

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 02-958A
CHAPTER 1.01 CODE ADOPTION AND)
APPLICATION INDEX AND CHAPTER 2.01) Introduced by the Council Governmental
ADMINISTRATION AND PROCEDURES, OF) Affairs Committee
THE METRO CODE TO CONFORM TO THE)
METRO CHARTER AMENDMENTS ADOPTED)
ON NOVEMBER 7, 2000, AND DECLARING AN)
EMERGENCY)

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

WHEREAS, the Metro Charter Amendments, created the Office of Council President and abolished the Office of the Executive Officer; and

WHEREAS, the Metro Council amended Metro Code Chapter 2.01 to reflect the creation of the office of Metro Council President pursuant to Ordinance No. 02-954A on June 27, 2002; and

WHEREAS, the Metro Charter Amendments required the Metro Council to create the Office of the Chief Operating Officer; and

WHEREAS, the Metro Charter Amendments, added Metro Code Chapter 2.20 to create the office of Chief Operating Officer and to define the duties and responsibilities of the Chief Operating Officer, pursuant to Ordinance No. 02-942A on June 27, 2002; and

WHEREAS, the Metro Charter Amendments required the Council to create the Office of the Metro Attorney; and


WHEREAS, the Metro Council amended Chapter 2.08 of the Metro Code to create the office of the Metro Attorney and to define the duties and responsibilities of the Metro Attorney, pursuant to Ordinance No. 02-953A on June 27, 2002; and

WHEREAS, it is necessary to amend Chapter 1.01 and Chapter 2.01 of the Metro Code to conform to the Metro Charter Amendments adopted on November 7, 2000; and

THE METRO COUNCIL ORDAINS AS FOLLOWS:

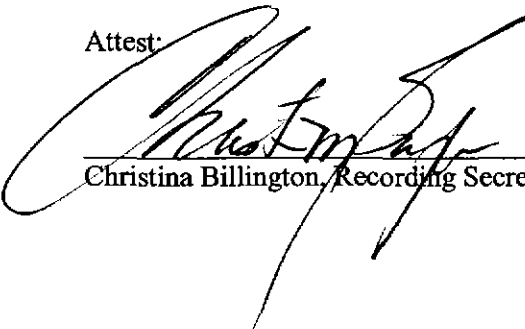
1. The Metro Code Chapters 1.01 and 2.01 are amended as provided for and are attached as Exhibit A and Exhibit B, respectively.
2. The Metro Charter Amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

ADOPTED by the Metro Council this 7th day of November 2002.



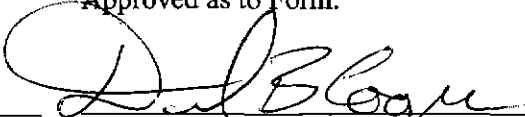
Carl Hosticka, Presiding Officer

Attest:



Christina Billington, Recording Secretary

Approved as to Form:



Daniel B. Cooper, General Counsel

Exhibit A
Metro Charter 2003 Amendments to Metro Code
Chapter 1.01, Adoption and Application Index

CHAPTER 1.01

CODE ADOPTION AND APPLICATION

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1.01.003	Code Revisions
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1.01.050	Grammatical Interpretation
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1.01.070	Title, Chapter and Section Headings
1.01.080	Effect of Code on Past Actions and Obligations
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1.01.100	Effective Date
1.01.110	Violations and Penalties
1.01.120	Severability
1.01.130	Repealer

1.01.001 Code Adoption

The "Code of the Metropolitan Service District" dated July 1983 is hereby adopted.

(Ordinance No. 83-157, Sec. 1)

1.01.003 Code Revisions

The Code may be revised and republished by the Chief Operating Officer ~~Executive Officer~~ from time to time as necessary but not less often than annually. Such revisions shall include subsequently adopted general ordinances appropriate for codification pursuant to generally accepted standards for the codification of ordinances of Oregon municipal corporations.

(Ordinance No. 83-157, Sec. 2)

1.01.010 Title, Citation, Reference

This Code shall be known as the "Code of the Metropolitan Service District" and it shall be sufficient to refer to this Code as the "Code of the Metropolitan Service District" in any prosecution for the violation of any provisions thereof or in any proceeding at law or equity. It shall also be sufficient to designate any

ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Code of the Metropolitan Service District." Further reference may be had to the titles, chapters, sections and subsections of the "Code of the Metropolitan Service District," and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this Code.

(Ordinance No. 83-157, Sec. 3)

1.01.020 Reference Applies to Amendments

Whenever a reference is made to this Code as the "Code of the Metropolitan Service District" or to any portion thereof, or to any ordinance of the Metropolitan Service District, the reference shall apply to all amendments, corrections and additions thereto.

(Ordinance No. 83-157, Sec. 4)

1.01.030 Codification Authority

This Code consists of all the general, regulatory and penal ordinances of the Metropolitan Service District as they exist on the date of this ordinance and as they may be adopted from time to time.

(Ordinance No. 83-157, Sec. 5)

1.01.040 Definitions

The following words and phrases whenever used in this Code shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "Chief Operating Officer" means the person holding the position of Chief Operating Officer established by Section 2.20.010 of this Code.

(ba) "Council" means the council of the Metropolitan Service District of the Portland metropolitan area.

(c) "Council President" means the person holding the office of Council President established by Section 16(4) of the Metro Charter.

~~(db) "District" means "Metro" and the "Metro Area." the Metropolitan Service District of the Portland metropolitan area and all of the land and territory included within the boundaries of the Metropolitan Service District of the Portland metropolitan area as established by ORS 268.125 and as may be amended by annexation or withdrawal.~~

~~(e) "Executive Officer" means the Executive Officer of the Metropolitan Service District.~~

(ed) "Metro" means the Metropolitan Service District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon

Constitution, ORS Chapter 268 and the Metro Charter under the laws of the State of Oregon, ORS Chapter 268.

(f) "Metro Charter" means the voter-approved home-rule charter in 1992 as amended.

(g) "Metro Area" means all territory within the jurisdictional boundary of Metro as provided by law.

~~(e) "Metropolitan area" means the Oregon portion of a standard metropolitan statistical area designated by an agency of the United States.~~

(hf) "Person" means any individual, public or private corporation, industry, partnership, association, firm, trust, estate, city, county, special district or local governmental unit and any other legal entity.

(ig) "State" means the State of Oregon.

(Ordinance No. 83-157, Sec. 6)

1.01.050 Grammatical Interpretation

The following grammatical rules shall apply in this Code:

(a) Gender. Any gender includes the other gender.

(b) Singular and Plural. The singular number includes the plural and the plural includes the singular.

(c) Tenses. Words used in one tense include any other tense as the context may require.

(d) Use of Words and Phrases. Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

(Ordinance No. 83-157, Sec. 7)

1.01.060 Construction

The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and to promote justice.

(Ordinance No. 83-157, Sec. 8)

1.01.070 Title, Chapter, Section Headings

Title, chapter and section headings contained herein shall not be deemed to govern, omit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ordinance No. 83-157, Sec. 9)

1.01.080 Effect of Code on Past Actions and Obligations

Neither the adoption of this Code or the repeal or amendment hereby of any other code, ordinance or part or portion of any ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty due and unpaid at said effective date under such Code or ordinances, nor be construed as affecting any of the provisions of such Code or ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. When a requirement or obligation under a prior Code or ordinance superseded by this Code is continued by this Code in substantially similar terms, the requirement or obligation and any time limit fixed by the prior Code or ordinance, or by official act or notice thereunder shall continue, and time shall be computed, in accordance with the terms of the prior ordinance, act or notice.

(Ordinance No. 83-157, Sec. 10)

1.01.090 Repeal Shall Not Revive Any Ordinances

The repeal of an ordinance shall not affect the repealing clause of such ordinance or revive any ordinance which has been repealed.

(Ordinance No. 83-157, Sec. 11)

1.01.100 Effective Date

This Code shall be effective upon the date of adoption.

(Ordinance No. 83-157, Sec. 12)

1.01.110 Violations - Penalty

(a) It is unlawful for any person to violate any provision or to fail to comply with any requirement of this Code. Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than \$500, or by imprisonment for a period of not more than 30 days in a county jail, or by both such fine and imprisonment. In addition, property shall be forfeited and permits or licenses may be suspended or revoked as provided in this Code.

(b) Any act or omission made unlawful under this Code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission.

(Ordinance No. 83-157, Sec. 13)

1.01.120 Severability

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

(Ordinance No. 83-157, Sec. 14)

1.01.130 Repealer

Ordinance No. 30 is hereby repealed and the Code adopted thereby is hereby superseded by the Code adopted herein.

(Ordinance No. 83-157, Sec. 15)

Exhibit B
Metro Charter 2003 Amendments to Metro Code
Chapter 2.01, Council Organization and Procedures

CHAPTER 2.01

COUNCIL ORGANIZATION AND PROCEDURES

SECTIONS	TITLE
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2.01.010	Officers
2.01.020	Clerk of the Council
2.01.030	Regular Meetings
2.01.035	Work Sessions
2.01.040	Special Meetings
2.01.050	Emergency Meetings
2.01.055	Participation of Council Members by Electronic Means
2.01.060	Notice and Agenda
2.01.070	Ordinances
2.01.080	Resolutions
2.01.090	Conduct of Meetings
2.01.100	Adoption and Amendment of Rules
2.01.110	Reconsideration
2.01.120	Communications from the Public
2.01.130	Order of Business
2.01.140	Standing Committees of the Council
2.01.160	Advisory Committees (repealed Ord. 00-860A §2)
2.01.170	Salary and Expenditure Reimbursement Guidelines
2.01.180	Procedures for Appointing a Person to Fill a Vacancy on the Metro Council (repealed Ord. 93-517B §2)
2.01.190	Appointment Process, Qualifications and Terms of Office for Boundary Commission Members
2.01.200	Annual Budget

2.01.001 Definitions

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

- (a) "Adoption" means the act of the council to approve a motion to adopt an ordinance or resolution.
- (b) "Clerk" means clerk of the council.

~~(c) "Final adoption" means 1) for an ordinance subject to veto by the Executive Officer the time and date an ordinance passes the five-working days veto period without being vetoed or the act of the council to override an Executive Officer veto of an ordinance; or 2) for an ordinance not subject to the Executive Officer's veto the date of adoption by the council.~~

(cd) "Quorum" means the majority of the members of the council holding office.

(Ordinance No. 88-241, Sec. 1. Amended by Ordinance No. 95-583B, Sec. 1)

2.01.010 Officers

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

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

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

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

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

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

(Ordinance No. 79-65, Sec. 1. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1. Amended by Ordinance No. 02-954A, Sec. 1)

2.01.020 Clerk of the Council

The clerk of the council, or a qualified alternate designated by the Chief Operating Officer~~presiding officer~~, shall act as recording secretary for the council, shall be present at each meeting of the council and

shall provide that the proceedings be recorded as specified in section 2.01.090(B). Sound recordings shall be made of each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the minutes. The council clerk may temporarily interrupt council proceedings in the event of equipment malfunction, changes of tapes or other cause of short-term loss of recording. The clerk shall also maintain a journal of council proceedings that shall be available to the public during regular office hours.

(Ordinance No. 79-65, Sec. 2. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.030 Regular Meetings

The council shall meet regularly on the dates and times established by a resolution adopted by the council. Regular meetings shall be held at a place designated in the published agenda of the meeting. Regular meetings may be adjourned to a specific time and place before the day of the next regular meeting. Published notice of the time and place of an adjourned meeting is not required. Matters included on the agenda of a regular meeting that is adjourned to a later date need not be republished. New matters to be considered at the adjourned meeting shall be published in the same manner as the agenda for a regular meeting.

(Ordinance No. 79-65, Sec. 3. Amended by Ordinance No. 80-87, Sec. 1; Ordinance No. 84-176, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.035 Work Sessions

The council may conduct work sessions for the purpose of receiving briefings from staff and other invited persons and for discussing issues of interest to the council. Public hearings may be held at work sessions, but are not required. Rules governing work sessions shall be prescribed by resolution.

(Ordinance No. 95-583B, Sec. 1)

2.01.040 Special Meetings

The ~~Council President presiding officer~~ or a majority of the members of the council may call a special meeting of the council provided that at least 24 hours notice is given to the council and the general public. Except for the provisions of this section, special meetings are subject to the same rules as regular meetings. If possible, the agenda and time and place of the meeting should be published in a newspaper of general circulation in the district. If publication is not possible, the provisions for notifying the public of emergency meetings should be followed.

(Ordinance No. 79-65, Sec. 4. Amended by Ordinance No. 95-583B, Sec. 1)

2.01.050 Emergency Meetings

In case of an actual emergency, the ~~Council President presiding officer~~ or a majority of the members of the council may call an emergency meeting of the council upon such notice as is appropriate to the circumstances. The agenda shall be limited to the purposes for which the meeting is called. To the extent possible, telephone calls and news released to the media and interested persons should be made to give public notice of the agenda and time and place of meeting.

(Ordinance No. 79-65, Sec. 5. Amended by Ordinance No. 95-583B, Sec. 1)

2.01.055 Participation of Council Members by Electronic Means

(a) For any regular meeting or special meeting of the council, council members may participate in the meeting by the use of a voice or data communication device that allows communication with all other meeting participants provided the following conditions are fulfilled:

- (1) The councilor who wishes to participate by electronic means must file a written request with the Council President ~~presiding officer~~ stating the reasons why the councilor cannot be physically present at the meeting, and why extraordinary circumstances exist that require that the councilor should participate by electronic means.
- (2) The Council President ~~presiding officer~~ files with the council clerk a written report explaining the circumstances and containing the Council President's ~~presiding officer's~~ determination that the physical absence of the councilor is both unavoidable and excusable and that the physically absent councilor should participate in the meeting.
- (3) A majority of the council must be physically present at any special or regular meeting for a quorum to exist.

(b) Any emergency meeting may be conducted by electronic means consistent with the Oregon Public Meetings Law.

(c) Participation at any council meeting by electronic means shall not constitute attendance at a meeting of the council for the purpose of Section 23(1)(e) of the ~~1992~~ Metro Charter.

(Ordinance No. 94-559A, Sec. 1)

2.01.060 Notice and Agenda

(a) An agenda that sets forth the time, date, and place of the meeting, that includes the title and a brief description of the ordinances and other matters to be considered, and that states that copies of ordinances are available at the office of Metro shall be published in a newspaper of general circulation within the district no more than 10 nor less than three days before a regular meeting of the council. If an executive session will be held, the notice shall state the specific provision of the law authorizing the executive session. Items may be considered at a regular or special meeting that were not included in the published agenda as provided by law.

(b) The Council President ~~presiding officer~~ shall establish the agenda from the agenda items submitted by the councilors, council committees, or the auditor, ~~or the Executive Officer~~. By majority vote of a quorum of the council any matter that has been filed for council consideration shall be considered at a subsequent meeting. The Council President ~~presiding officer~~ may, at his or her discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda and shall notify the councilors and the ~~Executive Officer~~ of such due dates.

(Ordinance No. 79-65, Sec. 6. Amended by Ordinance No. 84-176, Sec. 2; Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.070 Ordinances

(a) The legislative action of Metro shall be by ordinance.

(b) Before an ordinance is adopted, it shall be read at a previous meeting of the council; the title of the ordinance must be included in the written agenda of the meeting at which the ordinance is adopted; the agenda shall be publicized not less than three business days nor more than 10 days before the meeting; and copies of the ordinance shall be available for public inspection at least three business days before the meeting. The reading shall be full and distinct unless at the meeting:

(1) A copy of the ordinance is available for each person who desires a copy; and

(2) The Council President ~~presiding officer~~ directs that the reading be by title only.

(c) Ordinances may be introduced for council consideration by the council, a councilor or councilors, a committee of the council, the auditor, or by the Chief Operating Officer with the concurrence of the Council President ~~Executive Officer~~. The council by resolution shall adopt procedures for introduction and consideration of ordinances.

(d) Except as provided in Section 39(1) of the 1992 Metro Charter, the affirmative vote of at least four members of the council is required to adopt an ordinance. A roll call vote shall be taken on all ordinances. Any ordinance which receives four or more nay votes shall be defeated and shall be filed and receive no further consideration. Any ordinance voted upon and neither adopted nor defeated shall be continued to the next regular meeting.

~~(e) Within two working days of adoption, any ordinance subject to the Executive Officer's veto shall be enrolled and transmitted to the Executive Officer for veto consideration.~~

~~(f) The Executive Officer may veto an ordinance by filing a written and signed message with the clerk no later than 5:00 p.m. of the fifth working day following adoption of the ordinance. If the clerk has not received such veto message within the prescribed time then the ordinance shall be considered finally adopted.~~

~~(g) The council may override an Executive Officer veto by an affirmative vote of five members of the council not later than 30 calendar days after the Executive Officer's veto.~~

(eh) Within seven days after adoption or final adoption of an ordinance, the enrolled ordinance shall be:

(1) Signed by the ~~presiding officer~~ Council President;

(2) Attested by the person who served as recording secretary of the council at the meeting at which the council adopted the ordinance; and

(3) Filed in the records of Metro.

(fi) If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the county clerks for Washington and Clackamas counties.

(gj) The provisions of subsection (b) of this section do not apply to an ordinance adopted by the unanimous consent of the council and containing findings on the need for immediate adoption.

(Ordinance No. 79-65, Sec. 7. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 91-407A, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.080 Resolutions

(a) All matters other than legislation and procedural matters coming before the council and requiring council action shall be handled by resolution.

(b) Excluding procedural matters, the affirmative vote of a majority of the council ~~present and voting, a quorum being present,~~ is required to adopt a resolution. Procedural matters shall be subject to Robert's Rules of Order, newly revised, unless ~~chapter 2.01 of~~ this Code provides otherwise.

(c) Resolutions shall become effective upon adoption unless a later date is specified therein.

(d) The council by resolution shall adopt procedures for introducing and considering resolutions. *Note: will require four "yes" votes to adopt resolution.

(Ordinance No. 79-65, Sec. 8. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.090 Conduct of Meetings

(a) A quorum of the council is a majority of the members of the council holding office. If a quorum is present, the council may proceed with the transaction of its business. If fewer councilors are present they may compel absent members to attend.

(b) Minutes of each meeting shall be prepared by the clerk of the council or his/her designee, and shall include at least the following information:

- (1) All members of the council present;
- (2) All motions, resolutions, and ordinances proposed and their dispositions;
- (3) The results of all votes, and the vote of each councilor by name; and
- (4) The substance of any discussion on any matter.

(c) Minutes of executive sessions may be limited consistent with Oregon Law.

(d) The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the council by the clerk of the council.

(e) The council shall by resolution adopt rules establishing procedures governing conduct of debate on matters considered by the council at council meetings.

(f) Council members present, but not voting or not specifically abstaining, shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

(g) Except for ordinances, the ~~presiding officer~~ Council President may order the unanimous approval of any matter before the council unless there is an objection from one or more councilors. If there is an objection, then a voice vote shall be taken, unless the objecting councilor requests a roll call vote in which case a roll call vote shall be taken. At each meeting, the clerk of the council shall rotate the order for each roll call vote so that the councilor who voted first shall vote last on the next roll call vote, except that the ~~presiding officer~~ Council President shall always vote last on a roll call vote.

(h) In the event a matter is the subject of a voice vote or a roll call vote, after the vote is taken the ~~presiding officer~~ Council President shall announce the result of the votes. Prior to proceeding to the next item on the agenda, or if the item voted upon is the last item on the agenda before adjournment, any member may request that the clerk of the council change that member's vote in which case the change in vote shall be announced by the ~~presiding officer~~ Council President and the result of the votes as modified shall also be announced. Upon commencement of the next agenda or adjournment, as the case may be, all votes shall become final and may not be further changed without the unanimous consent of the council.

(i) Any matter not covered by this chapter or a rule adopted by the council pursuant to a resolution shall be determined by Robert's Rules of Order, newly revised. The council may by a positive vote of two-thirds of the members of the council authorize the suspension of any rule adopted by a resolution of the council.

(j) All meetings of the council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings Law.

(Ordinance No. 95-583B, Sec. 1)

2.01.100 Adoption and Amendment of Rules

No standing rule of procedure of the council shall be adopted, amended, or repealed except pursuant to a duly adopted resolution approved by the affirmative vote of a majority of the members of the council. Any rule may be suspended by a vote of two-thirds of the members of the council.

(Ordinance No. 79-65, Sec. 10, Amended by Ordinance No. 95-583B, Sec. 1)

2.01.110 Reconsideration

(a) When a matter has been adopted or defeated, any councilor voting on the prevailing side may move for reconsideration of the matter.

(b) Notice of the intention to move for reconsideration of an ordinance or resolution must be given orally by the councilor who intends to make the motion prior to adjournment on the same day on which the vote to be reconsidered was taken.

(c) Motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

(d) A motion for reconsideration must receive the affirmative vote of a majority of the members of the council in order to be adopted.

(e) There shall be only one reconsideration of any final vote even though the action of council reverses its previous action.

(Ordinance No. 79-65, Sec. 11. Amended by Ordinance No. 95-583B, Sec. 1)

2.01.120 Communications from the Public

Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the council according to rules and procedures prescribed by resolution.

Ordinance No. 79-65, Sec. 12. Amended by Ordinance No. 91-407A, Sec. 3; Ordinance No. 95-583B, Sec. 1)

2.01.130 Order of Business

(a) The general order of business for the council shall be prescribed by resolution.

(b) Questions relating to the priority of business shall be decided without debate. The general order of business shall not be varied except upon the affirmative vote of a majority of the council present and voting, a quorum being present.

(c) A consent agenda shall be presented for the consideration and vote of the council only at regular meetings. Items may be placed on the consent agenda pursuant to rules establishing criteria adopted by the council by resolution. Copies of the consent agenda shall be printed and distributed to the council prior to consideration.

(d) Before calling for the vote on the consent agenda, the ~~presiding officer~~ Council President shall ask if any councilor objects to any matter on the consent agenda. If any matter on the consent agenda is objected to by a member of the council, that matter shall be removed from the consent agenda and placed upon the regular agenda of the council at a time or place determined by the ~~presiding officer~~ Council President.

(Ordinance No. 79-65, Sec. 13. Amended by Ordinance No. 80-87, Sec. 2; Ordinance No. 91-407A, Sec. 4; Ordinance No. 95-583B, Sec. 1)

2.01.140 Standing Committees of the Council

The council may from time to time establish standing committees as it deems necessary consistent with Section 2.01.010(b). The purpose, structure, membership and responsibilities of any standing committee shall be established by the council by the adoption of a resolution.

(Ordinance No. 79-65, Sec. 14. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 91-407A, Sec. 5; Ordinance No. 95-583B, Sec. 1)

2.01.170 Salary and Expenditure Reimbursement Guidelines

(a) Councilors shall be paid an authorized salary at the same time as regular Metro employees. The amount of the salary shall be as prescribed by law. The annual salary shall be divided into 24 equal payments. If a councilor vacates the office, he or she shall be paid on a pro-rata basis for the number of working days from the last pay period. A councilor may waive all or any portion of an authorized salary by signing a waiver form which indicates the amount of salary waived and the period of time for the waiver. The waiver shall remain in effect until written notice of cancellation is given prior to the commencement of the pay period for which the waiver will no longer be in effect. A councilor who waives a salary must sign a release form at the time of receipt of a salary which releases Metro from any further obligation for the period of time for which the salary is paid. ~~Notwithstanding any waiver of salary, all councilors shall receive the full benefit (health and welfare) package received by other Metro employees. Such benefits shall be based on the full salary of the councilor provided by law regardless of any waiver or salary payments.~~

(b) The council by resolution shall adopt guidelines for reimbursement of councilors ~~and council employees~~ for expenses incurred in the conduct of business of Metro. The guidelines shall specify the amount each councilor shall be allocated for authorized expenditures, the type of authorized expenditure, and procedures for the request and approval of expenditure reimbursement requests.

(c) Pursuant to Metro Charter Section 21(4), the salary paid to members of the Council is the full and exclusive compensation that may be paid to them by Metro. Councilors may not become employees of Metro during their term of office. Councilors shall receive an equivalent benefit (health and welfare coverage) package received by full-time Metro employees but in no event shall such benefits be measured based on any determination of the amount of time devoted to official duties.

(Ordinance No. 89-289, Sec. 1. Amended by Ordinance No. 93-481, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.190 Appointment Process, Qualifications and Terms of Office for Boundary Commission Members

~~(a) As provided by Oregon Law:~~

~~(1) The Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of councilors of the Metropolitan Service District.~~

~~(2) The members of that boundary commission shall be appointed by the Executive Officer of the Metropolitan Service District. The Executive Officer shall appoint members of a boundary commission from a list of individuals nominated by the councilors of the district. Each councilor shall nominate no fewer than three nor more than five individuals for appointment to the boundary commission. When first appointing all the members of boundary commission, the Executive Officer shall appoint one individual from among those nominated by each councilor. Thereafter, as the term of a member of a boundary commission expires or as a vacancy occurs, the Executive Officer shall appoint an individual nominated by the councilor or a successor who nominated the boundary commission member whose term has expired or who vacated the office. The Executive Officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the boundary commission.~~

~~(3) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than one half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.~~

~~(4) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:~~

~~(A) Any service for the unexpired term of a predecessor in office.~~

~~(B) Any term less than four years served on the commission first appointed.~~

~~(b) The terms of office of members of the boundary commission appointed prior to 1991 shall be as follows:~~

~~(1) Members appointed from nominations made by councilors representing council districts 2, 6, and 8 shall serve from July 1, 1988 to January 1, 1992;~~

~~(2) Members appointed from nominations made by councilors representing council districts 1, 5, and 7 shall serve from July 1, 1988 to January 1, 1993;~~

~~(3) Members appointed from nominations made by councilors representing council districts 3, 10, and 11 shall serve from January 1, 1990 to January 1, 1994; and~~

~~(4) Members appointed from nominations made by councilors representing council districts 4, 9, and 12 shall serve from January 1, 1990 to January 1, 1995.~~

~~(e) Notwithstanding the provisions of subsection (b) above, effective January 2, 1995, the boundary commission shall consist of seven members and each shall be appointed from nominations made by councilors. The terms of the boundary commission members nominated by councilors representing districts 2, 3, 6, 7, 8, and 10 terminate effective January 2, 1995. Whenever a vacancy exists on the boundary commission after January 2, 1995, the boundary commission member nominated by the councilor representing former council district number 1 shall be nominated by the councilor representing new council district number 4; the boundary commission member nominated by the councilor representing former council district number 4 shall be nominated by the councilor representing new council district number 3; the boundary commission member nominated by the councilor representing former council district number 5 shall be nominated by the councilor representing new council district number 2; the boundary commission member nominated by the councilor representing former council district number 9 shall be nominated by the councilor representing new council district number 6; the boundary commission member nominated by the councilor representing former council district number 11 shall be nominated by the councilor representing new council district number 5; the boundary commission member nominated by the councilor representing former council district number 12 shall be nominated by the councilor representing new council district number 1; and the boundary commission member nominated by the councilor representing former council district number 13 shall be nominated by the councilor representing new council district number 7.~~

~~(Ordinance No. 91-409, Sec. 1. Amended by Ordinance No. 94-577, Sec. 2; Ordinance No. 95-583B, Sec. 1)~~

2.01.200 Annual Budget

~~The Executive Officer Council President shall submit to the council the Proposed Budget and Budget Message for the following fiscal year not later than March 15th at the first regularly scheduled council meeting in February of each year. If there is a transition of Executive Officers Council President, the outgoing Executive Officer Council President shall consult and cooperate with the Executive Officer Council President-elect to the maximum extent possible in the preparation of the proposed budget and budget message.~~

~~(Ordinance No. 94-566A)~~

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

CONSIDERATION OF **ORDINANCE NO. 02-958A**, FOR THE PURPOSE OF AMENDING CHAPTER 1.01 CODE ADOPTION AND APPLICATION INDEX AND CHAPTER 2.01 COUNCIL ORGANIZATION AND PROCEDURES OF THE METRO CODE TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY

Date: 7 November 2002

Presented by: Councilor Burkholder

Committee Recommendation: At its October 24, 2002, meeting, the Governmental Affairs Committee voted 2-0 to recommend Council adoption of Ordinance No. 02-958A. Voting in favor: Councilors Burkholder and Monroe. Voting against: None. Absent: Councilor Bragdon.

Background: Dan Cooper, Metro Legal Counsel, presented the staff report. He reminded councilors that this ordinance, like other Transition ordinances, had been reviewed by the committee in draft form prior to being First Read at council and referred back to the committee. He pointed out one amendment to the original ordinance, which was to specify, in section 2.01.200 Annual Budget, that the Proposed Budget be submitted to Council no later than March 15th, rather than at the first Council meeting in February.

Committee Issues/Discussion: Councilor Burkholder referred to section 2.01.080(b), and asked for clarification regarding requirements for adopting resolutions and ordinances. Mr. Cooper responded that, as now written in the Code, if a quorum of Council is present at a meeting, a resolution can be approved by a majority of those present. The proposed change requires a minimum of four "yes" votes for any resolution to pass, the same as the requirement for ordinances.

Key Public Testimony: There was none.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 02-958 FOR THE PURPOSE OF AMENDING CHAPTER 1.01 CODE ADOPTION AND APPLICATION INDEX AND CHAPTER 2.01 ADMINISTRATION AND PROCEDURES, OF THE METRO CODE TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY

Date: October 10, 2002

Prepared by: Peggy Coats

BACKGROUND

As a result of the passage by the voters of Ballot Measure 26-10 on November 7, 2000, various changes to Metro's existing code are in order to conform to the approved amendments to Metro's charter. The changes proposed in this ordinance to Chapter 1.01 Code Adoption and Application Index, and Chapter 2.01, Administration and Procedures, primarily remove references to the Executive Officer and Presiding Officer, whose offices will be abolished effective January 6, 2003; and create references to the Council President and the Chief Operating Officer, consistent with code amendments adopted by Council earlier this year (see "Legal Antecedents" below).

ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Resolution 00-2929A "For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Abolishing the Office of Executive Officer, Creating the Office of Council President, and Making Related Changes"; Ordinance 02-942A "For the Purpose of Adding a New Chapter 2.20 to the Metro Code Creating the Office of Chief Operating Officer"; Ordinance 02-953A "For the Purpose of Creating the Office of Metro Attorney"; Ordinance 02-954A "For the Purpose of Reflecting the Creation of the Office of Metro Council President"; and Ordinance 02-955A "For the Purpose of Amending Chapter 2.19 of the Metro Code to Conform to Charter Amendments Adopted on November 7, 2000".
3. **Anticipated Effects** This ordinance will amend Chapter 1.01 and Chapter 2.01 of the Metro Code to conform to approved Charter amendments.
4. **Budget Impacts** None

RECOMMENDED ACTION

That Council approve adoption of Ordinance 02-958.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 02-958
CHAPTER 1.01 CODE ADOPTION AND)
APPLICATION INDEX AND CHAPTER 2.01) Introduced by the Council Governmental
ADMINISTRATION AND PROCEDURES, OF) Affairs Committee
THE METRO CODE TO CONFORM TO THE)
METRO CHARTER AMENDMENTS ADOPTED)
ON NOVEMBER 7, 2000, AND DECLARING AN)
EMERGENCY)

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

WHEREAS, the Metro Charter Amendments, created the Office of Council President and abolished the Office of the Executive Officer; and

WHEREAS, the Metro Council amended Metro Code Chapter 2.01 to reflect the creation of the office of Metro Council President pursuant to Ordinance No. 02-954A on June 27, 2002; and

WHEREAS, the Metro Charter Amendments required the Metro Council to create the Office of the Chief Operating Officer; and

WHEREAS, the Metro Charter Amendments, added Metro Code Chapter 2.20 to create the office of Chief Operating Officer and to define the duties and responsibilities of the Chief Operating Officer, pursuant to Ordinance No. 02-942A on June 27, 2002; and

WHEREAS, the Metro Charter Amendments required the Council to create the Office of the Metro Attorney; and

WHEREAS, the Metro Council amended Chapter 2.08 of the Metro Code to create the office of the Metro Attorney and to define the duties and responsibilities of the Metro Attorney, pursuant to Ordinance No. 02-953A on June 27, 2002; and

WHEREAS, it is necessary to amend Chapter 1.01 and Chapter 2.01 of the Metro Code to conform to the Metro Charter Amendments adopted on November 7, 2000; and

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Code Chapters 1.01 and 2.01 are amended as provided for and are attached as Exhibit A and Exhibit B, respectively.
2. The Metro Charter 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 Hostika, Presiding Officer

ATTEST:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

Exhibit A
Metro Charter 2003 Amendments to Metro Code
Chapter 1.01, Adoption and Application Index

CHAPTER 1.01

CODE ADOPTION AND APPLICATION

SECTIONS	TITLE
1.01.001	Code Adoption
1.01.003	Code Revisions
1.01.010	Title, Citation, Reference
1.01.020	Reference Applies to Amendments
1.01.030	Codification Contents
1.01.040	Definitions
1.01.050	Grammatical Interpretation
1.01.060	Construction
1.01.070	Title, Chapter and Section Headings
1.01.080	Effect of Code on Past Actions and Obligations
1.01.090	Repeal Shall Not Revive Any Ordinances
1.01.100	Effective Date
1.01.110	Violations and Penalties
1.01.120	Severability
1.01.130	Repealer

1.01.001 Code Adoption

The "Code of the Metropolitan Service District" dated July 1983 is hereby adopted.

(Ordinance No. 83-157, Sec. 1)

1.01.003 Code Revisions

The Code may be revised and republished by the Chief Operating Officer ~~Executive Officer~~ from time to time as necessary but not less often than annually. Such revisions shall include subsequently adopted general ordinances appropriate for codification pursuant to generally accepted standards for the codification of ordinances of Oregon municipal corporations.

(Ordinance No. 83-157, Sec. 2)

1.01.010 Title, Citation, Reference

This Code shall be known as the "Code of the Metropolitan Service District" and it shall be sufficient to refer to this Code as the "Code of the Metropolitan Service District" in any prosecution for the violation of any provisions thereof or in any proceeding at law or equity. It shall also be sufficient to designate any

ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Code of the Metropolitan Service District." Further reference may be had to the titles, chapters, sections and subsections of the "Code of the Metropolitan Service District," and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this Code.

(Ordinance No. 83-157, Sec. 3)

1.01.020 Reference Applies to Amendments

Whenever a reference is made to this Code as the "Code of the Metropolitan Service District" or to any portion thereof, or to any ordinance of the Metropolitan Service District, the reference shall apply to all amendments, corrections and additions thereto.

(Ordinance No. 83-157, Sec. 4)

1.01.030 Codification Authority

This Code consists of all the general, regulatory and penal ordinances of the Metropolitan Service District as they exist on the date of this ordinance and as they may be adopted from time to time.

(Ordinance No. 83-157, Sec. 5)

1.01.040 Definitions

The following words and phrases whenever used in this Code shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "Chief Operating Officer" means the person holding the position of Chief Operating Officer established by Section 2.20.010 of this Code.

(ba) "Council" means the council of the Metropolitan Service District of the Portland metropolitan area.

(c) "Council President" means the person holding the office of Council President established by Section 16(4) of the Metro Charter.

(db) "District" means the Metropolitan Service District of the Portland metropolitan area and all of the land and territory included within the boundaries of the Metropolitan Service District of the Portland metropolitan area as established by ORS 268.125 and as may be amended by annexation or withdrawal.

(e) "Executive Officer" means the Executive Officer of the Metropolitan Service District.

(ed) "Metro" means the Metropolitan Service District of the Portland metropolitan area, a municipal corporation established and existing under the laws of the State of Oregon, ORS Chapter 268.

~~(f) "Metro Charter" means the voter-approved home-rule charter in 1992 and amendments to that charter in the November 2000 election.~~

~~(g) "Metro Area" means all territory within the jurisdictional boundary of Metro as provided by law.~~

~~(e) "Metropolitan area" means the Oregon portion of a standard metropolitan statistical area designated by an agency of the United States.~~

(hf) "Person" means any individual, public or private corporation, industry, partnership, association, firm, trust, estate, city, county, special district or local governmental unit and any other legal entity.

(ig) "State" means the State of Oregon.

(Ordinance No. 83-157, Sec. 6)

1.01.050 Grammatical Interpretation

The following grammatical rules shall apply in this Code:

(a) Gender. Any gender includes the other gender.

(b) Singular and Plural. The singular number includes the plural and the plural includes the singular.

(c) Tenses. Words used in one tense include any other tense as the context may require.

(d) Use of Words and Phrases. Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

(Ordinance No. 83-157, Sec. 7)

1.01.060 Construction

The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and to promote justice.

(Ordinance No. 83-157, Sec. 8)

1.01.070 Title, Chapter, Section Headings

Title, chapter and section headings contained herein shall not be deemed to govern, omit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ordinance No. 83-157, Sec. 9)

1.01.080 Effect of Code on Past Actions and Obligations

Neither the adoption of this Code or the repeal or amendment hereby of any other code, ordinance or part or portion of any ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty due and unpaid at said effective date under such Code or ordinances, nor be construed as affecting any of the provisions of such Code or ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. When a requirement or obligation under a prior Code or ordinance superseded by this Code is continued by this Code in substantially similar terms, the requirement or obligation and any time limit fixed by the prior Code or ordinance, or by official act or notice thereunder shall continue, and time shall be computed, in accordance with the terms of the prior ordinance, act or notice.

(Ordinance No. 83-157, Sec. 10)

1.01.090 Repeal Shall Not Revive Any Ordinances

The repeal of an ordinance shall not affect the repealing clause of such ordinance or revive any ordinance which has been repealed.

(Ordinance No. 83-157, Sec. 11)

1.01.100 Effective Date

This Code shall be effective upon the date of adoption.

(Ordinance No. 83-157, Sec. 12)

1.01.110 Violations - Penalty

(a) It is unlawful for any person to violate any provision or to fail to comply with any requirement of this Code. Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than \$500, or by imprisonment for a period of not more than 30 days in a county jail, or by both such fine and imprisonment. In addition, property shall be forfeited and permits or licenses may be suspended or revoked as provided in this Code.

(b) Any act or omission made unlawful under this Code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission.

(Ordinance No. 83-157, Sec. 13)

1.01.120 Severability

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

(Ordinance No. 83-157, Sec. 14)

1.01.130 Repealer

Ordinance No. 30 is hereby repealed and the Code adopted thereby is hereby superseded by the Code adopted herein.

(Ordinance No. 83-157, Sec. 15)

Exhibit B
Metro Charter 2003 Amendments to Metro Code
Chapter 2.01, Council Organization and Procedures

CHAPTER 2.01

COUNCIL ORGANIZATION AND PROCEDURES

SECTIONS	TITLE
2.01.001	Definitions
2.01.010	Officers
2.01.020	Clerk of the Council
2.01.030	Regular Meetings
2.01.035	Work Sessions
2.01.040	Special Meetings
2.01.050	Emergency Meetings
2.01.055	Participation of Council Members by Electronic Means
2.01.060	Notice and Agenda
2.01.070	Ordinances
2.01.080	Resolutions
2.01.090	Conduct of Meetings
2.01.100	Adoption and Amendment of Rules
2.01.110	Reconsideration
2.01.120	Communications from the Public
2.01.130	Order of Business
2.01.140	Standing Committees of the Council
2.01.160	Advisory Committees (repealed Ord. 00-860A §2)
2.01.170	Salary and Expenditure Reimbursement Guidelines
2.01.180	Procedures for Appointing a Person to Fill a Vacancy on the Metro Council (repealed Ord. 93-517B §2)
2.01.190	Appointment Process, Qualifications and Terms of Office for Boundary Commission Members
2.01.200	Annual Budget

2.01.001 Definitions

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

- (a) "Adoption" means the act of the council to approve a motion to adopt an ordinance or resolution.
- (b) "Clerk" means clerk of the council.

~~(c) "Final adoption" means 1) for an ordinance subject to veto by the Executive Officer the time and date an ordinance passes the five working days veto period without being vetoed or the act of the council to override an Executive Officer veto of an ordinance; or 2) for an ordinance not subject to the Executive Officer's veto the date of adoption by the council.~~

(cd) "Quorum" means the majority of the members of the council holding office.

(Ordinance No. 88-241, Sec. 1. Amended by Ordinance No. 95-583B, Sec. 1)

2.01.010 Officers

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

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

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

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

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

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

(Ordinance No. 79-65, Sec. 1. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1. Amended by Ordinance No. 02-954A, Sec. 1)

2.01.020 Clerk of the Council

The clerk of the council, or a qualified alternate designated by the Chief Operating Officer ~~presiding officer~~, shall act as recording secretary for the council, shall be present at each meeting of the council and

shall provide that the proceedings be recorded as specified in section 2.01.090(B). Sound recordings shall be made of each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the minutes. The council clerk may temporarily interrupt council proceedings in the event of equipment malfunction, changes of tapes or other cause of short-term loss of recording. The clerk shall also maintain a journal of council proceedings that shall be available to the public during regular office hours.

(Ordinance No. 79-65, Sec. 2. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.030 Regular Meetings

The council shall meet regularly on the dates and times established by a resolution adopted by the council. Regular meetings shall be held at a place designated in the published agenda of the meeting. Regular meetings may be adjourned to a specific time and place before the day of the next regular meeting. Published notice of the time and place of an adjourned meeting is not required. Matters included on the agenda of a regular meeting that is adjourned to a later date need not be republished. New matters to be considered at the adjourned meeting shall be published in the same manner as the agenda for a regular meeting.

(Ordinance No. 79-65, Sec. 3. Amended by Ordinance No. 80-87, Sec. 1; Ordinance No. 84-176, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.035 Work Sessions

The council may conduct work sessions for the purpose of receiving briefings from staff and other invited persons and for discussing issues of interest to the council. Public hearings may be held at work sessions, but are not required. Rules governing work sessions shall be prescribed by resolution.

(Ordinance No. 95-583B, Sec. 1)

2.01.040 Special Meetings

The ~~Council President presiding officer~~ or a majority of the members of the council may call a special meeting of the council provided that at least 24 hours notice is given to the council and the general public. Except for the provisions of this section, special meetings are subject to the same rules as regular meetings. If possible, the agenda and time and place of the meeting should be published in a newspaper of general circulation in the district. If publication is not possible, the provisions for notifying the public of emergency meetings should be followed.

(Ordinance No. 79-65, Sec. 4. Amended by Ordinance No. 95-583B, Sec. 1)

2.01.050 Emergency Meetings

In case of an actual emergency, the ~~Council President presiding officer~~ or a majority of the members of the council may call an emergency meeting of the council upon such notice as is appropriate to the circumstances. The agenda shall be limited to the purposes for which the meeting is called. To the extent possible, telephone calls and news released to the media and interested persons should be made to give public notice of the agenda and time and place of meeting.

(Ordinance No. 79-65, Sec. 5. Amended by Ordinance No. 95-583B, Sec. 1)

2.01.055 Participation of Council Members by Electronic Means

(a) For any regular meeting or special meeting of the council, council members may participate in the meeting by the use of a voice or data communication device that allows communication with all other meeting participants provided the following conditions are fulfilled:

- (1) The councilor who wishes to participate by electronic means must file a written request with the Council President ~~presiding officer~~ stating the reasons why the councilor cannot be physically present at the meeting, and why extraordinary circumstances exist that require that the councilor should participate by electronic means.
- (2) The Council President ~~presiding officer~~ files with the council clerk a written report explaining the circumstances and containing the Council President's ~~presiding officer's~~ determination that the physical absence of the councilor is both unavoidable and excusable and that the physically absent councilor should participate in the meeting.
- (3) A majority of the council must be physically present at any special or regular meeting for a quorum to exist.

(b) Any emergency meeting may be conducted by electronic means consistent with the Oregon Public Meetings Law.

(c) Participation at any council meeting by electronic means shall not constitute attendance at a meeting of the council for the purpose of Section 23(1)(e) of the ~~1992~~ Metro Charter.

(Ordinance No. 94-559A, Sec. 1)

2.01.060 Notice and Agenda

(a) An agenda that sets forth the time, date, and place of the meeting, that includes the title and a brief description of the ordinances and other matters to be considered, and that states that copies of ordinances are available at the office of Metro shall be published in a newspaper of general circulation within the district no more than 10 nor less than three days before a regular meeting of the council. If an executive session will be held, the notice shall state the specific provision of the law authorizing the executive session. Items may be considered at a regular or special meeting that were not included in the published agenda as provided by law.

(b) The Council President ~~presiding officer~~ shall establish the agenda from the agenda items submitted by the councilors, council committees, ~~or the auditor, or the Executive Officer.~~ By majority vote of a quorum of the council any matter that has been filed for council consideration shall be considered at a subsequent meeting. The Council President ~~presiding officer~~ may, at his or her discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda ~~and shall notify the councilors and the Executive Officer of such due dates.~~

(Ordinance No. 79-65, Sec. 6. Amended by Ordinance No. 84-176, Sec. 2; Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.070 Ordinances

(a) The legislative action of Metro shall be by ordinance.

(b) Before an ordinance is adopted, it shall be read at a previous meeting of the council; the title of the ordinance must be included in the written agenda of the meeting at which the ordinance is adopted; the agenda shall be publicized not less than three business days nor more than 10 days before the meeting; and copies of the ordinance shall be available for public inspection at least three business days before the meeting. The reading shall be full and distinct unless at the meeting:

(1) A copy of the ordinance is available for each person who desires a copy; and

(2) The Council President ~~presiding officer~~ directs that the reading be by title only.

(c) Ordinances may be introduced for council consideration by the council, a councilor or councilors, a committee of the council, the auditor, or by the Chief Operating Officer with the concurrence of the Council President ~~Executive Officer~~. The council by resolution shall adopt procedures for introduction and consideration of ordinances.

(d) Except as provided in Section 39(1) of the ~~1992~~ Metro Charter, the affirmative vote of at least four members of the council is required to adopt an ordinance. A roll call vote shall be taken on all ordinances. Any ordinance which receives four or more nay votes shall be defeated and shall be filed and receive no further consideration. Any ordinance voted upon and neither adopted nor defeated shall be continued to the next regular meeting.

~~(e) Within two working days of adoption, any ordinance subject to the Executive Officer's veto shall be enrolled and transmitted to the Executive Officer for veto consideration.~~

~~(f) The Executive Officer may veto an ordinance by filing a written and signed message with the clerk no later than 5:00 p.m. of the fifth working day following adoption of the ordinance. If the clerk has not received such veto message within the prescribed time then the ordinance shall be considered finally adopted.~~

~~(g) The council may override an Executive Officer veto by an affirmative vote of five members of the council not later than 30 calendar days after the Executive Officer's veto.~~

(eh) Within seven days after adoption or final adoption of an ordinance, the enrolled ordinance shall be:

(1) Signed by the ~~presiding officer~~ Council President;

(2) Attested by the person who served as recording secretary of the council at the meeting at which the council adopted the ordinance; and

(3) Filed in the records of Metro.

(fi) If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the county clerks for Washington and Clackamas counties.

(gf) The provisions of subsection (b) of this section do not apply to an ordinance adopted by the unanimous consent of the council and containing findings on the need for immediate adoption.

(Ordinance No. 79-65, Sec. 7. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 91-407A, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.080 Resolutions

(a) All matters other than legislation and procedural matters coming before the council and requiring council action shall be handled by resolution.

(b) Excluding procedural matters, the affirmative vote of a majority of the council present and voting, a quorum being present, is required to adopt a resolution. Procedural matters shall be subject to Robert's Rules of Order, newly revised, unless chapter 2.01 of this Code provides otherwise.

(c) Resolutions shall become effective upon adoption unless a later date is specified therein.

(d) The council by resolution shall adopt procedures for introducing and considering resolutions. *Note: will require four "yes" votes to adopt resolution.

(Ordinance No. 79-65, Sec. 8. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 95-583B, Sec. 1)

2.01.090 Conduct of Meetings

(a) A quorum of the council is a majority of the members of the council holding office. If a quorum is present, the council may proceed with the transaction of its business. If fewer councilors are present they may compel absent members to attend.

(b) Minutes of each meeting shall be prepared by the clerk of the council or his/her designee, and shall include at least the following information:

- (1) All members of the council present;
- (2) All motions, resolutions, and ordinances proposed and their dispositions;
- (3) The results of all votes, and the vote of each councilor by name; and
- (4) The substance of any discussion on any matter.

(c) Minutes of executive sessions may be limited consistent with Oregon Law.

(d) The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the council by the clerk of the council.

(e) The council shall by resolution adopt rules establishing procedures governing conduct of debate on matters considered by the council at council meetings.

(f) Council members present, but not voting or not specifically abstaining, shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

(g) Except for ordinances, the ~~presiding officer~~ Council President may order the unanimous approval of any matter before the council unless there is an objection from one or more councilors. If there is an objection, then a voice vote shall be taken, unless the objecting councilor requests a roll call vote in which case a roll call vote shall be taken. At each meeting, the clerk of the council shall rotate the order for each roll call vote so that the councilor who voted first shall vote last on the next roll call vote, except that the ~~presiding officer~~ Council President shall always vote last on a roll call vote.

(h) In the event a matter is the subject of a voice vote or a roll call vote, after the vote is taken the ~~presiding officer~~ Council President shall announce the result of the votes. Prior to proceeding to the next item on the agenda, or if the item voted upon is the last item on the agenda before adjournment, any member may request that the clerk of the council change that member's vote in which case the change in vote shall be announced by the ~~presiding officer~~ Council President and the result of the votes as modified shall also be announced. Upon commencement of the next agenda or adjournment, as the case may be, all votes shall become final and may not be further changed without the unanimous consent of the council.

(i) Any matter not covered by this chapter or a rule adopted by the council pursuant to a resolution shall be determined by Robert's Rules of Order, newly revised. The council may by a positive vote of two-thirds of the members of the council authorize the suspension of any rule adopted by a resolution of the council.

(j) All meetings of the council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings Law.

(Ordinance No. 95-583B, Sec. 1)

2.01.100 Adoption and Amendment of Rules

No standing rule of procedure of the council shall be adopted, amended, or repealed except pursuant to a duly adopted resolution approved by the affirmative vote of a majority of the members of the council. Any rule may be suspended by a vote of two-thirds of the members of the council.

(Ordinance No. 79-65, Sec. 10, Amended by Ordinance No. 95-583B, Sec. 1)

2.01.110 Reconsideration

(a) When a matter has been adopted or defeated, any councilor voting on the prevailing side may move for reconsideration of the matter.

(b) Notice of the intention to move for reconsideration of an ordinance or resolution must be given orally by the councilor who intends to make the motion prior to adjournment on the same day on which the vote to be reconsidered was taken.

(c) Motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

(d) A motion for reconsideration must receive the affirmative vote of a majority of the members of the council in order to be adopted.

(e) There shall be only one reconsideration of any final vote even though the action of council reverses its previous action.

(Ordinance No. 79-65, Sec. 11. Amended by Ordinance No. 95-583B, Sec. 1)

2.01.120 Communications from the Public

Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the council according to rules and procedures prescribed by resolution.

Ordinance No. 79-65, Sec. 12. Amended by Ordinance No. 91-407A, Sec. 3; Ordinance No. 95-583B, Sec. 1)

2.01.130 Order of Business

(a) The general order of business for the council shall be prescribed by resolution.

(b) Questions relating to the priority of business shall be decided without debate. The general order of business shall not be varied except upon the affirmative vote of a majority of the council present and voting, a quorum being present.

(c) A consent agenda shall be presented for the consideration and vote of the council only at regular meetings. Items may be placed on the consent agenda pursuant to rules establishing criteria adopted by the council by resolution. Copies of the consent agenda shall be printed and distributed to the council prior to consideration.

(d) Before calling for the vote on the consent agenda, the ~~presiding officer~~ Council President shall ask if any councilor objects to any matter on the consent agenda. If any matter on the consent agenda is objected to by a member of the council, that matter shall be removed from the consent agenda and placed upon the regular agenda of the council at a time or place determined by the ~~presiding officer~~ Council President.

(Ordinance No. 79-65, Sec. 13. Amended by Ordinance No. 80-87, Sec. 2; Ordinance No. 91-407A, Sec. 4; Ordinance No. 95-583B, Sec. 1)

2.01.140 Standing Committees of the Council

The council may from time to time establish standing committees as it deems necessary consistent with Section 2.01.010(b). The purpose, structure, membership and responsibilities of any standing committee shall be established by the council by the adoption of a resolution.

(Ordinance No. 79-65, Sec. 14. Amended by Ordinance No. 88-241, Sec. 1; Ordinance No. 91-407A, Sec. 5; Ordinance No. 95-583B, Sec. 1)

2.01.170 Salary and Expenditure Reimbursement Guidelines

(a) Councilors shall be paid an authorized salary at the same time as regular Metro employees. The amount of the salary shall be as prescribed by law. The annual salary shall be divided into 24 equal payments. If a councilor vacates the office, he or she shall be paid on a pro-rata basis for the number of working days from the last pay period. A councilor may waive all or any portion of an authorized salary by signing a waiver form which indicates the amount of salary waived and the period of time for the waiver. The waiver shall remain in effect until written notice of cancellation is given prior to the commencement of the pay period for which the waiver will no longer be in effect. A councilor who waives a salary must sign a release form at the time of receipt of a salary which releases Metro from any further obligation for the period of time for which the salary is paid. ~~Notwithstanding any waiver of salary, all councilors shall receive the full benefit (health and welfare) package received by other Metro employees. Such benefits shall be based on the full salary of the councilor provided by law regardless of any waiver or salary payments.~~

(b) The council by resolution shall adopt guidelines for reimbursement of councilors ~~and council employees~~ for expenses incurred in the conduct of business of Metro. The guidelines shall specify the amount each councilor shall be allocated for authorized expenditures, the type of authorized expenditure, and procedures for the request and approval of expenditure reimbursement requests.

(c) Pursuant to Metro Charter Section 21(4), the salary paid to members of the Council is the full and exclusive compensation that may be paid to them by Metro. Councilors may not become employees of Metro during their term of office. Councilors shall receive an equivalent benefit (health and welfare coverage) package received by full-time Metro employees but in no event shall such benefits be measured based on any determination of the amount of time devoted to official duties.

(Ordinance No. 89-289, Sec. 1. Amended by Ordinance No. 93-481, Sec. 1; Ordinance No. 95-583B, Sec. 1)

~~2.01.190 Appointment Process, Qualifications and Terms of Office for Boundary Commission Members~~

~~(a) As provided by Oregon Law:~~

~~(1) The Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of councilors of the Metropolitan Service District.~~

~~(2) The members of that boundary commission shall be appointed by the Executive Officer of the Metropolitan Service District. The Executive Officer shall appoint members of a boundary commission from a list of individuals nominated by the councilors of the district. Each councilor shall nominate no fewer than three nor more than five individuals for appointment to the boundary commission. When first appointing all the members of boundary commission, the Executive Officer shall appoint one individual from among those nominated by each councilor. Thereafter, as the term of a member of a boundary commission expires or as a vacancy occurs, the Executive Officer shall appoint an individual nominated by the councilor or a successor who nominated the boundary commission member whose term has expired or who vacated the office. The Executive Officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the boundary commission.~~

~~(3) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than one half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.~~

~~(4) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:~~

~~(A) Any service for the unexpired term of a predecessor in office.~~

~~(B) Any term less than four years served on the commission first appointed.~~

~~(b) The terms of office of members of the boundary commission appointed prior to 1991 shall be as follows:~~

~~(1) Members appointed from nominations made by councilors representing council districts 2, 6, and 8 shall serve from July 1, 1988 to January 1, 1992;~~

~~(2) Members appointed from nominations made by councilors representing council districts 1, 5, and 7 shall serve from July 1, 1988 to January 1, 1993;~~

~~(3) Members appointed from nominations made by councilors representing council districts 3, 10, and 11 shall serve from January 1, 1990 to January 1, 1994; and~~

~~(4) Members appointed from nominations made by councilors representing council districts 4, 9, and 12 shall serve from January 1, 1990 to January 1, 1995.~~

~~(c) Notwithstanding the provisions of subsection (b) above, effective January 2, 1995, the boundary commission shall consist of seven members and each shall be appointed from nominations made by councilors. The terms of the boundary commission members nominated by councilors representing districts 2, 3, 6, 7, 8, and 10 terminate effective January 2, 1995. Whenever a vacancy exists on the boundary commission after January 2, 1995, the boundary commission member nominated by the councilor representing former council district number 1 shall be nominated by the councilor representing new council district number 4; the boundary commission member nominated by the councilor representing former council district number 4 shall be nominated by the councilor representing new council district number 3; the boundary commission member nominated by the councilor representing former council district number 5 shall be nominated by the councilor representing new council district number 2; the boundary commission member nominated by the councilor representing former council district number 9 shall be nominated by the councilor representing new council district number 6; the boundary commission member nominated by the councilor representing former council district number 11 shall be nominated by the councilor representing new council district number 5; the boundary commission member nominated by the councilor representing former council district number 12 shall be nominated by the councilor representing new council district number 1; and the boundary commission member nominated by the councilor representing former council district number 13 shall be nominated by the councilor representing new council district number 7.~~

~~(Ordinance No. 91-409, Sec. 1. Amended by Ordinance No. 94-577, Sec. 2; Ordinance No. 95-583B, Sec. 1)~~

2.01.200 Annual Budget

~~The Executive Officer-Council President shall submit to the council the Proposed Budget and Budget Message for the following fiscal year at the first regularly scheduled council meeting in February of each year. If there is a transition of Executive Officers-Council President, the outgoing Executive Officer-Council President shall consult and cooperate with the Executive Officer-Council President-elect to the maximum extent possible in the preparation of the proposed budget and budget message.~~

~~(Ordinance No. 94-566A)~~

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 02-958 FOR THE PURPOSE OF AMENDING CHAPTER 1.01 CODE ADOPTION AND APPLICATION INDEX AND CHAPTER 2.01 ADMINISTRATION AND PROCEDURES, OF THE METRO CODE TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY

Date: October 10, 2002

Prepared by: Peggy Coats

BACKGROUND

As a result of the passage by the voters of Ballot Measure 26-10 on November 7, 2000, various changes to Metro's existing code are in order to conform to the approved amendments to Metro's charter. The changes proposed in this ordinance to Chapter 1.01 Code Adoption and Application Index, and Chapter 2.01, Administration and Procedures, primarily remove references to the Executive Officer and Presiding Officer, whose offices will be abolished effective January 6, 2003; and create references to the Council President and the Chief Operating Officer, consistent with code amendments adopted by Council earlier this year (see "Legal Antecedents" below).

ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Resolution 00-2929A "For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Abolishing the Office of Executive Officer, Creating the Office of Council President, and Making Related Changes"; Ordinance 02-942A "For the Purpose of Adding a New Chapter 2.20 to the Metro Code Creating the Office of Chief Operating Officer"; Ordinance 02-953A "For the Purpose of Creating the Office of Metro Attorney"; Ordinance 02-954A "For the Purpose of Reflecting the Creation of the Office of Metro Council President"; and Ordinance 02-955A "For the Purpose of Amending Chapter 2.19 of the Metro Code to Conform to Charter Amendments Adopted on November 7, 2000".
3. **Anticipated Effects** This ordinance will amend Chapter 1.01 and Chapter 2.01 of the Metro Code to conform to approved Charter amendments.
4. **Budget Impacts** None

RECOMMENDED ACTION

That Council approve adoption of Ordinance 02-958.