

**METRO
CHARTER
COMMITTEE**

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AGENDA

DATE: October 31, 1991
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: Metro, Room 440, 2000 SW 1st Avenue, Portland

6:00 Call meeting to order.

Correct and adopt minutes from October 10 and 17 meetings (previously distributed).

6:10 Continue consideration and development of proposed Charter provisions relating to urban growth.

Consideration of potential Charter provisions relating to other powers/functions of Metro.

9:00 Adjourn meeting.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

October 31, 1991

Metro Center, Room 440

Committee Members Present: Hardy Myers (Chair), Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Jr., Bob Shoemaker, Mary Tobias, Mimi Urbigkeit

Committee Members Absent: Judy Carnahan, Matt Hennessee, Isaac Regenstreif

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

1. Correction and adoption of minutes.

Chair Myers said that Frank Josselson and John Meek had asked for corrections to the October 10, 1991 minutes at the October 24, 1991 meeting. He said that Frank Josselson, John Meek, and Charlie Hales had worked with Kimi Iboshi to correct the minutes. He asked Janet Whitfield to explain the corrections.

Janet Whitfield said that the first changes are on page 13, paragraphs four and five, of the October 10, 1991 minutes. Charlie Hales and John Meek asked that the following changes be made:

"Charlie Hales asked John Meek to define his terms. By planning, John Meek sounds like his is talking about zoning. *In his opinion*, Hillsboro is not doing *capable of* transportation planning *because the major roads in Hillsboro are state facilities*."

~~"John Meek agreed with Charlie Hales."~~

Janet Whitfield said that the second set of changes were on page 24. The first change is in paragraph five. She said that Frank Josselson asked that the following change be made:

"...instructions for how 30 27 plans are to be put together."

Janet Whitfield said that Frank Josselson would also like the last sentence of page 24, "If the area is zoned for an R10, and someone wants to develop it for R10, that person needs to be stopped if there are no sewer lines", struck from the record.

Motion: John Meek moved, Wes Myllenbeck seconded, to amend pages 13 and 24 of the October 10, 1991 minutes as explained.

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

Chair Myers asked for other additions or corrections to the minutes of October 10, 1991.

Motion: Ron Cease moved, John Meek seconded, to approve the October 10, 1991

minutes as amended.

Vote on the Main Motion:

All present voted aye. The vote was unanimous and the minutes were approved.

Chair Myers said that the correction and adoption of the October 17, 1991 minutes would be postponed until the meeting of November 7, 1991.

2. Continue consideration and development of proposed Charter provisions relating to urban growth.

Chair Myers drew the Committee's attention to the updated *Discussion Draft, Outline of Charter Provisions re: Regional Planning Powers and Responsibilities*. He said that the first part of the outline is the *Provision for Adoption of the Future Vision* which will be placed before the regional plan.

John Meek said that he had a concern with the definition of future vision and the wording "...establishes a population level and settlement pattern that...can accommodate within the carrying capacity of the land...". He said that the statement gives the impression that the region has the option to stop growth when it is too full. In his opinion, this is not an option. The definition should allow for more than one population level and settlement pattern.

Mary Tobias said that the Committee has not discussed anything beyond the initial concept of the future vision. She said that she cannot find justification to include or call out for a future vision in the charter. Visioning, planning, and strategic planning are done when there is consensus that there is a need for it. The charter is not the kind of document that its components would call for that type of action. The charter is a document of governance that sets out a structure and there is no reason to call for a future vision.

Chair Myers suggested that the Committee discuss the inclusion of the future vision in the charter.

Ron Cease said that it is necessary to have the charter call out for a future vision. When talking about planning and functions, it makes sense to also know where the region is going.

Mary Tobias said that the function of a charter is to tell the governing body of its structure and purpose. Those may change just as the vision might. The vision will be affected by political fads and the national economy. The vision cannot be static and the charter cannot lend itself to something that will be a static document.

Ron Cease said that the charter should not lay out a specific vision. The vision will give the regional government a message saying that it is their job to work and plan for the future. The public has a right to have the government looking and planning for the future and not just looking at the region now.

Mary Tobias asked if the vision will be revised every time the community thinks it should be revised.

Ron Cease said that it can be done that way but that provision should not be in the charter. The charter needs to say that a vision is needed with ways to plan for it and there needs to be mechanisms to make changes when needed. The document is going to change. Currently, governments are not looking to the future enough and the vision provision in the charter would state that it needs to be done.

Ned Look said that he concurs with Ron Cease. Regional government has a responsibility to plan for the future. The reason that it keeps changing is all the more reason for someone to be looking at it. He said that, in his opinion, the vision is essential.

Bob Shoemaker said that the charter will be put out for a vote by the residents of the region. They will be asked to empower the regional government with the charter. They need to understand that it is a long range document which looks ahead and thinks about the region in the long term. The people should understand that this is new government and concept to guide the region. It is important for the credibility of the document to get strong people to work on the vision and for the voters to say yes.

Ned Look said that Nohad Toulou's testimony before the Committee said dramatically that a vision is important. It makes sense that the best person to do that would be the regional government.

Mary Tobias said that, under Bob Shoemaker's vision, if there was to be a call for a vision in the charter, it should be conceptual and in preamble language. In the outline form, it seems to be talking about the planning function only. What Bob Shoemaker's vision seems to be talking about is different than the one proposed in the outline.

Bob Shoemaker said that it was not intended to be different.

Ned Look said that he did not think it was different. The planning and provision are coupled together.

Mary Tobias said that there is no way of doing them in concurrence with one another and have the government up and running within the next five years.

Bob Shoemaker said that if the future vision commission is developed as outlined in the charter, then it needs to be provided for in the charter.

John Meek said that, under the proposed outline, the charter would have enabling powers to adopt something if it were to be included in the visionary focus. How that visionary focus relates to the functional plans is imminent on whether it is in the charter or not. He asked what exactly the visionary plan was--the comprehensive plan that you are working from, or the functional plan that you are working from to meet the vision, or is the vision there to keep up with the functional plan.

Bob Shoemaker said that the vision is just a guide. It is not the comprehensive plan or the functional plan.

John Meek said that there is some question in the outline as to whether the vision becomes regulatory. The charter will need to be clear that in no way will local government or the regional government's functional plan be construed or regulated by the future vision.

Bob Shoemaker said that, in the outline, under I-A-2, the vision is a *planning tool only*. In I-E-1, it also states that the vision is *not a regulatory document*.

John Meek said that II-B makes the vision regulatory by stating that the *Regional plan must be consistent with statewide goals and guidelines and to Future Vision*, and *Metro statements of regional plan compliance with Future Vision may be overcome only by a showing of nonconformity beyond a reasonable doubt*.

Frank Josselson asked why have a future vision and have the regional plan be inconsistent with it.

Chair Myers asked if there was more discussion around the threshold of the development of the future vision.

Mary Tobias said that the region is already beginning a future vision process with Vision 2040. If put in the charter that a future vision must be done and the current process is well under way, it seems redundant and wasteful to do it again. She said that if it is done once, there must be merit in doing it again. She asked how often would that be. She said that visions are done by local governments when they need to refine their direction. The charter does not need to tell them to do that.

Ray Phelps said that in I-C, *Development and adoption*, the outline states that the Governor would appoint people from Columbia County, Oregon, and Clark County, Washington, to participate in the future vision for the regional government of which the regional government would be required be consistent with the vision. He said that the future vision would be reviewed every ten years. He said that he is having trouble trying to understand what is going on with the purpose. He asked if it really is a future vision or an undercutting of the planning process for the regional government.

Frank Josselson said that the principle concentration of the vision is for the area outside of the current Metro Urban Growth Boundary.

Charlie Hales asked if the issue would be resolved if the Metro boundaries were expanded to include all of the three counties and having the process done by the regional government rather than the Governor.

Bob Shoemaker said that if the Governor appointed the commission members, they would have a stature beyond that than they would have if they were appointed by the Metro Council. Thus, community leaders of real strength would be appointed. Allowing it to go beyond the three counties, including Clark County, makes sense because the six counties encompass the larger region. The Governor would not have to appoint members from outside the regional government jurisdiction but it would be appropriate if he/she did. Technically, it is possible that a majority of the members would be from Clark County but it is not realistic. He asked why Ray Phelps would reject the Governor appointing members.

Ray Phelps said that it would make the regional government autonomous if the Governor appointed the commission members. The Governor does not have anything to do with the business of Metro.

Mary Tobias said that I-C, *Development and adoption*, bothers her because government appointments are typically of a level that is unapproachable to many people. They may not be able to reach a broad enough spectrum of people to get information that would reflect the common man on the street.

Chair Myers said that he would like the Committee to revert to the threshold point of whether there is or is not sufficient merit in a distinct charge within the charter to develop a future vision separate from the regional plan. He said he would then like to deal with the structural issues such as what it will address, how it will develop, and what the legal affect will be.

Bob Shoemaker said that a preliminary question the Committee should address is what affect it will have. He said the answers to that question will determine whether some people want it at all. He said that the vision should not have any affect upon the regional plan other than as a guide. If the planners come up with something inconsistent to the vision, they will have to answer to the Council and the voters as to why there is a difference. There will be persuasive effect but not binding effect. To give the vision binding effects for a group outside of the Council, not elected, is inappropriate.

Jon Egge asked, if the plan deviated from the vision, would Bob Shoemaker want some explanation.

Bob Shoemaker said that some explanation would be necessary. If they did not provide an explanation, the plan would lack credibility.

Jon Egge asked if the explanation would need to be formalized.

Bob Shoemaker said that it would not.

Frank Josselson said that the vision is intended to be a conceptual statement. The question is how to get it to guide the regional plan without giving it any weight or requiring it to be followed.

Bob Shoemaker said that it carries its own weight if it is done well and the regional planners are committed to their task.

Charlie Hales said that he cannot determine what will be done in the future vision that cannot be done in the regional plan. He asked for a summary of the advantages of the regional future vision over the regional plan as a separate tool.

Bob Shoemaker said that the big difference is that the regional plan only encompasses three counties and the future vision is six counties that it is predicted the region will grow into. The vision document will contemplate the density that the entire region can accommodate and will predict where the densities will most likely occur. The regional plan is confined to the UGB so it will not be as comprehensive. The vision document will be even less specific than the regional plan.

Ned Look said that he assumed the regional plan would be done by Metro. He said that someplace, whether in the charter or not, Metro, in the regional planning process, ought to keep in mind the vision so that they are going in a direction. He said that he is concerned about the commission being appointed by the Governor.

Chair Myers said that the question of whether, assuming there is merit for a future vision, there are significant advantages to having the vision proceed as a separate line of activity and by a separate structure from that which is charged with the responsibility of a regional plan, versus requiring that the vision be a part of the regional plan.

Charlie Hales said that he is satisfied that this is a doctrine the region needs but that it does not need to be in the charter. He said that the charter should require a regional comprehensive plan. If the future Metro Council chooses to take the suggestion as a document to help draft a comprehensive plan, there is nothing to prevent them from doing so through this process. He said that the Committee does not have the ability in the charter to bind Clark County into doing it, so the document would be advisory regardless. He said that he does not support putting it in the charter because it does not get the regional government anything that the future Council could not get on their own.

John Meek said that the governing body of the regional government needs to look beyond the regional plan and address the impact the region will have on the surrounding counties. The counties in the area need to be aware of the impacts of the regional government. The issue is not whether or not it is binding. The impact on the entire region, not just inside the UGB, needs to be addressed. The vision should not be binding but should be a document that will be there to be a measuring point as to where the growth comes from.

Mary Tobias said that the impacts are going to less of Metro on Clark County, Columbia County, and Yamhill County than the impacts those counties will have on the Metro area. There is nothing that the vision will be able to do that will affect that. Metro cannot require the other counties to tell Metro how the cities will grow so that the vision can tell them how they ought to grow. It is incompatible.

They will be deciding in their own counties what they want to look like and they will do precisely that. She said that she agrees there needs to be visioning. When designing a regional plan, and you say it will have goals and objectives, the visioning process has already begun. The goals tell you where you want to get and the objectives tell you how to get there. But to say that the vision document will tell us how the other counties will be interacting with Metro, unless they become a part of Metro, makes no sense because they will do their own thing.

John Meek said that this region has impacts that go beyond its boundaries.

Mary Tobias said that those things get resolved through LCDC and comprehensive plan review. She said that she agrees with Charlie Hales--Metro does need to do some visioning but the charter is not the place to call for it.

Ray Phelps said that he liked the way Bob Shoemaker described the vision. He said that Bob Shoemaker concluded that there would be requirements that Metro create a vision being sensitive to the area beyond its boundary. The vision would be a bold, aggressive, imaginary, and creative process. It does not have to have all the other connotations because they have adverse impacts.

Ron Cease said that the Committee is getting caught up on extraneous stuff. He said that it would be enough to tell Metro that a vision needs to be done and lay it out minimally. For example, the definition could be a *conceptual statement that establishes population levels and settlement patterns that the region and adjacent areas can accommodate* leaving it up to the organization to determine what that includes. He said that the rest of I-A, *Definition* was fine. Under I-C, he suggested leaving it up to Metro to establish a commission and allowing them to choose the number and process for selection. He said that selection should be done at the regional level because the purpose behind the charter is to get away from the state in the first place. He said that the vision should come from the same group that is doing the regional plan to accomplish the duck-tailing effect that is being strived for.

Bob Shoemaker said that the reason he was uncomfortable with having the appointment come from the Council is the concern that it will be too political. He said that individuals on the commission could represent different constituents which could result in the vision commission being very parochial in their individual concerns and having trade offs occur on the commission. He said that he would like to find a commission that is beyond that and that stays outside the political process. Immediate political pressures would result in decisions that were not visionary.

Jon Egge said that the RUGGO's process has already recognized that the future vision will be done by someone else. The fact that the job is being contracted out is a recognition that some kind of separation is required from elected officials.

Chair Myers said that he is not sure the contracting out is actually a delegation of functions. He said that he thought it was a way to get assistance to the ultimate decision makers.

Jon Egge said he thought that the Council would ultimately have to approve it but that the consultant process would draw some definite conclusions.

Frank Josselson said that the future vision should be a guiding document not only for the Metro area but for the 100 year region. To the extent that it is done just by elected officials for the Metropolitan area, it will not have the influence of a concept which would be developed by a body that was more broadly represented. Not only are there problems of parochial politics but also the acceptability of the future vision by the future vision region. It is appropriate to have the Governor appoint the commission because there are certain people in the community who will not serve when asked by

Metro but will serve when asked by the Governor. The state has a large interest in the future vision as well as the region. For this reason, the State Agency Council should be involved to give it meaningful input. The vision is the only thing in the charter which would elevate the functions of the regional government above the regulatory functions.

Charlie Hales said that it would muddy the waters to have another government appointed agency because conflicts could arise between the Metro Council and the Governor appointed body. He said that there is already a Governor appointed body, which is LCDC, dealing with land use on a regional level. He suggested that, under I-A, the *six-county region* be deleted and insert *region and adjacent areas*. He suggested that the language in I-A,2 through I-B,3 remain the same and the subpoints under I-B,3 through I-D be deleted. I-E would be kept. He said that the changes he suggested would call for a general sketching out of what the vision will address but would leave it up to the discretion of the Council to determine who the advisory body would consist of. He said that it would be possible for the Council to appoint members who live outside of Metro.

Chair Myers suggested that the Committee not discuss the selection process of the commission at this time but rather focus on Charlie Hales' other suggestions in order to reach a consensus on those items.

Ron Cease suggested deleting "*...a population level and settlement pattern that a six-county region...*" and inserting "*...population levels and settlement patterns in a six-county region...*".

John Meek agreed and said that it is possible that there would be more than one.

Chair Myers said that the word *establishes* in the first part of the definition sounds too harsh. He suggested replacing it with *projects*.

Frank Josselson said that the word *establishes* is one of the most important words in the definition because it says that there is limit to the growth that the region can sustain within the carrying capacity of the land, water and air resources.

Chair Myers said that he understood Frank Josselson's point and withdrew his suggested change.

Mary Tobias said that there is not a limit to the growth that the region can sustain. She said that she has a problem with the statement, in the definition, "*... can accommodate within the carrying capacity...*" because it is very subjective. It does not accomplish anything because it all depends on which statistics are used. There is no way to statistically define what the carrying capacity of air, water and land resources are.

Bob Shoemaker said that there is also the qualifier, in the definition, which says "*...achieves a desired quality of life*".

Mary Tobias said that quality of life is subjective.

Charlie Hales said that it will help to make "*...a population level and settlement pattern...*" plural because it will then be one scenario compared to another. Different infrastructure investments made depending on the scenario that plays out.

Mary Tobias said that the Committee should go back to the question of what effect will it have. She asked what effect will there be having this requirement of establishing population levels and settlement patterns, based on things that cannot be defined or quantified, have.

Charlie Hales said that it is a non-regulatory document.

Mary Tobias asked what has been accomplished.

Ron Cease said that what is so vital is that the commission will come up with a variety of scenarios which will prompt people to think about the future. When there is discussion of that nature and you can get down to the plan which is not in great detail but more specific than the future vision because there are not all the scenarios, the vision would get the point across that there needs to be more discussion, concern, and determination about what the region will look like in the future.

Larry Derr said that not all aspects of the carrying capacity are mathematically definable but some are. The carrying capacity will help to determine what kinds of settlement patterns are needed to accommodate the growth. It is intended to be the balance between the subjectivity and the objectivity. He said that it is subjective and there are different objectives as to the way of living in different areas depending on the density. Many of the standards have been imposed on us and are not of our making.

Mary Tobias asked how they will be put in the document. It cannot be quantified for the document because you do not know what you are quantifying nor how it will work.

Larry Derr said that it could be done but not with a great deal of precision.

Mary Tobias said that if it is truly a visionary document, looking at the big picture, it cannot be quantified. Quantifying is planning specifically based on where you are now and where you think you could reasonably be. In the broad scheme of things, you do not know.

Larry Derr said that Mary Tobias is describing a reaction, not planning. It is a pessimistic view of what can happen through planning, not just reacting to what will happen but looking ahead and building to how the region would like it to be.

Ray Phelps said that he views the vision as being a part of the charter because those who wrote the outline consider it to be a fairly important thing. The Committee has also identified that it is very important. The vision also serves as a public influence factor--elected officials are responsive to public input. He said that it also serves as an early warning device. If the options are on the table, they become an early warning device. He gave the example of the Westside Bypass. In the last 1960's, it could have been predicted that it would be needed and a lot of money could have been saved.

Ron Cease said that one of the public's major complaints about public officials is that they do not provide vision. He said that the charter should call for the regional government to be required to create a vision that has some sense of where the region wants to go and where the citizens want it to go. It can be changed and if it is forced to be changed, that will require it to be looked at more often. He said that it seems like the visionary planning that is done currently is for this week and next week only.

Mary Tobias said that she has no problem with what Ron Cease said. She said that she believes the vision should not be in the section of the charter dealing with planning powers. The vision is bigger than that and should deal with more than land use, such as jobs.

John Meek said that the vision is driven by the population. When the capacity the land can offer is limited, the region is destined for a decreased quality of life. The settlement patterns of the land should be dealt with so the land can sustain the carrying capacity of the population. We should not be dealing with the population levels to sustain the carrying capacity of the land.

Ron Cease said that there are other factors, such as economic factors, which need to be dealt with in

the vision as well as planning.

Ned Look said that infrastructure needs to be discussed in the vision also. He said that the vision process should be done by the same people who do the planning. It should be left up to the Metro Council to determine how the vision should be done.

Ron Cease said that he thought there should be a different body doing the vision.

Ned Look said that the planners should be capable of doing the vision. It will have to have input from the public just as land growth issues have had.

Chair Myers said that he would like the Committee to move through the document and then double back to the *Development and adoption* section at the end. He said that the next suggestion was on the bottom of page one, to take out the subparts of I-B,3 after *Measures taken so that new communities and additions develop in a well-planned way.*

John Meek said that he had a concern under I-B *Matters addressed*. He said that the wording on the first point, I-B,1, *regional land and natural resources to be preserved or restored, and for what uses, for future generations*, is a contradiction because it is saying that the land will be preserved and the region will be preparing for a greater population. The words should be changed to read *used, restored, and preserved*. He said that the regional land and natural resources will need to be used to maintain a desired quality of life for the future. The use and restoration of the resources needs to be realized.

Chair Myers said that I-B,1 could read *the use, restoration, and preservation of natural resources for future generations*. He asked if anyone objected to the change. Hearing none, he asked if there were any concerns with I-B,2.

John Meek said that the word *urban* should be dropped from the sentence because it creates a contradiction with the use of the wording *region and adjacent areas* in the definition. It should read *Regional areas best suited to accommodate future growth.*

Chair Myers said that the word *urban* will be dropped. He asked if there were any objections to the change.

Bob Shoemaker suggested that the word *regional* be dropped since region is defined as inside the UGB in the definition. The sentence would then start with the word *areas*.

Ron Cease suggested changing the wording of I-B,3 to read *measures taken to develop and maintain a healthy and diversified work force*. He said that is a part of it.

Mary Tobias said that it is a part of it. She said that, when explained earlier, the vision would not call for measures at all.

Ron Cease said that *measures* is not the right word. The vision is not only talking about natural resources and land. It should encompass education, housing, infrastructure, the economy, etc.

Frank Josselson suggested adding a subparagraph four which would say *conditions that would foster enhanced economy, educational opportunity.*

Ron Cease said that *conditions* might be the right word. It is not intended to be exclusive.

Chair Myers said that in the hearing process, the Committee will be getting suggestions and revisions that will be useful and probably adopted by the Committee. He asked if Frank Josselson had specific

language he was suggesting.

Frank Josselson said that he would suggest *conditions to foster economic opportunity, educational opportunity*.

Ned Look asked if there was an umbrella term to use that would encompass all of that.

Frank Josselson said that he thought *desired quality of life* says that.

Mimi Urbigkeit suggested striking the first four words of I-B,3 and having it read *New communities and additions develop in a well-planned way*.

Janet Whitfield suggested that there could be subpoints under I-B,3 which could be conditions that foster enhanced economy, economic opportunity and education opportunity.

Chair Myers suggested *Development of new communities and additions in a well-planned way*.

Frank Josselson said that when using the word *additions* is used, it is to distinguish between a new community and an addition to an existing urban area. If that is not clear, he said that he would like to add *additions to an existing urban area*.

Ray Phelps said that would make it too restrictive and specific.

Chair Myers said that Frank Josselson was just trying to clear up what the word *additions* meant.

Ray Phelps said that the Committee is trying to be more global and keeping on a higher level.

Frank Josselson said that was fine to leave it the way it is.

Chair Myers asked if there was a subpoint four that was being suggested.

Bob Shoemaker suggested that subpoint four read *development of appropriate economic growth and educational opportunity*.

Larry Derr suggested that *development* of be left off since the heading for section I-B is *Matters addressed*.

Chair Myers asked if anyone had any more changes in section I-B. He suggested that the Committee move to section I-E, *Legal effect: reviewability*. He said that he understood Charlie Hales' proposal as a way to ratify the concept that this is not really a regulatory document but more of an advisory document without legally enforceable effect in relation to any other planning activity of the government.

Wes Myllenbeck said that it should be mentioned somewhere that the vision would undergo periodic review.

Chair Myers said that the Committee skipped over periodic review in order to discuss the legal effects but the Committee will go back and discuss periodic review.

Ron Cease asked if the concept of a vision is for more than just land use, and if subpoints two and three, *Must comply with applicable statewide goals and guidelines and Not reviewable by LUBA or judicially, and not subject to LCDC acknowledgement or review*, apply.

Frank Josselson said that he agreed that the second subpoint is not applicable and agreed to delete it. He said that the third subpoint should be left in so that people do not sue over the issues in the vision.

Chair Myers asked the Committee to go back to *Development and adoption* and *Periodic Review*. He said that he sensed an emerging consensus, moving away from an appointed responsibility and setting up a lot of detail and footing in terms of the state government. He said that the Committee seemed to be moving toward a sense that it ought to be left to Metro in a broad charge to create a body that would develop the vision statement.

Mary Tobias asked Chair Myers if he would have felt comfortable if the Portland Future Focus was done by an appointed committee of nine members rather than the 60 some members that participated in the process.

Chair Myers said that he would not have felt comfortable if the nine members were the only mechanism by which the adoption would occur. He said that he did not think he would have any great deal of trouble if there was a policy group smaller than the 50 that were charged to act on the plan, but put in place an advisory structure around it that assisted it.

Mary Tobias asked if, during the process of Portland Future Focus, Chair Myers felt that the group had adequate feelers out into lots of communities with different concerns, compared to a small group that thinks they know the answers going into the process. She said that Portland Future Focus seemed like a good process to get to the grass roots and gave citizens the opportunity to input into the ultimate vision.

Chair Myers said that he thought it was a good process. He said that the success in actually galvanizing people to participate and comment at the neighborhood level was mixed.

Bob Shoemaker asked how the Portland Future Focus group was chosen.

Chair Myers said that the policy committee was chosen by the Mayor and City Council from a process of data and names and looking for a cross section of occupations and location.

Bob Shoemaker asked if there was criteria that was spelled out.

Chair Myers said that he did not know.

Ron Cease suggested changing the points under I-C, *Development and adoption*. He suggested I-C,1 read *Developed and adopted by a broad gauge commission appointed by Metro*. I-C,2 would read *Members represent private, public and academic sectors*. I-C,3 would read *There shall be representation of members outside the region*.

John Meek said that the Council should determine what the numbers will be to make sure there is representation. They will be challenged to make sure there is enough representation outside as well as inside the region to give it credibility. It is not the Committee's job to determine what the numbers will be.

Ron Cease said that the statement saying that one or more members may reside outside the region gives the Council direction to determine their own numbers. He said that he would suggest that I-C,4 deal with state representation on the Commission. I-C,5 would state that members will serve without compensation. He said that he would not use the outline subsection I-C,5, *Staffed by State Agency Council on Growth Issues in the Portland Metropolitan Area*. He asked the members who proposed the outline to give an explanation for adoption within 13 months. He said that having a set time for adoption is a good idea.

Frank Josselson said that the original intent was to get the vision done in advance of the regional plan.

Ron Cease said that the *Development and adoption* would include a broad gauge commission appointed by Metro. The commission will represent private, public and academic sectors, one or more members will reside outside the region, the state shall have representation, the members will serve without compensation, and the vision will be adopted within 13 months of charter adoption. The development is left pretty open with certain things that they have to do.

John Meek said that he is not convinced that the vision must be done before the functional regional plan. He said that the regional plan must be finished first in order for the commission to know where the region is before it starts to work on the vision and where the region is going. After the vision is done, then the functional plan could be looked at to make sure that the region is going in the proper direction.

Jon Egge said that the 13 months is an outgrowth of criticism that developed in the Committee. The original proposal suggested that the vision would be done after the regional plan because it needed to start with what is on the ground and that they could be done simultaneously. The criticism was that the vision would not have any impact forever if it is not developed before the regional plan.

Ray Phelps said that the criticism against the time frame in which the development occurred was a reaction of the totality in which the whole thing was shaped. He said that there is probably more movement now that there is less of the totality than when it was proposed. He asked why there needs to be a time limit on a vision. It may take awhile for a vision to be developed. He said that he would rather leave the vision out there a little further rather than put a time frame on it.

Jon Egge said that he does not have a problem with leaving it out there a little further. He said that his experience tells him that a time limit is needed so that it does not go on forever. He said that he accepts most of Ron Cease's proposal but that he disagrees with the appointment of the commission members by Metro. He said that the influence of the document is compromised if Metro is allowed to do the appointing. If the Committee expects the vision's influence to extend beyond whatever point in time the region's boundaries are, and the regional governing body does the appointing, then the influence has been limited. The authority has not changed because there was never any authority over the regions surrounding Metro anyway. He said that he senses that the Committee believes that they should have as much influence as possible. He said that the Committee is limiting themselves and the vision by allowing the commission members to be appointed by Metro. He said that he would like the commission to be appointed by the Governor. He said that he sees no reason why appointment by the Governor does not give it a certain quality and prestige.

Ron Cease said that he is concerned with Metro appointing the body. He said that the difficulty with the Governor is that Metro is trying to get the Governor away from appointing things that are regional activities. He said that the state does have a right to be involved and should be involved. He said that it bothers him that the State Agency Council consists of state agency heads which are not necessarily interested in the region, but rather their focus and interest is in their agency and the programs they perform. The Governor might be interested in it or might not. Appointments should be made at the regional level, realizing that there needs to be a way to bring in good individuals to serve.

Ned Look said that he thinks a commission is not needed at all. He said that he thinks I-C,1 should read *Developed and adopted by the Metro Council with broad-based public input throughout the region and adjacent counties. Such a vision be should adopted by Metro within 18 months of charter adoption.* He said that the Committee is trying to build up Metro with stature, authority and leadership and the suggestion not to allow the Council to appoint their own commission is demeaning.

Larry Derr said that a compromise might be to invite the governors of Oregon and Washington to appoint a certain number of members to be on the commission. He said that gives it the stature of a Metro appointed commission but makes it important enough so that the governors will want representation on the commission.

Charlie Hales said that he agrees with Ned Look that the commission appointments should be left to the Metro Council. He said that he did not agree that a body appointed by the Governor would have more prestige.

Mary Tobias said that she believes everyone around the table has one common goal--to construct a regional government that is valued and effective and that performs whatever roles are lined out for them at the end of the charter process. She said that she believes everyone at the table would like to see a well designed, well crafted government that can function the best that a regional government can function. If that is the case, there should be no problem with investing in that government with the ability to structure the process that designs its future vision.

Chair Myers said that if there is sentiment for moving away from gubernatorial involvement, then the charter should provide that the commission will be selected as provided by Metro ordinance, but with certain qualifications of membership that should be built in--assurance of representation for example. He said that would leave it up to Metro to resolve how the commission will be put together and selected.

Charlie Hales said that as he understands it, according to the chart that Frank Josselson, Larry Derr, and Jon Egge distributed a couple weeks ago, Metro would do little else besides plan. The actual operation of services for the future regional government may be operated by commissions below the level of the Metro Council. He said that the charter should not bind the Council from delegating its planning authority. He said that it would be inconsistent with the original model if the charter commands them to have an advisory commission, if they are primarily a planning body.

John Meek said that there are two aspects to planning. The first is for Metro to do a functional plan that is a working document that they are to be steward over. The other aspect is the future vision. He said that he does not believe that there will be people who will be stewards or working in that intimacy of the regional aspects of local planning. He said that a future vision commission is appropriate.

Charlie Hales said that the Committee does not know the makeup of the Metro Council--whether it will be full time or part time.

John Meek said that it does not matter. He said that the Council should only be involved in the acknowledgement of the vision. He said that the Council should not mix trying to do the future vision and the functional plan.

Chair Myers asked John Meek if he was opposed to letting Metro determine how the commission will be chosen. He asked if John Meek wanted a mandate for a the commission to be a separate body.

John Meek said that Metro could not do the process for a functional plan at the same time it is doing a future vision.

Ned Look asked if Metro was mandated in developing the urban growth plan out of the urban growth conference or if they decided to have an urban growth plan and held a conference to get input. They were told to do a job, not how to do it.

John Meek said that it is only one aspect. They are trying to look at part of a comprehensive or functional plan. They are not looking at the vision at the same time.

Bob Shoemaker said that the vision is too important to take the risk that Metro might decide to have the planning department develop the visionary plan with Metro Council approval. He said that he does not want to take that chance.

Chair Myers asked which approach takes that risk.

Bob Shoemaker said that the approach of not calling for a broad-based commission takes that risk. He said that he would prefer the Governor to appoint the commission but the consensus is not on the Committee for that. At the very least, he suggests calling for a broad-based commission.

Jon Egge said that he liked Chair Myers suggestion to let the Council decide how the commission will be appointed.

Chair Myers said that his suggestion was that the charter mandate that there will be a separate commission created, but would leave to Metro the procedure by which it is chosen as provided by ordinance.

Bob Shoemaker said that as long as the commission was separate from Metro it was okay.

Chair Myers said that other specifics to membership could be built in. He said that he is trying to cut to the question of how it is chosen.

Mimi Urbigkeit said that she favors commission selection by the Governor because that process recognizes that the Metro area is not an island. The Metro area impacts other areas and does receive state funds. The entire state has an interest in what occurs in the Metro area.

Frank Josselson said that some cities may be outside the region of the current Metro Service District, but they are not outside the region of the future vision and they are probably not outside the region for the regional plan, but they are not within a region that the charter will have authority in. Gubernatorial appointment is important because it gives the region that is not in the UGB a say in the planning process. When writing the charter, it is the view that at some point in the not-too-distant future, but not at the time of election, the region will consist of the much larger area. Until that happens, the regional governing body will have no influence, either legal or moral. The vision should have some persuasive force in the meantime, which is why he would like to see the stature of the commission elevated. If the appointments are not gubernatorially appointed, then there is no point to having a commission because Metro could decide to have their own commission if they want to. If Metro is going to do it, let them figure out how. There needs to be a transition between now, next November, and the time in the future when the charter will consist of more than it is now.

Jon Egge said that in Clackamas County there is concern about the moves that the Committee is making among the cities outside of the UGB. They are almost as concerned as the cities within the region. He said that tells him that those cities know that this is going to be a big deal and they would be worried if Metro was the only body that appointed the commission members.

Ned Look said that he has addressed the issue with his suggestion to call for a vision that is adopted by Metro Council after broad-based public input throughout the region and adjacent counties.

Mary Tobias said that either Ned Look's approach or Ron Cease's approach makes a great deal of sense. The Committee needs to be really cognizant of the fact that there are 33 counties in the state

that believe that the Metro area already has too much power and calls all the shots for a lot of things that go on, including land use planning. If you start talking carelessly about regional planning incorporating three more counties, a mess will be created. The counties are not excited about being drawn into Metro. It is not in the best interest of the government that is being designed to go further afield with the idea of including five or six counties than it would be to do what can realistically be done. There is lots of room for cooperation and intergovernmental agreements but she said that it seems unlikely that Metro will govern five or six counties in 100 years. She said that she thinks Charlie Hales' suggestion to delete the entire *Development and adoption* section is the cleanest approach. She said that the future vision has been taken out of the planning section of the charter and given a broader umbrella to encompass more things. If that is done, she said that she has confidence in the way the regional government will be structured.

Ron Cease suggested that the wording should be to appoint a broad gauged commission after ample opportunity has been given to the public and local governments to give input to the discussion regarding the appointment of members. If it is going to have any meaning, there needs to be substantial public awareness and input. It has to be seen as a regional vision, although there could be people outside the region on it. He said that he would like to provide broad guidelines to Metro regarding the selection, but leaving specifics mainly up to them.

Jon Egge said that Chair Myers' language would be something that the Committee members might agree on.

Chair Myers said that his proposal was that the charter would mandate the creation of a separate commission for purposes of the vision to be selected as provided by Metro. There would be a proviso that the method of selection shall assure broadly represented membership in terms of the region defined. He said that the Committee could add any other guidelines it felt was necessary to add.

Jon Egge said that the rest of what Ron Cease stated would be preserved out of I-C, *Development and adoption*.

Ron Cease said that it should say that it is a broad-based representation and let the regional government determine what is broad-based and how many members the commission would be.

Motion:

Frank Josselson moved, Ron Cease seconded, that the concept of having a provision in the charter mandating the creation of a separate commission, for purposes of the vision, with the method of selection as provided by Metro and an additional proviso that states the method of selection shall assure broadly represented membership in terms of the region defined, would be adopted as a Committee concept.

Chair Myers asked for further discussion and asked for any objection.

Ron Cease said that some Committee members feel that Metro could do this without being directed to doing it. On the other hand, if the charter clearly lays out that it can be done, there is a better chance of it being done.

Ned Look said that they could be directed to do it without forming a formal commission.

Mary Tobias asked that Metro be changed to the regional governing body.

Charlie Hales asked if, in the proposal, the commission would develop and recommend or develop and adopt.

Bob Shoemaker said that his concept was that the commission would adopt. If it has to be adopted by the governing body, then it becomes a political document and becomes more regulatory. If the commission adopts, the governing body might appoint a highly qualified and respected commission and would lead such people to accept appointment because they are going to be the ones to do it--not just produce something for the Council.

Wes Myllenbeck said that he has a problem with that. The Metro Council is elected and, whether or not someone else develops the vision, the Council will be perceived as the adopting body and they should be allowed to adopt it.

Mary Tobias said that, in order to receive ownership of the document, the governing body must adopt it.

Ron Cease said that there is concern that there will not be credibility. There is a desire and need to have people with high esteem on the commission. In order to be a democratic process, the document must have the imprint of the body that is elected by the people. He said that the election process needs to be in the process somehow or else it would not be proper.

Ray Phelps said there is an ownership and there is more of a premium put on the selection process if there is the ability to adopt rather than recommend. If it is a recommendation, there is implicit in that the ability of the elected body to change and modify it before adoption. At the same time, if it is not adopted, there will be more of an emphasis placed on making better selections of commission members because they will be an independent operator. He said that it would also insulate the commission from interference. He said that it splits the concerns he had about having someone appoint the commission who is not an elected official of the region and it gives it enough insulation, autonomy, and respect because the commission is of it, not part of it. He said that it does not create a binding process because it is not part of the body of data information that is required to be part of the plan.

Ned Look said that it is demeaning because it implies there is no stature in the Council. He said that the Council is trying to be built up through the granting of more authority and giving them more visibility but by not giving them a voice in the vision process is saying that they do not have the ability to do it.

Frank Josselson moved that the commission have the authority to adopt the future vision.

Chair Myers said he would like to split out that question because that was implicit in the overall motion. He asked if there was any objection to modifying the draft to provide for the creation of a separate commission, for purposes of the vision, with the method of selection as provided by the regional governing body and an additional proviso that states the method of selection shall assure broadly represented membership.

Ned Look said that there probably was consensus but, personally, not agreement.

Chair Myers asked if a roll call needed to be taken.

Ned Look said that it was not necessary.

Chair Myers asked for discussion on the question of authority.

Mary Tobias said that, under the commission developing and adopting the vision, it should be ratified in some way. She said that ratification is different than adoption. If the regional governing body does not adopt it, then they do not have reason to do more than let it sit on a shelf and collect dust. If the

regional governing body adopts it, then they are obliged to use it as a continuing guideline. She said that she thinks it has to be adopted by the regional government. She said that setting up the commission as a blue ribbon, elite, specially selected group should be avoided because there is a dearth of upcoming leadership and involvement by younger people and those people are needed. The way to bring those people into the region is to make sure that they are involved in something like the vision. If the commission is selected out of the current leadership of the community, that will not be accomplished. There should be a sense of intent to reach out and draw people into the process who otherwise will not be involved.

Ron Cease said that Mary Tobias had a good point. If the commission adopts the document and the commission gets dissolved, then there is a document and the issue of the document's purpose is not resolved. Does the document have political bearing or does it end up on the shelf. He said that the Committee seems to be terribly suspicious of elected officials and politics. He said that there still is the system by which people are elected. If it is to have any meaning or legitimacy, then there still is the question of how it is used once it goes through the process. If it has any legitimacy, then the elected body has to approve it so that there is some indication in the process of what it will be used for.

Jon Egge asked if Ron Cease was talking about letting the Council amend the vision after it is finished, adopting it, or having some right of requesting reconsideration. He said that there is a difference between the three concepts. He said that he has difficulty with the Council amending the vision, but that he does not have a problem with the Council adopting it or sending it back for reconsideration.

Ron Cease said that it does not have to be resolved at this point. If the Council has to adopt it, then the process is left open.

Frank Josselson suggested giving the Council the opportunity to disapprove it with a majority vote. If they disapprove it, then it gets sent back to the commission.

Ron Cease said that it could have some merit.

Frank Josselson said that it would be giving them a referendum model which would give the Council the opportunity to put their stamp on it and would require a majority to do that.

Ron Cease said that, when that is done, the question of what the document will be used for needs to be answered. He said that, earlier, the Committee said that the vision would not be totally tied to the plan but it has to have some relation to the plan or else it is meaningless. He said that it at least has to be a guide to the plan.

Motion: Frank Josselson proposed that the vision be adopted by a commission which is appointed by Metro and is broad based throughout the planning territory. Once adopted by the commission, it shall be the vision statement, unless rejected by the regional governing body in which case it would be sent back to the commission.

Amendment to the Motion: Bob Shoemaker suggested that it read "...it shall be the vision statement unless rejected by the regional governing body."

Bob Shoemaker said that if the vision is sent back, then they are fiddling with it.

Ron Cease asked what happens if the vision is rejected.

Bob Shoemaker said it puts pressure on the Council not to reject the vision. He gave the example of the Health Services Commission which was given broad authority to prioritize health care services which the legislature was not allowed to overcome or revise. They were given absolute power with the legislature only being allowed to draw the line. It resulted in a fine commission being appointed which was comprised of competent, specialized people who took their job seriously and did an excellent job. He said that would not have happened had they not known that their product was not the product.

Mary Tobias said that Bob Shoemaker's example is very different from a vision. A vision is a tool only, a conceptual statement, it is not binding, it is not specific and very different than the commission that had a specific task to do something about the breakdown in the process.

Bob Shoemaker said that a vision is only going to be influential to the extent that it achieves broad community acceptance. If they do not achieve that level of acceptance--if the community does not see it as a good product--then it deserves to get tested. It will be an exercise of very little consequence.

Ron Cease gave the scenario of 35 people on the commission. He asked, in a region of one million people, how representative can 35 people be. The Council, on the other hand, is elected by everyone in the region. If the commission gets through 95% of the process but has a problem with 5% of it, then the Council gets the option of rejecting it or accepting it. He said that the democratic process is lost track of someplace.

Bob Shoemaker said that it is okay to lose track of the democratic process to some degree. He said that the vision should not be set up to come out as a consensus document that has been negotiated in the political process.

Ron Cease asked what value it would have if it is not a consensus document.

Charlie Hales said that it is a think tank.

Frank Josselson said that there is nothing to keep the Council from participating in the proceedings of the commission under Bob Shoemaker's scenario.

Ron Cease said that if Frank Josselson's suggestion is that the regional governing body can reject the vision and leave it at that, then it leaves open the question whether they can send it back or negotiate. He said that he is not sure if it should be in stone that it is the end of the process.

Frank Josselson said that he liked the idea of putting it in stone because the Council has every opportunity to work with the commission during the development of the vision. He said that he agrees with Bob Shoemaker that there is too much potential for improper political influences to exert themselves on what is a pure planning tool.

Ron Cease said that he would prefer the Council to stay out of it. He said that it would be better to get a sense from the public of what they really want.

Ned Look said that the Council is part of the public.

Ray Phelps said that the notion of rejection turns on how frequently there will be a periodic review. He said that if he was a councilor being presented with a 100-year vision, it would have to be pretty awful for him to consider rejecting it. If it is awful, however, he said that he would like to reject it. He said that if it is just not very encouraging, then it could be reviewed in six or eight years, but in the meantime the waters can be tested as to whether or not the vision components have merit. The rejection notion rises to how terrible it is and turns on whether or not there is a periodic review of

frequent duration.

Charlie Hales said that, with Frank Josselson's modification, this could be an eloquent solution. He said that an expert such as Nohad Toulon may never run for Metro Council but might be persuaded to be on the commission. He said that the vision is not a regulatory document so the democratic process may not be wanted or needed to work in the vision process. He said that the democratic process will be needed in the drafting of the plan. He said that the group of people will be carefully picked as to who the regional governing body thinks are visionaries. If they are completely out to lunch, then their vision will be rejected. Otherwise, it will be used as a basis for drafting--in the full light of the democratic process--a regional plan. He said that the regional plan is reviewable.

Mary Tobias said that if what Charlie Hales said is what he really believes, then the future vision should not be in the charter at all. If there is going to be a vision, it needs to be as many peoples' vision as you can get. Otherwise, it makes no sense in the type of government the Committee is conceiving of.

Charlie Hales said that it is not a governing document.

Mary Tobias said that the document is going to shape how everything else is done. If the shaping document does not reflect more than the thinking of a hired set of guns or a hand picked few, it does not reflect the common and minority citizens.

Charlie Hales said that any governing body has the ability to go out and hire a consultant. A consultant's report does not get questioned as much as it should by a politically elected body. In this case, it is a citizen commission that has unusual powers to be independent and the product of their work is fed into the planning process.

Mary Tobias said that the citizens are free consultants. She said that it subverts everything that the Committee is trying to do. She said that she cannot believe that the Committee is talking about creating a regional government when no one seems to have any faith in it and it is not given any tools. If the Committee insists that the vision be done, it will cost a lot of money and human capital. At the end, if there is not something that the governing body is willing to take on as their own, it is an exercise of futility and will not have carried the public trust forward. She said that she cannot justify spending hundreds of thousands of dollars creating a document that will not be useful and some kind of actual, working tool. She said that she can support Chair Myers' suggestion, or that the commission would develop and adopt or ratify it, but it also must be taken to the regional government for them to buy into.

John Meek said that he thinks, whether the regional government ratifies it or adopts it, the document will be used. The commission will have the power to adopt it, which means that there is a document. Whether or not the regional government agrees with it or not is another issue. He said that the periodic review for the vision needs to be addressed. For each periodic review, the regional government will need to reappoint the commission to work on the document that has already been ratified by the commission. Sooner or later, it will come together. If the vision is able to be sent back because the Council does not like a part of it, the element of timing in a future vision will be destroyed. People do not add credibility to a vision if they agree with it. Time is the only factor which has any bearing on whether or not the vision has any credibility. He gave the example that the Hillsboro Chamber of Commerce did a future vision for Hillsboro, which was not ratified, but it was for community information. Ten years later, they looked at the document and discovered that what the vision said would happen was happening.

Mary Tobias said that she agreed with John Meek and that is why a vision does not belong in the

charter.

John Meek said that it belongs in the charter because that is the message that should be sent out.

Mary Tobias said that it does not belong in the charter because it is free standing on its own.

John Meek said that is why there is a commission to stand behind the document. Metro may reject it and then have to reappoint the commission in five years to look at the document again and re-ratify it.

Mary Tobias said that, in reference to the Hillsboro example, John Meek is saying that the document did nothing for the direction in which things happened. Things happened regardless of the vision.

John Meek said that it was the future vision and now they can look at it and say that it is the direction the future is going and start to prepare for it. He said that is the aspect that is of value.

Charlie Hales said that Hillsboro's plan does not reference that document but the regional government's plan will reference the vision.

John Meek said that it was going to because the document was brought into play in Hillsboro's update of the comprehensive plan.

Frank Josselson proposed an amendment II-B, *Relationship of regional plan to statewide goals and guidelines, and to future vision*. He suggested eliminating II-B,2 completely and rewording II-B,1 to read Regional plan shall be consistent with statewide goals and with future vision. The regional governing body's determination that the regional plan is consistent with the future vision shall be irrebuttable and presumed to be correct. He said that means that the regional government cannot be sued on the basis that the regional plan does not conform to the vision. John Meek said that it was too legalistic.

Frank Josselson said that it means that the governing body shall conform the regional plan to the future vision--that they shall be consistent.

Ray Phelps said that he thought the Committee had already discussed that issue.

Chair Myers said that where the Committee had gone before was to strike out all reference to anything like that. The document was just going to be described as advisory. He said the language needs to be reworked to clarify that this document is not to be a basis of a challenge to the regional plan.

Frank Josselson said that he does not want the vision to become pure window dressing. He said that there is potential for that.

Bob Shoemaker said that if the vision is a well regarded piece of work and the regional plan is put out there for approval and if it is off from the vision, then it will not be approved and will be pointed out by its detractors.

Frank Josselson gave the example of Portland's comprehensive plan being painted on the wall of the room where the planning commission met. The planning commission would regularly adopt zoning ordinance and planning implementation provisions which violated the comprehensive plan. In 1973, the Supreme Court said that the comprehensive plan was the governing instrument for land use planning in the state. Portland had to conform its ordinances to the comprehensive plan. Before that, the comprehensive plan was regarded as a vest pocket piece of window dressing by the Supreme Court.

Bob Shoemaker said that if the Committee wants the future vision to have that kind of force, then it would have to be approved and fiddled with by the Council and then it becomes the overarching plan. He said that he thought they had agreed that they did not want that.

Frank Josselson said that, in some respects, you want it to the overarching plan in terms of where the UGB stops and whether or not what is between this UGB and the next UGB ought to remain in a natural resource use. Everyone thought that the comprehensive plan would be persuasive because it was right, but that was not true. The same may happen with the vision.

Ray Phelps said that the Committee is talking about the vision, not a comprehensive plan. He said that he would like to stay with the proposition the way it stands now in respect to the vision, the commission and a horizon of some sort. Comprehensive versus functional is a whole other discussion.

Jon Egge said that he agrees that the Committee is back on ratification.

John Meek said that one key element is the periodic review. If Metro rejects the vision, then it needs to know its role to reconvene the group. He asked if the number of years for periodic review will be spelled out in the charter or left up to the Metro Council.

Chair Myers said that he would like to reach closure around this issue. He suggested that some specific detail around the periodic review be folded into the proposal in order to look at the total concept around the idea of an approach, which says that the Council has the authority to reject, and what happens then. The issue of periodic review and adopting revisions also needs to be discussed if there is approval of the document.

Ron Cease said that if Chair Myers was attempting to get through the proposals in order to put the draft out for public review, he suggested that all the options be listed for public review.

Ray Phelps suggested that if the Council rejects it, they reconvene the commission in three to five years. If the Council accepts it, they reconvene the commission in seven to ten years. It might discourage frivolous rejection of the vision if they are called to reconvene the commission sooner than if the Council had accepted it.

Chair Myers asked if Frank Josselson's proposal was on the floor.

Frank Josselson said that it was his motion to adopt Chair Myers' formulation.

Chair Myers said that his formulation did not accurately address the question of authority. He said the issue of a commission has been cleared and now the committee is dealing with the question of authority of the commission. He said that Frank Josselson's motion was to give the Council authority to reject the commission's document.

Charlie Hales asked if Frank Josselson was saying that the Council would have veto power over the commission.

Frank Josselson said yes, as Bob Shoemaker suggested.

Amendment to the motion:

Chair Myers proposed a friendly amendment which would add that if the document was rejected, the Council is to revive the vision preparation process by commission in a period of no more than five years. If it is not rejected, then there is a periodic review period

and preparation of any amendments, subject to Council rejection, within a period of ten years.

Frank Josselson said that he would accept the first part of the amendment. He said that he would prefer the second part, regarding if the vision is not rejected, to say review and amended within ten years with the exact time period determined by the regional governing body.

Ron Cease said that this is not a simple document--it has a lot of pieces. He gave the scenario of there being one problem in the document and the Council feels that it has no choice but to accept it or reject it. If it is rejected, then there is nothing for the next five years. He said that did not make sense.

John Meek said that there is still a document because the commission has adopted it.

Bob Shoemaker said that the regional framework plan will go forward because it is not to be bound by it. There is simply an aborted effort with the vision and they will return to the table in five years.

Ron Cease asked why it would be cut off at the pass when it is close to being done. He said that it did not make any sense to eliminate any possibility to negotiate and work the vision out.

Jon Egge said that if there is one element of the plan that the Council objects to, it is probably for political reasons, which is the very thing that the vision is trying to be insulated from.

Ron Cease said that it has to be political before it gets through or else it will not work.

Jon Egge disagreed.

Frank Josselson said that the Committee has determined that the vision will not have any regulatory effect. It will not be effective other than being persuasive. He said that he thinks that the objectives it will be called to have are not political objectives.

Wes Myllenbeck said that has not been formally decided on.

Ron Cease said that he does not agree with Frank Josselson because that takes half of the reason for having a vision and throws it away.

Frank Josselson said that he would have in his charter a statement which says that the regional plan has to be consistent with the vision but that it could not be subject to judicial review. He said that would put them under no legal obligation to do it, but it would put them under great moral obligation.

Ron Cease said that he agrees with that but then it must have review and approval by the Council so that it becomes a part of the full operation and is understood by the public and everyone else that it is part of the way they proceed. The connection between the commission process and the political process needs to be closed at some point because it is the only way the process will get legitimacy and will be acceptable to the public. There then needs to be some relationship to the plan.

Frank Josselson said that he understands what Ron Cease is saying and that is why Bob Shoemaker suggested the opportunity to reject. The opportunity to reject gives the Council the ability to put a stamp on the vision.

Ron Cease said that the opportunity to reject is removing the ability to negotiate.

Frank Josselson said that was the point.

Mary Tobias said that the politics cannot be taken out of the process. She said that two people talking about the document of governance can be political. Regardless of what the Committee devises, the vision can be influenced by anyone.

Frank Josselson said that there are all kinds of politics and the kind that he would like to keep out is partisan and geographic politics.

Mary Tobias said that it is impossible to take politics out of the process. It is in testimony, written documentation, and through conversations from neighbors and co-workers.

Bob Shoemaker said that if the process is not somewhat removed, then the decisions regarding appropriate economic growth, appropriate educational opportunities, and areas best suited to accommodate future growth will then be negotiated and traded on a short-range basis. He said that he would like to have a commission that has the integrity to not do that. He said that as soon as it is moved into the elected body, it will be subjected to that.

Chair Myers said that if a separate commission is created and it can proceed with some measure of integrity, then a major step has been taken to de-politicize the vision. He said that the vision for the future will be a political document, it is not a legal document. If the vision can be produced by a commission with a great deal of integrity, then the vision will have a great deal of momentum and it would be difficult for the elected officials to monkey around with it very much.

Frank Josselson asked why anyone would serve on a commission that the Council has the ability to come back and change what has been done.

John Meek said that he does not believe that the Committee is taking away the authority of Metro to eventually adopt the vision. He said that the Committee is just setting out a time frame. If the Council does not like the first draft, then it waits about five years to revisit it. They may make some changes or leave it the same. He said that if the Committee feels that the vision is not worth the money it will cost, then it should not be in the charter.

Wes Myllenbeck said that the elected officials have to have the final say. He said that the Council should have the option to adopt, amend, or reject.

John Meek said that he thinks the Council has that option but it ends there for a five-year period.

Ned Look said that if the Council is going to have the authority to adopt, reject, or amend, then they should have the ability to develop the plan also. He said that the power comes back to them in the end so it should stay with them in the beginning.

Mary Tobias said that it is reasonable and prudent to say that the regional governing body, after the commission has developed and adopted the vision, should act to adopt or reject or amend the vision. She said that regardless of how good the commission is, something always changes in the time the vision is developed or circumstances change. There must be flexibility. She said that it also makes sense that if the regional governing body rejects the vision, then the commission should be asked to reconvene for one round of changes within five years. She said that a new vision should not be made every five years because it is too expensive. She said that if the vision is adopted, there needs to be a window in which they will go back and revisit it. Changes may or may not be necessary.

Charlie Hales said that, during the discussion, the Committee seems to have reverted at times back to the pattern of thinking that goes with a planning commission in the city council, or board of commissioners dealing with a leg group creating a regulatory document. He said that the commission

the Committee is creating is different. The document that will be produced will be different than what is developed through the standard methodology. He said that the experimental methodology of creating and elevating that document is worth a try.

Chair Myers proposed that the views of the Committee be determined in a formal basis. If there is not a working majority around the alternatives, then they will all be included in the draft. He said that the selection and representation of the commission has already been dealt with.

Motion: Bob Shoemaker made the motion to provide, in the draft document, that the commission's action is the conclusion of the process.

Vote on the motion: Jon Egge, Frank Josselson, John Meek, Bob Shoemaker, and Mimi Urbigkeit voted aye. Ron Cease, Charlie Hales, Ned Look, Wes Myllenbeck, Ray Phelps, Mary Tobias, and Chair Myers voted nay. The vote was 5/7 and the motion failed.

Motion: Chair Myers made the motion to provide, in the draft document, that the commission will have the authority to adopt the vision subject to the authority of the regional governing body's Council to reject it. If it is rejected, the Council is to revive the process through the commission in a time to be specified by the Council. If they do not reject it, then there is to be a period of regular review and development of possible amendments subject to possible rejection of the Council within a time period to be determined by the Council but not to exceed ten years.

Vote on the motion: Jon Egge, Charlie Hales, Frank Josselson, John Meek, Ray Phelps, Bob Shoemaker, and Mimi Urbigkeit voted aye. Ron Cease, Ned Look, Wes Myllenbeck, Mary Tobias, and Chair Myers voted nay. The vote was 7/5 and the motion failed.

Motion: Chair Myers made the motion to provide, in the draft document, that the commission will have the authority to adopt the vision subject to the authority of the regional governing body's Council to accept, reject, or amend the vision.

Vote on the motion: Ron Cease, Ned Look, Wes Myllenbeck, Mary Tobias, and Chair Myers voted aye. Jon Egge, Charlie Hales, Frank Josselson, John Meek, Ray Phelps, Bob Shoemaker, and Mimi Urbigkeit voted nay. The vote was 5/7 and the motion failed.

Chair Myers said that none of the motions passed, all three options will be taken to the public.

3. Additional Business

He asked the Committee to come to the next meeting prepared to stay until the Committee finishes discussing the discussion draft. He said that the draft is a working document to help the Committee organize their thinking. He asked that the Committee members go through that before the next meeting. If there are any proposals for change, he asked that the members have those worked out in full before the meeting. He said that he would like to avoid concept motions and generalized objections.

Ray Phelps asked if the proposals needed to be in writing.

Chair Myers said that they should be if it would facilitate review.

Ray Phelps said that if the proposals are in writing, they may be less confusing than if they were given verbally and it would facilitate the discussion.

Janet Whitfield distributed information from the RGC concerning a breakfast meeting on October 29, 1991.

Chair Myers adjourned the meeting at 9:40 p.m.

Respectfully distributed,



Kimi Iboshi
Committee Clerk

Reviewed by,



Janet Whitfield
Committee Administrator

Materials following this page represent
Attachments to the Public Record



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October 31, 1991

Memo to: Participants at October 29 breakfast meeting (Steve Stolze, Gussie McRobert, Judy Hammerstad, Frank Josselson, John Egge, Larry Derr, Mary Tobias, Ned Look)

From: Mike McKeever, RGC staff

Subject: my notes from meeting

A couple people at the breakfast meeting this Tuesday asked me to summarize my own observations about the discussion. What follows are my thoughts on the areas of common ground which I believe were identified. This is not intended as a comprehensive set of meeting notes.

1. All present want to help craft a charter which works and will pass.
2. All present want to craft a charter which provides for a true partnership for local governments with the regional government. The authors of the draft proposal share that goal, and always did.
3. As new ideas are "floated" during the charter development process there is a fine line to be walked between 1) being specific enough that everyone has a common understanding of the idea and can respond constructively to it, and 2) retaining the flexibility to raise general ideas which may not yet be fleshed out, and need discussion before they can be made more specific. The best way to find this balance is to open up and actively use as many communication channels as possible.
4. Negative newspaper headlines about the charter process are not in anyone's best interest. The goal is to put out a draft proposal which will receive generally favorable comments from all, even though suggestions for amendments and fine-tuning are almost certain.
5. This entire process is a public process. This is true for the Charter Committee as well as the Regional Governance Committee. All parties will continue to analyze and critique ideas. The press will continue to cover meetings. Discussion should focus on the merits of ideas, not the personalities or motives of those presenting them.
6. The local government Charter Committee representatives are independent voters on the Committee. They are not, and should not be expected to be, "rubber stamps" for the opinions of local governments. Again, the key is simply finding the means for adequate communication so that legitimate ideas receive due attention during the Charter development process.

7. Part of the misunderstanding has been the lack of a clear definition of when and how the local governments will receive an opportunity to directly interact with the Charter Committee on the draft proposal. Anything which can be done to clarify the process would help the situation in the future.

8. It would be a good idea for the Charter Committee to hold a series of workshops with key interested parties and the public when the draft proposal is released. RGC certainly should not have exclusive access to the Charter Committee, but it would be very useful for the two groups to have an opportunity to work together on the issues in the draft proposal.

9. The RGC Executive Committee and the local government representatives on the Charter Committee need a forum for regular communication. Monthly breakfast meetings might be one way to accomplish this. A follow-up breakfast has been scheduled for Wednesday, November 20 at 7:00 a.m. at the downtown Red Lion. Matt Hennessey, Multnomah County representative on the Charter Committee, should be invited to this breakfast, even though Multnomah County has declined to date to participate in the RGC.

10. Future discussions should be able to focus on the substantive issues facing the Charter Committee. Issues related to communication patterns and the opinions of the authors of the draft proposal with respect to local governments' abilities to conduct planning activities have been put to rest. All agree local governments are well equipped to conduct local planning and that no local government is equipped on its own to conduct regional planning.

In closing, I want to reiterate that these notes are my personal observations and opinions. Others at breakfast may have a different perspective. I offer them here simply so that we will not lose some of the ideas discussed and in hopes that it will provide a foundation for the discussion at the next meeting.