

# The Columbia Region Association of Governments

THE AGENCY AND ITS—
ACCOMPLISHMENTS
NATIONAL PERSPECTIVE
HISTORY
LEGAL STATUS

JANUÁRY 197

# THE COLUMBIA REGION ASSOCIATION OF GOVERNMENTS

THE AGENCY AND ITS --

- Accomplishments
- · National Perspective
- History
- Legal Status

Report Credits

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#### CRAG

Columbia Region Association of Governments

#### WHAT IS CRAG?

CRAG is the regional planning agency for the Portland metropolitan area.

#### HOW WAS CRAG FORMED?

CRAG's formation was the result of a governmental reorganization study conducted by the Metropolitan Study Commission, which was established by the Oregon legislature in 1963. The original CRAG was a voluntary association, with four counties and 14 cities as members, that sought to identify regional problems and needs and to prepare and adopt regional plans.

In 1967, CRAG was designated by the federal Bureau of Budget as the areawide agency responsible for reviewing local applications for many federal grants in the Portland area. Over the next few years, CRAG acquired additional regional planning and review responsibilities in the fields of housing and community development, transportation, water quality, law enforcement and aging.

In 1973, the Oregon legislature passed Senate Bill 769. In addition to mandating membership for Clackamas, Multnomah and Washington Counties and the cities therein, the bill established new planning responsibilities for CRAG. These responsibilities were based on the legislature's finding that "it is necessary and a matter of statewide concern to provide for properly coordinated regional planning in metropolitan areas" and "to establish a representative regional planning agency to prepare and administer a regional plan..."

The regional plan is defined under Senate Bill 769 as follows: "a generalized, coordinated plan for the orderly management and development of the lands within the region that interrelates all functional and natural systems and activities relating to all the use of the land, air and water within such region, including but not limited to sewer and water systems, transportation systems, recreational facilities, air and water quality management programs, residential, commercial and industrial developments and the provision of public services."

#### WHAT FUNCTIONS DOES CRAG PERFORM?

Along with Senate Bill 100 (the State Land Use Act, which established the Land Conservation and Development Commission), Senate Bill 769 requires that CRAG perform the following functions:

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- \* Coordinate all planning activities of city and county members, special districts and state agencies.
- \* Review all comprehensive plans to determine conformity with statewide planning goals.
- \* Adopt regional goals and objectives.
- \* Prepare a plan for the region in accordance with statewide and regional planning goals.
- \* Designate areas and activities having significant impact on the region and establish rules and regulations for them.
- \* Review plans adopted by members of CRAG and recommend or require changes to assure the plans conform to the regional goals and objectives.

## WHAT IS CRAG'S JURISDICTION?

Washington, Clackamas, and Multnomah Counties and the cities therein are mandatory members of CRAG. Voluntary associate members are Clark County, Vancouver, Camas, Columbia City, St. Helens, Scappoose, Tri-Met, Port of Portland and the State of Oregon.

#### WHO GOVERNS CRAG?

CRAG has two governing bodies - the General Assembly and the Board of Directors. The two bodies are composed primarily of local elected officials who also serve as city councilmen or county commissioners (see Appendix).

The General Assembly is responsible for adopting a work program and budget and electing officers.

The Board of Directors determines policy and adopts goals and objectives and plans.

#### WHO IS REPRESENTED ON CRAG'S BOARD OF DIRECTORS?

Cities of Clackamas County Clackamas County City of Portland Cities of Multnomah County Multnomah County Cities of Washington County Washington County Cities of Clark County Clark County Cities of Columbia County Tri-Met Port of Portland State of Oregon

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#### FOR FURTHER INFORMATION...

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## SUMMARY OF ACCOMPLISHMENTS

Although the "new" CRAG has only been in place less than three years, it has already enjoyed notable achievements in the field of regional planning. At the same time, the association has been able to maintain and expand its role as a facilitator of intergovernmental cooperation. The following list summarizes many of CRAG's recent accomplishments, most of which have been made since enactment of SB 769:

- Adoption of Goals and Objectives for the regional planning process, meeting the first responsibility of CRAG under SB 769.
- 2. Establishment of a procedure for designating and regulating areas and activities of significant regional impact to achieve the CRAG Goals and Objectives.
- 3. Adoption of the Land Use Framework Element of the regional plan, which includes the following provisions:
  - a. division of the region into three broad land use classifications and establishment of urban and rural growth boundaries;
  - b. procedure for local jurisdictions to distinguish immediate growth areas from future urbanizable areas, thereby providing a public investment strategy for the urban areas;
  - c. procedure for identifying the urban service delivery responsibilities of cities, counties, and special districts;
  - d. identification of special study areas, with restrictions on major development activity until a fully coordinated plan is prepared and adopted by CRAG;
  - e. appeals process by which member jurisdictions and interested citizens can petition the CRAG Board to review land use decisions of substantial regional significance for consistency with the regional plan.
- 4. Revision and adoption of the Interim Transportation Plan, which emphasizes completion of the existing major highways,

capacity improvements to the existing street and highway network, modification of the existing network to serve public transportation needs, and a shift to greater reliance on public transportation in the future. Four corridors radiating from the Portland core area have been identified as the basis of the metropolitan transit system, and \$169 million of transfer funds have been set aside for projects in the corridors and in southeast Portland.

- 5. Adoption of a five year Transportation Improvement Program and Transportation Systems Management Plan, which identify and prioritize the shorter term transportation needs of the region, including nearly 400 projects.
- 6. Preparation and adoption of a fully integrated three year Unified Work Program for transportation planning, assuring maximum coordination of local, state, and federal agencies and continued eligibility of the region for federal highway, mass transit, and aviation funds.
- 7. Coordination of the transfer of Mt. Hood Freeway funds to alternative highway and mass transit projects.
- 8. Adoption of a regional bikeways plan.
- 9. Initiation of a \$1,100,000 Project Clean Water, a cooperative planning effort designed to address water quality problems in the tri-county region.
- 10. Adoption of the areawide aging plan for Clackamas, Columbia, and Washington Counties coordinating development of projects for medical care, homemaker services, keep-well clinics, special transportation needs, etc.
- 11. Adoption and implementation of the district criminal justice plan for LEAA projects such as crime prevention, court improvement, victim assistance and advocacy, and public safety communications.
- 12. Coordination of the local comprehensive planning efforts, with the CRAG liaison team assisting member jurisdictions toward compliance with LCDC requirements.
- 13. Fulfillment of areawide review and planning responsibilities under federal law for criminal justice, community development, aging, transportation, water quality, etc.
- 14. Collection and provision of major planning data on employment, housing, transportation, land use, and natural resources.
- 15. Promotion of joint planning studies and the development of uniform inventorying methods.

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- 16. Support of and participation in unique national project on the use of NASA satellite data in land use planning. The project is developing computer language to identify land uses as satellite overflights take place.
- 17. Completion of public workshops, films, and technical studies on critical issues in the fields of energy, housing, water quality, etc.
- 18. Sponsorship of interstate library project to promote sharing of library information resources among local jurisdictions.
- 19. Special assistance to member jurisdictions in seeking grants from public and private sources.
- 20. Sharing of conference rooms, office equipment, and data systems with various public and quasi-public groups.

## I. INTRODUCTION

Interest in the structure and role of intergovernmental regional councils has been generated anew in Oregon by several recent developments. Oregon State ballot measure #12, which unsuccessfully sought to repeal CRAG and the other voluntary regional councils, put the issues of intergovernmental cooperation and regional planning before the electorate. The Tri-County Local Government Commission is investigating major organizational changes for the regional agencies presently operating in the Portland metropolitan area. Consideration of legislative reforms is heightened with the approaching session of the state legislature.

Along with the renewed interest in regional councils goes a generally low level of public understanding of their functions. Not only are the regional bodies relatively new institutions, but, as will be discussed below, they have also been delegated a varied and complex set of governmental responsibilites.

This paper seeks to summarize the basic background and role of regional councils, with an emphasis on the particular conditions of the Portland metropolitan area. Part II examines the phenomena of regional growth and interdependence and thus the increasing need for regional problem-solving. Part III delineates the range of governmental functions that regional councils are presently performing, with some illustrative examples from the CRAG program. Part IV describes the efforts of community leaders in the Portland

metropolitan area to build an effective regional planning program and the concomitant development of CRAG as an agency.

## II. INCREASING REGIONAL GROWTH AND INTERDEPENDENCE

# NATIONAL TRENDS

A number of social and economic factors -- some long-standing and some of fairly recent origin -- are combining to force citizens and local governments to confer, cooperate, and in some cases to join together in a search for more effective planning and public service delivery. The nature and consequences of these factors have been thoroughly documented by several authorities. For purposes of this paper, it must suffice simply to note a few examples:

- 1. <u>High population mobility</u>. The U.S. population is increasingly mobile, due in part to advances in transportation and communications technology that continue to blur jurisdictional boundary lines. For example, about 40,000,000 people change their addresses annually, and one-fourth of the nation's job-holders work in a county different from that in which they reside.
- 2. Economic and environmental interdependence. Technological advance continues to make our society more interdependent. In the private sector of the economy, the era of specialization has often necessitated that enterprises diversify in order to survive financially; hence the motivation for many mergers and conglomerates that increase regional activity. In addition, private enterprise has long considered a region

as a single job market. Companies look to the regional labor force for workers, and they may depend upon the region as a whole for their products and services.

On the environmental front, a combination of technological, topographical, and political factors are contributing to an increased degree of interdependence among neighboring local governments. For example, service delivery areas are usually dictated more by considerations such as drainage basins and population types and densities than by existing jurisdictional boundaries. In addition, the proliferation of environmental laws and court challenges is continuously forcing local jurisdictions to demonstrate that the regional impact of their actions has been taken into account. (See, for example, the National Environmental Policy Act of 1969; the Clean Air Act; the Federal Water Pollution Control Act and 1972 Amendments; Southern Burlington County, NAACP v. Township of Mt. Laurel, 336 A2d 713 (NJ 1975).)

3. <u>High-cost, capital-intensive functions</u>. The increasing complexity and cost of public facilities is tending to force the regionalization of both the planning and financing of many such facilities. The scale of capital investment is often too great for even the fairly sizable local governments. A cooperative, interlocal effort may provide the only alternative to formation of new special districts or direct state control of the facility.

In 1973 the U.S. Advisory Commission on Intergovernmental Relations, whose membership included such notables as Senators Muskie and Percy, Congressman Ullman, and Governor Evans, issued its comprehensive report on substate regionalism. The report includes the following account of regional activity:

The uneven distribution of needs and resources in many areas makes the central city, suburb, and rural community appear as physically and psychologically separate entities. Yet in terms of the economic, educational, cultural, and recreational goods and services they provide, all three types of jurisdictions long ago lost their claim to independence.

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Most of the privately owned utilities that Americans consume electricity, water, gas and telephone - are areawide services. Our favorite television and radio programs are typically transmitted from a regional station. The daily newspaper contains information about locality, region, state, nation and the world. We belong to civic associations, professional and trade organizations, social clubs, and other groups that are organized on a multijurisdictional basis. When ill, we often are treated in a clinic or hospital that serves the metropolitan area. We spend our leisure time at civic centers, parks, sporting events, museums, symphony orchestras, zoos and other recreational and cultural facilties that frequently are regional in their finances, attendance and operation.

The report further concludes that increased regional activity serves to promote "a sense of regional community", which may overcome the obstacles to interjurisdictional problem-solving.

It states:

The need for interlocal approaches to providing major public services that transcend individual cities and counties also has diminished citizen expectations that a single unit of local government is capable of responding to most servicing needs, and that problems can be confined within jurisdictional borders. Growing recognition that the costs of

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crime, air and water pollution, traffic congestion, and other problems spill over individual local government boundaries has focused attention on the desirability and feasibility of multijurisdictional remedial action...

These trends have helped to nuture a sense of regional community or citizenship in some metropolitan and nonmetropolitan areas despite the sharp economic and social cleavages that may exist.--Advisory Commission on Intergovernmental Relations (ACIR), <u>Regional Decision Making:</u> <u>New Strategies for Substate Districts</u>, Report A-43, Oct., 1973, p. 9.

#### REGIONAL EXAMPLES

These national trends are fully evident in the Portland metropolitan area. Indeed, they are accentuated here by the fact that the area is facing an unusually high rate of population growth. A few examples show the extent of our increasing regional activity and some of its resultant problems:

- 1. Over one million people now live in the Portland metropolitan area. If the high rate of in-migration continues, and if fertility rates increase substantially over present levels, population could reach two million by the year 2000. If the rates are lower, an increase to 1.7 million is still possible. Changing national and world-wide economic and resource conditions could, however, affect regional population in ways not foreshadowed by present trends.
- 2. The economic and social linkages within the metropolitan area are demonstrated by commuting patterns. The 1970 census revealed that 45 percent of the 201,900 people working in the City of Portland lived elsewhere. Twenty percent of

the Portland residents worked outside the City. Commercial areas such as downtown Portland, Lloyd Center, and Washington Square draw customers from throughout the region and state. In the case of recreational travel, only 10 percent of the trips by Washington County residents were to recreation destinations within that county, according to a 1970 state survey. Corresponding figures for Multnomah and Clackamas Counties were 23 percent and 43 percent, respectively.

- 3. In the last decade, the physical open space that separated the area's communities shrank rapidly. Twenty-two of the 46 cities in the five-county, interstate region now have boundaries adjoining those of another city. Between 1960 and 1970 the urbanized area expanded from 191 square miles to 267 square miles. As a result, the problems of one jurisdiction are increasingly shared and often compounded by neighboring jurisdictions.
- 4. The costs and complexity of providing transportation systems, utilities and services to the expanding urbanized area is often beyond the capacity of the more than 300 units of local government in the region. Thus, interjurisdictional approaches to service planning and delivery are being employed, to varying degrees, for mass transit (Tri-Met), sewerage systems (Unified Sewerage Agency), solid waste management ' (MSD), air pollution control (DEQ), airports (Port of Portland), and parks and recreation (MSD and several special districts).

# III. GOVERNMENTAL FUNCTIONS PERFORMED BY REGIONAL COUNCILS

Regional councils of government are seldom considered, even by their own directors, as a separate level of government. Instead, their primary function is to improve the governing capabilities of existing local governments. This fact was expressed in an editorial on CRAG in the Oregon Journal of September 23, 1974:

To set the record straight, CRAG is indeed a local governing apparatus, made up of officials elected to local governments, performing a local function that no other local government is equipped to perform by itself. Its creation by legislative act is little different from counties, all of which are legislative creations, or cities, most of which were established by law years ago.

The Oregonian, in an editorial of October 7, 1974, similarly emphasized CRAG as a local agency rather than a "supergovernment".

Factors such as those discussed in part II above have intensified the need for local governments to seek out new means of planning and delivering certain public services. One result has been the establishment of regional councils, one of the most dramatic innovations in government to occur over the last several decades. Although organizations similar to present-day regional councils have existed in this country since 1902, there were still fewer than 25 of these bodies as of 1950, and their authority was minimal.

Today, there are over 500 regional councils. Their form varies significantly; a survey found that approximately 46% were regional

planning agencies, 30% were councils of government, 14% were economic development districts, and 10% were other types of areawide bodies. Regardless of their exact form, regional councils generally perform a range of governmental services. Particularly in Oregon, the councils provide the only institutional mechanism to accomplish and unify the following governmental functions: (1) areawide review and planning under federal programs; (2) planning and administration for state programs under contract; and, (3) coordination of local planning and service programs.

### AREAWIDE REVIEW AND PLANNING UNDER FEDERAL PROGRAMS

# General Background

Regional councils have been both promoted and plagued by federal policies. In 1973 the Advisory Commission on Intergovernmental Relations produced the following assessment of the federal role in substate regionalism:

At this point in time, nothing short of a full-fledged uniform Federal substate districting policy will discharge adequately the Federal role in this area of crucial intergovernmental concern. The hallmarks of such a policy should be consistency, comprehensiveness, and a clear focus on the needs of generalists at all levels, of politically accountable elected officals at the state and local levels, and of multi-purpose mechanisms and organizations at the substate regional level.

The Commission adopts this general position for various basic reasons. First, it was the enactment of 24 separate programs over the past decade which put the Federal government in the role of a prime initiator of many of the metropolitan and multicounty developments during this period. Second, these programs have been enacted largely in piecemeal fashion with special-purpose goals in mind; these, in turn, have added to the inconsistencies, confusion, and program, as well as the institutional, conflict at the substate level. Third, the Federal government cannot retreat from

this issue, given its continuing concern with and push for areawide planning, programming, coordination, and districting... That there should be a uniform Federal policy in this field is beyond debate, in our opinion.--Id., pp. 348-49.

Thus far, the Commission's appeal for uniformity has gone unheeded. Federal programs continue to cause proliferation of regional agencies and boundaries and to vary in their procedural and substantive requirements.

Yet, despite the inconsistencies, the federal goverment has not relaxed its promotion of areawide planning and review, particularly in metropolitan areas. The net effect is to increase the importance of regional councils, since they remain the only institutional vehicle through which the growing number of federal planning and administrative requirements can be consolidated, coordinated, and simplified.

## A-95 Review

Regional councils received a major impetus from federal legislation calling for areawide cooperation of a general, nonfunctional nature. Under the Demonstration Cities and Metropolitan Development Act of 1966 and the Intergovernmental Cooperation Act of 1968, as implemented in the A-95 procedure of the Office of Management and Budget (OMB), regional councils were established to meet the charge that applications for federal assistance be reviewed by areawide planning agencies composed of or responsible to local elected officials.

The A-95 procedure is designed to provide an areawide forum for coordination of federal grants with state and local programs, to give local officials an opportunity to influence federal decisions on proposed projects, and to reduce federal funding of duplicative and inconsistent projects.

In interstate metropolitan areas, OMB has final authority in the designation of the A-95 clearinghouse, although it will seek the concurrence of the Governors. OMB's handbook on the A-95 procedure describes its approach to such designations:

...OMB has taken a strong policy position respecting the designation of clearinghouses in interstate metropolitan areas. It has been the OMB position that, at a minimum, the jurisdiction of such clearinghouses should include the whole of the urbanized portion of a Standard Metropolitan Statis-tical Area (SMSA).

<u>CRAG Example</u>: Since 1967 CRAG has been the designated A-95 clearinghouse for the Portland-Vancouver SMSA, which consists of Clackamas, Columbia, Multnomah and Washington Counties in Oregon and Clark County in Washington. Under the A-95 procedure, notices of intent to apply for federal grants are distributed to all interested jurisdictions and are reviewed for conformity to local, regional and state policies. Comments and recommendations are collected by CRAG staff and are submitted to the Board of Directors each month for its approval.

# Areawide Planning

Regional councils have also assumed a major role in meeting the functional, areawide planning requirements of various federal

programs. Among the most prominent of these federal programs are the following:

## 1. Transportation

The Urban Mass Transportation Administration and the Federal Highway Administration have joint requirements for metropolitan planning organizations (MPO's) in urbanized areas (23 CFR Part 450 (FHWA) and 49 CRF Part 613 (UMTA)). These require the designation by the governor of the state for each urbanized area. The MPO's, in cooperation with publicly owned operators of mass transportation services and with the state, are responsible for carrying out the urban transportation planning process.

While acting as the MPO, a regional council may also perform the review and planning functions for airport programs administered by the Federal Aviation Administration (FAA). These programs include grants for airport system and master planning, as well as those for development projects.

<u>CRAG Example</u>: CRAG is the designated MPO for the Portland-Vancouver area. Through a cooperative decision-making process involving the cities and counties, Tri-Met, the Port of Portland, the Oregon Department of Transportation, and the Washington State Department of Highways, CRAG has developed the required planning work program, transportation plan, improvement program, and transportation systems management plan for the metropolitan area. With these plans and pro-

grams in place, the state and local jurisdictions are assured of eligibility for the various federal highway, mass transit, and aviation monies.

The significance of metropolitan transportation planning is illustrated by the magnitude of the public investment that is linked thereto. According to the adopted Transportation Improvement Program, projects costing approximately \$830 million are scheduled for the next five year period. The funding and implementation of these projects, nearly 400 in number, is monitored by a computer management system.

As the area's MPO, CRAG is also coordinating the transfer of Mt. Hood Freeway funds to alternative highway and mass transit projects in the region. Approximately \$203 million of federal transfer funds will become available over a period of several years. Advisory committees are reviewing and prioritizing project proposals, based on the adopted regional Interim Transportation Plan, and they have begun to present their recommendations to the Board of Directors. Although priority will be given to projects in the area that would have been served by the Mt. Hood Freeway, projects of benefit to nearly all jurisdictions are under consideration. At a meeting on November 4, 1976, the Board took action to set aside \$169 million of the transfer funds for projects in the Sunset, Banfield, and Oregon City transit corridors and in southeast Portland. The remaining \$34 million will be allocated after further Board investigation of other proposed projects throughout the region.

## 2. Water Quality

Under Section 208 of the Federal Water Pollution Control Act Amendments of 1972, federal grants were authorized for areawide water quality management planning to meet the national goal of fishable and swimmable waters by 1983. Through the 208 planning program, local jurisdictions address problems such as how communities can control the evergrowing quantities of pollutants that enter our streams, how pollution from rainfall runoff will be reduced, and what alternatives are available for disposal of sewerage sludges. Participation in the 208 program is a prerequisite for local jurisdictions to receive facilities construction grants authorized under the same federal legislation.

<u>CRAG Example</u>: With CRAG designated as the planning and coordinating agency, a \$1.1 million federal grant has been awarded to the Portland metropolitan area for 208 water quality management planning. Entitled "Project Clean Water", the program is guided by the CRAG Water Resources Task Force, which is generally composed of public works directors, city engineers, water and sewer district officials, and representatives of interested state agencies. In addition to the CRAG professional staff, a diverse group of public and private entities has been placed under contract to lend its expertise to the project--City of Portland (combined sewer overflow analysis), Corps of Engineers (urban stormwater runoff study), U.S. Geological Survey (rainfall/runoff study), Portland State University (municipal effluents and

sludges and water quality analysis of the Tualatin River) CH2M/Hill (alternatives for municipal and industrial wastewater control and for sludge management), Bartle-Wells (institutional and financial program), Research Group/Cogan and Associates (public involvement program), Stevens, Thompson and Runyan (land application methods for wastewater effluents), and Nero & Associates (continuous planning program).

## 3. Law Enforcement

The Omnibus Crime Control and Safe Streets Act and subsequent federal regulations of the Law Enforcement Assistance Administration (LEAA) authorize regional planning units to develop and correlate federally funded programs in law enforcement/ criminal justice. In the absence of a regional planning unit, the responsibility for program development falls with the state planning agency. Thus, regional planning units have been widely employed to maximize local control and coordination of LEAA programs.

<u>CRAG Example</u>: CRAG serves as one of the 14 LEAA regional planning units in the State of Oregon. The CRAG Board of Directors is assisted in this role by its professional staff and by the Criminal Justice Advisory Committee, which is composed of police chiefs, judges, prosecutors, corrections administrators, and other officials from the law enforcement field. In addition to promoting long-range planning in the field, the Committee annually reviews and prioritzes LEAA grant applications and submits its recommendations to the

CRAG Board of Directors. The Board's decision is in turn submitted to the Oregon Law Enforcement Council, the state planning agency, which has rarely overruled the results of the cooperative regional process.

4. Housing and Urban Development

Several programs administered by the U.S. Department of Housing and Urban Development (HUD) require some degree of cooperation between units of local government. Most significant have been the Section 701 (40 USC 461) grants-in-aid for planning. Although federal funding of Section 701 has diminished, local governments in Oregon will still receive over \$1,200,000 under the program this fiscal year, with the regional councils serving as areawide clearinghouses. In addition, regional councils may be eligible for direct grants under Section 701 to support their areawide planning. work. There will be approximately \$750,000 in direct grants to Oregon regional councils this fiscal year. Through participation in areawide planning, local governments can enhance their eligibility for other federal funds. For example, under Section 8 (42 USC 1430), \$20,000,000 of low rent public housing funds have been set aside nationally for communities participating in "areawide housing opportunity plans".

<u>CRAG Example</u>: Since 1967, CRAG has been recognized by HUD as an areawide planning body, making it eligible to receive <u>direct grants</u>. These grants, including one of \$170,000 for

the present fiscal year, have provided an important source of funding for CRAG's planning efforts. In particular, the funds have been used to support regional planning for housing, parks, energy, and the land use framework, as well as the local coordination and assistance activities of CRAG.

Other federal programs for which regional councils have performed an areawide review, planning, or administrative role include: aging, air pollution control, health planning, economic development, and comprehensive employment and training.

Significance of Areawide Review and Planning for Federal Funding A question of some controversy is whether the areawide planning functions of regional councils are necessary to continue the eligibility of local governments for federal funds. Unfortunately, the complexity and inconsistency of the federal legislation does not permit a simple answer to this question. However, some recent events provide insight into the significance of areawide planning, in terms of both federal funding and local control of programs.

In September, 1976, Governor Straub submitted a request to the Northwest Federal Regional Council for information regarding the impact Oregon's ballot measure #12, which sought to repeal CRAG and the other COG's, would have on federally funded programs. The Federal Regional Council provided a detailed analysis that concluded with the following summary:

The overall effects of this Initiative, should it pass, can be summarized in three major categories:

- 1. There would be a loss of federal funds due to the lack of eligible applicants.
- 2. The responsibility for administering several federal programs could be transferred from local elected officials to state agencies and/or private non-profit organizations.
- Certain federal funds would be delayed as a result of the readjustments necessitated by the Initiative.

Funds which would be jeopardized for lack of an eligible applicant, should the Initiative pass, include: Areawide Water Quality Management Planning (EPA Section 208), National Highway Traffic Safety Administration program grants, parts B and C of the Law Enforcement Assistance Administration block grants, HUD Low Rent Public Housing Section 8 bonus units, the 5% bonus provisions for CETA programs, and the U.S. Geological Survey cooperative studies with the Rogue Valley COG and CRAG. There is also a potential loss of EPA construction grant money under the Federal Water Pollution Control Act and certain highway trust funds to areas lacking a certified Metropolitan Planning Organization (MPO).

Federal programs, currently administered by local elected representatives which could be transferred to state agencies or non-elected officials through non-profit corporations, include: Public Water System Supervision Program grants (EPA), air pollution control program grants (EPA), transportation control programs (FHWA), airport planning and developing grants (FAA), program for the aging (HEW), HUD 701 planning grants, the EDA planning grants, the EDA planning programs, CETA programs and the Pacific Northwest River Basins Commission projects.

All of the above-mentioned programs could suffer from delays and possible interruption in funding while arrangements are being made for new eligible applicants in the State of Oregon.

An additional illustration is found in the recent experience of the Puget Sound Council of Governments. Upon withdrawal of three counties from the Council, the federal government declared that the local governments could lose 701 planning funds, community development block grants, and \$100 million for highways and public transit systems. The Secretary of Transportation reconfirmed that federal law requires a metropolitan planning organization to ensure cooperative decision-making by local elected officials, with state and local government determining the exact structure of the organization. Local officials in the Puget Sound area have now successfully reunited the COG.

### PLANNING AND ADMINISTRATION OF STATE PROGRAMS

In July 1968, Governor Tom McCall issued an executive order establishing a substate districting system in Oregon. Its purpose was to bring better order to the 51 different sets of districts and regions then being used by state agencies.

The regional councils, including CRAG and ll other COG's, are an integral part of the state districting system. They serve as the major operational vehicles for involvement of local officials in the formulation of state programs and for linking state programs with related federal and local efforts. Governor McCall described the streamlining and integrative effects of the regional councils as follows:

During our early experience with state agency use of administrative districts, it became obvious that there was a critical need for new approaches in the design of a "delivery system" in our public processes... As there were...over 1,800 local governments in Oregon, there obviously was a need to develop a mechanism so that all could participate in the process.

Thus was born the District Planning or Council of Governments concept, designed to develop a partnership approach for Federal, State, and local coordination for cooperation and planning. The Council of Governments concept provided for the development of a voluntary association of local governments within a geographic area (district), thus improving opportunities for integrating Federal, State, and local planning programs while giving local governments an unparalleled degree of influence upon State and Federal policy and program formulation.

The 1973 report by the U.S. Advisory Commission on Intergovernmental Relations noted substantial progress by the Oregon regional councils and by the districting system generally. Although the report found the councils in various stages of development, it concluded that much of the initial interjurisdictional mistrust among local officials had been overcome and that state and federal officials had reacted favorably to alignment of programs through the district councils.

According to the report, the varying success of the councils was attributable to variables such as the following: 1) the geographical size and population of the districts, 2) attitudes of political leaders, 3) age and exerience of the councils, and 4) the size and quality of council staffs. While CRAG was cited as one of the more highly developed councils, it was also noted that CRAG faced "some special problems of planning coordination" because of the number of metropolitan special districts, frequent direct relationships between Portland and the federal government, and the bi-state nature of the metropolitan area.

The report concluded its review of the Oregon districting system by noting that two recommendations had surfaced regularly in interviews. The first was the "need to change the COG's from

voluntary organizations to operational bodies with more solid legal authority". The second recommendation involved the need for district councils to have some form of independent financing if they are to be viable instruments of district government.

# COORDINATION OF LOCAL PROGRAMS

It has been argued that regional councils deprive local control and even threaten the very existence of local governments. In fact, however, both the concept and practices of the regional councils have precisely the reverse objective -- i.e., to improve the problem-solving capabilities of existing local governments and thereby to forestall the shift of authority to the state and federal government or to new regional entities with independent governing boards and powers.

The regional councils are at least a partial solution to a classic governmental dilemma. On the one hand, the American citizenry holds fast to its desires for government close to home and the retention of community identity. This is exemplified by the extreme rarity of governmental consolidation and disincorporation. On the other hand, the citizenry demands solution to a variety of problems that exceed the physical boundaries and financial and technical capabilities of existing city and county governments. As a result, state and federal intervention is justified as a necessary recourse.

Regional councils afford a unique vehicle for meeting such conflicting desires. Decision-making remains with the local

elected officials, but the forum is broadened to facilitate coordinated and cooperative efforts.

Regional councils have had mixed results in effectuating the cost-saving and coordinative benefits of intergovernmental The task is obviously difficult when there is cooperation. little state or federal funding incentive for the cooperation, and studies have shown that it becomes even more difficult in metropolitan areas where the council's membership is large and diverse and may cross state lines. Nonetheless, the accomplishments of regional councils have included such varied activities as: (1) providing information and referral systems for public service programs; (2) establishing and funding circuit city managers for smaller local governments; (3) operating centralized computer services for accounting functions, real property transactions, and grant information; (4) facilitating joint contracting for local staff and consultants and bulk purchasing of supplies and equipment; (5) financing and operating solid waste disposal systems; (6) establishing joint library services; (7) operating police academies and other shared facilites; (8) conducting test public transit services; and (9) preparing regional plans and studies and coordinating local planning efforts.

<u>CRAG Example</u>: CRAG is presently organizing a joint study of mineral and aggregate resources (primarily sand and gravel) for its member counties in Oregon. The study, which would be conducted by the Oregon State Department of Geology and Mineral Industry, is necessary to comply with the statewide land use

planning goals and generally to provide a better foundation for planning decisions that will affect the future use of these resources. Because of the coordinated effort, the Department has agreed to match local funds for the project equally with state funds and to give the project high priority. The net result is that the joint study will be less costly, provide more uniform and comprehensive data, and make the data available sooner.

As a second example, the CRAG Board of Directors recently accepted a request to sponsor a cooperative library project. Under the guidance of the CRAG Library Technical Advisory Committee, the project is designed to improve accessibility to and exchange of library resources in the interstate metropolitan area. Local governments will be assisted in the development and implementation of reciprocal sharing agreements that serve to eliminate duplication of services.

For further examples of local coordination, see "Summary of Accomplishments" at page iii above.

The alternative structural forms and program thrusts for regional councils are virtually innumerable. Possible variables include the composition of the regional council's governing board, the nature of the council's planning and implementation powers, and the council's source of financing.

As is typically true of our governmental institutions, regional councils have evolved through a process of identifying a system best suited to the area's particular character and needs, monitoring the effectiveness of the system, and improving the system with cautious reform. As the following writer notes, this evolutionary process may call for different regional councils within a single state:

[T]he diversity of local government structure and finance, the wide spectrum of "regional identity" perceived by the citizens involved, and the array of legal and financial questions imbedded in service delivery negate the validity of any one structural and political approach to substate regionalism. Each area needs to evolve its own solutions, equipped with permissive authority from the state government and incentives and encouragement from the federal government.

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A major difficulty with wall-to-wall carpeting of an entire state area with substate districts or regional councils is' that due to the widely differing degree to which citizens have perceived a need for a regional entity practically insures that in the legislative process the powers and responsibilites of the regional bodies mandated will be kept to the lowest common denominator... In some states at least, a better approach may lie in a combination of statewide authorization for voluntary regional activity with any subsequent state mandating of powers and responsibilites contained in special legislation directed to specified geographic areas.--William G. Colman, Why Regionalism? (Institute for Urban Studies, 1976)

The following discussion outlines the institutional development of CRAG. Noted in particular are the many community leaders and groups who provided an important impetus both for the original formation of CRAG and for the subsequent reforms of CRAG's structure and mission.

# THE EARLY YEARS OF CRAG

CRAG began its work in 1966 as a voluntary association of governments. Its formation was the result of a governmental reorganization study conducted by the 38-member Portland Metropolitan Study Commission, established in 1963 by the Oregon Legislative Assembly. The regional problem-solving efforts of CRAG were soon reinforced by the association's designation as a A-95 clearinghouse and HUD areawide planning body.

The early CRAG placed a strong emphasis on intergovernmental coordination. Although the CRAG General Assembly determined the need for regional plans in the areas of water supply and sewage disposal, streets and highways, mass transit, land use, and parks and open space, it has also pursued an adopted policy of giving full recognition to the plans of its members. At a minimum, the association's planning efforts provided a more coherent guide for the region's growth and development and served to keep local governments in the metropolitan area eligible for federal grants.

#### TRANSITION PERIOD

CRAG's early planning approach came under criticism for appearing to sanction continued urban sprawl and generally failing to

address critical regional issues. The criticism heightened as the consequences of existing planning policies became more evident-farm land and other natural resources in the metropolitan area were lost at an alarming rate, new commercial centers ruined existing ones, and the costs of serving uncontrolled development skyrocketed. By the early 1970's, a new approach to regional planning was being called for by member jurisdictions of CRAG, as well as by various citizen groups.

In 1972, the City Club of Portland formed a research committee on CRAG. Several months later the committee's intensive study produced the following conclusions:

Land use planning, in all its aspects, is a matter of regional concern as well as the concern of each political subdivision within the region. Its effectiveness is also of increasing concern to state and federal governments.

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As long as CRAG must rely upon voluntary membership and upon contributions of its members and federal funds which may or may not continue from year to year, it cannot effectively plan for continuity in hiring its staff beyond a year-toyear basis, nor can it confidently plan for continuity in carrying out its programs.

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CRAG's role as a regional planning body has been extremely limited; however, a serious attempt is now being made by CRAG and by persons who believe in the regional planning concept to develop the organization as a true regional planning agency. The regional concept is vital in the Portland area in view of the multiple jurisdictions involved.

Based on these findings, the report reached the following recommendations: ... CRAG (or some other organization of regional scope) should have authority to develop integrated regional plans in the region wherein Portland is located. It should have authority to review plans and the implementation of programs developed at any level of government within the region or which affect the region. Review authority should include the right to approve, disapprove, and modify plans and programs as they affect the region.

During the same period, a specially formed Action and Direction Committee of CRAG, composed of several citizens and local elected officials, was also re-examining the association's structure and authority. Reaching conclusions similar to those of the City Club, the Committee produced a legislative proposal that was to become SB 769 (1973 Session). Briefly, this proposal authorized the following:

- Formation of a regional planning district, under the auspices of CRAG, with mandated membership for Clackamas, Multnomah and Washington Counties and the cities therein;
- Adoption of regional goals and objectives and a regional plan;
- Review of local plans and ordinances and the authority to recommend or require changes necessary to assure conformity with the regional goals and objectives.

Equally important, the Committee determined that the decisionmaking authority of CRAG should remain in the hands of city and county elected officials.

The Committee's recommendations were approved by both the CRAG Executive Board and General Assembly, and SB 769 was introduced at the 1973 session of the Oregon Legislative Assembly. The following excerpts from testimony submitted to the Senate and House Local Government and Urban Affairs Committees indicate why passage of SB 769 was considered important:

In conclusion, may I state again that the basis for this bill is:

- 1. The recognition of the need for proper planning in order to avoid disaster in the State of Oregon,
- 2. The recognition that in the Portland Metropolitan Area planning, if it is to succeed, must be regional in scope, and
- 3. That the regional planning agency must be the representative of cities and counties but must also be endowed with the authority to guarantee both the planning and the implementation of the regional plans.

Bill Young, then Mayor of the City of Beaverton and Chairman of the CRAG Executive Board.

Recently, ... we on the CRAG Executive Board have been asking if this present state of regional planning is enough. Have we clearly outlined goals that will aid in developing the community we want? Or do we need to take another look, and reassess our goals and assumptions, and make new plans based on that reassessment?

The CRAG Executive Board thinks that we do, and has initiated policies aimed at reevaluation and new direction.

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[W]e felt that if the planning being done at the regional level is to produce more tangible results it becomes necessary to re-examine the very structure and powers of CRAG to determine whether that structure and these powers are commensurate with the responsibilities expected to be shouldered by the organization.

> Eldon Hout, then County Commissioner of Washington County and Member of CRAG Executive Board.

We watch with dismay as urban sprawl continues, but we know that this problem cannot be solved on a local basis since restrictions in one area only will create problems in another. CRAG ... is now working on a regional plan. Its General Assembly has already approved an interim containment policy to guide growth toward essentially urbanized and urbanizing areas. This policy may be economically and environmentally sound, but enforcement is now up to a multitude of local governments and local pressures. We believe that CRAG, representing the interests of the area as a whole, should have the powers of enforcement as provided in SB 769. We recognize that this solution may not be perfect, but we do not view it as final. We do see it as an interim step toward a better solution.

> Jane Cease, then representing the Inter-League Metro Committee of the League of Women Voters.

#### THE "NEW" CRAG

SB 769 was passed by the Legislative Assembly with only minor modifications (see Appendix). In addition to the provisions described above, the final bill gave CRAG the local review and coordination functions of SB 100, the State Land Use Act. The formation of the regional planning district authorized by SB 769 was proposed by the City of Beaverton and approved by the Governor. After adoption of Charter Rules (see Appendix), the "new" CRAG went into effect in April 1974.

The CRAG Board of Directors soon began a cautious process of developing regional goals and objectives and a regional plan. Special task forces composed of local staff members and citizens were charged with formulating the documents, and more extensive financial and staff resources were committed to involvement of special interest groups, state and federal agencies, and the general public.

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In September 1976, the Board of Directors took its first real step under SB 769 by adopting Regional Goals and Objectives, a document which had been the subject of open review and revision for nearly a full year. The purpose of the Goals and Objectives is "to give structure and direction to regional planning consistent with the adopted statewide Land Conservation and Development Commission (LCDC) Goals." Thus, the Goals and Objectives describe and set standards for development of the regional plan. Furthermore, adoption of the Goals and Objectives sets the policy foundation for CRAG's statutory authority to designate and regulate areas and activities of significant regional impact.

The first element of the regional plan, the Land Use Framework Element, was adopted by the Board of Directors December 23, 1976, with an effective date of February 5, 1977. This element divides the region into three broad land use classifications with differing intensity of development---Urban, Rural, and Natural Resources. The Land Use Framework Element is a major step for the metropolitan area toward meeting the statewide goals on urbanization, preservation of agricultural lands, and conservation of forest lands, and will provide a uniform foundation for completion of other regional plan elements and local comprehensive plans. With the Land Use Framework Element in place, CRAG is beginning to concentrate its efforts on other functional elements of the regional plan such as transportation and water quality.

The Board of Directors has demonstrated a determined but cautious approach to use of its SB 769 authority. While the Goals and

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Objectives set high standards for the Board's planning efforts, they also state that "[t]he regional planning process shall include consideration of local comprehensive plans in preparing the Regional Plan." Similarly, although the Land Use Framework Element is binding on member jurisdictions, local land use actions would be reviewed only if they are of "substantial regional significance" and only if a majority of the Board decides (without weighted voting) to accept a petition for review. CITY CLUB OF PORTLAND:

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Regional Governance: Promise and Performance, May 1973.

VI. APPENDIX

Oregon Revised Statutes (ORS) 197.705 Policy.

- (1) The Legislative Assembly finds that it is necessary and a matter of state-wide concern to provide for properly coordinated regional planning in metropolitan areas and to provide a method of organizing and managing representative regional planning districts in such areas.
- (2) The Legislative Assembly finds that it is a matter of statewide concern to establish a representative regional planning agency to prepare and administer a regional plan for the lands described in subsection (1) of this section. [1973 c.482 s.1]

<u>197.710</u> Definitions for ORS 197.705 to 197.795. As used in ORS 197.705 to 197.795, unless the context requires otherwise:

- (1) "Associate member" means an associate member of the district as provided by a rule adopted pursuant to ORS 197.740.
- (2) "District" means a regional planning district formed under ORS 197.705 to 197.795.
- (3) "Goals and objectives" means the regional land use goals and objectives adopted pursuant to subsection (1) of ORS 197.755.
- (4) "Governing body" means, in the case of a county, the county court or board of county commissioners of the county or, in the case of the city, the city council or other legislative body of the city.
- (5) "Member" means a member of the district as specified under ORS 197.735.
- (6) "Metropolitan area" means a geographical area which is within the boundaries of Clackamas, Multnomah and Washington Counties.
- (7) "Plan" means a generalized, coordinated plan for the orderly management and development of the lands within the region that interrelates all functional and natural systems and activities relating to all the use of the land, air and water within such region, including but not limited to sewer and water systems, transportation systems, recreational facilities, air and water quality management programs, residential, commercial and industrial developments and the provision of public services.
- (8) "Planning" means preparing a plan, modifying and amending the plan as necessary, and administering the plan as provided by ORS 197.705 to 197.795 and the rules of the district.

- (9) "Region" or regional" means all the geographic area included within the boundaries of a district.
- (10) "Special district" means any unit of local government, other than a city or county, that is authorized and regulated by law, including but not limited to water control districts, irrigation districts, port districts, air pollution control districts, fire districts, school districts, hospital districts, mass transit districts and sanitary districts. [1973 c.482 s.3]

197.715 ORS chapter 198 not applicable; constuction.

- (1) ORS chapter 198 does not apply to any district formed under ORS 197.705 to 197.795.
- (2) ORS 197.705 to 197.795 shall be liberally construed to accomplish its purposes as specified in ORS 197.705. [1973 c.482 s.2]

(Formation; Organization)

<u>197.725</u> Formation; resolution; notice; hearing; submission to Governor; action by Governor; effect.

- (1) As provided by ORS 197.705 to 197.795, a district may be formed in a metropolitan area for the purpose of providing coordinated regional planning. The jurisdiction of the district shall include all territory within the metropolitan area.
- (2) The governing body of any county, or of the most populous city within a county, in a metropolitan area may by resolution propose formation of a district if the city or county has a planning authority and finds that regional planning needs cannot be met by its local planning authority.
- (3) The resolution of the governing body shall:
  - (a) Be considered at a public hearing after notice as required by charter or ordinance for consideration of other resolutions;
  - (b) Include findings of need for formation of a district in the metropolitan area and specify the metroplitan area; and
  - (c) Be addressed to the Governor and submitted to him for filing.
- (4) Within 30 days after the resolution is received by the Governor, he shall review it and determine if it meets the requirements of subsections (2) and (3) of this section. If

it is sufficient, he shall file the resolution and the district shall be considered established as of the 30th day after the resolution is so filed. If the Governor finds that the resolution does not meet the requirements of subsections (2) and (3) of this section, he shall return it to the initiating governing body with a statement of his reasons therefor. [1973 c.482 s.4]

197.730 Cities and counties as members; management association; formation meeting; initial board of directors, appointment.

- (1) Members of the district shall be each county located within the district and each city located within such counties.
- (2) The business affairs of the district shall be managed by an association consisting of the members of the district and such associate members as may be appointed. The association shall be known as \_\_\_\_\_ Region Association of Governments.
- (3) The governing body filing the resolution with the Governor shall notify each of the other members of the formation of the district and call the first meeting of the district not later than 45 days after the date the district is formed.
- (4) The first meeting of the association shall be attended by the initial board of directors who shall be appointed as follows:
  - (a) One member appointed by the governing body of each member county.
  - (b) One member appointed by the governing body of each member city having more than 300,000 population on July 20, 1973.
  - (c) One member, representing all of the cities each having a population of less than 300,000 on July 20, 1973, and situated within each member county in the district, selected by joint action of a majority of the mayors of such cities.
- (5) Each member of the initial board of directors specified in subsection (4) of this section must be appointed prior to the expiration of 30 days after July 20, 1973. If any such member has not been appointed by the date of the first meeting, the Governor within 10 days after such meeting shall appoint an initial director to fill the vacancy. [1973 c.482 s.6]

<u>197.735</u> Rules for organization and conduct of business; organization; effect; amendment, revision of rules by general assembly; board of directors; rulemaking; quorum

 Not later than the expiration of 120 days after the first meeting, the initial board of directors for the district, in accordance with ORS 183.355, shall provide by rule for the organization of the association and the conduct of the business of the district. Such rules shall provide for the representation of all members in a general assembly of the district and shall provide for the establishment and duties and powers of a board of directors for the district to manage the business affairs of the district as provided by law. The rules shall take into account the relative population of the members and provide a procedure whereby the interests of smaller members will be adequately represented.

- (2) Immediately following the adoption of such rules by the initial board of directors for the district, the association for the district shall be organized in accordance with such rules. Upon the organization of the association of the district and the establishment of a board of directors for the district shall be dissolved and the terms of each member of such board shall cease.
- (3) Any rule of the district relating to the organization of the association or the representative status of association members may be amended or revised, from time to time, only by a majority vote of the memmbers of the general assembly of the district. Each such vote shall be recorded in the records of the district.
- (4) Except as otherwise provided by subsection (3) of this section, the board of directors of the district, from time to time, may adopt such other rules and revise or amend existing rules as they consider necessary for the district in carrying out its functions as provided by law. Unless otherwise provided by rule, a majority of the members of the board of directors constitutes a quorum for the transaction of business. [1973 c.482 s.7]

<u>197.740</u> Associate members. The association may provide by rule for one or more categories of associate membership in the district to enable special districts, political subdivisions of this state, agencies of this state or the Federal Government and any other interested and affected public bodies to participate in the conduct of the activities of the district. Any such rule may provide for the representation of associate members on the board of directors and may require a financial contribution to the district as a condition of associate membership in the district. [1973 c.482 s.8]

#### (Duties and Powers)

197.750 District status; general powers; tax levies prohibited.

(1) A district shall constitute a municipal corporation of this state, and a public body, corporate and politic, exercising public power. It shall be considered a unit of local government for the purposes of ORS 190.003 to 190.110, and a public employer for the purposes of ORS 236.610 to 236.650. It shall be entitled to tax refunds as allowed under ORS 319.350 and 319.831 to cities. It shall have full power to carry out the objects of its formation and to that end may:

- (a) Sue and be sued in its own name.
- (b) Adopt an official seal.
- (c) Establish a budget and assess its members and associate members for the support of its lawful activities as provided in ORS 197.785.
- (d) Contract with any of its members or any other state or local governmental agency for the performance of services or the exchange of employees or services in carrying out its functions as provided by law.
- (e) Enter into contracts or other agreements with any agency of the Federal Government, of this state or of any local or regional governmental agency in this state having jurisdiction over contiguous or nearby lands; and, subject to the prior approval of the Legislative Assembly, enter into any compact with another state having jurisdiction over contiguous or nearby lands.
- (f) Perform any other functions that the board of directors for the district considers necessary in carrying out ORS 197.705 to 197.795.
- (2) The district may not levy taxes for the purpose of financing its functions pursuant to law, but shall finance its operations as provided in ORS 197.705 to 197.795. [1973 c.482 s.5]

197.755 Duties and powers, generally. The district shall:

- (1) Adopt by rule regional land use planning goals and objectives;
- (2) Prepare, maintain and modify as necessary a plan for the region in accordance with the goals and objectives;
- (3) Designate areas and activities having significant impact upon the orderly and responsible development of the region and establish rules and regulations for the development, use and control of such areas and activities;
- (4) Review the comprehensive land use plans in effect on July 20, 1973, in or subsequently adopted by the members and associate members of the district and recommend or require, as it considers necessary, changes in any such plan to assure that the plan conforms to the goals and objectives;
- (5) Coordinate the land use planning activities of its members and associate members;

- (6) In the discretion of the board of directors, review the zoning, subdivision and other similar ordinances and regulations of its members and associate members and all actions taken pursuant thereto to assure conformity with the goals and objectives; and
- (7) Coordinate its activities and the related activities of its members and associate members with the land use planning and development activities of the Federal Government, other local governmental bodies situated within this state or within any other state and any agency of this state or another state. [1973 c.482 s.9]

<u>197.760</u> Change required in member or associate member plan; review. If a district requires a change in a plan of a member or associate member of the district under subsection (4) of ORS 197.755, the member or associate member may seek review of such required change as provided under paragraph (c) of subsection (1) of ORS 197.300. [1973 c.482 s.9a]

<u>197.765</u> District to assume city and county member coordination of planning functions under ORS 197.190. For the purposes of ORS 197.190, a district formed under ORS 197.705 to 197.795 shall exercise within the region the review, advisory and coordinative functions assigned under subsection (1) of ORS 197.190 to each county and city that is a member of the district. [1973 c.482 s.2a]

#### (Conduct of Business; Fiscal Matters)

197.775 Employment of staff and assistants; compensation. The board of directors may employ such clerical and other staff, agents and independent contractors and provide for the compensation of such staff, agents and contractors as it considers necessary in carrying out the functions of the district as provided by law. [1973 c.482 s.11]

<u>197.780</u> Meetings open to public; exceptions; recording decisions; records open for public inspection. All meetings of the general assembly and the board of directors for the district, except meetings on matters involving the management of employees of the district and other labor matters, shall be open to the public. All decisions of or actions by the general assembly or the board of directors of the district shall be recorded in the records of the district. The records of the district shall be open for public inspection, during business hours, in the main office of the district. [1973 c.482 s.12]

197.785 Fiscal year; budget, contribution by members, assessment, effect; payment of assessments.

(1) The fiscal year of the district shall commence on July 1 of each year and end on June 30 of the following year.

- (2) Prior to the beginning of each fiscal year, the district shall prepare and adopt, and may revise from time to time, a budget itemizing expenditures planned for such ensuing fiscal year and estimating the amount and sources of income available to pay such proposed expenditures. ORS 294.305 to 294.555 shall not apply to the preparation, adoption or revision of the budgets of the district.
- (3) The general assembly for the district, in its sole discretion, may determine that it is necessary for the members of the district to contribute funds to support the activities of the district during any fiscal year. If the general assembly determines that it is necessary to require contribution from the members of the district for any fiscal year, it shall determine the total amount to be contributed by the members of the district and shall assess each member of the district such portion of the total amount to be contributed as the population of the member city or member county bears to the total population of the region. For the purposes of this subsection the population of a member county does not include the population of any city situated within the boundaries of the member county. The population of each member city and each member county shall be determined in the manner prescribed by the general assembly of the district.
- (4) The decision of the general assembly to assess the members of the district and the amount of the assessment upon each member of the district shall be binding upon the members of the district. Members shall pay such assessments on or before October 1 of the fiscal year for which the assessment has been made. [1973 c.482 s.13]

<u>197.790</u> First fiscal year; commencement. Notwithstanding subsection (1) of ORS 197.785, the first fiscal year for the district shall commence on a date fixed therefore by the initial board of directors of the district. [1973 c.482 s.14].

<u>197.795</u> Application, receipt and expenditure of other moneys. The district may apply for, accept, receive and expend appropriations, grants, loans, gifts, bequests and devises in carrying out its function as provided by law. [1973 c.482 s.10].

## CHARTER RULES

# OF THE

#### COLUMBIA REGION ASSOCIATION OF GOVERNMENTS

# ARTICLE I

#### NAME AND MEMBERSHIP

SECTION 1. <u>Name of Association</u>. The name of this organization shall be the Columbia Region Association of Governments, hereinafter referred to as CRAG.

SECTION 2. Membership.

(1) General members of CRAG are Clackamas, Multnomah and Washington counties in the State of Oregon and all incorporated cities within those counties.

(2) General associate members of CRAG include any county bordering any of the general member counties and any incorporated city within such a county that agrees to join CRAG under conditions established by these Charter Rules and other rules of CRAG and agrees to contribute financially on the same base assessment as general members contribute.

(3) Special associate members of CRAG shall consist of the following governmental units who agree to join CRAG under conditions established by these Charter Rules and other rules of CRAG and who contribute financially a sum agreed to by the governmental unit and the Board of Directors and approved by the General Assembly:

The State of Oregon;

The State of Washington;

The Port of Portland, operating under ORS Chapter 778; and Tri-County Metropolitan Transportation District, operating under ORS Chapter 267.

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# ARTICLE II PURPOSE AND POWERS

SECTION 3. <u>Purposes</u>. The purpose of CRAG is to provide for properly coordinated regional planning in the Portland metropolitan area, to provide a method of organizing and managing a representative regional planning district in said area, and to perform such other duties as may be prescribed by law.

SECTION 4. <u>Powers</u>. CRAG shall have all powers and perform all duties and functions granted to it by statute or rule of this State or the United States, interstate compact, intergovernmental agreement or other authority as fully as though these Charter Rules specifically enumerated each of these powers and functions.

SECTION 5. <u>Where Powers Vested</u>. Except as these Charter Rules provide otherwise, all powers of CRAG shall reside in its General Assembly and its Board of Directors.

# ARTICLE III GENERAL ASSEMBLY

SECTION 6. Representation and Votes.

(1) Each member shall be present in a General Assembly and shall have one vote.

(2) In addition, each general and general associate member with a population greater than 25,000 shall have one additional vote for each increment of 25,000 (or a majority thereof) over the initial 25,000 population.

(3) For the purpose of this section, the population of a county shall be considered as that portion of the population outside of the cities in the county, and all population figures shall be those determined by annual population estimate or census recognized for State purposes.

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# SECTION 7. Representatives.

(1) The governing body of each general and general associate member shall appoint at least one member of its body to be a General Assembly representative.

(2) The Governor for state special associate members and the governing boards of other special associate members shall each appoint a General Assembly representative.

(3) Each appointing authority shall certify to the executive director the name(s) of its General Assembly representative(s) and the length of his term of office which may be indefinite.

(4) No member shall provide more voting representatives than it has votes in the General Assembly.

SECTION 8. Alternates.

(1) For each representative appointed to the General Assembly, the appointing authority may appoint an alternate who shall have the same qualifications as the representative. The alternate may attend General Assembly meetings and participate in debate and discussion, but may introduce motions and vote only in the absense of the representative for whom he is an alternate. The term of office of an alternate shall be the same as the term of office of the representative for whom he is an alternate. (As amended by resolution GA 750104 - January 30, 1975).

(2) The appointing authority of each member shall certify to the executive director the names of all General Assembly alternates.

SECTION 9. <u>Vacancies</u>. A General Assembly representative's office shall be deemed vacant upon the incumbent's death, loss of qualifications to office, resignation or removal by the appointing authority.

#### SECTION 10. Officers.

(1) At its first meeting each year, the General Assembly shall designate from its representatives who are also on the Board of Directors, a chairman and vice chairman for the remainder of the year or until their successors are designated. (As amended by resolution GA 750104 - January 30, 1975).

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(2) The chairman shall preside at all meetings of the General Assembly, and in his absence the vice chairman shall preside.

(3) The chairman and vice chairman shall be elected officials of general or general associate members of CRAG.

# SECTION 11. Meetings.

(1) The General Assembly shall hold a regular meeting at least every six months each year at a time and place determined by the Board of Directors.

(2) The Board of Directors may, or upon the written request of General Assembly representatives of at least three general or general associate members, shall call a special meeting of the General Assembly.

SECTION 12. Notice and Agenda.

(1) Except in cases of emergency declared by the Board of Directors, notice of all meetings of the General Assembly shall be given to each representative at least twenty (20) days prior to each meeting, and an agenda shall be mailed, to an address indicated by each representative, at least five (5) days before the meeting. Where an emergency is declared to exist such notice as is appropriate to the circumstances shall be given and a reasonable effort shall be made to contact each representative.

(2) A General Assembly representative may submit item(s) for the agenda to the executive director, for review by the Board of Directors, up to the day of the Board of Directors meeting prior to a scheduled General Assembly meeting.

(3) A General Assembly representative may request inclusion of an item not on the agenda, and it will be added thereto if approved by a majority of a quorum of the General Assembly present and voting.

SECTION 13. Quorum, Vote and Procedure.

(1) A quorum for transacting business shall consist of a majority of the votes of the General Assembly.

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(2) Voting shall be by voice vote unless a roll call vote is requested by representatives of at least two members.

(3) Where not otherwise provided by rule of the Association, General Assembly proceedings shall be conducted in accordance with the latest edition of "Roberts Rules of Order Newly Revised."

SECTION 14. <u>Record of Proceedings</u>. The executive director shall cause a record of General Assembly proceedings to be kept.

SECTION 15. Assessment, Program and Budget.

(1) The General Assembly shall approve the amount of assessment each member shall pay for the support of CRAG.

(2) The General Assembly shall approve on or before June 30 each year a program and budget for the following fiscal year; however, budget and program revisions may be made during a fiscal year by the Board of Directors.

# ARTICLE IV BOARD OF DIRECTORS

SECTION 16. <u>Member Representation</u>. The Board of Directors shall consist of:

(1) One director appointed from the governing body of each member county, by the governing body.

(2) One director appointed from the governing body of each member city over 300,000 population, by its governing body.

(3) One director each, appointed by separate caucuses (called by the mayor of the most populus city within each county) of the mayors of all cities that are members from within the county. For the purpose of this subsection, city does not include cities over 300,000 population and the whole population of a city shall be deemed to be within only that county where the majority of the city's population resides. (4) One director from each of the special associate members, chosen in the manner specified for selection of their General Assembly representatives.

SECTION 17. Votes.

(1) Except as provided in subsection (2) of this section, directors shall be entitled to cast the same number of votes as could be cast in the General Assembly by the members which the director represents on the Board of Directors.

(2) Directors selected by caucus of mayors shall only cast the number of votes which could be cast in the General Assembly if the population of all the cities which he represents were combined and deemed to be one city.

SECTION 18. Director Qualifications.

(1) Except for directors of special associate members, only General Assembly representatives may be appointed to the Board of Directors.

(2) Each appointing authority shall certify to the executive director the name of its director appointed to the Board and the length of his term of office which may be indefinite.

SECTION 19. Alternates.

(1) For each director appointed to the Board, the appointing authority may appoint an alternate who shall have the same qualifications as the director. Only in a director's absence may an alternate participate and vote in a meeting of the Board. The term of office of an alternate shall be the same as the term of office of the director for whom he is an alternate.

(2) The appointing authority shall certify to the executive director of CRAG the name of its director alternate.

SECTION 20. <u>Vacancies</u>. A Board of Director's office shall be deemed vacant upon the incumbent's death, loss of qualifications to office, resignation or removal by appointing authority.

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SECTION 21. Officers.

(1) The chairman and vice chairman of the General Assembly are respectively the chairman and vice chairman of the Board of Directors with the vice chairman serving as chairman in the chairman's absence.

(2) Within thirty (30) days of a vacancy in the office of chairman or vice chairman, the Board of Directors shall select from its members a new officer to serve for the balance of the unexpired term.

# SECTION 22. Meetings.

(1) The Board of Directors shall hold a regular meeting at least one each month at a time and place designated by the chairman at least eight (8) days in advance of the meeting.

(2) The chairman upon his own motion or at the written request of three directors shall, by giving telephonic or other notice thereof to all directors, call a special meeting of the Board for a time not earlier than forty-eight (48) hours after the notice is given.

# SECTION 23. Quorum and Vote.

(1) Twenty-five (25) percent plus one (1) of the votes of the Board, plus a majority of the directors of the Board, shall constitute a quorum for the transaction of its business.

(2) A majority of the votes present, but not less than twenty-five (25) percent plus one of the votes of the entire Board, plus affirmative votes of not less than three (3) general or general associate member directors present shall be necessary to decide any question before the Board, provided, however, that when a question receives not less than twenty-five (25) percent plus one of the votes of the entire Board but fails to receive the affirmative votes of three (3) or more general or general associate member directors, any director may move for reconsideration of the question at the same meeting, or, with notice of intent to so move having been given each director in the manner provided in Section 22 for notice of meetings, at the next subsequent meeting. (As amended by resolution GA 750205 - February 27, 1975).

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SECTION 24. Powers and Record of Proceedings.

(1) Except as otherwise provided in these Charter Rules, the Board of Directors may adopt such rules and revise or amend existing rules and do all other acts as it considers necessary for carrying out the functions and powers of CRAG.

(2) The Board shall adopt rules for the government of its members and proceedings and where not otherwise provided by these Charter Rules or Board Rules, Board of Director proceedings shall be conducted in accordance with the latest edition of "Roberts Rules of Order Newly Revised."

(3) The executive director shall cause a record of Board of Directors proceedings to be kept.

SECTION 25. Reciprocity Vote Requirements.

(1) In decisions by the Board of Directors on matters in which associate members are not on an equal basis relative to the ability of CRAG to effectuate a similar decision equally throughout the territory of an associate member due to lack of legal authority or failure of state or federal policy to provide it, those directors from associate members in which CRAG's decision could not be equally enforced shall not vote and their votes shall not be considered for quorum purposes.

(2) When any member of the Board of Directors believes such a decision is under consideration, the Board of Directors shall determine if the decision is of such a nature to preclude participation by some directors and if so, identify which directors are so precluded. This determination shall be conclusive on the issue.

(3) The General Assembly shall apply subsections (1) and (2) of this section to similar decisions before it.

SECTION 26. Land Use Decision Procedures. Prior to the exercise of authority granted by subsections (1), (2), (3), (4), or (6) of section 9 (ORS 197.755) of Chapter 472, Oregon Laws 1973, the Board of Directors shall submit to the General Assembly for its approval procedural rules to be followed by the Board in order for it to exercise the granted authority. Such procedural rules shall give consideration among other things to the need for

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citizen participation, political unit responsibility and private party interest.

# ARTICLE V

# EXECUTIVE DIRECTOR

SECTION 27. Chief Administrative Officer.

(1) The chief adminstrative officer of CRAG shall be an executive director.

(2) The executive director shall be chosen and removed under terms established by the Board of Directors.

SECTION 28. Duties. The executive director shall:

(1) Perform such functions as are prescribed by these Charter Rules and other rules of CRAG.

(2) Keep the General Assembly and the Board of Directors advised about the needs and affairs of CRAG, make written reports concerning its activities, and furnish minutes of all meetings of the Board of Directors and General Assembly to all members of the General Assembly upon request.

(3) Appoint and, when he deems it necessary, suspend or remove all employes and appointive administrative officers. He may authorize any administrative officer who is subject to his direction and supervision to exercise those powers with respect to subordinates in that officer's department.

(4) Have authority, subject to the approval of the Board of Directors, to change, consolidate or abolish any of the positions, departments or divisions of the administrative organization.

(5) Prepare a proposed annual work program and budget on or before March 1 for submission to the Board of Directors for adoption and recommendation to the General Assembly and upon its adoption execute the work program and budget. Further, he shall prepare any revisions to the work program or budget for submission and adoption by the Board of Directors.

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(6) Act as fiscal agent for the Board; apply for, receive and disburse monies, grants, gifts and loans and enter into contracts and agreements to execute the work program and other directives of the Board.

(7) Cause personnel rules to be prepared and submit them to the Board of Directors for adoption.

(8) Develop a system of finance and accounts which will permit control of expenditures and the accounting for income and disbursement of funds of CRAG.

#### ARTICLE VI

# MISCELLANEOUS PROVISIONS

SECTION 29. <u>Amendments</u>. These Charter Rules may be amended only by a majority of the votes of the General Assembly.

SECTION 30. <u>Time of Effect</u>. These Charter Rules shall take effect ten (10) days after publication in the bulletin published by the Oregon Secretary of State under ORS 183.360.

# SECTION 31. Transition.

(1) CRAG under these Charter Rules succeeds to all existing rights and privileges and shall be liable for all obligations entered into and executed by the Columbia Region Association of Governments organized under intergovernmental cooperation agreement.

(2) All rules and other provisions of that organization not inconsistent with these Charter Rules or other rules promulgated hereunder in force when these Charter Rules take effect shall remain in effect until amended or repealed.

## CRAG BOARD OF DIRECTORS

CLACKAMAS COUNTY CITIES Mayor Phil Balsiger (Rep.) Mayor Paul Roth (Alt.) CLACKAMAS COUNTY Comm. Stan Skoko (Rep.) Comm. Thomas Telford (Alt.) CITY OF PORTLAND Mayor Neil Goldschmidt (Rep.) Comm. Mildred Schwab (Alt.) MULTNOMAH COUNTY Comm. Mel Gordon (Rep.) Comm. Dennis Buchanan (Alt.) CITIES OF MULTNOMAH COUNTY Coun. Charles Becker (Rep.) Mayor Al Myers (Alt.) WASHINGTON COUNTY Comm. Ray Miller (Rep.) Comm. Mike Shepherd (Alt.)

CITIES OF WASHINGTON COUNTY Mayor Miller Duris (Rep.) Coun. Jim Larkins (Alt.) TRI-MET

Mr. Gerard Drummond (Rep.) Mr. Hershal Tanzer (Alt.)

PORT OF PORTLAND Mr. Lloyd Anderson (Rep.) Mr. Clifford Hudsick (Alt.)

<u>CLARK COUNTY</u> Comm. Dean Cole (Rep.) Comm. Dick Granger (Alt.)

CITIES OF COLUMBIA COUNTY Coun. Stan Pintarich (Rep.) Mr. Charles Brownlow (Alt.)

CLARK COUNTY CITIES Mayor James Gallagher (Rep.) Coun. Rose Besserman (Alt.)

STATE OF OREGON Mr. Robert Burco (Rep.) Mr. William Young (Alt.)

<u>STATE OF WASHINGTON</u> Mrs. Julia B. Hansen (Rep.) Mr. Richard Carroll (Alt.)

# CRAG GENERAL ASSEMBLY MEMBERS

# CLACKAMAS COUNTY Comm. Stan Skoko (Rep.) Comm. Tom Telford (Alt.) CLACKAMAS COUNTY CITIES BARLOW MILWAUKIE Coun. Doris Voutrin (Rep.) Coun. Esther Tindall (Alt.) CANBY MOLALLA Mayor Paul Roth (Rep.) Mr. Leonard Taylor (Alt.) ESTACADA OREGON CITY Coun. Eugene Harper (Rep.) Coun. Robert Halladay GLADSTONE RIVERGROVE Coun. Cheri Sutton (Rep.) Coun. Leslie Rinehart (Alt.) HAPPY VALLEY SANDY Mayor James Robnett (Rep.) Coun. Don Stuck JOHNSON CITY WEST LINN Coun. William Reinmiller (Rep.) Mayor Leroy Glahn (Alt.) LAKE OSWEGO WILSONVILLE Coun. Corky Kirkpatrick (Rep.) Coun. Duane Lafferty (Alt.) MULTNOMAH COUNTY Comm. Mel Gordon (Rep.) Comm. Dennis Buchanan (Alt.) MULTNOMAH COUNTY CITIES FAIRVIEW PORTLAND Coun. Gladys Treadway (Rep.) Coun. Wesley Eckelman (Alt.) GRESHAM TROUTDALE Coun. Charles Becker (Rep.) Mayor Al Myers (Alt.) MAYWOOD PARK

Mayor Werner Zeller (Rep.) (Alt.) Coun. Joy Burgess (Rep.) Coun. Jerry Hutchinson (Alt.)

Coun. Duane Wagner (Rep.) Coun. Kenneth Ronnow (Alt.)

Coun. James McKnight (Rep.) Mayor Glen Parrott (Alt.)

Mayor John C. Nelson (Rep.) Coun. Lawrence Morrison (Alt.)

Coun. Vern Richards (Rep.) Mayor Melvin Haneberg (Alt.)

# Mayor Alan Brickley (Rep.) Coun. Robert Bourn (Alt.)

Mayor Phil Balsiger (Rep.) Coun. Maury Conway (Alt.)

Mayor Neil Goldschmidt (Rep.) Comm. Mildred Schwab (Alt.)

Mayor R. M. Sturges (Rep.) Coun. George Phoenix, Jr. (Alt.)

# WOOD VILLAGE

Mayor Bruce Boldt (Rep.) Coun. Warren Powell (Alt.)

# WASHINGTON COUNTY

Comm. Ray Miller (Rep.) Comm. Mike Shepherd (Alt.)

#### WASHINGTON COUNTY CITIES

#### BANKS

Coun. Howard Steinbach (Rep.) Coun. Kay Wolf (Alt.)

#### BEAVERTON

Mayor David McBride (Rep.) Coun. William Zenger (Alt.)

#### CORNELIUS

Coun. James Larkins (Rep.) Coun. Dean Matson (Alt.)

#### DURHAM

Coun. William Gilham (Rep.) Coun. John Sattler (Alt.)

#### FOREST GROVE

Mayor Eldon Cain (Rep.) Coun. Arthur Schauermann (Alt.)

#### GASTON

Mayor Wade Meadows (Rep.) (Alt.)

# HILLSBORO

Mayor Miller M. Duris (Rep.) Coun. Jack Seabold (Alt.)

# KING CITY

Jean Young (Rep.) James McKinlay (Alt.)

# NORTH PLAINS

Mayor Eugenie James (Rep.) Coun. Clyde Riley (Alt.)

#### SHERWOOD

Coun. Norman Wischert (Rep.) Mayor Jack O. Harper (Alt.)

#### TIGARD

Mayor Wilbur Bishop (Rep.) Coun. Ralph Barkhurst (Alt.)

#### TUALATIN

Coun. James Enger (Rep.) Coun. Wallace Nelson (Alt.)

# ASSOCIATE MEMBERS

# CLARK COUNTY Comm. Dean Cole (Rep.) Comm. Dick Granger (Alt.)

#### CLARK COUNTY CITIES

VANCOUVER

Mayor Jim Gallagher (Rep.) Coun. Rose Besserman (Alt.)

#### COLUMBIA COUNTY CITIES

COLUMBIA CITY Coun. Clark Merwin (Rep.) Mayor Robert King (Alt.)

ST. HELENS

Mr. Charles Brownlow (Rep.) Mayor Rod Norwood (Alt.)

#### CAMAS

Coun. Joe Walker (Rep.) Coun. Tom Meyers (Alt.)

#### SCAPPOOSE

Coun. Stan Pintarich (Rep.) Coun. John Barcevic (Alt.)

#### OTHER ASSOCIATE MEMBERS

## STATE OF OREGON

# TRI-MET

Mr. Robert Burco (Rep.) Mr. William Young (Alt.)

STATE OF WASHINGTON (Dept. of Hwys) Julia Butler Hansen (Rep.) Richard Carroll (Alt.)

In Geral In Hershal Tall In Hershal Tall In OF PORTLAND In Lloyd Anderson (Rep.) In Clifford Hudsick (Alt.) PORT OF PORTLAND

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