

76-695

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTORS

SPECIAL MEETING

NOTICE IS HEREBY GIVEN THAT THE GOVERNING BODY OF THE METROPOLITAN SERVICE DISTRICT WILL MEET IN SPECIAL SESSION ON NOVEMBER 5, 1976, AT 11:30 A.M., AT THE MSD OFFICE, 1220 SW MORRISON, PORTLAND, OREGON. THE PURPOSE OF THE MEETING WILL BE TO CONDUCT A WORK SESSION ON PROPOSED LEGISLATION BY TRI-COUNTY LOCAL GOVERNMENT COMMISSION. AGENDA ITEM MATERIAL WILL BE AVAILABLE AT THE MEETING FOR PUBLIC INSPECTION.

TRI-COUNTY LOCAL GOVERNMENT COMMISSIONAREA-WIDE REORGANIZATION PLANMetropolitan Service Council

The Tri-County Commission recommends modifying the current governing board structure of MSD to provide for an elected governing council (MSC). MSC is to consist of 15 part-time councilors; each directly elected from an apportioned single-member district of which the councilor must be a resident with four-year staggered terms and a two-consecutive term limitation. Councilors are to be paid \$25.00 per diem per meeting day for the initial two years with compensation thereafter set by the MSC after receiving recommendations from an independent Salary Commission. Council offices would be non-partisan, and publicly elected officials are not eligible to serve on the MSC and in their other governmental capacity simultaneously. MSC will annually select its own presiding officer from among its members.

Boundaries of the electoral districts shall be determined by the Boundary Commission upon information provided by the Center for Population Research and Census at Portland State University based on the following criteria: 1) existing local government boundaries be disregarded, the intent being to include diverse interests in each district; 2) consideration be given to historic and traditional communities following natural boundaries to the extent possible to include the required population; and 3) apportionment on the principle of one-man, one-vote should be based on most recent census data and reapportionment should occur after each census.

Chief Executive Officer (CEO)

It is recommended that the MSD legislation be changed to provide for a full-time CEO who can not hold any other elected office. He is to be elected at-large in the Tri-County area on a non-partisan basis for a four-year term with a two-consecutive term limitation. His compensation during the initial two years will be at the same salary as a State Appeals Court Judge (approximately \$37,500); thereafter it will be set by the MSC after receiving recommendations from an independent Salary Commission.

The CEO would not be a member of the MSC. He would head the Executive branch and his duties would include supervision of administrative offices and executive departments, execution and enforcement of all ordinances and applicable state statutes. He would propose the MSC budget, be able to introduce ordinances and make general preparation of and presentation to the Council of plans for the development of the Tri-County area.

The Council would have authority to adopt motions, enact ordinances, pass resolutions, levy taxes, appropriate revenue, adopt the budget, as well as the duty to perform legislative oversight over administration of policies and adopt regional development policies for the Tri-County area.

The Chief Executive Officer would have authority to veto, partially veto, or sign ordinances. The Council could override any veto or partial veto by affirmative vote of 10 or more members of the Council.

## Boundaries of the MSD

It is recommended that the Legislature, by general statute, extend the MSD boundaries to include the entire Tri-County area.

MSD legislation would be amended to provide for establishing sub-regional service districts, similar in nature to county service districts, whereby services can be provided and paid for in those areas receiving the benefit.

## MSC Functions

Three general programs would initially be placed under the direction of MSC:

1. A re-defined planning function which would absorb the services now provided by CRAG and which would eliminate that organization. MSC would be required by statute to perform regional planning including the adoption of regional development policies. Chief among the changes from current land use planning requirements is the recommendation that a detailed comprehensive land use plan not be prepared by the MSC but rather that a series of functional plans for water, sewers, roads, etc. be substituted. MSC would be authorized to require compliance of local plans with the area-wide policies and functional plans. The MSC would fulfill the traditional regional function of federal (A-95) grant review and compliance as well as provide technical assistance to local planning units.
2. Physical and human services which would include those functions now authorized for the MSD (the metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water and zoo facilities) as well as authorization by statute to: develop water sources, supply, treatment, storage, transmission, wholesaling and rate control; plan, coordinate and evaluate all human services; fund and operate major cultural facilities (auditoriums, stadiums, coliseums and raceways) and regional parks and recreation facilities; and fund and operate jails, major juvenile detention facilities, adult corrections and related work and school release programs. It is recommended that MSC be authorized by statute to perform these functions at a time when deemed appropriate by the Council.
3. Support services which would be an expandable or contractible program providing those services desired by cities, counties and special districts on a contractual basis. These services could include any function that a local government desired the MSC to perform for it through intergovernmental contract on a full cost recovery basis. Some suggested services include: fire prevention education, purchasing, communications, special training, contracted health, acquisition and technical processing of library books, major repair and maintenance of equipment and a variety of administrative services.

## Relationship with Existing Regional Governments and Agencies

The functions of CRAG would be brought under complete authority of MSC at the outset. Tri-Met would be brought under similar control as soon as possible by MSC action. The Port of Portland and/or the Boundary Commission could be brought under the control of MSC by an affirmative vote of the people at a time when either was referred by the MSC.

### Intergovernmental Relations

Provision should be written into the statute to establish an advisory committee of local elected officials who would help develop, coordinate and implement MSC activities and policies particularly as they have direct impacts on local governments.

### Finances

Existing revenue sources of those governments directly under the MSC (initially MSD and CRAG and shortly thereafter Tri-Met) would be continued. However, the dues assessment method currently employed by CRAG should be reduced as promptly as possible and, in time, eliminated. If this source is immediately reduced or eliminated, it would have to be replaced initially by a State Legislative appropriation.

In considering long-term financial arrangements, provisions should be made for the widest possible range of financing methods to be available to MSC, including authorization for an income tax. Policy, as opposed to statutory, recommendations adopted by the Commission include: 1) that activities or services rendered by the MSC which produce revenues in the form of fees or charges should be self-supporting to the maximum extent; 2) the MSC should continue to have the ability to use ad valorem taxation to fund specific services; and 3) MSC be financed ultimately for general administration by an area-wide income tax subject to approval by the voters. Also approved by the Commission is the recommendation that MSC be required to produce an accounting report at least every two years which explains in clear, plain language what concrete progress has been achieved in improving services under its jurisdiction without increasing costs and/or maintaining services while reducing costs and recommendations for reversing the growth of the governmental bureaucracy, reducing institutional obsolescence, encouraging individual responsibility, and facilitating participative planning.

### Other Legislation

Provision should be made to extend the jurisdiction of the Multnomah Tax Supervising and Conservation Commission to include Clackamas and Washington Counties as well as Multnomah County, and the name should be changed to conform to the extended jurisdiction.

TRI-COUNTY LOCAL GOVERNMENT COMMISSIONAREA-WIDE REORGANIZATION PLANMetropolitan Service Council

The Tri-County Commission recommends modifying the current governing board structure of MSD to provide for an elected governing council (MSC). MSC is to consist of 15 part-time councilors; each directly elected from an apportioned single-member district of which the councilor must be a resident with four-year staggered terms and a two-consecutive term limitation. Councilors are to be paid \$25.00 per diem per meeting day for the initial two years with compensation thereafter set by the MSC after receiving recommendations from an independent Salary Commission. Council offices would be non-partisan, and publicly elected officials are not eligible to serve on the MSC and in their other governmental capacity simultaneously. MSC will annually select its own presiding officer from among its members.

Boundaries of the electoral districts shall be determined by the Boundary Commission upon information provided by the Center for Population Research and Census at Portland State University based on the following criteria: 1) Existing local government boundaries be disregarded, the intent being to include diverse interests in each district; 2) consideration be given to historic and traditional communities following natural boundaries to the extent possible to include the required population; and 3) apportionment on the principle of one-man, one-vote should be based on most recent census data and reapportionment should occur after each census.

Chief Executive Officer (CEO)

It is recommended that the MSD legislation be changed to provide for a full-time CEO who can not hold any other elected office. He is to be elected at-large in the Tri-County area on a non-partisan basis for a four-year term with a two-consecutive term limitation. His compensation during the initial two years will be at the same salary as a State Appeals Court Judge (approximately \$37,500); thereafter it will be set by the MSC after receiving recommendations from an independent Salary Commission.

The CEO would not be a member of the MSC. He would head the Executive branch and his duties would include supervision of administrative offices and executive departments, execution and enforcement of all ordinances and applicable state statutes. He would propose the MSC budget, be able to introduce ordinances and make general preparation of and presentation to the Council of plans for the development of the Tri-County area.

The Council would have authority to adopt motions, enact ordinances, pass resolutions, levy taxes, appropriate revenue, adopt the budget, as well as the duty to perform legislative oversight over administration of policies and adopt regional development policies for the Tri-County area.

The Chief Executive Officer would have authority to veto, partially veto, or sign ordinances. The Council could override any veto or partial veto by affirmative vote of 10 or more members of the Council.

5

78 7/ (Don)

Boundaries of the MSD

It is recommended that the Legislature, by general statute, extend the MSD boundaries to include the entire Tri-County area.

2  
o

MSD legislation would be amended to provide for establishing sub-regional service districts, similar in nature to county service districts, whereby services can be provided and paid for in those areas receiving the benefit.

MSC Functions

Three general programs would initially be placed under the direction of MSC:

1. A re-defined planning function which would absorb the services now provided by CRAG and which would eliminate that organization. MSC would be required by statute to perform regional planning including the adoption of regional development policies. Chief among the changes from current land use planning requirements is the recommendation that a detailed comprehensive land use plan not be prepared by the MSC but rather that a series of functional plans for water, sewers, roads, etc. be substituted. MSC would be authorized to require compliance of local plans with the area-wide policies and functional plans. The MSC would fulfill the traditional regional function of federal (A-95) grant review and compliance as well as provide technical assistance to local planning units.
2. Physical and human services which would include those functions now authorized for the MSD (the metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water and zoo facilities) as well as authorization by statute to: develop water sources, supply, treatment, storage, transmission, wholesaling and rate control; plan, coordinate and evaluate all human services; fund and operate major cultural facilities (auditoriums, stadiums, coliseums and raceways) and regional parks and recreation facilities; and fund and operate jails, major juvenile detention facilities, adult corrections and related work and school release programs. It is recommended that MSC be authorized by statute to perform these functions at a time when deemed appropriate by the Council.
3. Support services which would be an expandable or contractible program providing those services desired by cities, counties and special districts on a contractual basis. These services could include any function that a local government desired the MSC to perform for it through intergovernmental contract on a full cost recovery basis. Some suggested services include: fire prevention education, purchasing, communications, special training, contracted health, acquisition and technical processing of library books, major repair and maintenance of equipment and a variety of administrative services.

Relationship with Existing Regional Governments and Agencies

The functions of CRAG would be brought under complete authority of MSC at the outset. Tri-Met would be brought under similar control as soon as possible by MSC action. The Port of Portland and/or the Boundary Commission could be brought under the control of MSC by an affirmative vote of the people at a time when either was referred by the MSC.

### Intergovernmental Relations

Provision should be written into the statute to establish an advisory committee of local elected officials who would help develop, coordinate and implement MSC activities and policies particularly as they have direct impacts on local governments.

### Finances

Existing revenue sources of those governments directly under the MSC (initially MSD and CRAG and shortly thereafter Tri-Met) would be continued. However, the dues assessment method currently employed by CRAG should be reduced as promptly as possible and, in time, eliminated. If this source is immediately reduced or eliminated, it would have to be replaced initially by a State Legislative appropriation.

In considering long-term financial arrangements, provisions should be made for the widest possible range of financing methods to be available to MSC, including authorization for an income tax. Policy, as opposed to statutory, recommendations adopted by the Commission include: 1) that activities or services rendered by the MSC which produce revenues in the form of fees or charges should be self-supporting to the maximum extent; 2) the MSC should continue to have the ability to use ad valorem taxation to fund specific services; and 3) MSC be financed ultimately for general administration by an area-wide income tax subject to approval by the voters. Also approved by the Commission is the recommendation that MSC be required to produce an accounting report at least every two years which explains in clear, plain language what concrete progress has been achieved in improving services under its jurisdiction without increasing costs and/or maintaining services while reducing costs and recommendations for reversing the growth of the governmental bureaucracy, reducing institutional obsolescence, encouraging individual responsibility, and facilitating participative planning.

### Other Legislation

Provision should be made to extend the jurisdiction of the Multnomah Tax Supervising and Conservation Commission to include Clackamas and Washington Counties as well as Multnomah County, and the name should be changed to conform to the extended jurisdiction.

LC 1001  
10/29/76  
(41)

SECTION . (1) The boundaries of a metropolitan service district shall be the Oregon portion of a standard metropolitan statistical area designated by an agency of the United States, according to the boundaries of the area set by the agency no later than July 1, 1976.

(2) The provisions of ORS 199.410 to 199.512 shall not apply to any change in the boundaries of a metropolitan service district formed prior to the effective date of this 1977 Act necessitated by the provisions of subsection (1) of this section.

Section \_\_. ORS 268.540 is amended to read:

268.540. (1) A district may impose and collect service or user charges in payment for its services.

(2) A district may seek and accept grants of financial and other assistance from public and private sources.

(3) A district may, with the approval of a majority of members of its governing body, borrow money from 'this state or any county or city with territory in the district.

SECTION . To assist it in the performance of its duties, the council may appoint advisory committees comprised of local government officials from the metropolitan area and any other areas receiving services from the district in accordance with this chapter. Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the council.

SECTION . (1) District business shall be administered, and district rules and ordinances shall be enforced, by an executive officer to the extent necessary to perform the activities and functions authorized by this chapter.

(2) The executive officer shall be elected to his post in the same manner provided under section \_\_\_ of this 1977 Act, but he shall be elected from the district-at-large on a nonpartisan basis. He shall be a resident of the metropolitan area. The term of office for an executive officer shall be four years and no person shall serve more than two consecutive full terms.

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

(4) The salary and employment benefits of the executive officer for the first two years following the election and assumption of office of the first executive officer under this 1977 Act shall be equal to the salary and employment benefits of a Court of Appeals judge of this state. Subsequently, his compensation shall be set by the council but shall not be less than that of a Court of Appeals judge of this state.

(5) The executive officer may hire any personnel and contract with any person or governmental agency to assist him in carrying out his duties and powers under this 1977 Act.

SECTION . (1) 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 he deems necessary to enforce or carry out the powers and duties of the district, or to the efficient administration of the affairs of the district.

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

(3) The executive officer shall have the power to veto any measure adopted by the council and the measure shall be void unless, on a further vote, the council readopts the measure by a vote of no less than 10 councilors, in which case the measure shall have full force and effect.

(4) The executive officer shall perform all other duties as may be prescribed by the council.

SECTION \_\_\_\_ . (1) A metropolitan service district may establish service districts as provided by ORS chapter 451 and this chapter. For the purposes of ORS chapter 451, a metropolitan service district shall be considered a county and the district council created by section \_\_\_\_ of this 1977 Act shall be considered a county court.

(2) In addition to those districts authorized under ORS 451.010, a metropolitan service district may create service districts for any purpose authorized by this chapter.

SECTION . Section \_\_\_ of this Act is added to and made a part of ORS chapter 268.

SECTION . (1) A district may appropriate and acquire water and water rights within and without the district for the purpose of providing metropolitan aspects of water supply and distribution.

(2) Subsection (1) of this section is not to be construed to affect or impair the vested rights of any person, public corporation, city or county to the use of water or rights in the use of water.

Section \_\_. ORS 268.030 is amended to read:

268.030. (1) This chapter is enacted in order to provide a method of making available in metropolitan areas public services not adequately available through previously authorized governmental agencies.

(2) To this end not more than one district may be established under this chapter in any metropolitan area.

(3) Subject to the limitations of state law, the district may provide:

(a) Metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water, [and] public transportation, water supply, human services, parks and recreation, cultural activities facilities and correctional facilities and programs; and

(b) Metropolitan zoo facilities; and

(c) Local aspects of those public services that are transferred to the district by agreement between the district and other public corporations, cities or counties[.] ; and

(d) By contract, metropolitan and local aspects of services authorized under this chapter to areas outside its political boundaries.

(4) A district, where formed, shall provide metropolitan aspects of land use planning.

Section \_\_. ORS 268.310 is amended to read:

268.310. A district may:

(1) 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 in accordance with this chapter.

(2) Subject to the requirements of ORS 459.005 to 459.045, 459.065 to 459.105, 459.205 to 459.285 and subsections (1) to (3) of 459.992, dispose, and provide facilities for disposal, of solid and liquid wastes and, by agreement with other public corporations, cities or counties in accordance with this chapter, collect and transport such wastes.

(3) Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and similar necessary improvements.

(4) Provide public transportation and terminal facilities for public 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.

(5) Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

(6) (a) Acquire, develop, construct, alter, maintain and operate water supply and distribution systems including local aspects of systems of public corporations, cities or counties transferred to the district by agreement in accordance with this chapter; and

(b) Control in lieu of the Public Utility Commissioner in a fair and reasonable manner, the rates charged by persons, public corporations, cities and counties for the supply of water in the metropolitan area.

(7) 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.

(8) Develop, maintain and operate a regional system of parks and recreational facilities.

(9) Acquire, develop, construct, maintain and operate metropolitan facilities for convention, exhibition, sports and entertainment purposes.

(10) Provide facilities for criminal and juvenile detention and programs for adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.

Armen Bill

11/15 Int. Hg - Tri-City  
presently  
prop bill.

Matter underscored in an amended  
section is new; matter [bracketed]  
is existing law to be omitted.

Rough Draft  
LC 1002  
10/19/76  
(42)

*This draft has been amended*

A BILL FOR AN ACT

Relating to metropolitan service districts; creating new  
provisions; amending ORS 249.271, 268.020, 268.030, 268.300,  
268.320 and 268.350; and repealing ORS 197.705, 197.710,  
197.715, 197.725, 197.730, 197.735, 197.740, 197.750,  
197.755, 197.760, 197.765, 197.775, 197.780, 197.785,  
197.790, 197.795 and 268.200.

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

Section 1. ORS 268.020 is amended to read:

268.020. As used in this chapter:

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

[(1)] (2) "District" means a metropolitan service district  
established under this chapter.

[(2)] (3) "Metropolitan area" means the Oregon portion of a  
standard metropolitan statistical area designated by an agency of  
the United States and which has a population greater than  
750,000.

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

Section 2. ORS 268.030 is amended to read:

268.030. (1) This chapter is enacted in order to provide a method of making available in metropolitan areas public services not adequately available through previously authorized governmental agencies.

(2) To this end not more than one district may be established under this chapter in any metropolitan area.

(3) Subject to the limitations of state law, the district may provide:

(a) Metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water, and public transportation; [and]

(b) Metropolitan zoo facilities; [and]

(c) Local aspects of those public services that are transferred to the district by agreement between the district and other public corporations, cities or counties[.] ; and

(d) By contract, metropolitan and local aspects of services authorized under this chapter, as amended by this 1977 Act, to areas outside its political boundaries.

(4) A district, where formed, shall provide metropolitan aspects of land-use planning.

SECTION 3. CRS 268.200 is repealed and sections 4 and 5 of this Act are enacted in lieu thereof.

SECTION 4. (1) The governing body of a district shall be a council consisting of 15 councilors, each elected on a nonpartisan basis from a single subdistrict within the boundaries of the metropolitan service district. Each councilor shall be a resident of the subdistrict from which he is elected. The size and area of each subdistrict shall be determined by the Secretary of State within 120 days of the effective date of this 1977 Act in a manner providing for substantially equal population in each subdistrict based on the most recent state census. Area within each subdistrict shall be contiguous. The boundaries of each subdistrict shall not be based on, or substantially coincide with, existent city, county or special district boundaries or the boundaries of state representative or senate election districts.

*adds lang about not disturb historical boundaries, etc*

(2) The nominations and elections for the council's formation shall be held on the first primary and general elections following the formation of subdistricts by the Secretary of State. At that election, seven councilors shall be elected for two-year terms to expire January 1, 1981, and eight councilors shall be elected for four-year terms to expire January 1, 1983. The term of office for a councilor following the election for the council's formation shall be four years. No councilor shall serve for more than two consecutive four-year terms.

Candidates for councilor positions shall be nominated and elected at the primary and general elections as provided in subsections (2) to (7) of this section.

(3) The names of all candidates for the office of councilor shall be presented for nomination by individual nominating petitions or by declaration of candidacy and the payment of the required fees. In any petition filed by or on behalf of, or declarations of candidacy made by, a candidate for nomination to the office of councilor at the primary election no reference shall be made to any political party ballot or to the political party affiliation of a candidate. There shall not be attached to or contained in a petition or declaration of candidacy any statement other than the name of the subdistrict in which the candidate resides, a statement, not exceeding 10 words, of his qualifications and experience, and a declaration by the candidate that, if nominated and elected, he will qualify for the office.

(4) (a) At all primary elections at which candidates for councilor are to be nominated, where two or more persons from the same subdistrict have filed petitions or declarations for nomination, the Secretary of State shall prepare and furnish a ballot entitled "~~Tri-County~~ Council, Metropolitan Service District, Subdistrict No. \_\_\_\_\_" upon which the names of the

candidates for the office shall be placed without any political party designation. Following the name of each candidate shall be a statement, not exceeding 10 words, of his qualifications and experience, if a statement was included in his petition or declaration. <sup>\*</sup>A ballot shall be delivered to each registered elector desiring to vote, regardless of his political party affiliation. The two candidates receiving the highest number of votes as nominees for councilor shall be declared the nominees, and their names shall appear on the ballot at the general election.

(b) When a candidate for nomination receives a majority of all votes cast at the primary election for the office for which he is a candidate, <sup>he shall be deemed elected.</sup> ~~[the name of that candidate, and no other,~~ shall be printed separately on the ballot at the general election under the designation "Vote for one." <sup>\*</sup>However, there shall be left after his name a blank space in which the elector may write the name of any other person for whom he wishes to vote.]

(c) When a petition or declaration of candidacy is filed by or on behalf of only one person from any subdistrict as a candidate for nomination to the office of councilor, the name of that person shall not be placed upon the primary ballot but he shall be the nominee for the office.

(5) At the general election the Secretary of State shall prepare and furnish a ballot entitled "Tri-County Council, Metropolitan Service District, Subdistrict No. \_\_\_\_\_." On the ballot there shall be printed the names of candidates nominated as provided by subsection (4) of this section. The names shall be printed upon the ballot without any party designation. The ballot may be on the same sheet as the general ballot used at the election.

*to be changed by 109 co.*  
(6) If a candidate nominated under subsection (4) of this section dies, withdraws or becomes ineligible, candidates for the office shall be nominated in the manner provided for the nomination of independent candidates. The certificate of nomination of any such candidate may contain a statement, not exceeding 10 words, of his qualifications and experience. Notwithstanding ORS 249.720, the certificate shall not contain the word "independent" or require the candidate to be registered as an "independent." The name of any candidate so nominated who has filed his acceptance of nomination shall be printed upon the ballot in the same manner as the names of candidates nominated under subsection (4) of this section. A statement not exceeding 10 words of his qualifications and experience shall be placed on

the ballot after the name of the candidate, if it was included in his certificate of nomination.

(7) (a) All election laws relating to the nomination and election of candidates for office apply to the nomination and election of councilors, except where in conflict with this section. When there is more than one candidate for the office of councilor from one subdistrict at either the primary or general election the names of the candidates shall be rotated on the ballot in the same manner as names of candidates are rotated on the ballot in partisan primary and general elections.

(b) The provisions of ORS 252.810 to 252.830 apply to elections held under this section.

SECTION 5. The council may adopt and enforce rules of procedure governing its proceedings in accordance with this chapter as amended by this 1977 Act. At its first meeting after January 1 of each year, one councilor shall be elected by the council to serve as its presiding officer for the ensuing year. The council shall meet upon the request of the presiding officer or that of a majority of the council. Notwithstanding the provisions of ORS 198.190, councilors shall receive no other compensation for their office than a \$25 per diem for meetings, plus necessary meals and travel expenses.

Section 6. ORS 249.271 is amended to read:

249.271. (1) At the time of filing his declaration of candidacy a candidate shall pay to the official with whom the declaration is filed a fee based upon the office he is a candidate for as follows:

(a) United States Senator, \$150.

(b) Offices to be voted for in the state at large, except national committeeman or national committeewoman, \$100.

(c) Representative in Congress to be voted for in a congressional district, \$100.

(d) Circuit court judge and district offices of districts composed of more than one county, except State Senator and Representative in the Legislative Assembly, \$50.

(e) County offices, including district attorney and district court judge, but excepting district offices within the county, \$50.

(f) State Senator or Representative in the Legislative Assembly, \$25.

(g) National committeeman or national committeewoman, \$15.

(h) District offices within the county, except district attorney and district court judge, \$10.

(i) Offices of a metropolitan service district under ORS chapter 268 and this 1977 Act, \$15.

(2) The official with whom a declaration of candidacy is filed, upon request received on or before the last day for withdrawal under ORS 249.280, shall refund the filing fee of any candidate who dies, withdraws or for any reason becomes ineligible for the nomination on or before such day.

Section 7. ORS 268.300 is amended to read:

268.300. (1) A district shall constitute a municipal corporation of this state, and a public body, corporate and politic, exercising public power. It shall have full power to carry out the objectives of its formation and to that end may have and use a seal, have perpetual succession, sue and be sued in its own name, and enter into contracts.

(2) A district also may enter into contracts or other agreements with any agency of the Federal Government, of this state or of any local or regional governmental agency in this state having jurisdiction over contiguous or nearby lands; and, subject to the prior approval of the Legislative Assembly, enter into any compact with another state having jurisdiction over contiguous or nearby lands.

[(2)] (3) Except as this chapter provides to the contrary, the powers of the district shall be vested in the governing body of the district.

Section 8. ORS 268.320 is amended to read:

268.320. (1) The voters of a district may, from time to time, and in exercise of their power of the initiative, or by approving a proposition referred to them by the governing body of the district, authorize the district to assume additional functions and determine the number, qualifications and manner of selecting members of the governing body of the district.

(2) Local aspects of the functions may be assumed only on the basis of agreements in accord with [paragraph] paragraphs [(b)] (c) and (d) of subsection (3) of ORS 268.030.

Section 9. ORS 268.350 is amended to read:

268.350. A district may contract with any public or private agency for the agency to operate any facility or perform any function that the district is authorized to operate or perform. By contract the district may assume any function of any public corporation, city or county in or outside the district [that the district has power to assume under this chapter].

SECTION 10. Sections 11 to 15 of this Act are added to and made a part of ORS chapter 268.

SECTION 11. (1) The fiscal year of the district shall commence on July 1 of each year and end on June 30 of the following year.

(2) ORS 294.305 to 294.555 shall not apply to the preparation, adoption or revision of the budgets of the district.

(2)(~~β~~) Prior to the beginning of each fiscal year, the district shall prepare and adopt, and may revise from time to time, a budget itemizing expenditures planned for the ensuing fiscal year to carry out the provisions of section 12 of this 1977 Act, and estimating the amount and sources of income available to pay the proposed expenditures.

(~~β~~)(A) The council, in its sole discretion, may determine that it is necessary to charge the cities and counties within the district for the services and activities carried out under section 12 of this 1977 Act. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the city or county bears to the total population of the metropolitan area. For the purposes

*make  
separate  
section*

of this subsection the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by the council.

(5) The decision of the council to charge the cities and counties within the district, and the amount of the charge upon each, shall be binding upon the cities and counties. Cities and counties shall pay their charge on or before October 1 of the fiscal year for which the charge has been made.

(6) Subsections (3) to (5) of this section shall not apply to a fiscal year which ends later than June 30, 1981.

SECTION 12. A district council shall:

(1) Adopt by rule metropolitan area land-use planning goals and objectives;

(2) Define and apply a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, including, but not limited to, impact on:

(a) Air quality;

(b) Water quality; and

(c) Transportation.

(3) Prepare and adopt functional plans for those areas designated under subsection (2) of this section to control metropolitan area impact on air and water quality, transportation and other aspects of metropolitan area development the council may identify.

(4) Review the comprehensive land-use plans in effect on the operative date of this 1977 Act, or subsequently adopted by the cities and counties within the district and recommend or require, as it considers necessary, changes in any plan to assure that the plan conforms to the district's metropolitan area goals and objectives;

(5) Coordinate the land-use planning activities of the cities and counties within the district;

(6) In its discretion, review the zoning, subdivision and other similar ordinances and regulations of the cities and counties within the district and all actions taken under them to assure conformity with the district's metropolitan area goals and objectives; and

(7) Coordinate its activities and the related activities of the cities and counties within the district with the land-use planning development activities of the Federal Government, other

local governmental bodies situated within this state or within any other state and any agency of this state or another state.

SECTION 13. (1) For the purposes of ORS 197.190, the districts formed under ORS chapter 268 and this 1977 Act shall exercise within the metropolitan area the review, advisory and coordinative functions assigned under subsection (1) of ORS 197.190 to each county and city that is within the district.

(2) Subsections (3) and (4) of ORS 197.190 shall not apply to a district formed under this chapter, as amended by this 1977 Act.

SECTION 14. If a district requires a change in a plan of a city or county within the district under subsection (4) of section 12 of this 1977 Act, the city or county may seek review of the required change <sup>in the manner provided & in ORS 183.480 for</sup> [as provided under paragraph (c) of <sup>appeals from</sup> subsection (1) of ORS 197.300.] <sup>final orders & contested case hearings.</sup>

SECTION 15. All meetings of the district council, except meetings on matters involving the management of employes of the district and other labor matters, shall be open to the public. All decisions of, or actions by, the district council shall be recorded in the records of the district. The records of the district shall be open for public inspection, during business hours, in the main office of the district.

SECTION 16. ORS 197.705, 197.710, 197.715, 197.725, 197.730, 197.735, 197.740, 197.750, 197.755, 197.760, 197.765, 197.775, 197.780, 197.785, 197.790, 197.795 and 268.200 are repealed upon the operative date of this Act.

SECTION 17. Except as provided in sections 4 and 6 of this Act, this Act, including the amendments and repeals made to ORS chapter 268, does not become operative until January 1, 1979.

-----