

BEFORE THE METRO COUNCIL

AMENDING METRO CODE SECTIONS	)	Ordinance No. 07-1164 <sup>A</sup>
2.01.010, <del>2.15.025</del> , <del>AND</del> 2.20.030, <del>6.01.050</del>	)	
AND REPEALING METRO CODE SECTION	)	Introduced by Michael Jordan, Chief Operating
2.01.200 TO REQUIRE METRO'S CHIEF	)	Officer, with the concurrence of David Bragdon,
OPERATING OFFICER TO PREPARE AND	)	Council President
SUBMIT THE METRO BUDGET	)	

WHEREAS, Metro Code Section 2.01.010 requires the Metro Council President to serve as the district budget officer and to submit the budget to the Council; and

WHEREAS, Metro Code Section 2.01.200 requires the Metro Council President to submit the proposed budget not later than April 15<sup>th</sup> of each year; and

WHEREAS, pursuant to Metro Code 2.20.030, the Chief Operating Officer is responsible for the proper administration of all affairs of Metro, including the administration of financial matters; and

WHEREAS, it is appropriate to delegate to the Chief Operating Officer the full authority to carry out his duties as Metro's chief administrative officer; and

WHEREAS, the Metro Council desires to delegate to the Chief Operating Office the authority to develop and submit the proposed budget to the Metro Council, together with a message describing its features; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

**SECTION 1.** Metro Code section 2.01.010 is amended as follows:

(a) Council President. The Council President is elected by the voters of the region as provided for in the Charter. The Council President has the power and duties described in the Charter.

(b) The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Deputy for the ensuing year. The affirmative vote of the majority of the Council is required to elect the Deputy. The Council may also adopt a resolution establishing such committees as the Council deems necessary for the orderly conduct of Council business. Committee members and committee chairs shall be appointed by the Council President subject to confirmation by the Council by resolution.

(c) The Council President will preside at all meetings of the Council and will preserve order and decorum. The Council President is authorized to sign all documents memorializing Council's action on behalf of the Council. The Council President will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of Council President for the purpose of making such motion.

(d) The Deputy shall be the acting Council President in the temporary absence or incapacity of the Council President, and will have the authority and perform the duties of the Council President but shall not receive the salary of the Council President. In the event a vacancy exists in the office of the

Council President, the Deputy shall serve as the Acting Council President until a new Council President is elected or appointed pursuant to Metro Code Chapter 9.01. The Acting Council President shall not receive the salary of the Council President.

(e) In the absence or incapacity of the Council President and the Deputy, the Council President may designate a Councilor to act as the Temporary Council President.

~~(f) The Council President shall serve as the district budget officer and shall submit the budget to the Council, together with a message describing the important features of the proposed budget.~~

**SECTION 2.** Metro Code section 2.01.200 is repealed.

**SECTION 3.** Metro Code Chapter 2.15 is amended to add the following Metro Code Section 2.15.025:

2.15.025 Procedure for Submission of Metro Auditor's Budget

The Auditor shall transmit the proposed budget for the Office of the Auditor to the Metro Chief Operating Officer at the same time that Metro departments do so. The Chief Operating Officer shall review the submitted budget and submit the Auditor's proposed budget to the Council with the Chief Operating Officer's general budget submission to the Council, together with any recommendations the Chief Operating Officer may have for changes in the Auditor's proposed budget. The Chief Operating Officer shall include in the submitted budget the necessary cost allocation for providing services to the Auditor. The Auditor's budget shall be subject to review and approval by the Council, which shall make the final determination of cost allocations for any services provided.

**~~SECTION 3~~ 4.** Metro Code section 2.20.030 is amended as follows:

2.20.030 Power and Duties of the Chief Operating Officer

The Chief Operating Officer shall be the chief administrative officer of Metro, may head one or more departments, and shall be responsible to the Metro Council for the proper administration of all affairs of Metro. To that end, except as otherwise provided by Charter or ordinance, the Chief Operating Officer shall have the power and shall be required to:

(a) Appoint, supervise, discipline, or remove all officers and employees of Metro. The Chief Operating Officer may authorize the head of a department or office to appoint, supervise, discipline, or remove subordinates in such department or office.

~~(b) On behalf of the Council President, prepare the budget annually under the direction of the Council and be responsible for its administration after adoption.~~

(b) Serve as the district budget officer and accordingly prepare and submit to the Council a proposed annual budget, together with a message describing the important features of the proposed budget, and be responsible for the administration of the budget after its adoption by the Council.

(c) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of Metro for the preceding year.

(d) Keep the Metro Council advised of the financial condition and future needs of Metro, and make such recommendations as may be deemed desirable.

(e) Consolidate or combine offices, positions, departments, or units under the Chief Operating Officer's jurisdiction, with the approval of the Metro Council. The Chief Operating Officer may be the head of one or more departments.

(f) Devote full time to the discharge of all official duties.

(g) Perform such other duties as may be required by the Council, not inconsistent with Metro Charter, law, or Ordinances.

**SECTION 5** Metro Code section 6.01.050 is amended as follows:

6.01.050 Budget and Accounts

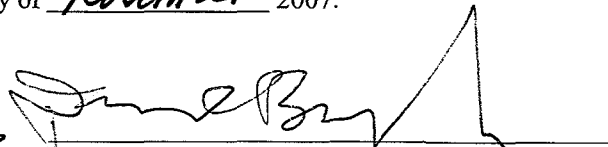
(a) General Requirements. The commission accounts shall be kept in conformity with generally accepted accounting practices and in accordance with the local budget law, provided that the local budget law shall control in the event of a conflict with generally accepted accounting practices, and the accounts shall be audited yearly at the same time and by the same auditor as are Metro's accounts.

(b) Procedure for Commission Approval of Proposed Budget. The commission annually shall prepare a proposed budget and shall approve the proposed budget by duly adopted resolution. The commission's deliberations and actions on its budget, including any work sessions or subcommittee sessions, shall be conducted as public meetings as required by the Oregon statutes governing public meetings. Prior to approving any proposed budget, the commission shall provide a reasonable opportunity for interested persons to testify and make their views known with respect to the proposed budget. The commission shall include in its budget necessary cost allocations for services provided by Metro as recommended by the ~~Council President~~ Chief Operating Officer.

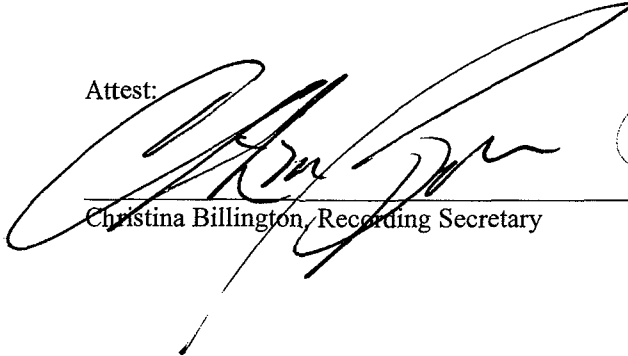
(c) Procedure for Submission of Commission Budget to Metro. The commission shall transmit its proposed budget to the Metro ~~Council President~~ Chief Operating Officer at the same time that Metro departments do so. The ~~Council President~~ Chief Operating Officer shall review the submitted budget and submit the commission's proposed budget to the Council with the ~~Council President~~ Chief Operating Officer's general budget submission to the Council, together with any recommendations the ~~Council President~~ Chief Operating Officer may have for changes in the commission's proposed budget. The ~~Council President~~ Chief Operating Officer shall include in the submitted budget the necessary cost allocation for providing services to the commission. The commission's budget shall be subject to review and approval by the Council. The Council shall make the final determination of cost allocations for services provided by Metro.

(d) Content of Commission's Budget. To the maximum extent permitted by law, the commission's budget shall consist of one commission-wide series of appropriations in those categories which are required by local budget law, applicable to all buildings, facilities, and programs managed by the commission. Once the commission's budget has been adopted by the Council, any changes in the adopted appropriations not previously approved by the Council must be ratified in advance by the Council.

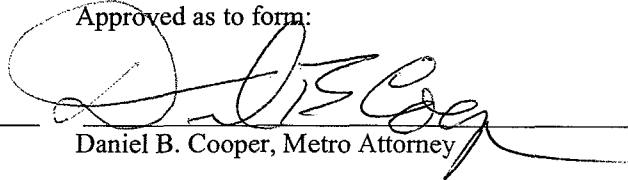
ADOPTED by the Metro Council this 1st day of November 2007.

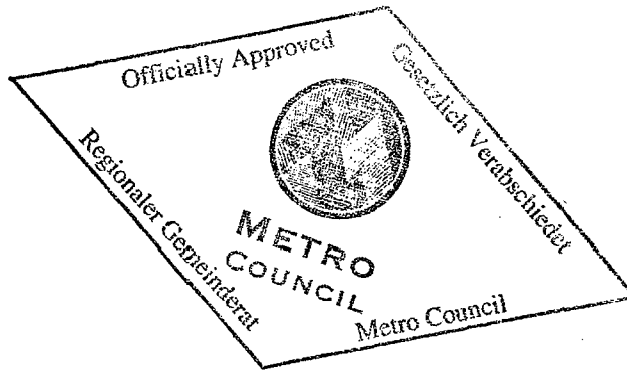
  
David Bragdon, Council President

Attest:

  
Christina Billington, Recording Secretary

Approved as to form:

  
Daniel B. Cooper, Metro Attorney



BEFORE THE METRO COUNCIL

AMENDING METRO CODE SECTIONS )	Ordinance No. 07-1164
2.01.010 AND 2.20.030 AND REPEALING )	
METRO CODE SECTION 2.01.200 TO )	Introduced by Michael Jordan, Chief
REQUIRE METRO'S CHIEF OPERATING )	Operating Officer, with the concurrence of
OFFICER TO PREPARE AND SUBMIT THE )	David Bragdon, Council President
METRO BUDGET )	

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(f) Devote full time to the discharge of all official duties.

(g) Perform such other duties as may be required by the Council, not inconsistent with Metro Charter, law, or Ordinances.

ADOPTED by the Metro Council this \_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO.07-1164, AMENDING METRO CODE SECTIONS 2.01.010 AND 2.20.030 AND REPEALING METRO CODE SECTION 2.01.200 TO REQUIRE METRO'S CHIEF OPERATING OFFICER TO PREPARE AND SUBMIT THE METRO BUDGET

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Date: September 24, 2007

Prepared by: Williams Stringer, Chief Financial Officer

## BACKGROUND

Oregon budget law requires:

**294.331 Budget officer.** The governing body of each municipal corporation shall, unless otherwise provided by county or city charter, designate one person to serve as budget officer. The budget officer, or the person or department designated by charter and acting as budget officer, shall prepare or supervise the preparation of the budget document. The budget officer shall act under the direction of the executive officer of the municipal corporation, or where no executive officer exists, under the direction of the governing body. [1963 c.576 §5]

Metro Code 2.01.010 currently assigns the duty of budget officer to the President of the Metro Council.

## ANALYSIS/INFORMATION

In discussions with the Council about the effectiveness of the budget process, the budget calendar, and the respective roles of the President and the Councilors, the Council has indicated its interest in assigning the legal function of budget officer to the Chief Administrative Officer. The proposed ordinance amends Metro Code to implement this directive. Further, it removes any reference to a specific date by which the proposed budget is issued. This date may vary from year to year, depending on what changes to the budget process and budget calendar are desired by the Council, but state and local deadlines are relatively prescriptive.

The Chief Operating Officer discussed a conceptual budget process with Council on September 17, 2007, that provides a series of discussions with the Council about program priorities prior to the issuing of a proposed budget.

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.331 (state budget law, designation of budget officer); Metro Code 1.01.003 (Code Revisions);



- 3. Anticipated Effects:** The proposed Code amendment meets the legal requirements for designation of budget officer. The conceptual budget process allows more opportunities for the Council to discuss its priorities and provide direction prior to the completion of a proposed budget.
- 4. Budget Impacts:** There is no financial impact to changing the designation of budget officer.

### **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of this Ordinance.