

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: July 27, 2000
DAY: Thursday
TIME: 2:00 PM
PLACE: City of Cornelius Chamber
1310 N. Adair, Cornelius (Directions: West on Hwy 26, take Exit 57 and turn left, turn right at first light onto Zion Church Rd., turn left onto Susbauer, go to stop sign, take first right after the stop sign (Davis Street), turn left on 14th Ave, turn right onto Barlow – park in City Hall parking lot – chamber across alley from City Hall)

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. EXECUTIVE OFFICER COMMUNICATIONS

4. AUDITOR COMMUNICATIONS

5. MPAC COMMUNICATIONS

6. CONSENT AGENDA

6.1 Consideration of Minutes for the July 20, 2000 Metro Council Regular Meeting.

7. RESOLUTIONS

7.1 **Resolution No. 00-2929**, For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Abolishing the Office of Executive Officer, Creating the Office of Council Chair Making Related Changes. Monroe

- **Presentation of Focus Group Report by Governor Barbara Roberts**
- **PUBLIC HEARING**
- **No final action, first in a series of three Council public hearings**

8. CONTRACT REVIEW BOARD

8.1 **Resolution No. 00-2973**, For the Purpose of Authorizing Amendments to Certain Personal Services Contracts of Environmental Auditors and Surveyors for the Metro Open Spaces Acquisition Division. Metro Ops
Committee

9. COUNCILOR COMMUNICATION

ADJOURN

Please contact Beth Anne Steele for cable schedule: 797-1942

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

MINUTES OF THE METRO COUNCIL MEETING

July 20, 2000

Metro Council Chamber

Councilors Present: David Bragdon (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, Rod Monroe and Jon Kvistad

Councilors Absent: None

Presiding Officer Bragdon convened the Regular Council Meeting at 2 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

Art Lewellan, LOTI, 3025 SE 32nd, Portland, OR 97232, reviewed his latest LOTI designs. He supported light rail and the Interstate Max (I-MAX) project. He also supported an I-MAX route to Swan Island. He presented before and after slides that depicted what that section of the I-MAX route would look like (viewed from the Rose Quarter) if the grain elevator were removed and the interstate lowered. He suggested the grain elevator be moved to the Columbia River. He also suggested there be a train station by the side of the grain elevator. It would be an important part of the regional transportation strategy and would allow two miles of rail savings.

3. BANFIELD TRAIL PROJECT

Morgan Will described the Banfield Corridor Bicycle and Pedestrian Transportation Project and presented a slide show on the proposed trail. The trail would extend from the eastside esplanade to the Interstate 205 trail and would connect downtown with the outer east Portland area. The restoration would include cleaning up the area, replacing invasive plants with native plants, and creating parks and greenspaces with the open spaces that currently existed along the route. The trail would primarily follow the Banfield light rail tracks to the I-205 trail. It would provide many connections to the Max and could be used for multi-modal purposes. (A document that described the project was included in the permanent record of this meeting.)

Councilor Monroe thanked Mr. Will for his presentation. He mentioned that Mr. Will had noted that the proposed Banfield trail, at one time, was in the city of Portland's plan but not in Metro's Regional Transportation Plan (RTP). However, it was now in the RTP. Mr. Will and Metro planned to continue to work together to raise the funding necessary to construct the project.

Councilor McLain complimented Mr. Will on his presentation and said his attention to detail was impressive. She assumed he walked or bicycled along the proposed trail many times. She supported the project, said it was worthy of funding and looked forward to progress reports.

Presiding Officer Bragdon noted that Mr. Will had called it the Banfield Trail Project. He mentioned the area was historically referred to as Sullivan's Gulch.

Mr. Will had not discussed many of the project's specifics. For example, the Union Pacific railroad owned or controlled most of the right of way. In honor of the railroad's eventual participation in the project, he proposed the route be named the Union Pacific greenway. He also proposed the trail be named the Sullivan's Gulch Trail. There were other more specific ideas.

Councilor Washington said one big piece of property along the proposed route on NW 21st was owned by Ron Packus. If Mr. Will called Mr. Packus he might help the project.

Presiding Officer Bragdon asked Councilor Washington if he knew Mr. Packus.

Councilor Washington said yes.

4. METRO COMMENTS ON GOAL 14 WORK PLAN

Councilor Park said Metro submitted its work plan to LCDC (Land Conservation and Development Commission). The agency raised some questions within the work plan. The LCDC responded to the questions and Chair Pfeiffer asked Metro to present language that would clarify the issues. Metro did this and received the DLCD (Department of Land Conservation and Development) staff comments, which raised additional questions. The document before the council, *Revised Goal 14 and Goal 14 Rule, Draft #4*, was designed to answer and clarify what Metro was asking for or proposing the LCDC and DLCD examine. (A copy of the document was included in the permanent record of this meeting.) Thus, they would have the policy question in front of them and could make their determination. The document was a continuation of an effort council undertook. He read the material and was comfortable with what Mr. Shaw wrote. He believed it was what the LCDC had asked Metro to present. He added Metro was not advocating anything but simply submitted language for the purpose of helping the LCDC focus their policy discussion at the state level.

Larry Shaw, Senior Assistant Counsel, said he received two small comments from councilors recently. Mr. Shaw included Presiding Officer Bragdon's phrase in a replacement page that he gave to the council. He suggest Presiding Officer Bragdon explain it to the council. Presiding Officer Bragdon took an item that Mr. Shaw addressed in the second paragraph and moved it to the first paragraph to ensure that people read it first. He also talked to Councilor McLain before the meeting. She suggested he say more regarding the connection attempt. He planned to work on that. So far, those were the only comments he received from the council. He tried to add some items that happened since the first draft, which included a reflection of the positive report in the newspaper of the discussion before the Metro Growth Management Committee that so far the 2040 Growth Concept implementation was a success to add context for the commission. Plus, the sub-regional UGB (Urban Growth Boundary) amendment issues raised in the document remained a controversial issue. However, implementation of the 2040 plan was already proceeding well. They also had some comments to try to respond to Mr. Shaw's conversation with a DLCD staff member yesterday. It was important that the staff member understood Metro already had the authority to create UGB amendments and sub-regional UGB amendments that was inherent in the agency's statutory authority to create the regional UGB. They were trying to convey the perspective that requested that LCDC please not have rules that restricted Metro's ability to continue to implement the 2040 plan. Metro needed to remind DLCD staff it was not a top-down exercise where the DLCD staff was completely on top. It was at least helpful in his conversation with them. Therefore, he added that perspective and a couple other items he noted to the council.

Councilor McLain asked if in paragraph one the underlined lined areas of "for urban land uses" and "available" were what he used to address Presiding Officer Bragdon's issues.

Mr. Shaw said no. (The microphone did not record most of his explanation.)

Presiding Officer Bragdon said what was troubling about the earlier drafts of the document regarded asking about additional tools that could be used to manage the land supply with an outcome similar to the 20-year state policy. Metro was asking for a wider variety but did not request a different outcome. But it had been construed otherwise. He highlighted that was the question the council was asking but they were also saying those tools ought to be every bit as stringent, in terms of their affect, as the 20-year goal. Metro might want to use different tools but the agency wanted to retain the same outcome for the land supply. Andy Cotugno, Metro Planning Director, mentioned what those various measures would be. Therefore, Presiding Officer Bragdon suggested Metro was requesting this only when they were accompanied by regional rules and it was equally stringent. Those were the words that he asked Mr. Shaw to add. The underlined words, he believed, were items that were already there.

Councilor McLain agreed with the Presiding Officer and added it was important to include in the first paragraph. Metro was not attempting a worst case scenario in terms of what some people had been concerned about with the comments that regarded not having a limit or trying to go too far beyond the 20-year land supply law. The language accomplished that. The other issue was the idea that all the comments considered separately (item 1,2 and 3) were contradictory or did not address the issue regarding stringent tools if there was no connection and understanding of the interrelation/integration. She asked Mr. Shaw a question about page 2 and asked he could include some language regarding integration at the bottom of the last paragraph (a couple sentences). Mr. Shaw said yes. However, it did not mention how the issues were integrated. She did not think the last sentence was explained. She said the three items were still controversial because they were not considered integrated. The comments needed to be considered together, not separately.

Presiding Officer Bragdon asked Mr. Shaw to work with Councilor McLain to satisfy her concerns and incorporate the language in the document.

Councilor Kvistad said he disagreed that the 2040 plan was a success. It was imploding. He said DLCD was not addressing the issues of the region for a long time. He cited the proposed changes to Goal 14 and said without a public document they already violated goal 1, which was citizen and public review and process. Metro is supposed to plan but DLCD rejected all of Metro's planning. It did not matter what Metro did. It was a problem area. What the council was doing was dangerous and negative. However, he knew the work being performed is difficult. He wanted the record to reflect he disagreed and respectfully declined to support where the council was going with its process.

Councilor McLain said it needed to be clear the letter was Metro's reaction to a state process and document that was an upgrading of a specific renewal or new Goal 14 work issue. Goal 14 had been in place for 20 years. Both the state and others seemed to be asking if there was enough detail and definition. She asked if everyone knew what it actually said and was it functioning correctly for the state. She responded to Councilor Kvistad and said she hoped the document would provide more clarity so some of the issues he was concerned about would not arise in the future. They may have surfaced in the past because there was not clarity to what the state meant regarding those issues. Whether people agree or disagree with the document, the council could agree the letter was helpful because it asked questions and solicited comments on how to provide more clarity to the rule. That was what she hoped the council was voting on today, not whether the process has been successful. It was an attempt to make the rules clearer for everyone

Councilor Washington asked if there would be a vote on this letter.

Presiding Officer Bragdon said no. There was discomfort with the document at the committee level. Therefore, he wanted to share it with the council. The state asked Metro to respond. Therefore, Growth Management Committee Chair Park worked with Mr. Shaw to create the document. Presiding Officer Bragdon wanted it to be available for public discussion.

Councilor Washington asked what "walking the map" meant.

Mr. Shaw responded that when one is in the trenches doing a review of the entire large regional UGB, one has to examine each section of the map as you proceed and try to apply the rules. The LCDC's own DLCD staff in their report considered the rules vague and subject to misinterpretation. He was astounded to find that admission in writing. That was why this update, the first in 20 years, was important, would result in some improvement and would help focus on the areas where it may not be enough of an improvement yet.

Councilor Washington asked if Metro was going to be using this phrase.

Mr. Shaw said no.

Councilor Atherton asked Mr. Shaw or Mr. Cooper about whether they heard any discussion at DLCD regarding a phrase in the current Goal 14 rules. It stated that the region could provide land for housing and/or jobs, but only within the carrying capacity of the air, land and water resources. He asked if there was any discussion of the carrying capacity concept and how they planned to approach it.

Mr. Dan Cooper, General Counsel, said the carrying capacity phrase was in Goal 6 referred to pollution levels. It was not directly linked to Goal 14, though the agency might consider all other applicable goals when it addresses one goal. Goal 14 may or may not be relevant. In this case, the carrying capacity argument appeared to be particularly limited to the ability of air, water to carry pollutants within federal regulatory requirements. Therefore, if there were a land use decision that could aggravate demonstrably the Clean Water Act, etc., it would have to be dealt with. However, it was not a general, broad statement beyond that in a larger societal sense.

Councilor Atherton said he thought he understood. However, the DLCD handbook regarding that subject used that phrase in the Goal 14 section.

Mr. Cooper said the North Plains case Goal 6 issues were noted and carrying capacity was one of the bases for the challenge to the North Plains addition to its UGB. LUBA (Land Use Board of Appeals) reversed it. Washington County and DLCD were on the same side of that appeal.

Councilor McLain said a vote today was not necessary. However, it was important to receive support from the entire council for the document under consideration. She coined the phrase "walking the map" when she and staff visited 23,000 acres of urban reserve during the process of trying to determine what they meant by their exceptions rule and the ordinance regarding the priorities were. The letter was a down-to-earth attempt to get the state to indicate more clearly how it prioritized land. It was probably the only area where Metro was experiencing a hold-up. The kernel had to be clear and concise to ensure the job was done right. She promised to create a new term to describe the process.

Councilor Washington decided to acquiesce.

Councilor Park said he felt that Metro was close to a solution. What they were seeking from the Commission was simply clarification. When the agency entered into the process, Metro understood what outcome from the rules was expected. The agency could then reach a decision that could be permanent for the public. The questions are important and go to the heart of how Metro can implement the 2040 plan and in what fashion, before the agency starts down the path.

Presiding Officer Bragdon added that in addition to asking for clarification Metro needed to state, as was written in the 2040 plan and related documents, that compact urban form and restricted land supply was a fundamental tenet that Metro did not seek to overturn. Maybe Metro's intent needed to be clearer.

Councilor Kvistad said Presiding Officer Bragdon referred to "restricted" land supply. Councilor Kvistad preferred "metered" land supply.

Councilor Atherton asked if there was a discussion of the concept of having rural reserves between new or enhanced communities such as Damascus, which was often mentioned in the documents and the 1 mile rule. He asked if there was anything in the proposed Goal 14 rules that precluded the ability to produce green space or rural reserves between Damascus and the existing urban area, or was Metro required to have the concentric ring Metro development.

Mr. Shaw said the portion of Goal 14 they were currently dealing with involved UGB amendment rules in Part 1 and Part 2. They were also dealing with some development inside the UGB rules that were weaker but parallel to some things done in Metro's functional plan that would be applicable to the rest of the state's since Metro complied with all of them. However, there are other sections of Goal 14 discussed earlier: the rural residential rule would be the only item in Goal 14 that would relate to his question. In a backwards way, there would be limitations in what Metro or counties outside the region could do in the rural areas outside the UGB regarding rural reserves depending on the definitions. There were rules, effective statewide, that allowed minimum lot sizes that might be smaller than some concept of urban reserve. In that regard, the state rule already in place, a section of Goal 14 called the Rural Residential Rule that may not have been adopted yet, might accomplish that. But the general concept of rural reserves is not mentioned or explicitly restricted.

Mr. Cooper said there was no discussion when he was at LCDC regarding the Goal 6 language. Instead, they reflected on case law and the rules. Goal 14 still contained the priority for exception land and did not recognize separation of communities as a basis for not including exception land. It would require, in Damascus, that the land between the current boundary and a town center be included in the UGB because it was exception land. Once it was inside the UGB, policy choices the council may make regarding greenspace acquisition are separate issues and not related directly to Goal 14. However, the exclusion of land from the UGB that is exception land to leave gaps between communities was not provided for in Goal 14 either now or under the revision.

Councilor Atherton wanted to add language to the letter to explore that as a strategy for urban form with wide public support. In effect, it would be zoning the open space or creating a new category of urban settlement – the rural reserve. He suggested using it as a distinct category that would be part of metro's strategy or regional growth concept instead of the concentric ring blob development. He favored separate communities. Smaller, more manageable communities with space or rural reserve uses in between communities with efficient transportation linkages.

Councilor Park said Councilor Atherton was suggesting revamping the 2040 plan to favor satellite cities. Metro had eight days to respond to LCDC. He asked for direction.

Officer Bragdon said it was a larger discussion than Metro's response to the state regarding Goal 14. Therefore if the language related specifically to Goal 14 in terms of different measures to be used is fine, but a larger discussion is not and should take place elsewhere.

Councilor Atherton said all he wanted to see was the language they have in Goal 14 not preclude Metro from developing the type of urban strategy/regional concept he described above, even if it is a change from what some feel the existing form is.

Councilor Kvistad said he would not mind having that debate but he wanted to include language regarding value and opportunity taken from people by redesignating their land. There should be compensation for what he considered a theft of their opportunity.

5. EXECUTIVE OFFICER COMMUNICATIONS

None.

6. AUDITOR COMMUNICATIONS

None.

7. MPAC COMMUNICATIONS

None.

8. CONSENT AGENDA

8.1 Consideration of minutes of the July 13, 2000 Regular Council Meeting.

Motion: Councilor Park moved to adopt the meeting minutes of July 13, 2000 Regular Council meeting.

Seconded: Councilor Washington seconded the motion.

Presiding Officer Bragdon said the name Lohman was spelled incorrectly (as Logan).

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed as amended.

9. RESOLUTIONS

9.1 Resolution No. 00-2972B, For the purpose of Adopting the Locally Preferred Alternative for the Wilsonville to Beaverton Commuter Rail Study.

Motion: Councilor McLain moved to adopt Resolution No. 00-2972B.

Seconded: Councilor Monroe seconded the motion.

Councilor McLain complemented Washington County's involvement in the project. She planned to continue to encourage the region to assist them with their alternative transportation

mode. She reviewed the resolution. (A copy of the document and a committee report was included in the permanent record of this meeting.) She added that it would complement other transportation modes and possibly more commuter rail projects in the region. She hoped that it would be a model for other transportation projects.

Councilor Washington asked about the distance for this segment.

Presiding Officer Bragdon said 15 miles.

Councilor Kvistad said it was rare to see a project in his district brought before the council for approval. He said most were in Councilor Washington's district. He thanked Kathy Latola for her work, Willamette Pacific. The local rail company was a terrific partner and help with demonstration projects, right of way issues, and helped every step of the way. The project was great for Washington County and the region.

Presiding Officer Bragdon complimented the project. He was concerned about the affect on freight. The freight railroad was very enthusiastic along with the federal government, city councils and the county, localities and employers up and down the line.

Councilor McLain summed up the discussion by saying travel time was 50 percent shorter than some of the other options. That was success and a win-win situation. She mentioned environmental analysis as the next hurdle in the process.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

10. CONTRACT REVIEW BOARD

10.1 Resolution No. 00-2976, For the Purpose of Authorizing a Personal Services Agreement with Pac/West Communications for Management and Coordination of State and Federal Legislative Agenda for Metro.

Motion: Councilor McLain moved to adopt Resolution No. 00-2976.

Seconded: Councilor Kvistad seconded the motion.

Councilor McLain read the committee report concerning this resolution. She added that they interviewed the applicant and discussed the focus of the agreement. She felt there were very direct responses and good suggestions for better success with the legislatures. She said she looked forward to working with Pac/West Communications.

Presiding Officer Bragdon added that the meeting and work plan were both very useful.

Councilor Atherton inquired about getting more bang for the buck. He asked for an explanation regarding how that would happen.

Councilor McLain said they examined the last year and a half to two years of work and identified what the council felt were priorities and important issues to focus on. They stressed being proactive and express Metro's policy interests (transportation, land use, etc.) Past opportunities were lost because Metro's interests were not communicated effectively. There was a commitment on both sides (Metro staff and Pac/West) to do a better job of communicating

Metro's priorities. The other issue involved reporting. There would be periodic reports, instead of just final reports, to the council.

Councilor Atherton asked two additional questions. One, the contract would be renewable upon mutually agreed terms for an additional two years. Currently it would be a 1-year contract. He asked if that was a 2-year or two 1-year renewal periods.

Councilor McLain said the personal service agreement was for up to two extra 1-year periods.

Mr. Cooper said Metro issued the RFP for a 1-year period. They wanted to provide everyone notice that metro was searching for someone for services for the next two legislative sessions. Therefore, Metro provided for the contract to be extendable with approval from both the Presiding Officer and the Executive Officer and the availability of budgeted funds. However, it could not be extended beyond October 31, 2003 without another RFP.

Councilor Atherton voiced his other question and asked what other options were available to Metro and if they had been examined. An alternative strategy would be to build a capability in-house to do some of the work and contract with private firms for very specific, focused projects. He asked Councilor McLain to comment on that alternative strategy.

Councilor McLain said Metro it was a general legislative contract with some very specific priorities that Metro planned to identify. She said Metro already had Jeff Stone, Council Chief of Staff; Bruce Warner, Chief Operating Officer and Dan Cooper, General Counsel, and sometimes other Metro staff, who worked in-house on legislative issues. She supported the reverse: specific projects would be handled in-house, general projects would be handled by private contract.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Presiding Officer Bragdon thanked Pac/West Communications for their previous good work.

11. COUNCILOR COMMUNICATIONS

Councilor McLain thanked the budget committee members for rescheduling the budget meeting next week. It would be Monday, July 24, 2000 at 3:30pm. The issue would be park funding.

Councilor Monroe acknowledged Councilor Kvistad's birthday.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 3:16pm.

Prepared by



Chris Billington
Clerk of the Council

Agenda Item Number 7.1

Resolution No. 00-2929, For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Abolishing the Office of Executive Officer, creating the Office of Council Chair Making Related Changes

Public Hearing, no final action

**Metro Council Meeting
Thursday, July 27, 2000
Cornelius Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUBMITTING TO) RESOLUTION NO. 00-2929
THE VOTERS AN AMENDMENT TO THE)
METRO CHARTER ABOLISHING THE)
OFFICE OF EXECUTIVE OFFICER,)
CREATING THE OFFICE OF COUNCIL)
CHAIR MAKING RELATED CHANGES) Introduced by Executive Officer Mike Burton

WHEREAS, the 1992 Metro Charter created the Office of Executive Officer and the position of Council Presiding Officer with the Executive Officer elected regionwide for a four-year term and the Council Presiding Officer elected annually by the Council; and

WHEREAS, the Executive Officer recommends and the Council agrees that Metro's organizational structure would be more effective if the Office of Executive Officer were abolished and the Council Presiding Officer position be re-designated as a Council Chair elected regionwide for a four-year term with responsibilities and duties of the position of Executive Officer being divided between the position of Council Chair and the Council itself; and

WHEREAS, the new office of Council Chair should be subordinate to the Council; and

WHEREAS, the 1992 Metro Charter links the salary of Metro elected officials to the salary of district court judges of the State of Oregon, the Legislature has abolished the district courts of the state and therefore the salaries of Metro elected officials should be linked to the salary of the circuit court of the State of Oregon since the Office of Executive Officer would be abolished and the establishment of the salary for the Council Chair is a related change to the 1992 Metro Charter; now, therefore,

BE IT RESOLVED:

1. That the Metro Council hereby submits to the qualified voters of the district the question of amending the 1992 Metro Charter by abolishing the Office of Executive Officer, creating the Office of Council Chair and making related changes as set forth in Exhibit A;
2. That the measure should be placed in ballot for the General Election to be held on November 7, 2000;
3. That the district shall cause a Notice of Measure Election and Ballot Title as Exhibit B to be submitted to the Elections Officer and the Secretary of State of Oregon in a timely manner as required by law; and
4. That the Executive Officer, pursuant to Oregon Law and Metro Code Chapter 9.02, shall transmit this measure, ballot title and explanatory statement to the Multnomah County Elections Officer for inclusion in any county voters' pamphlets published for the election on this measure.

ADOPTED by the Metro Council this ____ day of _____ 2000.

David Bragdon, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

EXHIBIT A

Amendment To The 1992 Metro Charter Abolishing The Office Of Executive Officer,
Creating The Office Of Council Chair

1992 METRO CHARTER

Filed by the Metro Charter Committee with the elections officer of the Portland area metropolitan service district, pursuant to ORS 268.730, for approval or rejection by district voters at the November 3, 1992 general election.

1992 Metro Charter
Exhibit A - Resolution No. 00-2929
Amendment To The 1992 Metro Charter
Abolishing The Office Of Executive Officer, Creating
The Office Of Council Chair

1992 METRO CHARTER
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PREAMBLE

We, the people of the Portland area metropolitan service district, in order to establish an elected, visible and accountable regional government that is responsive to the citizens of the region and works cooperatively with our local governments; that undertakes, as its most important service, planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations; and that provides regional services needed and desired by the citizens in an efficient and effective manner, do ordain this charter for the Portland area metropolitan service district, to be known as Metro.

CHAPTER I NAMES AND BOUNDARIES

Section 1. Title of Charter. The title of this charter is the 1992 Metro Charter.

Section 2. Name of Regional Government. The Portland area metropolitan service district, referred to in this charter as the "Metropolitan Service District", continues under this charter as a metropolitan service district with the name "Metro."

Section 3. Boundaries. The Metro area of governance includes all territory within the boundaries of the Metropolitan Service District on the effective date of this charter and any territory later annexed or subjected to Metro governance under state law. This charter refers to that area as the "Metro area". Changes of Metro boundaries are not effective unless approved by ordinance. No change of Metro boundaries requires approval by a local government boundary commission or any other state agency unless required by law. The custodian of Metro records shall keep an accurate description of Metro boundaries and make it available for public inspection.

CHAPTER II FUNCTIONS AND POWERS

Section 4. Jurisdiction of Metro. Metro has jurisdiction over matters of the powers of metropolitan concern. Matters of metropolitan concern include the powers granted to and duties imposed on Metro by current and future state law and those matters the council by ordinance determines to be of metropolitan concern. The council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern.

Section 5. Regional Planning Functions:

(1) Future Vision. (a) Adoption. The council shall adopt a Future Vision for the region between January 15, 1995 and July 1, 1995. The Future Vision is a conceptual statement that indicates population levels and settlement patterns that the region can

accommodate within the carrying capacity of the land, water and air resources of the region, and its educational and economic resources, and that achieves a desired quality of life. The Future Vision is a long-term, visionary outlook for at least a 50-year period. As used in this section, "region" means the Metro area and adjacent areas.

(b) *Matters addressed.* The matters addressed by the Future Vision include but are not limited to: (1) use, restoration and preservation of regional land and natural resources for the benefit of present and future generations, (2) how and where to accommodate the population growth for the region while maintaining a desired quality of life for its residents, and (3) how to develop new communities and additions to the existing urban areas in well-planned ways.

(c) *Development.* The council shall appoint a commission to develop and recommend a proposed Future Vision by a date the council sets. The commission shall be broadly representative of both public and private sectors, including the academic community, in the region. At least one member must reside outside the Metro area. The commission has authority to seek any necessary information and shall consider all relevant information and public comment in developing the proposed Future Vision. The commission serves without compensation.

(d) *Review and amendment.* The Future Vision may be reviewed and amended as provided by ordinance. The Future Vision shall be completely reviewed and revised at least every fifteen years in the manner specified in subsection (1)(c) of this section.

(e) *Effect.* The Future Vision is not a regulatory document. It is the intent of this charter that the Future Vision have no effect that would allow court or agency review of it.

(2) **Regional Framework Plan.** (a) *Adoption.* The council shall adopt a regional framework plan by December 31, 1997 with the consultation and advice of the Metro Policy Advisory Committee (MPAC) created under section 27 of this charter. The council may adopt the regional framework plan in components.

(b) *Matters addressed.* The regional framework plan shall address: (1) regional transportation and mass transit systems, (2) management and amendment of the urban growth boundary, (3) protection of lands outside the urban growth boundary for natural resource, future urban or other uses, (4) housing densities, (5) urban design and settlement patterns, (6) parks, open spaces and recreational facilities, (7) water sources and storage, (8) coordination, to the extent feasible, of Metro growth management and land use planning policies with those of Clark County, Washington, and (9) planning responsibilities mandated by state law. The regional framework plan shall also address other growth management and land use planning matters which the council, with the consultation and advice of the MPAC, determines are of metropolitan concern and will benefit from regional planning. To encourage regional uniformity, the regional framework plan shall also contain model terminology, standards and procedures for local land use decision making that may be adopted by local governments. As used in this section, "local" refers only to the cities and counties within the jurisdiction of Metro.

(c) *Effect.* The regional framework plan shall: (1) describe its relationship

to the Future Vision, (2) comply with applicable statewide planning goals, (3) be subject to compliance acknowledgment by the Land Conservation and Development Commission or its successor, and (4) be the basis for coordination of local comprehensive plans and implementing regulations.

(d) Amendment. The council may amend the regional framework plan after seeking the consultation and advice of the MPAC.

(e) Implementation. To the maximum extent allowed by law, the council shall adopt ordinances: (1) requiring local comprehensive plans and implementing regulations to comply with the regional framework plan within three years after adoption of the entire regional framework plan. If the regional framework plan is subject to compliance acknowledgment, local plans and implementing regulations shall be required to comply with the regional framework plan within two years of compliance acknowledgment; (2) requiring the council to adjudicate and determine the consistency of local comprehensive plans with the regional framework plan; (3) requiring each city and county within the jurisdiction of Metro to make local land use decisions consistent with the regional framework plan until its comprehensive plan has been determined to be consistent with the regional framework plan. The obligation to apply the regional framework plan to local land use decisions shall not begin until one year after adoption and compliance acknowledgment of the regional framework plan; and (4) allowing the council to require changes in local land use standards and procedures if the council determines changes are necessary to remedy a pattern or practice of decision making inconsistent with the regional framework plan.

(3) Priority and funding of regional planning activities. The regional planning functions under this section are the primary functions of Metro. The council shall appropriate funds sufficient to assure timely completion of those functions.

Section 6. Other Assigned Functions. Metro is also authorized to exercise the following functions: (1) Acquisition, development, maintenance and operation of: (a) a metropolitan zoo, (b) public cultural, trade, convention, exhibition, sports, entertainment, and spectator facilities, (c) facilities for the disposal of solid and liquid wastes, and (d) a system of parks, open spaces and recreational facilities of metropolitan concern; (2) Disposal of solid and liquid wastes; (3) Metropolitan aspects of natural disaster planning and response coordination; (4) Development and marketing of data; and (5) Any other function required by state law or assigned to the Metropolitan Service District or Metro by the voters.

Section 7. Assumption of Additional Functions.

(1) Assumption ordinance. The council shall approve by ordinance the undertaking by Metro of any function not authorized by sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it.

(2) Assumption of local government service function. (a) An ordinance

authorizing provision or regulation by Metro of a local government service is not effective unless the ordinance is approved by the voters of Metro or a majority of the members of the MPAC. Voter approval may occur by approval of a referred measure (1) authorizing the function or (2) relating to finances and authorizing financing or identifying funds to be used for exercise of the function. As used in this section, "local government service" is a service provided to constituents by one or more cities, counties or special districts within the jurisdiction of Metro at the time a Metro ordinance on assumption of the service is first introduced.

(b) An ordinance submitted to the MPAC for approval is deemed approved unless disapproved within 60 days after submission.

(c) No approval under this subsection is required for the compensated provision of services by Metro to or on behalf of a local government under an agreement with that government.

(3) Assumption of other service functions. The council shall seek the advice of the MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service which is not a local government service.

(4) Assumption of functions and operations of mass transit district. Notwithstanding subsection (2) of this section, Metro may at any time assume the duties, functions, powers and operations of a mass transit district by ordinance. Before adoption of this ordinance the council shall seek the advice of the Joint Policy Advisory Committee on Transportation or its successor. After assuming the functions and operations of a mass transit district, the council shall establish a mass transit commission of not fewer than seven members and determine its duties in administering mass transit functions for Metro. The members of the governing body of the mass transit district at the time of its assumption by Metro are members of the initial Metro mass transit commission for the remainder of their respective terms of office.

(5) Boundary commission functions. The council shall undertake and complete a study of the Portland Metropolitan Area Local Government Boundary Commission, with advice of the MPAC, by September 1, 1995. The council shall implement the results of the study and shall seek any legislative action needed for implementation,

Section 8. Preservation of Authority to Contract. All Metro officers shall preserve, to the greatest extent possible, the ability of Metro to contract for all services with persons or entities who are not Metro employees.

Section 9. General Grant of Powers to Carry Out Functions: Construction of Specified Powers. When carrying out the functions authorized or assumed under this charter: (1) Metro has all powers that the laws of the United States and this state now or in the future could allow Metro just as if this charter specifically set out each of those powers, (2) the powers specified in this charter are not exclusive; (3) any specification of power in this

(a) is discontinued.

(2) Exclusions from limitation. This section does not apply to (a) taxes approved by the voters of Metro or the Metropolitan Service District and interest and other earnings on those taxes, (b) payroll taxes specified in section 11 of this charter, and (c) tax increment financing charges on property.

Section 15. Limitations on Amount of User Charges. Except to the extent receipts in excess of costs from food and beverage sales, parking and other concessions are dedicated to reducing charges for the provision of goods or services to which the concession directly relates, charges for the provision of good or services by Metro may not exceed the costs of providing the goods or services. These costs include, but are not limited to, costs of personal services, materials, capital outlay, debt service, operating expenses, overhead expenses, and capital and operational reserves attributable to the good or service.

CHAPTER IV FORM OF GOVERNMENT

Section 16. Metro Council.

(1) Creation and Powers. The Metro council is created as the governing body of Metro. Except as this charter provides otherwise, and except for initiative and referendum powers reserved to the voters of Metro, all Metro powers are vested in the council.

(2) Composition. Beginning January 26, 1995~~2003~~, the council consists of seven ~~(7)~~ councilors, one of whom shall be elected at large and designated chair of the council and six (6) each nominated and elected from a single district within the Metro area. Until that date the council consists of the ~~13~~seven (7) members of the ~~governing body of the Metropolitan Service District~~Metro Council whose terms begin or continue in January ~~1993~~2001 and whose districts continue until replaced as provided in this section. ~~The terms of those members expire January 2, 1995.~~

(3) Initial terms of office. The terms of office of the four councilors receiving the highest number of votes among the seven councilors elected in 1994 end January 4, 1999. The terms of office of the other three councilors end January 6, 1997. Thereafter the term of office of councilor is four years.

(54) Council pPresiding eOfficer. Council Chair.

(a) Presiding Officer. At its first meeting each year before 2003 the council shall elect a presiding officer from its councilors.

(b) Council Chair. Beginning in January 2003, the Council Chair will be elected as provided in Subsection 2 above. The Council Chair presides over the Council. The Council Chair sets the council agenda subject to general rules established by a council-adopted ordinance. Except as provided otherwise by the Metro Charter, the Council Chair appoints all members of the committees, commissions and boards created by the rules of the council and ordinances of Metro. The Council Chair may only vote in the event of a tie and shall have no veto power.

(65) Council meetings. The council shall meet regularly in the Metro area at times and places it designates. The council shall prescribe by ordinance the rules to govern conduct of its meetings. Except as this charter provides otherwise, the agreement of a majority of councilors present and constituting a quorum is necessary to decide affirmatively a question before the council.

(76) Quorum. A majority of councilors in office is a quorum for council business, but fewer councilors may compel absent councilors to attend.

(87) Record of proceedings. The council shall keep and authenticate a record of council proceedings.

Section 17. Metro Executive Officer.

(1) Creation. The office of Metro executive officer is created. The executive officer is elected from the Metro area at large for a term of four years. The executive officer serves full time and may not be employed by any other person or entity while serving as executive officer.

(2) Duties. The primary duty of the executive officer is to enforce Metro ordinances and otherwise to execute the policies of the council. The executive officer shall also: (a) administer Metro except for the council and the auditor, (b) make appointments to Metro offices boards, commissions and committees when required to do so by this charter or by ordinance, (c) propose for council adoption measures deemed necessary to enforce or carry out powers and duties of Metro, (d) prepare and submit a recommended annual Metro budget to the council for approval, and (e) keep the council fully advised about Metro operations.

(3) Transition from Metropolitan Service District. The Metropolitan Service District executive officer in office when this charter takes effect is the Metro executive officer until January 2, 1995 when his or her term expires. The Metro executive officer is elected in the first statewide primary or general election after adoption of this charter for a term beginning January 2, 1995.

(4) Veto. (a) Except as provided in this subsection, the executive officer may

veto the following legislative acts of the council within five business days after enactment: (1) any annual or supplemental Metro budget, (2) any ordinance imposing, or providing an exception from, a tax, and (3) any ordinance imposing a charge for provision of goods, services or property by Metro, franchise fees or any assessment. (b) The council, not later than 30 days after a veto, may override a veto by the affirmative vote of (1) nine councilors while the council consists of 13 positions and (2) five councilors after the council consists of seven positions as provided by section 16(2) of this charter. (c) A legislative act referred to the voters of Metro by the council is not subject to veto.

(5) Office Abolished. Effective January 6, 2003, the office of the Executive Officer is abolished.

(6) Section 17 Repealed. Section 17 of the Metro Charter is repealed January 6, 2003. Upon repeal, its provisions shall be stricken from the Metro Charter.

Section 18. Metro Auditor

(1) Creation. The office of Metro auditor is created. The auditor is elected from the Metro area at large for a term of four years. The auditor serves full time and may not be employed by any other person or entity while serving as auditor.

(2) First Election; disqualification for other Metro elected offices. The auditor is first elected in the first statewide primary or general election after adoption of this charter for a term beginning January 2, 1995. During the term for which elected, and for four years thereafter, the auditor is ineligible to hold the offices of Metro executive officer or Metro councilor.

(3) Duties. The auditor shall: (a) make continuous investigations of the operations of Metro including financial and performance auditing and review of financial transactions, personnel, equipment, facilities, and all other aspects of those operations, and (b) make reports to the Metro council and executive officer of the results of any investigation with any recommendations for remedial action. Except as provided in this section, the auditor may not be given responsibility to perform any executive function.

Section 19. Term of Office. The term of office of an officer elected at a primary or general election begins the first Monday of the year following election and continues until a successor assumes the office.

CHAPTER V
OFFICERS, COMMISSIONS AND EMPLOYEES

Section 20. Qualifications of Elected Officers.

(1) Councilor. A councilor shall be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months in the district from which elected or appointed. When the boundaries of that district have been apportioned or reapportioned during that period, residency in that district for purposes of this subsection includes residency in any former district with area in the district from which the councilor is elected or appointed if residency is established in the apportioned or reapportioned district within 60 days after the apportionment or reapportionment is effective.

(2) ~~Executive officer~~Council Chair and auditor. ~~The executive officer~~Council Chair and auditor shall each be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months within the boundaries of Metro as they exist when the term of office begins. At the time of election or appointment the auditor shall also hold the designation of certified public accountant or certified internal auditor.

(3) Multiple elected offices. A Metro elected officer may not be an elected officer of the state, or a city, county or special district during his or her term of office. As used in this charter, special district does not include school districts.

(4) Judging elections and qualifications. The council is the judge of the election and qualification of its members.

Section 21. Compensation of Elected Officers.

(1) Council. ~~Prior to 2003, the salary of the council-presiding officer is two-thirds the salary of a district/circuit court judge of this state. The salary of every other councilor is one-third the salary of a district/circuit court judge of this state. Beginning January 6 2003, the salary of the Council Chair shall be that of a circuit court judge of this state and the salary of every other councilor is one-third the salary of a circuit court judge. A councilor may waive a salary.~~

(2) Executive officer. ~~Until the office is abolished, the salary of the executive officer is the salary of a district/circuit court judge of this state.~~

(3) Auditor. ~~Prior to January 6, 2003, the salary of the auditor is eighty percent of the salary of a district/circuit court judge of this state.~~

(4) Reimbursements. ~~The council may authorize reimbursement of Metro-elected and other officers for necessary meals, travel and other expenses incurred in serving Metro.~~Full Compensation. Elected officers' compensation, as established by this charter, shall be the elected officers' full and exclusive compensation for their duties as Metro officers or for any duties or responsibilities resulting from their position. This Section does

not preclude elected officers from receiving ordinary employee fringe benefits or being reimbursed for any actual and reasonable expenses incurred by an elected officer in the course of performing official duties.

Section 22. Oath. Before assuming office a Metro elected officer shall take an oath or affirm that he or she will faithfully perform the duties of the office and support the constitutions and laws of the United States and this state and the charter and laws of Metro.

Section 23. Vacancies in Office.

(1) Councilor. The office of councilor becomes vacant upon the incumbent's: (a) death, (b) adjudicated incompetency, (c) recall from office, (d) failure following election or appointment to qualify for the office within 10 days after the time for his or her term of office to begin, (e) absence from all meetings of the council within a 60 day period without the council's consent, (f) ceasing to reside in the district from which elected or appointed, except when district boundaries are reapportioned and a councilor is assigned to a district where the councilor does not reside and the councilor becomes a resident of the reapportioned district within 60 days after the reapportionment is effective, (g) ceasing to be a qualified elector under state law, (h) conviction of a felony or conviction of a federal or state offense punishable by loss of liberty and pertaining to his or her office, (i) resignation from office, or (j) becoming an elected officer of the state or a city, county or special district.

(2) ~~Executive officer~~Council Chair and auditor. The offices of ~~executive officer~~ ~~or Council Chair or auditor~~ become vacant in the circumstances described in subsection (1)(a)-(d) and (g)-(j) of this section, or if the ~~executive officer or Council Chair or auditor~~ ceases to reside in the Metro area. The office of auditor also becomes vacant if the incumbent ceases to hold the designation of certified public accountant or certified internal auditor.

(3) Vacancy after reapportionment. If a councilor vacancy occurs after the councilor has been assigned to a reapportioned district under section 32 of this charter, the vacancy is in the district to which that councilor was assigned.

(4) Determination of vacancy. The council is the final judge of the existence of a vacancy.

Section 24. Filling Vacancies. A majority of councilors holding office shall fill a vacancy by appointment within 90 days after it occurs. The term of office of the appointee runs from the time he or she qualifies for the office after appointment until a successor is duly elected and qualifies for the office. If the vacancy occurs more than 20 days before the first general election after the beginning of the term for that office, the term of office of the appointee runs only until the first council meeting in the year immediately after that election. A person shall be elected for the remainder of the term at the first primary or general election

after the beginning of the term.

Section 25. Limitations of Terms of Office. No person may be elected councilor for more than three consecutive full terms, not including any term or terms as Council Chair. No person may be elected ~~executive officer~~ Council Chair for more than two consecutive full terms. Any term served as Executive Officer shall be considered as a term served as Council Chair. The limitations of this section apply only to terms of office beginning on or after January 2, 1995.

Section 26. Appointive Offices and Commissions.

(1) Appointments and confirmation. ~~The executive officer~~ Council Chair appoints all employees in the office of the ~~executive officer~~ Council Chair, ~~all council staff; the Regional Administrator, if the position exists and if it does not; all~~ department directors; and all other positions this charter or ordinance requires the executive officer to appoint. Appointments of department directors are subject to council confirmation. The council by ordinance may require confirmation of other positions.

(2) Removal. Employees in the office of the ~~executive officer~~ Council staff and department directors serve at the pleasure of the ~~executive officer~~ Council Chair. ~~Staff employed by the council serve at the pleasure of the council.~~ The Council Chair executive officer may remove his or her other appointees as provided by ordinance.

(a) Regional Administrator. The Council may provide by ordinance for the creation of the office of the Regional Administrator. The Regional Administrator shall be responsible to the Council for the continuous administration of the affairs of Metro. The Regional Administrator's duties and responsibilities may be more specifically established by ordinance. The Council Chair appoints the Regional Administrator subject to confirmation by the Council.

Section 27. Metro Policy Advisory Committee.

(1) Creation and composition. The Metro Policy Advisory Committee (MPAC) is created. The initial members of the MPAC are:

- (a) One member of each of the governing bodies of Washington, Clackamas and Multnomah Counties appointed by the body from which the member is chosen;
- (b) Two members of the governing body of the City of Portland appointed by that governing body;
- (c) One member of the governing body of the second largest city in population in Multnomah County appointed by that governing body;
- (d) One member of the governing body of the largest city in population in
- (e) Washington County appointed by that governing body;
- (f) One member of the governing body of the largest city in population in

Clackamas County appointed by that governing body;

(g) One member of a governing body of a city with territory in the Metro area in Multnomah County other than either the City of Portland or the second largest city in population in Multnomah County, appointed jointly by the governing bodies of cities with territory in the Metro area in Multnomah County other than the City of Portland or the second largest city in population in Multnomah County;

(h) One member of a governing body of a city with territory in the Metro area in Washington County other than the city in Washington County with the largest population, appointed jointly by the governing bodies of cities with territory in the Metro area in Washington County other than the city in Washington County with the largest population;

(i) One member of a governing body of a city with territory in the Metro area in Clackamas County other than the city in Clackamas County with the largest population, appointed jointly by the governing bodies of cities with territory in the Metro area in Clackamas County other than the city in Clackamas County with the largest population;

(j) One member from the governing body of a special district with territory in the Metro area in Multnomah County appointed jointly by the governing bodies of special districts with territory in the Metro area in Multnomah County;

(k) One member from the governing body of a special district with territory in the Metro area in Washington County appointed jointly by the governing bodies of special districts with territory in the Metro area in Washington County;

(l) One member from the governing body of a special district with territory in the Metro area in Clackamas County appointed jointly by the governing bodies of special districts with territory in the Metro area in Clackamas County;

(m) One member of the governing body of Tri-County Metropolitan Transportation District of Oregon appointed by the governing body of that district; and

(n) Three persons appointed by the ~~executive officer and~~ Council Chair and confirmed by the council. No person appointed under this part of subsection (1) may be an elected officer of or employed by Metro, the state, or a city, county or special district. Each person appointed under this part of subsection (1) shall reside in the Metro area during the person's tenure on the MPAC.

(2) Change of composition. A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of the MPAC at any time.

(3) Duties. The MPAC shall perform the duties assigned to it by this charter and any other duties the council prescribes.

(4) Bylaws. The MPAC shall adopt bylaws governing the conduct and record of its meetings and the terms of its members.

Section 28. Metro Office of Citizen Involvement.

(1) Creation and purpose. The Metro office of citizen involvement is created to

develop and maintain programs and procedures to aid communication between citizens and the council and executive officer.

(2) Citizens' committee in office of citizen involvement. The council shall establish by ordinance (a) a citizens' committee in the office of citizen involvement and (b) a citizen involvement process. The council shall appropriate sufficient funds to operate the office and committee.

CHAPTER VI ELECTIONS AND REAPPORTIONMENT

Section 29. State Law. Except as this charter or a Metro ordinance provides otherwise, a Metro election shall conform to state law applicable to the election.

Section 30. Elections of Metro Officers.

(1) Generally. Except for certain elections to fill a vacancy in office, the first vote for councilor, ~~executive officer~~ council chair or auditor occurs at an election held at the same time and places in the Metro area as the statewide primary election that year. If one candidate for a Metro office receives a majority of the votes cast at the primary election for all candidates for that office, that candidate is elected. If no candidate receives a majority of the votes cast at the primary election, the candidates receiving the two largest numbers of votes cast for the office are the only names to appear on the general election ballot that year as candidates for that office. The candidate who receives the largest number of votes cast at the general election for that office is elected.

(2) Nonpartisan offices. All elections of Metro officers are nonpartisan. Election ballots shall list the names of candidates for Metro offices without political party designations.

Section 31. Multiple Candidacies. No person may be a candidate at a single election for more than one Metro elected office.

Section 32. Reapportionment of Council Districts After Census.

(1) General requirements. Within three months after an official census indicates that the boundaries of council districts deny equal protection of the law, the council shall change the boundaries to accord equal protection of the law and shall assign councilors to the reapportioned districts. As nearly as practicable, all council districts shall be of equal population and each shall be contiguous and geographically compact. The council may by ordinance specify additional criteria for districts that are consistent with this section.

(2) Failure to reapportion. If the council fails to establish council district

boundaries as provided by this section, the ~~executive officer shall~~ council chair establish the boundaries within 60 days.

Section 33. Recall.

(1) Generally. An elected officer of Metro may be recalled in the manner and with the effect described by the constitution and laws of this state.

(2) Effect of reapportionment. Upon the effective date of a council reapportionment under section 32 of this charter, a councilor is subject to recall by the voters of the district to which the councilor is assigned and not by the voters of the district of that councilor existing before the reapportionment.

Section 34. Initiative and Referendum. The voters of Metro reserve to themselves the powers of initiative and referendum. The council may provide for the exercise of those powers in a manner consistent with law.

Section 35. Amendment and Revision of Charter. The council may refer, and voters of Metro may initiate, amendments to this charter. A proposed charter amendment may embrace only one subject and matters properly connected with it. The council shall provide by ordinance for a procedure to revise this charter.

CHAPTER VII
ORDINANCES

Section 36. Ordaining Clause. The ordaining clause of an ordinance adopted by the council is: "The Metro Council ordains as follows:". The ordaining clause of an initiated or referred ordinance is: "The People of Metro ordain as follows:".

Section 37. Adoption by Council.

(1) General requirements. The council shall adopt all legislation of Metro by ordinance. Except as this charter otherwise provides, the council may not adopt any ordinance at a meeting unless: (a) the ordinance is introduced at a previous meeting of the council, (b) the title of the ordinance is included in a written agenda of the meeting at which the ordinance is adopted, (c) the agenda of that meeting is publicized not less than three business days nor more than ten days before the meeting, and (d) copies of the ordinance are available for public inspection at least three business days before that meeting. The text of an ordinance may be amended, but not substantially revised, at the meeting at which it is adopted.

(2) Immediate adoption. The provisions of this section do not apply to an ordinance adopted by unanimous consent of the council and containing findings on the need

for immediate adoption.

(3) Vote required. Adoption of an ordinance requires the affirmative votes of (a) seven councilors while the council consists of 13 positions, and (b) four councilors after the council consists of seven positions as provided by section 16(2) of this charter.

Section 38. Endorsement. The person presiding over the council when an ordinance is adopted shall endorse the ordinance unless the council prescribes a different procedure by general ordinance.

Section 39. Effective Date of Ordinances.

(1) Generally. An ordinance takes effect 90 days after its adoption unless the ordinance states a different effective date. An ordinance may state an earlier effective date if (a) an earlier date is necessary for the health, safety or welfare of the Metro area, (b) the reasons why this is so are stated in an emergency clause of the ordinance, and (c) the ordinance is approved by the affirmative vote of two-thirds of all councilors. An ordinance imposing or changing a tax or charge, changing the boundaries of Metro, or assuming a function may not contain an emergency clause.

(2) Vetoed and Referred ordinances. ~~If the executive officer vetoes an ordinance and the council overrides the veto, the date of adoption is the date on which the veto is overridden. If the council refers an ordinance to the voters of Metro, the ordinance effective date is the 30th day after its approval by a majority of the voters voting on the measure unless the ordinance specifies a later date. If a referendum petition is filed with the filing officer not later than the 90th day after adoption of an ordinance, the ordinance effective date is suspended. An ordinance is not subject to the referendum after it is effective. An ordinance referred by a referendum petition (a) does not take effect if a majority of the voters voting on the measure reject it and (b) takes effect, unless the ordinance specifies a later date, on the date the results of the election are certified if a majority of the voters voting on the measure approve it.~~

Section 40. Content of Ordinances. Each ordinance may embrace only one subject and all matters properly connected with it. The council shall plainly word each ordinance and avoid technical terms as far as practicable.

Section 41. Public Improvements and Special Assessments. General ordinances govern the procedures for making, altering, vacating or abandoning a public improvement and for fixing, levying and collecting special assessments against real property for public improvements or services. State law governs these procedures to the extent not governed by general ordinances.

CHAPTER VIII
MISCELLANEOUS PROVISIONS

Section 42. Transition Provisions. All legislation, orders, rules and regulations of the Metropolitan Service District in force when this charter takes effect remain in force after that time to the extent consistent with this charter and until amended or repealed by the council. All rights, claims, causes of action, duties, contracts, and legal and administrative proceedings of the Metropolitan Service District that exist when this charter takes effect continue and are unimpaired by the charter. Each is in the charge of the officer or agency designated by this charter or by its authority to have charge of it. The unexpired terms of elected officers of the Metropolitan Service District continue as provided by this charter. Upon the effective date of this charter, the assets and liabilities of the Metropolitan Service District are the assets and liabilities of Metro.

Section 43. Effective Date. This charter takes effect January 1, 1993.

Section 44. Severability. The terms of this charter are severable. If a part of this charter is held invalid, that invalidity does not affect any other part of this charter unless required by the logical relation between the parts.

Section 45. State Legislation. By adopting this charter the voters of Metro direct the council to seek, and request the Legislative Assembly of this state to enact, any legislation needed to make all parts of this charter operative.

Section 46. Further Transition Provisions. The amendments to Sections 16 (4), 20, 21, 23, 25, 26, 27 and 39 adopted by the electors of Metro at the November 2000 election take effect on January 6, 2003.

**BALLOT TITLE FOR REFERRAL TO VOTERS
OF MEASURE AMENDING METRO CHARTER
TO ABOLISH OFFICE OF EXECUTIVE OFFICER
AND CREATE OFFICE OF METRO COUNCIL CHAIR**

Caption (10 words):

**Amends Metro Charter by Abolishing Executive
Officer, Creating Council Chair**

Question (20 words):

**Shall Metro Charter be amended to abolish the Office of
Metro Executive Officer and create new Office of
Council Chair?**

Summary (85 words):

**Amends Metro Charter to abolish Office of Executive
Officer and to create new Office of Council Chair.
Modifies composition of Metro Council from seven
Councilors elected by district to six Councilors elected
by district and one Council Chair, elected at large.
Establishes compensation of Council Chair as equal to
the salary of state circuit court judge. Establishes
compensation of Councilors as one-third of Council
Chair's salary. Allows creation of Office of Regional
Administrator appointed by Council Chair and
confirmed by Council. Measure becomes effective
2003.**

EXPLANATORY STATEMENT
FOR 2000 INITIATIVE
AMENDING METRO CHARTER

This measure is a referral to voters by the Metro Council seeking to amend the 1992 Metro Charter. If passed, the measure would abolish the Office of the Metro Executive Officer and would change the composition of the Metro Council to include a newly created position called Metro Council Chair. The measure would be effective in January 2003.

Currently the Metro Charter provides for a Metro Executive elected at large from the entire Metro Region and a Metro Council composed of seven Councilors, each nominated and elected from a single district within the Metro area. The Metro Executive Officer serves full time with the primary duty of enforcing Metro Ordinances and executing the policies of the Council. The Executive Officer also has power to administer Metro, except for the Metro Council and Metro Auditor, make appointments to Metro offices, boards, commissions and committees, propose for council adoption measure deemed necessary to enforce or carry out the powers and duties of Metro, prepare and submit the recommended annual budget of Metro and otherwise keep the Metro Council fully advised concerning Metro operations. Additionally, the Executive Officer has the authority to veto certain legislative acts of the Council.

Under the measure referred to voters by the Metro Council, the Office of the Metro Executive Officer would be abolished. Additionally, the composition of the Metro Council would change to become six Councilors, each nominated and elected from a single district with the Metro area, as well as a Council Chair, elected from the Metro area at large. Under the measure, the Council Chair would preside of the Council, set the agenda of the Council subject to rules established by ordinance. The Council Chair would have authority to appoint all members of committees, commissions and boards of Metro. The Council Chair would vote on matters before the Metro Council only in the event of a tie vote. The Council Chair would have no veto power.

The measure also establishes the compensation of Metro Council Chair as equal to that of state circuit court judges. The current charter sets salary by reference to the office of State district court judges, a judicial position which the 1997 Oregon Legislature abolished. The measure establishes the compensation of the Metro Councilors as one-third the salary of the Council Chair.

The measure also allows the Council to create an Office of the Metro Regional Administrator, who would be responsible to the Council for the continuous administration of the affairs of Metro and would be responsible for other duties as the Metro Council might later specifically establish. The Council Chair would appoint the Regional Administrator. The appointment would subject to confirmation by the Metro Council.

According to Metro's Chief Financial Officer, passage of the measure would result in a cost impact to Metro as follows:

Metro Charter Reform



Report to the Metro Council
by Gov. Barbara Roberts

July 5, 2000



Metro Regional Services
Creating livable communities

REPORT ON METRO'S CHARTER REFORM PUBLIC INVOLVEMENT PROCESS

BACKGROUND

Voters approved a home-rule charter for Metro in 1992. Prior to that time, Metro's structure and responsibilities were laid out by the Oregon Legislature. The charter gave voters a chance to make changes and improve upon the structure. Metro is the only regional government in the United States with a home-rule charter and directly elected officials.

Metro's current Executive Officer submitted a resolution to Council suggesting the original idea for charter reform: that the office of the executive officer be abolished, and an office of Council Chair be established to take its place; a six member council with the Council Chair only voting in case of a tie and the hiring of a regional administrator. Council responded to this suggestion and solicited others by developing the public involvement process outlined in this report. The timing of such a review is significant because, should changes be made to Metro's charter, they will occur in conjunction with a redistricting as a result of the 2000 census, and with the expiration of the current Executive Officer's term.

The primary focus of the proposed charter amendment is the relationship between Council and the Executive Office. The current charter is modeled on the State of Oregon's structure, and features a "separation of powers" between the seven-member Council, each of whom is elected from a geographic district in the Metro region; the Executive Officer, elected regionwide; and the Auditor, also elected regionwide. Council is the policy-making body, and the Executive Officer manages Metro, and implements policy established by the Council.

RESPONSE

During the month of June 2000, Metro engaged in an intensive public process to seek advice on a possible amendment to its home-rule charter as it pertains to the internal governing structure of Metro. Over 150 surveys were sent out to selected community leaders, as well as being available on-line at Metro's website for public participation. Four community roundtables were held, as well as one-on-one interviews with community leaders who were unable to attend the roundtables.

Several options for an alternative structure were explored, including merging the executive officer and presiding officer positions into a regionally elected leadership position; eliminating the executive officer and having council appoint an agency administrator; and having the presiding officer elected regionally along with Council appointment of an agency administrator. Opinions were also sought regarding the ideal size for Metro Council, whether salary levels for council and the presiding officer were appropriate or needed adjusting, and what the top concepts Metro should be using to guide its decision making.

The quality of discussion and public input has been tremendous, and too lengthy to go into detail here. However, copies of roundtable and interview notes, along with actual surveys and public comment submitted, are available upon request for anyone who would like more information.

This report presents summaries of opinions expressed at the Roundtable Discussions, One-on-One Interviews, and through written surveys. An overall summary of all opinions, along with thematic comments by participants is also included.

SUMMARY OF ROUNDTABLE GROUP DISCUSSIONS

▪ Wilsonville, Jun 23

17 people attended the Wilsonville roundtable: Charlotte Lehan, George Bell, Mary Bell, Ron Cease, Kay Durtschi, Patrick Donaldson, James Draznin, Ken Gervais, Clayton Hannon, Pam Hayden, Carl Hostika, Jane Leo, Tony Marquis, Jim McElliheny, Jilma Meneses, Ray Phelps, and Ian Robertson. Councilors Bragdon and Park were also present.

Discussion was lively, and focused on the need for change at Metro. Several people questioned whether there was really a structural problem, or whether the problem resided in personality conflicts. Most participants were in agreement that the current structure could be improved, either by establishing a true balance of power between Exec and Council, or by electing a regional Presiding Officer to act as a united spokesperson for Metro. Several people mentioned that, regardless of what decision was made, Metro would be well served by clearly delineating the roles and responsibilities of its elected officials and/or appointed administrators.

From a **structure** perspective, 50% of the group was in favor of having the presiding officer elected regionally and having council appoint an agency administrator (option 3). 12% favored merging the executive officer and presiding officer position into one regionally elected leadership position (option 1). 29% had no opinion, and 2% favored eliminating the executive officer and appointing an agency administrator (option 2).

In terms of the ideal size of **Metro council**, more than half the group had no opinion or strong feeling. 35% were in favor of enlarging council to nine members. Most of the group did not have an opinion regarding **councilor and presiding officer salaries**.

The top priorities cited by the group for future decision making were:

1. Increase representation (by creating more, yet smaller, districts)
2. Increase accountability of all elected officials to the public
3. Consolidate the council and executive offices to reduce expenses and streamline the operation.

• Milwaukie, June 26, 2000

11 people were in attendance for this meeting, including one Metro councilor-elect, including: Bernie Foster, Paul Thalhofer, Ethan Seltzer, Carolyn Tomei, Thane Tienson, John Egge, Lou Savage, Matt Hennessee, Hal Busch, Brian Newman, and Rex Burkholder. It was a knowledgeable group that included at least two people who were on Metro's 1992 charter review committee, and several who were on Multnomah County's charter review committee. The tone was positive, seeking to increase Metro's visibility, accountability, and capacity to effectively set policy.

Most participants favored option number 3 – regionally electing Presiding Officer, and having the Council appoint an agency manager – believing that there should be one clear locus of authority at Metro, and at the same time a professional managerial capacity. Several however, were concerned that the regionally elected position not become too powerful relative to the council. Although some supported examining additional pay for councilors, the general feeling was that this would best be handled through a compensation commission recommendation, separate from the proposed ballot measure. The formation of an additional charter review committee was also supported.

In terms of options presented to the group for discussion:

- **Structure**—80% favored option 3; 20 % favored option 2
- **Size**—40% favored 8 councilors + 1 Presiding Officer, regionally elected, 60% had no preference.
- **Salaries**—40% supported the possibility of salary increases, but felt this would best be done by a salary commission. 60% had no opinion.

Themes expressed were:

- Agreement that there should be one office that expresses Metro policy, is the clear seat of accountability, and is (most) responsible for developing a regionwide perspective;
- Belief that a professional manager would benefit Metro, especially the entrepreneurial aspects;
- Visibility of Metro needs to be greatly enhanced.
- Metro needs to make sure the public sees the benefit of any reorganization in terms of Metro’s mission and in terms of products and deliverables.

▪ Gresham, June 27

13 people attended the Gresham Roundtable: Dick Anderson, John Anderson, Chuck Becker, Maggie Collins, Charles Haugh, Gussie McRobert, Stan Morris, Sue O’Halloran, Bob Pung, Richard Ross, Barbara Sullivan, David Swanson (representing Jay Barber), and Robert Taylor. Councilors Monroe, McLain, and Park were also in attendance.

Most of the discussion in this group centered on the ideal structure for Metro’s governance. The majority of the group expressed an opinion that the state model, with a division of power between executive and legislative, is not appropriate for Metro, which is essentially a large local or regional government. As such, there needs to be greater public accountability and accessibility of elected officials, and a continued effort to encourage citizen and intergovernmental involvement and collaboration. Metro’s existing division of power creates public perception problems regarding who’s in charge, who really speaks on behalf of the agency as a whole, and what the actual roles and responsibilities of the elected officials really are.

Although there was a strong trend to **structure** Metro with a regionally elected presiding officer and an appointed administrator (option 3), 23% of the group favored moving towards more of a Council/City Manager type of government, by leaving council structure as is, eliminating the executive officer, and appointing an administrator (option 2). Arguments in favor of this option focused on the belief that a regionally elected presiding officer would essentially just replace

the current regionally elected executive officer, continuing the conflict and imbalance of power.

Very little discussion was had regarding the **ideal size for Metro Council**. 62% of the group were undecided, or had no opinion, and remainder favored keeping council as is, with seven members.

The top priorities cited by the group for future decision making were:

1. Clarify who speaks on behalf of Metro Council
2. Provide greater accountability of elected officials to the public
3. Clarify respective roles and responsibilities of elected officials and paid administrators, and increase operational efficiency.

- Beaverton, June 28, 2000

This was the largest of the regional roundtables, with 23 participants: Jan Young, Al Young, Cathy Stanton, Gary Conkling, Steve Larrance, Larry Derr, Jeff Condit, Mayor Rob Drake, Dave White, Jim Zehren, Ken Stuckmeier, Donnie Griffin, Dick Schouten, Joe D'Alessandro, Jon Chandler, Kelly Ross, Ned Look, Jon Mandaville, Sue Marshall, Mayor Ralph Brown, Bill Gaffi, Dan Logan, and Lise Glancy. The group covered a lot of ground as well. Items covered ranged from size and number of committees to whether having the governor appoint council members should be an option. The idea of having a governor-appointed Council was a unique potential solution, raised at the Beaverton roundtable and nowhere else. A plurality favored option 3 — regionally elected PO, council appointed administrator. However, nearly as many favored option 1— regionally elected PO/Executive, with no administrator, seeming to favor a strong leader/manager. This same perspective brought out the idea that conflict, between an executive function and legislative function, was part of the territory, and if used correctly, would allow time and opportunity for wide ranging participation by citizens and other interested parties. Many felt that the council should hire the chief legal counsel.

Many relational aspects were discussed, such as determining whom Metro's main constituency is, clarifying Metro's relationship with local governments, neighborhoods and MPAC, and level of citizen participation. In the same vein the central city (Portland) vis-a-vis the outlying centers and suburbs also came up in terms of outcomes of Metro decision-making.

While most participants seemed to favor the hiring of an administrator, there was also a desire for a strong Metro leader, able to drive and publicly deliver an agenda and raise Metro's image.

In terms of options delivered to the group for discussion:

- **Structure**—57% preferred option #3, while 43% preferred option 1.
- **Number of Councilors**—39% favored 6 councilors and 1 PO, 39% were undecided, 13% favored nine councilors and 2 9% thought less than seven was the right number.
- **Salary**—78% expressed no opinion, 17% felt that they probably are too low and 4% felt they are too high.

Themes:

- Explore/strengthen/clarify Metro's relation to citizens, local governments and others;
- Want strong leader; conflict is not all bad;

- Metro is not an all purpose government, this should color decisions about structure as well as purpose
- Conclusion of Roundtable Discussions

63 invited guests participated in the four community round tables. Discussion was very positive; focusing on what needs improving, rather than getting stuck in the past. At the same time very knowledgeable individuals helped explain the context for the current Metro structure by detailing aspects of past charter amendment discussions and past Council decisions.

Taken as a whole, the predominant view might be characterized as preferring option 3, informally known as the "Washington County" model. This calls for elimination of the current Executive Officer position and creating a regionally elected Presiding Officer position at the Council level. Option 3 also requires appointment of a professional manager responsible to the Council to manage the affairs of the agency.

Although this model leavens power between the council and the presiding officer, a strong feeling in roundtable discussion favors a strong leader, able to create and drive a regional agenda and communicate with the media and public. In this position would also rest a seat of accountability that currently seems dispersed.

Generally 7-9 council members seem to be the desired number. The main factors in discussion of this issue were manageability of the council itself, representation in terms of number of voters per district, and what number would best produce regional policy making.

While there was some interest in exploring higher salaries for the council, several individuals cautioned that the issue should be taken up in a different venue, such as a compensation commission. It was felt that to include this issue on a November ballot would prove harmful to a vote focused on a new structure for the organization.

Finally, a theme that also permeated discussion was that Metro does provide many services that the public supports (Zoo, land use goals, Open Spaces protection), but that the public needs to be better informed that it is in fact Metro that is doing them.

SUMMARY OF SURVEYS

A total of 83 written and online surveys were received. Most respondents (89%) thought Metro's structure should be changed. The three most-frequently cited reasons were

- 1) to minimize conflict between the Executive and the Council
- 2) to clarify the distinction between managing the agency itself and making regional policy; and
- 3) to increase efficiency (of communications, staff, decision-making).

The majority would prefer to have the presiding officer elected regionally, but are nearly evenly split about whether the executive officer should merge with the PO position (slight preference for electing the PO and having an appointed manager). Most think the council should have seven members.

The guiding principle for reform most important to people seems to be

- 1) provide clarity to the public regarding policy-making at Metro
- 2) to clarify who speaks for Metro, and
- 3) to increase efficiency.

SUMMARY OF 1-ON-1 INTERVIEWS

18 one-on-one interviews were conducted between individual councilors and selected community leaders Vic Atiyeh, Tom Brian, Joe D'Alessandro, Gordon Faber, Ralph Gilbert, Neil Goldschmidt, Rick Gustafson, Matt Hennessee, Bill Kennemer, Delna Jones, Mike Jordan, Robert Liberty, Don McClave, Lisa Naito, Robert Pamplin, Dick Reiten, Carl Talton, John Williams, and Bev Stein.

The tone of the interviews varied between participants, but some trends emerged from the discussions. Half the group supported option 3, to elect a regionwide presiding officer and have council appoint an agency administrator (it would likely be merged with the position currently occupied by the Chief Operating Officer).

More than half the participants felt the **ideal size for council** is seven members, and none had strong opinions regarding **salaries** for either councilors or presiding officer. Of pressing interest to the group as a whole were the following priorities for council to focus on in future decision making: clarifying who speaks for Metro, providing clarity regarding policy-making, and establishing a regionally elected voice for Metro.

SUMMARY OF ALL PUBLIC INPUT

A statistical analysis of expressed opinions is attached. Of the 164 participants in this process, close to half (49%) felt that, in terms of **structure**, option 3, electing a regionwide presiding officer and having council appoint an agency administrator was the best choice for charter reform. 28% supported combining the presiding officer and the executive officer into one elective office, chosen from the regional electorate. Not surprisingly, consolidation of these offices ranked number 5 among 14 priorities expressed to guide council in future decision making.

44% of those participating felt that the **current size of council** is appropriate, and does not require changing. Where a larger number was suggested, 25% of the participants felt that nine members would be a better mix.

With the exception of a very low percentage of participants feeling council or presiding officer salaries were too high, opinions regarding appropriate salaries were mixed. Most people (47%) had no opinion. 29% felt salaries were too low, and 21% felt they were just right as is.

Many visionary concepts for council decision making emerged, with the three highest priorities being:

1. Provide clarity regarding policy-making at Metro
2. Clarify who speaks for Metro
3. Increase efficiency

COMMENTARY AND NOTES

Copies of thematic notes of one-on-one interviews and roundtables, along with survey documents and commentary, are available in Metro Council office for public review.

In addition to the conclusion and summary material above, the following is offered to suggest some of themes that emerged during the process, with key comments for each:

Need for consolidation of offices

- Need one set of elected officials overseeing the operation, with paid person in charge of administration. Most efficient – one set of outcomes; no redundancy of resources; united message.
- During the original reform, there were split views on what would or wouldn't work. Compromise was that council creates policy and exec keeps distance. This was a mistake. Council became stronger, but Exec was weakened
- 1) No unified message/vision is evident in Metro's public presence; 2) energy is dissipated internally and externally by power struggle between the council and executive
- Conflict between the executive office and the council impedes decision-making.
- As staff it sometimes appears as though the agency speaks with two voices, thereby giving an impression of not being internally coordinated or focused. Staff must also walk "the fence" when coordinating with the executive office and the council office. It is a bit like a dysfunctional family.
- Duplication of staff functions.

Need for a Metro-specific governance solution

- Metro is similar to neither local nor state government – it is a hybrid, and requires a hybrid solution.
- People like structures they're familiar with. Metro is too big; too large scale for City Manager type government. Having an elected administrator is critical for separation of powers. Many different interests in community need to be represented by Council.
- Metro is essentially one big local government, but the Council/Mayor form of government won't work with Metro, because the population base is so large
- Separately elected executive and legislative structure, while suitable for the federal government, is too cumbersome for Metro. It contributes to an image of disunity and less than complete effectiveness as perceived by local governments, employees, and the public.
- Metro is not a general-purpose government, hence a strong Presiding Officer is OK.

Size of Council and representation

- Fewer council members (e.g. 5) actually produces better regional policy-making.
- Six districts (i.e. six councilors and one PO) result in too many voters per councilor in each district. It is already the case that few people know their Metro councilor.

Need for a balance of power

- Metro shouldn't further weaken the Exec – need to restore balance of power. Elected manager is continually undercut by legislative branch. Legislative doesn't provide leadership. These proposals are heading in the wrong direction.

- There needs to be a greater partnership and public relationship between EO and Council. Any system will work if people are motivated. Our system is not working – it is set up to make it more difficult for Metro to be strong and united.
- Metro is like a two-headed beast – nothing really happens because there is a constant pushing and pulling between the two for dominance
- Original reform was structured so that there would be a balance between Exec and council. The other side of the balance is divisiveness, which is what is occurring now

Potential issues with electing a regional presiding officer

- How would it be different if the executive officer and presiding officer are combined? The new position would still control staff and might be at odds with council.
- It might be more confusing to elect a regional PO than to get rid of EO and continue appointing PO from council.
- A regional person, in order to get elected, has to promote a vision that he or she may not be able to carry out because it's at odds with council as a whole. I don't like the idea of a regionally elected PO – creates a division right from the start.
- The PO should be chosen by the council from among them for the leadership qualities they respect. Regional electorate has no way of judging those qualities.

Need to clarify roles and responsibilities of elected officials and appointed staff

- Need a strong business or management plan and written clarification regarding roles and responsibilities
- The duties of the PO/EO should be spelled out in the Charter. It makes little sense to elect a region-wide official and have the performance of that position left to the district elected officials. I also feel very strongly that the Auditor should be responsible for monitoring the fiscal operation of the agency. By so doing, this will provide the Council with the assurance that the agency is performing within the fiscal policies set by the Council.
- The idea of an elected Auditor is fundamentally flawed. This system ensures that audits will always be viewed as “political” in nature, and exposes good professional work to partisan criticism. In a “perfect Metro world,” I would have Executive Director (manager), Chief Counsel and Auditor as appointed positions that answer directly to the Council. They, in turn, would be responsible for recruiting and managing the rest of the agency staff. Again, this is a proven system that is employed at most municipalities across the country and is time-tested.

Need for greater accountability

- An elected chair will have more accountability. The currently elected executive officer has no accountability to voters because s/he is not a policy maker. The current system is broken. Executive officer tries to drive policy and Council are the policy setters. Executive officer should be the implementer. Council has no control over executive officer– no accountability either way, resulting in mixed messages and agendas to the public
- Any efforts to make the agency more effective and efficient with accountability to its employees and the public is needed. Hopefully there will be more interaction with the staff of the agency and the council and its leader.
- Candidates for Metro council offices should be encouraged or required to have prior experience at the local government level – this would help them see a little bit bigger

piece of the picture in terms of public service issues, and how the provision of services happens at the local level.

- You can't have accountability with split or ambiguous authority.

Need for a single voice of leadership

- We need a person who can speak about regionwide issues – a single focal point.
- We need to facilitate better regional leadership—on the issues, of the agency, of staff
- Metro needs to have one, consistent voice and work as efficiently as possible in order to carry out the 2040 vision and move beyond that.
- Want a strong leader who can create and drive an agenda—keep focus for the organization.
- If the Presiding Officer is chosen by other councilors, as in present situation, then citizens can't vote for the leadership position.
- It is important to centralize staff/commission communications through one person
- The structure leads to a lack of credibility ...it is easier for us to deal with City of Portland and Multnomah County because we know who is in charge there.

Questioning Nature of Need for Reform

- I'm not convinced there's a problem with the existing structure. Sounds like internal conflicts. Changing the structure won't help that problem.
- No compelling reason to ask voters to make a fundamental change. Why doesn't the current model work?
- Important to clarify which current (or past) problems arise from personality conflicts, which truly arise from Metro structure
- For success of any charter amendment and continued success of the council, it will be imperative to make advantages clear, on a concrete, grassroots level, to regional voters. How will such a change benefit my community
- The current system is not broken. It is only the product of personality difference between the current EO and former PO. This is insufficient justification to change a charter that is only 7 years old
- Metro's problem is not its structure! It is its funding and the controversy it naturally attracts. The structure issue is a red herring and a way to avoid the real issues.
- The changes are not going to help the lack of funds which causes some of the difficulties
- The current structure was well thought out and the right people could make it work. I'm not sure any change would improve things.
- Conflict (as between the Executive and Council) is in the nature of things and to be expected. It is dysfunctional only when covered up. When it is on the table it can serve the useful purpose of slowing things down and opening them up for public scrutiny.

Other non-structural issues

- Lack of funding is the real problem.
- There should be a charter review committee to look into other issues, like term limits.
- The committee system hides a lot of decision-making from the public.
- The main problem is that Metro hasn't identified its main constituency.
- Metro should become more involved in social issues, like it has in affordable housing.

Opinion Analysis Metro Charter Reform Process

	Wilsonville		Milwaukie		Gresham		Beaverton		1-on-1s		Surveys		Total	
	number	% or rank	number	%	number	%	number	%	number	%	number	%	number	%
Total participants	17		10		13		23		18		83		164	
Structure														
Option 1	2	12%		0%	0	0%	10	43%	5	28%	28	34%	45	27%
Option 2	0.5	3%	2	20%	3	23%		0%	3	17%	14.5	17%	23	14%
Option 3	8.5	50%	8	80%	10	77%	13	57%	9	50%	31.5	38%	80	49%
Undecided or No Opinion	5	29%		0%	0	0%		0%	1	6%	10	12%	16	10%
Size of Council														
seven	0	0%		0%	5	38%	9	39%	9.5	53%	49	59%	73	44%
nine	6	35%	4	40%	0	0%	3	13%	2.5	14%	25	30%	41	25%
More needed	2	12%		0%	0	0%		0%	1	6%	1	1%	4	2%
Less needed	0	0%		0%	0	0%	2	9%	2	11%	1	1%	5	3%
Undecided or No Opinion	9	53%	6	60%	8	62%	9	39%	3	17%	7	8%	42	26%
Salaries														
Too low	1	6%	4	40%	0	0%	4	17%		0%	38.5	46%	48	29%
appropriate		0%		0%	0	0%		0%		0%	34	41%	34	21%
too high		0%		0%	0	0%	1	4%	1	6%	4	5%	6	4%
Undecided or No Opinion	16	94%	6	60%	13	100%	18	78%	17	94%	6.5	8%	77	47%

	Wilsonville		Milwaukie		Gresham		Beaverton		1-on-1s		Surveys		Total	
	number	% or rank	votes	rank	votes	rank	votes	rank	votes	rank	votes	rank	votes	rank
Priorities for Decision-Making														
Consolidation of offices	4	3							5	2	37	4	46	5
Increase efficiency	1	5			3	3					73	2	77	3
increase diversity of opinion											11	6	11	7
clarify who speaks for Metro	2				8	1			7	1	61	3	78	2
provide clarity re policy-making											83	1	83	1
increase representation	7	1			1	4			1	3	33	5	42	4
greater accountability	6	2			4	2			1	3	4	8	15	6
OTHER: strong citizen involvement	0				1	4			1	3	2	9	4	11
OTHER: clarify roles/responsibilities	3	4			3	3							6	9
OTHER: Increase funding											5	7	5	10

METRO SURVEY ON CHARTER REFORM

SUMMARY: Most respondents (89%) thought Metro's structure should be changed. The four most-frequently cited reasons were 1) to minimize conflict between the Executive and the Council, 2) to clarify the distinction between managing the agency itself and making regional policy; 3) to clarify leadership/who speaks for Metro; and 4) to increase efficiency (of communications, staff, decision-making).

The majority would prefer to have the PO elected regionally, but nearly evenly split about whether the EO should be eliminated or merge with the PO position. A little more than two-thirds (65%) think the council should have seven members, slightly less than one-third (30%) think nine. The remainder had other suggestions. More people believe councilor's salaries are too low as opposed to appropriate by about 2:1; they are divided pretty evenly on the same question for the PO. (Very few think the salary for either councilors or the PO is too high.)

The guiding principle for reform most important to people (all ranking very close together) seem to be 1) to increase efficiency; 2) to clarify who speaks for Metro, and 3) to provide clarity to the public regarding policy-making at Metro. Reducing expenses ranked a more distant fourth.

Part I (names and addresses)

Part II

1. Does the current internal structure (council/executive officer relationship) of Metro need to be changed?

Yes	80
No	6
[Neutral]	4

2. Why do you think the structure needs to be changed or kept as it is? [More than one answer/respondent; verbatims attached]

Changed

-Minimize conflict between Council/PO and EO	= 33
-Clearer distinction between management and policy-making roles	= 16
-Clarify leadership/single voice for Metro	= 13
-Efficiency (less staff, duplication of effort, clearer communications)	= 12
-EO should be chosen for management skills, not elected	= 6
-Needs to be changed/doesn't work as it is (unspecific)	= 6
-Should be run more like local government than the legislature	= 4
-Management (PO,EO, reg. mgr.) should not change yearly	= 2
-More districts would mean citizens better represented	
-PO should be accountable to the public, not just other Councilors	
-Needs more diversity of opinion	
-Need to shift power from Metro staff to local jurisdictions	=2
-So issues will be decided based on fact	
-More members to reflect recent growth	

Not Changed/Neutral/Undecided

-Need more information before deciding	= 3
-It is not broken	= 3
-Basic problem is funding, not structure	= 2
-Term limits for all positions (2 full 4-year terms)	

- 3. If changes are made to the structure, do you believe we should**
- a. Merge the executive officer and presiding officer positions into one leadership position and that this person should be elected region-wide = 31
 - b. Eliminate the executive officer and leave the council structure as is (with the council choosing a presiding officer each year) and have the council appoint an agency administrator = 17
 - c. Have the presiding officer elected regionally and have the council appoint an agency administrator = 32
 - [d. Give EO broad veto power] = 1

- 4. What do you believe would be the optimal size of the Metro Council (whether the presiding officer is elected regionwide or is chosen from the council)?**
- a. seven members = 50
 - b. nine members = 23
 - [e. eight plus PO] = 2
 - [f. seven or nine but no more] = 1
 - [g. five] = 1

- 5. Currently, the councilors each make one-third of a circuit court judge's salary (about \$28,000 per year). Do you think this is:**
- a. too low = 43
 - b. An appropriate amount = 31
 - c. Too high = 3

- 6. Currently, the presiding officer makes two-thirds of a circuit court judge's salary (about \$56,000 per year compared to about \$85,000 for the executive officer). Do you think the presiding officer's salary is**
- a. Too low* = 34
 - b. An appropriate amount* = 35
 - c. Too high = 7

*Several respondents said the salary would be too low for a combined EO/PO but appropriate for a PO.

- 7. As we work with you to improve Metro's structure, what are the most important concepts that you want to guide our decision-making? (rank your top 3 choices)**

RANKINGS ACCORDING TO VALUE

<u>RANK</u>		<u>VALUE*</u>
#1	Increase efficiency	= 111
#2	Clarify who speaks for Metro	= 107
#3	Provide clarity to the public regarding policy-making at Metro	= 102
#4	Consolidation of offices will reduce expenses through staffing cuts and/or salary savings	= 59
#5	Increase representation (by creating more, yet smaller, districts)	= 37
#6	Increase diversity of opinion at Metro	= 17

*Value = #1 ranking = 3 points, #2 = 2 points, and #3=1 point. (Responses selected without a rank were assigned a value of 2 points.)

"OTHER"

Ranked #1

- Unify Metro governance
- Will provide for regional representation from one region-wide elected presiding officer and more professionally experienced administration by a chief administrator without political confusion that exists now
- Increase accountability
- Get everyone headed in the same direction
- Improve funding

Ranked #2

- Provide professional management
- Maintain functional "balance of power" between regionally elected PO and district representatives
- Reduce conflict
- Improve communication and provide policy direction

Ranked #3

- Provide semi-annual or quarterly agendas to tri-county cities
- Eliminate rivalry between EO and council = 2
- Elevate legislative functions
- Increase constituent output
- Foster unity and effective leadership
- Provide professional management
- Provide more visibility for the work Metro does
- Improve funding = 2
- Increase campaign finance/contributor disclosure to ensure public trust in Metro integrity.

Unranked

- Give citizens authority in policy-making
- More business representation
- Clarify that cities and counties are partners; Metro does not mandate everything
- Act on behalf of the majority while recognizing that diversity is important
- Professional management

8. VERBATIMS: Share any other ideas, comments or questions you have about the proposed charter reform at Metro (open-ended)

- Mayor's, councilor's and city administrator's grapple with daily issues—they should also wear a "macro-hat" for their communities' –agendas would provide intermittent participation from respective localities
- Allow focus on regional issues and problem-solving
- The chamber worked unsuccessfully to change the governance structure during the charter review process several years ago. the change is vitally necessary
- We have to decide whether the council should be part-time. If it is, the \$28K is okay. If full-time, then we need to go higher. The PO should be full-time, and \$56 K is too low.
- We need to facilitate better regional leadership—on the issues, of the agency, of staff
- important to clarify which current (or past) problems arise from personality conflicts, which truly arise from Metro structure
- Important to consider impact of reform should the complexion of the council change
- Some increase [in salary for PO and councilors] justified to meet expectations of talent needed to do the job
- Put some serious effort into reviewing and strengthening section 28(1) of the charter. Consider giving MPAC the veto presently held by EO if latter is dropped. These are connected to proposed charter reform.

- For success of any charter amendment and continued success of the council, it will be imperative to make advantages clear, on a concrete, grassroots level, to regional voters. How will such a change benefit my community?
- The current system is dysfunctional and creates many situations that give Metro a bad public image
- Keep this process focused on the one issue of making the EO hired and directed by the council. Watch out for the money issues—it's a trap!
- Increased deference to local governments, with regional needs pre-empting local needs
- [Jane Leo] I am very open to participating in this discussion
- Restructuring would facilitate a clearer understanding as to who makes policy decisions at Metro
- Full, diverse forums and discussions will be needed to have an informed public ready to vote
- [Stanley Morris, Merchants Bank] Without more information the answers to the above without more information. The answers to the above questions would be without merit. I have had no business with Metro other than that provided to all regional residents.
- The current system is not broken. It is only the product of personality difference between the current EO and former PO. This is insufficient justification to change a charter that is only 7 years old.
- There are competing socioeconomic visions of the region and Metro needs to have solid control and responsibility for planning and carrying out policy for growth.
- What are the budget savings? What does this mean for the agency? How can we utilize this savings such that this strengthens our policy and technical program? There is too much emphasis on public outreach, with everything concentrated in the executive office.
- Any efforts to make the agency more effective and efficient with accountability to its employees and the public is needed. Hopefully there will be more interaction with the staff of the agency and the council and its leader.
- Evaluate the cost/benefits of an organization as small as Metro having full time audit staff. Contracting with the state or City of Portland for these services would produce cost savings and leverage their public investment and ongoing cost of supporting audit operations. Including such a change on the measure could be worded to stress cost savings and reduction of duplication among public agencies.
- Three options are listed in question #3. Two of the options have serious flaws, from my perspective.
- I would recommend that the PO, elected by the council, serve two years rather than one.
- Electing the PO region-wide could foster the same divisiveness as the current system.
- Metro needs management expertise and the electorate has no way of picking that quality.
- The PO should be chosen by the councilor from among them for the leadership qualities they respect. Regional electorate has no way of judging those qualities.
- The PO elected region-wide should be a full-time position with pay commensurate to attract qualified people. The PO should not be the agency administrator. The agency administrator should be a staff person hired by the Council similar to the Washington County model.
- A Council-Manager arrangement is a proven structure in local government, and would be an improvement over our current system. Metro" operation is complex, and ought to be managed by a professional manager who is selected by the Council. Another benefit of a Council-Manager format is that professional integrity is protected at the staff level, with the appointed manager accepting responsibility for staff recommendations in the political realm. I've worked under this system, and it is good for staff morale and employee retention. It also helps the elected officials focus on the big issues, and leaves the smaller day-to-day work to the appointed manager.
- The idea of an elected Auditor is fundamentally flawed. This system ensures that audits will always be viewed as "political" in nature, and exposes good professional work to partisan criticism. In a "perfect Metro world," I would have Executive Director (manager), Chief Counsel and Auditor as appointed positions that answer directly to the Council. They, in turn, would be responsible for recruiting and managing the rest of the agency staff. Again, this is a

proven system that is employed at most municipalities across the country and is time-tested. Thank you for the chance to comment!

- Question 6 is confusing. I think the current salary is appropriate for a PO position, but if it were the combo EO/PO of the Council elected region-wide, I think that would merit the \$85,000 salary. The person in that position would need to be a powerful dynamic leader, policy-maker, and administrator. They would need to have a pretty high public presence.
- Structure is only part of the problem. The quality of our elected representatives leaves room for improvement. Any Council proposal will be DOA with voters.
- The duties of the PO/EO should be spelled out in the Charter. It makes little sense to elect a region-wide official and have the performance of that position left to the district elected officials. I also feel very strongly that the Auditor should be responsible for monitoring the fiscal operation of the agency. By so doing, this will provide the Council with the assurance that the agency is performing within the fiscal policies set by the Council.
- Metro should have improved funding.
- Consider eliminating separate counties—have one county with more representatives. This could eliminate duplication of services. Regional County Planning.
- The Charter reform should also more clearly define the land-use planning authority of Metro; Section 5 of the charter should more clearly define/limit Metro planning authority to "regional" planning issues.
- This reform is definitely needed.
- Appoint a Metro administrator to oversee day-to-day operations. Downsize and have staff focus on pressing issues. Council to focus on policy matters.
- Metro needs to eliminate its land use planning
- Do not include salary as element in charter reform—it will be defeated. Include non-voting Clark County seat on Council.
- Metro is supposed to impose regulatory policies; cities and counties need to get with the program (real partner-shiping); need to give credit to mixed use zoning for housing/ incentives to get more housing on arterial/transit corridors within ¼ mile; protect the environment; contain sprawl; no more freeways; more MAX and buses; more pedestrian-friendly neighborhoods; more recycling; support the regional vision, not the economic success of the developers and big business; support diversity
- I would be willing to see the number [of councilors] increased to 9 but not any more
- Metro's problem is not its structure! It is its funding and the controversy it naturally attracts. The structure issue is a red herring and a way to avoid the real issues.
- In order for Metro to create credibility with the majority of the region's citizens it must: 1) not create policy around specific special interest groups agendas; 2) assure that regional policies are not really the city of Portland's agenda; 3) assure that business and personal vehicle trips at an acceptable level of service is the focus of the distribution of transportation funding; and 4) propose UGB expansions that are based on urbanization near our existing freeway system (least expensive to enlarge) and existing transportation funding priorities for existing funding sources.
- Term limits
- I served on the original charter committee and voted against the final charter because I didn't think we went far enough to set up Metro for success. I think it would be great to have a chance to provide input into this process again and make the original charter stronger. My hat's off to all Metro policy makers and the EO for doing your part to make this work as well as they have.

2. VERBATIMS (QUESTION #2) : Why do you think the structure needs to be changed or kept as it is? (clarification)

- there is too much tension, turf protection, politics with resulting loss of citizen credibility in Metro
- The Executive Officer position seems little more than a city manager. Merging the EO with the PO would provide a more powerful policy voice for the EO. The council needs a strong hand to guide it through rough waters. The split responsibilities has not yielded strong enough leadership and authority to pass the items that this region needs to address. The council needs wider representation. Council districts should be smaller and there should be more councilors representing the people. I think nine is still too few. The salary of the presiding officer position as is seems commensurate with the added duties.
- It is administratively burdensome and invites unnecessary conflict
- The current system is dysfunctional
- Executive officer's position should be based on aptitude, not popularity
- The present structure divides Metro and hinders its effectiveness and credibility
- Conflict between EO and Council, esp. the PO
- The battles between the Exec. and Council are counterproductive
- No clear regional leader articulating and driving a regional vision; confusion; uncertainty
- It appears that the current structure is counterproductive to the development of leadership and good working relations for the Metro council
- 1) No unified message/vision is evident in Metro's public presence; 2) energy is dissipated internally and externally by power struggle between the council and executive
- Because there is confusion as to who does what to whom and for whom
- To better meet the needs of today's challenges of a regional government—bring metro into the 2000s.
- Current structure creates unnecessary conflict between Metro administration with the EO identified with it, and the policy-making council
- Though the executive officer is perceived to be an administrator, the officer is the public's connection to policy. Conflict exists between the perceived role and chartered role.
- It comes down to who's in charge—the council or the EO
- Too much debate between the EO and the Council
- To clarify roles, lines of communication, and expectations
- Change to provide for professional administrator (appointed) and separately elected (region-wide) PO
- Too much
- The structure inherently produces needless strife between the regionally elected, but voiceless executive and the council
- EO/Council friction too high; EO has too much power to direct policy through staff with no public accountability
- Reduce political infighting, clarify roles, make staff accountable to policy makers, save money
- The present structure proves for policy and leadership confusion and conflict between council and the EO related to this "voice" of Metro, as well, a problem institution such as Metro is best served by trained public administrator, not an elected one, but hired
- It needs to be changed to reflect the actual needs of Metro and the community
- Needs to be changed because it is not clear who speaks/acts on Metro's behalf—too much unproductive infighting
- Current structure creates confusion and conflict between council and EO on policy
- It is designed to be dysfunctional because the only person who represents us all has no vote, is an administrator—not a policy person. This creates conflict with the Council.
- It is not broken
- Some reasons include more efficiency, including fewer staff members; duplication of effort/unclear roles between administrative staff and Council staff. Confusion of the way Metro functions by outside parties; and it should be run more like a local government

structure than a legislative body structure. Elements of the current structure seem duplicative and inefficient—primarily in terms of staffing. In addition, the presiding officer should be more directly accountable to the public, rather than being “appointed/selected” by the other councilors. Finally, the current structure encourages public battles between the Executive Officer and the Council—when in theory they should represent a united front in terms of Metro’s mission and implementation of regional policies.

- To insure policy is clear and enforced; that Metro speaks with one voice to the region and all its stakeholders.
- To make government work more efficiently and to eliminate points of unnecessary political conflict
- Conflict between the executive office and the council impedes decision-making.
- I think there are certainly efficiencies to be gained by combining the EO function with the Council function. The current structure sets up for the “us vs. them” scenario rather than “we” that I think this government should present. The differences of opinion and bickering back and forth, because of this division of function, and given the financial situation of Metro, I ask if we can afford to keep operating as we have been. I truly believe that a unified governing body would go a very long way toward making this government operate more efficiently.
- As staff it sometimes appears as though the agency speaks with two voices, thereby giving an impression of not being internally coordinated or focused. Staff must also walk “the fence” when coordinating with the executive office and the council office. It is a bit like a dysfunctional family.
- Inefficiency in upper-level management—especially in the executive office.
- The executive office is charged with managing the agency and that role should be in tandem with the council. They are not exclusive positions, but need to work in tandem for the public and agency best interests.
- Separation of powers hasn’t been effective. Also, the operational needs of Metro require a professional administrator, not an elected one.
- Unfortunately, friction between the Council and Executive makes changing the structure necessary. However, the new structure, especially if it combines the duties of the PO and EO cannot change on a yearly basis. The occupant has to have at least two years, preferably 4 and maybe 6 in the position.
- Current structure encourages friction and results in duplication of effort in a variety of staff positions.
- EO, as an elected official, unclear on managerial role, too many differing political voices.
- Current structure is unwieldy and leads to conflict between the EO and Council.
- Currently confusions sometimes arises about work tasks and priorities due to the fact that the Council sets the agenda but the EO carries it out, without having a voice on the Council. Metro needs to have one, consistent voice and work as efficiently as possible in order to carry out the 2040 vision and move beyond that.
- Separately elected executive and legislative structure, while suitable for the federal government, is too cumbersome for Metro. It contributes to an image of disunity and less than complete effectiveness as perceived by local governments, employees, and the public.
- Need more data on why current structure is not working—like balance of exec vs. legislature.
- The present system seems to easily influenced by staff with little concern for impact on and concerns of jurisdictions throughout the region.
- Public confusion re: roles of EO and PO; conflict between EO and council.
- Unwieldy—not working in a coordinated way.
- The nature of the EO position has changed in the past few years, resulting in the Council being much more active in the administration of the agency. Maintaining two separate authorities at Metro no longer makes sense. I originally wanted to maintain the EO position.
- Balance the responsibility between the EO and PO.
- Changing structure does not address basic problems—funding.
- The changes are not going to help the lack of funds which causes some of the difficulties.

- Need more information. Why does Metro feel a need for change? Does Burton feel his authority is undermined? Do Burton and Bragdon butt heads? Who speaks for Metro. Who gives the orders and are the orders followed through?
- eliminate presiding officer position; transfer committee appointment responsibility to the EO with council approval. No need to (yet another) paid position in the form of administrator
- EO should have policy decision authority and should act as the Council's PO. An agency manager/administrator should be hired to deal with the agency's day to day operational issues.
- Metro politics should be determined/decided by its legislative body. The EO should be more accountable to that legislative body.
- Power is too divided
- Increase efficiency and improve communication. Provide policy direction, not regulation.
- I would like to prevent a turnover of staff when there is a turnover of politics—staff provides continuity over time.
- The current structure was well thought out and the right people could make it work. I'm not sure any change would improve things.
- It appears that some significant issues and policies are being decided not on a factual basis but instead on politics. The structure needs to afford the best opportunity to reverse this trend.
- Power struggle within
- For efficiency and effectiveness of governing and to clearly define roles; clear up role strain that could exist between PO and EO

Section 16. Metro Council.

(1) Creation and Powers. The Metro council is created as the governing body of Metro. Except as this charter provides otherwise, and except for initiative and referendum powers reserved to the voters of Metro, all Metro powers are vested in the council.

(2) Composition. Beginning ~~January 2, 1995~~ January 6, 2003, the council consists of seven ~~(7)~~ councilors, one of whom shall be elected at large and designated chair of the council and six (6) each nominated and elected from a single district within the Metro area. Until that date the council consists of the ~~13~~ seven (7) members of the ~~governing body of the Metropolitan Service District~~ Metro Council whose terms begin or continue in January ~~1993~~ 2001 and whose districts continue until replaced as provided in this section. ~~The terms of those members expire January 2, 1995.~~

(3) Initial terms of office. The terms of office of the four councilors receiving the highest number of votes among the seven councilors elected in 1994 end January 4, 1999. The terms of office of the other three councilors end January 6, 1997. Thereafter the term of office of councilor is four years.

(4) Council p~~Presiding e~~Officer, Council Chair.

(a) Presiding Officer. At its first meeting each year before 2003 the council shall elect a presiding officer from its councilors.

(b) Council Chair. The Council Chair presides over the Council. The Council Chair sets the council agenda subject to general rules established by a council adopted ordinance. Except as provided otherwise by the Metro Charter, the Council Chair appoints all members of the committees, commissions and boards created by the rules of the council and ordinances of Metro.

(5) Annual Organizing Resolution. At the first Council meeting each January the Council shall adopt an annual organizing resolution naming a deputy chair and establishing such committees as the Council deems necessary for the orderly conduct of council business.

(6) Council meetings. The council shall meet regularly in the Metro area at times and places it designates. The council shall prescribe by ordinance the rules to govern conduct of its meetings. Except as this charter provides otherwise, the agreement of a majority of councilors present and constituting a quorum is necessary to decide affirmatively a question before the council.

(7) Quorum. A majority of councilors in office is a quorum for council business, but fewer councilors may compel absent councilors to attend.

(8) Record of proceedings. The council shall keep and authenticate a record of council proceedings.

Section 17. Metro Executive Officer.

(1) Creation. The office of Metro executive officer is created. The executive officer is elected from the Metro area at large for a term of four years. The executive officer serves full time and may not be employed by any other person or entity while serving as executive officer.

(2) Duties. The primary duty of the executive officer is to enforce Metro ordinances and otherwise to execute the policies of the council. The executive officer shall also: (a) administer Metro except for the council and the auditor, (b) make appointments to Metro offices boards, commissions and committees when required to do so by this charter or by ordinance, (c) propose for council adoption measures deemed necessary to enforce or carry out powers and duties of Metro, (d) prepare and submit a recommended annual Metro budget to the council for approval, and (e) keep the council fully advised about Metro operations.

(3) Transition from Metropolitan Service District. The Metropolitan Service District executive officer in office when this charter takes effect is the Metro executive officer until January 2, 1995 when his or her term expires. The Metro executive officer is elected in the first statewide primary or general election after adoption of this charter for a term beginning January 2, 1995.

(4) Veto. (a) Except as provided in this subsection, the executive officer may veto the following legislative acts of the council within five business days after enactment: (1) any annual or supplemental Metro budget, (2) any ordinance imposing, or providing an exception from, a tax, and (3) any ordinance imposing a charge for provision of goods, services or property by Metro, franchise fees or any assessment. (b) The council, not later than 30 days after a veto, may override a veto by the affirmative vote of (1) nine councilors while the council consists of 13 positions and (2) five councilors after the council consists of seven positions as provided by section 16(2) of this charter. (c) A legislative act referred to the voters of Metro by the council is not subject to veto.

(5) Office Abolished. Effective January 6, 2003, the office of the Executive Officer is abolished.

(6) Section 17 Repealed. Section 17 of the Metro Charter is repealed January 6, 2003. Upon repeal, its provisions shall be stricken from the Metro Charter.

Section 20. Qualifications of Elected Officers.

(1) Councilor. A councilor shall be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months in the district from which elected or appointed. When the boundaries of that district have been apportioned or reapportioned during that period, residency in that district for purposes of this subsection includes residency in any former district with area in the district from which the councilor is elected or appointed if residency is established in the apportioned or reapportioned district within 60 days after the apportionment or reapportionment is effective.

(2) ~~Executive officer~~Council Chair and auditor. The ~~executive officer~~Council Chair and auditor shall each be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months within the boundaries of Metro as they exist when the term of office begins. At the time of election or appointment the auditor shall also hold the designation of certified public accountant or certified internal auditor.

(3) Multiple elected offices. A Metro elected officer may not be an elected officer of the state, or a city, county or special district during his or her term of office. As used in this charter, special district does not include school districts.

(4) Judging elections and qualifications. The council is the judge of the election and qualification of its members.

Section 21. Compensation of Elected Officers.

(1) Council. ~~Prior to 2003, the salary of the council-presiding officer is two-thirds the salary of a district circuit court judge of this state. and the salary of every other councilor is one-third the salary of a district circuit court judge of this state. Beginning January 6 2003, the salary of the Council Chair shall be that of a circuit court judge of this state and the salary of every other councilor is one-third the salary of a circuit court judge. A councilor may waive a salary.~~

(2) Executive officer. ~~Until the office is abolished, the salary of the executive officer is the salary of a district circuit court judge of this state.~~

(3) Auditor. The salary of the auditor is eighty percent of the salary of a ~~district circuit~~ court judge of this state.

(4) Reimbursements. ~~The council may authorize reimbursement of Metro-elected~~

~~and other officers for necessary meals, travel and other expenses incurred in serving Metro~~
Full Compensation. Elected officers' compensation, as established by this charter, shall be the elected officers' full and exclusive compensation for their duties as Metro officers or for any duties or responsibilities resulting from their position. This Section does not preclude elected officers from receiving ordinary employee fringe benefits or being reimbursed for any actual and reasonable expenses incurred by an elected officer in the course of performing official duties.

Section 23. Vacancies in Office.

(1) Councilor. The office of councilor becomes vacant upon the incumbent's: (a) death, (b) adjudicated incompetency, (c) recall from office, (d) failure following election or appointment to qualify for the office within 10 days after the time for his or her term of office to begin, (e) absence from all meetings of the council within a 60 day period without the council's consent, (f) ceasing to reside in the district from which elected or appointed, except when district boundaries are reapportioned and a councilor is assigned to a district where the councilor does not reside and the councilor becomes a resident of the reapportioned district within 60 days after the reapportionment is effective, (g) ceasing to be a qualified elector under state law, (h) conviction of a felony or conviction of a federal or state offense punishable by loss of liberty and pertaining to his or her office, (i) resignation from office, or (j) becoming an elected officer of the state or a city, county or special district.

(2) ~~Executive officer~~Council Chair and auditor. The offices of ~~executive officer or Council Chair or auditor~~ become vacant in the circumstances described in subsection (1)(a)-(d) and (g)-(j) of this section, or if the ~~executive officer or Council Chair or auditor~~ ceases to reside in the Metro area. The office of auditor also becomes vacant if the incumbent ceases to hold the designation of certified public accountant or certified internal auditor.

(3) Vacancy after reapportionment. If a councilor vacancy occurs after the councilor has been assigned to a reapportioned district under section 32 of this charter, the vacancy is in the district to which that councilor was assigned.

(4) Determination of vacancy. The council is the final judge of the existence of a vacancy.

Section 25. Limitations of Terms of Office.

No person may be elected councilor for more than three consecutive full terms, not including any term or terms as Council Chair. No person may be elected ~~executive officer~~Council

Chair for more than two consecutive full terms. Any term served as Executive Officer shall be considered as a term served as Council Chair. The limitations of this section apply only to terms of office beginning on or after January 2, 1995.

Section 26. Appointive Offices and Commissions.

(1) ~~Appointments and confirmation. The Council Chair appoints all council staff; the Regional Administrator, if the position exists and if it does not; all department directors; and all other positions this charter or ordinance requires the executive officer to appoint. Appointments of department directors are subject to council confirmation. The council by ordinance may require confirmation of other positions. Chief Operating Officer. The Council shall provide by ordinance for the creation of the office of the Chief Operating Officer. The Chief Operating Officer's duties and responsibilities will be more specifically established by ordinance. The Council Chair appoints the Chief Operating Officer subject to confirmation by the Council. The Chief Operating Officer serves at the pleasure of the Council and is subject to removal by the Council Chair with the concurrence of the Council.~~

(2) ~~Removal. Council staff and department directors serve at the pleasure of the Council Chair. The Council Chair remove his or her other appointees as provided by ordinance. Metro Attorney. The Council shall provide by ordinance for the creation of the office of Metro Attorney. The Council Chair appoints the Metro Attorney subject to the confirmation by the Council. The Metro Attorney serves at the pleasure of the Council and is subject to removal by the Council Chair with the concurrence of the Council.~~

~~(3) Other Offices. The Council may provide by ordinance for the creation of other offices not subordinate to the Chief Operating Officer. The duties and responsibilities of these offices will be more specifically established by ordinance. The Council Chair appoints all other officers subject to confirmation by the Council. All other officers serve at the pleasure of the Council and are subject to removal by the Council Chair with the concurrence of the Council.~~

~~(4) Commissions. The Council may by ordinance create Commissions with duties and responsibilities as specified by the Council. The Council Chair appoints all Commissioners subject to confirmation by the Council. Commissioners serve at the pleasure of the Council and are subject to removal by the Council Chair with the concurrence of the Council.~~

Section 27. Metro Policy Advisory Committee.

(1) Creation and composition. The Metro Policy Advisory Committee (MPAC) is created. The initial members of the MPAC are:

- (a) One member of each of the governing bodies of Washington, Clackamas and Multnomah Counties appointed by the body from which the member is chosen;
- (b) Two members of the governing body of the City of Portland appointed by that governing body;
- (c) One member of the governing body of the second largest city in population in Multnomah County appointed by that governing body;
- (d) One member of the governing body of the largest city in population in
- (e) Washington County appointed by that governing body;
- (f) One member of the governing body of the largest city in population in Clackamas County appointed by that governing body;
- (g) One member of a governing body of a city with territory in the Metro area in Multnomah County other than either the City of Portland or the second largest city in population in Multnomah County, appointed jointly by the governing bodies of cities with territory in the Metro area in Multnomah County other than the City of Portland or the second largest city in population in Multnomah County;
- (h) One member of a governing body of a city with territory in the Metro area in Washington County other than the city in Washington County with the largest population, appointed jointly by the governing bodies of cities with territory in the Metro area in Washington County other than the city in Washington County with the largest population;
- (i) One member of a governing body of a city with territory in the Metro area in Clackamas County other than the city in Clackamas County with the largest population, appointed jointly by the governing bodies of cities with territory in the Metro area in Clackamas County other than the city in Clackamas County with the largest population;
- (j) One member from the governing body of a special district with territory in the Metro area in Multnomah County appointed jointly by the governing bodies of special districts with territory in the Metro area in Multnomah County;
- (k) One member from the governing body of a special district with territory in the Metro area in Washington County appointed jointly by the governing bodies of special districts with territory in the Metro area in Washington County;
- (l) One member from the governing body of a special district with territory in the Metro area in Clackamas County appointed jointly by the governing bodies of special districts with territory in the Metro area in Clackamas County;
- (m) One member of the governing body of Tri-County Metropolitan Transportation District of Oregon appointed by the governing body of that district; and
- (n) Three persons appointed by the ~~executive officer and Council Chair~~ and confirmed by the council. No person appointed under this part of subsection (1) may be an elected officer of or employed by Metro, the state, or a city, county or special district. Each person appointed under this part of subsection (1) shall reside in the Metro area during the person's tenure on the MPAC.

(2) Change of composition. A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of the MPAC at any time.

(3) Duties. The MPAC shall perform the duties assigned to it by this charter and

any other duties the council prescribes.

(4) Bylaws. The MPAC shall adopt bylaws governing the conduct and record of its meetings and the terms of its members.

Section 30. Elections of Metro Officers.

(1) Generally. Except for certain elections to fill a vacancy in office, the first vote for councilor, ~~executive officer~~ council chair or auditor occurs at an election held at the same time and places in the Metro area as the statewide primary election that year. If one candidate for a Metro office receives a majority of the votes cast at the primary election for all candidates for that office, that candidate is elected. If no candidate receives a majority of the votes cast at the primary election, the candidates receiving the two largest numbers of votes cast for the office are the only names to appear on the general election ballot that year as candidates for that office. The candidate who receives the largest number of votes cast at the general election for that office is elected.

(2) Nonpartisan offices. All elections of Metro officers are nonpartisan. Election ballots shall list the names of candidates for Metro offices without political party designations.

Section 32. Reapportionment of Council Districts After Census.

(1) General requirements. Within three months after an official census indicates that the boundaries of council districts deny equal protection of the law, the council shall change the boundaries to accord equal protection of the law and shall assign councilors to the reapportioned districts. As nearly as practicable, all council districts shall be of equal population and each shall be contiguous and geographically compact. The council may by ordinance specify additional criteria for districts that are consistent with this section.

(2) Failure to reapportion. If the council fails to establish council district boundaries as provided by this section, the ~~executive officer shall~~ council chair establish the boundaries within 60 days.

(3) Redistricting After Year 2000 Census. Within three (3) months after completion of the year 2000 Census, the Council shall establish six (6) council districts in a manner that accords equal protection of the law. The three (3) councilors serving terms that expire in January 2005, shall each be assigned to one of the six (6) districts and their terms shall continue. Council members will be elected to serve four (4) year terms for the other three (3) districts in the regularly scheduled elections to be held in 2002. For the purpose of

Section 33 of this charter, the seven (7) councilors in office in January 2001 shall be deemed to be serving in the districts from which they were elected until January 2003.

Section 39. Effective Date of Ordinances.

(1) Generally. An ordinance takes effect 90 days after its adoption unless the ordinance states a different effective date. An ordinance may state an earlier effective date if (a) an earlier date is necessary for the health, safety or welfare of the Metro area, (b) the reasons why this is so are stated in an emergency clause of the ordinance, and (c) the ordinance is approved by the affirmative vote of two-thirds of all councilors. An ordinance imposing or changing a tax or charge, changing the boundaries of Metro, or assuming a function may not contain an emergency clause.

(2) Vetoed and Referred ordinances. ~~If the executive officer vetoes an ordinance and the council overrides the veto, the date of adoption is the date on which the veto is overridden.~~ If the council refers an ordinance to the voters of Metro, the ordinance effective date is the 30th day after its approval by a majority of the voters voting on the measure unless the ordinance specifies a later date. If a referendum petition is filed with the filing officer not later than the 90th day after adoption of an ordinance, the ordinance effective date is suspended. An ordinance is not subject to the referendum after it is effective. An ordinance referred by a referendum petition (a) does not take effect if a majority of the voters voting on the measure reject it and (b) takes effect, unless the ordinance specifies a later date, on the date the results of the election are certified if a majority of the voters voting on the measure approve it.

Section 46. Further Transition Provisions.

The amendments to Sections 16 (4)(b), 16 (5), 20, 23, 26, 27, 32 (2) and 39 adopted by the electors of Metro at the November 2000 election take effect on January 6, 2003.

Section 17. Metro Executive Officer.

(1) Creation. The office of Metro executive officer is created. The executive officer is elected from the Metro area at large for a term of four years. The executive officer serves full time and may not be employed by any other person or entity while serving as executive officer.

(2) Duties. The primary duty of the executive officer is to enforce Metro ordinances and otherwise to execute the policies of the council. The executive officer shall also: (a) administer Metro except for the council and the auditor, (b) make appointments to Metro offices boards, commissions and committees when required to do so by this charter or by ordinance, (c) propose for council adoption measures deemed necessary to enforce or carry out powers and duties of Metro, (d) prepare and submit a recommended annual Metro budget to the council for approval, and (e) keep the council fully advised about Metro operations.

(3) Transition from Metropolitan Service District. The Metropolitan Service District executive officer in office when this charter takes effect is the Metro executive officer until January 2, 1995 when his or her term expires. The Metro executive officer is elected in the first statewide primary or general election after adoption of this charter for a term beginning January 2, 1995.

(4) Veto. (a) Except as provided in this subsection, the executive officer may veto the following legislative acts of the council within five business days after enactment: (1) any annual or supplemental Metro budget, (2) any ordinance imposing, or providing an exception from, a tax, and (3) any ordinance imposing a charge for provision of goods, services or property by Metro, franchise fees or any assessment. (b) The council, not later than 30 days after a veto, may override a veto by the affirmative vote of (1) nine councilors while the council consists of 13 positions and (2) five councilors after the council consists of seven positions as provided by section 16(2) of this charter. (c) A legislative act referred to the voters of Metro by the council is not subject to veto.

(5) Office Abolished. Effective January 6, 2003, the office of the Executive Officer is abolished.

(6) Section 17 Repealed. Section 17 of the Metro Charter is repealed January 6, 2003. Upon repeal, its provisions shall be stricken from the Metro Charter.

Section 20. Qualifications of Elected Officers.

(1) Councilor. A councilor shall be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months in the district from which elected or appointed. When the boundaries of that district have been apportioned or reapportioned during that period, residency in that district for purposes of this subsection includes residency in any former district with area in the district from which the councilor is elected or appointed if residency is established in the apportioned or reapportioned district within 60 days after the apportionment or reapportionment is effective.

(2) ~~Executive officer and auditor~~Auditor. ~~The auditor~~~~The executive officer and auditor~~ shall each be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months within the boundaries of Metro as they exist when the term of office begins. At the time of election or appointment the auditor shall also hold the designation of certified public accountant or certified internal auditor.

(3) Multiple elected offices. A Metro elected officer may not be an elected officer of the state, or a city, county or special district during his or her term of office. As used in this charter, special district does not include school districts.

(4) Judging elections and qualifications. The council is the judge of the election and qualification of its members.

Section 21. Compensation of Elected Officers.

(1) Council. The salary of the council presiding officer is two-thirds the salary of a ~~district-circuit~~ court judge of this state. The salary of every other councilor is one-third the salary of a ~~district-circuit~~ court judge of this state. A councilor may waive a salary.

~~(2) Executive officer. The salary of the executive officer is the salary of a district court judge of this state.~~

~~(3)~~(2) Auditor. The salary of the auditor is eighty percent of the salary of a ~~district-circuit~~ court judge of this state.

~~(4)~~(3) Reimbursements. ~~The council may authorize reimbursement of Metro elected and other officers for necessary meals, travel and other expenses incurred in serving Metro.~~ Full Compensation. Elected officers' compensation, as established by this charter, shall be the elected officers' full and exclusive compensation for their duties as Metro

officers or for any duties or responsibilities resulting from their position. This Section does not preclude elected officers from receiving ordinary employee fringe benefits or being reimbursed for any actual and reasonable expenses incurred by an elected officer in the course of performing official duties.

Section 23. Vacancies in Office.

1) Councilor. The office of councilor becomes vacant upon the incumbent's: (a) death, (b) adjudicated incompetency, (c) recall from office, (d) failure following election or appointment to qualify for the office within 10 days after the time for his or her term of office to begin, (e) absence from all meetings of the council within a 60 day period without the council's consent, (f) ceasing to reside in the district from which elected or appointed, except when district boundaries are reapportioned and a councilor is assigned to a district where the councilor does not reside and the councilor becomes a resident of the reapportioned district within 60 days after the reapportionment is effective, (g) ceasing to be a qualified elector under state law, (h) conviction of a felony or conviction of a federal or state offense punishable by loss of liberty and pertaining to his or her office, (i) resignation from office, or (j) becoming an elected officer of the state or a city, county or special district.

(2) Executive officer and auditor. Until the office of the executive officer is abolished. The offices of executive officer or auditor become vacant in the circumstances described in subsection (1)(a)-(d) and (g)-(j) of this section, or if the executive officer or auditor ceases to reside in the Metro area. The office of auditor also becomes vacant if the incumbent ceases to hold the designation of certified public accountant or certified internal auditor.

(3) Vacancy after reapportionment. If a councilor vacancy occurs after the councilor has been assigned to a reapportioned district under section 32 of this charter, the vacancy is in the district to which that councilor was assigned.

(4) Determination of vacancy. The council is the final judge of the existence of a vacancy.

Section 26. Appointive Offices and Commissions.

(1) Appointments and confirmation. ~~The executive officer appoints all employees in the office of the executive officer, all department directors, and all other positions this charter or ordinance requires the executive officer to appoint. Appointments of department directors are subject to council confirmation. The council by ordinance may require~~

confirmation of other positions. Regional Administrator. The Council shall provide by ordinance for the creation of the office of the Regional Administrator. The Regional Administrator's duties and responsibilities will be more specifically established by ordinance. The Regional Administrator serves at the pleasure of the Council.

(2) ~~Removal. Employees in the office of the executive officer and department directors serve at the pleasure of the executive officer. Staff employed by the council serve at the pleasure of the council. The executive officer may remove his or her other appointees as provided by ordinance.~~Metro Attorney. The Council shall provide by ordinance for the creation of the office of Metro Attorney. The Metro Attorney serves at the pleasure of the Council.

(3) The Council may by ordinance create commissions, prescribe the duties and responsibilities of commissions, and provide for the appointment and removal of commissioners by the Council.

Section 27. Metro Policy Advisory Committee.

(1) Creation and composition. The Metro Policy Advisory Committee (MPAC) is created. The initial members of the MPAC are:

- (a) One member of each of the governing bodies of Washington, Clackamas and Multnomah Counties appointed by the body from which the member is chosen;
- (b) Two members of the governing body of the City of Portland appointed by that governing body;
- (c) One member of the governing body of the second largest city in population in Multnomah County appointed by that governing body;
- (d) One member of the governing body of the largest city in population in Washington County appointed by that governing body;
- (e) One member of the governing body of the largest city in population in Clackamas County appointed by that governing body;
- (f) One member of a governing body of a city with territory in the Metro area in Multnomah County other than either the City of Portland or the second largest city in population in Multnomah County, appointed jointly by the governing bodies of cities with territory in the Metro area in Multnomah County other than the City of Portland or the second largest city in population in Multnomah County;
- (g) One member of a governing body of a city with territory in the Metro area in Washington County other than the city in Washington County with the largest population, appointed jointly by the governing bodies of cities with territory in the Metro area in Washington County other than the city in Washington County with the largest population;
- (h) One member of a governing body of a city with territory in the Metro area in Clackamas County other than the city in Clackamas County with the largest population,

appointed jointly by the governing bodies of cities with territory in the Metro area in Clackamas County other than the city in Clackamas County with the largest population;

(i) One member from the governing body of a special district with territory in the Metro area in Multnomah County appointed jointly by the governing bodies of special districts with territory in the Metro area in Multnomah County;

(j) One member from the governing body of a special district with territory in the Metro area in Washington County appointed jointly by the governing bodies of special districts with territory in the Metro area in Washington County;

(k) One member from the governing body of a special district with territory in the Metro area in Clackamas County appointed jointly by the governing bodies of special districts with territory in the Metro area in Clackamas County;

(l) One member of the governing body of Tri-County Metropolitan Transportation District of Oregon appointed by the governing body of that district; and

(m) Three persons appointed by the ~~executive officer and confirmed by the council~~ Council. No person appointed under this part of subsection (1) may be an elected officer of or employed by Metro, the state, or a city, county or special district. Each person appointed under this part of subsection (1) shall reside in the Metro area during the person's tenure on the MPAC.

(2) Change of composition. A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of the MPAC at any time.

(3) Duties. The MPAC shall perform the duties assigned to it by this charter and any other duties the council prescribes.

(4) Bylaws. The MPAC shall adopt bylaws governing the conduct and record of its meetings and the terms of its members.

Section 30. Elections of Metro Officers.

(1) Generally. Except for certain elections to fill a vacancy in office, the first vote for councilor, ~~executive officer or~~ auditor occurs at an election held at the same time and places in the Metro area as the statewide primary election that year. If one candidate for a Metro office receives a majority of the votes cast at the primary election for all candidates for that office, that candidate is elected. If no candidate receives a majority of the votes cast at the primary election, the candidates receiving the two largest numbers of votes cast for the office are the only names to appear on the general election ballot that year as candidates for that office. The candidate who receives the largest number of votes cast at the general election for that office is elected.

(2) Nonpartisan offices. All elections of Metro officers are nonpartisan. Election

ballots shall list the names of candidates for Metro offices without political party designations.

Section 32. Reapportionment of Council Districts After Census.

(1) General requirements. Within three months after an official census indicates that the boundaries of council districts deny equal protection of the law, the council shall change the boundaries to accord equal protection of the law and shall assign councilors to the reapportioned districts. As nearly as practicable, all council districts shall be of equal population and each shall be contiguous and geographically compact. The council may by ordinance specify additional criteria for districts that are consistent with this section.

(2) Failure to reapportion. If the council fails to establish council district boundaries as provided by this section, the executive officer ~~the~~ Metro Attorney shall establish the boundaries within 60 days.

Section 39. Effective Date of Ordinances.

(1) Generally. An ordinance takes effect 90 days after its adoption unless the ordinance states a different effective date. An ordinance may state an earlier effective date if (a) an earlier date is necessary for the health, safety or welfare of the Metro area, (b) the reasons why this is so are stated in an emergency clause of the ordinance, and (c) the ordinance is approved by the affirmative vote of two-thirds of all councilors. An ordinance imposing or changing a tax or charge, changing the boundaries of Metro, or assuming a function may not contain an emergency clause.

(2) Vetoed and Referred ordinances. ~~If the executive officer vetoes an ordinance and the council overrides the veto, the date of adoption is the date on which the veto is overridden.~~ If the council refers an ordinance to the voters of Metro, the ordinance effective date is the 30th day after its approval by a majority of the voters voting on the measure unless the ordinance specifies a later date. If a referendum petition is filed with the filing officer not later than the 90th day after adoption of an ordinance, the ordinance effective date is suspended. An ordinance is not subject to the referendum after it is effective. An ordinance referred by a referendum petition (a) does not take effect if a majority of the voters voting on the measure reject it and (b) takes effect, unless the ordinance specifies a later date, on the date the results of the election are certified if a majority of the voters voting on the measure approve it.

Section 46. Further Transition Provisions.

The amendments to Sections 17, 23, 30 and 46 take effect immediately. The amendments to Sections 20, 21, 26, 27, 32 and 39 adopted by the electors of Metro at the November 2000 election take effect on January 6, 2003.

Section 16. Metro Council.

(1) Creation and Powers. The Metro council is created as the governing body of Metro. Except as this charter provides otherwise, and except for initiative and referendum powers reserved to the voters of Metro, all Metro powers are vested in the council.

(2) Composition. Beginning ~~January 2, 1995~~ January 6, 2003, the council consists of ~~seven~~ nine (9) councilors, each nominated and elected from a single district within the Metro area. Until that date the council consists of the ~~13~~ seven (7) members of the ~~governing body of the Metropolitan Service District~~ Metro Council whose terms begin or continue in ~~January 1993~~ January 2001 and whose districts continue until replaced as provided in this section. ~~The terms of those members expire January 2, 1995.~~

~~(4)(3) Initial terms Terms of office. The terms of office of the four councilors receiving the highest number of votes among the seven councilors elected in 1994 end January 4, 1999. The terms of office of the other three councilors end January 6, 1997. Thereafter the~~ The term of office of councilor is four years.

~~(5)(4) Council presiding officer. At its first meeting each year the council shall elect~~ a presiding officer from its councilors.

~~(6)(5) Council meetings. The council shall meet regularly in the Metro area at times and places it designates. The council shall prescribe by ordinance the rules to govern conduct of its meetings. Except as this charter provides otherwise, the agreement of a majority of councilors present and constituting a quorum is necessary to decide affirmatively a question before the council.~~

~~(7)(6) Quorum. A majority of councilors in office is a quorum for council business, but fewer councilors may compel absent councilors to attend.~~

~~(8)(7) Record of proceedings. The council shall keep and authenticate a record of council proceedings.~~

Section 17. Metro Executive Officer.

(1) Creation. The office of Metro executive officer is created. The executive officer is elected from the Metro area at large for a term of four years. The executive officer serves full time and may not be employed by any other person or entity while serving as executive officer.

(2) Duties. The primary duty of the executive officer is to enforce Metro ordinances and otherwise to execute the policies of the council. The executive officer shall also: (a) administer Metro except for the council and the auditor, (b) make appointments to Metro offices boards, commissions and committees when required to do so by this charter or by ordinance, (c) propose for council adoption measures deemed necessary to enforce or carry out powers and duties of Metro, (d) prepare and submit a recommended annual Metro budget to the council for approval, and (e) keep the council fully advised about Metro operations.

(3) Transition from Metropolitan Service District. The Metropolitan Service District executive officer in office when this charter takes effect is the Metro executive officer until January 2, 1995 when his or her term expires. The Metro executive officer is elected in the first statewide primary or general election after adoption of this charter for a term beginning January 2, 1995.

(4) Veto. (a) Except as provided in this subsection, the executive officer may veto the following legislative acts of the council within five business days after enactment: (1) any annual or supplemental Metro budget, (2) any ordinance imposing, or providing an exception from, a tax, and (3) any ordinance imposing a charge for provision of goods, services or property by Metro, franchise fees or any assessment. (b) The council, not later than 30 days after a veto, may override a veto by the affirmative vote of (1) nine councilors while the council consists of 13 positions and (2) five councilors after the council consists of seven positions as provided by section 16(2) of this charter. (b) Six (6) councilors after the council consists of nine (9) positions. (c) A legislative act referred to the voters of Metro by the council is not subject to veto.

Section 21. Compensation of Elected Officers.

(1) Council. The salary of the council presiding officer is two-thirds the salary of a ~~district~~circuit court judge of this state. The salary of every other councilor is one-third the salary of a ~~district~~circuit court judge of this state. A councilor may waive a salary.

(2) Executive officer. The salary of the executive officer is the salary of a ~~district~~circuit court judge of this state.

(3) Auditor. The salary of the auditor is eighty percent of the salary of a ~~district~~circuit court judge of this state.

(4) Reimbursements. ~~The council may authorize reimbursement of Metro elected~~

and other officers for necessary meals, travel and other expenses incurred in serving Metro. Full Compensation. Elected officers' compensation, as established by this charter, shall be the elected officers' full and exclusive compensation for their duties as Metro officers or for any duties or responsibilities resulting from their position. This Section does not preclude elected officers from receiving ordinary employee fringe benefits or being reimbursed for any actual and reasonable expenses incurred by an elected officer in the course of performing official duties.

Section 32. Reapportionment of Council Districts After Census.

(1) General requirements. Within three months after an official census indicates that the boundaries of council districts deny equal protection of the law, the council shall change the boundaries to accord equal protection of the law and shall assign councilors to the reapportioned districts. As nearly as practicable, all council districts shall be of equal population and each shall be contiguous and geographically compact. The council may by ordinance specify additional criteria for districts that are consistent with this section.

(2) Failure to reapportion. If the council fails to establish council district boundaries as provided by this section, the executive officer shall establish the boundaries within 60 days.

(3) Redistricting After Year 2000 Census. Within three (3) months after completion of the year 2000 Census, the Council shall establish nine (9) council districts in a manner that accords equal protection of the law. The three (3) councilors serving terms that expire in January 2005, shall each be assigned to one of the nine (9) districts and their terms shall continue. Council members will be elected to serve for the other six (6) districts in the regularly scheduled elections to be held in 2002. The terms of office of the five (5) councilors receiving the highest number of votes among the six (6) councilors elected in 2002, shall be four (4) years. The other councilor shall serve a two (2) year term. Otherwise, the term of office of a councilor is four (4) years. For the purpose of Section 33 of this charter, the seven (7) councilors in office in January 2001 shall be deemed to be serving in the districts from which they were elected until January 2003.

Section 37. Adoption by Council.

(1) General requirements. The council shall adopt all legislation of Metro by ordinance. Except as this charter otherwise provides, the council may not adopt any ordinance at a meeting unless: (a) the ordinance is introduced at a previous meeting of the

COUNCILOR ATHERTON's AMENDMENTS
[AT REQUEST OF RAY PHELPS]
TO 1992 CHARTER
AMENDMENT NO. 2 / DRAFT 7/14/2000

council, (b) the title of the ordinance is included in a written agenda of the meeting at which the ordinance is adopted, (c) the agenda of that meeting is publicized not less than three business days nor more than ten days before the meeting, and (d) copies of the ordinance are available for public inspection at least three business days before that meeting. The text of an ordinance may be amended, but not substantially revised, at the meeting at which it is adopted.

(2) Immediate adoption. The provisions of this section do not apply to an ordinance adopted by unanimous consent of the council and containing findings on the need for immediate adoption.

(3) Vote required. Adoption of an ordinance requires the affirmative votes of (a) seven councilors while the council consists of 13 positions, and (b) four councilors after the council consists of seven positions as provided by section 16(2) of this charter and five (5) councilors after the council consists of nine (9) positions.

OPERATIONS COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 00-2929, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS AN AMENDMENT TO THE METRO CHARTER ABOLISHING THE OFFICE OF EXECUTIVE OFFICER, CREATING THE OFFICE OF COUNCIL CHAIR MAKING RELATED CHANGES

Date: July 27, 2000

Presented by: Councilor Washington

Committee Recommendation: At its July 19, 2000, meeting, the Operations Committee voted 3-0 to recommend Council adoption of Resolution No. 00-2929. Voting in favor: Washington, Atherton, Monroe. Voting against: none. Absent: none.

Background: Daniel Cooper, General Counsel, presented the staff report. He explained that the proposed resolution would amend Metro's charter by eliminating the Executive Officer, altering council structure to provide for a regionally elected Council Chair, reducing district-elected councilors to six, and offering Council the opportunity to appoint a Regional Administrator to manage Metro's administrative functions. The section of the charter relating to elected officials' salaries as proportionate to the now-defunct district court judge salary would also be amended to reflect the comparable position of circuit court judge.

Mr. Cooper then presented three proposed amendments to the resolution, and highlighted differences in these amendments from the resolution. A table comparing these amendments with the proposed resolution is attached to this report.

The Monroe Amendment provides for an annual organizing resolution to formalize appointive offices and commissions, replaces the Regional Administrator with a Chief Operating Officer, and defines a process for transitioning from seven to six districts.

The Atherton #1 Amendment keeps the council composition at seven with no regionally elected Council chair; requires appointment of a Regional Administrator; and allocates responsibility to the Metro Attorney for reapportionment of Council districts after a census if Council fails to act in a timely manner.

The Atherton #2 Amendment rejects all the proposed changes in the resolution with the exception of clarifying language for elected officials' salaries, and amends the charter to modify composition of council from seven to nine councilors elected by district.

Committee Issues/Discussion: It was the consensus of the committee to forward the proposed resolution and all three amendments to Council for further action.

Comparison of Proposed Changes to Metro's 1992 Charter

PROPOSED CHANGE	RESOLUTION 00-2929	AMENDMENTS		
		MONROE	ATHERTON #1	ATHERTON #2
Form of Government <ul style="list-style-type: none"> ▪ Abolishes office of Executive Officer ▪ Creates regionally elected office of Council chair ▪ Creates annual organizing resolution naming a Deputy Chair and appointment members of committees and boards 	XX XX	XX XX XX	XX	
Compensation of Elected Officers <ul style="list-style-type: none"> ▪ Replaces district court judge with circuit court judge in relationship to salaries of elected officials ▪ Establishes salary of Council Chair as equal to salary of circuit court judge 	XX	XX XX	XX	XX
Composition of Council <ul style="list-style-type: none"> ▪ Six (6) district-elected councilors, and one (1) regionally-elected councilor ▪ Nine (9) district-elected councilors 	XX	XX		XX
Reapportionment of Council Districts <ul style="list-style-type: none"> ▪ Redistricting within three months after completion of 2000 census ▪ Allocates responsibility to Metro Attorney for reapportionment of Council districts if Council fails to act in a timely manner 		XX	XX	XX
Term Limits <ul style="list-style-type: none"> ▪ Councilors limited to three (3) consecutive terms, not including any term as Council Chair ▪ Council Chair (or previous terms served as Executive Officer) limited to two (2) consecutive terms 	XX XX	XX XX		
Appointive Offices and Commissions <ul style="list-style-type: none"> ▪ Creates office of Regional Administrator to be appointed by Council Chair and confirmed by Council ▪ Requires office of Regional Administrator to be established by ordinance and appointed by Council ▪ Creates office of Chief Operating Officer to be established by ordinance, appointed by Council Chair and confirmed by Council ▪ Office of Metro Attorney to be established by ordinance and appointed by Council ▪ Commissions to be established by ordinance and appointed by Council 	XX	XX XX XX	XX XX	

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 00-2929 FOR THE
PURPOSE OF SUBMITTING TO THE VOTERS AN AMENDMENT
TO THE METRO CHARTER ABOLISHING THE OFFICE OF
EXECUTIVE OFFICER, CREATING THE OFFICE OF COUNCIL
CHAIR MAKING RELATED CHANGES

Date: July 27, 2000

Prepared by: Daniel B. Cooper

BACKGROUND

The 1992 Metro Charter (Charter) provides Metro's Council representing seven (7) Districts, an Executive Officer and Auditor elected regionally. The Charter and state law allow the Metro Council to refer charter amendments to the voters.

ANALYSIS/INFORMATION

This resolution proposes a charter amendment that would eliminate the Metro Executive Officer, effective January 2003. The Metro Council structure would be altered to provide for a regionally elected Council Chair and six (6) Councilors elected from Districts. The Council Chair would only vote in the event of a tie. The Council Chair would appoint positions subject to confirmation by the Council. The position of Regional Administrator could be created by Council ordinance to administer Metro. The salary of the Council Chair would be the same as the Executive Officer's. The Charter would also be amended to make technical changes to reflect the elimination of the Executive Officer. The provision governing elected officials' salaries would also be amended to correct references to the salary of a circuit court judge. Since that position no longer exists the amendments to the provision related to salaries would not result in any increase in any official's salary.

RECOMMENDED ACTION

The Executive Officer recommends approval of Resolution No. 00-2929.

Agenda Item Number 8.1

Resolution No. 00-2973, For the Purpose of Authorizing Amendments to Certain Personal Services Contracts of Environmental Auditors and Surveyors for the Metro Open Spaces Acquisition Division.

Contract Review Board

**Metro Council Meeting
Thursday, July 27, 2000
Cornelius Council Chamber**

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 00-2973
AMENDMENTS TO CERTAIN PERSONAL)
SERVICES CONTRACTS OF)
ENVIRONMENTAL AUDITORS AND)
SURVEYORS FOR THE METRO OPEN)
SPACES ACQUISITION DIVISION) Introduced by Mike Burton

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the Metro area voters approved Ballot Measure 26-26, the Open Spaces, Parks and Streams Bond Measure ("Open Spaces Bond Measure"), which authorizes Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements pursuant to the Open Spaces Bond Measure; and

WHEREAS; on November 2, 1995, pursuant to Resolution No. 95-2228A, the Metro Council adopted certain acquisition parameters and due diligence standards as part of the Open Spaces Implementation Work Plan as amended by Resolution No. 96-2424, adopted January 9, 1997; and

WHEREAS, on October 12, 1995, the Metro Council adopted Resolution No. 95-2175, authorizing issuance of a Request for Qualifications/Proposals (1995 RFQ/P) and resulting multi-year contracts with selected contractors pursuant to the 1995 RFQ/P; and

WHEREAS, in December 1995, and January 1996, under Resolution No. 95-2175, Metro executed multi-year contracts effective through December 31, 1998, with various contractors in eight disciplines (appraisers, biologists, civil engineers, construction managers, environmental auditors, landscape architect/planners, negotiators, and surveyors) for professional acquisition personal services; and

WHEREAS, on May 1, 1997, the Metro Council adopted Resolution No. 97-2484, amending the amounts of certain contracts, including certain Environmental Auditor contracts and Surveyor contracts; and

WHEREAS, Metro Open Spaces has thus far utilized professional services from those executed contracts to perform due diligence and purchase over 6,200 acres pursuant to the Open Spaces Bond Measure throughout the region; and

WHEREAS, on August 13, 1998, Metro Council adopted Resolution No. 98-2687, amending the value of certain environmental auditor contracts and extending some contract dates; and

WHEREAS, the amount of certain Environmental Auditor contracts and Surveyor contracts will be immediately exhausted; and

WHEREAS, the ability to use professional acquisition services in a timely fashion is essential to cost-effective property acquisition in a competitive real estate market; and

WHEREAS, Metro staff has prepared amendments to certain Environmental Auditor and Surveyor contracts for property acquisition services for Open Spaces Bond Measure acquisitions, as set forth in Exhibit A; and

WHEREAS, the original scope of work that was described in the original RFQ/P will continue to govern the work to be done under the amended contracts; and

WHEREAS, the increase in contract amounts is necessary to enable staff to continue to acquire open spaces pursuant to the Open Spaces Implementation Work Plan; and

WHEREAS, an RFQ/P for environmental / surveyor services will be issued shortly, which will encourage competition in the procurement of these services; and

WHEREAS, the Metro Council has determined that it is appropriate to amend the contracts as set forth in Exhibit A after considering the immediate need for amendment so that the Open Spaces acquisitions can continue and given the policy that favors competitive procurement of personal services; and

WHEREAS, Metro Code section 2.04.046 requires Metro Contract Review Board approval prior to amendment of such contracts; now therefore,

BE IT RESOLVED,

That the Metro Contract Review Board authorizes amendments to certain Property Acquisition Personal Services Contracts of Environmental Auditors and Surveyors as set forth in Exhibit A.

ADOPTED by the Metro Contract Review Board this _____ day of _____, 2000.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Exhibit A

Resolution No. 00-2973

Amendment of Certain Open Spaces Acquisition Personal Services Contracts
Of Environmental Auditors and Surveyors As of June 28, 2000

Contract No.	Contractor Name	Type of Acquisition Service	Current Contract Balance	Current Termination Date	Amount to Amend to Contracts
904672	AGI Technologies	Environmental Auditor	\$37,633	12/31/2000	\$15,000
904674	De Minimis, Inc.	Environmental Auditor	\$4,631	12/31/2000	\$25,000
904669	Hahn & Associates	Environmental Auditor	\$2,810	12/31/2000	\$25,000
904670	PBS Environmental	Environmental Auditor	\$12,570	12/31/2000	\$25,000
904782	Alpha Engineering	Surveyor	\$27,076	06/30/2001	\$25,000
904776	Compass Corporation	Surveyor	\$22,400	06/30/2001	\$25,000
904774	David Evans & Associates	Surveyor	\$11,489	06/30/2001	\$25,000
904777	Olson Engineering, Inc.	Surveyor	\$25,000	06/30/2001	\$25,000
904775	OTAK	Surveyor	\$6,621	06/30/2001	\$25,000
904773	Stuntzner Engineering & Forestry	Surveyor	-\$2,825	06/30/2001	\$25,000
904772	W & H Pacific	Surveyor	\$18,500	06/30/2001	\$25,000
904780	W.B. Wells	Surveyor	\$31,050	06/30/2001	\$15,000
904779	Westlake Consultants, Inc.	Surveyor	\$25,000	06/30/2001	\$15,000

Staff Report

IN CONSIDERATION OF RESOLUTION NO. 00-2973 FOR THE PURPOSE OF AUTHORIZING AMENDMENTS TO CERTAIN PERSONAL SERVICES CONTRACTS OF ENVIRONMENTAL AUDITORS AND SURVEYORS FOR THE METRO OPEN SPACES ACQUISITION DIVISION

Date: July 7, 2000

Presented By:

Jim Desmond
Alison Kean Campbell

PROPOSED ACTION

Resolution No. 00-2973 requests the authorization of amendments of certain Personal Services Contracts of Environmental Auditors and Surveyors for the Property Acquisition Services for the Metro Open Spaces Acquisition Division.

EXISTING LAW

Metro Code 2.04.046 requires Metro Council approval for amendments to contracts with an initial amount greater than \$25,000 where the amendment will increase the total amount payable to an amount more than \$25,000 greater than the initial contract.

BACKGROUND AND ANALYSIS

The Open Spaces Implementation Work Plan, adopted by the Metro Council on November 1995, as amended in January, 1997, requires that certain specified due diligence activities be performed on all Open Spaces properties purchased pursuant to the Open Spaces, Parks & Streams Bond Measure 26-26. On October 12, 1995 the Metro Council approved Resolution No. 95-2175 authorizing issuance of a Request for Qualifications/Proposals (1995 RFQ/P) and entering into multi-year contracts with selected contractors pursuant to the 1995 RFQ/P.

In 1995, the Metro staff prepared a 1995 RFQ/P for property acquisition personal services to be utilized in conjunction with the purchase of open space sites. The 1995 RFQ/P was intended to identify qualified consultants in several different areas of expertise needed to accomplish the property acquisitions. The professionals which were the subject of that 1995 RFQ/P were appraisers, negotiators, biologists, surveyors, civil engineers, environmental auditors, planners/landscape architects and construction managers. Multi-year master contracts effective through December 31, 1998 were executed with each of the selected consultants. The original 1995 RFQ/P indicated that consultants are not guaranteed to receive any certain number of assignments. The original amounts of the contracts were estimates intended to provide sufficient dollars until a track record of contractor performance and program need was established. Due to an increased need for additional environmental auditor and surveyor work, on May 1, 1997 and August 13, 1998, Metro extended certain personal services agreements via Resolution Nos. 97-2484 and 98-2687, respectively.

Since the inception of the Open Spaces Acquisition Program, Metro Open Spaces staff has been using professional acquisition services from those master Open Spaces contracts to

purchase over 6,200 acres. Staff has utilized many consultants within each discipline, appropriate to meet the requirements of each particular job. Consultants provide quotes based on a specific scope of work and completion date. Many acquisitions are pending and many more will be negotiated over the remaining life of the Open Spaces acquisition program.

Using consultants from the Open Spaces master contract list enables staff to utilize acquisition services in a cost-effective manner. Often, quick completion of a scope of work is essential to remain competitive in the fast-paced real estate market. Use of acquisition services from a list of master contracts is considered essential to acquiring property pursuant to the Open Spaces bond measure.

More environmental and surveyor work has been required than originally contemplated. Due to immediate workload required by pending and near future transactions, the amendment of current personal services agreements for environmental auditors and surveyors is required. The Metro Open Spaces Acquisitions Division is also simultaneously issuing an RFQ/P for these environmental and surveyor services. The RFQ/P is currently subject to a 10-day letter, which at Council's option will go before Council by resolution. The RFQ/P process is anticipated to be finalized in the early fall 2000. The resolution at issue here will amend the contracts immediately so that pending and immediate-future land acquisitions can go forward in a timely fashion.

BUDGET IMPACT

Resolution No. 00-2973 amends the Personal Services Contracts for: (a) certain Environmental Auditors, by increasing the contract amounts as set forth in Exhibit A, and (b) certain Surveyors, by increasing the contract amounts as set forth in Exhibit A. These increased amounts will be paid for out of Open Spaces Bond Measure funds.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 00-2973.

OPERATIONS COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 00-2973, FOR THE PURPOSE OF AUTHORIZING AMENDMENTS TO CERTAIN PERSONAL SERVICES CONTRACTS OF ENVIRONMENTAL AUDITORS AND SURVEYORS FOR THE METRO OPEN SPACES ACQUISITION DIVISION

Date: July 27, 2000

Presented by: Councilor Atherton

Committee Recommendation: At its July 19, 2000, meeting, the Operations Committee voted 3-0 to recommend Council adoption of Resolution No. 00-2973. Voting in favor: Washington, Monroe, Atherton. Voting against: none. Absent: none.

Background: Charles Ciecko, Parks and Greenspaces Director, presented the staff report. He explained that, due to more environmental and surveyor work being required than was originally anticipated, amendments to certain contracts for environmental surveyors and auditors are needed in order for the Open Spaces Acquisitions Division to continue its due diligence work.

An RFP/Q is being issued for these services, and will come to Council for approval by resolution at a later date. This resolution amends existing contracts immediately so there will be no interruption in conducting pending land transactions.

Committee Issues/Discussion: There was no discussion.