

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF OPPOSING	)	RESOLUTION NO. 89-1066
SENATE BILL 445 AND HOUSE BILL	)	
3401 BEFORE THE OREGON STATE	)	Introduced by Councilor
LEGISLATURE REGARDING METRO	)	Jim Gardner for the Council
GOVERNANCE	)	Legislative Task Force

WHEREAS, The Council of the Metropolitan Service District under Resolution No. 88-996 transmitted its proposed legislation for State consideration, including bills and concepts regarding Metro's government structure and Council district reapportionment; and

WHEREAS, Resolution No. 88-996 specifically establishes Council support for increasing the Metro Council size from 12 to 13 members and requiring the Council, rather than the Secretary of State, to reapportion subdistricts within the district after the decennial census; and

WHEREAS, On January 31, 1989, the State Senate passed SB 257 supporting Metro Council reapportionment of districts and on March 1, 1989 the State House of Representatives also passed SB 257; and


WHEREAS, On February 9, 1989 the State Senate passed SB 258, with amendments, supporting an increase in the size of the Metro Council from 12 to 13; maintaining the current election schedule with the 13th member elected to a four-year term; and maintaining the councilor per diem payment system; and

WHEREAS, The Metro Council finds SB 445 and HB 3401 to be in direct conflict with Council interests and legislative positions as well as the State Senate and House of Representatives actions in regard to SB 257 and SB 258; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District strongly opposes SB 445 and HB 3401 and urges State House of Representatives adoption of SB 258 as amended.

ADOPTED by the Council of the Metropolitan Service District  
this 23rd day of March, 1989.

  
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Mike Ragsdale, Presiding Officer

# House Bill 3401

Sponsored by Representative D. JONES, Senator HAMBY, Representatives BRIAN, CALOURI, MINNIS, Senator BUNN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

- Reduces number of councilors for metropolitan service district from 12 to seven.
- Requires Secretary of State to reapportion existing district into six subdistricts not later than January 1, 1992.
- Provides for election of six councilors from reapportioned subdistricts, councilor-at-large from district-at-large and councilor-at-large who shall be presiding officer of council.
- Provides for staggered terms for councilors elected in 1992.
- Requires council of metropolitan service district to appoint advisory committee to be budget committee for district and to advise council on planning and carrying out functions of district.
- Requires advisory committee to include council members and members of specified local governments.
- Allows council to limit subjects for consideration by advisory committee.
- Abolishes elective office of executive officer of metropolitan service district.
- Provides for administrative officer of metropolitan service district to be appointed by district council for indefinite term and removed by affirmative vote of majority of council.
- Describes qualifications, duties and powers of administrative officer.
- Limits term of executive officer elected in 1990.
- Provides transition procedures.
- Takes effect January 1, 1991.

## A BILL FOR AN ACT

1  
2 Relating to metropolitan service districts; creating new provisions; amending ORS 249.002, 249.035,  
3 249.056, 249.085, 249.088, 251.036, 251.065, 254.005, 268.020, 268.060, 268.150, 268.160, 268.180,  
4 268.190, 268.215 and 268.620; and prescribing an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 268.150 is amended to read:

7 268.150. (1) The governing body of a district shall be a council consisting of [12] seven part-time  
8 councilors. The councilors, other than the councilor-at-large, shall [ ] each be elected on a  
9 nonpartisan basis from a single subdistrict within the boundaries of the metropolitan service district.  
10 The councilor-at-large, who shall be presiding officer of the council, shall be elected on a  
11 nonpartisan basis from the district-at-large. Each councilor, other than the councilor-at-large  
12 who shall be a resident and elector of the district, shall be a resident and elector of the sub-  
13 district from which the councilor is elected. Each councilor [and] shall not be an elected official  
14 of any other public body. Each councilor, other than the councilor-at-large who shall be a res-  
15 ident of the district for one year before taking office, shall be a resident of the subdistrict from  
16 which the councilor is elected for not less than one year before taking office. The term of office for  
17 a councilor shall be four years beginning on the first Monday in January of the year next following  
18 the election. Councilors shall be divided into two classes so that one-half, as nearly as possi-  
19 ble, of the number of councilors shall be elected biennially. A vacancy in office shall be filled  
20 by a majority of the remaining members of the council. The councilor, before taking office, shall take  
21 an oath to support the Constitution of the United States, and the Constitution and laws of this state.  
22 Candidates for councilor positions shall be nominated and elected at the primary and general

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

1 elections as provided in subsection (3) of this section.

2 (2) The Secretary of State shall reapportion the subdistricts after the data of each United States  
3 decennial census are compiled and released. The reapportionment shall provide for substantially  
4 equal population in each subdistrict. Area within each subdistrict shall be contiguous. In appor-  
5 tioning subdistricts the Secretary of State shall give consideration to existent precincts, maintaining  
6 historic and traditional communities and counties as opposed to following existent city or special  
7 district boundaries or the political boundaries of state representative or state senate election dis-  
8 tricts except when these political boundaries coincide with natural boundaries.

9 (3) ORS chapters 249 and 254, relating to the nomination and election of nonpartisan candidates  
10 for office, apply to the nomination and election of councilors except as provided in subsection (1)  
11 of this section and except that a candidate, other than a candidate for councilor-at-large who  
12 shall be nominated from the district-at-large, shall be nominated from the subdistrict in which  
13 the candidate resides. The number of signatures within the district or subdistrict required for a  
14 nomination is that required under ORS 249.072 (2), but the requirement that the petition contain  
15 signatures of persons residing in a number of precincts shall not apply.

16 **SECTION 2.** (1) Not later than January 1, 1992, the Secretary of State shall describe the six  
17 subdistricts into which the district will be divided on January 1, 1992. When describing the six  
18 subdistricts under this section, the Secretary of State shall satisfy the requirements of ORS 268.150  
19 (2).

20 (2) Candidates for the office of councilor, other than the candidate for councilor-at-large, at the  
21 first regular primary election after the effective date of this Act shall be nominated from the sub-  
22 districts described under subsection (1) of this section and shall be elected from such subdistricts.

23 (3) Notwithstanding subsections (1) and (2) of this section, a person serving as a councilor of a  
24 metropolitan service district on the effective date of this Act shall continue to reside in and repre-  
25 sent the subdistrict to which the person was elected until the first Monday in January 1993. On the  
26 first Monday in January 1993, the terms and tenure of office of all persons serving as councilors on  
27 the effective date of this Act shall cease.

28 (4) On January 1, 1993, the district shall be divided into the six subdistricts described by the  
29 Secretary of State under subsection (1) of this section.

30 **SECTION 3.** Notwithstanding the term of office specified for councilors of the district in ORS  
31 268.150 (1), of the seven councilors elected to office at the regular general election in 1992, four,  
32 including the councilor-at-large, shall hold office for a term of four years beginning on the first  
33 Monday in January 1993, and three shall hold office for a term of two years beginning on the first  
34 Monday in January 1993. The determination of which councilors shall have the shorter terms shall  
35 be by lot supervised by the council at its first meeting in 1993.

36 **SECTION 4.** ORS 268.160 is amended to read:

37 268.160. The council may adopt and enforce rules of procedure governing its proceedings in ac-  
38 cordance with this chapter. *[At its first meeting after January 1 of each year, one councilor shall be*  
39 *elected by the council to serve as its presiding officer for the ensuing year.]* The councilor-at-large  
40 shall serve as presiding officer of the council for the length of the councilor's term of office.  
41 The council shall meet upon the request of the presiding officer or that of a majority of the council.  
42 *[Notwithstanding the provisions of ORS 198.190, councilors shall receive no other compensation for*  
43 *their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined*  
44 *by the council.]*

1 SECTION 5. ORS 268.180 is amended to read:

2 268.180. (1) District business shall be administered, and district rules and ordinances shall be  
3 enforced, by an [executive] administrative officer.

4 (2) *[The executive officer shall be elected in the same manner provided under ORS 268.150, but the*  
5 *officer shall be elected from the district-at-large on a nonpartisan basis. The number of signatures*  
6 *within the district required for nomination is that required under ORS 249.072 (2), but the requirement*  
7 *that the petition contain signatures of persons residing in a number of precincts shall not apply. The*  
8 *executive officer shall be a resident and elector of the district and shall not be an elected official of any*  
9 *other public body. The executive officer shall be a resident in the district for not less than one year*  
10 *before taking office. The term of office for an executive officer shall be four years beginning on the first*  
11 *Monday in January on the next year following the election. A vacancy in office shall be filled by ap-*  
12 *pointment by a majority of the council. The executive officer, before taking office, shall take an oath to*  
13 *support the Constitution of the United States and the Constitution and laws of this state]* The council  
14 shall appoint the administrative officer. The administrative officer shall hold office for an  
15 indefinite term and may be removed by the council by an affirmative vote of a majority of  
16 the councilors.

17 (3) The [executive] administrative officer shall serve full time and shall not be employed by any  
18 other person or governmental body while serving the district. The [executive] administrative officer  
19 shall not serve as a member of the council.

20 (4) The salary and employment benefits of the [executive] administrative officer shall be set by  
21 the council *[upon the recommendation of a salary commission to be appointed by the council, but shall*  
22 *not be less than that of a district court judge of this state].*

23 (5) The [executive] administrative officer may employ or dismiss any personnel and contract  
24 with any person or governmental agency to assist in carrying out the duties and powers of the  
25 [executive] administrative officer, subject to the personnel and contract ordinances adopted by the  
26 council.

27 SECTION 6. ORS 268.190 is amended to read:

28 268.190. (1) The council is responsible for the legislative functions of the district and such other  
29 duties as the law prescribes.

30 (2) The [executive] administrative officer shall present to the council plans, studies and reports  
31 prepared for district purposes and may propose to the council for adoption such measures as deemed  
32 necessary to enforce or carry out the powers and duties of the district, or to the efficient adminis-  
33 tration of the affairs of the district.

34 (3) The [executive] administrative officer shall keep the council fully advised as to its financial  
35 condition, and shall prepare and submit to the council the district's annual budget for its approval,  
36 and any other financial information the council requests.

37 (4) The [executive] administrative officer shall administer the district and enforce the ordi-  
38 nances enacted by the council.

39 *[(5) Any legislative enactment of the council may be vetoed by the executive officer within five*  
40 *working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of*  
41 *the council not later than 30 days after the veto.]*

42 SECTION 7. ORS 268.215 is amended to read:

43 268.215. The [executive] administrative officer shall submit for council adoption a personnel  
44 system for the district. The personnel system shall provide that employees in the office of the [exec-

1 *utive*] administrative officer [and], department directors [*shall serve at the pleasure of the executive*  
 2 *officer*] and [*that*] staff employed by the council shall serve at the pleasure of the council. The  
 3 council by ordinance may require appointments and reappointments of department directors made  
 4 by the [*executive*] administrative officer to be subject to confirmation by the council.

5 SECTION 8. Section 9 of this Act is added to and made a part of ORS chapter 268.

6 SECTION 9. (1) The council shall appoint an advisory committee to advise and assist it in  
 7 planning for and carrying out its duties with regard to all the duties, functions and powers of the  
 8 district as prescribed by law. Members of the advisory committee shall serve without compensation  
 9 but shall be reimbursed for their reasonable expenses as determined by the council.

10 (2) The advisory committee appointed under this section shall consist of the following nine  
 11 members:

12 (a) Four who are members of the council.

13 (b) Three who are members of the governing bodies of each of the counties in the district. Of  
 14 the members appointed under this paragraph, not less than one shall be appointed from each county  
 15 located wholly or partly within the district.

16 (c) One who is a member of the governing body of the largest city in the district.

17 (d) One who is a member of the governing body of one of the other cities in the district and  
 18 who shall represent the interests of those cities.

19 (3) The advisory committee appointed under this section shall assist the council in the per-  
 20 formance of its duties relating to any power or function of the district which is assumed after the  
 21 effective date of this 1989 Act or for which another advisory committee has not been appointed un-  
 22 der ORS 268.170. The council shall describe the powers of the advisory committee appointed under  
 23 this section and shall eliminate from its considerations any power or function of the district that is  
 24 the subject for consideration by any advisory committee appointed under ORS 268.170.

25 (4) Notwithstanding ORS 294.336 and 294.341, the advisory committee appointed under this sec-  
 26 tion shall serve as the budget committee for the district as required under the Local Budget Law.

27 SECTION 10. ORS 249.002 is amended to read:

28 249.002. As used in this chapter:

29 (1) "Candidate" means an individual whose name is or is expected to be printed on the official  
 30 ballot.

31 (2) "County clerk" means the county clerk or the county official in charge of elections.

32 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
 33 tution.

34 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit or district court or the  
 35 Oregon Tax Court.

36 (5) "Member" means an individual who is registered as being affiliated with the political party.

37 (6) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, [*execu-*  
 38 *tive officer or*] councilor of a metropolitan service district under ORS chapter 268, justice of the  
 39 peace, sheriff or district attorney.

40 (7) "Prospective petition" means the information, except signatures and other identification of  
 41 petition signers, required to be contained in a completed petition.

42 (8) "Public office" means any national, state, county, city or district office or position, except  
 43 a political party office, filled by the electors.

44 (9) "State office" means Governor, Secretary of State, State Treasurer, Attorney General, Com-

1 commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge, state  
 2 Senator, state Representative or district attorney.

3 **SECTION 11.** ORS 249.035 is amended to read:

4 249.035. A nominating petition or declaration of candidacy relating to a candidate for:

5 (1) State office, United States Senator or Representative in Congress shall be filed with the  
 6 Secretary of State.

7 (2) County office or precinct committeeperson shall be filed with the county clerk.

8 (3) City office shall be filed with the chief city elections officer.

9 (4) [*Executive officer or*] Councilor of a metropolitan service district under ORS chapter 268 shall  
 10 be filed with the county clerk of the county in which the administrative office of the district is lo-  
 11 cated.

12 (5) Any other office shall be filed under ORS chapter 255.

13 **SECTION 12.** ORS 249.056 is amended to read:

14 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices  
 15 shall pay to the officer with whom the declaration is filed the following fee:

16 (a) United States Senator, \$150.

17 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-  
 18 reau of Labor and Industries, Superintendent of Public Instruction, Representative in Congress,  
 19 judge of the Supreme Court, Court of Appeals or Oregon Tax Court, [*or executive officer of a metro-*  
 20 *politan service district under ORS chapter 268,*] \$100.

21 (c) County office, district attorney, circuit court judge or district court judge, \$50.

22 (d) State Senator or Representative or councilor of a metropolitan service district under ORS  
 23 chapter 268, \$25.

24 (2) No filing fee shall be required of persons filing a declaration of candidacy for precinct  
 25 committeeperson or justice of the peace.

26 **SECTION 13.** ORS 249.085 is amended to read:

27 249.085. (1) Except as provided in subsection (2) of this section, when a nominating petition or  
 28 declaration of candidacy is filed by only one candidate for a nonpartisan office, the candidate shall  
 29 be the nominee for the office and the name of the candidate shall not be printed on the ballot or  
 30 ballot label at the nominating election.

31 (2) Subsection (1) of this section does not apply to:

32 (a) The office of judge of the Supreme Court, Court of Appeals, circuit or district court or the  
 33 Oregon Tax Court.

34 (b) The office of [*executive director or*] councilor of a metropolitan service district under ORS  
 35 chapter 268.

36 **SECTION 14.** ORS 249.088, as amended by section 18, chapter 267, Oregon Laws 1987, is further  
 37 amended to read:

38 249.088. (1) Except as provided in subsection (2) of this section, at the nominating election held  
 39 on the date of the biennial primary election, two candidates shall be nominated for the nonpartisan  
 40 office. However, when a candidate receives a majority of the votes cast for the office at the nomi-  
 41 nating election, that candidate alone is nominated.

42 (2) If a candidate for the office of judge of the Supreme Court, Court of Appeals, circuit or dis-  
 43 trict court, the Oregon Tax Court or [*executive director or*] councilor of a metropolitan service dis-  
 44 trict under ORS chapter 268, other than a candidate to fill a vacancy, receives a majority of the

1 votes cast for the office at the nominating election, that candidate is elected.

2 **SECTION 15.** ORS 251.036 is amended to read:

3 251.036. The Secretary of State shall include in each voters' pamphlet, in which material of a  
4 candidate for nomination or election to the office of councilor [*or executive director*] of a metropol-  
5 itan service district organized under ORS chapter 268 is printed, a map of the service district which  
6 illustrates the boundaries of each subdistrict. The map shall be printed immediately preceding the  
7 material of the candidates for councilor [*and executive director*] of the district.

8 **SECTION 16.** ORS 251.065, as amended by section 25, chapter 267, Oregon Laws 1987, is further  
9 amended to read:

10 251.065. (1) Not later than the 68th day before the biennial primary election, any candidate for  
11 nomination or election at the biennial primary election to the office of United States Senator, Rep-  
12 resentative in Congress, any state office other than justice of the peace, county, any city or legis-  
13 lative office, or councilor [*or executive officer*] of a metropolitan service district organized under ORS  
14 chapter 268, or an agent on behalf of the candidate, may file with the Secretary of State a portrait  
15 of the candidate and a typewritten statement of the reasons the candidate should be nominated or  
16 elected.

17 (2) Not later than the 70th day before the general election, any candidate for election at the  
18 general election to the office of President or Vice President of the United States, United States  
19 Senator, Representative in Congress, any state office other than justice of the peace, county, any  
20 city or legislative office, or councilor [*or executive officer*] of a metropolitan service district organ-  
21 ized under ORS chapter 268, or an agent on behalf of the candidate, may file with the Secretary of  
22 State a portrait of the candidate and a typewritten statement of the reasons the candidate should  
23 be elected.

24 (3) The Secretary of State by rule shall establish the format and length of the statement per-  
25 mitted under this section.

26 **SECTION 17.** ORS 254.005 is amended to read:

27 254.005. As used in this chapter:

28 (1) "Ballot" means any material on which votes may be cast for candidates or measures.

29 (2) "Ballot label" means the material containing the names of candidates or the measures to be  
30 voted on.

31 (3) "Chief elections officer" means the:

32 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the  
33 state at large or in a congressional district, or a measure to be voted on in the state at large.

34 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a  
35 county only.

36 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be  
37 voted on in a city only.

38 (4) "County clerk" means the county clerk or the county official in charge of elections.

39 (5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
40 tution.

41 (6) "Major political party" means a political party that has qualified as a major political party  
42 under ORS 248.006.

43 (7) "Measure" includes any of the following submitted to the people for their approval or re-  
44 jection at an election:

1 (a) A proposed law.

2 (b) An Act or part of an Act of the Legislative Assembly.

3 (c) A revision of or amendment to the Oregon Constitution.

4 (d) Local, special or municipal legislation.

5 (e) A proposition or question.

6 (8) "Minor political party" means a political party that has qualified as a minor political party  
7 under ORS 248.008.

8 (9) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-  
9 cuit or district court or the Oregon Tax Court, Superintendent of Public Instruction, [*executive offi-*  
10 *cer or*] councilor of a metropolitan service district under ORS chapter 268, justice of the peace,  
11 sheriff or district attorney.

12 (10) "Prospective petition" means the information, except signatures and other identification of  
13 petition signers, required to be contained in a completed petition.

14 (11) "Regular district election" means the election held each year for the purpose of electing  
15 members of a district board as defined in ORS 255.005 (2).

16 (12) "Voting machine" means:

17 (a) Any device which will record every vote cast on candidates and measures and which will  
18 either internally or externally total all votes cast on that device.

19 (b) Any device into which a ballot may be inserted and which is so designed and constructed  
20 that the vote for any candidate or measure may be indicated by punching or marking the ballot.

21 (13) "Vote tally system" means one or more pieces of equipment necessary to examine and tally  
22 automatically the marked or punched ballots.

23 **SECTION 18.** ORS 268.020 is amended to read:

24 268.020. As used in this chapter:

25 (1) "Council" means the governing body of a district.

26 (2) "District" means a metropolitan service district established under this chapter.

27 [(3) "*Executive officer*" means the official responsible for the executive and administrative functions  
28 of the district.]

29 [(4)] (3) "Metropolitan area" means that area which lies within the boundaries of Clackamas,  
30 Multnomah and Washington Counties.

31 [(5)] (4) "Improvement" means the facilities and other property constructed, erected or acquired  
32 by and to be used in the performance of services authorized to be performed by a district.

33 [(6)] (5) "Metropolitan significance" means having major or significant district-wide impact.

34 [(7)] (6) "Person" means the state or a public or private corporation, local government unit,  
35 public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

36 **SECTION 19.** ORS 268.060 is amended to read:

37 268.060. (1) The cost of elections to nominate or elect councilors [*or the executive officer*] shall  
38 be paid by the district.

39 (2) When a district election is held on a district measure, the election shall be conducted under  
40 ORS chapter 255.

41 **SECTION 20.** ORS 268.620 is amended to read:

42 268.620. The revenue bonds issued and sold under ORS 268.600 to 268.660:

43 (1) Shall be deemed to be for all purposes negotiable instruments, subject only to the provisions  
44 of the bonds for registration, and need not comply with requirements of the Uniform Commercial



1 Code.

2 (2) May be issued in one or more series, bear such date or dates, mature at such times and in  
 3 such amounts, be in such denomination or denominations, be payable at a designated place or places  
 4 within or without the State of Oregon or at the fiscal agency of the State of Oregon, be equally and  
 5 ratably secured without priority or be entitled or subject to such priorities on all or any portion  
 6 of the revenues of the district and, notwithstanding any other provision of law to the contrary, bear  
 7 such rate or rates of interest, including a variable rate of interest to be determined at such times,  
 8 in such manner and by such agent appointed for such purpose or according to such formula as the  
 9 governing body may determine, and contain such other terms, conditions and covenants, all as the  
 10 governing body may determine.

11 (3) Shall contain a recital that principal of and interest on and premium, if any, on the revenue  
 12 bonds are payable solely out of revenues and property of the district pledged to the payment thereof  
 13 by the ordinance of the governing body authorizing the issue of which the bonds are a part.

14 (4) May be in coupon form with or without privilege of registration or may be in registered form,  
 15 or both, with the privilege of converting and reconverting from one form to another.

16 (5) May contain covenants of the district to protect and safeguard the security and rights of  
 17 holders of any such bonds and such other terms and conditions, in conforming with ORS 268.600 to  
 18 268.660 which the governing body in its discretion determines are necessary or desirable to protect  
 19 the district or increase the marketability of the bonds. ORS 268.600 to 268.660 and any such ordi-  
 20 nance which constitutes a contract with the holders of the bonds and the provisions thereof shall  
 21 be enforceable by any holder or any number of holders of the bonds, as the governing body may  
 22 determine.

23 (6) Shall be in the form prescribed by the governing body and the bonds and the coupons, if any,  
 24 attached to the bonds shall be signed by the presiding officer of the governing body and by the  
 25 [executive] administrative officer of the district, either manually or by means of their printed, en-  
 26 graved or lithographed signature, with the seal of the district or a facsimile thereof printed, en-  
 27 graved or lithographed thereon or affixed thereto. However, in the event the bonds are to be signed  
 28 by means of the printed, engraved or lithographed facsimile signatures of both the presiding officer  
 29 of the governing body and the [executive] administrative officer of the district, the ordinance au-  
 30 thORIZING the issuance of such bonds shall provide that no bond shall be valid or obligatory for any  
 31 purpose or be entitled to the benefits of or security provided by the ordinance unless and until such  
 32 bond has been authenticated by means of the manual signature of a duly authorized officer of the  
 33 bond trustee, paying agent, registrar or other agent appointed for such purpose. Pending the prep-  
 34 aration and delivery of definitive bonds, a district may issue interim certificates or temporary bonds,  
 35 exchangeable for definitive bonds when such bonds shall have been executed and are available for  
 36 delivery. Such interim certificates or temporary bonds may contain such terms and conditions as the  
 37 governing body may determine.

38 (7) May be issued with the right reserved to the governing body to redeem the bonds at par  
 39 or at par plus a premium, in such order, and at such time or times prior to the final maturity date  
 40 or dates of the bonds, as the ordinance may provide or as otherwise determined by the governing  
 41 body, upon publication, at least 30 days before the redemption date, of at least one notice of the  
 42 intended redemption in one issue of a newspaper specializing in financial matters published in any  
 43 of the cities of New York, New York; Chicago, Illinois; or San Francisco, California; as the gov-  
 44 erning body may provide in the ordinance, and of one such notice in one issue of a newspaper of

1 general circulation published within the corporate boundaries of the district; provided that if a bond  
2 to be redeemed is then registered, notice of the intended redemption of such bond may be given by  
3 the mailing, at least 40 days before the redemption date, of at least one such notice to the registered  
4 owner, in lieu of the publication thereof. However, failure to so mail such notice shall not affect the  
5 proceedings for such redemption.

6 **SECTION 21.** Notwithstanding the term of office specified for the executive officer of a metro-  
7 politan service district in ORS 268.180 (2), the individual elected to the office of executive officer  
8 at the regular general election in 1990 shall hold office for a term beginning on the first Monday  
9 in January 1991 and ending on January 1, 1993. On that date, the term and tenure of office of the  
10 person serving as executive officer shall cease.

11 **SECTION 22.** The amendments to ORS 268.150, 268.180, 268.190, 268.215 and 268.620 made by  
12 sections 1, 5 to 7 and 20 of this Act first become operative on January 1, 1993.

13 **SECTION 23.** This Act takes effect on January 1, 1991.  
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# Senate Bill 445

Sponsored by Senators HAMBY, COHEN, KENNEMER, PHILLIPS, Representatives BRIAN, CALOURI, JONES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Reduces number of councilors for metropolitan service district from 12 to seven.  
Requires Secretary of State to reapportion existing district into six subdistricts not later than January 1, 1992.

~~Provides for election in 1992 general election of councilor-at-large who shall be presiding officer of council and of six councilors from reapportioned subdistricts.~~

Provides for staggered terms for councilors elected in 1992.

Requires council of metropolitan service district to appoint ~~nine member~~ advisory committee of council members and members of specified local governments to advise council on planning and carrying out functions of district.

~~Allows council to limit subjects for consideration by advisory committee.~~

~~Designates advisory committee as budget committee for district.~~

Abolishes elective office of executive officer of metropolitan service district. Makes related changes.

Provides for appointment and removal of administrative officer of metropolitan service district.

Describes qualifications, duties and powers of administrative officer.

~~Provides that person elected as executive officer in 1990 shall hold office only until January 1, 1991.~~

Provides transition procedures.

Takes effect January 1, 1991.

## A BILL FOR AN ACT

Relating to metropolitan service districts; creating new provisions; amending ORS 249.002, 249.035, 249.056, 249.085, 249.088, 251.036, 251.065, 254.005, 268.020, 268.060, 268.150, 268.160, 268.180, 268.190, 268.215 and 268.620; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 263.150 is amended to read:

268.150. (1) The governing body of a district shall be a council consisting of ~~[12]~~ seven part-time councilors. The councilors, other than the councilor-at-large, shall ~~be~~ each be elected on a nonpartisan basis from a single subdistrict within the boundaries of the metropolitan service district. The councilor-at-large, who shall be presiding officer of the council, shall be elected on a nonpartisan basis from the district-at-large. Each councilor, other than the councilor-at-large who shall be a resident and elector of the district, shall be a resident and elector of the subdistrict from which the councilor is elected and each councilor shall not be an elected official of any other public body. Each councilor, other than the councilor-at-large who shall be a resident of the district for one year before taking office, shall be a resident of the subdistrict from which the councilor is elected for not less than one year before taking office. The term of office for a councilor shall be four years beginning on the first Monday in January of the year next following the election. Councilors shall be divided into two classes so that one-half, as nearly as possible, of the number of councilors shall be elected biennially. A vacancy in office shall be filled by a majority of the remaining members of the council. The councilor, before taking office, shall take an oath to support the Constitution of the United States, and the Constitution and laws of this state. Candidates for councilor positions shall be nominated and elected at the primary and general

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted

1 elections as provided in subsection (3) of this section.

2 (2) The Secretary of State shall reapportion the subdistricts after the data of each United States  
3 decennial census are compiled and released. The reapportionment shall provide for substantially  
4 equal population in each subdistrict. Area within each subdistrict shall be contiguous. In appor-  
5 tioning subdistricts the Secretary of State shall give consideration to existent precincts, maintaining  
6 historic and traditional communities and counties as opposed to following existent city or special  
7 district boundaries or the political boundaries of state representative or state senate election dis-  
8 tricts except when these political boundaries coincide with natural boundaries.

9 (3) ORS chapters 249 and 254, relating to the nomination and election of nonpartisan candidates  
10 for office, apply to the nomination and election of councilors except as provided in subsection (1)  
11 of this section and except that a candidate, **other than a candidate for councilor-at-large who**  
12 **shall be nominated from the district-at-large**, shall be nominated from the subdistrict in which  
13 the candidate resides. The number of signatures within the district or subdistrict required for a  
14 nomination is that required under ORS 249.072 (2), but the requirement that the petition contain  
15 signatures of persons residing in a number of precincts shall not apply.

16 **SECTION 2.** (1) Not later than January 1, 1992, the Secretary of State shall describe the six  
17 subdistricts into which the district will be divided on January 1, 1992. When describing the six  
18 subdistricts under this section, the Secretary of State shall satisfy the requirements of ORS 268.150  
19

20 (2) Candidates for the office of councilor, other than the candidate for councilor-at-large, at the  
21 first regular primary election after the effective date of this Act shall be nominated from the sub-  
22 district described under subsection (1) of this section and shall be elected from such subdistricts.

23 (3) Persons holding subsections (1) and (2) of this section, a person serving as a councilor of a  
24 metropolitan service district on the effective date of this Act shall continue to reside in and repre-  
25 sent the subdistrict to which the person was elected until the first Monday in January 1993. On the  
26 first Monday in January 1993, the terms and tenure of office of all persons serving as councilors on  
27 the effective date of this Act shall cease.

28 (4) On January 1, 1993, the district shall be divided into the six subdistricts described by the  
29 Secretary of State under subsection (1) of this section.

30 **SECTION 3.** Notwithstanding the term of office specified for councilors of the district in ORS  
31 268.150 (1), of the seven councilors elected to office at the regular general election in 1992, four,  
32 including the councilor-at-large, shall hold office for a term of four years beginning on the first  
33 Monday in January 1993, and three shall hold office for a term of two years beginning on the first  
34 Monday in January 1993. The determination of which councilors shall have the shorter terms shall  
35 be by lot supervised by the council at its first meeting in 1993.

36 **SECTION 4.** ORS 268.160 is amended to read:

37 268.160. The council may adopt and enforce rules of procedure governing its proceedings in ac-  
38 cordance with this chapter. *[At its first meeting after January 1 of each year, one councilor shall be*  
39 *elected by the council to serve as its presiding officer for the ensuing year.]* The councilor-at-large  
40 shall serve as presiding officer of the council for the length of the councilor's term of office.  
41 The council shall meet upon the request of the presiding officer or that of a majority of the council.  
42 *[Notwithstanding the provisions of ORS 198.190, councilors shall receive no other compensation for*  
43 *their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined*  
44 *by the council.]*

1       **SECTION 5.** ORS 268.180 is amended to read:

2       268.180 (1) District business shall be administered, and district rules and ordinances shall be  
3 enforced, by an [executive] administrative officer.

4       (2) *[The executive officer shall be elected in the same manner provided under ORS 268.150, but the*  
5 *officer shall be elected from the district-at-large on a nonpartisan basis. The number of signatures*  
6 *within the district required for nomination is that required under ORS 249.072 (2), but the requirement*  
7 *that the petition contain signatures of persons residing in a number of precincts shall not apply. The*  
8 *executive officer shall be a resident and elector of the district and shall not be an elected official of any*  
9 *other public body. The executive officer shall be a resident in the district for not less than one year*  
10 *before taking office. The term of office for an executive officer shall be four years beginning on the first*  
11 *Monday in January on the next year following the election. A vacancy in office shall be filled by ap-*  
12 *pointment by a majority of the council. The executive officer, before taking office, shall take an oath to*  
13 *support the Constitution of the United States and the Constitution and laws of this state.] The council*  
14 *shall appoint the administrative officer. The administrative officer shall hold office for an*  
15 *indefinite term and may be removed by the council by an affirmative vote of a majority of*  
16 *the councilors.*

17       (3) The [executive] administrative officer shall serve full time and shall not be employed by any  
18 other person or governmental body while serving the district. The [executive] administrative officer  
19 shall not serve as a member of the council.

20       (4) The salary and employment benefits of the [executive] administrative officer shall be set by  
21 the council *[upon the recommendation of a salary commission to be appointed by the council, but shall*  
22 *not be less than that of a district court judge of this state].*

23       (5) The [executive] administrative officer may employ or dismiss any personnel and contract  
24 with any person or governmental agency to assist in carrying out the duties and powers of the  
25 [executive] administrative officer, subject to the personnel and contract ordinances adopted by the  
26 council.

27       **SECTION 6.** ORS 268.190 is amended to read:

28       268.190 (1) The council is responsible for the legislative functions of the district and such other  
29 duties as the law prescribes.

30       (2) The [executive] administrative officer shall present to the council plans, studies and reports  
31 prepared for district purposes and may propose to the council for adoption such measures as deemed  
32 necessary to enforce or carry out the powers and duties of the district, or to the efficient adminis-  
33 tration of the affairs of the district.

34       (3) The [executive] administrative officer shall keep the council fully advised as to its financial  
35 condition, and shall prepare and submit to the council the district's annual budget for its approval,  
36 and any other financial information the council requests.

37       (4) The [executive] administrative officer shall administer the district and enforce the ordi-  
38 nances enacted by the council.

39       (5) *Any legislative enactment of the council may be vetoed by the executive officer within five*  
40 *working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of*  
41 *the council not later than 30 days after the veto.]*

42       **SECTION 7.** ORS 268.215 is amended to read:

43       268.215. The [executive] administrative officer shall submit for council adoption a personnel  
44 system for the district. The personnel system shall provide that employees in the office of the [exec-

1 *utive*] administrative officer [and], department directors [shall serve at the pleasure of the executive  
2 officer] and [that] staff employed by the council shall serve at the pleasure of the council. The  
3 council by ordinance may require appointments and reappointments of department directors made  
4 by the [executive] administrative officer to be subject to confirmation by the council

5 SECTION 8. Section 9 of this Act is added to and made a part of ORS chapter 268.

6 SECTION 9. (1) The council shall appoint an advisory committee to advise and assist it in  
7 planning for and carrying out its duties with regard to all the duties, functions and powers of the  
8 district as prescribed by law. Members of the advisory committee shall serve without compensation  
9 but shall be reimbursed for their reasonable expenses as determined by the council.

10 (2) The advisory committee appointed under this section shall consist of the following nine  
11 members:

12 (a) Four who are members of the council.

13 (b) Three who are members of the governing bodies of each of the counties in the district. Of  
14 the members appointed under this paragraph, not less than one shall be appointed from each county  
15 located wholly or partly within the district.

16 (c) One who is a member of the governing body of the largest city in the district.

17 (d) One who is a member of the governing body of one of the other cities in the district and  
18 who shall represent the interests of those cities.

19 (3) The advisory committee appointed under this section shall assist the council in the per-  
20 formance of its duties relating to any power or function of the district which is assumed after the  
21 effective date of this 1989 Act or for which another advisory committee has not been appointed un-  
22 der ORS 268.119. The council shall describe the powers of the advisory committee appointed under  
23 this section and shall eliminate from its considerations any power or function of the district that is  
24 the subject for consideration by any advisory committee appointed under ORS 268.170.

25 (4) Notwithstanding ORS 294.336 and 294.341, the advisory committee appointed under this sec-  
26 tion shall serve as the budget committee for the district as required under the Local Budget Law.

27 SECTION 10. ORS 249.002 is amended to read:

28 249.002. As used in this chapter:

29 (1) "Candidate" means an individual whose name is or is expected to be printed on the official  
30 ballot.

31 (2) "County clerk" means the county clerk or the county official in charge of elections.

32 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
33 tution.

34 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit or district court or the  
35 Oregon Tax Court.

36 (5) "Member" means an individual who is registered as being affiliated with the political party.

37 (6) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, [execu-  
38 tive officer or] councilor of a metropolitan service district under ORS chapter 268, justice of the  
39 peace, sheriff or district attorney.

40 (7) "Prospective petition" means the information, except signatures and other identification of  
41 petition signers, required to be contained in a completed petition.

42 (8) "Public office" means any national, state, county, city or district office or position, except  
43 a political party office, filled by the electors.

44 (9) "State office" means Governor, Secretary of State, State Treasurer, Attorney General, Com-

1 commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge, state  
 2 Senator, state Representative or district attorney.

3 **SECTION 11.** ORS 249.035 is amended to read:

4 249.035. A nominating petition or declaration of candidacy relating to a candidate for:

5 (1) State office, United States Senator or Representative in Congress shall be filed with the  
 6 Secretary of State.

7 (2) County office or precinct committeeperson shall be filed with the county clerk.

8 (3) City office shall be filed with the chief city elections officer.

9 (4) [Executive officer or] Councilor of a metropolitan service district under ORS chapter 268 shall  
 10 be filed with the county clerk of the county in which the administrative office of the district is lo-  
 11 cated.

12 (5) Any other office shall be filed under ORS chapter 255.

13 **SECTION 12.** ORS 249.056 is amended to read:

14 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices  
 15 shall pay to the officer with whom the declaration is filed the following fee:

16 (a) United States Senator, \$150.

17 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-  
 18 reau of Labor and Industries, Superintendent of Public Instruction, Representative in Congress,  
 19 judge of the Supreme Court, Court of Appeals or Oregon Tax Court, for executive officer of a metro-  
 20 politan service district under ORS chapter 268.] \$100.

21 (c) County office, district attorney, circuit court judge or district court judge, \$50.

22 (d) State Senator or Representative or councilor of a metropolitan service district under ORS  
 23 chapter 268, \$25.

24 (2) No filing fee shall be required of persons filing a declaration of candidacy for precinct  
 25 committeeperson or justice of the peace.

26 **SECTION 13.** ORS 249.085 is amended to read:

27 249.085. (1) Except as provided in subsection (2) of this section, when a nominating petition or  
 28 declaration of candidacy is filed by only one candidate for a nonpartisan office, the candidate shall  
 29 be the nominee for the office and the name of the candidate shall not be printed on the ballot or  
 30 ballot label at the nominating election.

31 (2) Subsection (1) of this section does not apply to:

32 (a) The office of judge of the Supreme Court, Court of Appeals, circuit or district court or the  
 33 Oregon Tax Court.

34 (b) The office of [executive director or] councilor of a metropolitan service district under ORS  
 35 chapter 268.

36 **SECTION 14.** ORS 249.086, as amended by section 18, chapter 267, Oregon Laws 1987, is further  
 37 amended to read:

38 249.086. (1) Except as provided in subsection (2) of this section, at the nominating election held  
 39 on the date of the biennial primary election, two candidates shall be nominated for the nonpartisan  
 40 office. However, when a candidate receives a majority of the votes cast for the office at the nomi-  
 41 nating election, that candidate alone is nominated

42 (2) If a candidate for the office of judge of the Supreme Court, Court of Appeals, circuit or dis-  
 43 trict court, the Oregon Tax Court or [executive director or] councilor of a metropolitan service dis-  
 44 trict under ORS chapter 268, other than a candidate to fill a vacancy, receives a majority of the

1 votes cast for the office at the nominating election, that candidate is elected.

2 **SECTION 15.** ORS 251.036 is amended to read:

3 251.036. The Secretary of State shall include in each voters' pamphlet, in which material of a  
4 candidate for nomination or election to the office of councilor [or executive director] of a metropol-  
5 itan service district organized under ORS chapter 268 is printed, a map of the service district which  
6 illustrates the boundaries of each subdistrict. The map shall be printed immediately preceding the  
7 material of the candidates for councilor [and executive director] of the district.

8 **SECTION 16.** ORS 251.065, as amended by section 25, chapter 267, Oregon Laws 1987, is further  
9 amended to read:

10 251.065. (1) Not later than the 68th day before the biennial primary election, any candidate for  
11 nomination or election at the biennial primary election to the office of United States Senator, Rep-  
12 resentative in Congress, any state office other than justice of the peace, county, any city or legis-  
13 lative office, or councilor [or executive officer] of a metropolitan service district organized under ORS  
14 chapter 268, or an agent on behalf of the candidate, may file with the Secretary of State a portrait  
15 of the candidate and a typewritten statement of the reasons the candidate should be nomir 1 or  
16 elected.

17 (2) Not later than the 70th day before the general election, any candidate for election at the  
18 general election to the office of President or Vice President of the United States, United States  
19 Senator, Representative in Congress, any state office other than justice of the peace, county, any  
20 city or legislative office, or councilor [or executive officer] of a metropolitan service district organ-  
21 ized under ORS chapter 268, or an agent on behalf of the candidate, may file with the Secretary of  
22 State a portrait of the candidate and a typewritten statement of the reasons the candidate should  
23 be elected.

24 (3) The Secretary of State by rule shall establish the format and length of the statement per-  
25 mitted under this section.

26 **SECTION 17.** ORS 254.005 is amended to read:

27 254.005. As used in this chapter:

28 (1) "Ballot" means any material on which votes may be cast for candidates or measures.

29 (2) "Ballot label" means the material containing the names of candidates or the measures to be  
30 voted on.

31 (3) "Chief elections officer" means the:

32 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the  
33 state at large or in a congressional district, or a measure to be voted on in the state at large.

34 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a  
35 county only.

36 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be  
37 voted on in a city only.

38 (4) "County clerk" means the county clerk or the county official in charge of elections.

39 (5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
40 tution.

41 (6) "Major political party" means a political party that has qualified as a major political party  
42 under ORS 248.006.

43 (7) "Measure" includes any of the following submitted to the people for their approval or re-  
44 jection at an election:



- 1 (a) A proposed law.
- 2 (b) An Act or part of an Act of the Legislative Assembly.
- 3 (c) A revision of or amendment to the Oregon Constitution.
- 4 (d) Local, special or municipal legislation.
- 5 (e) A proposition or question.
- 6 (8) "Minor political party" means a political party that has qualified as a minor political party
- 7 under ORS 248.008.

8 (9) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-  
 9 cuit or district court or the Oregon Tax Court, Superintendent of Public Instruction, *{executive offi-*  
 10 *cer or}* councilor of a metropolitan service district under ORS chapter 268, justice of the peace,  
 11 sheriff or district attorney.

12 (10) "Prospective petition" means the information, except signatures and other identification of  
 13 petition signers, required to be contained in a completed petition.

14 (11) "Regular district election" means the election held each year for the purpose of electing  
 15 members of a district board as defined in ORS 255.005 (2).

16 (12) "Voting machine" means:

17 (a) Any device which will record every vote cast on candidates and measures and which will  
 18 either internally or externally total all votes cast on that device.

19 (b) Any device into which a ballot may be inserted and which is so designed and constructed  
 20 that the vote for any candidate or measure may be indicated by punching or marking the ballot.

21 (13) "Vote tally system" means one or more pieces of equipment necessary to examine and tally  
 22 automatically the marked or punched ballots.

23 **SECTION 18.** ORS 268.020 is amended to read:

24 268.020. As used in this chapter:

25 (1) "Council" means the governing body of a district.

26 (2) "District" means a metropolitan service district established under this chapter.

27 *{(3) "Executive officer" means the official responsible for the executive and administrative functions*  
 28 *of the district.}*

29 *{(4) (3) "Metropolitan area" means that area which lies within the boundaries of Clackamas,*  
 30 *Multnomah and Washington Counties.*

31 *{(5) (4) "Improvement" means the facilities and other property constructed, erected or acquired*  
 32 *by and to be used in the performance of services authorized to be performed by a district.*

33 *{(6) (5) "Metropolitan significance" means having major or significant district-wide impact.*

34 *{(7) (6) "Person" means the state or a public or private corporation, local government unit,*  
 35 *public agency, individual, partnership, association, firm, trust, estate or any other legal entity.*

36 **SECTION 19.** ORS 268.060 is amended to read:

37 268.060. (1) The cost of elections to nominate or elect councilors *[or the executive officer]* shall  
 38 be paid by the district.

39 (2) When a district election is held on a district measure, the election shall be conducted under  
 40 ORS chapter 255.

41 **SECTION 20.** ORS 268.620 is amended to read:

42 268.620. The revenue bonds issued and sold under ORS 268.600 to 268.660:

43 (1) Shall be deemed to be for all purposes negotiable instruments, subject only to the provisions  
 44 of the bonds for registration, and need not comply with requirements of the Uniform Commercial

1 Code.

2 (2) May be issued in one or more series, bear such date or dates, mature at such times and in  
3 such amounts, be in such denomination or denominations, be payable at a designated place or places  
4 within or without the State of Oregon or at the fiscal agency of the State of Oregon, be equally and  
5 ratably secured without priority or be entitled or subject to such priorities on all or any portion  
6 of the revenues of the district and, notwithstanding any other provision of law to the contrary, bear  
7 such rate or rates of interest, including a variable rate of interest to be determined at such times,  
8 in such manner and by such agent appointed for such purpose or according to such formula as the  
9 governing body may determine, and contain such other terms, conditions and covenants, all as the  
10 governing body may determine.

11 (3) Shall contain a recital that principal of and interest on and premium, if any, on the revenue  
12 bonds are payable solely out of revenues and property of the district pledged to the payment thereof  
13 by the ordinance of the governing body authorizing the issue of which the bonds are a part.

14 (4) May be in coupon form with or without privilege of registration or may be in registered form,  
15 or both, with the privilege of converting and reconverting from one form to another.

16 (5) May contain covenants of the district to protect and safeguard the security and rights of  
17 holders of any such bonds and such other terms and conditions, in conforming with ORS 268.600 to  
18 268.660 which the governing body in its discretion determines are necessary or desirable to protect  
19 the district or increase the marketability of the bonds. ORS 268.600 to 268.660 and any such ordi-  
20 nance which constitutes a contract with the holders of the bonds and the provisions thereof shall  
21 be enforceable by any holder or any number of holders of the bonds, as the governing body may  
22 determine.

23 (6) Shall be in the form prescribed by the governing body and the bonds and the coupons, if any,  
24 attached to the bonds shall be signed by the presiding officer of the governing body and by the  
25 [executive] administrative officer of the district, either manually or by means of their printed, en-  
26 graved or lithographed signature, with the seal of the district or a facsimile thereof printed, en-  
27 graved or lithographed thereon or affixed thereto. However, in the event the bonds are to be signed  
28 by means of the printed, engraved or lithographed facsimile signatures of both the presiding officer  
29 of the governing body and the [executive] administrative officer of the district, the ordinance au-  
30 thORIZING the issuance of such bonds shall provide that no bond shall be valid or obligatory for any  
31 purpose or be entitled to the benefits of or security provided by the ordinance unless and until such  
32 bond has been authenticated by means of the manual signature of a duly authorized officer of the  
33 bond trustee, paying agent, registrar or other agent appointed for such purpose. Pending the prep-  
34 aration and delivery of definitive bonds, a district may issue interim certificates or temporary bonds,  
35 exchangeable for definitive bonds when such bonds shall have been executed and are available for  
36 delivery. Such interim certificates or temporary bonds may contain such terms and conditions as the  
37 governing body may determine.

38 (7) May be issued with the right reserved to the governing body to redeem the bonds at par  
39 or at par plus a premium, in such order, and at such time or times prior to the final maturity date  
40 or dates of the bonds, as the ordinance may provide or as otherwise determined by the governing  
41 body, upon publication, at least 30 days before the redemption date, of at least one notice of the  
42 intended redemption in one issue of a newspaper specializing in financial matters published in any  
43 of the cities of New York, New York; Chicago, Illinois; or San Francisco, California; as the gov-  
44 erning body may provide in the ordinance, and of one such notice in one issue of a newspaper of

1 general circulation published within the corporate boundaries of the district; provided that if a bond  
2 to be redeemed is then registered, notice of the intended redemption of such bond may be given by  
3 the mailing, at least 40 days before the redemption date, of at least one such notice to the registered  
4 owner, in lieu of the publication thereof. However, failure to so mail such notice shall not affect the  
5 proceedings for such redemption.

6 **SECTION 21.** Notwithstanding the term of office specified for the executive officer of a metro  
7 politan service district in ORS 268.180 (2), the individual elected to the office of executive officer  
8 at the regular general election in 1990 shall hold office for a term beginning on the first Monday  
9 in January 1991 and ending on January 1, 1993. On that date, the term and tenure of office of the  
10 person serving as executive officer shall cease.

11 **SECTION 22.** The amendments to ORS 268.150, 268.180, 268.190, 268.215 and 268.620 made by  
12 sections 1, 5 to 7 and 20 of this Act first become operative on January 1, 1993.

13 **SECTION 23.** This Act takes effect on January 1, 1991.  
14

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**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

Agenda Item No. 7.3

Meeting Date March 23, 1989

DATE: March 14, 1989

TO: Metro Council

FROM: Jim Gardner, <sup>JB</sup>Chair, Metro  
Legislative Task Force

REGARDING: RESOLUTION NO. 89-1066, OPPOSING SENATE BILL 445 & HOUSE  
BILL 3401 BEFORE THE OREGON STATE LEGISLATURE REGARDING  
METRO GOVERNANCE

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At its February 17, 1989 meeting, the Metro Legislative Task Force voted unanimously to recommend the Metro Council take a formal position against Senate Bill 445 and House Bill 3401. These are identical bills addressing Metro governance and they would provide for the following:

- o Reduce the Council to 7
- o Require Secretary of State to reapportion subdistricts for six councilors
- o Election of Council Presiding Officer from the Metro district-at-large
- o Require appointment of Metro "Advisory Committee" to be Metro's budget committee
- o Appointment of Metro Administrative Officer

Resolution No. 89-1066 attached establishes Metro's opposition to the bills and restates Metro's desire to have the Legislature adopt Senate Bill 258 as amended to provide for 13 council members.