

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) Ordinance No. 02-955A  
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. 02-942A; 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

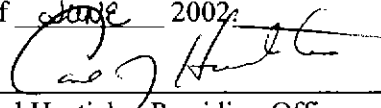
WHEREAS, the Transition Advisory Task has recommended that the Metro Council amend the provisions of the Metro Code Chapter 2.19 relating to the Chief Operating Officer; and

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

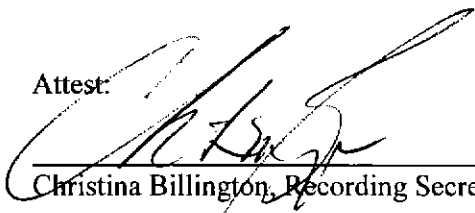
THE METRO COUNCIL ORDAINS AS FOLLOWS:

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.

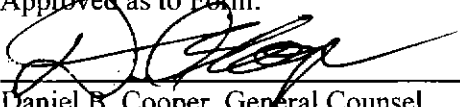
ADOPTED by the Metro Council this 27<sup>th</sup> day of June 2002.

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

Attest:

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

Approved as to Form:

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

## EXHIBIT A

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

#### CHAPTER 2.19

#### METRO ADVISORY COMMITTEES

[BECOMES EFFECTIVE JANUARY 6, 2003]

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2.19.160	Regional Parks and Greenspaces Advisory Committee (RPGAC)
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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 Policy Advisory Committee On Transportation.

(f) "MCCI" means Metro Committee for Citizen Involvement.

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

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

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

~~(j)(i)~~ “NPREC” means North Portland Rehabilitation and Enhancement Committee.

~~(k)(j)~~ “RPGAC” means Regional Parks and Greenspaces Advisory Committee.

~~(l)(k)~~ “RRC” means Rate Review Committee.

~~(m)(l)~~ “SWAC” means Solid Waste Advisory Committee.

~~(n)(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.

~~(o)(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.

~~(p)(o)~~ “TPAC” means Transportation Policy Alternatives Committee.

~~(q)(p)~~ “WRPAC” means Water Resources Policy Advisory Committee.

~~(r)(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
TOTAL	25

(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>
TOTAL	17

(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) **Regular Voting Members**

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	
<b>Total</b>			<b>23</b>

(2) **Non-Voting Members:**

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
<hr/> TOTAL	<hr/> 21

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>	<u>CleanUSA* Water Services</u>	Oak Lodge	Gresham



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.)~~

## 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.

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

Attest:

Approved as to Form:

\_\_\_\_\_  
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]**

<b>SECTIONS</b>	<b>TITLE</b>
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
TOTAL	25

(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>
TOTAL	17

(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.