

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL/EXECUTIVE OFFICER INFORMAL MEETING
DATE: March 26, 2002
DAY: Tuesday
TIME: 2:00 PM
PLACE: Council Annex

CALL TO ORDER AND ROLL CALL

- I. UPCOMING LEGISLATION**
- II. TRANSITION ADVISORY REPORT AND RECOMMENDATIONS WORK SESSION**
- III. EXECUTIVE OFFICER COMMUNICATION**
- IV. COUNCILOR COMMUNICATIONS**

ADJOURN

METRO TRANSITION ADVISORY TASK FORCE
TRANSITION REPORT AND RECOMMENDATIONS

To: Mike Burton, Metro Executive Officer
Carl Hosticka, Presiding Officer
Metro Council

From: Metro Transition Advisory Task Force (MTATF)

Date: February 25, 2002

I. Introduction.

In November 2000, the voters approved Measure No. 26-10, which amended the Metro home rule charter to change the Metro governing structure. Under the 1992 Metro Charter, Metro has been governed by an elected Executive Officer and a seven-member Council elected by District. This structure essentially continued Metro's previous statutory structure, except that the 1992 Charter reduced the number of councilors from thirteen to seven. The current structure is modeled after the state government: The Executive Officer is the chief administrator of the organization and has limited veto powers, similar to the governor, while legislative and policy authority resides in the Metro Council, governed by a Presiding Officer selected by the members, similar to the legislature.

There has long been a concern that this structure causes unnecessary friction between the Council and the Executive Officer, complicating Metro's ability to move forward and to speak with one voice. In the summer of 2000, the Executive Officer and the Council proposed changing this structure and appointed former Governor Barbara Roberts to conduct a public process on whether the structure should be changed and how. Measure No. 26-10 resulted from this process.

Effective January 6, 2003, Metro will be governed by a seven-member Council, six elected by district, and one, the Council President, elected regionwide. The Executive Officer position is abolished and is replaced by a "Chief Operating Officer" ("COO") appointed by the Council President subject to confirmation by the Council. The new structure is similar to the elected council/professional manager form of government found in most cities and in Washington County. In addition, the general counsel position becomes a charter office entitled "Metro Attorney." The Metro Attorney is also appointed by the Council President, subject to confirmation by the Council.

As with a constitution, the purpose of a home rule charter is to establish the general governance structure, but not the details. In November 2001, the Executive Officer and Council created the Metro Transition Advisory Task Force ("MTATF") and charged it with developing a transition plan and recommendations to implement the new structure. The Council appointed

twelve members with significant experience at various levels of government and business.¹ This report is the culmination of that process. Unless stated otherwise, the following recommendations were consensus recommendations of the task force.

II. Summary of Recommendations.

A. Role and authority of the Council President vis-à-vis the Council.

- 1. Any two or more councilors should be able to compel the Council President to place an item on the agenda.**
- 2. Council confirmation should be required for all committee appointments.**
- 3. The full Council should be involved in all aspects of the selection and confirmation process for hiring the COO and the Metro Attorney.**
- 4. The full Council should be involved in a decision to terminate the COO or the Metro Attorney.**

B. Authority and duties of the COO.

- 1. The Council should adopt a modified version of the International City Managers Association ("ICMA") model council-manager ordinance and delegate full administrative authority over the organization to the COO.**
- 2. The Council and Executive Office staff should be combined into one unit reporting to and managed by the COO, but subject to Council participation in the assignment and review of individual staff members assigned to each councilor.**

C. Authority and duties of the Metro Attorney.

D. Transition.

- 1. The Council should adopt the necessary ordinance amendments immediately, to be effective January 6, 2003.**
- 2. The Council should decide on the projected staffing changes during the FY 02-03 Budget Process.**

¹ MTATF members are Jeff Alden, MTATF vice chair, former Managing Partner of Stoel Rives LLP; Gary Blackmer, current elected Auditor of the City of Portland and formerly Multnomah County Auditor; Jeffrey G. Condit, MTATF chair, an attorney with Miller Nash LLP and formerly Lake Oswego City Attorney and Benton County Counsel; Rob Drake, Mayor of Beaverton; Rick Gustafson, vice president, Shiels Oblatz Johnsen, the first Metro Executive Officer and former legislator; Judie Hammerstad, Mayor of Lake Oswego and former Clackamas County Commissioner and legislator; J. W. (Matt) Hennessee, president/CEO of Quiktrak and former city manager and state executive; Larry Hilderbrand, former member of The Oregonian Editorial Board; Michael Jordan, chair of the Clackamas County Board of Commissioners and former Canby City Manager; Ted Kyle, chair of the Metro Committee for Citizen Involvement, program manager of the Clackamas County Water Environment Services and former West Linn city councilor; Donald McClave, president/CEO of the Portland Metropolitan Chamber of Commerce; and Felicia Trader, former executive director of the Portland Development Commission, former director of the Portland Department of Transportation, and former deputy Secretary of State.

3. **The Council should begin recruitment for the COO as soon as possible, subject to ensuring that the members of the 2003 Metro Council can participate in all of the key decisions during the process.**
4. **The COO and Metro Attorney should be hired on Contract.**
5. **The Council and the Executive Office should communicate frequently with staff during the transition as decisions are made and should appoint a staff person to be the contact person for staff questions.**

E. Other Recommendations.

1. **The Council should eliminate the Council standing committee structure.**
2. **The Council should formally review the success of the restructuring on a scheduled basis. The review should involve the Council President, the Council, the COO and the Department Directors.**
3. **Council charter committees such as MCCI and MPAC and other policy committees should report directly to the Council President and the Metro Council.**

III. Analysis of Recommendations.

A. Role and authority of the Council President vis-à-vis the Council.

The revised Charter generally provides that the Council President assumes the role currently performed by the Presiding Officer and effectively becomes a full-time position,² but is otherwise the first among equals. The Council President has greater political stature as the only member elected regionwide, and is granted a few limited additional powers not currently enjoyed by the Presiding Officer. MTATF has several recommendations to limit conflicts between the new Council President and the rest of the Council.

1. **Any two or more councilors should be able to compel the Council President to place an item on the agenda.**

Analysis: The new Charter provides that the Council President sets the agenda "subject to the general rules of the Council." Charter Section 16(4)(b). Generally those rules are set forth in Code Chapter 2.01. The new Charter clearly intends that the Council President have the same authority to preside over the Council as the current Presiding Officer. The Task Force was concerned that because the Council President will be elected regionwide and not by the Council, a conflict could arise if the rest of the Council perceives that the Council President is controlling Council business through the agenda-setting power. MTATF recommends amending Section 2.01.060 (b) to provide that the Council President be required to place an item on the agenda if so requested by two or more councilors. (Chapter 2.01 also requires conforming amendments to reflect the new structure.)

² Interestingly, nothing in the new charter requires the Council President to treat the position as a full-time job. The salary increase from two-thirds to the full salary of a circuit court judge suggests an expectation that the person elected will serve full time in the office.

2. Council confirmation should be required for all committee appointments.

Analysis: Charter Section 16(4)(b) states that the "Council President appoints all members of the committees, commissions and boards created by rules of the Council." General Counsel Dan Cooper informed the committee that the purpose of this section was not to eliminate Council confirmation authority, but rather to allow the Council to decide on a case-by-case basis whether to require confirmation. MTATF recommends that the members of all committees that report to the Council be subject to confirmation by the Council. It was the experience of several task force members that committees not subject to confirmation were either beholden to the person who appointed them or perceived to be beholden and were thus less effective.

3. The full Council should be involved in the selection and confirmation process for hiring the COO and the Metro Attorney.

Analysis: Charter Sections 26(1) and (2) provide that the Council President appoints the COO and the Metro Attorney "subject to confirmation by the Council." The Charter is silent about how much involvement the full Council should have in the selection process. Because it is critical that both appointed officers have the trust and support of the full Council, MTATF recommends that the full Council be involved in the entire process, from deciding on the job description, to screening the candidates, to final selection. The voters were told that one of the chief reasons for the change was to reduce the institutionalized level of friction that exists between the Executive Office and the Council. If the Council President were to exclude the rest of the Council from the selection process for these two most important Metro offices, conflict is likely to continue and the effectiveness of the appointed officers will be compromised. As a practical matter, if the Council's role is limited to voting up or down on the final candidate, the selection process is also likely to take much longer. MTATF recommends that Metro Code Title II, either in Chapter 2.01 or the chapters dealing with the COO and the Metro Attorney, be amended to provide for Council participation in the full process.

MTATF also recommends that the Council provide for meaningful staff participation in the selection process for at least the COO, perhaps by appointing a staff committee to interview the finalists and make recommendations to the Council.

4. The full Council should be involved in a decision to terminate the COO or the Metro Attorney.

Analysis: Charter Sections 26(1) and (2) provide that the COO and Metro Attorney "serve at the pleasure of the Council" and are "subject to removal by the Council President with concurrence of the Council." Dan Cooper clarified that the intent of this section was to provide that the COO and Metro Attorney were "at will" positions, but that a termination decision requires approval of both the Council President and a majority of the Council: No four councilors can vote to terminate the officer without the approval of the Council President and the Council President cannot terminate without getting three or more votes from the Council. The purpose of this language was to ensure that the appointed officers are responsive to both the Council President and the full Council, and to provide some protection to the appointed officers from precipitous removal due to the politics du jour. MTATF recommends that the full Council

be involved in the removal decision, but believes that this will necessarily occur by operation of Charter Section 26 without the need for any additional language in the Code.

B. Authority and duties of the COO.

The title "Chief Operating Officer" suggests that the COO will be the administrative head of Metro. The Explanatory Statement for Measure 26-10 told the voters that the COO will "undertake administrative functions that the Executive Officer now performs." Charter Section 26-1, however, requires the Council to create the office and "specifically establish" its duties and responsibilities by ordinance. Section 26(3) specifically empowers the Council to create other offices that do not report directly to the COO. The Charter therefore gives the Council significant discretion over how much administrative authority to delegate to the COO.

1. The Council should adopt a modified version of the International City Managers Association ("ICMA") model council-manager ordinance and delegate full administrative authority over the organization to the COO.

Analysis: MTATF believes that one of the chief benefits of the change is the ability for the Council to hire a professional manager to run the organization. MTATF recommends that all departments and staff, except for the offices of Metro Attorney and Auditor, be under the direction and control of the COO. (Council staffing produced some dissenting opinions and is specifically discussed below). Several Task Force members expressed some concern that transferring this much authority to the COO could result in an organization that was too staff driven, could create accountability problems, and could diminish the stature of the Council President. The Task Force agreed that none of us intend a structure where the COO is actually driving the policy of the region by controlling information or access to the Council. The majority of the members felt, however, that there are enough checks and balances in the structure to prevent this from happening, and that the administrative and operational benefits to the organization are worth giving full delegation a try. The majority felt that professional management will free the Council to focus on regional policy matters, and that the relative authority of the Council President and the Council over the COO would ensure a responsive government and maintain a cooperative balance of authority between the Council President and rest of the Council. The Committee also felt that having a full time Council President in the office would make it very difficult for a COO to effectively control information to the Council. Several members pointed to Washington County as an example because it is most similar to the new Metro structure: Washington County has a full-time chair elected countywide and four part-time Commissioners elected by district, but full administrative authority is vested by ordinance in the County Administrator. In spite of this delegation of authority, the Commission under current chair Tom Brian and former chair Bonnie Hayes has consistently and clearly been at the helm of the ship of state and the political authority of the Washington County Chair is unquestioned. Finally, because the powers of the COO are contained in ordinance, rather than in the Charter, any COO is going to be mindful of the fact that any abuse of power could subject the COO to the swift and permanent reduction of his or her authority. This is the Council's ultimate guarantee of authority.

MTATF also felt that vesting full administrative authority in the COO would reduce potential personnel problems and provide an important gatekeeping role between staff and the Council: The COO would assure that adequate staffing exists to support the varying needs of

each councilor, provide a more direct line of communication between staff and the Council than currently exists, and, at the same time, provide some protection to staff from excessive interference by individual councilors. These latter two issues were raised by staff as reported by Majorie Hamann and Mary Heffernan in their February 6, 2002, report.

MTATF went through the powers and duties list in the ICMA draft ordinance. Attachment A is a revised version of that ordinance drafted by Chair Condit reflecting those discussions, with commentary in footnotes. If, after implementation, this structure does not produce the outcome that we expect – a dynamic Council-driven organization moving forward with one voice – the Council can and should make mid-course corrections.

2. **The Council and Executive Office staff should be combined into one unit reporting to and managed by the COO, but subject to Council participation in the assignment and review of individual staff members assigned to each councilor.**

Analysis: Who should be responsible for managing Council staff was the most debated issue MTATF addressed, and one of the few issues where we did not reach consensus. Everyone agreed that the Council's and COO's need for staffing would not necessarily change significantly under the new structure. The Council will continue to need support staff to handle constituent matters and document preparation, the Council President is likely to need more support than the Presiding Officer, and the COO will need a similar level of staffing as the Executive Officer. The majority of MTATF felt that merging staff under the COO was the most effective way to provide these services. The majority believes that this is the best method to eliminate duplicative positions as the voters were promised, provide for effective professional management, enable the most efficient allocation of staff resources, and eliminate the "us" versus "them" mentality noted in the Hamann/Heffernan Report.

Dissenting members expressed concern about whether councilors could count on the support and the loyalty of staff assigned to them by the COO. Everyone agreed that the ability of councilors to rely on their staff was important, and the majority suggested that the councilors be involved with the assignment of staff to them and the performance evaluation of that staff member. The majority felt that the authority of the Council President and the Council over the COO, together with a councilor's involvement in the assignment and evaluation of staff members assigned to him or her, would ensure responsive and responsible staff. The majority felt that giving each Councilor his or her own staff position to hire and fire would not be efficient based on Councilor testimony that the level of individual support needed varied widely from councilor to councilor, could create staff resentment, could result in cronyism, and could create avoidable personnel and other legal problems.

One member felt that the Council President should hire, fire, and manage Council staff. He believed that this would give the Council President additional stature and provide a needed independence from the COO. The majority was concerned that this was a recipe for conflict between the Council President and the Council, and could create even greater loyalty issues with the regard to the rest of the Council. Moreover, it could create conflict and loyalty issues between staff managed by the Council President and staff managed by the COO. Finally, it would reduce the flexibility of the COO to alter staffing levels as needed to respond to

permanent or periodic fluctuations in the workloads of individual councilors and of the Council as a whole.

The Hamann/Heffernan Report indicates that the entire organization is ready and wants to become the "Council's staff" under the Council's chief staffer, the COO. The majority of MTATF believes that the Council should give the recommended structure a chance to work. We believe that it will be perceived as a significant vote of confidence by the Metro staff. If it doesn't prove effective, it can be changed.

With respect to the assignment of staff to individual councilors, MTATF recommends that the Council consider the model used by most professional firms for the assignment of secretarial support to professional service providers. This model has been successfully utilized by both law firms and accounting firms throughout the country. The significant aspects of the model would be: (1) each councilor would be assigned a portion of the time of a specific staff member; (2) each councilor would have the right to approve the staff member(s) assigned to him or her; (3) staff members assigned to each councilor might also be assigned to one or more other councilors (which recognizes the fact that different councilors may have different permanent or periodic needs for staff support depending on each councilor's specific workload); (4) staff members whose workload permits them to take on additional work would be expected to assist other staff members who have too much work (such "backup" responsibilities are formally assigned by many professional service firms); (5) if a councilor is dissatisfied with either the performance of or working relationship with a staff member assigned to him or her, the COO (or designee) would work with the staff member and councilor to determine if the problem can be rectified and, if not, would assign a new staff member to the councilor; and (6) each councilor would participate in the periodic formal review process of each staff member who has performed work for him or her during the evaluation period. This model would assure adequate staffing for the needs of individual councilors, avoid overstaffing, provide flexibility for transient staffing needs, and assure that councilors had staff who were loyal and responsive to the councilor's individual needs.

Each councilor currently has an expense account that has been used in the past to contract with a consultant to do some specialized research when the councilor perceived that he or she could not get support for such research from a majority of the Council. The MTATF recommends that this opportunity continue so that councilors in the minority have a significant but limited ability to independently develop information to support their proposals.

C. Authority and duties of the Metro Attorney.

The Metro General Counsel's office is neither an executive nor a Council office under the current structure. Chapter 2.08 provides that the general counsel be appointed by the Executive Officer subject to confirmation by the Council, and can be removed either by the Executive Officer or by majority vote of the Council. Chapter 2.08 can simply be amended to change the title of the office to Metro Attorney and alter the appointment and removal process, and otherwise can remain the same.

D. Transition.

- 1. The Council should adopt the necessary ordinance amendments immediately, to be effective January 6, 2003.**

Analysis: The Hamann/Heffernan Report indicates a substantial amount of staff fear and uncertainty about the future. For this reason, and because it will be necessary in order to begin recruitment of the COO, MTATF recommends that the Metro Council adopt the necessary Code amendments to implement the new structure as soon as possible. The effective date can be delayed until January 6, 2003, but adopting the changes now will provide certainty and give departments and staff enough time to plan for the change. It will also provide certainty to candidates for COO, which will aid the recruitment process.

- 2. The Council should decide on the projected staffing changes during the FY 02-03 Budget Process.**

Analysis: MTATF did not believe that we should try to determine what positions should be eliminated or what staffing levels should be assigned under the recommended combined COO/Council staff regime, but we recommend that the Council address this issue in the budget process. This will be necessary in order to ensure that sufficient funding will be available and will give staff whose positions may be eliminated or changed six months to make decisions. It will also give time for the Council and the Executive Officer to address some of the potential changes through attrition or transfer.

- 3. The Council should begin recruitment for the COO as soon as possible, subject to ensuring that the members of the 2003 Metro Council can participate in all of the key decisions during the process.**

Analysis: MTATF agreed that, ideally, the new COO should start work as close to January 6, 2003, as possible. But we also agreed that it was even more important for the persons who will be serving as Council President and councilors in 2003 to participate in all of the key decisions leading up to appointment. Given current filing status, it is possible that the races could all be decided in May. If so, then the process should begin immediately thereafter. Certain steps can begin earlier, such as enacting the COO ordinance, drafting a position description based on the ordinance, doing a compensation study, hiring a recruitment firm (if the Council so chooses), advertising, and even doing an initial screening. A secondary screening, selection and interviewing of finalists, and selection of a tentative COO needs to be done by the members of the 2003 Council and most particularly by the Council President-elect. The COO cannot be formally appointed until after the Council President and new Council takes office. If there is a necessary delay past January 6, 2003, the Counsel should appoint an acting COO until the permanent COO can take office.

- 4. The COO and Metro Attorney should be hired on Contract.**

Analysis: Both the COO and Metro Attorney serve at the pleasure of the Council and so should be hired on contract, which is becoming the most typical method for hiring city managers. Such contracts are typically for an indefinite term and provide for termination at will, terms and conditions of employment, and severance.

5. **The Council and the Executive Office should communicate frequently with staff during the transition as decisions are made and should appoint a staff person to be the contact person for staff questions.**

Analysis: One of the core issues identified in the Hamann/Heffernan Report was the need to actively involve staff in the transition by clearly communicating the decisions, the timelines, and the process. MTATF recommends that the Council and Executive Officer implement all of the suggestions in Attachment B to the Hamann/Heffernan Report.

E. Other Recommendations.

1. **The Council should eliminate the Council standing committee structure.**

Analysis: As of January 6, 2003, the last vestiges of the legislative model will disappear. The Council standing committee structure was necessary to get any work done when there were thirteen Metro councilors. With a seven-member Council, many have criticized the committee structure as needlessly delaying decisions and creating unnecessary staffing expense. Since doling out committee memberships and chairships will no longer be needed as the primary coin for election as presiding officer, MTATF recommends that the Council abolish all standing committees and meet as a Council of the whole. If there is need for a greater level of process, the Council can hold informal sessions or workshops to get input. From time to time, certain projects or issues may arise that would benefit from the focused attention of a Council subcommittee; when this occurs, we recommend that the Council President appoint a Council task force with specific goals and a sunset date.

2. **The Council should formally review the success of the restructuring on a scheduled basis. The review should involve the Council President, the Council, the COO and the Department Directors.**

Analysis: Although MTATF did not agree on a specific time table, it did agree that a regular, scheduled review, not less than semiannually, should occur, at least during the first several years of the new structure to ensure that goals of the restructure have been met and/or to consider any mid-course corrections that should be made.

3. **Council charter committees such as MCCI and MPAC and other policy committees should report directly to the Council President and the Metro Council.**

Analysis: The Metro Policy Advisory Committee ("MPAC") and the Metro Committee for Citizen Involvement ("MCCI") are Metro Charter standing advisory committees. Currently these committees report to both the Executive Officer and to the Metro Council. MPAC is staffed by the Executive Office and MCCI is staffed by the Council Office. MTATF recommends that these two committees (and any policy advisory committees) report directly to the Council President and Metro Council, and that staffing be provided by the combined central administrative staff as described in Section III.B.2.

IV. Conclusion

The members of MTATF appreciate the opportunity to serve and wish the organization all success during the transition.

ATTACHMENT A

DRAFT METRO CODE AMENDMENT ESTABLISHING OFFICE OF CHIEF OPERATING OFFICER, BASED ON ICMA MODEL COUNCIL/MANAGER ORDINANCE

CHAPTER 2.20

CHIEF OPERATING OFFICER

2.20.010 Creation of Office.

The office of ~~city manager~~ Chief Operating Officer is hereby created pursuant to Metro Charter Chapter V, Section 26.

2.20.020 Appointment of City Manager and Removal.

(a) ~~The city manager~~ Chief Operating Officer shall be appointed by majority vote of the city council for an indefinite term by the Council President subject to confirmation by the Council. The Council President shall involve the Council in all aspects of the hiring process.¹ The ~~manager~~ Chief Operating Officer shall be chosen by the council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth in this Chapter. At the time of this appointment, the appointee need not be a resident of the city Metro or the state, but during the ~~manager~~ Chief Operating Officer's tenure of office, shall reside within ~~the city~~ Metro's corporate boundaries.² No Council member shall receive such appointment during the term for which the Council member shall have been elected nor within one year after the expiration of the Council member's term.

(b) The Chief Operating Officer serves at the pleasure of the Council and is subject to removal by the Council President with the concurrence of the Council. ~~The city council may remove the city manager at any time by a majority vote of its members. If requested, a public hearing shall be granted by the council within 30 days following notice of removal. During the interim, the council may suspend the manager from duty, but shall continue the manager's salary and, if the removal becomes final, shall pay said salary for six calendar months following final removal date.~~³

2.20.030 Power and Duties of the City Manager Chief Operating Officer.

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

¹ See recommendation III.A.3, above.

² A residency requirement may be unnecessary given the size of the region.

³ I deleted the existing language because a public hearing requirement is unnecessary. The Council is required by the Public Meetings Law to vote to terminate in a public session. ORS 192.600 et seq. The Council may discuss the termination in executive session, but the COO has the right to require the Council to hold such discussions in public session. See ORS 192.660(1)(b). Although a six-month severance package is fairly standard, this should be negotiated as part of the contract.

(a) ~~Appoint, and, when necessary for the good of the service, suspend supervise, discipline, or remove all officers and employees of Metro, the city except as otherwise provided by the city charter or law. The city manager~~ Chief Operating Officer may authorize the head of a department or office to appoint, ~~suspend~~ supervise, discipline, or remove subordinates in such department or office.

(b) Prepare the budget annually and submit it to the Metro eCouncil together with a message describing the important features and be responsible for its administration after adoption.

(c) Prepare and submit to the eCouncil as of the end of the fiscal year a complete report on the finances and administrative activities of the city eCouncil for the preceding year.⁴

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

(d) Recommend to the governing body Metro Council a standard schedule of pay for each appointed office and position in city Metro service, including minimum, intermediate, and maximum rates.

(f) Recommend to the governing body (from time to time), Metro Council adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the community region or for the improvement of administrative services.

(g) Direct and supervise the administration of all departments, offices, and agencies of the city Metro, except for the offices of Metro Auditor and Metro Attorney. as otherwise provided by this charter or by law.

(h) Consolidate or combine offices, positions, departments, or units under his/her the Chief Operating Officer's jurisdiction, with the approval of the city Metro eCouncil. The city manager Chief Operating Officer may be the head of one or more departments.

(i) Attend all meetings of the city Metro eCouncil unless excused there from by the Council President, and may take part in the discussion of all matters coming before the eCouncil. The manager Chief Operating Officer shall be entitled to notice of all regular and special meetings of the eCouncil.

(j) Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget; and let contracts necessary for operation or maintenance of the city Metro services pursuant to Metro Code Title II Chapter 2.04 (Metro Contract Policies), for amounts up to and including \$ _____, receive sealed bids for the purchases or contracts in excess of \$ _____ and present them to the council.

(k) Shall, after authorization from the Council, conduct all aspects of real property transactions on behalf of the Metro Council.

(l) See Work with the Metro Attorney to ensure that all laws and ordinances are duly enforced.

(m) Investigate the affairs of the city Metro or any Metro department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the

⁴ I deleted this requirement because this is the function of the Metro Auditor and is otherwise required by the Municipal Audit Law, ORS Chapter 297.

cityMetro and in regard to Metro services maintained by the public utilities in the city, and see that all franchises, permits, and privileges granted by the cityMetro are faithfully observed.

_____ (n) Devote his/her entire ~~full~~ time to the discharge of all official duties.

_____ (o) Perform such other duties as may be required by the eCouncil, not inconsistent with the cityMetro eCharter, law, or eOrdinances.

2.20.040 Council Not to Interfere with Appointments or Removals.

Neither the eCouncil nor any of its members shall direct or request the appointment of any person to, or removal from, office by the ~~city manager~~Chief Operating Officer or any of the ~~manager's~~Chief Operating Officer's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the cityMetro. Nothing in this section shall prevent the Council President or individual councilors from participating with the Chief Operating Officer in the assignment and performance review of Council staff. The Metro Council shall direct staff resources through the Chief Operating Officer. Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

2.20.050 Emergencies.

In case of accident, disaster, or other circumstance creating a public emergency, the ~~city manager~~Chief Operating Officer may award contracts and make purchases for the purpose of meeting ~~said the~~ emergency; but the ~~manager~~Chief Operating Officer shall file promptly with the eCouncil a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

2.20.060 Bond.

The ~~city manager~~Chief Operating Officer shall furnish a surety bond to be approved by the eCouncil, said bond to be conditioned on the faithful performance of all the ~~manager's~~Chief Operating Officer's duties. The premium of the bond shall be paid by the cityMetro.⁵

2.20.070 Compensation.

The ~~city manager~~Chief Operating Officer shall receive such compensation as the eCouncil shall fix from time to time by ~~ordinance or resolution~~contract.

2.20.080 Vacancy.

Any vacancy in the office of the ~~city manager~~Chief Operating Officer shall be filled with all due speed. During any vacancy or incapacity, the Council President may appoint an acting Chief Operating Officer subject to confirmation by the Council. within 60 days after the effective date of such vacancy.

⁵ Such a bond may not be necessary given the Tort Claims Act requirement of local governments to defend and indemnify their officers, agents, and employees. Metro should check with its insurance provider to determine whether a bond is necessary.

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TATF Recommendation Summary and Possible Timeline

RECOMMENDATIONS	Apr 1-5	Apr 8-12	Apr 15-19	Apr 22-26	Apr 29-May 3	May 6-10	May 13-17	May 20-24	May 27-31	Jun 3-7	Jun 10-14	Jun 17-21	Jun 24-28
Role and authority of the Council President													
Any two or more councilors should be able to compel the Council President to place an item on the agenda.			<u>ORD</u> 1st read, Council	Gov't Affairs	<u>ORD</u> 2nd read, Council								
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The Council should adopt a modified version of the International City Managers Association ("ICMA") model council-manager ordinance and delegate full administrative authority over the organization to the COO.	<u>ORD</u> 1st read, Council	Gov't Affairs	<u>ORD</u> 2nd read, Council										
The Council and Executive Office staff should be combined into one unit reporting to and managed by the COO, but subject to Council participation in the assignment and review of individual staff members assigned to each councilor.	This recommendation is addressed under "Transition", deciding upon staffing structure												
Authority and duties of the Metro Attorney													
			<u>ORD</u> 1st read, Council	Gov't Affairs	<u>ORD</u> 2nd read, Council								
Transition.													
The Council should decide on the projected staffing changes during the FY 02-03 Budget Process.	Preparation of Preliminary models			1st review Gov't Affairs		2nd review Gov't Affairs		1st review B/F	Preparation of Budget Amendment	2nd review B/F	Council approval of Budget & amend- ment		

TATF Recommendation Summary and Possible Timeline

RECOMMENDATIONS	Apr 1-5	Apr 8-12	Apr 15-19	Apr 22-26	Apr 29-May 3	May 6-10	May 13-17	May 20-24	May 27-31	Jun 3-7	Jun 10-14	Jun 17-21	Jun 24-28
The Council should begin recruitment for the COO as soon as possible, subject to ensuring that the members of the 2003 Metro Council can participate in all of the key decisions during the process	Staff preparation of RFP for recruiting firm for Council consideration		<u>RES</u> approve RFP	Issue RFP					Review applications; select firms for interview		Interview and select recruiting firm		Begin recruitment for COO
The COO and Metro Attorney should be hired on Contract	Contracts to be drafted for Council President and Council approval prior to January 3, 2003; contracts to be implemented after January 3, 2003.												
The Council and the Executive Office should communicate frequently with staff during the transition as decisions are made and should appoint a staff person to be the contact person for staff questions.	Presiding Officer and Executive Officer to agree on, and implement, an internal/external Transition-related communications plan												
Other Recommendations													
The Council should eliminate the Council standing committee structure													
The Council should formally review the success of the restructuring on a scheduled basis. The review should involve the Council President, the Council, the COO and the Department Directors.													
Council charter committees such as MCCI and MPAC and other policy committees should report directly to the Council President and the Metro Council.			<u>ORD</u> 1st read, Council	Gov't Affairs	<u>ORD</u> 2nd read, Council								

Other Issues or Concerns to be Addressed: Code and policy review, budget process, restructuring/staffing, and communication/outreach.