

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) Ordinance No. 02-954A  
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

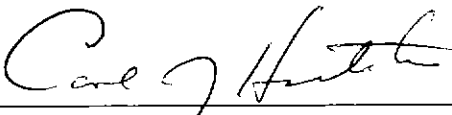
WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of the Metro Code relating to the Council President; and

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.

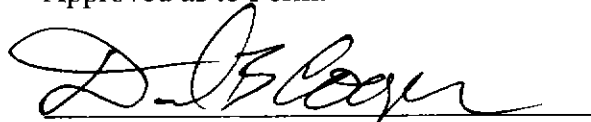
ADOPTED by the Metro Council this 27 day of June 2002.

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

Attest:

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

Approved as to Form:

  
\_\_\_\_\_  
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.

(c)(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.

(d)(e) 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. The Acting Council President shall not receive the salary of the Council President. An acting Acting Council President presiding officer shall not receive the salary of the Council President presiding officer.~~

~~(e)(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.~~

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

## GOVERNMENTAL AFFAIRS COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 02-942A, FOR THE PURPOSE OF ADDING A NEW CHAPTER TO THE METRO CODE CREATING THE OFFICE OF CHIEF OPERATING OFFICER

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

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

CONSIDERATION OF ORDINANCE NO. 01-955A, FOR THE PURPOSE OF AMENDING CHAPTER 2.19 OF THE METRO CODE TO CONFORM TO THE CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2002

CONSIDERATION OF RESOLUTION NO. 02-3205A, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A PERSONAL SERVICES CONTRACT FOR THE RECRUITMENT OF A CHIEF OPERATING OFFICER AS SET FORTH IN METRO CODE CHAPTER 2.20

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Date: June 26, 2002

Presented by: Governmental Affairs Committee

**Committee Recommendation:** At its June 26 meeting, the committee considered Ordinances 02-942A, 02-953A, 02-954A, 02-955A and Resolution 02-3205A and voted unanimously to send the ordinances and resolution, as amended, to the Council for adoption. Voting in favor: Councilors Burkholder and Monroe and Chair Bragdon.

### Background:

The Metro Charter amendments approved by the voters at the 2000 general election created the offices of Council President and Metro Attorney and abolished the office of Executive Officer. The amendments further require that the Council establish the Office of Chief Operating Officer (COO) and describe 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 a transition advisory task force (TATF) to make recommendations concerning the implementation of the charter amendments. Four ordinances were drafted to address the requirements of the charter amendments and the recommendations of the TATF. In addition, a separate resolution was drafted to authorize the release of an RFP to obtain the assistance of an executive search firm related to the initial hiring of a COO.

The four ordinances and one resolution are being brought forward from the Governmental Affairs Committee as the initial package of Metro Code and other changes that will need to be addressed as part of the transition process. It is anticipated that additional ordinances will be drafted that address how the transition will effect Metro Code provisions related to contracting and purchasing, elections, the role of COO related to growth management and functional planning and an omnibus ordinance that make technical and grammatical changes related to the creation and abolition of certain offices.

This committee report outlines the committee's review of this initial package of proposed transition-related legislation.

**Committee Discussion:**

The Governmental Affairs Committee considered various drafts of the proposed ordinances and resolution over a period of five meetings from April 25 through June 26. The committee's review resulted in numerous amendments to the original drafts. The following committee discussion summarizes these amendments and the current language of the ordinances and resolution as they were passed out of committee.

**ORDINANCE 02-942A**

The following specific provisions are included in the proposed ordinance.

**Chapter 2.20.010.** Establishes the office of Chief Operating Officer pursuant to Section 26 of the Metro Charter.

**Chapter 2.20.020.** Establishes procedures related to the appointment and removal of the Chief Operating Officer. As per the charter, the appointment of the COO would be made by the Council President subject to confirmation by the Council. The Council President would be "involve" the Council in the hiring process. The COO would be required to live within the Metro boundary during his or her tenure in office. The COO would serve at the pleasure of the Council and could be removed by the Council President with the concurrence of the Council.

**Chapter 2.20.030.** Sets forth the general powers and duties of the Chief Operating Officer. These would include:

- 1) Appoint, supervise, discipline or remove all officers and employees of Metro
- 2) Prepare the annual budget of behalf of the Council President and under the direction of the Council
- 3) Prepare and submit an annual report on the finances and administrative activities of Metro and the end of each fiscal year
- 4) Advise the Council on the financial condition and future needs of Metro
- 5) Make organizational and staffing adjustments with the approval of the Council
- 6) Devote full time to the discharge of all official duties
- 7) Perform such other duties as required by the Council

It is anticipated that the powers and duties related to areas such as contracting and personnel will be outlined in additional ordinances that specifically address the relevant chapters of the Metro Code.

**Chapter 2.20.040** Sets forth the relationship between the COO and the Council related to the appointment, removal and management of staff. The section provides that the Council or its members may not direct or request the hiring or firing of a specific person. It also permits Councilor involvement in the assignment and performance review of Council staff.

**Chapter 2.20.050** Gives the COO the authority to enter into contracts or make purchases in the event of a public emergency and requires a prompt accounting of such actions to the Council.

**Chapter 2.20.060** Provides that the Council shall contractually fix the compensation for the COO.

**Chapter 2.20.070** Provides that any vacancy in the Office of the Chief Operating Officer must be filled with all due speed and that the Council President may appoint an acting COO subject to confirmation by the Council.

**Committee Amendments.** Committee amendments to the original proposed ordinance addressed the following areas:

\*Clarification that the Council confirmation of the COO and Council concurrence in the removal of the COO would be by resolution.

\*Providing that the Council President will “involve” the Council in the COO hiring process, while leaving it to the Council President, the full Council, and individual councilors to define the level of involvement that would occur. The Council’s power of confirmation is its ultimate involvement.

\*Deleting several of the proposed duties of the COO that were derived from a model ordinance related to the establishment of a city manager’s position. The deleted provisions included:

--Recommendations related to employee pay scales. The committee assumed that the role of the COO related to Metro’s personnel system will be outlined in greater detail in a soon to be drafted ordinance dealing with transition-related changes in Metro’s personnel code.

--Recommendations related to health, safety and welfare and improvements in administrative services.

--Direct and supervise the administration of all departments, offices and agencies of Metro

--Attend all meetings of the Metro Council

--Supervision of the purchasing system.. The committee assumed that the role of the COO related to Metro’s purchasing system will be outlined in greater detail in a soon to be drafted ordinance dealing with transition-related changes in Metro’s purchasing and contracting code.

--Authorization to conduct real property transactions.

--Work with the Metro Attorney to ensure enforcement of all laws and ordinances.

--Investigate the affairs of Metro or any Metro department or division.

- Eliminated the bonding requirement for the COO, based on advice from legal counsel that Metro’s existing insurance policies address the same concerns that would be addressed by bonding the COO

The committee concluded that deleted provisions were either unnecessary, potential subjects to be addressed in the employment contract of the COO, or will be addressed in future legislation.

## ORDINANCE 02-953A

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. 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.

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.

**Committee Amendments.** The committee made few changes to the original proposed draft. The changes approved by the committee included: 1) making the language related the Council President's involvement of the Council in the hiring of the Metro Attorney identical to that for the hiring of the COO, 2) requiring that Council confirmation or concurrence in the hiring or removal of the Metro Attorney be by resolution, and 3) streamlining the process for the preparation of written opinions by the Office of Metro Attorney to reflect actual current practice.

## ORDINANCE 02-954A

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 code 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 committees 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.

**Committee Amendments.** Committee discussion of this ordinance focused on three main areas: 1) vacancies, absences, and incapacitation affecting the office of the Council President, 2) whether the deputy, when serving as the Acting Council President due to a vacancy in the Office of Council President

would receive the Council President's salary, and 3) the role of the Council President in submitting the annual agency budget.

The committee addressed the issue of a temporary absence or incapacity of the Council President by providing that the Deputy would temporarily serve as the Council President. In the event of a vacancy in the Office of Council President, the Deputy would serve as the Acting Council President until a new Council President is elected or appointed under the provisions of Metro Code Chapter 9.01. In the event of the absence or incapacity of both the Council President and the Deputy, the Council President could designate a Councilor to act as the Temporary Council President. The committee amended the ordinance to clarify that the Deputy, when serving as the Acting Council President, would not receive the Council President's salary. The Council President also would be designated as the district budget officer and be required to submit the annual budget to the full Council.

#### **ORDINANCE 02-955A**

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 most committee appointment authority from the abolished position of Executive Officer to the newly created Council President position. Other 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.

**Committee Amendments.** The committee amendments were technical in nature, correcting grammatical and spelling errors and inadvertent omissions, such as adding the Metro Committee for Citizen Involvement to the list of committees in the definitions section of the ordinance.

#### **RESOLUTION 02-3205A**

Due to the importance of the newly created COO position, the Council has determined that it will be useful to contract with an outside firm to assist in the recruitment process to provide the highest quality applicant pool for the selection of the initial COO. Funds were authorized in the FY 02-03 budget for this purpose. The proposed resolution would authorize the release of a Request for Proposals to solicit and executive search firm to provide recruitment assistance.

The scope of work for the contract envisions that the vendor would assist in identifying desired qualifications, the timing and scope of the recruitment and the compensation package. The vendor also would prepare a recruitment plan and arrange for the placement of recruitment ads in various publications. The selected firm also would review resumes, conduct initial screening and perform background checks on prospective candidates.

**Committee Amendments.** The process for hiring the initial COO will be administered by the Council Office. Therefore, the committee concluded that it is more appropriate for the Council Presiding Officer to execute the contract with the successful vendor as recommended by the Chair of the Governmental Affairs Committee, in consultation with the committee. Language to reflect this process was added to the "Be it Resolved" provisions of the proposed resolution.



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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.