

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING A) RESOLUTION NO. 94-2043A
CHANGE IN STATE STATUTE REGARDING)
THE MEMBERSHIP OF THE PORTLAND) Introduced by Councilor
METROPOLITAN AREA LOCAL GOVERNMENT) Mike Gates
BOUNDARY COMMISSION)

WHEREAS, State law (ORS 199.440) governs the membership of the Portland Metropolitan Area Local Government Boundary Commission (Boundary Commission), and provides that "the commission shall have a number of members that is equal to the number of councilors of the metropolitan service district;" and

WHEREAS, The Boundary Commission now has thirteen members, but will be reduced to seven members on January 2, 1995; and

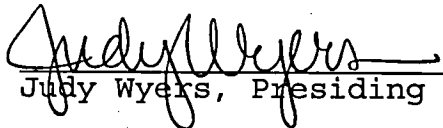
WHEREAS, Representatives of the Boundary Commission have met with representatives of the Metro Council and Metro staff to request Metro's support in endorsing a bill to be considered at the 1995 session of the Oregon Legislature, which would increase the number of Boundary Commission members to eleven; and

WHEREAS, An eleven-member Boundary Commission is preferable to one with seven members because the larger commission will provide greater opportunities for representation throughout the Metro area and the broader tri-county community that is within the Boundary Commission's jurisdiction, and will improve the opportunities for the commission regularly to achieve a quorum; now, therefore

BE IT RESOLVED,

That the Metro Council endorses the draft Bill for an Act, attached as Exhibit A, to increase the Boundary Commission from seven to eleven members, and directs its representatives at the 1995 session of the Oregon Legislative Assembly to work in support of this bill.

ADOPTED by the Metro Council this 13th day of October, 1994.


Judy Wyers, Presiding Officer

A BILL FOR AN ACT

Relating to local government boundary commissions; creating new provisions; amending ORS 199.440; and declaring an emergency.

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

SECTION 1. ORS 199.440 is amended to read:

199.440 Membership; appointment; qualifications; term; vacancy. (1) A

boundary commission shall have seven members. However, if the population of the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the commission shall have eleven [a number of] members [that is equal to the number of councilors of the metropolitan service district].

(2) Except as provided in subsection (3) of this section, the Governor may appoint all members of a commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The Governor shall prepare the list annually and keep it current so timely appointments will be made as vacancies occur. The Governor shall endeavor to appoint members from the various cities, counties and districts so as to provide geographical diversity of representation on the commission.

(3) When the area subject to the jurisdiction of a boundary commission is wholly or partly/situated within the boundaries of a metropolitan service district organized under ORS chapter 268, the members of that boundary commission shall be appointed by the executive officer of the metropolitan service district. The executive officer shall appoint members of a boundary commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The executive officer shall prepare the list annually and keep it current so timely appointments will be made as

vacancies occur. Appointments by the executive officer require confirmation of the council of the metropolitan service district. [individuals nominated by the councilors of the district. Each councilor shall nominate no fewer than three or more than five individuals for appointment to the boundary commission. When first appointing all the members of a boundary commission, the executive officer shall appoint one individual from among those nominated by each councilor. Thereafter, as the term of a member of a boundary commission expires or as a vacancy occurs, the executive officer shall appoint an individual nominated by the councilor or a successor who nominated the boundary commission member whose term has expired or who vacated the office.] The executive officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the boundary commission.

(4) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

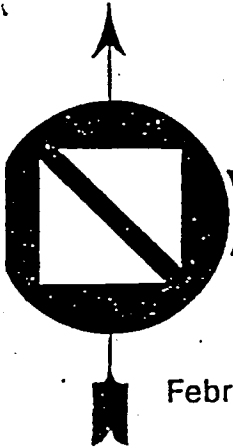
(5) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(a) Any service for the unexpired term of a predecessor in office.

(b) Any term less than four years served on the commission first appointed.

(6) A commission may declare the office of a member vacant for any cause set out by ORS 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission. A vacancy shall be filled by the Governor or by the executive officer of a metropolitan service district, by appointment for the unexpired term. If the Governor or the executive officer has not filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy is filled, the remaining members of a commission shall comprise and act as the full membership of the commission for purposes of ORS 199.445.

g1
1862



PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

800 NE OREGON STREET # 16 (SUITE 540)

PORTLAND, OREGON 97232

PHONE: 731-4093

February 10, 1994

Judy Wyers, Chair
Metro Council
600 NE Grand AVE
Portland OR 97232

RE: *Changing Number of Boundary Commission Members*

Dear Chair Wyers:

The Boundary Commission statute ties the number of Boundary Commission members to the number of Metro Councilors. Unless the statute is changed this means the Boundary Commission membership, should, like Metro's, be reduced from 13 to 7 as of January 1, 1995.

For a number of reasons (See edited Boundary Commission April 15, 1993 memo attached) the Boundary Commission does not favor this automatic reduction in Commission membership. In the 1993 Legislative session the Commission therefore introduced and the Metro Council supported, a bill to "decouple" the Metro - Boundary Commission membership. The bill would have instead expanded Commission membership to fourteen so that two members would be recommended by each Metro Councilor instead of the present single recommendation. That bill (Senate Bill 1128) passed the Senate but was not heard in the House before adjournment.

Current Situation

The Boundary Commission remains firm in its opposition to the reduction in its membership. The Commission therefore wishes to pursue the legislative solution noted above and desires the support of Metro to this end. Regardless of the outcome on this first issue, however, a second situation demands even more immediate action by the Council and the Commission. The Legislature will

STAFF

KENNETH S. MARTIN, Executive Officer
DENIECE WON, Executive Assistant
LANA RULIEN, Administrative Assistant

RAY BARTEL, Chair
TOM WHITTAKER, Vice-Chair
BOB BOUNEFF
NATHALIE DARCY
ELEANOR DAVIS

COMMISSIONERS:

MARILYNN HELZERMAN
DONALD JOHNSON
SY KORN BRODT
SUE LAMB

MURLIN LITSON
ROY SOARDS
CAROL TROMMLER
BOB WIGGIN

Judy Wyers, Chair

RE: Changing Number of Boundary Commission Members

February 10, 1994

Page 2

not begin meeting until late January of 1995 and is not likely to pass even an expeditiously processed bill for 1-2 months. The Metro-Boundary Commission switch from 13 to 7 members must occur on January 1, 1995. Some process must be established to accomplish this even if it is only to last for a short time period. The Metro Charter, of course, provides for elections to choose new Councilors prior to January and on January 1st the 7 simply replace the 13. Neither the Charter nor the boundary commission law (ORS 199) say anything about how the Boundary Commission transition from 13 to 7 is to be accomplished.

Boundary Commission Study

One additional factor should be mentioned here. Paragraph 5 of Section 7 of the Metro Charter says:

"The council shall undertake and complete a study of the Portland Metropolitan Area Local Government Boundary Commission, with advise of the MPAC, by September 1, 1995. The council shall implement the results of the study and shall seek any legislative action needed for implementation."

For two reasons the Boundary Commission does not view this requirement as providing much assistance in addressing the problem pointed out above. First, the deadline for completing the study is well after the time a solution to the problem is required. Second, the Commission believes the larger sized commission is appropriate regardless of whether Commission operations are altered or not. The Commission certainly has no objection if Metro chooses to conduct the study earlier than required and to include in it a discussion of the Commission's size. But they feel strongly that we must begin to move now to get a fast-tracked bill introduced and to devise a transition mechanism for this coming January 1st.

Proposed Action

The Commission proposes the following action in response to the problem outlined above.

Judy Wyers, Chair

RE: Changing Number of Boundary Commission Members

February 10, 1994

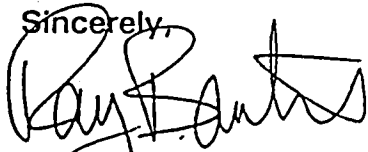
Page 3

1. Appointment of an ad hoc joint Metro-Boundary Commission committee. The committee's purpose would be to oversee introduction of a "de-coupling" bill and to devise a transition mechanism for the Boundary Commission which can be implemented as of January 1, 1995.
2. Introduction and to the extent possible fast-tracking of the decoupling bill. Hopefully this could be introduced through one of the interim committees.
3. Implementation of whatever transition plan the joint committee arrives at on January 1, 1995. It is assumed that such a plan would need to be approved by the full Council and Commission but devising the plan would be the work of the joint committee.
4. Whatever staff assistance is necessary would be provided jointly by the Boundary Commission staff and the Metro Council/Executive staff. Involvement of the District's lobbyist would also be likely.

The Commission believes this issue can be addressed expeditiously and that the amount of staff and Council/Commission time would be fairly minimal. It is, however important that the process begin soon.

I look forward to working with Council on this matter. If you have any questions on this please feel free to contact me directly at 659-3988 or call our Executive Officer, Ken Martin, at the Boundary Commission office at 731-4093

Sincerely,



Ray Bartel
Chairman

RB/lmr

CC: Rena Cusma

Attachment

ORS chapter 268, the members of that boundary commission shall be appointed by the executive officer of the metropolitan service district. The executive officer shall appoint members of a boundary commission from a list of individuals nominated by the councilors of the district. Each councilor shall nominate no fewer than three nor more than five individuals for appointment to the boundary commission. When first appointing all the members of a boundary commission, the executive officer shall appoint one individual from among those nominated by each councilor. Thereafter, as the term of a member of a boundary commission expires or as a vacancy occurs, the executive officer shall appoint an individual nominated by the councilor or a successor who nominated the boundary commission member whose term has expired or who vacated the office. The executive officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the boundary commission.

(4) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(5) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(a) Any service for the unexpired term of a predecessor in office.

(b) Any term less than four years served on the commission first appointed.

(6) A commission may declare the office of a member vacant for any cause set out by ORS 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission. A vacancy shall be filled by the Governor or by the executive officer of a metropolitan service district, by appointment for the unexpired term. If the Governor or the executive officer has not filled a vacancy within 45 days after the vacancy oc-

curs, then, and until such time as the vacancy is filled, the remaining members of a commission shall comprise and act as the full membership of the commission for purposes of ORS 199.445. [1969 c.494 §6; 1975 c.653 §1; 1979 c.374 §1; 1981 c.265 §5; 1989 c.92 §12b; 1989 c.321 §4; 1991 c.15 §1]

199.445 Quorum; voting requirements for certain matters. A majority of the members of a commission constitute a quorum for the transaction of business, and a majority of a quorum may act for the commission. However, the approval of a majority of the members of the commission is required to:

(1) Adopt a final order under ORS 199.461.

(2) Adopt rules under ORS 199.452. [1969 c.494 §9; 1971 c.462 §4]

199.450 Advisory committee; membership; function; term. (1) Each boundary commission shall appoint an advisory committee to advise and assist the commission in carrying out the purposes of ORS 199.410 to 199.534. An advisory committee shall consist of nine members who are residents within the jurisdiction of the commission. Except for the public members, to be qualified to serve on a committee a person shall be a member of the governing body of a city, county or district located within the jurisdiction of the commission. The members shall include two city officers, two county officers, two district officers and three public members, one of whom shall serve as chairperson of the advisory committee. A governing body shall not have more than one member on the advisory committee. When only one county is under the jurisdiction of a boundary commission, then the committee shall consist of three city officers, one county officer, three district officers and the two public members. Any member of the committee may designate a representative who is an officer or employee of the member's city, county or district to appear and act for that member at any meeting of the committee.

(2) The advisory committee shall meet as necessary. The advisory committee shall also meet on the call of the commission.

(3)(a) The committee may review each petition filed with the commission except a petition filed under ORS 199.495. If the committee reviews a petition, it may submit a recommendation on the petition to the boundary commission within 30 days after the petition is filed with the commission.

(b) The committee shall review each administrative rule of the commission prior to its adoption. The committee may propose any changes to the commission's rules, policies

ORS 199.425 (1) shall encourage and facilitate mergers and consolidations among water providers located within a single river basin or other region. [1993 c.424 §1]

Note: 199.427 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 199 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

199.430 Procedure for creating commissions by local resolution or petition. (1) Outside the areas described in ORS 199.425, a boundary commission may be created as provided by this section with territorial jurisdiction in one county or in two or more contiguous counties. A commission may be created by:

(a) Similar resolutions creating a commission adopted by the county board of each of the counties within the jurisdiction of the commission; or

(b) Similar petitions, signed by the electors of each county within the jurisdiction of the proposed commission, requesting the creation of a commission having jurisdiction within the counties, filed with and approved by order of the county boards of each county in the jurisdiction of the commission.

(2) Each petition filed with a county board requesting creation of a boundary commission shall be signed by not less than 10 percent of the registered electors of the county. The petition shall be approved by the county board if it finds that the needs of the local government units in the territory described in the petition and the public interest would be benefited by the establishment of a boundary commission to carry out the purposes described by ORS 199.410.

(3) A resolution creating or an order approving the creation of a boundary commission is effective on:

(a) The date the last county board in the jurisdiction of the commission adopts the resolution or order; or

(b) The date specified in the order, or resolution, but not more than 60 days after the adoption of the resolution or order.

(4) When a commission is created under this section, copies of the resolutions or orders of the county boards shall be filed with the Governor, the Secretary of State, and the county clerk and the assessor of each county within the jurisdiction of the commission.

(5) A commission created as provided by this section shall not have jurisdiction of any proceeding initiated prior to the effective date of the resolution or order creating such commission. [1969 c.494 §5; 1971 c.462 §3; 1979 c.645 §1; 1980 c.14 §4; 1981 c.265 §3]

199.432 Status of commission as state agency; application of certain laws. (1) A

boundary commission created under ORS 199.425 or 199.430 may sue and be sued, enter into contracts and perform such other actions as may be necessary to carry out the provisions of ORS 199.410 to 199.534.

(2) A boundary commission is a state agency as defined in ORS 291.002 (7) and is not subject to the provisions of ORS 291.202 to 291.226, 291.232 to 291.260 and 291.371 to 291.385.

(3) A boundary commission employing personnel under ORS 199.455 shall provide employee benefits provided to state management service employees. [1979 c.545 §3; 1981 c.265 §4; 1983 c.336 §2; 1989 c.92 §11]

199.435 Organization of commission created under ORS 199.430. (1) The members of the first board of a commission formed under ORS 199.430 shall be appointed within 90 days after the commission is created.

(2) Notwithstanding ORS 199.440, of the first appointees to a commission formed under ORS 199.430, one shall serve for one year, two for two years, two for three years and two for four years. The respective terms of the first appointees shall be determined by lot at the first meeting of the commission.

(3) The Governor shall fix the time and place of the first meeting and notify the members of the commission thereof. The first meeting shall be an organizational meeting. [1969 c.494 §8]

199.440 Membership; appointment; qualifications; term; vacancy. (1) A boundary commission shall have seven members. However, if the population of the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the commission shall have a number of members that is equal to the number of councilors of the metropolitan service district.

(2) Except as provided in subsection (3) of this section, the Governor may appoint all members of a commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The Governor shall prepare the list annually and keep it current so timely appointments will be made as vacancies occur. The Governor shall endeavor to appoint members from the various cities, counties and districts so as to provide geographical diversity of representation on the commission.

(3) When the area subject to the jurisdiction of a boundary commission is wholly or partly situated within the boundaries of a metropolitan service district organized under

2.01.190 Appointment Process, Qualifications and Terms of Office
for Boundary Commission Members:

(1) As provided by Oregon Law;

(a) The Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of Councilors of the Metropolitan Service District.

(b) The members of that Boundary Commission shall be appointed by the Executive Officer of the Metropolitan Service District. The Executive Officer shall appoint members of a Boundary Commission from a list of individuals nominated by the Councilors of the District. Each Councilor shall nominate no fewer than three nor more than five individuals for appointment to the Boundary Commission. When first appointing all the members of Boundary Commission, the Executive Officer shall appoint one individual from among those nominated by each Councilor. Thereafter, as the term of a member of a Boundary Commission expires or as a vacancy occurs, the Executive Officer shall appoint an individual nominated by the Councilor or a successor who nominated the Boundary Commission member whose term has expired or who vacated the office. The Executive Officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the Boundary Commission.

(c) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than one-half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(d) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(i) Any service for the unexpired term of a predecessor in office.

(ii) Any term less than four years served on the commission first appointed.

(2) The terms of office of members of the Boundary Commission appointed prior to 1991 shall be as follows:

(a) Members appointed from nominations made by Councilors representing Council Districts 2, 6 and 8 shall serve from July 1, 1988 to January 1, 1992;

(b) Members appointed from nominations made by Councilors representing Council Districts 1, 5 and 7 shall serve from July 1, 1988 to January 1, 1993;

(c) Members appointed from nominations made by Councilors representing Council Districts 3, 10 and 11 shall serve from January 1, 1990 to January 1, 1994; and

(d) Members appointed from nominations made by Councilors representing Council Districts 4, 9 and 12 shall serve from January 1, 1990 to January 1, 1995.

(Ordinance No. 91-409, Sec. 1)



METRO

DATE: September 21, 1994
TO: Metro Councilors
FROM: Councilor Mike Gates *MG/cj*
RE: Resolution No. 94-2043 - Boundary Commission Membership

I have introduced Resolution No. 94-2043 for consideration at the September 27 meeting of the Governmental Affairs Committee, and want to advise you of the background to this resolution as well as discuss options that have been discussed for increasing the size of the Boundary Commission.

In its 1991 session the Oregon Legislature adopted SB 299, which changed the size, appointing authority, and appointment process for members of the Portland Metropolitan Area Local Government Boundary Commission. One provision of this bill (which is now incorporated in statute as ORS 199.440 and in the Metro Code as Section 2.01.190) ties the size of the Boundary Commission to the size of the Metro Council. With the reduction of the Council to seven members effective January 2, 1995, the Boundary Commission will also be reduced from 13 to 7 members.

Boundary Commission members and staff have expressed concern about the reduction in the Commission's size since shortly after voter approval of the 1992 Metro Charter. They are concerned that the smaller commission will make it more difficult to reach a quorum and will limit the opportunity for broad geographic representation on the commission, including the opportunity for members to come from outside the Metro area but within the entire tri-county area that is the Boundary Commission's jurisdiction. A bill to increase the commission's size to fourteen members was introduced in the 1993 session and passed the Senate, but did not get out of committee in the House.

Councilor Van Bergen and I met with two members of the commission and Metro and commission staff on August 30, and I met with staff and one commission member on September 20 to discuss issues of the size of the Boundary Commission. There was broad agreement that the commission should be larger than seven members, and that a bill should be drafted as soon as possible to make it available for introduction at the 1995 legislative session. If a bill is to be considered on this matter, we hope it can be passed early in the session in order to provide for the minimum amount of time the commission must function with only seven members.

Staff identified three options for consideration. All provided for an 11-member commission, based on the commission's history and pursuant to recommendations of commission members and staff. All also provided for Executive Officer appointment and Council confirmation. Those options were:

A. The Executive is to make the appointments from a list of names obtained from local governments within the Boundary Commission's jurisdiction. This is the system used for the Lane County Boundary Commission (with the Governor making the appointments), and was in effect for the Portland Commission until Metro became the appointing authority.

B. Representation on the Commission would be specified, with one member from each Council district, two members from outside the Metro area, and two members appointed at large. This proposal would include a limitation on the number of representatives from a given area, probably to be no more than two from any Council district and no more than two from any county outside the Metro area.

C. Representation would not be specified, with the language to stipulate only that the Metro Council is to adopt an ordinance establishing the procedure for commission appointments.

The resolution I am introducing puts forward option A. I believe this is the simplest of the three, is consistent with past practice for this commission and current practice in Lane County, and restores the commission to its historic size. This option (as is the case with the other two) would remove Councilors from the process of nominating potential commission members, but would establish a procedure for Council confirmation of Executive appointment which does not now exist. It calls for the Executive to solicit and maintain a list of names from local jurisdictions, which is reasonable in light of the fact that these jurisdictions are the principal users of the commission's services.

I will be discussing this issue at next week's MPAC meeting, as well as at Governmental Affairs. If you have any questions in the meantime, please do not hesitate to contact me.

cc: Rena Cusma
Dick Engstrom
MPAC members
Merrie Waylett
Burton Weast

Ken Martin
Boundary Commissioners
Don Carlson
Casey Short
Dan Cooper

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 94-2043A, ENDORSING A CHANGE IN STATE STATUTE REGARDING THE MEMBERSHIP OF THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

Date: October 3, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its September 27, 1994 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 94-2043A. Voting in favor were Councilors Gates, McFarland, Van Bergen, and Wyers. Councilor Buchanan was absent.

COMMITTEE DISCUSSION/ISSUES: Council Analyst Casey Short presented the staff report. He discussed the background to the resolution and the related issues, which are detailed in Councilor Gates' September 21 memo to Metro Councilors. He added that Ken Martin, the Boundary Commission's Executive Officer, suggested a minor change to Exhibit A, adding a clarifying clause to the first sentence on page 2, so the sentence would read, "Appointments by the Executive Officer require confirmation of the Council of the metropolitan service district."

Mr. Martin discussed a bill that was introduced in the 1993 legislative session on the makeup of the Boundary Commission. He said that bill was introduced rather late in the session, and would have provided for 14 Commission members, with two nominated by each Metro Councilor. The only change that bill would have made was a doubling of the size of the Commission from 7 to 14, with each Councilor having two nominations rather than one. The bill passed the Senate but was not voted on in the House. In response to a question from Councilor Gates about the likelihood of a bill passing the 1995 session, he reiterated the comments of Burton Weast, Metro's legislative representative, in an earlier meeting to the effect that any bill should be as simple and straightforward as possible.

Councilor Van Bergen moved the resolution, with the suggested amendment.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING A) RESOLUTION NO. 94-2043A
CHANGE IN STATE STATUTE REGARDING)
THE MEMBERSHIP OF THE PORTLAND) Introduced by Councilor
METROPOLITAN AREA LOCAL GOVERNMENT) Mike Gates
BOUNDARY COMMISSION)

WHEREAS, State law (ORS 199.440) governs the membership of the Portland Metropolitan Area Local Government Boundary Commission (Boundary Commission), and provides that "the commission shall have a number of members that is equal to the number of councilors of the metropolitan service district;" and

WHEREAS, The Boundary Commission now has thirteen members, but will be reduced to seven members on January 2, 1995; and

WHEREAS, Representatives of the Boundary Commission have met with representatives of the Metro Council and Metro staff to request Metro's support in endorsing a bill to be considered at the 1995 session of the Oregon Legislature, which would increase the number of Boundary Commission members to eleven; and

WHEREAS, An eleven-member Boundary Commission is preferable to one with seven members because the larger commission will provide greater opportunities for representation throughout the Metro area and the broader tri-county community that is within the Boundary Commission's jurisdiction, and will improve the opportunities for the commission regularly to achieve a quorum; now, therefore

BE IT RESOLVED,

That the Metro Council endorses the draft Bill for an Act, attached as Exhibit A, to increase the Boundary Commission from seven to eleven members, and directs its representatives at the 1995 session of the Oregon Legislative Assembly to work in support of this bill.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING A) RESOLUTION NO. 94-2043
CHANGE IN STATE STATUTE REGARDING)
THE MEMBERSHIP OF THE PORTLAND) Introduced by Councilor
METROPOLITAN AREA LOCAL GOVERNMENT) Mike Gates
BOUNDARY COMMISSION)

WHEREAS, State law (ORS 199.440) governs the membership of the Portland Metropolitan Area Local Government Boundary Commission (Boundary Commission), and provides that "the commission shall have a number of members that is equal to the number of councilors of the metropolitan service district;" and

WHEREAS, The Boundary Commission now has thirteen members, but will be reduced to seven members on January 2, 1995; and

WHEREAS, Representatives of the Boundary Commission have met with representatives of the Metro Council and Metro staff to request Metro's support in endorsing a bill to be considered at the 1995 session of the Oregon Legislature, which would increase the number of Boundary Commission members to eleven; and

WHEREAS, An eleven-member Boundary Commission is preferable to one with seven members because the larger commission will provide greater opportunities for representation throughout the Metro area and the broader tri-county community that is within the Boundary Commission's jurisdiction, and will improve the opportunities for the commission regularly to achieve a quorum; now, therefore

BE IT RESOLVED,

That the Metro Council endorses the draft Bill for an Act, attached as Exhibit A, to increase the Boundary Commission from seven to eleven members, and directs its representatives at the 1995 session of the Oregon Legislative Assembly to work in support of this bill.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

DRAFT

A BILL FOR AN ACT

Relating to local government boundary commissions; creating new provisions; amending ORS 199.440; and declaring an emergency.

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

SECTION 1. ORS 199.440 is amended to read:

199.440 Membership; appointment; qualifications; term; vacancy. (1) A

boundary commission shall have seven members. However, if the population of the area subject to the jurisdiction of the commission exceeds 500,000 and if the area subject to its jurisdiction is wholly or partly situated within the boundaries of a metropolitan service district, the commission shall have eleven [a number of] members [that is equal to the number of councilors of the metropolitan service district].

(2) Except as provided in subsection (3) of this section, the Governor may appoint all members of a commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The Governor shall prepare the list annually and keep it current so timely appointments will be made as vacancies occur. The Governor shall endeavor to appoint members from the various cities, counties and districts so as to provide geographical diversity of representation on the commission.

(3) When the area subject to the jurisdiction of a boundary commission is wholly or partly situated within the boundaries of a metropolitan service district organized under ORS chapter 268, the members of that boundary commission shall be appointed by the executive officer of the metropolitan service district. The executive officer shall appoint members of a boundary commission from a list of names obtained from cities, counties and districts within the area of jurisdiction of the boundary commission. The Executive Officer shall prepare the list annually and keep it current so timely appointments will be made as

vacancies occur. Appointments by the Executive Officer require confirmation of the Council. [individuals nominated by the councilors of the district. Each councilor shall nominate no fewer than three or more than five individuals for appointment to the boundary commission. When first appointing all the members of a boundary commission, the executive officer shall appoint one individual from among those nominated by each councilor. Thereafter, as the term of a member of a boundary commission expires or as a vacancy occurs, the executive officer shall appoint an individual nominated by the councilor or a successor who nominated the boundary commission member whose term has expired or who vacated the office.] The executive officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the boundary commission.

(4) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(5) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

(a) Any service for the unexpired term of a predecessor in office.

(b) Any term less than four years served on the commission first appointed.

(6) A commission may declare the office of a member vacant for any cause set out by ORS 236.010 or for failure, without good reason, to attend two consecutive meetings of the commission. A vacancy shall be filled by the Governor or by the executive officer of a metropolitan service district, by appointment for the unexpired term. If the Governor or the executive officer has not filled a vacancy within 45 days after the vacancy occurs, then, and until such time as the vacancy is filled, the remaining members of a commission shall comprise and act as the full membership of the commission for purposes of ORS 199.445.

gl
1862