation Measure”); and
2. The Metro Council certifies the Ballot Title attached to this Resolution as Exhibit B for placing the Transportation Measure on the ballot for the November 3, 2020 Election for legal voters to adopt or reject; and
3. The Metro Council authorizes and directs the Metro Chief Operating Officer, the Metro Chief Financial Officer and the Metro Attorney, or their respective designees (each, an “Authorized Representative”), each acting individually, to file with the county elections official the Ballot Title and a related explanatory statement prepared by the Authorized Representative pursuant to Metro Code Section 9.02.020; and
4. The Metro Council authorizes and directs the Authorized Representative to take all other actions necessary to place the Transportation Measure on the ballot for the November 3, 2020 Election in a manner consistent with and in furtherance of this Resolution; and
5. Upon passage of the Transportation Measure the Metro Attorney will assign the Measure sections in Exhibit A with title, chapter and section numbers for the Metro Code as the Metro Attorney deems appropriate based on current Metro Code titles, chapters and sections; and
6. Upon passage of the Transportation Measure the Metro Council will take further action to establish, among other things, code language and rules to enforce and implement the tax imposed by the measure.

ADOPTED by the Metro Council this 16th day of July 2020.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

The People of Metro ordain as follows:

GET MOVING 2020 TRANSPORTATION MEASURE

TAX AND RATE

Section 1. Voter Approval Ordinance No. 20-1448; Tax, Rate, Definitions

Metro Council Ordinance No. 20-1448 is approved as follows:

Tax and Rate

- (1) Beginning 2022, a tax is imposed on every employer on the wages paid by the employer to individuals who perform services in the Metro Area. The rate may not exceed 0.75% (0.0075) of wages paid by the employer.
- (2) Employers with 25 or fewer total employees, and state and local governments, are exempt from paying the tax.
- (3) The Metro Council will set the specific rate of the tax but may not set a rate that exceeds 0.75% of wages paid.
- (4) The Metro Council may set a rate lower than 0.75% of wages paid the first time the Council sets the rate. If the Metro Council determines a rate increase is needed, the Council may increase the tax rate not more than once per fiscal year.

Definitions

For the purpose of this measure, the terms used are defined as provided in this section, unless the context requires otherwise.

Employer means without limitation a person who is in such relation to another person that the person may control the work of that other person and direct the manner in which it is to be done; or an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the acts required of employers.

Metro Area means the areas of Clackamas, Multnomah, and Washington counties within Metro's jurisdictional boundary and has the meaning prescribed by the Metro Charter, Section 3.

Wages means remuneration for services performed by an employee for the employer, including the cash value of all remuneration paid in any medium other than cash. Wages includes remuneration for services performed partly within the Metro Area. Wages does not include remuneration paid for services performed wholly outside the Metro Area.

PURPOSE AND OUTCOMES

Section 2. Purpose and Outcomes

Purpose

The Get Moving 2020 Transportation Measure will fund safety, transit, traffic and other transportation improvements and programs along roadway and transit corridors throughout the Metro Area. The measure

supplements but does not replace existing federal, state and local funding sources. Measure goals include racial equity, economic prosperity, saving lives, and improved air quality. The measure corridor improvements, programs, and implementation will be funded by a 0.75% business tax on payroll.

Outcomes

The Metro Council and Transportation Funding Task Force (“Task Force”) identified these outcomes for the measure: improve safety for everyone; prevent displacement and benefit communities of color; make it easier to get around; address climate change and support resiliency from disasters and emergencies; support clean air, clean water, and healthy ecosystems; support economic growth; increase opportunity for low-income Oregonians; and leverage regional and local investments.

CORRIDOR IMPROVEMENTS

Section 3. Corridor Improvements

The Metro Council and Task Force identified approximately 150 transportation projects on 17 regional corridors located in Clackamas, Multnomah, and Washington counties for investment. Metro will prioritize traffic safety, transit efficiency, and reliability for all modes on the network of roads and transit routes that connect the Metro Area. Measure revenue will support, without limitation, a rapid bus network, a light-rail transit line between downtown Portland and Washington County, bridge repair and replacement, sidewalk completion and pedestrian crossings, traffic safety road improvements, traffic operation improvements, off-street facilities for walking and biking, and a network of signal and street light upgrades.

Seventeen Corridors

- SW Corridor
- McLoughlin Boulevard
- C2C (Clackamas to Columbia) / NE/SE 181st Ave
- Highway 212 / Sunrise Corridor
- Highway 43
- Tualatin Valley (TV) Highway
- SW 185th Ave
- Pacific Highway 99W
- Highway 217
- Highway 26
- NE/SE 82nd Ave
- Burnside
- Central City
- NE/SE 122nd Ave
- NE/SE 162nd Ave
- Albina Vision
- Powell Blvd

Metro will enter into agreements with state, regional, county, and city governments for funding and delivery of these improvements. The government agencies will be responsible for the design, construction, and overall delivery of the projects, with Metro oversight.

The corridors identified will be the first priority for corridor improvements. Corridors may include the route or area named above as well as nearby travel routes. The Metro Council may amend this list or identify other corridors for funding if corridor improvements become cost prohibitive or otherwise infeasible or if annual tax revenue collected fluctuates, as determined by the Metro Council following a public hearing.

When the outcomes from identified corridors are achieved, the Metro Council may approve additional corridor investments following a public hearing. Before considering additional corridors, no later than 2035, the Metro Council must appoint a task force that includes community organizations, business leaders, and local partner jurisdictions. The task force will work with existing committees and advisory groups, and consider all reports drafted by the same, to develop recommendations for additional corridor or project investments to present to the Metro Council.

PROGRAMS

Section 4. Programs

The Metro Council and Task Force identified 10 programs for investment. The Metro Council will determine the amount of investment in each program once the programs are developed and the amount of revenue is known. Metro will prioritize safety, access to transit, racial equity, and community stability when developing the programs. Measure revenue will be dedicated to, without limitation, safety of children walking and biking to school, safety on roads and streets with high crash rates, accessibility to and support for local main streets, strategies to address potential displacement along transportation corridors, retention of affordable housing along transportation corridors, safe walking and biking connections, transition of transit bus fleets from diesel to electric and low-carbon fuels, youth access to transit passes, reliability and convenience of bus transit, and future planning for corridors.

Ten Programs

- Safe Routes to Schools
- Safety Hot Spots
- Thriving Main Streets
- Anti-displacement Strategies
- Housing Opportunity
- Regional Walking and Biking Connections
- Bus Electrification
- Youth Transit Access
- Better Bus
- Future Corridor Planning

The following criteria apply across all the programs: ongoing public and stakeholder engagement and accountability to community priorities; prioritizing racial equity; fiscal transparency and accountability; ability to leverage other resources; consideration of geographic-specific needs and differences; flexibility to adapt to changing economic, transportation, and housing contexts over a 20-year period; and coordination with other regional investments in housing, parks and nature, and transportation.

The 10 programs identified will be the first priority for program investments. The Metro Council may amend this list or identify other programs for funding if a program becomes cost prohibitive or otherwise infeasible or if annual tax revenue collected fluctuates, as determined by the Metro Council following a public hearing.

When the outcomes from existing programs are achieved, the Metro Council may approve additional program investments following a public hearing. Before considering additional programs, no later than 2035, the Metro Council must appoint a task force that includes community organizations, business leaders, and local partner jurisdictions. The task force will work with existing committees and advisory groups, and consider all reports drafted by the same, to develop recommendations for additional program investments to present to the Metro Council.

IMPLEMENTATION

Section 5. Implementation

Metro will manage all aspects of the implementation of the Get Moving 2020 Transportation Measure. Metro's implementation plan includes, but is not limited to:

- **Accountability and Oversight:** The Metro Council will appoint an independent oversight committee to review progress in the implementation of Metro's ballot measure and to submit to the Council an annual report; the report will include without limitation information on fund expenditure oversight and progress on the measure outcomes.
- **Technical Assistance:** Metro will establish additional committees to provide technical expertise as needed, including without limitation to provide advice on projects and programs.
- **Independent Financial Audit:** Metro will retain a public accounting firm to conduct an annual financial audit of the measure expenditures and will publish the results.
- **Transparency:** Metro will document the decisions and activities of measure implementation, will provide access to relevant information, and will make meetings of oversight and advisory bodies accessible to the public.
- **Public Engagement:** Metro will engage community members in decision making and will support communities of color, youth, seniors, people with disabilities, low-income communities, people with limited English proficiency, and others who experience barriers to participation and will support project delivery agencies to do the same.
- **Project Agreements:** Metro will enter into agreements with the agencies delivering the corridor projects and will oversee all aspects of those agreements.
- **Urban Design Guidelines:** Metro will require use of Metro's urban design guidelines, or substantially similar urban design guidelines, to project improvements.
- **Contract and Workforce Equity:** Metro will develop a combination of policies, programs and practices to facilitate contract and workforce equity for programs and projects; Metro's work with delivery agencies will include, but is not limited to, facilitating and developing contracting firms owned by women and people of color, creating demand for women and people of color in the workforce, and supporting a regional contract and workforce equity fund.
- **Air Quality Monitoring:** Metro will support the monitoring and tracking of air quality and greenhouse gases as it relates to transportation emissions in the region.
- **Bonding:** Metro may issue bonds secured by the tax described in Section 1.

BALLOT TITLE

Caption: (10 words or less)	Funds traffic, safety, transit improvements, transportation programs through business tax.
Question: (20 words or less)	Should Metro fund roads, bus/MAX, safety, bridge improvements, transportation programs; establish business tax (0.75% of payroll); require independent oversight?
Summary: (175 words or less)	<p>Funds traffic, safety, and transit improvements and transportation programs along roadway and transit corridors in Clackamas, Multnomah, Washington counties within district boundary. Revenue to supplement other transportation funding.</p> <p>Improvements and programs funded by business tax of not to exceed 0.75% of payroll. Tax exempts businesses with 25 or fewer employees, state and local governments. Metro may set tax rate lower than 0.75% of wages and increase not more than once per fiscal year up to 0.75%. Tax effective beginning 2022.</p> <p>Identifies 17 corridors for transportation improvements with approximately 150 projects that prioritize traffic safety, transit efficiency, mobility, and reliability for all modes on roads and transit corridors. Metro to develop agreements with partner agencies responsible for delivery of projects. Improvements include:</p> <ul style="list-style-type: none">• rapid bus network• light-rail transit line• bridge repair, replacement• sidewalks, pedestrian crossings• signal upgrades <p>Identifies 10 programs that prioritize safety, access to transit, racial equity, and community stability. Requirements for public engagement, accountability, and fiscal transparency in development and implementation.</p> <p>Establishes independent oversight committee to evaluate measure progress and implementation. Requires independent financial audits.</p>