

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE VI) ORDINANCE NO. 02-975
COMMISSIONS OF THE METRO CODE (CHAPTER 6.01),)
TO CONFORM TO THE METRO CHARTER)
AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND) Introduced by the Council
DECLARING AN EMERGENCY) Governmental Affairs Committee

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 6.01 of the Metro Code to conform to the Metro Charter Amendments adopted on November 7, 2000; and

THE METRO COUNCIL ORDAINS AS FOLLOWS:

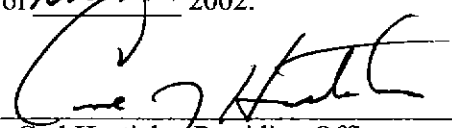
1. The Metro Code Title VI Commissions, Chapter 6.01, is amended as provided for and is attached as Exhibit A.
2. The Metro Charter Amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

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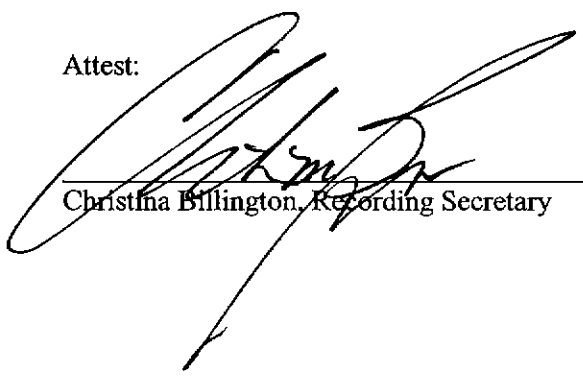
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ADOPTED by the Metro Council this 21st day of November 2002.




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 6.01, MERC

TITLE VI
COMMISSIONS

CHAPTERS	TITLE
6.01	Metropolitan Exposition-Recreation Commission

CHAPTER 6.01

METROPOLITAN EXPOSITION-RECREATION COMMISSION

SECTIONS	TITLE
6.01.010	Purpose
6.01.020	Definitions
6.01.030	Commission Created
6.01.040	Powers
6.01.050	Budget and Accounts
6.01.060	Commission Meetings
6.01.070	Delegation
6.01.080	Filing and Effective Date of Commission Resolutions
6.01.090	Initial Charge to Commission (repealed Ord. 97-677B §3)
6.01.100	Council Regional Facilities Committee/Commission Business Plans

6.01.010 Purpose

The purpose of this chapter is to establish a metropolitan commission to renovate, maintain, operate, and manage metropolitan convention, trade and spectator facilities pursuant to the 1992 Metro Charter. The commission established by this chapter is intended by the Metro Council to operate in a cost effective, independent, entrepreneurial and accountable manner, so as to provide the greatest benefit to the residents of the Metro region. The provisions of this chapter shall therefore be liberally construed so as to achieve these ends. The commission is subject to the authority of the Metro Auditor to perform the duties of that office.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3)

6.01.020 Definitions

As used herein:

- (a) "Commission" means the Metropolitan Exposition-Recreation Commission established hereunder;
- (b) "Council" means the Metro Council;
- (c) "Councilor" means a member of the Council;
- ~~(d) "District" means Metro;~~
- (de) "Council President" means the Council President of Metro, ~~however until January 6, 2003, Council President means the Executive Officer of Metro.~~
- (ef) "Metro Auditor" means the Office of Metro Auditor created pursuant to the 1992 Metro Charter.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1.)

6.01.030 Commission Created

There is hereby created a ~~M~~metropolitan ~~E~~exposition-~~R~~recreation ~~C~~ommission consisting of seven (7) members. All members shall be residents of ~~the district~~ Metro.

- (a) The Council President will make all appointments.
- (b) The Council President may reject a nomination. Appointments of all members are subject to confirmation by the Metro Council.
- (c) All members shall serve four (4) year-terms. Members may be re-appointed. Prior to December 31, 2001, a member may serve until the successor is confirmed, thereafter, upon the expiration of a term the position shall be considered vacant until a member is appointed or re-appointed and confirmed.
- (d) Nomination Process. The Council President will accept nominations to the commission as follows:
 - (1) The County Commissions of Clackamas, Multnomah and Washington counties each shall nominate one (1) candidate. The candidates must be residents of the district and nominating county.
 - (2) The City Council of the City of Portland shall nominate one (1) candidate for each of two (2) positions. The candidates must be residents of ~~the district~~ Metro and the City of Portland.
 - (3) Two (2) nominees shall be at the sole discretion of the Council President. The candidates must be residents of ~~the district~~ Metro.
- (e) Appointment Process.
 - (1) For those positions on the commission which are subject to nomination by a local governmental body, the Council President will receive the nominations from the relevant governing body and review the nomination prior to submitting the nomination to the Metro ~~C~~ouncil for confirmation. If the Council President fails to concur with any candidate so nominated by a local government, the Council President shall so notify the jurisdiction, which shall then nominate another candidate. This process shall continue until such time as the Council President agrees to transmit the name of the individual nominated by the local government. If an appointment submitted to the ~~C~~ouncil for confirmation as a result of this process is rejected by the ~~C~~ouncil, the Council President shall so notify the local government which shall nominate another candidate and the process shall continue until such time as a candidate nominated by a local government has been forwarded by the Council President to the ~~C~~ouncil for confirmation and has been confirmed.

- (2) If the Council fails to confirm an appointment made at the sole discretion of the Council President, the Council President may submit the name of another person for confirmation by the Council.

(f) A vacancy shall occur from the death, resignation, failure to continue residency within ~~the district~~ Metro and in the case of members nominated by a local government residency within the boundaries of the nominating government, or inability to serve of any member or from the removal of a member by the executive, subject to approval of the removal by a majority of the members of the Council.

(g) Vacancies shall be filled pursuant to the procedure governing the initial appointment of members. A vacancy occurring prior to the expiration of a term shall be filled only until the end of the term.

(h) No person who is elected to a public office, or appointed to fill a vacancy in a public office, shall be eligible to serve.

(i) The commission may adopt its own rules of organization and procedure and may elect its own officers for such terms and with such duties and powers necessary for the performance of the functions of such offices as the commission determines appropriate.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 89-325, Sec. 1; Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1.)

6.01.040 Powers

The commission shall have the following power and authority:

(a) To renovate, equip, maintain and repair any convention, trade, and spectator buildings and facilities for which the commission is responsible, and to advise the public owners of these facilities on financial measures which may be necessary or desirable with respect to initial construction or major capital projects;

(b) To manage, operate and market the use of the convention, trade, and spectator buildings and facilities for which the commission is responsible;

(c) To acquire in the name of ~~the district~~ Metro by purchase, devise, gift, or grant real and personal property or any interest therein as the commission may find necessary for its purposes. The commission may recommend to the Council the condemnation of property for use by the commission but may not itself exercise the condemnation power;

(d) To lease and dispose of property in accordance with ORS 271.300 to 271.360;

(e) To maintain and repair any real and personal property acquired for the purposes of the commission;

(f) To lease, rent, and otherwise authorize the use of its buildings, structures and facilities; to fix fees and charges relating to the use of said buildings, structures and facilities; to establish any other terms and conditions governing use of its buildings and facilities; and to adopt any regulations deemed

necessary or appropriate for the protection of users and for the protection and public use and enjoyment of its buildings and facilities;

(g) To perform planning and feasibility studies for convention, trade, and spectator facilities within ~~the district~~Metro;

(h) To employ, manage, and terminate such personnel as the commission may find necessary, appropriate, or convenient for its purposes under personnel rules adopted by the commission;

(i) To employ professional, technical, and other assistance as the commission may find necessary, appropriate, or convenient for its purposes;

(j) To enter into contracts of such types and in such amounts, including intergovernmental agreements, as the commission may deem necessary, appropriate, or convenient for the renovation, equipment, maintenance, repair, operation, and marketing of the use of buildings and facilities for which it is responsible, and for professional and other services, under contracting rules adopted by the commission;

(k) To enter into intergovernmental agreements for the transfer of convention, trade, or spectator buildings and facilities to ~~the district~~Metro, or for the transfer of operating and administrative responsibilities for such buildings and facilities to the commission, provided that the Council has approved such acquisition or transfer;

(l) To accept gifts and donations and to contract for and receive federal and other aid and assistance;

(m) To determine the type, quality, and scope of services required by the commission in order to conduct its business in a cost effective, entrepreneurial, and independent manner, as required by this chapter. Services of ~~the district~~Metro including accounting, personnel, risk management, public affairs, and other services shall be provided by ~~the district~~Metro subject to compensation being provided by the commission to ~~the district~~Metro. The commission may acquire such services by other means, provided that the Council determines by duly adopted resolution that the provision of such services by other means is cost effective, and results in a net benefit to the residents of ~~the district~~Metro and the regional facilities managed by the commission. The commission's legal services shall be provided to the commission by ~~the Metro Attorney~~Metro's Office of General Counsel. The commission may purchase legal services outside of Metro only with the permission of the Metro ~~Attorney~~General Counsel;

(n) To recommend to the Council and to the other public owners of buildings and facilities managed by the commission such long-term revenue and general obligation measures and other revenue-raising measures for the benefit of the commission's purposes as the commission may deem appropriate for consideration by the Council, by the other public owners of buildings or facilities managed by the commission, or the electors of ~~the district~~Metro, but the commission may not adopt such measures itself;

(o) To recommend to the Council the adoption of ordinances carrying criminal and civil penalties for their violation, but the commission may not adopt such ordinances itself;

(p) To do all other acts and things necessary, appropriate, or convenient to the exercise of the powers of the commission.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec 1.)

6.01.050 Budget and Accounts

(a) General Requirements. The commission accounts shall be kept in conformity with generally accepted accounting practices and in accordance with the local budget law, provided that the local budget law shall control in the event of a conflict with generally accepted accounting practices, and the accounts shall be audited yearly at the same time and by the same auditor as are ~~the district's~~ Metro's accounts.

(b) Procedure for Commission Approval of Proposed Budget. The commission annually shall prepare a proposed budget and shall approve the proposed budget by duly adopted resolution. The commission's deliberations and actions on its budget, including any work sessions or subcommittee sessions, shall be conducted as public meetings as required by the Oregon statutes governing public meetings. Prior to approving any proposed budget, the commission shall provide a reasonable opportunity for interested persons to testify and make their views known with respect to the proposed budget. The commission shall include in its budget necessary cost allocations for services provided by ~~the district~~ Metro as recommended by the ~~Council President~~ Executive Officer.

(c) Procedure for Submission of Commission Budget to Metro. The commission shall transmit its proposed budget to the Metro executive at the same time that Metro departments do so. The ~~executive~~ Council President shall review the submitted budget and submit the commission's proposed budget to the Council with the ~~executive's~~ Council President's general budget submission to the Council, together with any recommendations the executive may have for changes in the commission's proposed budget. The ~~executive~~ Council President shall include in the submitted budget the necessary cost allocation for providing services to the commission. The commission's budget shall be subject to review and approval by the Council. The Council shall make the final determination of cost allocations for services provided by ~~the district~~ Metro.

(d) Content of Commission's Budget. To the maximum extent permitted by law, the commission's budget shall consist of one commission-wide series of appropriations in those categories which are required by local budget law, applicable to all buildings, facilities, and programs managed by the commission. Once the commission's budget has been adopted by the Council, any changes in the adopted appropriations not previously approved by the Council must be ratified in advance by the Council.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1.)

6.01.060 Commission Meetings

All meetings of the commission shall be conducted as public meetings as required by Oregon law, except where executive sessions are permitted by law. The commission shall provide adequate notice of its meetings as required by law. All Metro elected officials shall receive notice of all meetings in the same form, manner and substance given to all commission members.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1.)

6.01.070 Delegation

The commission may delegate to its employees any of the power and authority of the commission subject to those limitations the commission deems appropriate. Any delegation shall be by resolution of the commission.

(Ordinance No. 87-225, Sec. 1)

6.01.080 Filing and Effective Date of Commission Resolutions

(a) Within five (5) days after the passage of any resolution, the commission shall file a copy of the resolution with the Ceouncil Celerk, or such other officer as the Ceouncil may designate, who shall maintain a special record of the commission's resolutions which shall be accessible to the public under like terms as the ordinances of ~~the district~~ Metro. The Ceouncil Celerk or such other officer as the Ceouncil may designate shall immediately notify the ~~executive officer and~~ Ceouncil of the receipt of the resolution.

(b) Resolutions of the commission shall be effective upon adoption or at such other time as specified by the commission.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3)

6.01.100 ~~Council Regional Facilities Committee/~~ Commission Business Plans

(a) The commission shall prepare business plans for each of its facilities, and shall update those plans as needed. The commission shall provide all Metro elected officials with copies of its business plans.

(b) The commission regularly shall report to the Ceouncil. Such reports shall occur as directed by the Ceouncil, but in no event less than quarterly.

(c) The commission shall, on an annual basis, set goals and benchmarks for the performance of the buildings, facilities and services managed by the commission. Such goals and benchmarks shall be discussed in public meetings with reasonable opportunity for public input, and shall be adopted by duly adopted resolutions of the commission. Copies of proposed goals and benchmarks shall be provided to all Metro elected officials no later than ten (10) working days prior to formal adoption by the commission. The commission shall include in its quarterly reports to the Ceouncil progress reports on the commission's progress towards meeting its adopted goals and benchmarks.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF

- ORDINANCE NO. 02-967 FOR THE PURPOSE OF AMENDING TITLE II ADMINISTRATION AND PROCEDURES (CHAPTERS 2.03, 2.05, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17, AND 2.18), OF THE METRO CODE TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-972 FOR THE PURPOSE OF AMENDING TITLE III PLANNING OF THE METRO CODE (CHAPTER 3.01 THROUGH CHAPTER 3.09), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-973, FOR THE PURPOSE OF AMENDING TITLE IV OREGON ZOO OF THE METRO CODE (CHAPTER 4.01), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-975, FOR THE PURPOSE OF AMENDING TITLE VI COMMISSIONS OF THE METRO CODE (CHAPTER 6.01), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-977, FOR THE PURPOSE OF AMENDING TITLE IX ELECTIONS OF THE METRO CODE (CHAPTER 9.01 AND CHAPTER 9.02), TO CONFORM TO THE METRO CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, 2000, AND DECLARING AN EMERGENCY
- ORDINANCE 02-978, FOR THE PURPOSE OF AMENDING TITLE X METRO REGIONAL PARKS AND GREENSPACES OF THE METRO CODE (CHAPTER 10.01 THROUGH CHAPTER 10.03), 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 these ordinances to 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), along with minor grammatical and formatting corrections. The proposed ordinances make changes to the following code sections:

- Title II, Administration and Procedures (Chapters 2.03, 2.05, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17, and 2.18)
- Title III Planning (Chapters 3.01 through 3.09)

- Title IV Oregon Zoo (Chapter 4.01)
- Title VI Commissions (Chapter 6.01)
- Title IX Elections (Chapters 9.01 and 9.02)
- Title X Metro Regional Parks and Greenspaces (Chapters 10.01 through 10.03)

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 Chapters 2.03, 2.05, 2.06, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 3.01 through 3.09, 4.01, 6.01, 9.01, 9.02, and 10.01 through 10.03) of the Metro Code to conform to approved Charter amendments.
4. **Budget Impacts** None

RECOMMENDED ACTION

That Council approve adoption of Ordinances 02-967, 02-972, 02-973, 02-975, 02-977 and 02-978.