

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING ) RESOLUTION NO. 92-1543A  
A PROCEDURE FOR METRO SERVICE )  
DISTRICT RESPONSE TO POSITIONS ) Introduced by Rena Cusma,  
ON GOVERNANCE UNDER CONSIDERATION ) Executive Officer  
OR ENDORSED BY THE METROPOLITAN )  
SERVICE DISTRICT CHARTER COMMITTEE )

WHEREAS, The Metro Charter Committee began meeting May 7, 1991 and conducted one meeting in each of the counties in the District for the purpose of hearing testimony from local and elected officials and interest groups; and

WHEREAS, The Committee held additional committee meetings for the purpose of receiving further testimony from invited parties; and

WHEREAS, The Committee has scheduled an additional meeting January 18, 1992 and has invited testimony from a variety of groups to obtain their particular perspectives; and

WHEREAS, The Charter Committee proceedings and the District would be served by understanding the views and positions of the Metropolitan Service District Executive Officer and Council; and

WHEREAS, The Council has referred to the Governmental Affairs Committee all issues related to the charter for discussion and debate and recommendation to the full Metro Council; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the policy statements identified as Exhibit A and more completely described in Exhibit B.

That the Presiding Officer and the Executive Officer be authorized to convey to the Charter Committee those positions adopted as a result of the process herein established.

ADOPTED by the Council of the Metropolitan Service District  
9th day of January, 1992.



Jim Gardner, Presiding Officer

Principles for Charter Document  
Metropolitan Service District

PURPOSE

It is the purpose of the regional government to

- o Preserve regional liveability;
- o Promote effective management of regional urban growth;
- o Protect the region's natural and human resources;
- o Prevent the proliferation of governments;
- o Provide effective, efficient and equitable delivery of regional services to the public.

Regional government will further promote cooperation, prevent duplication of service, insure cost efficiency, and will not provide local aspects of governmental services, except as specifically required by state or federal law or as requested and authorized by agreements with local governments.

The regional government shall protect and serve the citizens of the region through a governance structure of directly elected officials that is organized by a separation of powers, and hence a system of "checks and balances", between the legislative (law making) and executive (administrative) branches of government.

A directly elected council from districts and an executive elected region-wide provides the citizens of the region with a governance structure that is balanced, accountable, visible and responsive.

POWERS/FUNCTIONS

The regional government provides regional services to the citizens of the region. Regional services meet the policy objectives described above under purpose and fall within four categories:

1. Those that can only be provided regionally.
2. Those that must be provided regionally to be cost efficient, equitably financed or effective;
3. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.
4. Metropolitan aspects of government functions that are not available through existing governmental agencies.

See Attachment I. for full listing.

### Process for Adding Additional Functions/Services

The Council shall determine that a service or function is of metropolitan significance. In making a determination the Council shall consult with relevant local governments. The District or any local government may initiate this process.

### STRUCTURE - COUNCIL/EXECUTIVE OFFICER

The governance structure of regional government shall serve and protect the citizens of the region through directly elected representatives and by a separation of powers between the legislative branch (Council) and administrative branch (Executive) of government.

Council The governing body of the district shall be a council consisting of 9 full-time or no more than 21 part-time councilors, (based on council districts of approximately 50,000 population) each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district.

Responsibilities. The council is responsible for the legislative function of the district including, but not limited to, adoption and amendment of annual budget, adoption of functional and other plans, levying of taxes and fees, establishment of departments and commissions and other such duties as the law prescribes. Each councilor shall be a resident of the subdistrict from which elected and shall not be an elected official of any other public body. The council may create by ordinance commissions for all powers and functions prescribed by law, except the power to adopt ordinances, the authority to budget, raise revenue and plan.

Executive Officer The executive officer is responsible for the administration of the district and enforcement of the ordinances enacted by the council. The executive officer shall be full-time and elected on a non-partisan basis from the district at-large. The executive officer shall not be employed by any other person or governmental body or serve as a member of the council.

Responsibilities. The executive officer shall administer the district. This includes hiring and firing of any personnel to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council; contract with any person or agency for same purpose with same restrictions; prepare and submit to council an annual budget for approval; keep the council fully advise on the district financial condition; present to the council plans, studies and reports prepared for district purposes; propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers, duties or efficient administration of the district.

Veto Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

Initiative and Referendum The electors of the district may exercise the powers of initiative and referendum with reference to the legislation of the district. (At present this is 6% of the votes cast for all candidates for governor registered in the district, for initiative; 4% of the votes cast for all candidates for governor registered in the district, for referendum.)

The council may refer any ordinance to the electors for approval or rejection at any election date prescribed in ORS 255.345 (special election dates).

Upon petition of the electors of the district filed with the district election officer, the council shall call an election for the purpose of referring legislation or submitting initiative legislation to the electors for their approval or rejection.

#### FINANCE

In order to carry out the purposes of the district, the governing body should have the authority to levy taxes, fees and service charges subject to constitutional limitations including the powers of initiative and referendum.

Attachment I.

A. Those that can only be provided regionally:

1. Regional Land Use Planning
  - o Adopt goals and objectives;
  - o Review local plans; recommend or require amendments to achieve conformity with regional goals and objectives;
  - o Coordinate local government land use planning activities with federal and state governments or agencies.
2. Urban Growth Management
  - o Adopt and amend an urban growth boundary for the region.
3. Functional Planning
  - o Define and apply planning process;
  - o Prepare and adopt functional plans
  - o Review local plans, recommend or require amendments to achieve conformity with adopted functional plans.

B. Those that must be provided regionally to be cost efficient, equitably financed or effective.

1. Zoo Facilities
  - o Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.
2. Convention, Trade, Spectator and Cultural Facilities and Programs
  - o Acquire, construct, alter, maintain administer and operate major cultural, convention, exhibition, sports and entertainment facilities.
3. Solid Waste Disposal
  - o Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district.

C. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.

1. Tri-Met
  - o Assume operation of by Council action.
2. Boundary Commission
  - o Assume operation of if authorized by vote of the people.
3. Emergency Management
4. Housing

D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

Metropolitan aspects of:

1. Parks and Open Space
  - o Acquire, develop, maintain and operate a system of

- parks, open space, and recreational facilities of metropolitan significance.
2. Public Transportation
    - o Provide metropolitan aspects of public mass transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.
  3. Sewage Disposal
    - o Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.
  4. Liquid Waste Disposal
    - o Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.
  5. Drainage
    - o Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.
  6. Criminal and Juvenile Justice Planning
    - o Provide planning for metropolitan and local aspects of criminal and juvenile justice.
  7. Criminal and Juvenile Justice Facilities and Programs
    - o Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.
  8. Water Supply
    - o Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.
  9. Human Services Planning, Coordination and Evaluation
    - o Plan, coordinate and evaluate the providing of human services, including but not limited to programs for the aging, health care, manpower, mental health and children and youth.
  10. Library Activities
    - o Provide metropolitan aspects of library activities including, but not limited to, book acquisition and technical assistance for local libraries.

PREAMBLE

In order to secure and preserve the quality of life through the exercise of self determination of and by its citizens, and to create those amenities which would further enhance the standard of living, we the citizens of this region shall adopt this charter for the Metropolitan Service District.

I. POLICY

It is the policy of the regional government to promote cooperation, prevent duplication of service, insure cost efficiency, but not to provide local aspects of governmental services, except as specifically required by state or federal law or as authorized by agreements with local governments.

Metropolitan Regional Government shall:

- A. Preserve regional liveability;
- B. Promote effective management of regional urban growth;
- C. Protect the region's natural and human resources;
- D. Prevent the proliferation of governments;
- E. Provide effective, efficient and equitable delivery of regional services to the public.

The Metropolitan Regional Government shall be governed by a directly elected, responsive, visible, accountable regional body that is not a duplication of local governments.



## II. PURPOSE

The purpose of the regional government is to:

- A. Preserve regional liveability;
- B. Promote effective management of regional urban growth by adoption and maintenance of a clear regional urban growth boundary;
- C. Protect the region's natural and human resources by adoption and enforcement of appropriate functional plans;
- D. Make public services available that are not adequately available through previously authorized governmental agencies.

## III. FUNCTIONS

The regional government provides regional services to the citizens of the region. These regional services are within four categories:

- A. Those that can only be provided regionally.
- B. Those that must be provided regionally to be cost efficient, equitably financed or effective;
- C. Those additional functions that are already regional or that the elected Council authorizes as matters of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.
- D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

A. Those that can only be provided regionally:

1. Regional Land Use Planning
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  - o Review local plans; recommend or require amendments to achieve conformity with regional goals and objectives;
  - o Coordinate local government land use planning activities with federal and state governments or agencies.
2. Urban Growth Management
  - o Adopt and amend an urban growth boundary for the region.
3. Functional Planning
  - o Define and apply planning process;
  - o Prepare and adopt functional plans
  - o Review local plans, recommend or require amendments to achieve conformity with adopted functional plans.

B. Those that must be provided regionally to be cost efficient, equitably financed or effective.

1. Zoo Facilities
  - o Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.
2. Convention, Trade, Spectator and Cultural Facilities and Programs
  - o Acquire, construct, alter, maintain administer and

operate major cultural, convention, exhibition, sports and entertainment facilities.

3. Solid Waste Disposal

- o Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district.

C. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.

1. Tri-Met

- o Assume operation of by Council action.

2. Boundary Commission

- o Assume operation of if authorized by vote of the people.

3. Emergency Management

4. Housing

D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

Metropolitan aspects of:

1. Parks and Open Space

- o Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of

metropolitan significance.

2. Public Transportation

- o Provide metropolitan aspects of public mass transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.

3. Sewage Disposal

- o Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.

4. Liquid Waste Disposal

- o Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.

5. Drainage

- o Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.

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  - o Provide planning for metropolitan and local aspects of criminal and juvenile justice.
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  - o Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.
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  - o Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.
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10. Library Activities
  - o Provide metropolitan aspects of library activities including, but not limited to , book acquisition and technical assistance for local libraries.

#### IV. STRUCTURE - COUNCIL; EXECUTIVE OFFICER

Preamble The governance structure of the Metropolitan Service District shall be a separation of powers between the legislative branch (Council) and administrative branch (Executive).

A. Council The governing body of the district shall be a council consisting of 9 full-time or no more than 21 part-time councilors, (based on council districts of approximately 50,000 population) each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district.

The Council is responsible for the legislative functions of the district including, but not limited to, adoption and amendment of annual budget, adoption of functional and other plans, levying of taxes and fees, establishment of departments and commissions and other such duties as the law prescribes. Each councilor shall be a resident of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body.

Councilors must be residents of their districts for not less than one year before taking office.

The term of office 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, shall be elected biennially.

A vacancy in office shall be filled by a majority of the remaining members of the council.

Commissions. The Council may create by ordinance commissions for all powers or functions prescribed by law, except the power to adopt ordinances, the authority to budget, raise revenue and plan.

B. Executive Officer. The executive officer shall administer the district and enforce the ordinances enacted by the council.

The executive officer shall present to the council plans, studies and reports prepared for district purposes and may propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers and duties of the district or to the efficient administration of the affairs of the district

The executive officer shall keep the council fully advised as to its financial condition, and shall prepare and submit to the council the district's annual budget for its approval, and any other financial information the council requests.

The Executive officer may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council.

The executive officer shall be elected in the same manner as councilors but the officer shall be elected from the district at large on a non-partisan basis.

The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body.

The executive officer shall be a resident of the district for not less than one year before taking office.

The executive officer serves full time and shall not be employed by any other person or governmental body or serve as a member of the council.



A vacancy in office shall be filled by appointment by a majority of the council.

Veto Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

#### V. FINANCE

In order to carry out the purposes of the district, the governing body should have the authority to levy taxes, fees and service charges subject to constitutional limitations including the powers of initiative and referendum.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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RESOLUTION NO. 92-1543A, ESTABLISHING A PROCEDURE FOR METRO SERVICE DISTRICT RESPONSE TO POSITIONS ON GOVERNANCE UNDER CONSIDERATION OR ENDORSED BY THE METROPOLITAN SERVICE DISTRICT CHARTER COMMITTEE

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Date: January 3, 1992

Presented by: Councilor Devlin

**COMMITTEE RECOMMENDATION:** At its January 2, 1992 meeting the Governmental Affairs Committee voted 3-0 to recommend Council approval of Resolution No. 92-1543A. Voting were Councilors Devlin, Collier, and Hansen. Councilors DeJardin and Knowles were excused. Also in attendance were Councilors Bauer, Buchanan, McLain, and Wyers.

**COMMITTEE DISCUSSION/ISSUES:** The Committee considered this resolution twice, on December 19 and January 2. At the December 19 meeting, Betsy Bergstein presented the staff report. She reported that staff had drafted language for Exhibit A to the Resolution, which included a cover memo, a preamble, and sections dealing with policy, purpose, functions, and structure; finance was not included because the Charter Committee had not addressed finance, nor had the Governmental Affairs Committee discussed it yet.

Discussion on the "purpose" section resulted in Committee agreement to make the language broader and less restrictive, in order to accommodate future changes in the direction of regional growth management. Specific reference to Regional Urban Growth Goals and Objectives and Urban Growth Boundaries was replaced by language referring to implementation of state land-use law.

Ms. Bergstein explained the four categories of "functions," which are listed in the exhibits. The functions themselves are primarily those listed in ORS 268. The committee discussed language changes dealing with definitions of local and regional services, and added emergency management and housing to the list of functions.

Discussion of "structure" focused on the number of Councilors and whether they should be full-time or part-time. The committee determined there was no consensus on a specific number of Councilors, and directed staff to prepare in its next draft a statement that the Council should consist of 9 full-time or 21 part-time Councilors; the number of part-time Councilors would be driven in part by the size of the districts. The Committee expected and encouraged Council discussion of this item. The Committee briefly discussed the separation of power form of government Metro currently has, and agreed to keep it in the document because it works.

The Committee directed staff to make the changes discussed at the meeting for consideration at the next meeting, and to distribute that draft to Council for their review and comment prior to that meeting.

At the January 2 meeting, Betsy Bergstein presented the staff report. She said the draft contained five principal points: a statement of purpose; a description of functions that includes categories of types of regional services; a commitment that additional functions can be assumed only after consultation with local governments; a proposed structure that preserves the separation of powers; and a general grant of financial authority subject to constitutional limitations including initiative and referendum.

Staff brought two drafts of Exhibit A to the committee for consideration. The first consisted of a simple re-working of the previous draft; the second contained a cover memo and a re-statement of the same information in a more straightforward format, which focused on principles of regional government. Ms. Bergstein summarized the differences between the two documents, and the changes from the earlier draft. Councilor Devlin said he had no real problems with the substance of the document, but he did not like the cover memo.

Ms. Bergstein transmitted a statement from the Executive Officer raising the question of how the agency should deal with the proposed January 18 meeting of the Charter Committee. Ken Gervais expressed his concerns about that meeting, saying that Metro should clearly establish a comprehensive position regarding the future of regional government before appearing before the Charter Committee, rather than go to the Committee with only a piecemeal document that might not include all the areas that should be included.

The Committee concluded that it was appropriate to present the resolution under consideration to the Charter Committee, provided that it was made clear that this was a framework document that set out general principles and provisions for regional government. Other ideas might have to be fleshed out later, but this document was clean enough to serve as a guide for further refinement. In addition, time should be reserved with the Charter Committee for presenting a more detailed proposal from Metro at a later date.

In a brief discussion on the relative value of the two drafts before them, the committee decided to include both of them as exhibits to the resolution. The original draft is labeled Exhibit A, with an attachment listing functions, and the later draft is Exhibit B.

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WHEREAS, The Metro Charter Committee began meeting May 7, 1991 and conducted one meeting in each of the counties in the District for the purpose of hearing testimony from local and elected officials and interest groups; and

WHEREAS, The Committee held additional committee meetings for the purpose of receiving further testimony from invited parties; and

WHEREAS, The Committee has scheduled an additional meeting January 18, 1992 and has invited testimony from a variety of groups to obtain their particular perspectives; and

WHEREAS, The Charter Committee proceedings and the District would be served by understanding the views and positions of the Metropolitan Service District Executive Officer and Council; and

WHEREAS, The Council has referred to the Governmental Affairs Committee all issues related to the charter for discussion and debate and recommendation to the full Metro Council; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the policy statements identified as Exhibit A and more completely described in Exhibit B.

That the Presiding Officer and Executive Officer be authorized to convey to the Charter Committee those positions adopted as a result of the process herein established.

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Presiding Officer



**METRO**

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

# Memorandum

DATE: December 27, 1991

TO: Governmental Affairs Committee

FROM: Donald E. Carlson, Council Administrator <sup>DEC/91</sup>

RE: Resolution No. 92-1543 - Metro Charter Principles

Items 1 and 2 on your January 2, 1992 agenda deal with Resolution 92-1543, "Establishing a procedure for Metro response to positions on governance under consideration or endorsed by the Charter Committee." We have included in your packet two documents for your consideration on this matter.

The first is a revised version of the document you saw at your last meeting, which incorporates the changes the committee suggested (marked Exhibit A, dated December 27). The second contains the same information cast in a different form. (This version begins with a memo to the Charter Committee from the Council and Executive, dated January 18.) It includes a cover memo to the Charter Committee which explains the purpose of the accompanying document. The document itself sets forth the basic principles of regional government, and outlines functions and a structure which conform with those principles.

Your discussion on Thursday should address the form of the document you wish to forward to the Council and then to the Charter Committee, and the specific points to be included in that document. Please note that the meeting begins at 3:00 in Room 440.

Thank you.



**METRO**

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

# Memorandum

Date: December 10, 1991  
To: METRO Council  
From: Rena Cusma, Executive Officer  
Subject: Charter Committee

As all of you know the Charter Committee has been meeting since May, and with the exception of one brief appearance by your presiding officer and myself and a staff presented overview of the RUGGOs (less than 2 hours) the Committee has deliberated without Metro input about the agency and the conduct of its business.

The Committee Chair now has asked for input at a Saturday meeting on January 18th. My understanding is the Committee will be inviting input from a number of interested parties. Some members of the Charter Committee have suggested a round table discussion between ourselves, the Chamber of Commerce, Common Ground, the League of Women Voters, the RGC, TRI-MET, and the Boundary Commission. I would not presume to represent Metro in such a forum.

The Charter Committee's product thus far is an outline of proposed growth management functions and several general agreements regarding other Metro functions. None have been finalized.

Hardy Myers has indicated that he hopes to have a draft outline and perhaps some positions on structure by mid January.

Some members of the Charter Committee have indicated that they support the creation of a whole new set of governments, i.e. Commissions to administer each individual function. This approach, of course, would weaken the role of elected officials and abolish the separation of powers system under which we presently operate. Planning, the theory goes, should be separated from operations and funding in all instances.

I think these ideas are wrong headed. I think it is very unlikely that the citizens of the region will vote for more proliferation of government and more expensive solutions to the problems which face the region. I would not support such a notion and drawing from our past conversations I am sure the Council would not.

All over the world public decisions are coming more and more under the purview of democratically elected governments. Metro and the citizens of this region have been viewed and acclaimed as a governance model for metropolitan areas throughout the nation, and if my recent experience in France is any indication, the world and cannot be party to stepping backwards.

As an aside, it is interesting to note that this plan of government through commissions with planning separate from operations is very similar to one now proposed for Los Angeles. For Southern California the idea of regional planning is a bold one. Their turf problems make ours look insignificant. I wish them good luck but can't imagine that our voters want to us to emulate them.

My proposal is a straight forward one. It is time for Metro as an agency to take formal positions on the proposals being contemplated by the Charter Committee. There are a number of them on the table now, the Commission form of governance, Metro's responsibilities and authorities related to growth management, criminal justice, human services, libraries, planning versus operations and other factors. Might I suggest that the Metro Council Committee structure is extraordinarily suited to manage the process by which we as an agency discuss and debate the issues, receive public input and transmit our recommendations to the Committee for consideration.



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BE IT RESOLVED,

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That the Presiding Officer and Executive Officer be authorized to convey to the Charter Committee those positions adopted as a result of the process herein established.

Tanya Collier, Presiding Officer

D R A F T

PREAMBLE

In order to secure and preserve the quality of life through the exercise of self determination of and by its citizens, and to create those amenities which would further enhance the standard of living, we the citizens of this region shall adopt this charter for the Metropolitan Service District.

I. POLICY

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Metropolitan Regional Government shall:

- A. Preserve regional liveability;
- B. Promote effective management of regional urban growth;
- C. Protect the region's natural and human resources;
- D. Prevent the proliferation of regional governments;
- E. Provide effective, efficient and equitable delivery of regional services to the public.

The Metropolitan Regional Government shall be governed by a directly elected, responsive, visible, accountable regional body that is not a duplication of local governments.

## II. PURPOSE

The purpose of the regional government is to:

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- C. Protect the region's natural and human resources by adoption and enforcement of appropriate functional plans;
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## III. FUNCTIONS

The regional government provides regional services to the citizens of the region. These regional services are within four categories:

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  - D. Metropolitan aspects of government functions that are not available through existing governmental agencies.
- A. Those that can only be provided regionally:
- 1. Regional Land Use Planning
    - o Adopt goals and objectives;
    - o Review local plans; recommend or require amendments

to achieve conformity with regional goals and objectives;

- o Coordinate local government land use planning activities with federal and state governments or agencies.

2. Urban Growth Management

- o Adopt and amend an urban growth boundary for the region.

3. Functional Planning

- o Define and apply planning process;
- o Prepare and adopt functional plans
- o Review local plans, recommend or require amendments to achieve conformity with adopted functional plans.

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- o Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

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- o Acquire, construct, alter, maintain administer and operate major cultural, convention, exhibition, sports and entertainment facilities.

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- o Build, construct, acquire, lease, improve, operate

and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district.

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  - o Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of metropolitan significance.
2. Public Transportation
  - o Provide metropolitan aspects of public mass transportation, including local aspects thereof

transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.

3. Sewage Disposal

- o Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.

4. Liquid Waste Disposal

- o Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.

5. Drainage

- o Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.

6. Criminal and Juvenile Justice Planning

- o Provide planning for metropolitan and local aspects of criminal and juvenile justice.

7. Criminal and Juvenile Justice Facilities and Programs

- o Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.
8. Water Supply
- o Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.
9. Human Services Planning, Coordination and Evaluation
- o Plan, coordinate and evaluate the providing of human services, including but not limited to programs for the aging, health care, manpower, mental health and children and youth.
10. Library Activities
- o Provide metropolitan aspects of library activities including, but not limited to , book acquisition and technical assistance for local libraries.

#### IV. STRUCTURE - COUNCIL; EXECUTIVE OFFICER

Preamble The governance structure of the Metropolitan Service District shall be a separation of powers between the legislative branch (Council) and administrative branch (Executive).



A. Council The governing body of the district shall be a council consisting of 9 full-time or 21 part-time councilors, (based on council districts of 50,000 population) each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district.

The Council is responsible for the legislative functions of the district and such other duties as the law prescribes.

Each councilor shall be a resident of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body.

Councilors must be residents of their districts for not less than one year before taking office.

The term of office 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, shall be elected biennially.

A vacancy in office shall be filled by a majority of the remaining members of the council.

Commissions. The Council may create by ordinance commissions for all powers or functions prescribed by law, except the

revenue and plan.

B. Executive Officer. The executive officer shall administer the district and enforce the ordinances enacted by the council.

The executive officer shall present to the council plans, studies and reports prepared for district purposes and may propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers and duties of the district or to the efficient administration of the affairs of the district

The executive officer shall keep the council fully advised as to its financial condition, and shall prepare and submit to the council the district's annual budget for its approval, and any other financial information the council requests.

The Executive officer may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council.

The executive officer shall be elected in the same manner as councilors but the officer shall be elected from the district

at large on a non-partisan basis.

The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body.

The executive officer shall be a resident of the district for not less than one year before taking office.

The executive officer serves full time and shall not be employed by any other person or governmental body or serve as a member of the council.

The executive officer shall not serve as a member of the council.

A vacancy in office shall be filled by appointment by a majority of the council.

Veto Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

**DRAFT**

DATE: January 18, 1992

TO: Charter Committee

FROM: Council and Executive Officer of the Metropolitan Service District

REGARDING: Charter for Regional Government

The elected officials of the Metropolitan Service District welcome the opportunity to comment on a proposed charter for the district. However, since the committee is seeking comment on suggested, draft components of the charter at this time, we feel it is premature for us to comment directly on these early, not fully developed concepts. We anticipate the opportunity for further comment when the draft charter is complete.

Therefore at this time, the attached principles are being submitted by the Metropolitan Service District for the committee's consideration.

These principles have been discussed by the council and the executive and have been acted on by the council. (vote).

The Metro Council and Executive believe that this metropolitan urban area is a regional community, with a regional economy and regional problems or opportunities. It is a stable and effective government with a proven track record. The Metropolitan Service District has been created by this regions voters to be the regional government to meet the challenges ahead in this community. Regional government has grown in increments, adding functions, like the Zoo and Convention Center, as the regional community identified the need or desire and nominated Metro to take on the job.

The nature of Metro's development, adding functions as need developed, has created an organization with the ability to respond to changing regional conditions. The collaboration between Metro and local government on governmental issues demonstrates the region's ability to define "matters of metropolitan concern" over a broad scope of activities.

There has been broad community discussion on the population growth this region is expected to incur over the next twenty years and the role of regional government in maintaining regional liveability, yet no one can predict the exact nature or magnitude of this growth or exactly when it will occur.

Therefore, it is the position of the elected officials of this government that the existing authorities of the district should be broad enough so that Metro, in continued partnership with local government, can continue to respond to changing regional conditions.

Principles for Charter Document  
Metropolitan Service District

PURPOSE

It is the purpose of the regional government to

- o Preserve regional liveability;
- o Promote effective management of regional urban growth;
- o Protect the region's natural and human resources;
- o Prevent the proliferation of regional governments;
- o Provide effective, efficient and equitable delivery of regional services to the public.

Regional government will further promote cooperation, prevent duplication of service, insure cost efficiency, and will not provide local aspects of regional services or any other governmental services, except as specifically required by state or federal law or as requested and authorized by agreements with local governments.

The regional government shall protect and serve the citizens of the region through a governance structure of directly elected officials that is organized by a separation of powers, and hence a system of "checks and balances", between the legislative (law making) and executive (administrative) branches of government.

A directly elected council from districts and an executive elected region-wide provides the citizens of the region with a governance structure that is balanced, accountable, visible and responsive.

POWERS/FUNCTIONS

The regional government provides regional services to the citizens of the region. Regional services meet the policy objectives described above under policy and fall within four categories:

1. Those that can only be provided regionally.
2. Those that must be provided regionally to be cost efficient, equitably financed or effective;
3. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.
4. Metropolitan aspects of government functions that are not available through existing governmental agencies.

See attachment I. for full listing.

### Process for Adding Additional Functions/Services

The Council in making a determination that a service or function is of metropolitan significance shall consult with relevant local governments before making the decision.

### STRUCTURE - COUNCIL/EXECUTIVE OFFICER

The governance structure of regional government shall serve and protect the citizens of the region through directly elected representatives and by a separation of powers between the legislative branch (Council) and administrative branch (Executive) of government.

Council The governing body of the district shall be a council consisting of 9 full-time or 23 part-time councilors, each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district.

Responsibilities. The council is responsible for the legislative function of the district including, but not limited to, adoption and amendment of annual budget, adoption of functional and other plans, levying of taxes and fees, establishment of departments and commissions and other such duties as the law prescribes. Each councilor shall be a resident of the subdistrict from which elected and shall not be an elected official of any other public body. The council may create by ordinance commissions for all powers and functions prescribed by law, except the power to adopt ordinances, the authority to budget, raise revenue and plan.

Executive Officer The executive officer is responsible for the administration of the district and enforcement of the ordinances enacted by the council. The executive officer shall be full-time and elected on a non-partisan basis from the district at-large. The executive officer shall not be employed by any other person or governmental body or serve as a member of the council.

Responsibilities. The executive officer shall administer the district. This includes hiring and firing of any personnel to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council; contract with any person or agency for same purpose with same restrictions; prepare and submit to council an annual budget for approval; keep the council fully advise on the district financial condition; present to the council plans, studies and reports prepared for district purposes; propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers, duties or efficient administration of the district.

Veto Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

Initiative and Referendum The electors of the district may exercise the powers of initiative and referendum with reference to the legislation of the district. (6% of the votes cast for all candidates for governor registered in the district, for initiative; 4% of the votes cast for all candidates for governor registered in the district, for referendum).

The council may refer any ordinance to the electors for approval or rejection at any election date prescribed in ORS 255.345 (special election dates).

Upon petition of the electors of the district filed with the district election officer, the council shall call an election for the purpose of referring legislation or submitting initiative legislation to the electors for their approval or rejection.

#### FINANCE

In order to carry out the purposes of the district, the governing body should have the authority to levy taxes, fees and service charges subject to constitutional limitations including the powers of initiative and referendum.

Attachment I.

A. Those that can only be provided regionally:

1. Regional Land Use Planning
  - o Adopt goals and objectives;
  - o Review local plans; recommend or require amendments to achieve conformity with regional goals and objectives;
  - o Coordinate local government land use planning activities with federal and state governments or agencies.
2. Urban Growth Management
  - o Adopt and amend an urban growth boundary for the region.
3. Functional Planning
  - o Define and apply planning process;
  - o Prepare and adopt functional plans
  - o Review local plans, recommend or require amendments to achieve conformity with adopted functional plans.

B. Those that must be provided regionally to be cost efficient, equitably financed or effective.

1. Zoo Facilities
  - o Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.
2. Convention, Trade, Spectator and Cultural Facilities and Programs
  - o Acquire, construct, alter, maintain administer and operate major cultural, convention, exhibition, sports and entertainment facilities.
3. Solid Waste Disposal
  - o Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district.

C. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.

1. Tri-Met
  - o Assume operation of by Council action.
2. Boundary Commission
  - o Assume operation of if authorized by vote of the people.
3. Emergency Management
4. Housing

D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

Metropolitan aspects of:

1. Parks and Open Space
  - o Acquire, develop, maintain and operate a system of



- parks, open space, and recreational facilities of metropolitan significance.
2. Public Transportation
    - o Provide metropolitan aspects of public mass transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.
  3. Sewage Disposal
    - o Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.
  4. Liquid Waste Disposal
    - o Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.
  5. Drainage
    - o Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.
  6. Criminal and Juvenile Justice Planning
    - o Provide planning for metropolitan and local aspects of criminal and juvenile justice.
  7. Criminal and Juvenile Justice Facilities and Programs
    - o Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.
  8. Water Supply
    - o Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.
  9. Human Services Planning, Coordination and Evaluation
    - o Plan, coordinate and evaluate the providing of human services, including but not limited to programs for the aging, health care, manpower, mental health and children and youth.
  10. Library Activities
    - o Provide metropolitan aspects of library activities including, but not limited to , book acquisition and technical assistance for local libraries.