

**A G E N D A**

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL/EXECUTIVE OFFICER INFORMAL MEETING  
DATE: June 11, 2002  
DAY: Tuesday  
TIME: 2:00 PM  
PLACE: Council Annex

**CALL TO ORDER AND ROLL CALL**

- I. UPCOMING LEGISLATION Donovan
- II. TRANSITION UPDATE Burkholder
- III. EXECUTIVE OFFICER COMMUNICATION Burton
- IV. COUNCILOR COMMUNICATIONS

**ADJOURN**

**TATF Recommendation Summary and Possible Timeline**

06/02cc-01

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 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 & amendment		
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												
<b>Other Recommendations</b>													
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.

**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
<b>Role and authority of the Council President</b>													
Any two or more councilors should be able to compel the Council President to place an item on the agenda.			ORD 1st read, Council	Gov't Affairs	ORD 2nd read, Council								
Council confirmation should be required for all committee appointments.													
The full Council should be involved in all aspects of the selection and confirmation process for hiring COO and Attorney.													
The full Council should be involved in a decision to terminate the COO or the Metro Attorney.													
<b>Authority and duties of the COO</b>													
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.	ORD 1st read, Council	Gov't Affairs	ORD 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												
<b>Authority and duties of the Metro Attorney</b>													
			ORD 1st read, Council	Gov't Affairs	ORD 2nd read, Council								
<b>Transition.</b>													

**COUNCILOR DAVID BRAGDON**

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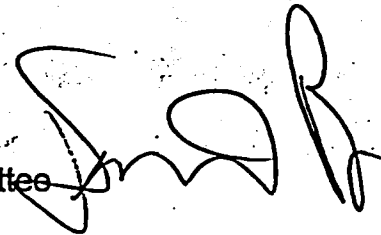
**METRO****M E M O R A N D U M**

**DATE:** May 30, 2002

**TO:** Carl Hosticka  
Presiding Officer, Metro Council

**FROM:** David Bragdon  
Chair, Government Affairs Committee

**SUBJECT:** RFP for COO Recruitment



Thank you for your memo of May 17 regarding the search for a Chief Operating Officer to fill the new administrative post to be created in January 2003. The Government Affairs Committee is now ready to move forward on this important institutional task and its related organizational consequences.

At our May 28 meeting the committee made progress on three Ordinances related to this matter, and gave staff instructions on further refinements that we developed through consensus of Councilors Monroe and Burkholder and myself. Additionally General Counsel Cooper is working on a companion resolution specifically pertaining to the RFP. I hope that we can bring all four items to Council as a comprehensive package by our June 27 Council meeting. In addition I can be prepared to informally summarize these four items at our June 11 informal, or meet individually with Councilors who prefer a briefing.

The four items are:

- Ordinance creating the COO position
- Ordinance creating the Metro Attorney position
- Ordinance updating code to reflect creation of Council President position in the charter amendment already approved by voters
- Resolution authorizing search for COO and RFP

Text for these agenda items should be ready shortly after Mr. Cooper's return the week of June 10, and should be subject to action at our committee shortly thereafter. My sense at our last meeting was that Councilors Monroe and Burkholder were both comfortable with the progress, and both contributed significantly to the drafts.

With regard to the search firm RFP and your memo of May 17, I agree with the general course you outlined, with some refinements I have given to Peggy, and would answer your questions as follows.

1. Since the Council will ultimately be the body confirming the nomination of the COO, and the COO will be responsible to the Council, it is appropriate that the Council and its designees be the body that takes the lead in shaping the search. The Council through its work plans delegated initial responsibility for this issue to the Government Affairs Committee and accordingly we have started work on it.
2. Because there may be COO applicants from within the agency, and because existing staff may have a perceived conflict of interest in defining the search, it is more appropriate that one or more Councilors (and outside disinterested expertise) be deployed to screen the RFP responses. Existing staff should be used as a resource but should not be in the lead. This approach worked well with the Transition Task Force earlier in this process.
3. Similarly, I believe the Council (or a designated Councilor working with the consensus of the other Councilors) needs to make the decision regarding retention of a firm. You have contracting authority as Presiding Officer and I would support you using it, in consultation with the Council. Again, it is the Council that needs to be ultimately satisfied with the outcome of the COO search process by confirming the Council President's nominee, and I believe the best way to assure that outcome is to have the Council start out comfortable at the beginning of the process.

The resolution that I will bring forward as part of this package in mid-June will reflect the above suggestions, and enable the Council to move forward efficiently as well as inclusively.

Thank you again for framing this issue and moving it forward.

CC: Metro Councilors  
Executive Officer Burton  
General Counsel Dan Cooper

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING A NEW ) Ordinance No. 02-942  
CHAPTER 2.20 TO THE METRO CODE )  
CREATING THE OFFICE OF CHIEF ) Introduced by Executive Officer Mike  
OPERATING OFFICER ) Burton and Presiding Officer Carl Hosticka  
) at the request of the Metro Transition  
) Advisory Task Force

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, require the Metro Council to create the offices of Chief Operating Officer and to define the duties and responsibilities of the Chief Operating Officer; and

WHEREAS, the Executive Officer and the Presiding Officer created a Metro Transition Advisory Task Force consisting of 12 members for the purpose of advising the Executive Officer and Council on issues related to the transition to the new charter provisions adopted in November 2000; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council create the Office of the Chief Operating Officer and describe the duties and responsibilities of the Chief Operating Officer as set forth in a recommended Metro Code Chapter and the Executive Officer and Presiding Officer recommend that the Metro Council implement this recommendation; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Office of Chief Operating Officer is created and the duties and responsibilities of the Chief Operating Officer shall be as described as set forth in Metro Code Chapter 2.20, attached hereto as Exhibit A.

2. The amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

**EXHIBIT A  
METRO CODE AMENDMENT CREATING THE  
OFFICE OF CHIEF OPERATING OFFICER**

**CHAPTER 2.20**

**CHIEF OPERATING OFFICER**

**[BECOMES EFFECTIVE JANUARY 6, 2003]**

SECTIONS	TITLE
2.20.010	Creation of Office
2.20.020	Appointment and Removal
2.20.030	Power and Duties of the Chief Operating Officer
2.20.040	Council Not to Interfere with Appointments or Removals
2.20.050	Emergencies
<del>2.20.060</del>	<del>Bond</del>
2.20.0670	Compensation
2.20.0780	Vacancy

**2.20.010 Creation of Office.**

The office of Chief Operating Officer is hereby created pursuant to Metro Charter, Section 26.

**2.20.020 Appointment and Removal.**

(a) The Chief Operating Officer shall be appointed by the Council President subject to confirmation by the Council by resolution. The Council President shall ~~involve~~ keep the Council informed in of all aspects of the hiring process. The Chief Operating Officer shall be chosen 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 set forth in this Chapter. At the time of appointment, the appointee need not be a resident of Metro or the state, but during the Chief Operating Officer's tenure of office, shall reside within Metro's corporate boundaries. 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 by resolution.

**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, pPrepare the budget annually under the direction of the Council and submit it to the Metro Council together with a message describing the important features and be responsible for its administration after adoption.

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

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

~~(g) Direct and supervise the administration of all departments, offices, and agencies of Metro.~~

(h) 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.

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

~~(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 Metro services pursuant to Metro Code Title II Chapter 2.04 (Metro Contract Policies).~~

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

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



~~(m) Investigate the affairs of Metro or any Metro department or division. Investigate all complaints in relation to matters concerning the administration of the government of Metro and in regard to Metro services, and see that all franchises, permits, and privileges granted by Metro are faithfully observed.~~

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

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

#### **2.20.040 Council Not to Interfere with Appointments or Removals.**

(a) Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the Chief Operating Officer or any of the 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 Metro.~~

(b) ~~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.~~

(c) ~~The Metro Council shall direct staff resources through the Chief Operating Officer.~~

#### **2.20.050 Emergencies.**

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

#### **2.20.060 Bond.**

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

#### **2.20.0670 Compensation.**

The Chief Operating Officer shall receive such compensation as the Council shall fix from time to time by contract.

#### **2.20.0780 Vacancy.**

Any vacancy in the office of the 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 by resolution.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	Ordinance No. 02-953
CHAPTER 2.08 OF THE METRO	)	
CODE TO CREATE THE OFFICE OF	)	Introduced by the Council Governmental
METRO ATTORNEY	)	Affairs Committee at the request of the
	)	Metro Transition Advisory Task Force

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, require the Metro Council to create the office of Metro Attorney and to define the duties and responsibilities of the Metro Attorney; and

WHEREAS, the Executive Officer and the Presiding Officer created a Metro Transition Advisory Task Force consisting of 12 members for the purpose of advising the Executive Officer and Council on issues related to the transition to the new charter provisions adopted in November 2000; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of Metro Code Chapter 2.08 Office of General Counsel to conform to the creation of the office of the Metro Attorney, as provided for in Section 26 (2) of the newly created Metro Charter; and

WHEREAS, the Executive Officer and Presiding Officer recommend that the Metro Council implement this recommendation; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The office of Metro Attorney is created and the duties and responsibilities of the Metro Attorney shall be as described as set forth in Metro Code Chapter 2.08, attached hereto as Exhibit A.
2. The amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

EXHIBIT A

METRO CODE AMENDMENT CREATING THE  
OFFICE OF METRO ATTORNEY

CHAPTER 2.08

OFFICE OF METRO ATTORNEY GENERAL COUNSEL

[BECOMES EFFECTIVE JANUARY 6, 2003]

SECTIONS	TITLE
2.08.010	<u>Creation of Office Purpose</u>
2.08.020	<u>Appointment and Removal</u> <del>General Counsel Office Created</del>
2.08.030	<u>Powers</u>
2.08.040	<u>Duties</u>
2.08.050	<u>Records</u>
2.08.060	<u>Attorney-Client Relationship</u>
2.08.070	<u>Employment of Outside <u>Legal</u> Counsel</u>
2.08.080	<u>Opinions</u>
2.08.090	<u>Compensation</u>
2.08.100	<u>Vacancy</u>

2.08.010 Creation of Office Purpose

(a) The office of Metro Attorney is hereby created pursuant to Metro Charter, Section 26 (2). The office of Metro Attorney shall include the Metro Attorney and such subordinate employees as the Council may provide. Subordinate attorneys shall serve at the pleasure of the Metro Attorney. The purpose of this chapter is to establish an Office of General Counsel to provide legal services to Metro.

(b) Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from office, by the Metro Attorney of any of the Metro Attorney's subordinate employees.

~~(b) There is hereby created an Office of General Counsel consisting of the general counsel and such subordinate employees as the Council may provide. Subordinate attorneys shall serve at the pleasure of the General Counsel. The General Counsel shall be appointed by the Council President subject to the confirmation of a majority of the members of the Council. The General Counsel may be removed by the Council President or by a vote of a majority of the members of the Council. In the event the Council President removes the General Counsel, the Council President shall report the occurrence to~~

~~the Council at the next regularly scheduled Council meeting. A decision to remove the General Counsel shall not be subject to review by any court or tribunal.~~

#### 2.08.020 Appointment and Removal General Counsel Office Created

(a) The Metro Attorney shall be appointed by the Council President subject to confirmation by the Council by resolution. The Council President shall keep the Council informed in all aspects of the hiring process. The Metro Attorney shall be chosen solely on the basis of legal ability and qualifications with special reference to actual experience in or knowledge of the duties of the office of the Metro Attorney. At the time of the Metro Attorney's appointment, and at all times while holding office, the Metro Attorney shall be an active member in good standing of the Oregon State Bar and authorized to practice law in the State of Oregon and the Federal District Court for Oregon. During the Metro Attorney's tenure of office the Metro Attorney shall reside within Metro's corporate boundaries.

(b) The Metro Attorney serves at the pleasure of the Council and is subject to removal by the Council President with the concurrence of the Council by resolution.

#### 2.08.030 Powers

The Metro Attorney general counsel shall have:

(a) General control and supervision of all civil actions and legal proceedings in which the district may be a party or may be interested.

(b) Full charge and control of all the legal business of all departments and commissions of the district, or of any office thereof, which requires the services of an attorney or counsel in order to protect the interests of the district. No district officer, board, council, commission, or department shall employ or be represented by any other counsel or attorney at law except as may be provided for in this chapter.

#### 2.08.040 Duties

The Metro Attorney general counsel shall have the following duties:

(a) Give legal advice and opinions orally and in writing and prepare documents and ordinances concerning any matter in which the district is interested in when requested by the Council, the ~~executive officer~~Chief Operating Officer, the Auditor, or any Metro commission.

(b) Review and approve as to form all written contracts, ordinances, resolutions, executive orders, bonds, or other legally binding instruments of the district;

(c) Except as provided by any insurance policy obtained by the district, appear for, represent, and defend the district, and its departments, officers, commissions and employees and other persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal matters except legal matters involving persons who after investigation by the office of Metro Attorney general-counsel, are found by the Metro Attorney general-counsel to have been acting outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty.

(d) Submit to the Council, ~~executive officer~~Chief Operating Officer and Auditor annually ~~quarterly~~ a formal report of all suits or actions in which the district is a party. The report shall state the name of each pending suit or action and a brief description of the suit or action and the status of the suit or action at the date of the report. The report shall also state the name of each suit or action closed during the preceding calendar year and a brief description of the suit or action and the disposition of the suit or action including the amount of any money paid by the ~~district~~District. At any time the Metro Attorney general-counsel shall at the request of the Council, the ~~executive officer~~Chief Operating Officer, or the Auditor, report on the status of any or all matters being handled by the Metro Attorney general-counsel.

(e) Appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding in any court or tribunal when requested by the Council, the ~~executive officer~~Chief Operating Officer, or any Metro commission when, in the discretion of the Metro Attorney general-counsel, the same may be necessary or advisable to protect the interests of the district.

#### 2.08.050 Records

(a) The Metro Attorney general-counsel shall have charge and custody of the office of the Metro Attorney general-counsel and of all legal papers pertaining thereto, which shall be arranged and indexed in such convenient and orderly manner as to be at all times readily accessible.

(b) The Metro Attorney general-counsel shall keep in the office a complete docket and set of pleadings of all suits, actions, or proceedings in which the district, the Council, the ~~executive officer~~ Chief Operating Officer, the Auditor, or any Metro commission or employee thereof is a party, pending in any court or tribunal, unless the suits, actions, or proceedings are conducted by outside private legal counsel retained by the district in which case the Metro Attorney general-counsel shall keep those records as the Metro Attorney general-counsel deems advisable.

(c) The Metro Attorney general-counsel shall keep and record all significant written opinions furnished to Metro and shall keep an index thereof; and shall keep a file including all opinions and correspondence of the office.

#### 2.08.060 Attorney-Client Relationship

The relationship between the office of the Metro Attorney general-counsel and Metro shall be an attorney-client relationship, with Metro being entitled to all benefits thereof. For the purpose of this chapter, Metro is recognized as a single entity whose elected officials and appointed officers and commissioners collectively perform and exercise Metro's duties and authority. The Metro Attorney general-counsel shall maintain a proper attorney-client relationship with the elected officials of the district so long as such officials are acting within the scope of their official powers, duties and responsibilities.

#### 2.08.070 Employment of Outside Legal Counsel

(a) When in the judgment of the Metro Attorney general-counsel the Metro Attorney general-counsel deems it necessary or appropriate to do so the Metro Attorney general-counsel may employ outside legal counsel on behalf of Metro to handle such matters as the Metro Attorney general-counsel deems advisable. Employment of outside legal counsel is subject to the general requirements of this chapter and Code Chapter 2.04 Metro Contract Policies.

(b) The Metro Attorney is authorized to waive on behalf of the district potential conflicts of interest of outside legal counsel retained by the district if the Metro Attorney determines the waiver to be in the district's interest.

(Ordinance No. 88-237, Sec. 1. Amended by Ordinance No. 95-601B, Sec. 1)

2.08.080 Opinions

(a) The Metro Attorney general counsel shall prepare formal written opinions regarding interpretations of federal and Oregon law, the Metro Charter, and Metro ordinances. These opinions shall be official guidance to the district except as superseded by courts of law, legislative action administrative rules, or actions of other superior tribunals or bodies. ~~Formal opinion requests may be made by any Metro elected official. All requests for opinions shall be in writing. Upon receipt of a written request for a formal opinion the Metro Attorney general counsel shall furnish a copy of the request to the executive officer~~Chief Operating Officer, the Auditor, and all members of the Council. Upon completion, copies of all formal opinions shall be furnished to the executive officerChief Operating Officer, the Auditor, and all members of the Council.

(b) Neither the ~~executive officer~~Chief Operating Officer nor any member of the Council shall directly or indirectly by suggestion or otherwise attempt to influence or coerce the Metro Attorney general counsel in the preparation of any requested opinion. The Metro Attorney general counsel shall not be removed because of the rendering of any opinion. Nothing in this section prohibits, however, the ~~executive officer~~Chief Operating Officer or the Council from fully and freely discussing with the Metro Attorney general counsel the legal affairs of Metro.

~~(Ordinance No. 90-347A, Sec. 2. Amended by Ordinance No. 95-601B, Sec. 1)~~

2.080.090 Compensation

The Metro Attorney shall receive such compensation as the Council shall fix from time to time by contract.

2.080.100 Vacancy

Any vacancy in the office of the Metro Attorney shall be filled with all due speed. During any vacancy or incapacity, the Council President may appoint an acting Metro Attorney subject to confirmation by the Council by resolution.

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## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 02-953, FOR THE PURPOSE OF AMENDING CHAPTER 2.08 OF THE METRO CODE TO CREATE THE OFFICE OF METRO ATTORNEY

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Date: May 31, 2002

Presented by: Council Governmental Affairs Committee

#### Background

The Metro Charter amendments approved by the voters at the 2000 general election require that the Council establish the Office of Metro Attorney and prescribe the duties and functions of the office prior to the January 6, 2003 effective date of the charter amendments. The Presiding Officer and Executive Officer established an advisory task force to make recommendations concerning the implementation of the charter amendments. An original draft ordinance was prepared to implement the task force recommendations relating to the Office of the Council President. This draft was reviewed by the Council Governmental Affairs Committee which made several amendments to the draft.

#### Analysis/Information

**Legal Background.** Provisions of the current Metro Code Chapter 2.08 create and outline the duties and functions of the existing Office of General Counsel. The chapter also establishes procedures for the appointment and removal of the General Counsel and the legal working relationship between the General Counsel and the Metro Executive Officer and the Metro Council. In addition to requiring the establishment of an Office of Metro Attorney, the charter amendments adopted in 2000 eliminated the elected Executive Officer position and require the creation of a Chief Operating Officer position. Thus, the legislation creating the Office of Metro Attorney also needs to remove references to the Executive Officer and establish a working relationship with the newly created Chief Operating Officer.

**Anticipated Effect.** The proposed ordinance uses the existing Metro Code Chapter 2.08 as the basis for creating the Office of Metro Attorney. The duties, functions and record keeping activities of the new Metro Attorney's office are identical to those of the current Office of General Counsel. The attorney-client relationship provisions of the existing Code also are retained. Technical changes to the chapter include the removal of references to the Executive Officer and the addition of references to the new Chief Operating Officer where appropriate. New provisions added to Chapter 2.08 include:

- 1) Specific reference to the creation of the Office of Metro Attorney under the provisions of Section 26(2) of the amended Metro Charter.
- 2) Provisions for the appointment and removal of the Metro Attorney by the Council President subject to confirmation or concurrence by resolution adopted by the full Council.
- 3) Provisions for filling a vacancy in the office of Metro Attorney including the appointment of an acting Metro Attorney.
- 4) Establishment of general job qualifications including state bar membership and residence within the boundaries of Metro.
- 5) Placing in the Code the historic authority of the General Counsel to waive potential conflicts of interest of outside legal counsel hired by Metro.

**Known Opposition.** None.

**Budget Impact.** None, other than minor costs associated with new stationary and business cards associated with the change in the title of the office.

**Recommended Action.** Council adoption of the proposed ordinance.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) Ordinance No. 02-954  
CHAPTER 2.01 OF THE METRO CODE )  
TO REFLECT THE CREATION OF THE ) Introduced by the Council Governmental  
OFFICE OF METRO COUNCIL PRESIDENT ) Affairs Committee at the request of the  
 ) Metro Transition Advisory Task Force

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, creates the Office of Council President and abolishes the Office of the Council Presiding Officer; and

WHEREAS, the Executive Officer and the Presiding Officer created a Metro Transition Advisory Task Force consisting of 12 members for the purpose of advising the Executive Officer and Council on issues related to the transition to the new charter provisions adopted in November 2000; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of the Metro Code relating to the Council President; and

WHEREAS, the Executive Officer and Presiding Officer recommend that the Metro Council implement this recommendation; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Code Chapter 2.01 provisions to reflect the creation of Office of the Metro Council President are amended as provided for and are attached as Exhibit A.
2. The amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

EXHIBIT A

METRO CODE AMENDMENT TO REFLECT THE  
CREATION OF THE OFFICE OF METRO COUNCIL PRESIDENT

CHAPTER 2.01

[BECOMES EFFECTIVE JANUARY 6, 2003]

2.01.010 Officers

(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.

(ba) The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Deputy presiding officer for the ensuing year. The newly elected presiding officer shall appoint at the same meeting a deputy presiding officer. The affirmative vote of the majority of the Council is required to elect the Deputy presiding officer. 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.

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

(c) The Deputy deputy presiding officer shall be the acting Council President presiding officer in the temporary absence or incapacity of the Council President presiding officer, and will have the authority and perform the duties of the Council President presiding officer but shall not receive the salary of the Council President presiding officer. In the event a vacancy exists in the office of the Council President presiding officer, the Deputy deputy presiding officer shall serve as the acting Acting Council President presiding officer until the council elects a new presiding officer until a new Council President is elected [or appointed] pursuant to Metro Code Chapter 9.01. An acting Acting Council President presiding officer shall not receive the salary of the Council President presiding officer.

(d) In the absence or incapacity of the Council President~~presiding officer~~ and the Deputy~~deputy presiding officer~~, the Council President~~presiding officer~~ may designate a Councilor to act as the Temporary Council President~~temporary presiding officer~~.

~~(e) The presiding officer may be removed by the council upon the affirmative vote of two-thirds of the members of the Council.~~

(e) 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.

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 02-954, FOR THE PURPOSE OF AMENDING CHAPTER 2.01 OF THE METRO CODE TO REFLECT THE CREATION OF THE OFFICE OF METRO COUNCIL PRESIDENT

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Date: May 31, 2002

Presented by: Council Governmental Affairs Committee

#### Background

The Metro Charter amendments approved by the voters at the 2000 general election created the Office of Council President and abolished the Office of Council Presiding Officer, effective January 6, 2003. The Presiding Officer and Executive Officer established an advisory task force to make recommendations concerning the implementation of the charter amendments. An original draft ordinance was prepared to implement the task force recommendations relating to the Office of the Council President. This draft was reviewed by the Council Governmental Affairs Committee which made several amendments to the draft.

#### Analysis/Information

**Legal Background.** Provisions of the current Metro Code Chapter 2.01 outline the annual selection process for the positions of Council Presiding Officer and the Deputy Presiding Officer and general roles and functions of these positions related to the conduct of Council business. The current code also provides that the deputy presiding officer shall serve as the presiding officer due to the absence or incapacity of the Presiding Officer and provides a procedure for the naming of a temporary presiding in the absence or incapacity of both the Presiding and Deputy Presiding Officer.

**Anticipated Effect.** The proposed ordinance uses the existing Metro Code Chapter 2.01 as the basis for implementing the charter amendment related to the Office of Council President. The ordinance recognizes the creation of Office of Council President under the provisions of the amended Metro Charter and that the charter also prescribes the general powers and duties of the office. The ordinance also would eliminate references to the Council Presiding Officer and replaces them with the new Office of Council President. In addition, the ordinance gives the Council discretionary authority to adopt a resolution establishing committee and gives the Council President the authority to appoint committee members and chairs subject to confirmation by the full Council.

The former deputy presiding officer position would be identified as the Deputy. The Deputy would be a councilor elected by a majority of the full Council at the first Council meeting of each calendar year. The ordinance also specifies that the provisions of Metro Code Chapter 9.01 would govern the selection of a new Council President in the event of a vacancy in that office. Because the Office of the Council President will be a regionally elected office, the current code provision which permitted the removal of the presiding officer by an affirmative vote of two-thirds of the Council would be repealed.

**Known Opposition.** None.

**Budget Impact.** None.

**Recommended Action.** Council adoption of the proposed ordinance.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) Ordinance No. 02-955  
CHAPTER 2.19 OF THE METRO CODE )  
TO CONFORM TO THE CHARTER ) Introduced by the Council Governmental  
AMENDMENTS ADOPTED ON ) Affairs Committee at the request of the  
NOVEMBER 7, 2000 ) Metro Transition Advisory Task Force

WHEREAS, on November 7, 2000, the electors of Metro approved Ballot Measure 26-10 amending the Metro Charter; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, creates the Office of Council President and abolishes the Office of the Council Presiding Officer, pursuant to Ordinance No. 02-955; and

WHEREAS, the Metro Charter amendments, adopted on November 7, 2000, require the Metro Council to create the offices of Chief Operating Officer and to define the duties and responsibilities of the Chief Operating Officer, pursuant to Ordinance No. 02-942; and

WHEREAS, the Executive Officer and the Presiding Officer created a Metro Transition Advisory Task Force consisting of 12 members for the purpose of advising the Executive Officer and Council on issues related to the transition to the new charter provisions adopted in November 2000; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of the Metro Code Chapter 2.19 relating to the Council President; and

WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of the Metro Code Chapter 2.19 relating to the Chief Operating Officer; and

WHEREAS, the Executive Officer and Presiding Officer recommend that the Metro Council implement this recommendation; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Code Chapter 2.19 provisions relating to the Office of the Council President and Chief Operating Officer are amended as provided for and are attached as Exhibit A.
2. The amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

Approved as to Form:

Attest:

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

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

EXHIBIT A

METRO CODE AMENDMENT TO CONFORM TO THE CHARTER  
AMENDMENTS ADOPTED ON NOVEMBER 7, 2000

CHAPTER 2.19

METRO ADVISORY COMMITTEES

[BECOMES EFFECTIVE JANUARY 6, 2003]

SECTIONS	TITLE
2.19.010	Purpose and Intent
2.19.020	Definitions
2.19.030	Membership of the Advisory Committees
2.19.040	Advisory Committee Purpose and Authority
2.19.050	Advisory Committee Bylaws
2.19.060	Task Forces
2.19.070	Status of All Advisory Committees
2.19.080	Metro Policy Advisory Committee (MPAC)
2.19.090	Joint Policy Advisory Committee on Transportation (JPACT)
2.19.100	Metro Committee for Citizen Involvement (MCCI)
2.19.110	Metro 401k Employee Salary Savings Plan Advisory Committee (401K ESSPAC)
2.19.120	Metro Central Station Community Enhancement Committee (MCSCE)
2.19.130	Metro Solid Waste Advisory Committee (SWAC)
2.19.140	North Portland Rehabilitation and Enhancement Committee (NPREC)
2.19.150	Investment Advisory Board (IAB)
2.19.160	Regional Parks and Greenspaces Advisory Committee (RPGAC)
2.19.170	Rate Review Committee (RRC)
2.19.180	Transportation Policy Alternatives Committee (TPAC)
2.19.190	Water Resources Policy Advisory Committee (WRPAC)
2.19.200	Tax Study Committee

2.19.010 Purpose and Intent

It is the purpose of this chapter to set forth general terms, conditions, functions and responsibility for all advisory committees (Advisory Committees) that have been created by action of the Metro Council or are required pursuant to applicable provisions of the 1992 Metro Charter or Oregon or federal law. In general, this chapter applies to all Advisory Committees of Metro that are public bodies subject to Oregon's Public Meetings (ORS 192.610 et. seq.), whether or not the specific Advisory Committee is mentioned herein. It is not the intent to govern or adopt requirements for committees that are appointed by or report solely to individual Metro officers and which are therefore not subject to Oregon Public Meeting Law. In addition, this chapter does not apply to committees created by the Metro Council that

consist solely of members of the Council or to any Metro Commission which exercises administrative functions. It is also not the intent of this chapter to amend any existing agreement with other governmental bodies, which have provisions for the creation and utilization of jointly appointed Advisory Committees.

~~(Ordinance No. 00-860A, Sec. 1.)~~

#### 2.19.020 Definitions

For the purposes of this chapter, unless the context requires otherwise, the following terms shall have the meanings indicated:

(a) "Advisory Committee" means any committee, task force or group, created by an official action of the Metro Council or 1992 Charter, including but not limited to, any public body or advisory group described in this chapter.

(b) "Appointment" means the formal selection of a person to serve as a member of an Advisory Committee.

(c) "Appointment authority" means the ~~Executive Officer~~ Council President or council members or other entity specifically authorized to appoint an Advisory Committee member.

(d) "Confirmation" means the process by which the Metro Council approves the appointment of a member of an Advisory Committee.

(e) "JPACT" means Joint Policing Advisory Committee On Transportation.

(f) "MCSCE" means Metro Central Station Community Enhancement Committee.

(g) "MPAC" means Metro Policy Advisory Committee.

(h) "Nomination" means the formal submission to an appointing authority of a candidate for appointment to an Advisory Committee.

(i) "NPREC" means North Portland Rehabilitation and Enhancement Committee.



- (j) "RPGAC" means Regional Parks and Greenspaces Advisory Committee.
- (k) "RRC" means Rate Review Committee.
- (l) "SWAC" means Solid Waste Advisory Committee.
- (m) "Task Force" means any public body created by resolution or any official action of the Metro Council, which is not specifically defined in this chapter or any provision of the Metro Code.
- (n) "Tax Study Committee" means before considering the imposition of any new tax or taxes, which do not require prior voter approval under the Metro Charter, the Tax Study Committee shall consult with and advise the Metro Council regarding adoption of these taxes.
- (o) "TPAC" means Transportation Policy Alternatives Committee.
- (p) "WRPAC" means Water Resources Policy Advisory Committee.
- (q) "401K ESSPAC" means Metro 401K Employee Salary Savings Plan Advisory Committee.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.030 Membership of the Advisory Committees

- (a) Membership In General.
  - (1) The ~~Executive Officer~~Council President shall ensure that the recruitment and selection process for appointments to vacant positions is open to all segments of the community and ensures a broad representation and diversity of membership. It is the policy of Metro not to discriminate with regard to race, color, religion, natural origin, sex, age, disability, sexual orientation, or mental or familial status in making appointments to Advisory Committees.

- (2) The ~~Executive Officer~~Council President is encouraged to streamline and standardize the recruitment and selection process, to a reasonable extent, and to facilitate a standing pool of volunteer candidates across the agency.
- (3) Advisory committees may submit names to the ~~Executive Officer~~Council President for inclusion in a list of interested and qualified candidates but nomination by an Advisory Committee may not be a requirement for appointment.

(b) Appointments and Confirmations.

- (1) ~~Except as it is specifically provided for membership of MPAC and JPACT, or for certain positions specified for elected officials, as set forth in this chapter, all members of all Advisory Committees shall be appointed by the Executive Officer~~Council President, ~~unless the appointment is specifically assigned to members of the Council.~~ All persons appointed by the ~~Executive Officer~~Council President ~~or council members~~ shall be subject to confirmation by the Council. A minimum of four (4) votes in favor of a specific appointment shall be necessary to confirm the appointment. Any person whose confirmation is defeated by four (4) or more votes in opposition, shall not be eligible for appointment to the same Advisory Committee during the succeeding twelve (12) months. The appointing authority may remove appointed members.
- (2) Appointments of members to individual Advisory Committees may be subject to nominations made by specified entities to the appointing authority. Under no circumstance shall any Advisory Committee have the authority to nominate members to serve on the committee itself.
- (3) Appointments and confirmation to Advisory Committees may be made with relevant geographical expertise or other criteria in mind. As a general rule, however, recruitment, appointment and confirmation of committee members will be conducted in a manner that attempts to reflect the demographic profile of the region as a whole.

(4) Alternate Members. Alternates may vote only in the absence of a specific regular member. Appointment and confirmation of alternates shall be subject to the same requirements that apply to regular members.

(c) Terms.

(1) All appointments made by the ~~Executive Officer~~ Council President or members of the Council shall be for a term of two (2) years or to fill a vacancy in the remaining portion of a term not to exceed two (2) years.

(2) No person may be appointed to serve more than two (2) consecutive full two (2) year terms on the same committee nor may any person be appointed to fill more than one partial term on any one committee. However, employees of agencies serving as the nominees of their employer are not subject to these limitations on terms.

(3) Members shall continue to serve until their successor is appointed and confirmed.

~~(d) Effective Date. The provisions of this chapter take effect on February 7, 2001.~~

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.040 Advisory Committee Purpose and Authority

The purpose and authority of each Advisory Committee shall be limited to matters specified in the action creating the committee and other matters specifically authorized by action of the Metro Council or other provisions of applicable law.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.050 Advisory Committee Bylaws

Each Advisory Committee may adopt bylaws governing the Advisory Committee's functions and procedures. Bylaws may not govern the membership or authority of any Advisory Committee. Unless specifically authorized by the Council or the ~~Executive Officer~~ for any specific Advisory Committee,

Advisory Committees shall function as committees of the whole and may not appoint sub-committees or otherwise create any advisory body that constitutes a public body pursuant to Oregon Public Meeting law. However, sub-committees of limited duration may be created as provided in Section 2.19.070(d).

~~(Ordinance No. 00-860A, Sec. 1.)~~

#### 2.19.060 Task Forces

Task Forces are all Advisory Committees created by Metro Council action that have not been specifically provided for in a provision of the Metro Code. All Task Forces are of limited duration and the existence of any Task Force shall terminate one (1) year after its creation, unless specifically renewed and re-authorized by Metro Council action. However, in no circumstance, may a Task Force may be continued for more than three (3) years unless authorized by a duly adopted ordinance, which shall be codified.

~~(Ordinance No. 00-860A, Sec. 1.)~~

#### 2.19.070 Status of All Advisory Committees

(a) MPAC, JPACT, and MCCI are Advisory Committees that have permanent and continuing existence. They shall report directly to the Council and the Council President. MPAC and MCCI were created by the 1992 Metro Charter. JPACT was created pursuant to federal law and Executive Order of the Governor of Oregon. The Metro Council shall provide for these committees in the annual budget. The ~~Executive Officer~~ Chief Operating Officer shall provide reasonable staff support for these three (3) committees from any legally available and budgeted resources.

(b) All other Advisory Committees authorized by this chapter or other provisions of Metro Code shall continue in active status only so long as the Metro Council specifically provides budgeted resources to support the committee's functions. All committees shall operate on a fiscal year basis, July 1 to June 30. In any fiscal year that Metro Council fails to authorize budgeted resources for any committee, that committee shall be in inactive status and shall not meet.

(c) Task Forces may be created by Metro Council adopted resolutions, but shall be of limited duration and shall not meet unless the Metro Council has identified specific resources for support within the fiscal year budget at the time the Task Force is created and for any subsequent fiscal year. No Task

Force may be re-authorized or continued without the Metro Council identifying resources necessary to support its function. The purpose of the Task Force shall be clearly defined in the authorizing resolution.

(d) Subcommittees may be created by specific action of Advisory Committees provided that the authorization for any subcommittee may not extend beyond the end of any fiscal year. Any Advisory Committee authorizing or re-authorizing any subcommittee shall identify how the subcommittee will function within the limitation of the budget resources provided to the committee.

(e) This chapter does not apply to the Smith and Bybee Lakes Management Committee, the Portland Center for Performing Arts Advisory Committee or any other Advisory Committee created or authorized by an agreement between Metro and another government.

~~(Ordinance No. 00-860A, Sec. 1.)~~

**2.19.080 Metro Policy Advisory Committee (MPAC)**

(a) **Purpose.** The purpose of MPAC is to advise the Metro Council and perform the duties assigned to it by the 1992-Metro Charter and to perform other duties that the Metro Council shall prescribe.

(b) **Membership.** The members of MPAC include:

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special Districts in Multnomah County	1
Citizen of Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Second Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special Districts in Clackamas County	1
Citizen of Clackamas County	1
Washington County Commission	1

Largest City in Washington County	1
Second Largest City in Washington County	1
Other Cities in Washington County	1
Special Districts in Washington County	1
Citizen of Washington County	1
Tri-Met	1
Governing body of a school district	1
State Agency Growth Council	1
Clark County	1
City of Vancouver	1
Port of Portland	1
<b>TOTAL</b>	<b>25</b>

(c) MPAC may provide in its bylaws for the creation of a Technical Advisory Committee, which may make recommendations to MPAC.

(d) A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of MPAC at any time. The Council action shall be in the form of an ordinance and shall amend this code section. The MPAC bylaws shall govern the terms of its members.

(Ordinance No. 00-860A, Sec. 1.)

2.19.090 Joint Policy Advisory Committee on Transportation (JPACT)

(a) Purpose. The purpose of JPACT is to advise the Metro Council and perform the duties assigned to it by Oregon and Federal law and the ~~1992~~ Metro Charter and to perform other duties that the Metro Council shall prescribe.

(b) Membership. The members of JPACT include representatives of the following jurisdictions and agencies:

City of Portland	1
Multnomah County	1
Washington County	1
Clackamas County	1

Cities of Multnomah County	1
Cities of Washington County	1
Cities of Clackamas County	1
Oregon Department of Transportation	1
Tri-Met	1
Port of Portland	1
Department of Environmental Quality	1
Metropolitan Service District (Metro)	3
<u>State of Washington</u>	<u>3</u>
<b>TOTAL</b>	<b>17</b>

(c) The composition, authority and duties of JPACT and JPACT's bylaws may only be changed as provided by applicable law.

~~(Ordinance No. 00-860A, Sec. 1.)~~

**2.19.100 Metro Committee for Citizen Involvement (MCCI)**

(a) Purpose. The purpose of the MCCI is to advise the Metro Council and Executive Officer on the development and maintenance of programs and procedures to aid communication between citizens, and the Metro Council and the Executive Officer and perform the duties assigned to it by the 1992 Metro Charter and to perform other related duties that the Metro Council shall prescribe.

(b) Membership. The MCCI consists of twenty-seven (27) members. The members of MCCI shall be appointed as follows:

- (1) Three (3) representatives from each of the seven (7) Metro Council Districts (for a total of 21).
- (2) One (1) representative from each of the areas outside of the Metro boundaries of Clackamas, Multnomah, and Washington Counties (for a total of 3).
- (3) One (1) representative from each of Clackamas County's Committee for Citizen Involvement (CCI), Multnomah County Citizen Involvement Committee (CIC),

and Washington County Committee for Citizen Involvement (CCI) (for a total of 3).

(c) Terms. Notwithstanding the provisions of Section 2.19.030(c), MCCI members may be appointed to fill up to three (3) consecutive two (2)-year terms.

(Ordinance No. 00-860A, Sec. 1.)

2.19.110 Metro 401k Employee Salary Savings Plan Advisory Committee (401K ESSPAC)

(a) Purpose. Metro established a Salary Savings Plan and Trust ("Plan") effective July 1, 1985. The purpose of Metro's 401K ESSPAC is to give instructions to ~~the WM Trust Company, a non-discretionary Trustee,~~ with respect to all matters concerning the Plan.

(b) Membership. The 401K ESSPAC consists of a five-person advisory/administrative committee.

(Ordinance No. 00-860A, Sec. 1.)

2.19.120 Metro Central Station Community Enhancement Committee (MCSCE)

(a) Purpose. It is the policy of the district to support a community enhancement program in the area of Metro Central Station, 6161 N.W. 61<sup>st</sup> Avenue, in Portland, Oregon.

(b) Membership. MCSCE consists of seven members to be appointed and serve terms as follows:

(1) Six members to be appointed by the ~~Executive Officer~~ Council President subject to confirmation by the council. The ~~Executive Officer~~ Council President shall make appointments as follows:

(A) One member shall be appointed from a list of nominees submitted by the Forest Park Neighborhood Association.

(B) One member shall be appointed from a list of nominees submitted by the Friends of Cathedral Park.



- (C) One member shall be appointed from a list of nominees submitted by the Linnton Neighborhood Association.
  - (D) One member shall be appointed from a list of nominees submitted by the Northwest District Neighborhood Association.
  - (E) One member shall be appointed from a list of nominees submitted by the Northwest Industrial Neighborhood Association.
  - (F) One member shall be appointed from a list or lists of nominees submitted by environmental organizations that have or will have an interest in the enhancement area.
- (2) MCSCE shall be chaired by the Metro Councilor representing ~~District 5~~ the Council district in which the Metro Central Station is located.
  - (3) In the case of a vacancy in a non-council position on the committee, the ~~Executive Officer~~ Council President shall solicit nominations from the same organizations that were eligible to submit nominations for the original appointment.
  - (4) In all instances, the ~~Executive Officer~~ Council President may reject all nominations for a non-council position on the committee, and request that new nominations be submitted by the affected group.

**2.19.130 Metro Solid Waste Advisory Committee (SWAC)**

- (a) **Purpose.** The purpose of the Metro Solid Waste Advisory Committee (SWAC) is to:
  - (1) Evaluate policy options and present policy recommendations to the Metro Council and ~~Executive Officer~~ Chief Operating Officer regarding regional solid waste management and planning.

- (2) Advise Metro on the implementation of existing solid waste plans and policies.
- (3) Provide recommendations concerning the solid waste planning process, to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors.
- (4) Provide recommendations on compliance with the Regional Solid Waste Management Plan and applicable state requirements.
- (5) Provide recommendations on alternative solid waste policies and practices developed by subcommittees of the SWAC.
- (6) Recommend needs and opportunities to involve citizens in solid waste issues.
- (7) Recommend measures to build regional consensus for the management of solid waste.

(b) Membership. Members are categorized as follows:

(1)	<u>Regular Voting Members</u>		
	Chair (Metro)		1
	Recycling Interests:		3
	Facilities	(1)	
	Composters	(1)	
	Recycler/advocate	(1)	3
	Hauling Industry:		4
	County Areas	(3)	
	At-Large	(1)	4
	Disposal Sites		3
	Undesignated		
	Citizen-Ratepayers		6
	Citizens	(3)	
	Business	(3)	
	Governments:		6
	Cities	(4)	
	Counties	(2)	6
	<hr/>		
	Total		23
(2)	<u>Non-Voting Members:</u>		
	Metro Regional Environmental Management Director		1
	Department of Environmental Quality		1
	Clark County, Washington		1

- (3) Associate Members:  
Additional associate members without a vote may serve on the Committee at the pleasure of the Committee

(c) Appointment of Members.

- (1) Candidates for the representative of recycling facilities shall be solicited from the processing industry and appointed by the ~~Metro Executive Officer~~Council President. Candidates for the representative of composting facilities shall be solicited from the composting industry and appointed by the ~~Metro Executive Officer~~Council President. Metro shall solicit candidates for the remaining recycling representative from recycling industries, environmental advocates and other business and civic groups. Candidates for the remaining recycling representative may also submit their names directly to the ~~Metro Executive Officer~~Council President. The remaining recycling representative shall be appointed by the ~~Metro Executive Officer~~Council President.
- (2) Solid Waste Hauling Industry candidates shall be solicited from the hauling industry and appointed by the ~~Metro Executive Officer~~Council President. Solid Waste Hauling Industry representatives shall include one from each of the three Counties, plus one representing the region at large.
- (3) Disposal Site candidates shall be solicited from the disposal industry and appointed by the ~~Metro Executive Officer~~Council President.
- (4) A pool of candidates for the citizen representatives shall be nominated by the participating jurisdictions, SWAC members, and by civic and business groups. Candidates may also submit their names directly to the ~~Metro Executive Officer~~Council President. The ~~Metro Executive Officer~~Council President shall appoint one citizen member from each of the three Counties, as available.
- (5) A pool of candidates for the business representatives shall be nominated by business groups, the participating jurisdictions, and SWAC members. Candidates may also submit their names directly to the ~~Metro Executive~~

~~Officer~~Council President. The ~~Metro Executive Officer~~Council President shall appoint three business members, as available.

- (6) The representative from the City of Portland shall be appointed by the Mayor of Portland.
- (7) Representatives of Cities within a County shall be appointed by consensus of those Cities.
- (8) Representatives from the Counties shall be appointed by the Chairperson of the County Board.

(d) Appointment Of Alternate Members. Alternate members shall be specifically named for recycling, the solid waste hauling industry, disposal site, and government positions and shall be appointed in the same manner as regular members. Alternates can vote in the absence of the regular Committee member and have full rights and responsibilities of the Committee member in his/her absence. Upon resignation of an Advisory Committee member, a new member shall be appointed in accordance with the appointment of regular members' section of the bylaws.

(e) Appointment Of Non-Voting Members. Non-voting members may be named by the non-voting agency represented.

(f) Membership.

- (1) Terms of Office. The ~~Executive Officer~~Council President may review the status of the Committee Membership every four (4) years and appoint new members as needed.
- (2) Attendance. It is expected that members will be present and participate at all regular meetings. Members who are absent from four or more regular meetings in one calendar year may be asked by the ~~Executive Officer~~Council President or Committee Chair to resign. Industry, facility and government representatives who send alternates to attend in their absence will be counted as present.

- (3) Restriction on Representation by One Company. No more than one regular voting member of the Committee may be employed by the same company.

(g) Officers.

- (1) Chair. The ~~permanent~~ Chairperson of the Committee shall be ~~the a~~ Metro Council representative appointed by the Council President and confirmed by the ~~Council~~REM Committee Chairpersons.

- (2) Vice-Chair. In the absence of the Chairperson, the Committee shall be chaired by the Vice-Chairperson.

(h) Subcommittees. Subcommittees may be established by the Chairperson as necessary upon request of the Committee. Membership composition shall be determined according to mission and may include individuals who are not members of the Committee. All such subcommittees shall report to the Committee.

(Ordinance No. 00-860A, Sec. 1.)

2.19.140 North Portland Rehabilitation and Enhancement Committee (NPREC)

(a) Purpose. The purpose of the North Portland Rehabilitation and Enhancement Committee (NPREC) is to make recommendations to the Metro Council regarding policies and the administration of the rehabilitation and enhancement program for the North Portland Area to include as follows:

- (1) Specify the boundaries of the area to be rehabilitated and enhanced;
- (2) Criteria for determining how funds will be used for rehabilitation and enhancement; and
- (3) Continuing public involvement and recommending projects for funding.

(b) Membership. The NPREC shall be composed of 8 members:

(1) One (1) member shall be the Metro Councilor, whose district includes the site of the former St. Johns Landfill.

(2) Seven (7) members appointed by the ~~Executive Officer~~ Council President. One member each shall reside within the following neighborhood boundaries, which neighborhood boundaries are determined by the City of Portland:

- (A) St. Johns
- (B) Cathedral Park
- (C) Portsmouth
- (D) Overlook
- (E) Arbor Lodge
- (F) Kenton
- (G) University Park

~~(Ordinance No. 00-860A, Sec. 1.)~~

#### 2.19.150 Investment Advisory Board (IAB)

(a) Purpose. An Investment Advisory Board is required by Oregon law. The IAB's purpose, membership and duties are provided for in Metro Code Section 2.06.030(b). These provisions are subject to annual re-adoption by the Council and therefore the provisions of this chapter do not apply to the IAB.

~~(Ordinance No. 00-860A, Sec. 1.)~~

#### 2.19.160 Regional Parks and Greenspaces Advisory Committee (RPGAC)

- (a) Purpose. The purpose of the Regional Parks and Greenspaces Advisory Committee is to:
- (1) Review, comment and make recommendations to the ~~Metro Executive Officer~~ Chief Operating Officer and Council on the policies, plans, programs, and proposed annual budget for the Regional Parks and Greenspaces Department.
  - (2) The RPGAC replaces the Greenspaces Policy Advisory Committee and Multnomah County Parks Advisory Committee.

- (3) Coordinates its meetings, agendas, work tasks with the Greenspaces Technical Advisory Committee (GTAC).
- (4) Makes recommendations on implementation activities for the Greenspaces Master Plan, and Greenspaces Bond Measure (when one is passed by the voters) to the ~~Metro Executive Officer~~ Chief Operating Officer and Council.
- (5) Recommends actions related to Metro's management and operations of Regional Parks and Greenspaces.

(b) Membership. The RPGAC shall be composed of:

- (1) Eleven voting members and one non-voting member who shall be a Metro Councilor. ~~Appointments, except for the ex-officio Metro Council member, shall be made by the Executive Officer Council President and require confirmation. The ex-officio Metro Council member shall be appointed by the Presiding Officer for a two-year term.~~
- (2) Seven voting members (one residing in each of the seven Metro Council Districts) from within Metro's boundaries.
- (3) One voting member residing in Clackamas County, but outside of Metro's boundaries.
- (4) One voting member residing in Multnomah County, but outside of Metro's boundaries.
- (5) One voting member residing in Washington County, but outside of Metro's boundaries.
- (6) One voting member residing in Clark County (to retain the bi-state nature of the Greenspaces planning effort).

- (7) The chair of the RPGAC will come from the voting membership of the RPGAC. ~~The first chair shall be designated by the Metro Executive Officer, confirmed by the Council, serving a one year term. After this initial period, the~~ The RPGAC shall elect its chair from its membership, held by a majority vote. The chair of the Committee will be elected on an annual basis.

~~(Ordinance No. 00-860A, Sec. 1.)~~

#### 2.19.170 Rate Review Committee (RRC)

(a) **Purpose.** The Solid Waste Rate Review Committee (RRC) is established for the following purposes:

- (1) To enhance the credibility of solid waste disposal rates and the rate setting process.
- (2) To provide a rational, consistent, stable and predictable process for establishing solid waste disposal rates.
- (3) To make recommendations to the Metro Council regarding proposed solid waste disposal rates.
- (4) The RRC has the authority and responsibility to review and make recommendations to the Metro Council regarding:
  - (A) Proposed solid waste disposal rates and charges at facilities owned, operated or under contract to Metro (*see* Metro Code chapter 5.02) and at Metro franchised facilities as provided under the terms of a franchise agreement (*see* Metro Code chapter 5.01);
  - (B) All policy and technical issues related to solid waste disposal rate setting;
  - (C) Direct and indirect expenses included in proposed solid waste disposal rates before the committee; and



(D) Any technical analysis of proposed rates or rate setting procedures, developed by Metro staff or a consultant to Metro, for facilities under the purview of the committee.

(b) Membership. The RRC shall be composed of seven members as follows:

- (1) One Metro Councilor, who shall serve as committee chair.
- (2) Two persons engaged in the business of hauling solid waste.
- (3) One person with business-related financial experience.
- (4) One person with experience in establishing rates.
- (5) One person involved with a local recycling or waste reduction program.
- (6) One citizen ratepayer.
- (7) ~~The Metro Councilor serving on the committee shall be appointed by the Council Presiding Officer.~~ All other members shall be appointed by the ~~Executive Officer~~ Council President, subject to confirmation by the Metro Council.

(c) Meetings and Scheduling:

- (1) The committee shall meet at least once every two months, unless a majority of the committee establishes otherwise.
- (2) All rates impacting Metro's budget shall be reviewed on a time line intended to facilitate simultaneous council adoption of the rates and proposed budget in early May. At the beginning of the annual process leading to adoption of Metro rates, the solid waste department shall present to the committee an overview of the process and prior rate-setting efforts, anticipated deadlines, and related data.

- (3) Committee review of all other rates within the purview of the committee shall be scheduled in a manner likely to result in timely consideration by the council.

(d) Rate Review Criteria:

- (1) In reviewing and making recommendations to the Council regarding solid waste disposal rates impacting Metro's budget, the committee shall apply criteria established by resolution of the Council. The Council shall review the established criteria annually, and make revisions as necessary. The committee may recommend to the Council changes in established criteria deemed appropriate by the committee.
- (2) In reviewing and making recommendations to the council regarding rates charged by a Metro-franchised solid waste facility under the purview of the committee, the committee shall comply with Metro Code section 5.01.170.

~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.180 Transportation Policy Alternatives Committee (TPAC)

(a) Purpose. The purpose of the Transportation Policy Alternatives Committee (TPAC) is to provide technical and policy input to JPACT and the Metro Council with the following responsibilities:

- (1) Review the Unified Work Program (UWP) and prospectus for transportation planning.
- (2) Monitor and provide advice concerning the transportation planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors in plan development.
- (3) Advise on the development of the Regional Transportation Plan in accordance with the Intermodal Surface Transportation Efficiency Act (ISTEA), the L.C.D.C. Transportation Planning Rule, the 1992 Metro Charter and the adopted 2040 Growth Concept.

- (4) Advise on the development of the Transportation Improvement Program (TIP) in accordance with ISTEA.
- (5) Review projects and plans affecting regional transportation.
- (6) Advise on the compliance of the regional transportation planning process with all applicable federal requirements for maintaining certification.
- (7) Develop alternative transportation policies for consideration by JPACT and the Metro Council.
- (8) Review local comprehensive plans for their transportation impacts and consistency with the Regional Transportation Plan.
- (9) Recommend needs and opportunities for involving citizens in transportation matters.
- (10) The responsibilities of TPAC with respect to air quality planning are:
  - (A) Review and recommend project funding for controlling mobile sources of particulates, CO, HC and NOx.
  - (B) Review the analysis of travel, social, economic and environmental impacts of proposed transportation control measures.
  - (C) Review and provide advice (critique) on the proposed plan for meeting particulate standards as they relate to mobile sources.
  - (D) Review and recommend action on transportation and parking elements necessary to meet federal and state clean air requirements.

(b) Membership. Notwithstanding the provisions of Section 2.19.003, memberships and appointments to TPAC are controlled by these provisions:

- (1) Representatives from local jurisdictions, implementing agencies and citizens as follows:

City of Portland	1
Clackamas County	1
Multnomah County	1
Washington County	1
Clackamas County Cities	1
Multnomah County Cities	1
Washington County Cities	1
Oregon Department of Transportation	1
Washington State Department of Transportation	1
Southwest Washington Regional Transportation Council	1
Port of Portland	1
Tri-Met	1
Oregon Department of Environmental Quality	1
Metro (Non-Voting)	2
Citizens	6
<b>TOTAL</b>	<b>21</b>

In addition, the City of Vancouver, Clark County, C-TRAN, Federal Highway Administration, Federal Aviation Administration (FAA), Federal Transit Administration (FTA), and Washington Department of Ecology may appoint an associate member without a vote. Additional associate members without vote may serve on the Committee at the pleasure of the Committee.

- (2) Each member shall serve until removed by the appointing agency. Citizen members shall serve for two years and can be re-appointed.
- (3) Alternates may be appointed to serve in the absence of the regular member.
- (4) Representatives (and alternatives if desired) of the Counties and the City of Portland shall be appointed by the presiding executive of their jurisdiction/agency).
- (5) Representatives (and alternates if desired) of Cities within a County shall be appointed by means of a consensus of the Mayors of those cities. It shall be the responsibility of the representative to coordinate with the cities within his/her county.

- (6) Citizen representatives and their alternates will be nominated through a public application process, ~~confirmed by the Metro Council, and Metro representatives~~ (non-voting) appointed by the Presiding Officer of the Metro Council Council President, and subject to confirmation by the Metro Council.
- ~~(7) Metro representatives (non-voting) shall be appointed one each by the Metro Executive Officer and Council Presiding Officer.~~
- (87) Each member or alternate of the Committee, except associate members, shall be entitled to one vote on all issues presented at regular and special meetings at which the member or alternate is present.
- (98) The Chairperson shall have no vote.

~~(Ordinance No. 00-860A, Sec. 1.)~~

#### 2.19.190 Water Resources Policy Advisory Committee (WRPAC)

(a) Purpose. The purpose of the Water Resources Policy Advisory Committee (WRPAC) shall be to advise the Metro Council, ~~Executive Officer and the Chief Operating Officer and staff on~~ policy and technical matters related to multi-objective watershed management. These policies will strive to manage watersheds to protect, restore and ensure, to the maximum extent practicable, the integrity of streams, wetlands and floodplains and their multiple biological physical and social values. Specific responsibilities include:

- (1) Assist Metro Council in the development of water resource policies and plans and their periodic review.
- (2) Provide guidance to the ~~Executive Officer~~ Chief Operating Officer and Metro staff on the conduct of Metro's water resources planning program.
- (3) Coordinating, facilitating and supporting water resource planning and management activities of local, regional, state and federal agencies.

- (4) Periodic review of the "208" Plans.
- (5) Ensuring adequate citizen participation in the water resources planning and management process.
- (6) Provide guidance to the Metro Council, ~~Executive Officer~~ and Chief Operating Officer and Metro staff in the development of water resources policies, plans and technical documents related to growth management planning, including the Regional 2040 program and the Regional Framework Plan.

(b) Membership. The Committee shall consist of representatives of the following jurisdictions and agencies:

(1) Voting Members.

(A) Metro Councilor (Chair)

(B) Management Agencies (One vote each):

	<b>Tualatin Watershed</b>	<b>Clackamas Watershed</b>	<b>Lower Willamette Watershed</b>
<b>Water Supply</b>	TVWD	Clackamas River Water District	Portland Water Bureau
<b>Wastewater</b>	USA*	Oak Lodge	Gresham
<b>Surface Water</b>			
• <b>Urban</b>	USA*	Clackamas County	Portland BES
• <b>Agri-culture</b>	Washington SWCD	Clackamas County SWCD	East Multnomah SWCD
			West Multnomah SWCD

\*USA has only one vote

(C) Special Interests (One Vote Each):

Environmental:

Oregon Environmental Council  
Portland Audubon Society  
Environmental Member-At-Large  
Fishery Interest

Additional Cities:

One city for Clackamas County  
One city for Washington County

Metro Greenspaces Advisory Committee:

Chair

Industrial Organization:

Homebuilders Association  
High Tech Business  
Nursery Operator Business

Citizens:

Tualatin Watershed  
Clackamas Watershed  
Lower Willamette Watershed  
Developer

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Total Voting Members: 27

(2) Non-Voting Members:

Dept. of Land Conservation and Development  
US Army Corp of Engineers  
Port of Portland  
Environmental Protection Agency  
Portland General Electric  
National Estuary Program

Oregon Dept. of Environmental Quality  
Oregon Water Resources Dept.  
Oregon Dept. of Agriculture  
Oregon Dept. of Forestry  
Oregon Dept. of Fish and Wildlife  
US Fish & Wildlife Service  
Natural Resources Conservation Seat

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Total Non-Voting Members: 13

**(c) Appointment and Tenure.**

- (1) Each jurisdiction or agency shall nominate a representative and an alternate who will serve in the absence of the representative. In the case of representatives of multiple jurisdictions or agencies the nominations will be made by a poll of those represented.**
  - (A) When action is about to take place to fill a pending vacancy, the vacancy will be listed as WRPAC agenda item, prior to solicitation of nominees.**
  - (B) All representatives and their alternatives must be appointed by the ~~Executive Officer~~ Council President and are subject to confirmation by Metro Council.**
  - (C) Upon absence from three (3) consecutive, regularly scheduled meetings, the nominating jurisdiction or agency shall be requested to nominate a new representative. Attendance by an alternate shall not be grounds for waiver of this requirement.**
  - (D) Each representative and alternate is responsible for informing and networking with the entities they represent in order to fully inform all parties and solicit their input on matters pertaining to committee work and decisions.**



~~(Ordinance No. 00-860A, Sec. 1.)~~

2.19.200 Tax Study Committee

(a) Creation and Purpose. Before considering the imposition of any new tax or taxes, which do not require prior voter approval under the Charter, the Council shall create a tax study committee by adoption of a resolution. The purpose of a tax study committee shall be to consult with and advise the Council regarding adoption of these taxes. The resolution shall state the purpose for the creation of the committee, shall include a scope of work, the members of the committee, the staffing arrangement for the committee, and the length of time for the committee to complete its work.

(b) Committee Composition and Size. A committee shall consist of no more than 11 appointed members, plus the ~~executive officer~~ Council President and Chief Operating Officer and the ~~presiding officer~~ as ex-officio non-voting members. The membership of the committee shall be representative of the general population, and from any businesses and the governments of cities and counties, special districts and school districts within Metro.

(c) Appointments. The ~~Executive Officer~~ Council President shall appoint members of the committee subject to confirmation by the Council in the creating resolution. The ~~Executive Officer~~ Council President shall designate the chair and vice-chair of the committee at the time of appointment. If a vacancy occurs during the time a study committee is functioning, the position shall be filled in the same manner as the original appointment and confirmation.

(d) Final Report. Upon completion of the scope of work, a committee shall submit a final report to the Council on the activities and recommendations of the committee. The Council may, upon request of the committee, extend the time of that committee to submit its final report. In no event shall the time be extended longer than six months from the original termination date of the committee. If a committee is unable to agree on a final report, then the chair of the committee shall inform the Council in writing of that conclusion.

~~(Ordinance No. 00-860A, Sec. 1.)~~

## **STAFF REPORT**

CONSIDERATION OF ORDINANCE NO. 02-955, FOR THE PURPOSE OF AMENDING CHAPTER 2.19 OF THE METRO CODE TO CONFORM TO THE CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000

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Date: June 4, 2002

Presented by: Council Governmental Affairs Committee

### **Background**

The Metro Charter amendments approved by the voters at the 2000 general election created the Office of Council President and Chief Operating Officer, and abolished the Offices of the Executive Officer and Council Presiding Officer, effective January 6, 2003. The current Presiding Officer and Executive Officer established an advisory task force to make recommendations concerning the implementation of the charter amendments. An proposed ordinance was prepared to implement the task force recommendations relating to the effect of the charter amendments of the various Metro advisory committees established in Metro Code Chapter 2.19.

### **Analysis/Information**

**Legal Background.** In 2001, the Council adopted the provisions of Metro Code Chapter 2.19 to clarify the terms, functions and responsibilities of 12 Metro advisory committees in a single Code Chapter. Previously, the authority and role of these committees were established at various times and where scattered throughout the Metro Code. Generally, the appointment authority for these committees rested with the Executive Officer and some of the appointments were subject to Council confirmation.

**Anticipated Effect.** The proposed ordinance addresses the need to make technical changes in the appointment authority and administration of the advisory committees subject to the provisions of Metro Code Chapter 2.19. The ordinance would transfer the committee appointment authority from the abolished position of Executive Officer to the newly created Council President position. Various administrative functions related to the operation of the committees would be transferred from the Executive Officer to the new Chief Operating Officer. The Council President would be responsible for the administration of the committee membership recruitment process. In addition, the ordinance provides that the MPAC, JPACT, and MCCI would report directly to the Council and the Council President.

**Known Opposition.** None

**Budget Impact.** None, unless the administration of the committee membership recruitment process requires additional staff.

**Recommended Action.** Council adoption of the proposed ordinance.