

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING ) RESOLUTION NO 96-2439  
THE BOUNDARY COMMISSION )  
STUDY AND SEEKING ) Introduced by Patricia McCaig,  
IMPLEMENTING LEGISLATION ) Metro Council  
)

WHEREAS, the 1992 Metro Charter created the Metro Policy Advisory Committee (MPAC) to advise the Metro Council; and

WHEREAS, the 1992 Metro Charter required the Metro Council to undertake and complete a study of the Portland Metropolitan Area Local Government Boundary Commission with the advice of MPAC; and

WHEREAS, the acknowledged 2040 Growth Concept was adopted in December, 1995 establishing the long-term preferred urban form for the urban and future urban areas within Metro; and

WHEREAS, the Urban Growth Management Functional Plan requiring city and county comprehensive plan changes to implement the 2040 Growth Concept was adopted in November, 1996; and

WHEREAS, SB 122, adopted in the 1993 legislative session, required coordination of urban services by adding specific intergovernmental agreements that will include service areas in city and county comprehensive plans; and

WHEREAS, Metro is responsible under state law to coordinate and maintain consistency among city and county comprehensive plans; and

WHEREAS, Metro is responsible under state laws to administer the Metro urban growth boundary and to designate areas for future urbanization beyond the urban growth boundary even when those areas are outside Metro's current jurisdictional boundary; and

WHEREAS, MPAC's Boundary Commission Workgroup was formed in June, 1995; and

WHEREAS, MPAC presented its recommendations to the Metro Council on June 20, 1996 based on extensive Workgroup meetings and hearings; and

WHEREAS, the Metro Council Government Affairs Committee considered MPAC's recommendations in its meetings and hearings, presenting its Report to the Metro Council on December 5, 1996; and

WHEREAS, the 1992 Metro Charter requires that the Metro Council implement the results of the Boundary Commission Study and that the Metro Council seek any legislative action needed for the implementation; now, therefore,

**BE IT RESOLVED:**

1. That the Report from the Government Affairs Committee related to the Boundary Commission, attached as Exhibit "A" and incorporated herein is hereby accepted by the Metro Council as its completed study of the Portland Metropolitan Area Local Government Boundary Commission required by the 1992 Metro Charter.

2. That the Office of General Counsel is hereby directed to draft proposed legislation that implements the Report Recommendations for introduction in the 1997 Legislative Session which includes the following principles from the Report:

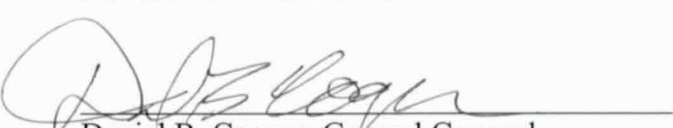
- a. most boundary change decisions made by local governments.
- b. a small number of contested cases reviewed at Metro.

- c. abolish the existing state agency, the tri-county area boundary commission.
- d. establish a uniform hearing and notification process for noncontested cases decided by local governments.
- e. establish a citizen commission at Metro for contested cases.
- f. include an expedited process for use by local governments.
- g. seek a legislative amendment of Metro's jurisdiction to include small areas designated for future urban development which are outside Metro's current jurisdictional boundary.
- h. the new boundary review process would be effective December 31, 1998.
- i. establish Metro authority to establish clear and objective criteria to be used for proposed boundary changes.

ADOPTED by the Metro Council this 19<sup>th</sup> day of December 1996.

  
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Jon Kvistad, Presiding Officer

APPROVED AS TO FORM:

  
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Daniel B. Cooper, General Counsel

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**REPORT FROM THE GOVERNMENT AFFAIRS COMMITTEE**  
**RELATED TO THE BOUNDARY COMMISSION**

**Introduction**

This report summarizes the work and recommendations of the Government Affairs Committee related to the Portland Metropolitan Area Local Government Boundary Commission (the commission). The committee's recommendations are based on the proposals of the Boundary Commission Workgroup of the Metro Policy Advisory Committee (MPAC). The workgroup was established in June 1995, following a request by the Metro Council that MPAC develop recommendations concerning the future status and operations of the commission. The request was made to implement the provisions of the 1992 Metro Charter which require that the Council "undertake and complete a study of the Portland Metropolitan Area Local Government Boundary Commission with advice of the MPAC." The charter further authorizes the Council to "implement the results of the study and seek any legislative action needed for implementation."

The six-member work group was chaired by Clackamas County Commissioner Judie Hammerstad. Otherworkgroup members included: Portland City Commissioner Charlie Hales, Tualatin Valley Water District Board Member Rob Mitchell, Cornelius City Councilor Jeannine Murrell, Washington County Commissioner Linda Peters, and Lake Oswego Mayor Alice Schlenker. All of the workgroup members are members of MPAC. Metro Councilor Susan McLain attended the workgroup meetings and served as the liaison with the Metro Council.

**Current Commission Role**

The commission was established by the Legislative Assembly in 1969. The following discussion outlines the commission's purposes and jurisdiction, the types of actions subject to commission review, its decision-making processes and the criteria used in the decision making process.

**Purposes.** Though there have been a number of technical and procedural changes enacted since 1969, the essential purpose and role of the commission have remained unchanged. The law defines these purposes to be:

- 1) guide the creation and growth of local jurisdictions to prevent illogical boundary extensions and encourage restructuring of overlapping units;
- 2) assure service quantity and quality and financial integrity of local jurisdictions;
- 3) provide impartial forum for resolution of local issues;
- 4) make decisions consistent with comprehensive plans and statewide planning goals;
- 5) reduce fragmented service delivery by encouraging single agency service delivery.

**Jurisdiction.** The commission's jurisdiction includes all cities and thirteen of the most common types of special districts. These include water, sanitary, fire, county service and park and recreation districts. Notable exemptions to the commission's jurisdiction include school districts and people's utility districts.

**Local Actions Subject to Review.** The following types of actions by local jurisdictions are subject to commission review:

- 1) incorporation, dissolution, merger or consolidation of a city or district;
- 2) initiation of a new function by a district;
- 3) annexation to or withdrawal from a city or district;
- 4) formation or expansion of privately-owned community water or sewer system with certain exceptions;
- 5) extraterritorial water or sewer line extensions.

**Decision-Making Process** The general commission process for the consideration of actions subject to its review is as follows:

- 1) submittal of the proposed action to the commission by the initiating local jurisdiction, or by citizens requesting an action;
- 2) scheduling a commission hearing;
- 3) preparation of a commission staff report, including recommendations;
- 4) holding of a public hearing by the commission;
- 5) commission decision, which may include approval, denial or modification of the proposed action;
- 6) issuance of a commission final order.

The commission has up to 120 days to take action on major proposals, such as the initiation, merger or consolidation of a city or district. Commission action on all other types of actions, such as annexations, must be completed within 90 days. The law also has established a 25-day expedited process for the consideration of small non-contested actions. The effective date of the commission's final orders depends on the type of action under consideration. All commission decisions are appealable to the state Court of Appeals.

## Recommendations

### Background

The workgroup and the committee received testimony concerning the future of the commission. Testimony included: 1) commission supporters who contended that its existing functions and structure should be retained with only a few minor changes and 2) several local jurisdictions which advocated replacement of the current system with a new system that transferred many commission functions back to local jurisdictions.

Arguments in favor of retaining the commission. Commission supporters made the following arguments in favor of retaining the current boundary review system:

1) the commission has reduced fragmentation and inefficient service provision, its continuation in its present form is necessary to maintain the status quo.

2) the commission provides timeliness, centralized processing efficiency, impartial fairness and uniformity to the boundary change decision-making process and that returning many boundary change decision-making functions to local jurisdictions would increase costs and result in decisions based on political considerations.

3) new mechanisms that may assist local jurisdictions in resolving boundary and service provision issues such as the SB 122 (ORS 195.020-195.080) intergovernmental service agreement process, Metro's 2040 early implementation measures and the development of the Regional Framework Plan are still evolving and there is no assurance they will fully address all boundary and service delivery issues.

4) comprehensive land use plans and intergovernmental service provision agreements do not address many issues addressed in the commission's decision-making criteria such as and timing, availability and financing of service provision.

The commission proposed statutory changes to address its relationship with the SB 122 process and the implementation of the Regional Framework Plan. These included a commission-administered process for setting urban service boundaries based on SB 122 agreements with clear statutory direction that the commission's decisions should be consistent with adopted regional plans.

Arguments in favor of a new boundary review process. Supporters of a new boundary review process made the following arguments:

1) A large percentage of the local boundary and service provision decisions subject to commission review are minor, have only a limited local impact, and do not require regional review

2) many issues that come before the commission are non-contested

3) there are extensive state, regional and local planning processes now in place that reduce the need for the commission. These include the SB 122 intergovernmental service planning and provision agreement process, the Regional Framework Plan, 2040 early implementation measures and existing cooperative efforts such as the Regional Water Providers Consortium.

Based on the testimony that they received, the workgroup and the committee have made similar recommendations to replace the commission with a new boundary review process. While the committee is proposing several changes in the workgroup recommendations, it has accepted the basic intent of the workgroup to allow most boundary review decisions to occur at the local level, while a small number of "contested" cases would be addressed through a Metro-based review process. The recommendations of the workgroup and the committee are outlined below. A summary table outlining the differences in the recommendations is attached.

## **Function and Structure**

### **Workgroup Recommendation.**

The workgroup found the arguments of those who supported a reduction in the scope of the the regional boundary review process to be persuasive. The workgroup recommended the the current system be restructured to provide: 1) the abolition of the existing commission and the transfer of the regional aspects of the boundary review process to Metro, 2) the creation of a local process for addressing "non-contested" cases, and 3) creation of a regional Metro-administered process for handling "contested" cases.

**Transfer of regional aspects of boundary review process to Metro.** This recommendation is based on two factors. First, it is anticipated the number of local decisions that will be contested will represent only a small percentage of the cases currently considered by the commission. This reduced workload would not be sufficient to support an independent agency with a five-person staff.

Second, several mechanisms have been put in place in recent years to facilitate local management of the region's growth management process. Metro now administers many aspects of this process including management of the urban growth boundary, development and administration of the regional framework plan and serving as the coordinator of the local SB 122 urban service agreement process. Transfer of the regional boundary review function would be a logical extension of these regional planning functions.

**Local/Non-Contested Case Process** The workgroup concluded that many local annexations involve small areas that have no regional interest or significance. Under the workgroup's proposal, these types would be handled at the local level. Local jurisdictions would

establish processes for soliciting public input concerning these actions. Local citizens and property owners can participate in this process. In addition, there are provisions in existing law that provide procedures for legal appeal or electoral remonstrance procedures for those who may object to a decision. In the future, such decisions would be governed by existing SB 122 urban service agreements and the provisions of the framework plan.

Decisions related to the initiation, merger, consolidation or dissolution of a unit of government occur infrequently. In recent years, these actions have generally involved the merger or consolidation of special districts. In most cases, these mergers and consolidations have proceeded only after extensive economic analysis and a local public hearing process. Under the workgroup's proposed recommendation, if such actions were not objected to by another jurisdiction or did not violate regional or local plans or agreements, local approval by the affected jurisdictions and administrative review at Metro would be all that is necessary to validate the proposed action.

The non-contested case process would include the following steps:

- 1) Proposed actions would be developed by a local jurisdiction.
- 2) The jurisdiction would conduct an analysis and public input process based on the nature of the proposal.
- 3) The jurisdiction would consult with Metro boundary review staff to determine the necessary legal requirements for filing the proposal with Metro.
- 4) The jurisdiction would make a decision to file the proposal.
- 5) Metro staff would review the proposal to insure it complies with necessary legal requirements (ie. including an accurate metes and bounds description of lands proposed for annexation). Legislative change will be necessary to rely on computerized maps for determining metes and bounds. If deficiencies are identified, the proposal would be returned to the local jurisdiction for correction.
- 6) Metro staff would review the proposal to determine if it qualified as a contested case. If it is determined that the proposal is not contested, the staff would notify the jurisdiction that the filing of the proposal had been accepted. The jurisdiction would be authorized to proceed with the proposed action subject to statutory appellate procedures.
- 7) Metro staff would provide required information to affected local offices (ie. elections and assessment and taxation departments). The boundary commission currently provides this information.

**Regional Contested Case Process.** The scope of the regional aspect of the boundary change review process be substantially reduced to include only "contested" cases. A contested



case would include any action in which there is a dispute between two or more jurisdictions or when a staff review of the action concludes that it may violate any regional plans or local urban service agreements. This criteria would apply to any type of local action that is currently subject to review by the boundary commission.

The first five steps of the contested case process would be the same as the non-contested process. If Metro staff determines that a proposed action is a contested case, the following process would be followed.

1) The proposing jurisdiction would be notified. The jurisdiction would have the opportunity to eliminate those elements of the proposal that caused it to become contested. For example, if another jurisdiction objected, there would be an opportunity to negotiate a solution. If Metro staff determined that the proposal violated a regional plan, the proposing jurisdiction would have an opportunity to address these issues.

2) If a proposal retains its contested status following step 1, it would be referred for a hearing before a hearings officer. The hearings officer would render a decision on the proposal. (Note: The workgroup considered used either a hearings officer or a citizen review board to hear contested cases. The workgroup is recommending the use of a hearings officer for several reasons. These include: 1) a hearings officer would have knowledge of applicable laws and local and regional plans and agreements, 2) a hearings officer would provide constant and objective decisions, and 3) a hearings officer would be more cost-effective. It is recommended that the hearings officer serve on a contract basis to preserve objectivity and as a least-cost option.

3) The decision of the hearings officer may be accepted or the proposal modified to comply with the decision. If not, the proposal may be dropped or the decision appealed to the Metro Council.

4) The decision of the Metro Council may be accepted or the proposal modified to comply with the decision. If not, the proposal may be dropped or the decision appealed to the state Court of Appeals.

5) If at any point during the contested case process, the objecting jurisdiction withdraws its objection or Metro staff determines the proposal has been modified to comply with applicable regional plans, Metro would accept the filing of the proposal, and the proposing jurisdiction could proceed with the proposed action.

### **Committee Recommendation**

The committee agreed with the basic intent of the workgroup recommendation. However, based on the testimony that it received, the committee is recommending three changes in the workgroup's function and structure recommendations. These include: 1) a uniform hearing and notification process for the local non-contested case process, 2) review of contested cases by a citizen commission instead of a hearings officer, and 3) development of an expedited process for

use by local governments.

**1) Local Non-Contested Cases/Uniform Hearing and Notification Process.** The committee received some testimony that indicated that local governments are sometimes not required to hold a hearing or give prior notification for some types of annexations. The committee felt that if the hearing process before the boundary commission is to be eliminated, then local governments should be required to hold a hearing and give notification to affected parties. Legal staff has indicated that it will review existing annexation, merger and consolidation statutes prior to the development of such a process.

**2) Contested Cases/Citizen Commission Review.** The MPAC recommendation provided that contested cases would be heard by a Metro-contracted hearings officer with decisions subject to appeal to the Metro Council. The committee heard testimony from citizens and the current boundary commission which expressed concern that such cases should be heard by a commission of lay citizens. They argued that such a commission would provide impartial decisions and that the citizens involved would feel more comfortable having a case heard by a independent commission of private citizens. The committee agreed that it was important to retain an element of citizen review in the process, and recommended that the hearings officer be replaced by a five-member citizen commission that would be appointed in the same manner as the current boundary commission, except that the three Portland-based councilors would recommend a single appointee. Appeals of the commission's decisions on contested cases may go directly to the Court of Appeals, as is currently the case with appeals of boundary commission decisions if the commission remains a state agency or to LUBA if the commission is part of Metro.

**3) Expedited Process for Local Jurisdictions** ORS 199.466 outlines an expedited process that may be used by the current boundary commission when it considers annexation or water and sewer line extensions. The law provides that the petitioner may request the expedited process. In such cases, the commission staff prepares a brief analysis of the proposal which is sent to the commission members, affected governments and affected property owners within 15 days of the receipt of the proposal. If, within 25 days of the receipt of the proposal, no request for a hearing is received from any of the notified parties, the proposal is considered adopted.

In the past, relatively few proposers have used the expedited process. But, since many proposals before the commission are non-contested, it would appear that at least some local actions could be considered on an expedited basis similar to the current process. This concept has not been previously considered by MPAC or the committee. Therefore, it would be appropriate to approach the region's local jurisdictions before taking final action on the establishment of such a process. It also would be necessary to review existing annexation statutes to determine the relationship between an expedited process and existing annexation procedures.

### **Jurisdiction**

Since 1979 the jurisdiction of the commission has included all of Clackamas, Multnomah and Washington Counties. The workgroup received some testimony that questioned the need

to include the rural portions of these counties within the commission's jurisdiction. They noted that the municipalities in rural Clackamas and Washington Counties are distinct communities. The effect of boundary changes in these areas is generally limited to the individual city and possibly an adjacent special district. They noted that the larger communities, such as Sandy and Canby, would be subject to the same SB 122 urban service agreement requirements as more urbanized cities.

The commission and its supporters expressed several concerns about removing more rural areas from its jurisdiction. They noted that growth management and boundary change policies within the region's urban growth boundary could impact nearby rural areas. In addition, growth policies in nearby cities, such as Sandy and Canby could have impact inside the urban growth boundary. They contended the commission had been effective in addressing service delivery and the proliferation of service providers in the Mt. Hood Corridor. It was also noted that the removal of a large geographic area would reduce the funding base for the commission.

**Committee Recommendation.** The workgroup recommended that, as part of the transfer of the boundary change review process to Metro, the jurisdiction should be limited to units of government that are wholly or partly within Metro's boundaries. Proposed changes outside the Metro boundary would be processed using existing statutory procedures that apply in areas of the state that do not have boundary commissions.

During committee consideration of the workgroup proposal, concern was raised that the new boundary review process should include areas outside the current Metro boundary that are the most susceptible to growth and development. Therefore, the committee is recommending that the jurisdiction be defined as the Metro boundary, but request legislative approval or authority to expand the Metro boundary to include all territory within approved urban reserve study areas. Urban reserve areas are initially designated then reviewed at least every 15 years. There are at least two potential approaches that could be taken to obtain legislative approval.

First, Metro could seek a general grant of authority that would provide that whenever an urban reserve study area that includes territory outside the current Metro boundary is finally designated, that territory would automatically be annexed to Metro. This could be accomplished by amending ORS 195.145 and ORS 195.025(1), which requires the establishment of urban reserve study areas and Metro coordination of comprehensive plans. While this might be the cleanest way of including these areas within the Metro boundary, the committee should recognize that such a broad grant of annexation authority (without an election or an appeal process) is currently not available to any other type of local jurisdiction.

Second, Metro could bring to the legislature a legal description of the designated urban reserve areas outside the current Metro boundary. This would provide Metro jurisdiction over the initial "15 year" urban reserves. Thereafter, additions to the urban reserves could be added by individual annexations. Metro could request that these specific areas be added to the Metro boundary by legislative action. There are precedents of legislative action to approve specific local annexations. The most recent action involved large areas that had been annexed to

Gresham and Portland prior to a court decision that invalidated the statutory method used to make the annexations.

Under either scenario, Metro could make a strong case that growth, development and governance decisions in these areas that have been specifically identified as potentially developable could have a significant impact on Metro's ability to successfully implement its state-mandated regional planning and coordination authority.

Staff indicates that, of the original 22,863 acres proposed for review as possible urban reserve study areas, a total of 10,234 acres are outside Metro current boundary.

### Effective Date

**Committee recommendation.** The workgroup did not recommend a specific effective date for the implementation of the new boundary review process. It was assumed that the date would be shortly after the adoption of implementing legislation. The committee chose to recommend a specific implementation date of December 31, 1998. The purpose in delaying the implementation date was to allow as many units of government as possible to complete work on their SB 122 agreements that will better define service provision and planning boundaries within the Metro region. In addition, completion of such agreements could significantly reduce the number of contested cases that might result from disputes between governments.

## Issues Requiring Additional Work

### Development of Decision-Making Criteria

The commission and its supporters argue the existing statute provides general policy and intent statements that are sufficient for the development of decisionmaking criteria. They note the commission has used this statutory direction to develop 17 more specific criteria which are outlined in its administrative rules. They contend that these criteria give the commission flexibility in addressing the often unique aspects of individual proposals. In addition, the criteria give the commission the opportunity to examine important issues that extend beyond compliance with an applicable land use plan. The commission noted that issues related to the adequacy of services or governmental structure are frequently the most critical to be examined.

The committee and the workgroup also received testimony from local jurisdictions that expressed concern about the current criteria. This concern focused on three principal issues.

First, some special districts objected to the statutory and criteria language which gives a preference to cities as service providers. They noted that as some special districts have merged in recent years, they have become the most efficient service providers in many areas of the region. Second, the general language of the current criteria may be subject to multiple interpretations that has resulted in a lack of consistency in commission decisions. For example,

testimony from one special district questioned how the language "most efficient service provider" could be interpreted. And third, some contended that the current criteria work against the development of regional and subregional approaches to service delivery. It was suggested that existing regional efforts to quantify the quality and quantity of public services and identify service provision areas be utilized to develop sounder boundary change decision-making criteria.

The workgroup received and considered several proposals related to criteria for the contested case process. These included: 1) a proposal from the commission that its current criteria be retained with minor changes, 2) a proposal from Clackamas Water District to use the criteria that apply to the development of SB 122 agreements, and 3) various proposals from workgroup members and others that would be part of a comprehensive revision of the criteria.

**Committee Recommendation.** The workgroup recommended that, as part of the transfer of the boundary change review process to Metro, statutory language be enacted to give Metro the authority to establish clear and objective criteria that would be used to examine local proposals. Metro would consult with MPAC and local jurisdictions in developing these criteria. The workgroup also adopted four specific recommended criteria. These include: 1) compliance with provisions of the regional framework plan, 2) a presumption that all territory within the urban growth boundary will ultimately be within a city, 3) consideration of the economic and financial effects of the proposed action, and 4) compliance with existing SB 122 agreements.

The committee supports the workgroup recommendation that Metro seek statutory authority to develop criteria for the proposed contested case process. The development of objective criteria for the contested case process will be critical to the success of that process. The committee recognizes that technical planning expertise will be needed to develop such criteria. Therefore, the committee recommends that the council request the Metro Technical Advisory Committee to develop proposed criteria. This work should be completed in time for the proposed criteria to be presented as part of the legislature's consideration of Metro's proposed legislation

### **Development of a Funding Mechanism**

**Assessments.** Since its inception the boundary commission has been authorized under state law (ORS 199.457) to collect annual assessments from cities, counties and special districts that are subject to its jurisdiction. Cities and counties pay a per capita assessment and special districts pay based on the assessed value of property within the district. Large districts, such as Clackamas Rural Fire District #1 and Tualatin Hills Park and Recreation District, with an assessed value between \$3.14 and \$10 billion pay a flat rate of \$5,000. Very large districts, such as Metro and the Unified Sewerage Agency pay a flat rate of \$7,500. The statutory maximum per capita assessment for cities and counties is \$.10 and the maximum rate for districts is \$.00159 per thousand dollars of assessed value. The Portland-based commission has collected at the maximum rate for several years.

**Filing fees.** The commission also is authorized to charge filing fees for the various types

of actions that are subject to commission review. These currently range from \$225 for minor boundary changes and small annexations to \$1,835 for annexations of more than 40 acres to cities and certain types of special districts. The fee is generally paid by the public or private party that has initiated the proposed action.

**Current Budget.** The commission's adopted FY 96-97 budget is \$372,156. The budget includes \$321,240 to be collected as assessments and fees. Of this total, \$130,510 (40.6%) will be collected from the per capita city and county assessment, \$98,609 (30.7%) from special district assessed value assessments, and the remaining \$92,121 (28.7%) is estimated revenue from filing fees. The remainder of the budget (\$50,916) represents an operating contingency and capital reserve carryover.

**Funding Equity.** During the MPAC workgroup's consideration of the commission funding system, several Clackamas County special districts expressed concern that the current assessment system resulted in residents of unincorporated areas served by special districts paying a much higher per capita rate than residents of adjacent cities. For example, they noted that in the Oak Lodge area of Clackamas County which is served by six separate special districts, the residents pay an estimated per capita assessment of \$.42, while residents of nearby Gladstone pay only \$.10. (See attached table, "Portland Metropolitan Area Local Government Boundary Commission Oak Lodge Area Assessments 1995-1996). The districts noted that this differential resulted from the residents having to pay six different assessments for the same assessed property value. They argued that a "user pays" assessment system that reduced the assessment for special districts should be considered.

Supporters of the present system contended that the assessments represents an equitable distribution of the basic costs of operating the commission. They also argued that the current system already recognizes the user pays concept. They noted that in an area served by six separate units of government, the potential for actually filing an action with the commission is far greater than an area served by a single unit. In addition, they noted that active users of the current system pay significant filing fees that increase their overall contribution to the operation of the commission.

**Committee Recommendation.** The MPAC workgroup chose not to recommend a specific funding proposal. It did adopt a recommendation that funding equity issues should be addressed in the funding proposal for the Metro Boundary office. No proposals were presented to alter the current funding mechanisms (assessments and filing fees) to other source of funding. The workgroup also recommended that when Metro assumes the boundary review function, the transfer should include all current commission contingency and capital reserve fund balances, files and equipment. These funds would provide a cushion should Metro initially underestimate the costs of processing contested cases and implementing the new review procedure.

The committee will continue to address the funding needs of the proposed Metro boundary review process and will present a recommendation to the Council prior to legislative consideration of the proposed legislation to the new review process.