

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING TITLE IX ) ORDINANCE NO. 02-977  
ELECTIONS OF THE METRO CODE (CHAPTER 9.01 and )  
CHAPTER 9.02), TO CONFORM TO THE METRO )  
CHARTER AMENDMENTS ADOPTED ON NOVEMBER 7, ) Introduced by the Council  
2000, AND 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 Title IX Elections, Chapters 9.01 and 9.02 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 IX Elections, Chapters 9.01 Vacancies in Office and 9.02 Ballot Measures, Initiative and Referendum, are amended as provided for and are attached as Exhibit A and Exhibit B, respectively.

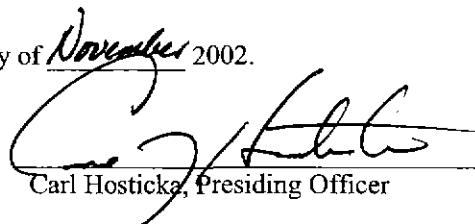
2. The Metro Charter Amendments to the Metro Code adopted by this ordinance shall take effect on January 6, 2003.

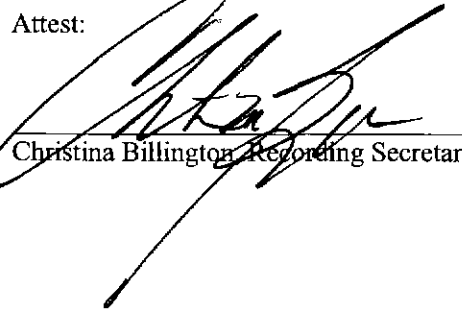
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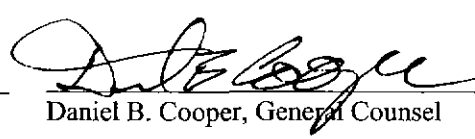
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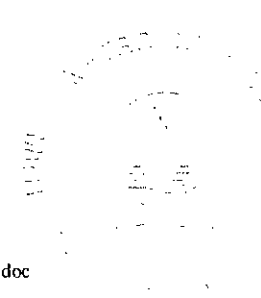
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ADOPTED by the Metro Council this 21st day of November 2002.

  
\_\_\_\_\_  
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 9.01, Vacancies in Office**

TITLE IX

ELECTIONS

CHAPTERS	TITLE
9.01	Vacancies in Office
9.02	Ballot Measures, Initiative and Referendum

CHAPTER 9.01

VACANCIES IN OFFICE

SECTIONS	TITLE
9.01.010	Definitions
9.01.020	Vacancy in Office
9.01.030	Declaration of Vacancy
9.01.040	Filling of Vacancy; Election to Fill a Vacancy
9.01.050	Appointments to Fill Vacancy
9.01.060	Method of Making Appointments
9.01.070	Emergency Succession

9.01.010 Definitions

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

(a) "Director of Elections" means the Director of the Division of Elections of Multnomah County, or the authorized representative.

(b) "Elective office" means the office of:

- (1) Council President~~Executive Officer~~;
- (2) Metro Auditor; or
- (3) Councilor representing an individual subdistrict.

(Ordinance No. 93-517B)

9.01.020 Vacancy in Office

An elective office of Metro shall become vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Recall from the office;
- (4) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence;

- (5) In the case of a member of the Metro Council, upon absence from all regularly scheduled meetings of the Metro Council within any 60-day period. Attendance at meetings of Council committees or other Metro or Metro-related bodies shall not be considered attendance at Metro Council meetings;
- (6) Ceasing to reside in the subdistrict from which elected or appointed, except when subdistrict boundaries are reapportioned and a Councilor is assigned to a subdistrict where the Councilor does not reside and the Councilor becomes a resident of the reapportioned subdistrict within 60 days after the reapportionment is effective;
- (7) Ceasing to be a qualified elector under state law;
- (8) Conviction of a felony, or conviction of a federal or state offense punishable by a loss of liberty and pertaining to his or her office;
- (9) Resignation from office;
- (10) Becoming an elected officer of the state or a city, county or special district, ~~As~~ used in this chapter, special district does not include school districts;
- (11) In case of the Council President ~~executive officer~~ or Metro Auditor, upon his or her ceasing to reside within the district ~~Metro Area~~; or
- (12) In the case of the Metro Auditor, if the incumbent ceases to hold the designation of Certified Public Accountant or Certified Internal Auditor.

(Ordinance No. 93-517B)

9.01.030 Declaration of Vacancy

The Metro Council, upon becoming aware of grounds to find that a vacancy exists in an elective office, shall promptly determine and declare the date of vacancy by the adoption of a resolution. The incumbent shall be entitled to receive notice of the filing of a resolution to declare a vacancy by the mailing of such notice to the incumbent's last known address. The incumbent shall be entitled to appear before the Council to show cause, if any may exist, why the Council should not declare the existence of a vacancy.

(Ordinance No. 93-517B)

9.01.040 Filling of Vacancy; Election to Fill a Vacancy

(a) If a vacancy occurs in a Metro elective office and the term of office expires three (3) years or more after the vacancy occurs, then a person shall be elected at the next available election date to fill the vacancy for the period until the first Monday in January following the next general election day.

(b) If a vacancy occurs in a Metro elective office more than 20 days prior to the next general election day and there are more than two (2) years, but less than three (3) years, remaining to the term of

office, or if a vacancy has been filled by election pursuant to Section 9.01.040(a), then a person shall be elected at the general election to fill the vacancy for the remainder of the term of office.

(c) If a vacancy occurs in a Metro elective office after the period provided for in Section 9.01.040(b), and there is more than one (1) year remaining to the term of office, then a person shall be elected at the next available election date to fill the vacancy for the remainder of the term of office.

(d) If an election is required to fill a vacancy, pursuant to Section 9.01.040(a) or 9.01.040(c), the Council shall call such an election on the next available election date which is not sooner than the 45th day after the date of declaration of vacancy.

(e) The person receiving the most votes at an election held pursuant to this section shall be elected notwithstanding the fact that they may not have received a majority of the votes cast. Nomination for election to fill a vacancy shall be made by the method established by state law for the selection of candidates for nomination at a primary election. Except as otherwise provided by state law for nominations to fill a vacancy at a general election, such petition or declaration shall be filed with the Director of Elections not later than the 50th day prior to the date of the election.

(Ordinance No. 93-517B)

#### 9.01.050 Appointments to Fill Vacancy

Whenever a vacancy occurs in a Metro elective office other than that of Council President, the Council shall make an appointment to fill the vacancy. The term of the appointment shall be for the period until a successor is elected and qualified. If no election to fill the vacancy is held then the appointment shall be for the remainder of the term of office.

(Ordinance No. 93-517B)

#### 9.01.060 Method of Making Appointments

(a) Whenever a vacancy occurs in a Council position representing a subdistrict, on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council. The appointment process shall include the following:

- (1) Notification of the appointment process and of the availability of application forms in a newspaper of general circulation in the districtMetro Area, in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least four (4) weeks prior to the appointment.
- (2) Notification of the appointment process and of the availability of application forms to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least four (4) weeks prior to the appointment.
- (3) Notification may be given at the direction of the Council President~~presiding officer~~ in advance of any formal declaration of a vacancy by the Council.

- (4) The Council President ~~presiding officer~~ may establish a deadline for the receipt of applications which shall be no earlier than one (1) week prior to the date set for the making of the appointment at the time notice is given.
- (5) Conduct of a public hearing in the vacant subdistrict before a subcommittee of the Council appointed by the Council President ~~presiding officer~~. The subcommittee shall report all testimony received to the full Council.
- (6) Conduct of interviews with applicants for the vacant position before the Council.
- (7) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The ~~clerk of the~~ Council Clerk shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two (2) applicants who receive the most votes until an applicant receives a majority vote of the Council.

(b) If a vacancy occurs in the office of Council President ~~executive officer~~ or Metro Auditor, the Metro Council shall appoint a person to fill the vacancy subject to the following procedure. The appointment process shall include the following:

- (1) Notification of the existence of the vacancy and that the Council will be making an appointment to fill the vacancy shall be given in a newspaper of general circulation ~~in the district~~ within the Metro Area and in such other manner as deemed appropriate by the Council at the time the vacancy is declared.
- (2) Conduct of interviews with applicants for the vacant position before the Council.
- (3) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The ~~clerk of the~~ Council Clerk shall announce the results of each ballot following the vote and shall record the result of each Councilor's ballot. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two (2) applicants who receive the most votes until an applicant receives a majority vote of the Council.

(Ordinance No. 93-517B)

9.01.070 Emergency Succession

In the event of the death of the Council President ~~executive officer~~ or the declaration of a vacancy in that office, the Deputy presiding officer of the Metro Ceouncil shall assume the duties of the Council President ~~executive officer~~ as provided for in Section 2.01 until a new Council President is elected or appointed. ~~such time as the council fills the vacancy pursuant to section 9.01.060.~~

(Ordinance No. 93-517B. Amended by Ordinance No. 95-602A, Sec. 3)

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**Exhibit B**  
**Metro Charter 2003 Amendments to Metro Code**  
**Chapter 9.02, Ballot Measures, Initiative and Referendum**

CHAPTER 9.02

BALLOT MEASURES, INITIATIVE AND REFERENDUM

SECTIONS	TITLE
9.02.010	Definitions
9.02.020	Referrals by Metro Council
9.02.030	Prospective Petition
9.02.035	One Subject Determination
9.02.040	Ballot Title; Appeal
9.02.045	Explanatory Statement; Appeal
9.02.050	Petition and Circulation Requirements
9.02.060	Filing and Percentage Requirements; Verification
9.02.070	Election Dates
9.02.080	Election Procedure
9.02.090	Applicability of State Law

9.02.010 Definitions

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

- (a) "Court" means the Circuit Court of the State of Oregon for the County of Multnomah.
- (b) "Director of Elections" means the director of the Multnomah County Division of Elections, or the director's designees, or any officer subsequently performing the present duties of the director, or the designees of that officer.
- (c) "Elector" means any legal voter of ~~the district~~ Metro.
- (d) "Initiative" means a duly authorized command from the electors of ~~the district~~ Metro to allow the electors of ~~the district~~ Metro to determine legislation should be adopted.
- (e) "Measure" means any Metro legislation, proposition or question.
- (f) "Metro legislation" means any legislation which has been or lawfully may be enacted by Metro, and includes any amendment, revision or repeal of the ~~1992~~ Metro Charter, but does not include any proposition or question.
- (g) "Proposition" means any request for voter approval of a property tax levy, tax base, general obligation bond measure, or any tax requiring voter approval pursuant to Section 11 of the ~~1992~~

Metro Charter, or other similar matter submitted to the electors of the ~~district~~ Metro for the purpose of authorizing the imposition of any ad valorem real property tax.

(h) "Question" means any matter other than Metro legislation or a proposition including but not limited to an advisory matter submitted by the Council to the electors of the ~~district~~ Metro for approval or rejection.

(i) "Referendum" means a duly authorized command from the electors of the ~~district~~ Metro to require that Metro legislation adopted by the Metro Council be subject to approval of the electors of the ~~district~~ Metro before it shall become effective.

(j) "Referral" means an action taken by the Metro Council to submit any measure directly to the electors of the ~~district~~ Metro.

(k) "Regular election" means any election held on the same date as a regular biennial statewide primary or general election.

(l) "Special election" means any election held on a date other than a regular election date.

(Ordinance No. 93-517B, Sec. 1)

#### 9.02.020 Referrals by Metro Council

(a) The Metro Council may directly refer any measure to the electors for their approval or rejection including Metro legislation, any proposition or any question, and may directly refer to the electors proposed amendments, or revisions of the ~~1992~~ Metro Charter or parts thereof. Prior to submitting any revision of the ~~1992~~ Metro Charter to the voters, the Council shall conduct at least two (2) public hearings with the second (2<sup>nd</sup>) hearing to be held at least 28 days after the first hearing.

(b) The Council shall act to refer a measure by the adoption of a resolution. The resolution shall contain either directly or as an exhibit the measure referred to the electors, the ballot title, and any other material required by law.

(c) In the case of a Measure the Metro Council shall approve a ballot title complying with the requirements of Oregon laws, and shall certify such ballot title to the Director of Elections.

(d) The Director of Elections, upon receiving a ballot title for a ~~district~~ Metro measure referred by the Metro Council, shall publish in the next available edition of a newspaper of general circulation ~~in the district~~ within the Metro Area a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in subsection (e) of this section.

(e) Any elector may petition the court to challenge the ballot title prepared by the Metro Council. Such petition must be filed with the court within seven (7) business days of the Metro Council's certification. Any person filing a petition of review with the court must file a copy of the challenge with the Director of Elections and the Chief Operating Officer and Metro Attorney executive officer not later than the end of the business day next following the date the petition is filed with the court. Nothing in this section is intended to invalidate a petition that is timely filed with the court.

(f) A measure shall be considered referred under this section as of the date the Metro Council certifies its ballot tile to the Director of Elections.

(Ordinance No. 93-517B, Sec. 1)

#### 9.02.030 Prospective Petition

(a) Prior to circulating a petition proposing an initiative or referendum on Metro legislation among the electors, the chief petitioners shall file a prospective petition with the Director of Elections, in such form as the Director of Elections shall prescribe or provide, showing:

- (1) The signatures, printed names and mailing addresses of at least one ~~(1)~~ but not more than three ~~(3)~~ chief petitioners, all of whom must be electors of the ~~district~~ Metro;
- (2) In the case of an initiative measure proposed for adoption, amendment, revision or repeal, and, where applicable, the title, ordinance number, and charter or ordinance section numbers proposed for amendment, revision or repeal; and
- (3) In the case of referendum measures, the text of Metro legislation proposed for referral, and where applicable, the title, ordinance number or ordinance section numbers of Metro legislation proposed for referral.

(b) The Director of Elections shall inscribe the date of filing upon any prospective petition filed in the Director's of Elections office.

(c) After a prospective petition for a referendum measure has been filed with the Director of Elections, and the Director of Elections has determined that the prospective petition complies with the requirements of this chapter, and other applicable law, the Director of Elections shall forthwith certify to one of the chief petitioners that petitions for the referendum measure proposed by the prospective petition may be circulated among the electors, in accordance with the procedures set forth in Section 9.02.050.

(Ordinance No. 93-517B, Sec. 1)

#### 9.02.035 One Subject Determination

(a) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the Director of Elections shall determine in writing whether the initiative measure meets the requirements of Article IV, Section 1(2)(d), of the Oregon Constitution, and Sections 35 and 40 of the ~~1992~~ Metro Charter.

(b) If the Director of Elections determines that the initiative measure meets the requirements of Article IV, Section 1(2)(d), of the Oregon Constitution, and Sections 35 and 40 of the ~~1992~~ Metro Charter, the Director of Elections shall proceed as required in Section 9.02.040. The Director of Elections shall include in the publication required under Section 9.02.040(b) a statement that the initiative measure has been determined to meet the requirements of Article IV, Section 1(2)(d), of the Oregon Constitution, and Sections 35 and 40 of the ~~1992~~ Metro Charter.

(c) If the Director of Elections determines that the initiative measure does not meet the requirements of Article IV, Section 1(2)(d), of the Oregon Constitution, or Sections 35 or 40 of the 1992 Metro Charter, the Director of Elections shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(d) Any elector dissatisfied with a determination of the Director of Elections under subsection (a) of this section may petition the court of the judicial district in which the administrative office of the ~~district~~Metro is located seeking to overturn the determination of the Director of Elections. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of Article IV, Section 1(2)(d), of the Oregon Constitution, and Sections 35 and 40 of the 1992 Metro Charter, the petition must be filed not later than the seventh (7<sup>th</sup>) business day after the ballot title is filed with the Director of Elections. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of Article IV, Section 1(2)(d), of the Oregon Constitution, or Sections 35 or 40 of the 1992 Metro Charter, the petition must be filed not later than the seventh (7<sup>th</sup>) business day after the written determination is made by the Director of Elections.

(e) The review by the court shall be the first and final review, and shall be conducted expeditiously to ensure the orderly and timely circulation of the petition.

(Ordinance No. 93-517B, Sec. 1)

#### 9.02.040 Ballot Title; Appeal

(a) Prior to the conclusion of the sixth (6<sup>th</sup>) business day next following the filing of a prospective petition which proposes an initiative measure and which complies with the requirements of this chapter, and other applicable law, the Director of Elections shall transmit two (2) copies to the ~~general counsel of Metro~~Metro Attorney, who shall, within five (5) business days thereafter, prepare a ballot title for the measure proposed. The ballot title shall consist of:

- (1) A caption of not more than 10 words which reasonably identifies the subject of the measure;
- (2) A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
- (3) A concise and impartial statement of not more than 85 words summarizing the measure and its major effect.

After preparing the ballot title, the Metro Attorney ~~general counsel~~ shall immediately return one (1) copy of the prospective petition and title to the Director of Elections and shall immediately transmit one (1) copy of the prospective petition and title to one of the chief petitioners.

(b) The Director of Elections, upon receiving a ballot title for a Metro measure, shall publish in the next available edition of a newspaper of general circulation ~~in the district~~within the Metro Area a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the date referred to in subsection (c) of this section.

(c) Upon receiving the prospective petition and title from the Metro Attorney general counsel, the Director of Elections shall inscribe the date of receipt on it. Within seven (7) business days after that date, any elector may petition the court to challenge the ballot title prepared by the Metro Attorney general counsel. At the end of the seven (7) business-days period, or following the final adjudication of any challenge, the Director of Elections shall certify the ballot title as prepared by the Metro Attorney general counsel or as prescribed by the court, as the case may be, to one of the chief petitioners.

(d) Any person filing a petition of review with the court must file a copy of the challenge with the Director of Elections and the Chief Operating Officer ~~executive officer~~ not later than the end of the business day next following the date the petition is filed with the court. Nothing in this section is intended to invalidate a petition that is timely filed with the court.

(e) The procedures set forth in subsections (a) through (d) of this section for preparation of, and challenges to, ballot titles for initiative measures shall also apply to referendum measures. However, the completion of such procedures shall not be a pre-requisite to the circulation of petitions for referendum measures under Section 9.02.050, and ballot titles need not be stated on petitions circulated to propose referendum measures.

(Ordinance No. 93-517B, Sec. 1)

#### 9.02.045 Explanatory Statement; Appeal

(a) Explanatory statements for all ~~district-Metro~~ measures shall be prepared by the Metro Attorney general counsel and shall be filed with the Director of Elections. An explanatory statement shall be an impartial, simple and understandable statement of 500 words or less, explaining the measure and its effect. The explanatory statement for a measure referred by the ~~district~~Metro or for a measure proposed by initiative or referendum petition shall be filed with the Director of Elections at the same time the ballot title for the measure is filed.

(b) Upon receipt of an explanatory statement, the Director of Elections shall publish in the next available edition of a newspaper of general circulation ~~in the district~~ within the Metro Area a notice of receipt of the statement including notice that an elector may file a petition for review of the statement not later than the date referred to in subsection (c) of this section.

(c) Any elector dissatisfied with an explanatory statement for a ~~district-Metro~~ measure may petition the court stating the reasons why the statement does not meet the requirements of subsection (a) of this section. The petition shall be filed not later than the seventh (7<sup>th</sup>) business day after the statement is filed with the Director of Elections. An elector filing a petition with the court shall also file a copy of the petition with the Chief Operating Officer and Metro Attorney ~~executive officer~~ not later than the end of the next business day following the date the petition is filed with the court. The court shall review the statement and measure, hear arguments, if any, and certify to the Director of Elections a statement for the measure which meets the requirement of subsection (a) of this section. Review by the court shall be first and final.

(Ordinance No. 93-517B, Sec. 1)

9.02.050 Petition and Circulation Requirements

(a) After the requirements of subsection (c) of Section 9.02.030 have been met in the case of referendum measures, and after the requirements of Section 9.02.040 have been met in the case of initiative measures, the chief petitioners and any other persons eligible to circulate initiative and referendum petitions under state law may circulate a petition for the measure among the electors. Each copy of the petition so circulated shall consist of a cover page and signature sheet or sheets.

(b) The cover page shall state the names and mailing addresses of the chief petitioners, shall contain the information required by paragraph 2 of subsection (a) of Section 9.02.030 or paragraph 3 of subsection (a) of Section 9.02.030 and, shall state the ballot title certified by the Director of Elections under subsection (c) of Section 9.02.040.

(c) Each signature sheet shall contain space for signatures of not more than 20 electors. Each elector signing the petition shall do so by affixing the elector's signature, the date of the signature, and by printing the elector's name, residence address and, if known, the elector's precinct number.

(d) Each signature sheet of an initiative petition shall contain the caption of the ballot title.

(e) Each signature sheet of a referendum petition shall contain the title, ordinance number or ordinance section numbers of Metro legislation proposed by referral.

(f) No signature sheet shall be circulated by more than one person. Each signature sheet shall contain a statement signed by the circulator that each elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such elector is a legal voter of ~~the district~~Metro and that the information placed on the sheet by each such elector is correct.

(Ordinance No. 93-517B, Sec. 1)

9.02.060 Filing and Percentage Requirements; Verification

(a) The Director of Elections shall accept for signature verification in accordance with this chapter only petitions which comply with the requirements of this chapter and other applicable law.

(b) No petition shall be accepted for filing unless it contains at least the required number of verified signatures to submit the measure to the electors, as prescribed by subsections (g), (h) or (i) of this section.

(c) No initiative petition shall be accepted for signature verification more than six ~~(6)~~ months after the date of the Director of Elections's certification under subsection (c) of Section 9.02.040.

(d) Any petition to refer legislation adopted by the Metro Council must be submitted for verification not more than 90 days after Metro's adoption of such legislation, and no later than the effective date of the ordinance if the ordinance contains an emergency clause. Legislation adopted by the Metro Council is not subject to the referendum after the date it becomes effective or 90 days whichever is sooner.

(e) An initiative or referendum petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures.

(f) Upon the acceptance of a petition, the Director of Elections shall verify the signatures thereon. Such verification may be performed by random sampling in a manner approved by the Secretary of the State of Oregon.

Within 15 days after the Director of Elections's acceptance of a petition, the Director of Elections shall certify to Metro whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed measure to the electors, and shall also state in the certificate the number of qualified signatures prescribed by subsections (g), (h) or (i) of this section to require the proposed measure to be submitted to the electors. The petition shall be considered filed as of the date of the Director of Elections's certification.

(g) An initiative measure proposing the amendment or repeal of the ~~1992~~ Metro Charter, or parts thereof, shall be submitted to the electors if the number of qualified signatures on the petition therefor equals or exceeds 8 percent of the total number of votes cast in the ~~district~~ Metro Area for all candidates for Governor of Oregon at the most recent previous general election at which the office of Governor was filled for a four-year term.

(h) An initiative measure proposing the adoption, amendment or repeal of any other Metro legislation, or parts thereof, shall be submitted to the electors in the number of qualified signatures on the petition therefor equals or exceeds 6 percent of the total number of votes cast in the ~~district~~ Metro Area for all candidates for governor at the most recent previous general election at which the office of governor was filled for a four-year term.

(i) A referendum measure shall be submitted to the electors if the number of qualified signatures on the petition therefor equals or exceeds 4 percent of the total number of votes cast in the ~~district~~ Metro Area for all candidates for governor of Oregon at the most recent previous general election at which the office of governor was filled for a four-year term.

(Ordinance No. 93-517B, Sec. 1)

#### 9.02.070 Election Dates

(a) Upon receiving the Director of Elections's certificate that a petition has been filed with sufficient qualified signatures to require an initiative or referendum to be submitted to the electors under Section 9.03.060, the Metro Council shall call an election for submission of the measure to the electors. The Metro Council shall call the election no later than the next available general or primary election date that is not sooner than the 90th day after the date of the Director of Elections's certificate certifying sufficient signatures, but may call the election in its discretion at an earlier election date available under state law for which the filing deadlines may be met.

(b) In the event of a Metro Council referral of a measure under Section 9.03.020, the election shall be held on the election date specified by the Metro Council in the resolution referring the measure to the voters.

(Ordinance No. 93-517B, Sec. 1)

9.02.080 Election Procedure

(a) Measures referred by the Metro Council shall be designated on the ballot "Referred to the People by the Metro Council."

(b) Measures proposed by referendum petition shall be designated on the ballot "Referred by Petition of the People."

(c) Measures proposed by initiative petition shall be designated on the ballot "Proposed by Initiative Petition."

(d) Within 20 days following any election, the Director of Elections shall certify the election results to the Metro Council. The Metro Council shall thereupon canvass the vote and enter its proclamation of the results in the Council records.

(e) Metro legislation adopted by the electors shall take effect upon the certification of the results of the election at which it is adopted after the election, unless such measure expressly provides a later effective date. The results of elections on propositions or questions shall be effective upon the proclamation of the results.

(Ordinance No. 93-517B, Sec. 1)

9.02.090 Applicability of State Law

Applicable provisions of state law, dealing with any initiative and referendum procedures or other election matters regulated by this chapter, shall be controlling where there is a direct and irreconcilable conflict with the provisions of this chapter. However, the provisions of this chapter shall be given full force and effect and shall be construed liberally in order that they shall be found not to conflict with provisions of state elections law and shall be considered paramount relating to matters subject to regulation and legislation by the Metro Council.

(Ordinance No. 93-517B, Sec. 1)

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## 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

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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.