

D R A F T
PROPOSED AGENDA

Metro Charter Committee
Tuesday, May 21, 1991
6:00 p.m.
Conference Room 335 - Metro Center

- 6:00 Call to Order and Attendance
Consideration of May 7, 1991 Minutes
Action Requested: Motion to Approve Minutes
- 6:10 Further Discussion of Draft By-Laws
Action Requested: Motion to Adopt By-Laws
- 6:30 Election of Committee Officers
Vice-Chair and Secretary-Treasurer
- 6:45 Discussion of Charter Election Date
Action Requested: Motion to Select Election Date
- 7:05 Report of Sub-committee on Planning
- Sub-committee Preference as to Role of
Consultants vs. Committee Staff
- Consideration of Proposed Job Description for
Committee Administrator and Clerk
- Consideration of Procedure for Staff Selection
- Consideration of Budget
Action Requested:
Motion to Approve Job Description
Motion to Approve Procedure for Staff
Selection
Motion to Approve Budget
- 7:35 Discussion of Elements and Schedule of Initial
Phase of Work Plan
Action Requested: Motion to Approve Elements and
Schedule
- 8:00 Introductory Discussion of "Home Rule"
- 8:15 Adjourn

D R A F T
PROPOSED AGENDA

Metro Charter Committee
Wednesday, May 22, 1991
6:00 p.m.
Conference Room 440 - Metro Center

- 6:00 Call to Order and Attendance
Consideration of May 7, 1991 Minutes
Action Requested: Motion to Approve Minutes
- 6:10 Further Discussion of Draft By-Laws
Action Requested: Motion to Adopt By-Laws
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Vice-Chair and Secretary-Treasurer
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Phase of Work Plan
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Schedule
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MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

May 22, 1991

Metro Center Room 440

Committee Members Present: Hardy Myers (Chair), Judy Carnahan, Ron Cease, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Wes Myllenbeck, Raymond Phelps, Jr., Bob Shoemaker, Isaac Regenstreif, Mary Tobias

Committee Members Absent: DeMar Bachelor, Matt Hennessee, John Meek, Mimi Urbigkeit

Chair Myers called the regular meeting to order at 6:05 p.m.

Chair Myers asked for any changes to the proposed agenda, hearing none, he moved to the first item.

1. Call to order and Attendance, Consideration of May 7, 1991 Minutes

Chair Myers asked the clerk to note Committee members present. Chair Myers noted the correct title of the group was the Charter Committee and the minutes should be corrected to reflect this. He then distributed a facsimile letter received from Mr. Hennessee requesting page four, paragraph three of the meeting minutes reflect his desire to open staff positions to all applicants even though it was not required by law. He then asked for further corrections or changes to the May 7, 1991 minutes.

Mr. Josselson corrected page four, first line to read "four" attorneys served on the Committee. He also corrected the last line of the same paragraph by changing the word "legal" to "administrative".

Motion: Mr. Regenstreif moved, seconded by Ms. Tobias, to approve the minutes as amended.

Vote on Main Motion: All those present voted aye. The vote was unanimous and the minutes were approved as amended.

2. Further Discussion of Draft By-Laws

Chair Myers submitted the original by-laws with his proposed amendments. He asked for a motion to adopt the draft by-laws prior to discussion of further amendments.

Main Motion: Mr. Josselson moved, seconded by Mr. Phelps, to adopt the by-laws as amended by the Chair.

Chair Myers proceeded to call for amendments by section. Under Section one, subparagraph two, Mr. Hales noted at the last meeting of the Committee Mr. Phelps had pointed out the section did not include reference to Ballot Measure 1 or Senate Bill (SB) 289. Mr. Hales asked if it would be appropriate to include it in Section one, subparagraph two.

First Motion: Mr. Phelps moved, seconded by Mr. Regenstreif, to amend Section one, subparagraph two to read as follows:

"...as provided by Article 11, Section 14 of the Oregon Constitution and Chapter 72,..."

Vote on First Motion: All those present voted aye. The vote was unanimous and the first motion to amend passed.

Mr. Phelps questioned where the officer structure came from. Chair Myers replied it was a draft provided by Dan Cooper, General Counsel, and it was not specified by SB 298. Mr. Phelps did not feel a Secretary/Treasurer was necessary. He said he felt having a Chair, Vice Chair and Committee Chair(s) would be a more appropriate structure.

Second Motion to Amend: Mr. Phelps moved, seconded by Mr. Egge, to delete the position of Secretary/Treasurer position from Section two, subparagraph one of the By-Laws.

Mr. Myllenbeck felt the intent of the proposed officer structure was to allow each county to have representation. Mr. Cooper said he used an existing set of by-laws as a format and had no specific intent as to the representation issue.

Mr. Phelps noted, according to subsection four, the responsibility of the Secretary/Treasurer is to provide the minutes and an expenditure report. He said this would be a duty more appropriately assigned to staff.

Mr. Look disagreed, stating the Secretary/Treasurer would be supervisory to the staff person. He also agreed to the concept of a member from each county serve as an officer representative.

Vote on Second Motion: Mr. Egge, Mr. Hales and Mr. Phelps voted aye. Ms. Carnahan, Mr. Josselson, Mr.

Look, Mr. Myllenbeck, Mr. Shoemaker, Mr. Regenstreif and Chair Myers voted nay. Mary Tobias abstained. The vote was 3/7 and the second motion to amend failed.

The Committee had no discussion on Section two, subsection two.

Third Motion to Amend: Mr. Myllenbeck moved, seconded by Mr. Regenstreif, to amend Section two, subparagraph three, last sentence to read as follows:

"...new chairperson is selected as provided in sub 6 of this section."

Vote on Third Motion: All those present voted aye. The vote was unanimous and the third motion to amend passed.

The Committee had no discussion on Section two, subsections four and five.

Chair Myers noted subsection six addressed the election date of the officers. Mr. Myllenbeck pointed out he did not know all the members of the Committee and did not feel it was critical to move for election of officers immediately. It was noted Mr. Hennessee addressed this concern in his letter to the Chair.

Fourth Motion to Amend: Ms. Tobias moved, seconded by Mr. Shoemaker to amend Section two, subparagraph six, second sentence, to read as follows:

"...from among its members at a ~~the second~~ regular meeting..."

Vote on Fourth Motion to Amend: All those present voted aye. The vote was unanimous and the fourth motion to amend passed.

Fifth Motion to Amend: Mr. Hales moved, seconded by Mr. Shoemaker, to remove the last sentence of Section two, subparagraph six, beginning "The votes of..."

Vote on Fifth Motion to Amend: All those present voted aye. The vote was unanimous and the fifth motion to amend passed.

Sixth Motion to Amend: Mr. Phelps moved to delete the sentence directly preceding the sentence deleted in the fifth motion. The motion failed for lack of a second.

Regarding Section two, subparagraph seven, Ms. Tobias asked if the statute addressed how a vacancy on the Committee was filled. Chair Myers assured her it was addressed in the statute. He noted Mr. Hennessee addressed the same question in his letter. Chair Myers felt it was unnecessary to include specific language in the by-laws as it was addressed in the statute.

The Committee did not discuss Section two, subparagraph eight.

Seventh Motion to Amend: Mr. Myllenbeck moved to change Section two, subparagraph nine by replacing the word "appoint" to the word "approve". The motion failed for lack of a second.

The Committee then discussed Section three, subparagraph one, dealing with meeting sites.

Eighth Motion to Amend: Mr. Shoemaker moved, seconded by Mr. Josselson, to amend Section three, subparagraph one as follows:

"...meetings shall be held at the Metro Center, 2000 S.W. First Avenue, Portland, Oregon, or at such other places within the Metro..."

Vote on Eighth Motion to Amend: All those present voted aye. The vote was unanimous and eighth motion to amend passed.

Under Section three, subparagraph two, Mr. Phelps felt two persons was too few members with which to call a special meeting.

Ninth Motion to Amend: Mr. Phelps moved, seconded by Mr. Regenstreif, to change the wording in Section three, subparagraph two from "two" to "four".

Mr. Egge felt it should be a majority of the committee. Mr. Hales felt it should be a quorum.

Tenth Motion to Amend: Mr. Egge moved to amend Section three, subparagraph two from "two" to "a majority of" the Committee.

Mr. Shoemaker agreed with Mr. Phelps, and felt it would jeopardize the vote of absent members if a meeting was called and at least nine members were present and voted. Mr. Egge withdrew the tenth motion to amend.

Vote on Ninth Motion to Amend: All those present voted aye. The vote was unanimous and the ninth motion to amend passed.

Under Section three, subparagraph 3, Mr. Phelps pointed out for a motion to be passed, nine members need to vote aye not a majority of those present.

Eleventh Motion to Amend: Mr. Phelps moved to change Section three, subparagraph three to read:

"...no action shall be taken except upon the positive vote of a majority of those present..."

Mr. Cease pointed out the Committee is a legislative body and as such, the rule requires the Committee to have the vote of the majority of the total members. He said on business related matters they may not desire a majority of the total members, but on policy matters it was essential. Agreeing with Mr. Cease, Mr. Phelps withdrew the eleventh motion to amend.

Twelfth Motion to Amend: Mr. Shoemaker moved, seconded by Ms. Tobias to amend Section three, subparagraph three to read:

"...no action shall be taken on any provisions of the Charter or the referral of the Charter except upon the vote..."

Mr. Josselson disagreed with the spirit of the amendment. He stated both business and policy items were equally important to the operation of the Committee and such issues should not be treated separately. Mr. Regenstreif said the language should be left intact.

Vote on Twelfth Motion to Amend: Ms. Carnahan, Mr. Cease, Mr. Hales, Mr. Look, Mr. Myllenbeck, Mr. Shoemaker, Ms. Tobias and Chair Myers voted aye. Mr. Egge, Mr. Josselson, Mr. Phelps and Mr. Regenstreif voted nay. The vote was 8/4 and the twelfth motion to amend failed.

Discussion continued about voting by proxy. It was the consensus of the Committee that a proxy vote would distract from the intent of the statute.

Under Section three, subparagraph 4, Mr. Hales questioned whether each vote required a roll call vote. Chair Myers said he was comfortable with the proceedings the way they had been conducted. Chair Myers said on matters of policy it was important to record aye and nay votes cast.

Moving to Section four, Chair Myers described standing and special committees at the legislative level. Chair Myers informed the Committee they were not committed to follow the legislative pattern or the outline in the proposed by-laws. The Committee discussed if they would have advisory committees and/or subcommittees. They also discussed if these members would be allowed to vote if they did not serve on the Charter Committee.

Mr. Josselson distributed a proposed amendment to Section four, subparagraph one. He commented the Committee is not a Committee of the Legislature dealing with hundreds of bills. He said the Committee is dealing with one bill. He felt the public's willingness to accept the Charter will depend on the behavior of the Committee as a whole and the contents of the document (Charter). He felt there was an inherent danger in the use of the subcommittee process. He said the use of subcommittees would influence the whole Committee and encouraged involvement by all the members in all aspects of the process. He stated and reiterated the work of the Committee should be done by the Committee and not by subcommittees. He felt all members should be allowed to participate on any subcommittee and he would personally participate on all subcommittees. He did not agree with appointing advisory Committees. He felt advice could be solicited if necessary, but the members had been appointed to do the job and should be the ones to do it.

Mr. Shoemaker wanted to gather a sense of the scope of work prior to eliminating the option of having a subcommittee. Chair Myers said it would be difficult to determine the scope of work until the process was underway.

Mr. Cease stated it might not be possible for the full Committee to meet for every issue that might arise. He said any member of the Committee would certainly be allowed to attend any subcommittee meeting. He also noted the power of the subcommittee is already limited in the proposed wording.

Thirteenth Motion to Amend: Mr. Hales moved, seconded by Mr. Josselson, to amend Section four, subparagraph one as follows:

SUBSECTION 1. Standing or Special Subcommittees: The chairperson, with the approval of the committee may appoint, and refer items to, standing or special

subcommittees for research and development of policy options recommendation and report. All subcommittees shall be appointed by the chairperson but shall include those Committee members who express a desire to participate at the time of formation of the subcommittee unless otherwise ordered by the Committee. The Committee member first named shall act as chairperson thereof. ~~Appointments to such committees need not be restricted to members of the Committee but only members of the Committee may constitute a quorum and may vote on matters before such committees.~~ One-half plus one of its members shall constitute a quorum of such subcommittees and, if a quorum is present, a majority of those present and voting may decide any matter before such subcommittees.

Vote on Thirteenth Motion to Amend: All those present voted aye. The vote was unanimous and the thirteenth motion to amend passed.

The Committee moved to Section four, subparagraph two.

Fourteenth Motion to Amend: Mr. Phelps moved, seconded by Mr. Egge to delete Section four, subparagraph two in its entirety.

Vote on Fourteenth Motion to Amend: Mr. Egge, Mr. Hales, Mr. Josselson, Mr. Look and Mr. Phelps voted aye. Ms. Carnahan, Mr. Cease, Mr. Myllenbeck, Chair Myers, Mr. Shoemaker, Mr. Regenstreif and Ms. Tobias voted nay. The vote was 5/7 and the fourteenth motion to amend failed.

There were no further amendments to the by-laws.

Vote on Main Motion: All those present voted aye. The vote was unanimous and the by-laws were adopted as amended.

3. Election of Committee Officers

By consensus of the Committee, election of the officers was deferred to a future meeting.

4. Discussion of Charter Election Date

Chair Myers suggested deferring Agenda Item No. 4 until the scope of work and/or work plan was developed. The Committee concurred with the Chair.

5. Report of Subcommittee on Planning

Chair Myers reported the subcommittee on planning had met to discuss structure of Committee staffing. He said the consensus of the subcommittee was to employ staff rather than to contract for a consultant. The subcommittee also presented proposed job descriptions for the staff.

The Committee discussed the Committee Administrator job description.

First Motion to Amend Job Description: Ms. Carnahan moved, seconded by Ms. Tobias, to amend item six by deleting the word "controls".

Vote on First Motion to Amend Job Description: All members present voted aye. The vote was unanimous and the motion passed.

Mr. Josselson stated five duties had been assigned to the position he felt were clerical in nature, items 3, 4, 5, 6 and 8. He also felt two items were inappropriate for the administrator to handle. He felt number one was a responsibility of the Committee as a whole and referring to item number seven, he stated he did not want anyone speaking on his behalf or making public statements for him. He did feel items two and nine were appropriate. He further stated he felt hiring full time staff in a seemingly permanent position would damage the charter by sending a message to the voters the creation of the Charter was a permanent project when it was not.

Second Motion to Amend Job Description: Mr. Josselson moved, seconded by Ms. Tobias, to structure staff by having two positions, a secretary/office manager to perform tasks 3,4,5,6 and 8, and an administrative person employed on an hourly or part-time basis.

Ms. Tobias stated the duties could be delegated to another staff person, but the administrator would be ultimately responsible. She also said item seven did not represent the spirit of the discussion on the item by the subcommittee. Mr. Cease pointed out terminology on 3, 4, 5 and 8 inferred a supervisory position. Mr. Hales did not support the motion, but did support the removal of number seven.

Mr. Look strongly felt with a good, professional administrator should be able to answer questions on behalf of the Committee.

Vote on Second Motion to Amend Job Description: Mr. Josselson and Mr. Phelps voted aye. Mr. Cease, Ms. Carnahan, Chair Myers, Mr. Egge, Mr. Hales, Mr. Look, Mr. Myllenbeck, Mr. Shoemaker, Mr. Regenstreif and Ms. Tobias voted nay. The vote was 2/10 and the motion failed.

Mr. Phelps requested the requirements include an educational limit or equivalent statement to comply with any laws. He also wanted the Committee to consider the possibility of the position as a job share position.

Mr. Egge reiterated Ms. Tobias's comments that item seven does not reflect the spirit of the subcommittees conversation.

Third Motion to Amend Job Description: Mr. Cease moved, seconded by Mr. Hales, to change the last line in item seven to read "should be made by the committee chairperson or administrator".

Vote on Third Motion to Amend Job Description: All those present voted aye. The vote was unanimous and the motion passed.

Fourth Motion to Amend Job Description: Mr. Cease moved, seconded by Mr. Phelps, to amend item three to include "interpersonal, oral and written communication skills".

Fifth Motion to Amend Job Description: Ms. Tobias moved, seconded by Mr. Egge, to change the wording in item one to read "Drafts work plans at the direction of the Committee."

Vote on Fourth and Fifth Motions to Amend Job Description: The Committee voted as a whole on both the fourth and fifth motions to amend. All those present voted aye. The vote was unanimous and the motions passed.

Main Motion to Adopt Charter Committee Administrator Description: Mr. Hales moved, seconded by Mr. Look, to adopt the Charter Committee job description as amended by the Committee in the previously listed motions.

Vote on Main Motion: All those present voted aye. The vote was unanimous and the motion passed.

Betsy Bergstein noted she had been receiving calls relating to the Charter Committee. Chair Myers asked the Committee if they had any objections to Ms. Bergstein handling said calls and heard no objections.

Main Motion to Adopt Charter Committee Clerk Description:
Mr. Hales moved, seconded by Mr. Cease, to accept the Committee Clerk position as submitted.

Vote on Motion to Adopt Charter Committee Clerk Description:
All those present voted aye. The vote was unanimous and the motion passed.

Chair Myers proceeded to describe the proposed application procedure including sending applications to a variety of places. Mr. Cease requested any advertising to indicate duration of position and salary.

Chair Myers asked the subcommittee to review the mailing list, review the applications, interview the finalists and make final recommendations. Ms. Tobias asked Chair Myers to reappoint the subcommittee to comply with the changes in the by-laws.

Main Motion to Approve Staff Appointment Procedure: Mr. Shoemaker moved, seconded by Mr. Myllenbeck to approve the proposed process for selection and appointment of an administrator.

Vote on Motion to Approve Staff Appointment Procedure: All those present vote aye. The vote was unanimous and the motion passed.

Chair Myers reappointed Mimi Urbigkeit, Jon Egge, Mary Tobias, Wes Myllenbeck and Isaac Regenstreif to the Planning subcommittee. He then called for other interested parties. Mr. Josselson and Mr. Look requested to participate in the subcommittee.

Chair Myers deferred discussion of the budget until an election date is selected.

The Committee then discussed the salary of the administrator.

Motion to Approve Salary Range: Mr. Phelps moved, seconded by Mr. Myllenbeck, to approve the administrator salary at a range of \$3,000-\$4,000 per month.

Vote on Motion to Approve Salary Range: Ms. Carnahan, Mr. Cease, Mr. Hales, Mr. Look, Mr. myllenbeck, Mr. Phelps, Mr. Shoemaker, Mr. Regenstreif, Ms. Tobias and Chair Myers voted

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aye. Mr. Egge and Mr. Josselson voted nay. The vote was 10/2 and the motion passed.

6. Discussion of Elements and Schedule of Initial Phase os Work Plan

Chair Myers distributed and discussed a schedule of suggested meetings. The consensus of the Committee was to proceed with the plan as outlined in Chair Myers handout.

7. Introductory discussion of "Home Rule"

The Committee deferred agenda Item No. 7 to the next regularly scheduled meeting on June 11, 1991 at Metro Center, Room 440.

Chair Myers adjourned the meeting at 9:20 p.m.

Respectfully Submitted,



Susan Lee
Committee Clerk