

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 90-322A
CODE CHAPTER 2.01 RELATING TO AN)
APPOINTMENT TO FILL A VACANCY ON) Introduced by
THE COUNCIL) Councilor Knowles

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Metro Council finds that the procedures to fill vacancies on the Council by appointment need to be set forth in the Metro Code to provide a clear and consistent process for such Council appointments.

Section 2. A new Section 2.01.¹⁸⁰~~170~~, Procedures for Appointing a Person to Fill a Vacancy on the Metro Council is hereby added to the Metro Code to read as follows:

¹⁸⁰
~~2.01.170~~ Procedures for Appointing a Person to Fill a Vacancy on the Metro Council:

(a) Whenever a vacancy occurs on the Council [~~prior to~~] more than twenty (20) days [before] prior to the next general election day, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council.

(b) The appointment process shall include the following:

- 1) Notification of the appointment process in a newspaper of general circulation in the District, [and] in [a] local newspapers which serve[s] the Council sub-district, and other journals, publications and circulars deemed appropriate at least three weeks prior to the appointment.
- 2) Notification of the appointment process to official neighborhood organizations, cities, [and] civic groups, and other recognized groups with territory within the vacant

Council sub-district at least three weeks prior to the appointment.

- 3) Distribution of a Council appointment application to interested citizens at least two weeks prior to the appointment.

~~[4]--Appointment-by-the-Presiding-Officer-of-an Advisory-committee-of-citizens-who-reside-or do-business-within-the-vacant-Council-sub-district-to-advise-the-Council-on-the appointment-of-a-person-to-the-vacant position---The-Advisory-committee-shall consist-of-at-least-seven-persons-]~~

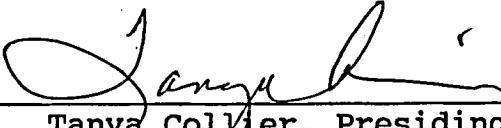
[5]4) Conduct of [interviews] a public hearing in the vacant district before a subcommittee of the Council appointed by the Presiding Officer. The subcommittee shall report all testimony received to the full Council.

[6]5) Conduct of interviews with applicants for the vacant position before the Council. ~~[and Advisory-Committee---Following-the-interviews the-Council-shall-meet-with-the-Advisory committee-to-discuss-the-applicants-]~~

(c) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. ~~[In-nominating-an applicant,-members-of-the-Council-shall-state-for-the-record the-reasons-the-applicant-is-qualified-to-hold-the-Office-of Metro-Councilor-]~~ Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council ~~[vote-(7)]~~ shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall

continue to vote on the two applicants who receive the most votes [~~shall-continue-to-vote~~] until an applicant receives a majority vote of the Council.

ADOPTED by the Council of the Metropolitan Service District
this 12th day of July, 1990.



Tanya Collier, Presiding Officer

ATTEST:


Clerk of the Council.

I certify this ordinance was
not vetoed by the Executive Officer



jpmfive
b:\90322A.ORD

COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE

May 22, 1990

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Council should assess that issue more closely and noted Metro would not be the last entity in the Northwest to impose a similar ban. Councilor Bauer noted as Co-Chair of the Bi-State Committee, he would raise phosphate ban issues with that committee June 22 for discussion purposes. Councilor Devlin noted certain pesticides were banned on a national level because of their detrimental effects on the manufacture as a whole, while their manufacture and distribution was still allowed outside the United States. Representative Cease said Metro should make a policy statement on effects on the District and outlying areas.

2. Ordinance No. 90-322, Amending Metro Code Chapter 2.01 Relating to an Appointment to Fill a Vacancy on the Council (Public Hearing)

Chair Ragsdale opened the public hearing.

Councilor Knowles said the ordinance was intended to formalize procedures to fill Council vacancies. He said language related to the process was not codified and was in resolution form only. He said the process to fill a vacancy should provide for a more focussed evaluation of candidates than done in the past. He said a Council subcommittee could serve that purpose in addition to the existing citizens advisory committee. He said also the citizens advisory committee could, which was not explicitly stated in the ordinance, formally state its recommendations in writing in advance of Council consideration. He said the ordinance for would require Councilors to announce which candidate they voted.

Councilor McFarland noted Section 2(c) language on applicants was incorrectly written and should be clarified. She noted when the Committee considered the ordinance earlier, she asked that language on the advisory committee membership ensure that no one served on that committee who was directly concerned with the finances or the control of the Metropolitan Service District. She said such language was crucial. Councilor Bauer asked if that precluded anyone serving on the advisory committee who was employed or an elected official of one of the local governments. Councilor McFarland said she referred to members of the State Legislature because they voted on Metro funding issues.

Councilor Devlin raised eight issues: 1) With regard to Section 2(a), he asked for more information on requirements on when a vacancy was automatically referred to an election and when it would be an appointment process; 2) With regard to Section 2(b)(1), he noted a number of subdistricts had local newspapers within Council districts, but did not necessarily have overlapping circulation and that language needed clarification; 3) On 2.01.170(b)(4), he said the issue of whether the advisory committee should include citizens doing business in the district with the vacancy and residents, or residents only. He noted Councilor Gardner felt advisory committee members who did business, but did not reside, within their district was inappropriate and he said

COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE

May 22, 1990

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seven members on the citizens committee were too many and five would be a sufficient number; if more citizens were needed, the Presiding Officer could appoint them; 4) the ordinance recommended a Council subcommittee without a defined role and it could be inappropriate for it to eliminate candidates so the subcommittee should be eliminated with the citizens advisory committee and Council having full review; 5) He noted Chair Ragsdale's previous objections to the requirement a Councilor must state why he voted for a particular candidate; 6) He said the Council majority should be clarified. He noted after 1992 there would be 13 Metro Councilors. He said a vacancy now meant a majority of six because there would be 11 Councilors voting to fill the vacancy and said the definition of majority should be changed; 7) problems with language such as the one Councilor McFarland noted earlier in the meeting; and 8) the ordinance should potentially be an item for Metro's Legislative agenda for the next session because the Council had already expressed it would like the opportunity to refer vacancies to elections beyond what statutory language currently allowed.

Councilor Knowles suggested the Committee review and amend the ordinance section by section at this meeting as needed.

Chair Ragsdale opened the public hearing. No one present appeared to testify and the public hearing was closed.

The Committee discussed the ordinance section by section.

The Committee agreed Section 1 was acceptable.

Councilor Devlin said dates in Section 2(a) should be clarified. He asked if statutory language applied to the primaries or general elections since Councilors were elected. Chair Ragsdale asked for specific statutory language.

Councilor Devlin said Section 2(b)(1) should state "newspaper(s)" instead of "newspaper." Councilor McFarland said language was limited to neighborhood organizations, cities and civic groups. Councilor McFarland recommended language related to notification of the appointment process should include those groups, but not be limited to them.

Chair Ragsdale said Councilor McFarland could make a conceptual motion.

First Motion to Amend: Councilor McFarland moved to amend Section 2(1) as stated above.

Chair Ragsdale instructed Jessica Marlitt, Council Analyst, to integrate recommended language where appropriate.

COUNCIL INTERGOVERNMENTAL RELATIONS COMMITTEE

May 22, 1990

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Vote on First Motion to Amend: All four Councilors present voted aye. The vote was unanimous and the motion passed.

Chair Ragsdale noted staff would re-draft the ordinance per Committee amendments and requests and the Committee would consider the ordinance again for recommendation to the full Council at its next regularly scheduled meeting.

The Committee agreed Section 2(b)(3) was acceptable.

Second Motion to Amend: Councilor McFarland moved to amend Section 2(b)(4) by deletion of the language "or do business" and add language "since they are in a position to directly affect the way the Metro Service District is funded, members of the state legislature cannot serve on the advisory committee."

The Committee discussed the motion to amend. Councilor Bauer questioned whether there should be an advisory committee at all. He said the Council had final authority. Councilor McFarland said the advisory committee could provide the top five candidates, but preferred elimination of such a committee. Councilor Devlin said the majority of the Council believed advisory committees were necessary. He said the ordinance was clear that the advisory committee would meet with the Council to advise the Council, but would not vote. Chair Ragsdale said when he served as Presiding Officer, the advisory committee process was formalized and said he believed that to be a mistake. Councilor Knowles said citizen input should be recognized, but did not believe previous advisory committees had been balanced. He said it would make more sense to let district citizens know they were welcome to appear and testify on a candidate's behalf. Chair Ragsdale noted public hearings were required in the Council district.

Withdrawal of Second Motion to Amend: Councilor McFarland withdrew her motion.

Third Motion to Amend: Councilor McFarland moved to delete Section 2(b)(4).

Councilor McFarland said she made the motion to amend with the expectation the advisory committee issues would be addressed elsewhere in the ordinance.

Vote on Third Motion to Amend: All four Councilors present voted aye. The vote was unanimous and the motion passed.

Fourth Motion to Amend: Councilor Devlin moved to amend Section 2(b)(5) to require the subcommittee conduct a public hearing in the vacant district and report back to the full Council. He moved to

amend Section 2(b)(6) to state the Council conduct interviews with individual candidates.

Vote on Fourth Motion to Amend: All four Councilors voted aye. The vote was unanimous and the motion passed.

The Committee discussed Section 2(b)(6). Chair Ragsdale said the Committee reached consensus reference to the advisory committee would be eliminated from that section.

Fifth Motion to Amend: Councilor Devlin moved to amend Section 2(c) by deleting the second sentence: "In nominating an applicant, members of the Council shall state for the record the reasons an applicant is qualified to hold the Office of Metro Councilor."

Vote on Fifth Motion to Amend: All four Councilors present voted aye. The vote was unanimous and the motion passed.

Sixth Motion to Amend: Councilor Devlin moved to amend Section 2(c) by deleting "(7)".

Councilor Devlin said in the case of a vacancy, a majority of the Council would be six (6).

Vote on Sixth Motion to Amend: All four Councilors present voted aye. The vote was unanimous and the motion passed.

The Committee discussed Section 2(a). Councilor Knowles read from the State Constitution: "When any vacancy occurs in any elected office of the state or of any district, county or precinct thereof, the vacancy shall be filled in the next general election provided if such vacancy occurs more than 20 days prior to such general election."

Seventh Motion to Amend: Councilor McFarland moved to amend Section 2(a) conceptually according to State constitutional requirements.

Vote on Seventh Motion to Amend: All four Councilors present voted aye. The vote was unanimous and the motion passed.

Chair Ragsdale directed the ordinance return for Committee consideration again to review the final draft.

Councilor Devlin recommended a legislative tickler file for Metro legislative issues.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: May 22, 1990

To: Intergovernmental Relations Committee

From: Jessica P. Marlitt, Council Analyst

Regarding: ORDINANCE NO. 90-322 AND ISSUES RELATED TO FILLING COUNCIL VACANCIES

Ordinance No. 90-322 before the Committee this evening proposes an interim process for filling Metro Council vacancies while the State works to amend current statute requirements. Outlined below is a summary of Council actions to address vacancies and issues related to Ordinance No. 90-322.

COUNCIL ACTIONS TO DATE TO ADDRESS VACANCIES

The Metro Code does not provide any formal guidelines for filling Council vacancies. One ordinance was drafted in 1980 (Ordinance No. 80-83) but was not introduced.

The current Council process stems from adoption of Resolution No. 83-385 in January, 1983, "For the Purpose of Authorizing Citizen Committees to Assist in Appointments to Council Vacancies". Six other resolutions have been adopted specifically to appoint individuals to fill Council vacancies.

Resolution No. 83-385 provides for the following:

- o Presiding Officer appoints and Council confirms 8 citizens to serve on vacancy advisory committee;
- o Citizens serving on advisory committee must reside in the district in which the vacancy exists;
- o The citizens advisory committee reviews and evaluates applicants for appointment and advises the Council on the relative qualifications of each applicant.

Resolution No. 83-385 does not address the following:

- o Qualifications of or limitations on advisory committee citizen appointments (i.e. elected officials serving on the committee);
- o Criteria for evaluating vacancy applicants;
- o Council use of citizen committee evaluations.

ISSUES RELATED TO ORDINANCE NO. 90-322

1. Should a formal evaluation process be established to provide standard criteria and procedures for evaluating candidates to fill the Council vacancy?
Such a process could result in a more "objective" selection process and enhance the credibility of Council appointments.

2. Should citizens "who do business" in the district with the Council vacancy be able to serve on the advisory committee? Would this set a precedent for other Metro advisory committees? What are the benefits and drawbacks of this group of citizens participation on the advisory committee?
3. To achieve greater Council "accountability" for the appointment process, a roll call vote could be required. Other procedures might include:
 - o the development of standard applicant evaluation criteria, as noted in number 1 above;
 - o having citizen advisory committee recommendations prepared in writing and incorporated into the Council deliberations in a formal fashion;
 - o convening the citizens advisory committee separately, as suggested in Ordinance No. 90-322, and having them forward their top 3-5 choices to the Council, from which the Council makes a final selection.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: May 16, 1990

To: Intergovernmental Relations Committee

From: Jessica P. Marlitt, Council Analyst

Regarding: MAY 22, 1990 MEETING, AGENDA ITEM NO. 2 -- ORDINANCE NO. 90-322, AMENDING METRO CODE CHAPTER 2.01 RELATING TO AN APPOINTMENT TO FILL A VACANCY ON THE COUNCIL

The Intergovernmental Relations (IGR) Committee considered Ordinance No. 90-322 on January 23 and February 13, but deferred final consideration to allow Councilors time to review and potentially develop amended language for certain issues:

- o criteria for citizens to be appointed to the advisory committee;
- o the role of the citizen advisory committee vs. the designated Council subcommittee for the appointment; and
- o the requirement for Councilors, in nominating an applicant at the time of the Council vote, to state for the record the reasons the applicant is qualified to hold the office of Metro Councilor.

For the May 22, 1990 IGR meeting, Council staff will have a review of any prior Metro actions on the appointment process and a summary of policy issues related to Ordinance No. 90-322. In the meantime, if you have any questions or would like additional information, please contact me at the Council Office, ext. 138.

jpmfour
b:\90322.mem



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: November 1, 1989

TO: Metro Council

FROM: Councilor David Knowles *DK*

RE: Proposed Ordinance No. 89-322, Relating to the
Procedure to Fill a Council Vacancy

Attached is a proposed ordinance dealing with the Council's procedure to appoint a person to fill a vacancy on the Council. My purpose in introducing this ordinance is to provide a clear and consistent process for completing such tasks. I'm aware that there may be legislative actions to require such vacancies to be filled through an election process. I support the idea that vacancies should be filled by an election of the voters as long as it does not cause an unnecessary expense to the District tax payers. This proposed ordinance is not a substitute for any potential legislative proposal dealing with filling Council vacancies.

The ordinance codifies the appointment process which has evolved over the past several years with several exceptions. It does the following:

1. Requires notification of the appointment in two newspapers; 1) one of general circulation, and 2) one of local circulation in the Council sub-district.
2. Requires notification of the appointment to various groups within the Council sub-district.
3. Requires distribution of an application form to interested citizens.
4. Requires appointment of an advisory committee by the Presiding Officer to advise the Council on the appointment.
5. Requires the holding of applicant interviews before a sub-committee of the Council and before the advisory committee and the Council as a whole. Following the interviews, a meeting will be held with the advisory committee to discuss the applicant.
6. Requires the Council to appoint the person from a list of applicants who have been nominated and seconded by Councilors at the public meeting. Requires the Clerk to

announce the results of each ballot as well as announce each Councilors ballot. Provides that if no one receives a majority of votes on the first ballot, the top two vote getters will be on a second ballot and additional ballots will be conducted until a person obtains a majority vote of the Council.

The major differences between the past appointment process and this proposed process are:

1. Authorizes that the advisory committee be appointed by the Presiding Officer rather than the Council and that to be a member of the advisory committee a person may "do business" in the sub-district rather than reside in the sub-district.
2. Requires an interview of applicants by a Council sub-committee in addition to the interview before the advisory committee and Council.
3. Requires a nominating and seconding process by Councilors and an explanation of the merits of the applicant prior to being eligible to be on a ballot. Requires the vote of each Councilor to be announced by the Clerk after each ballot when the results are announced.

In summary, this proposed ordinance is not proposed to substitute for a discussion of the need to fill vacancies by a vote of the people. However, until such a requirement becomes law, we need to make our process more formal and consistent.

DK:DEC:ab
A:\89-322.MEM

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

ORDINANCE NO. 90-322, AMENDING METRO CODE CHAPTER 2.01
RELATING TO AN APPOINTMENT TO FILL A VACANCY ON THE COUNCIL

Date: July 1, 1990

Presented by: Councilor Knowles

COMMITTEE RECOMMENDATION: At the June 12, 1990 Intergovernmental Relations Committee meeting, Councilors Devlin, McFarland and Ragsdale were present and voted unanimously to recommend Council adopt Ordinance No. 90-322A as amended. Councilors Bauer and Gardner were excused.

COMMITTEE DISCUSSION/ISSUES: Ordinance No. 90-322 was developed to codify the Council's process for appointing a subdistrict representative to fill a Council vacancy. Prior Council practice has been described by resolution, but never formally incorporated into the Metro Code by ordinance. At the May 22 IGR Committee meeting, I worked with the Committee to review the ordinance section by section and amend language both specifically and conceptually. Council staff revised the ordinance -- the specific changes are summarized in the staff memo hereto, Attachment A -- and reviewed the changes with the Committee June 12.

No additional issues or changes were recommended and the Committee agreed the ordinance met the initial intent to clarify the appointment process and improve citizen participation, by having public hearings on potential appointees in the subdistrict where the vacancy occurs.

jpmsix
b:90322A.CR



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

ATTACHMENT A

Date: June 5, 1990

To: Intergovernmental Relations Committee

From: Jessica P. Marlitt, Council Analyst

Regarding: ORDINANCE NO. 90-322A -- REVISIONS TO ORDINANCE NO. 90-322 PER MAY 22, 1990 COMMITTEE WORKSESSION

The June 12 Committee agenda includes Ordinance No. 90-322A, revised by Council staff per the Committee's worksession of May 22, 1990. As you may recall, the Committee reviewed the ordinance section by section and made motions to specifically amend language as well as motions to conceptually amend certain sections. For reference on the motions to amend, please find attached partial minutes from the May 22, 1990 meeting. All of the ordinance revisions are summarized below. If you have any questions, please contact me at the Council Office, ext. 138.

Summary of Ordinance No. 90-322A Revisions

1. Section 1. No changes
2. Section 2.
 - (a) Language from the Oregon State Constitution was incorporated to clarify a vacancy on the Metro Council will be filled by an appointment process when the vacancy occurs more than 20 days prior to the next general election date.
 - (b)(1) Criteria for notification of the appointment process through written media were broadened to ensure widespread notification within the sub-district.
 - (b)(2) The words "and other recognized groups" were added to ensure notification of the appointment process to neighborhood groups was not limited to those specifically listed.
 - (b)(3) No changes
 - (b)(4) Section deleted
 - (b)(5) Re-numbered as (4) and amended to remove applicant interviews by the Council subcommittee. Instead, it was agreed the subcommittee would conduct a public hearing in the sub-district of the vacancy to receive citizen comments about applicants and report testimony received back to the Council.

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(b)(6) Re-numbered as (5) with reference to the Advisory committee removed.

(c) Removed the second sentence requiring Councilors, when nominating an applicant, to state for the record the reasons the applicant is qualified to hold the office of Metro Councilor. Removed the reference to (7) as the Council majority. Added language, per State Constitution, to indicate the majority of the Council voting on the appointment relates to "votes by the remaining members of the Council". Made syntax corrections to the last sentence to clarify the Council voting procedures for two finalists for an appointment.

jpmfive
b:\90322A.MEM



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: November 1, 1989

TO: Metro Council

FROM: Councilor David Knowles *DK*

RE: Proposed Ordinance No. 89-322, Relating to the
Procedure to Fill a Council Vacancy

Attached is a proposed ordinance dealing with the Council's procedure to appoint a person to fill a vacancy on the Council. My purpose in introducing this ordinance is to provide a clear and consistent process for completing such tasks. I'm aware that there may be legislative actions to require such vacancies to be filled through an election process. I support the idea that vacancies should be filled by an election of the voters as long as it does not cause an unnecessary expense to the District tax payers. This proposed ordinance is not a substitute for any potential legislative proposal dealing with filling Council vacancies.

The ordinance codifies the appointment process which has evolved over the past several years with several exceptions. It does the following:

1. Requires notification of the appointment in two newspapers; 1) one of general circulation, and 2) one of local circulation in the Council sub-district.
2. Requires notification of the appointment to various groups within the Council sub-district.
3. Requires distribution of an application form to interested citizens.
4. Requires appointment of an advisory committee by the Presiding Officer to advise the Council on the appointment.
5. Requires the holding of applicant interviews before a sub-committee of the Council and before the advisory committee and the Council as a whole. Following the interviews, a meeting will be held with the advisory committee to discuss the applicant.
6. Requires the Council to appoint the person from a list of applicants who have been nominated and seconded by Councilors at the public meeting. Requires the Clerk to

announce the results of each ballot as well as announce each Councilors ballot. Provides that if no one receives a majority of votes on the first ballot, the top two vote getters will be on a second ballot and additional ballots will be conducted until a person obtains a majority vote of the Council.

The major differences between the past appointment process and this proposed process are:

1. Authorizes that the advisory committee be appointed by the Presiding Officer rather than the Council and that to be a member of the advisory committee a person may "do business" in the sub-district rather than reside in the sub-district.
2. Requires an interview of applicants by a Council sub-committee in addition to the interview before the advisory committee and Council.
3. Requires a nominating and seconding process by Councilors and an explanation of the merits of the applicant prior to being eligible to be on a ballot. Requires the vote of each Councilor to be announced by the Clerk after each ballot when the results are announced.

In summary, this proposed ordinance is not proposed to substitute for a discussion of the need to fill vacancies by a vote of the people. However, until such a requirement becomes law, we need to make our process more formal and consistent.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO. 89-322
METRO CODE CHAPTER 2.01)	
RELATING TO AN APPOINTMENT TO)	Introduced by Councilor
FILL A VACANCY ON THE COUNCIL)	Knowles

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Metro Council finds that the procedures to fill vacancies on the Council by appointment need to be set forth in the Metro Code to provide a clear and consistent process for such Council appointments.

Section 2. A new Section 2.01.170, Procedure for Appointing a Person to Fill a Vacancy on the Metro Council is hereby added to the Metro Code to read as follows:

2.01.170 Procedures for Appointing a Person to Fill a Vacancy on the Metro Council:

(a) Whenever a vacancy occurs on the Council prior to _____ days before the next general election day the Council shall commence a process to fill the vacancy by appointment by a majority vote of the Metro Council.

(b) The appointment process shall include the following:

- 1) Notification of the appointment process in a newspaper of general circulation in the District and in a local newspaper which serves the Council sub-district at least three weeks prior to the appointment.
- 2) Notification of the appointment process to official neighborhood organizations, cities and civic groups with territory within vacant Council sub-district at least three weeks to the appointment.

- 3) Distribution of an Council appointment application to interested citizens at least two weeks prior to the appointment.
- 4) Appointment by the Presiding Officer of an Advisory committee of citizens who reside or do business within the vacant Council sub-district to advise the Council on the appointment of a person to the vacant position. The Advisory committee shall consist of at least seven persons.
- 5) Conduct of interviews before a subcommittee of the Council appointed by the Presiding Officer.
- 6) Conduct of interviews with applicants for the vacant position before the Council and Advisory Committee. Following the interviews the Council shall meet with the Advisory Committee to discuss the applicants.

(c) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. In nominating an applicant, members of the Council shall state for the record the reasons the applicant is qualified to hold the Office of Metro Councilor. Voting for the person shall be by a written signed ballot. The Clerk of the Council shall announce the results of each ballot following the vote and shall the result of each Councilor's ballot. Any applicant who receives a majority of the Council vote (7) shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, then the two applicants who receive the most votes shall continue to vote until an applicant receives a majority vote of the Council.

ADOPTED by the Council of the Metropolitan Service

District this _____ day of _____, 1989.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: February 7, 1990

To: Intergovernmental Relations Committee

From: Councilor Jim Gardner *JG*

Regarding: SUGGESTED AMENDMENTS TO ORDINANCE NO. 90-322, RELATING TO APPOINTMENT PROCEDURES FOR METRO COUNCIL VACANCIES

I submit for your consideration the following amendments, all but the first of which are essentially housekeeping changes to make the process more simple and the language more clear.

In section (b)(4), delete the words "or do business". I believe a person appointed to fill a vacancy is just as much a representative of the residents of the district as a person elected to the position. In our system, we are represented politically by where we live, not by where we happen to have an office or do business. Following this logic, it seems to me that an advisory committee should be composed of electors of the district, people who will be represented by the Councilor who is appointed. These would be the same citizens who can vote for, or choose not to vote for, the appointed Councilor at the next election.

In section (c), line 9, add the word "announce" so the line would read, ". . .shall announce the. . ."

Section (c), line 11, delete "(7)" and replace it with "(6)". With a twelve member Council, with one vacancy, a legal majority would be six votes.

Section (c), line 14, add the words underlined so the line would read, ". . .shall be on a second ballot and the Council shall continue. . ."

I believe Councilor Ragsdale has language to suggest that would call for a roll call vote on the candidates nominated by Councilors. I support this as a simplification of the voting procedure which achieves the same goal, that of making clearly public each Councilor's choice for the appointment. If this method is adopted then the word "ballot" in my last amendment above should be changed to "roll call vote".