

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 03-1023
PROVISIONS OF METRO CODE CHAPTER)
6.01 RELATING TO THE METROPOLITAN)
EXPOSITION-RECREATION)
COMMISSION) Introduced by Council President David Bragdon,
) Councilor Rex Burkholder, Councilor Susan
) McLain, Councilor Rod Monroe, Councilor
) Brian Newman, and Councilor Rod Park,

WHEREAS, Metro Code Chapter 6.01 establishes the Metropolitan Exposition-Recreation Commission; and

WHEREAS, Metro Council desires to make changes to the composition of Metropolitan Exposition-Recreation Commission in order to broaden the regional representation of the membership thereof; and

WHEREAS, Metro Council desires to amend the provisions relating to Metropolitan Exposition-Recreation Commission in order to provide for a General Manager to be appointed by the Chief Operating Officer and to make related changes; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. That Metro Code Chapter 6.01 is hereby amended, as set forth in Exhibit A; and
- 2. The Transition provisions provided in Exhibit B are adopted.

ADOPTED by the Metro Council this _____ day of _____, 2003.

Withdrawn

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

**Exhibit A to Ordinance No. 03-1023
Metro Code Chapter 6.01**

TITLE VI

COMMISSIONS

CHAPTERS

TITLE

6.01

~~Metropolitan Exposition Recreation Commission~~
Metro Visitor Services Commission

**Exhibit A to Ordinance No. 03-1023
Metro Code Chapter 6.01**

CHAPTER 6.01

~~METROPOLITAN EXPOSITION RECREATION COMMISSION~~
METRO VISITOR SERVICES COMMISSION

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6.01.010 Purpose

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

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 02-975, Sec. 1.)

6.01.020 Definitions

As used herein:

(a) “Chief Operating Officer” means the Chief Operating Officer of Metro, as provided in Metro Code Chapter 2.20.

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(~~ab~~) “Commission” means the ~~Metropolitan Exposition Recreation Commission~~Metro Visitor Services Commission established hereunder;

(~~bc~~) “Council” means the Metro Council;

(~~ed~~) “Councilor” means a member of the Council;

(~~de~~) “Council President” means the Council President of Metro;

(f) “District” means a subdistrict for the purpose of electing members of the Council as created pursuant to Section 32 of the Metro Charter;

(g) “General Manager” means the General Manager appointed by the Chief Operating Officer pursuant to Section 6.01.045; and

(~~eh~~) “Metro Auditor” means the Office of Metro Auditor created pursuant to the Metro Charter.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; Ordinance No. 02-975, Sec. 1.)

6.01.030 Commission Created

There is hereby created a ~~Metropolitan Exposition Recreation Commission~~Metro Visitor Services Commission (referred herein as “Commission”) consisting of nine seven (~~79~~) members. All members shall be residents of the Metro Area.

(a) The Council President will make all appointments. Appointments of all members are subject to confirmation by the Metro Council. Prior to making an appointment from a District the Council President will consult with and seek the advice of the Councilor for that District.

(1) One member will be appointed from each District;

(2) One member will be appointed at-large;

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~~(3) One member will be a nominee of the City of Portland; and~~

~~(4) One member will be a nominee of Multnomah County;~~

(b) The Council President may reject a nomination. ~~Appointments of all members are subject to confirmation by the Metro Council.~~

(c) All members shall serve four (4) year-terms. Members may be re-appointed. ~~Prior to December 31, 2001, a member may serve until the successor is confirmed; thereafter, upon~~Upon the expiration of a term, the position shall be considered vacant until a member is appointed or re-appointed and confirmed.

~~(d) Nomination Process. The Council President will accept nominations to the commission as follows:~~

~~(1) The County Commissions of Clackamas, Multnomah and Washington counties each shall nominate one (1) candidate. The candidates must be residents of the district and nominating county.~~

~~(2) The City Council of the City of Portland shall nominate one (1) candidate for each of two (2) positions. The candidates must be residents of Metro and the City of Portland.~~

~~(3) Two (2) nominees shall be at the sole discretion of the Council President. The candidates must be residents of Metro.~~

~~(e) Appointment Process.~~

~~(1) For those positions on the commission which are subject to nomination by a local governmental body, the Council President will receive the nominations from the relevant governing body and review the nomination prior to submitting the nomination to the Metro Council for confirmation. If the~~

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~~Council President fails to concur with any candidate so nominated by a local government, the Council President shall so notify the jurisdiction, which shall then nominate another candidate. This process shall continue until such time as the Council President agrees to transmit the name of the individual nominated by the local government. If an appointment submitted to the Council for confirmation as a result of this process is rejected by the Council, the Council President shall so notify the local government which shall nominate another candidate and the process shall continue until such time as a candidate nominated by a local government has been forwarded by the Council President to the Council for confirmation and has been confirmed.~~

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

~~(fd)~~ A vacancy shall occur from the death, resignation, failure to continue residency within the Metro Area, the Council District from which the appointment was made if applicable, or ~~and~~ in the case of members nominated by a local government residency within the boundaries of the nominating government, or inability to serve of any member or ~~from by~~ the removal of a member by the Council President, with the concurrence subject to approval of the removal by a majority of the members of the Council by resolution.

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

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

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

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(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 89-325, Sec. 1; Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; Ordinance No. 02-975, Sec. 1.)

6.01.040 Powers

The eCommission shall have the following power and authority:

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

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

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

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

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

(fd) To lease, rent, and otherwise authorize the use of its buildings, structures and facilities; to fix fees and charges relating to the use of said buildings, structures and facilities; to establish any other terms and conditions governing use of its buildings and facilities; and to adopt any regulations deemed necessary or appropriate for the protection of users and for the protection and public use and enjoyment of its buildings and facilities;

(ge) To perform planning and feasibility studies for additional convention, trade, and spectator facilities as requested by the Council within Metro;

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(~~h~~f) To authorize the General Manager to employ, manage, and terminate such personnel as the eCommission may find necessary, appropriate, or convenient for its purposes under personnel rules adopted by the eCommission;

(~~g~~) To authorize the General Manager to employ professional, technical, and other assistance as the eCommission may find necessary, appropriate, or convenient for its purposes;

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

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

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

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

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

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

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

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec 1; Ordinance No. 02-975, Sec. 1.)

6.01.45 General Manager

(a) The position of General Manager of the Metro Visitor Services Commission is established.

(b) The General Manager is appointed by and serves at the pleasure of the Chief Operating Officer. Notwithstanding Section 2.02.005(f), the compensation of the General Manager shall be established pursuant to an employment agreement entered into by the Chief Operating Officer and approved by the Commission.

6.01.050 Budget and Accounts

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

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

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

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

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; Ordinance No. 02-975, Sec. 1.)

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Metro Code Chapter 6.01**

6.01.060 Commission Meetings

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

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

6.01.070 Delegation

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

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

6.01.080 Filing and Effective Date of Commission Resolutions

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

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

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 02-975, Sec. 1.)

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6.01.100 Commission Business Plans

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

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

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

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; Ordinance No. 02-975, Sec. 1.)

Exhibit B to Ordinance No. 03-1023
Transition Provisions of Commissioners
Metro Code Chapter 6.01

- A. The Transition provisions for the Commissioners for the Metro Visitor Services Commission are as follows:
1. The term of the position currently held by Kay Dean-Toran shall expire January 15, 2005. Thereafter, this position shall be subject to nomination by the City of Portland.
 2. The term of the position currently held by Gale Castillo shall expire January 15, 2007. Thereafter, this position shall be subject to nomination by Multnomah County.
 3. The term of the position currently filled by Judy Rice shall expire January 15, 2006. Thereafter, this position shall be filled by a resident of the Metro Area at-large.
 4. A new member who shall be a resident of Council District 1 shall be appointed for a term expiring January 15, 2008.
 5. The term of the position currently held by Don Trotter shall expire January 15, 2006. Thereafter, this position shall be filled by a resident of Council District 2.
 6. The term of the position currently held by Gary Conkling shall expire January 15, 2005. Thereafter, this position shall be filled by a resident of Council District 3.
 7. A new member who shall be a resident of Council District 4 shall be appointed for a term expiring January 15, 2008.
 8. The term of the position currently held by Sheryl Manning shall expire January 15, 2007. Thereafter, this position shall be filled by a resident of Council District 5.
 9. The term of the position currently held by George Forbes shall expire January 15, 2006. Thereafter, this position shall be filled by a resident of Council District 6.
- B. The Metro Visitor Services Commission is the successor organization of the Metropolitan Exposition Recreation Commission. All orders, rules, regulations of the MERC in effect on the effective date of this ordinance remain in effect until amended or repealed by the Commission. All rights, claims, cause of action, duties and contracts of the Metropolitan Exposition Recreation Commission that exist when this ordinance take effect continue and are unimpaired by this ordinance.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 1023, FOR THE PURPOSE OF AMENDING PROVISIONS OF METRO CODE CHAPTER 6.01 RELATING TO THE METROPOLITAN EXPOSITION-RECREATION COMMISSION

Date: [October 10, 2003](#)

BACKGROUND

1. The Metropolitan Exposition-Recreation Commission composition needs changes in order to broaden the Metro Area representation of the membership, consistent with the transition of the Metro Charter, effective January 10, 2003, and Metro Charter Section 26(4) Commissions as follows:

“The Council may by ordinance create Commissions with duties and responsibilities as specified by the Council. The Council President appoints all Commissioners subject to confirmation by the Council. Commissioners serve at the pleasure of the Council and are subject to removal by the Council President with the concurrence of the Council.”

2. The provisions of the Metro Visitor Services Commission will also make amendments relating to the General Manager, including the appointment of the General Manager by the Chief Operating Officer as described in Exhibit A to the ordinance.
3. The Transition provisions as described in Exhibit B to the ordinance have been summarized below:

	Metro Area	Commissioner's Name	Term Expires
1.	City of Portland	Kay Dean-Toran	January 15, 2005
2.	Multnomah County	Gale Castillo	January 15, 2007
3.	Metro Area At-Large	Judy Rice	January 15, 2006
4.	Council District 1	(New Member-To Be Determined)	January 15, 2008
5.	Council District 2	Don Trotter	January 15, 2006
6.	Council District 3	Gary Conkling	January 15, 2005
7.	Council District 4	(New Member-To Be Determined)	January 15, 2008
8.	Council District 5	Sheryl Manning	January 15, 2007
9.	Council District 6	George Forbes	January 15, 2006

ANALYSIS/INFORMATION

1. **Known Opposition:** None.
2. **Legal Antecedents:** Metro Charter 26, effective January 10, 2003, Section 26 (4) Commissions and Metro Code Chapter 6.01.
3. **Anticipated Effects:** As described in Exhibit B to the ordinance, the Metro Visitor Services Commission is the successor organization of the Metropolitan Exposition-Recreation Commission. All orders, rules, regulations of the MERC in effect on the effective date of this ordinance remain in effect until amended or repealed by the Commission. All rights, claims, cause of action, duties and contracts of the Metropolitan Exposition-Recreation Commission that exist when this ordinance takes effect continue and are unimpaired by this ordinance.
4. **Budget Impacts:** None.

RECOMMENDED ACTION

The Metro Council President and the Metro Council recommends that Ordinance No. 03-1023 be adopted.