

**METRO
CHARTER
COMMITTEE**

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AGENDA

DATE: November 14, 1991
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: Associated General Contractors, 9450 SW Commerce
Circle, Suite 200, Wilsonville *

6:00 Call meeting to order.

Correct and adopt minutes from October 31 meeting
(previously distributed).

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

7:30 Consideration of potential Charter provisions relating
to other powers/functions of Metro.

9:00 Adjourn meeting.

* See map on back.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

November 14, 1991

Associated General Contractors, Suite 200

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

Committee Members Absent: Matt Hennessee, Mary Tobias

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

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the October 31, 1991 minutes.

Motion: John Meek moved, Ned Look seconded, to approve the minutes as distributed.

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

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

Chair Myers said that he has spoken with individual members of the Committee and realizes that aspects of the pending draft are of concern to individual members and do not reflect what they would like to see in the document when it is translated into charter language and adopted. He said that what the Committee has put together, to the basic satisfaction of the majority of the Committee, is a starting conception of what the charter provisions, pertaining to functions, would look like in moderately detailed form. The discussion draft will also provide an organized hearing process for discussion and reaction of the provisions in the context of which further changes can and will be made. Further changes by individual Committee members can be proposed and discussed before the draft goes to public comment. The Committee will finish the rest of the outline tonight and then move on to the other functions. The overall outline of functions will be completed within the next couple of meetings for public reaction. He said that he anticipates that there will be much reaction and many proposals for change.

Chair Myers asked the Committee to start with IV *procedure by which planning responsibility for subject areas not initially assigned by Charter to regional plan and having metropolitan significance may be brought into regional plan.* He said that the outline should set forth the specifics of the mechanism. If the Committee is not prepared to set out the specifics, he proposed that the issue be left as a subject to be sorted out later.

Wes Myllenbeck said that the issue is important and will take a lot of thought. He suggested that the Chair form a subcommittee to look at the options and bring them back to the Committee.

Jon Egge said that this area might be one where constructive input is sought from the public before the Committee discusses it. He said that under item VI, *adoption, review and amendment process*, there are many proposals of which none seem feasible. He said that is another area where it is possible to get feedback that will work and will be acceptable around the table.

Frank Josselson said that V, *provision that responsibilities not included in regional plan under III and IV are reserved to local plans*, and VI, *adoption, review and amendment process*, are areas where the Committee will benefit from public input. He said that they are important areas which consume much time and it would be helpful to get input from local governments as to the appropriate processes.

Chair Myers asked the Committee to keep IV and VI separate. He said that he has no problem taking IV to a subcommittee or leaving them more open ended for public comment.

Wes Myllenbeck said that he suggested a subcommittee because, although it is for planning responsibility, the procedural steps will probably be used as the basis for implementation in other areas.

Jon Egge said that he agrees with the idea that the procedural steps will probably be used as the basis for implementation in other areas and, for that reason, would like to see as much as possible developed with input from the outside rather than the Committee making the decisions early on. He said that it would be better to see what the whole outline will look like before making the procedural decisions because the procedure may not be logical in relation to the other areas.

Wes Myllenbeck said that the point he was trying to make is that there are a number of different ways to go and the subcommittee could identify them and lay them on the table for the entire Committee to pick and choose.

Ron Cease said that he would favor a subcommittee over a public hearing. He did not see the rationale behind separating IV from the rest of the document to receive public input.

Chair Myers said that IV would not be separated out for input. He said that it would remain in the document in open ended form for input.

Ron Cease said if it is taken to the public in an open ended form, it needs to be clear that it is added responsibilities for looking at something for planning purposes, only not in terms of the organizational suit of the function.

Chair Myers said that he will appoint a subcommittee, in accordance with the bylaws, to develop the principle options for IV which will be ready for the final run through of the outline. If there is a desire to have one or more option put into the outline for public comment, they can be added at that point.

Ron Cease said that the bylaws are clear but he is concerned that the subcommittee that Chair Myers appoints, which presumably will be balanced, will become distorted because other Committee members might come who have a right to participate. He said that there must be a way to get around that or else the purpose behind sending it to a subcommittee is not achieved and it makes it more difficult.

Chair Myers said that if the subcommittee's responsibility is to identify and articulate the major alternatives and not come up with just one alternative, the chances of the group becoming distorted will not be as strong.

Jon Egge said that he would like to see the subcommittee come up with as many options as would seem viable.

Chair Myers said that it will be the Committee's decision to determine if a multiple of the alternatives are put in the outline or if a preferred approach will be chosen for public comment.

Jon Egge asked if it would be appropriate for the subcommittee to seek outside input from the public.

Chair Myers said that if there is outside input, the subcommittee process will get very complicated. He said that he sees the subcommittee as a small working group charged to talk out and identify the principle alternatives, subject to revision by the full committee, for public input in the discussion draft.

Chair Myers said that the Committee faces the same issue of alternatives in relation to VI. In VI, *adoption, review, and amendment process*, there is a proposed time period and a variety of procedures for adoption which the Committee has discussed. He said that the question before the Committee is to what extent should the options be revised or consolidated, and which ones should be included for public comment.

Frank Josselson suggested that the same subcommittee which is working on IV, elaborate on the alternatives under VI.

Chair Myers said that it could be in the directive of the subcommittee to add any alternatives if it wishes.

Frank Josselson said that the subcommittee should add, eliminate or recommend to the Committee.

Jon Egge agreed that the subcommittee should be able to eliminate some options from VI because some of the options listed will not work.

Ron Cease said that the full Committee would need to discuss it and there is not the feeling on the Committee that all the options would be sent out.

Chair Myers agreed that the list of options is too big to send out. He said that there was consensus earlier that, as a Committee, the options would be brought down to one or two options for public input. If there were two options, he said that there was sense that they would be local government input short of a vote and local government input with a vote.

Motion: John Meek moved, Larry Derr seconded, to use, for discussion purposes, VI-A,1-b,2 *Charter mandates local government involvement, short of giving them a vote on the plan* and VI-A,1-b,3 *Local government units have some numerical authority in voting on the plan.*

Jon Egge asked if numbers would be specified.

John Meek said that numbers would not be specified. He said that, from past meetings, those are the two options that the Committee seemed to have consensus on.

Chair Myers said that VI-A,1-b,2 would need to be reworded to make it clear that it is Metro adoption of the regional plan with a charter mandate for local government involvement in the plan development short of a vote on the plan.

John Meek said that it should encompass the first part of VI-A,1-b,1 *Metro adopts a regional plan to read Metro adopts a regional plan with a charter mandate for local government involvement short of giving them a vote on the plan.* He said that he would be agreeable to that change in his motion.

Bob Shoemaker said that it needs to be clear to the people who are reviewing the discussion draft that there would always be an opportunity for referral to the voters or referendum by the petition from the voters.

Frank Josselson asked if that was by law.

Bob Shoemaker said that he thought it was. He said that it is important that the people reviewing the outline know that because it is not always apparent.

Ron Cease said that local governments have referendum by ordinance and asked if the plan is adopted by ordinance. He asked if there was a case where the plan was taken to the voters.

Ray Phelps said that there was in Malheur County. He asked if the land use plans had to be adopted by ordinance and subject to referendum.

Larry Shaw said that they did.

Chair Myers asked if Bob Shoemaker's suggestion was to make the option of referral to the voters and referendum by petition part of the first option of *Metro adoption of a regional plan with a charter mandate for local government involvement short of giving them a vote on the plan.*

Bob Shoemaker said that it was.

Ray Phelps said that it is true of all the options, regardless. If the plans are done by ordinance, then they are referable in any form.

Bob Shoemaker said that his point was that people do not realize that and people need to know that.

Chair Myers said that it would have to be clear that the referendum process applies to both options.

Frank Josselson said that case law suggests that a plan does not have to be adopted by ordinance but that it can be adopted by resolution. He said that the Committee could determine in the charter if the plan is adopted by ordinance or resolution pending the ability to have the referendum process.

Bob Shoemaker said that if there is any question, the Committee should determine if the plan is adopted by ordinance or resolution.

Charlie Hales said that he did not object to the motion but he asked that part of VI-A,5-6, *Metro adopts a plan subject to LCDC review taking local comprehensive plans into account*, be the controlling statement and VI-A,b-2 and VI-A,b-3 are the options for how the process is done. He said that it would state the situation more clearly.

Chair Myers asked if John Meek had an objection to making *Metro adopts a plan subject to LCDC review taking local comprehensive plans into account* the basic controlling statement and having VI-A,1-b,2 *Metro adopts a regional plan with a charter mandating local government involvement, short of giving them a vote on the plan* and VI-A,1-b,3 *Local government units have some numerical authority in voting on the plan* be subpoints under the controlling statement.

John Meek said that was fine.

Larry Derr said that Charlie Hales' suggestion injects the substantive issue of LCDC review which not

everyone may agree on.

Charlie Hales said that the issue needs to be separated and addressed. He said that the controlling statement would state that the regional government would adopt a regional plan taking local plans into account. Regardless of which option is chosen, the issue of whether the regional plan is reviewed by LCDC or if the local plans are still reviewed by LCDC or by Metro need to be addressed.

Ron Cease suggested that only the two original options, without the issue of LCDC review, be distributed for public input because LCDC review would only confuse them. He said that the question to be raised for public comment is if there should be local government involvement to the point of having a vote in the adoption of the plan.

John Meek said that he would rather have VI-A,1-b,6, *Metro adopts a plan subject to LCDC review taking local comprehensive plans into account* as a separate point, making it VI-A,1-c, instead of tying it together with the options for plan adoption.

Chair Myers said that the basic motion is that there will be two alternatives in terms of adoption. The first is *Metro adoption of a regional plan with a charter mandating local government involvement, short of giving them a vote on the plan* and the second option is *Metro adoption of a regional plan with local government units having some numerical authority in voting on the plan*.

Vote on the motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Isaac Regenstreif, Bob Shoemaker, Mimi Urbigkeit and Chair Myers voted aye. Ray Phelps voted nay. The vote was 13 to 1 and the motion passed.

Chair Myers said that the next proposal is to add a VI-A,1-c with two parts. The first part will center around *LCDC review or no LCDC review of the regional plan*. The second part will center around *LCDC review or regional government review of the local plans*. The proposal is on whether or not to add the additional options to the discussion draft for public comment not a vote on any of the options. He said that it would probably take a statutory change.

John Meek said that the charter could require the regional government to review the local plans. Under statute, the local plans would still have to be approved by LCDC.

Wes Myllenbeck said that the point is to get away from duplication. He said that he liked the idea of the regional government reviewing the local plans and LCDC reviewing the regional plan.

Chair Myers said that the way he understood the proposal is that the options would be exclusive--only one or the other would occur.

Ron Cease said that under current law, LCDC reviews local plans. He said that the Committee is talking about a regional plan that is a consolidation of the local plans. He asked what the criteria of standards would be for LCDC review of the regional plan.

Charlie Hales said that the criteria would be the statewide goals. He said that one version of the proposal is to have a regional comprehensive plan which is reviewable by LCDC, consisting of the local plans which would be acknowledged by Metro.

Ron Cease said that he thought the Committee was talking about a regional framework plan, not a regional comprehensive plan. He said that comprehensive is not a series of local plans pasted together,

it is a plan with everything integrated which is more than just a bunch of local plans. He asked if the Committee is really talking about a comprehensive plan at this point.

Frank Josselson said that the word comprehensive should be left to the side because it is so charged. He said that the function of the plan is to consolidate a bundle of 28 plans. Together, the bundle will satisfy all the legal requirements of Chapter 197 and the LCDC goals.

Ron Cease said that, in order to do that, it will have to be an integrated comprehensive plan.

Frank Josselson said that, regardless of what it is called, it will have to satisfy the statutes governing statewide planning and the LCDC goals. The name that is applied to the plan is not that important for the purposes of discussion.

Ron Cease said that the name of the plan is important. He said that the language might not be as important for the Committee discussions but it will be when it is taken to the public for comment. He said that the language used will raise a lot of questions and comments and one question will be whether or not it is a regional comprehensive plan. If LCDC must review the regional plan, then it is a regional comprehensive plan.

Frank Josselson suggested going back to II-A, *contents for the provisions for adoption of a regional plan*. The Committee discussed whether or not there should be a sixth point stating *local plans* under VI-A. He said that there should be because, from a legal point of view, the term comprehensive plan is helpful. The statewide planning process has defined what a comprehensive plan is and what it contains. If it is called a regional comprehensive plan, then lawyers will know what it means. If it is not called a comprehensive plan, then the Portland metropolitan area will be the only urban area in the state that does not have one and it will take 20 more years for case law to define what it is.

Ron Cease said that the area does not have a comprehensive plan now.

Frank Josselson said that the legal fiction is that there are 27 comprehensive plans. The truth is that there are not. He said that one of his roles on the Committee is to destroy the fiction.

John Meek said that one of the comments the Committee will probably hear is that the local governments are not going to give up their right to go to LCDC if there is not a regional board which is making land use decisions. The issue of review by LCDC will come up if the legislative statutes do not cover it.

Charlie Hales said that it is not important at this time to determine what terminology will be used but it should be clear what the Committee is discussing. For example, either Beaverton will be treated like Pendleton or the region will be treated like Pendleton. Regardless of what it is called, LCDC will review it for the goals. The difference will be the delegation of the acknowledgement and periodic review to Metro by LCDC for the 27 local plans. The local governments will not agree to dual review of the goals by LCDC and the region but they might agree to regional review rather than LCDC review. There is a gain in efficiency by having the local plan reviewed by the regional government and there is a stronger regional presence in the planning process which might make more specific requests of the local governments than LCDC did.

Ron Cease said that language is important. Even though no votes have been taken, any time the Committee says something enough times, it will be taken as gospel. He said that the idea of having a regional comprehensive plan or local comprehensive plans is a concept that will be controversial and the Committee will need to discuss what it wants the regional plan to be.

Janet Whitfield asked if review includes acknowledgement, periodic review, in addition to review.

There was Committee consensus that all three are included.

Frank Josselson said that there are several concepts which should not be mixed up. The first is the concept of having a bundle of 28 plans that function as a comprehensive plan. He said that the region acts like one city not as 27 separate entities. The second issue is the elimination of unnecessary duplication of LCDC acknowledgement of the local parts of the plan.

Bob Shoemaker asked what LCDC would look for if it acknowledged just the regional plan.

Frank Josselson said that it would look for the statewide goals.

Bob Shoemaker asked if it would be a double review for the local pieces of the regional plan.

Charlie Hales said that it could. He said that the Committee has agreed in concept that LCDC would not be reviewing the regional plan for local compliance with additional provisions set out by the regional government that were in addition to the statewide goals.

Bob Shoemaker gave the scenario of a city that does not meet the requirements of a statewide goal, but the regional government passed it by for some reason and acknowledges compliance. He said that the local government would not be home free because LCDC has to review the regional plan and could choose not to acknowledge that part of the regional plan. It would then have a double review.

Charlie Hales said that it would have a double review if Metro fails to correctly apply the goals.

Bob Shoemaker said that LCDC would be like an appellate body and there would be double review.

Larry Derr said that there is a construct that would eliminate double review. The regional plan is the only one that has to comply with the goals and the local plans have to comply with the regional plan. To the extent that people are nervous about having a strong regional plan, that would make them more nervous but it would eliminate the problem of double review.

Bob Shoemaker said that the regional government could have a regional housing density plan that would not require all jurisdictions in the region to have the same housing densities. He said that would be appropriate and the same would be true for urban goals, transportation goals, and other goals that apply to urban areas.

Chair Myers summarized the discussion to say that the options would be LCDC review of local plans for compliance with statewide goals, Metro review of local plans for compliance with statewide goals, and Metro review of local plans for compliance with the regional plan.

Janet Whitfield asked for clarity that it would be compliance with the regional goals and not the regional plan.

Larry Derr said that in all three options, the regional plan would have to comply with the state wide goals. Whether or not LCDC gets to second guess that is a procedural issue.

John Meek said that, basically, Metro is being asked to increase the population of review.

Ron Cease said that this proposal is changing things in a drastic way and he will be surprised if the local governments go along with the change. He said that he is interested to see what the feedback

will be.

Larry Derr said that it is a change in the way things are being done but it is not a change in the law.

Janet Whitfield said that is only review, not acknowledgement.

Charlie Hales said that there are two fictions in the law now. One is regional review and the second is that LCDC can really review and enforce a regional vision on 27 local plans through the acknowledgement process. The periodic review process is an exercise and has not resulted in substantive change in any metro area and it will not because it is too fragmented. He said that the proposal tries to demolish the two fictions and tries to substitute something that will work.

Chair Myers asked if there was any objection to adding the options of *LCDC review or no LCDC review for the regional plan* and *LCDC review or Metro review of the local plans* to the discussion draft as VI-A,1-c.

There was Committee consensus to add it to the discussion draft. Ray Phelps objected.

Bob Shoemaker said that one of the options allows Metro to have the authority to allow local departure from the statewide goals in order to meet a Metro objective or goal. Some local jurisdictions might be concerned that they will not be treated fairly in the process. He suggested adding an equal protection clause in the charter because the local jurisdictions might get comfort out of knowing that any local jurisdiction could complain that they are not given equal protection of the laws by Metro and then it could be tested to see if there was a reasonable basis for what Metro did or if what they did was political. In considering the options in the discussion draft, the local jurisdictions ought to be aware of the implications of the options.

Wes Myllenbeck said that the Committee is dealing with concepts now and the specific questions can be answered later. He said that Bob Shoemaker's idea is one that the Committee must deal with later when it deals with the specifics of the options. The basic idea, at this point, is the concept.

Charlie Hales said that Bob Shoemaker's concept ought to be noted, at least as a footnote, because it would make the discussion draft more salable. He said that, in order to make the proposal salable, it would have to be carefully shaped in order to prevent the feared scenario where the region would tell one local jurisdiction that it would get all of one thing, such as trailer home parks, because the other jurisdictions do not want it.

Chair Myers said that he would rather not get into footnotes on the discussion draft. He said that either Bob Shoemaker's concept should either be included as a descriptive element or not included.

Motion: Bob Shoemaker moved, Charlie Hales seconded, to include in the discussion draft, under VI-A,1-c, *options of review*, an equal protection clause for the local governments.

John Meek said that he would like to review the actual charter language, in reference to the motion, before it is put in the charter to make sure the description is accurate.

Chair Myers said that the language will be developed and subject to the Committee's final review of this segment of the overall functions outline when the entire package is ready to be sent on to public review.

Vote on the motion: There was consensus that the equal protection clause be added.

Frank Josselson said that it might be appropriate to include in the charter a bill of rights for local governments to dispel city and county paranoia. He said that he would like Bob Shoemaker's concept to be brought before the Committee at a future date before the end of the discussion functions in the context of a broader bill of rights for local governments.

Bob Shoemaker said that he would confer.

Chair Myers said that the Committee will come back to Frank Josselson's point. He asked the Committee to move onto VI-A,2 *periodic review: every 2 years*.

Charlie Hales suggested that the specific time be left out or the periodic review should be per LCDC requirements. He said that if the plan is going to be reviewed by LCDC, it should be on their schedule, not Metro's. Metro could chose to review the plan more often.

Larry Derr said that a related issue is how the plan could be amended. He said that in an earlier outline, the plan could only be amended at the time of periodic review which was the reason for the frequent review. If it could be amended independent from the periodic review, then the periodic review does not have to be that frequent.

Chair Myers said that there needs to be a reference made to amendments in the discussion draft.

Motion: Frank Josselson moved, Larry Derr seconded, to change VI-A,2 to read *periodic review on a schedule to be established by LCDC* and create VI-A,3 which states *subject to amendment on a schedule determined by Metro*.

John Meek said that the consistency element has already been determined in previous discussions when language was added that says that LCDC has planning authority over subject areas dealing with locations of significant, high density, mixed use urban development, and commercial/industrial development. If a plan has already been acknowledged and a development causes the local government to change its local plan, Metro will have to change its plan to meet the local plan. There will need to be a great deal of flexibility to meet those situations.

Chair Myers asked if that was different from saying that it is subject to amendment on a schedule.

John Meek said that the motion says that Metro can determine when the functional plan will be changed. He said that there might be a conflict in the charter if there must be a flexible functional plan to meet the needs of the local governments and then Metro says, for example, that the there will only be a six month period to change.

Larry Derr said that most local plans can only be changed once a year, currently.

Frank Josselson said that III-E,2-e, *Planning and provisions for siting of commercial/industrial development having metropolitan significance*, may pick up the point that John Meek was trying to make. He said that he agrees that there has to be enough flexibility that the regional government can make the appropriate decisions as to the timing for various applications. He said that the amendments that he proposed provide a lot of flexibility in that regard.

Wes Myllenbeck said that he thinks it is a procedure and it could be something that the subcommittee could be dealing with since it ties into adding responsibilities that are not covered.

Chair Myers said that he senses that the Committee is almost at a consensus, but if the subcommittee would like to suggest changes, it can.

Vote on the motion:

There was consensus to change VI-A,2 to read *periodic review on a schedule to be established by LCDC* and create VI-A,3 which states *subject to amendment on a schedule determined by Metro*.

Chair Myers asked the Committee to move onto VI-B, *local plans*.

He said that the reference to *the future vision* in VI-B,1, *must be consistent with future vision and regional plan*, should be struck because the reference pertaining to the future vision was struck in the regional plan section of the discussion draft.

The Committee reached consensus to reword VI-B,1 to read *must be consistent with the regional plan*.

John Meek said that VI-B,1 says that the local plan *must be consistent with the regional plan* but he does not understand how the local governments can bring a plan into something that does not exist. He said that he did not think the regional government can tell the local governments that they must comply with its plan.

Larry Derr said that the regional government can.

Charlie Hales said that the Committee must remember what the concept is. He said that it is important to include the concept that *local plans must be consistent with the regional government* in the charter because if the legislature is going to be asked to ask LCDC to delegate acknowledgement to Metro, then there must be a guarantee that the regional plan exists and the local plans must conform to it.

Ron Cease said that the regional plan and local plans must be consistent if the authority is given to Metro.

Wes Myllenbeck said that the charter will have changes and there must be times in transition to accomplish the changes. He said that there would be a section in the charter dealing with the transition which is where the issue should be dealt with.

Charlie Hales said that the structure of the charter is not as important, now, as the concept of local plan compliance with the regional plan.

Chair Myers said that unless there was a specific motion to delete the point, VI-B,1 will stay in the outline. He asked the Committee to move onto VI-B,2 *Must be brought into compliance with regional plan and future vision at time for periodic review, i.e., on a regular basis and every 10 years maximum*. He suggested that the Committee strike the reference to the *future vision*.

John Meek suggested deleting *i.e., on a regular basis and every 10 years maximum* from the sentence.

Frank Josselson said that, in order to make it clear that there will not be LCDC periodic review, the sentence could be reworded to read ... *at a time they would become subject to LCDC periodic review*.

Larry Derr said that the problem under VI-B, *local plans*, is that there are three options as to the relationship between the local plans and the goals and things will change depending on the option chosen. He said that, it follows the third option, the local plans must be in compliance with the regional plan which must be in compliance with the goals. He said that if the local plans had to be in compliance with the goals, it would have to be done differently.

John Meek suggested striking VI-B,3 *review and acknowledgement by Metro; LCDC out of*

acknowledgement process because it is dealt with in section VI-C.

Larry Derr said that it would be best to eliminate VI-B,3 and VI-B,4, *issue of compliance with statewide goals and guidelines appealable to Court of Appeals*, there is confusion because they both fall under VI-C.

John Meek said that he would suggest just deleting VI-B,3 because VI-B,4 has not been addressed anywhere and should be to assure the local governments that the issue is appealable.

Larry Derr said that VI-B,4 should say that *the issue of consistency is appealable to the Court of Appeals*. It would be talking about the process and not the substance.

Bob Shoemaker asked what the difference was between VI-B,1 and VI-B,2.

Larry Derr said that VI-B,2 was a matter of timing.

Chair Myers said that he thinks the Committee has agreed that VI-B,3 has been dealt with in an optional way. He said that Larry Derr's point was that VI-B,2 may reflect a need to do further refinement around the options.

Larry Derr said that VI-B,2 is just a timing issue and can stand on its own. Something needs to be said that lets the local governments know that the bringing of local plans into conformity with whatever they need to conform to is a second step following adoption of the regional plan. It is not an overnight process.

Bob Shoemaker asked, during the time before the local plans are brought into compliance, if there is an issue around a particular development that is consistent with a local plan and not a regional plan, the regional plan would govern.

Larry Derr said yes.

Chair Myers summarized the changes in section VI-B, *local plans*. He said that all references to *future vision* would be deleted as well as VI-B,3. VI-B,4 would be changed to read *issue of consistency appealable to the Court of Appeals*. He asked if there were any objections.

Charlie Hales asked why VI-B,4 is needed at all.

Larry Derr said that it is a safety valve for the local governments. They have a place to go if they do not like what they are being told by the regional government.

Charlie Hales said that it would be dependent on how the three options are resolved, if the plan is reviewed by LCDC and the equal protection clause that Bob Shoemaker suggested.

Larry Derr said that he suggested that the reference to goals be taken out and replaced with consistency. The standard for the local plan, at least, is for it to be consistent with the regional plan. This would provide an arbitrator if the regional government tells the local government that its plan is not consistent with the regional plan.

Bob Shoemaker said that it is different than the equal protection clause.

There was Committee consensus to add the changes.

Chair Myers asked about individual amendments to local plans.

Frank Josselson said that local plans could be amended on whatever schedule the local governments determine. The local governments would have authority over their own amendment process.

Charlie Hales said that it sounds complex, but, currently, all local plan amendments go to LCDC for, theoretically, compliance with the goals. He said that it would not be any different on paper and might work better in practice if Metro review for local plan amendment compliance with the regional plan. It would make it a local process which now exists, on paper, for a state level review of comprehensive plans.

John Meek suggested that VI-B,4 not give a specific reference to the Court of Appeals but state that the *issue of consistency is appealable to the applicable laws*. The procedure will still be there but it might need to be cleared up legislatively.

Chair Myers said that the Committee will eventually have to decide if there is a statement, in the charter at all, that says it is *appealable by law*. He asked if there was any objection to adding the phrase now for purposes of clarity of the overall outline.

Larry Derr said that he assumes the reason the statement reads *issue of consistency is appealable to the Court of Appeals* is to shorten and simplify the appeal process by cutting out what might be intermediate steps.

Bob Shoemaker said that there will be disputed land use decisions and one of the issues will be consistency with the regional plan and another issue may have nothing to do with the regional plan. If the process is bifurcated, and different issues are to be taken through different processes, then the process is made more complicated, not less complicated.

Chair Myers asked if there was any objection to changing VI-B,4 to read *issue of consistency is appealable as provided by law*.

There was Committee consensus to make the change.

Chair Myers suggested that a subsection also be added in relation to the *amendments of individual local plans* which would specify that *amendments could occur in a time period determined by the local government and review of the amendments for consistency will be by Metro*.

Charlie Hales said that the Committee could determine consistency with that based on the choice of the three options.

There was Committee consensus to make the additions to VI-B.

Jon Egge said that he thought that III-E,1-a, *if more than one local jurisdiction is affected*, was struck at the last meeting.

There was Committee consensus that III-E,1-a was struck.

Larry Derr asked if, under III-E, the points were to be connected with *and/or* or *and* or *or*.

There was consensus to have the points be connected with *or*.

Chair Myers said that there will be opportunity for change with the final revision of the discussion

draft. He asked the Committee to move on to VII, *Mandate Metro development of recommended model standards and procedures for local land use decision making.*

Motion: John Meek moved, Ron Cease seconded, to delete section VII.

Frank Josselson said that VII was added in an effort to achieve local uniformity. Procedures for permits differ radically from one jurisdiction to another which makes land use law complicated and expensive. The proposal is for Metro to promote uniformity with the recognition that all plans should not look alike. On the other hand, there are certain aspects of land use decision making and terminology that can be standardized without sacrificing community identity.

John Meek said that Metro will basically be dictating to the local governments as to how the planning should be run.

Larry Derr said that VII does not say that the local governments have to adopt it. It says that Metro must make it available as a model. Local governments do not have to use it.

Charlie Hales said what it is saying is that it would be nice if all the language was the same. It does not dictate how to zone.

Bob Shoemaker said that it would be desirable to have models of standards, but it may look too much like a big brother.

Vote on the motion:

Ron Cease, Ned Look, John Meek, Isaac Regenstreif, and Bob Shoemaker voted aye. Judy Carnahan, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Wes Myllenbeck, Ray Phelps, Mimi Urbigkeit, and Chair Myers voted nay. The vote was 5 to 9 and the motion failed.

Frank Josselson distributed an explanation of a proposed amendment to VII which would add a sentence stating: *Require that discretionary local land use decisions governing the approval and denial of new land uses be based on standards and criteria which are so clear and objective that they lead to predictable decisions.*

Chair Myers suggested dealing with the amendment at the last run through of the discussion draft before it goes out for public review to enable the Committee to reflect on it.

Frank Josselson said that would be fine.

Jon Egge said that he would like to hear from the Oregon Bar on the amendment.

Chair Myers reminded the Committee that they agreed earlier that they would go back to II, *provision for adoption of a regional plan*, and review it for possible changes.

Motion:

Frank Josselson moved, John Meek seconded, to amend II to read:

II. *Provisions for adoption of a regional comprehensive plan*

A. *Contents*

1. *Regional plan consisting of:*

- a. *Regional goals and objectives*
- b. *Functional plans*
- c. *Benchmarks for performance*
- d. *Urban growth boundary*

- e. *Urban Reserves*
 - 2. *27 local plans*
- B. *Regional plan must describe its relationship to the Future Vision plan and must conform to statewide planning goals*

Ron Cease said that there is going to be reference to the local plans in the regional plan. He said that he is concerned about saying it is a regional comprehensive plan and the local plans are at the heart of the regional plan.

Chair Myers suggested breaking the motion down into parts. The first part is adding the word *comprehensive* to the *provisions for adoption of a regional plan*.

John Meek said that the connotation of comprehensive plan will change over the years and it will not be clear in the charter. Over time, comprehensive will be redefined and the local governments are not going to have as significant a role as they would like. He said that it should be a regional functional plan because it is the 27 plans brought together to function as one unit. Functional plan is clearer than comprehensive plan. He said that there needs to be a framework on how the plan will work.

Frank Josselson said that the word framework was in the original proposal but was taken out over his objection.

Larry Derr said that it should be a regional comprehensive plan, but it is premature to put it in at this point. He said that the result of the three options set out, about the relationship between the local and regional plan, would be predetermined by calling it a regional comprehensive plan. If the conclusion is reached that the local plan only has to be consistent with the regional plan and the regional plan with the goals, then the regional plan has to be a comprehensive plan. If one of the other options are adopted, however, then that is a signal that the regional plan should be something less than comprehensive.

Bob Shoemaker said that, looking at the statutes, the regional plan that the Committee is contemplating will not fit in the definition of comprehensive plan which has to be a land use map and policy statement of the governing body of the local government. Local government is defined to include the Metropolitan Service District as defined in ORS 268. He said that the Committee is departing from ORS 268, in forming the new regional government, so an amendment of ORS 197 would be needed to broaden the definition of comprehensive plan.

Frank Josselson said that Metro has been contending for years that, since the goals only apply to cities and counties because they have planning responsibilities and can adopt comprehensive plans, Metro is exempt from the statewide goals. He said that the RUGGO's are not subject to acknowledgement because the statute does not require them to be. He said that the principle that he is trying to establish is the principle of a bundle of 28 plans which will have the function of a comprehensive plan for the region. He said that if it is not called a comprehensive plan, it will throw the land use law in the region out of kilter with the rest of the state.

Bob Shoemaker said that there will have to be statutory amendments to accommodate the charter and many, this one could be included, will deal with the planning functions provided for in the charter.

Chair Myers said that it was Larry Derr's point that the issue does not need to be forced at this time and the Committee could double back and describe the plan.

Frank Josselson said that he would withdraw the first part of the motion regarding the word *comprehensive*.

Chair Myers said that the second part of the motion would be to include, in the contents of the regional plan, the original points 1-5, which would be point II-A,1, and the 27 *local plans* which would be II-A,2.

Jon Egge said that there should not be a specific number included because the number of jurisdictions might change over time.

Frank Josselson agreed to change it to *city and county plans*.

Wes Myllenbeck said that it runs counter to the concept the Committee approved which said that the local plans must be consistent with the regional plan.

Frank Josselson said that it is a problem with the title *provision for adoption of a regional plan*.

Larry Derr said that if the term *framework* is inserted in II-A,1 with the *regional framework plan consisting of*, then in VI-B,1 where it says that the *local plans must be consistent with the regional plan*, it would be consistent with the regional framework plan. He said that it should eliminate the circularity.

Wes Myllenbeck said that he is still concerned about it.

Ron Cease agreed. He said that he would rather leave it alone because, when it comes back with public input, it will have to be revisited and determine what the public wants it to be--framework or comprehensive.

Amendment to the motion:

Larry Derr moved to amend the motion to read II. *provisions for adoption of a regional framework plan* and amend VI-B,1 to read *must be consistent with the regional framework plan*.

Ron Cease said that framework plan has always made more sense to him than a comprehensive plan. He asked why framework plan is now an issue.

Frank Josselson said that framework plan was originally in the proposal but the Committee decided to take it out.

Bob Shoemaker said that framework plan will be a part of the regional plan.

Charlie Hales said that the regional plan consists of both the regional framework plan and the local plans.

Vote on the motion:

Judy Carnahan, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Bob Shoemaker, Mimi Urbigkeit and Chair Myers voted aye. Ron Cease, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, and Isaac Regenstreif voted nay. The vote was 8 to 6 and the motion failed. Ned Look and John Meek reconsidered and changed their votes from nay to aye. The vote was 10 to 4 and the motion passed.

Chair Myers said that the final part of the motion is to add, to II-B, *...and conform to statewide goals*.

Ray Phelps objected to the adoption of the motion. There was Committee consensus to add *and*

conform to statewide goals to II-B.

Isaac Regenstreif said that he will be a no vote on the whole proposal. He said that, through the Governor's Conversation, there have been clear messages coming across from the voters--there is not a clear understanding of how government works, there is an incredible amount of lack in trust of the government, and there is an overwhelming cry for more efficiency in government. He said that, in the metropolitan area, there is a call for reduction in duplication, fewer layers of government, and more consolidation. He said that the regional planning scheme that the Committee is working on is a good faith effort but it will do nothing to make the process clearer and address the confidence in government question. He said that it will do nothing to address the issue of duplication and will be viewed as an expensive, additional layer of government planning. As a result, it will not be responsive to the voters. He said that everything that the Committee does, needs to focus on the areas of clarity, rebuilding confidence, and increasing efficiency. He said that the proposal misses the point and does not deal with what the voters want from a government and will not have a good chance of passing.

Ron Cease said that he agrees with Isaac Regenstreif in part. He said that the Committee has been assigned a task to do and there is a general sense on the Committee that Metro should be doing more planning. He said that he is concerned that members of the Committee are trying to move the planning process further than is possible in a pragmatic sense. He said that he does not have a problem with the concept but does not see how it will get from here to there and get voter approval.

Frank Josselson said that he is opposed to governmental duplication. He said that the proposal is not more duplicative and expensive than the current legal fiction that exists currently. He said that the purpose behind the proposal is to streamline the process to make it more certain and reduce complexity.

Chair Myers said that the Committee should not get too involved, at this point, as to the ultimate question of endorsing or not endorsing the entire proposal. He said that it is important to get done with the first, overall draft of the functional framework. He said that it is a tentative step and the Committee should go into the input process with an open mind toward changes.

Ron Cease asked what the mechanics are for getting the proposal out to the people for a broad response.

Chair Myers said that he has not thought through the details of the initial mailing list where the Committee would take the initiative and ask for comments. He said that it will also be publicly known that there is a draft available and that people can call and get a copy of it. He said that both approaches will need to be used and he will work with Janet Whitfield to compile a mailing list to which the Committee members can add to.

Ron Cease said that there will be a substantial response to the document. If the Committee is not careful, the response may be distorted and not the broad-gauged response that is needed.

Chair Myers said that he did not expect the mailing list to be just local governments. He said that the Committee members will have a chance to make additions to the mailing list before the discussion draft is sent out.

Ray Phelps said that he agrees with Isaac Regenstreif. He said that, in the polling he has done, more than half of the Oregonians do not want duplication. He said that the proposal calls out for extremely expensive duplication. He said that he is afraid that so much has been put into the document to create polarization for adverse sentiment by elected officials, that the people will not be heard from. He said that he does not support it but will vote to get it off the ground.

Chair Myers said that votes are not being solicited yet. He said that he would like to get through the working outline of the functions and then act on the document.

Charlie Hales said that he supports what the Committee has done so far in the process. He said that the question of whether or not it is salable is legitimate. He asked for help in drafting a poll question for the metropolitan area which would address the question of whether or not individuals would support a regional comprehensive plan which would take precedent over the local comprehensive plan. The question is not so much is the regional comprehensive plan more or less government.

Bob Shoemaker said that the whole exercise has been to try and improve the existing situation in regards to land use planning. If it is not better, or politically impossible, then the Committee needs to consider other ways to go about it.

Isaac Regenstreif said that he has some ideas of alternative ways but there has not been the forum to discuss them.

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

Isaac Regenstreif said that he would to have some discussion on the proper format to discuss the other functions. He said that was not done with the planning functions and there was not a conscious decision, until a couple of weeks into it, that the proposal was going to be the one that was going to be used as the base document. He said that there needs to be discussion over whether the Committee wants to start discussing the functions by starting with general principles or policies before getting into the specific functions. He said that he would like to talk about general policies and start with the existing statutory policy statement in the charter about duplication. He said that it would be the guiding principle when looking at the functions.

Jon Egge said that he would like to hear more about the policy.

Isaac Regenstreif said that he thinks that there should be an overall policy regarding duplication and overlapping in jurisdictions in front of the voters to begin with, and any decisions that are made regarding functions should go back to that. He said that he would like the discussion to begin with the policy statement in ORS 268.015 and determine if the Committee agrees or disagrees with it. Any decisions made about particular functions under that flows from whether or not the policy is still valid.

Chair Myers suggested zeroing in on the policy ORS 268.015 which says *The Legislative Assembly hereby finds that there exists a proliferation of regional governments in the Portland metropolitan area, leading to duplication of public services, overlapping jurisdictions and a confusion and unfamiliarity by citizens as to the governmental decisions affecting their lives and property; and hereby declares that the purpose of [a listing of the various statutes] is to provide for the consolidation of those regional governments and to establish an elected governing body and thereby to increase the accountability and responsiveness of regional government officials to the citizenry through the election process.*

Isaac Regenstreif said that the policy is where he would like to begin but that a discussion about where the Committee as a whole would like to begin needs to occur first. He said that the subject discussion should not be the specifics of this or that but how the issue should be approached.

Chair Myers summarized Isaac Regenstreif's suggestion to be that the Committee begin by arriving at a consensus around a fountainhead statement of principle in respect to the role of regional government and the objectives of the charter and then assess the functions against that.

Jon Egge asked if Isaac Regenstreif was asking for a mission statement for Metro.

Isaac Regenstreif said yes.

Charlie Hales asked if the mission statement can be talked about without talking about the structure of Metro. He said that discussion around Metro being a planning body in nature. Can the issue of structure be severed with the philosophical issue of the mission?

Isaac Regenstreif said that he thinks the structure, finance, planning and functions should all flow from the overall, fountainhead policy mission that is in the charter. He said that he is not sure that Metro will be a planning construct.

Charlie Hales asked if the question of a mission statement is determined by whether or not Metro is a planning organization or if it carries out policies in regards to consolidation.

Isaac Regenstreif said that he thinks it should start with the mission statement of what should be accomplished. Once there is a mission, the functions, structure, and everything else that is needed will flow from that. The point is that the charter, that is sent to the voters, would have an over-riding mission statement stating that consolidation would occur. The structure of how consolidation would occur can be debated by the Committee later.

Chair Myers suggested that the Committee begin the discussion centered around the overall mission statement.

Isaac Regenstreif said that, for discussion purposes, he suggested that part of ORS 268.015, *the Legislative Assembly hereby finds that there exists a proliferation of governments in the Portland metropolitan area, leading to duplication of public services, overlapping jurisdictions and a confusion and unfamiliarity by citizens as to the governmental decisions affecting their lives and property*, be used as the mission statement. He said that it would be better not to discuss consolidation because it may not be the best method to address the concerns. The region may not be ready for consolidation but it is ready to deal with duplication.

Ron Cease said that one issue the Committee is dealing with is what the strategy will be at the time of selling the document. The question of accountability for which responsibilities are done by the regional government or by the local governments needs to be addressed as well as the economies of scale. The voters need to know what the charter is for and how it is useful to improve government. There needs to be broad-gauged principles in the mission statement.

Isaac Regenstreif said that it does do what Ron Cease said it should do and it also provides a driving force for the Committee in regards to the issues of functions and structure. It would be a statement to the voters and to the Committee about the overriding guiding principle of that the Committee is looking at for each different piece of the charter.

Ron Cease said that the Committee has failed if all that has occurred is more confusion for the people. The charter will not pass. He asked if Isaac Regenstreif had any suggestions as to the principles that should be guiding.

Isaac Regenstreif said that he thinks the principles that need to be stated, regarding duplication, are in ORS 268.015. He said that when the Committee discusses matters of regional significance, it includes the criteria that the Committee discussed before.

Ray Phelps asked what the reason was for not continuing through the policy statement with respect to consolidation.

Isaac Regenstreif said that it presupposes that consolidation should occur at the regional level with the regional government getting all the authority. He said that he is not sure that is what should be done, that it will be interpreted correctly, or that the timing is right. He said that the Committee could set up a process to determine how it happens but not put it in the overall policy statement.

Frank Josselson said that the statute currently provides for a *proliferation of regional governments*. He asked how many regional governments there are.

Isaac Regenstreif said that the statute was written with CRAG and Metro in mind. He said that it is just as applicable to the special districts, cities and counties and that the word *regional* should be deleted.

Ray Phelps said that Tri-Met and the Port of Portland could also be considered to be regional governments. He said that word *regional* would invite a nuisance and the word should be dropped to eliminate the problem.

Ron Cease said that the Committee is not discussing anything that suggests eliminating government. He said that the elimination of a government is not really a possibility. On the money side, a funding source needs to be found for the regional government which would run counter to the notion that the government ought to be less. He said that when the process is through, it will cost more not less.

Isaac Regenstreif said that, if that is the case, the exercise is futile. Whatever funding source the Committee comes up with should allow the voters to decide on it, at a later time, when they feel that government is efficient or by providing different levels of efficiency, freed up some revenue to fund regional services that the voters think are important.

Jon Egge said that he liked the idea of a mission statement but not the one suggested by Isaac Regenstreif because, although consolidation is taken out, it implies that there should be regional consolidation. He said that he has not seen efficiencies out of consolidation, only added costs and a more cumbersome system.

Frank Josselson said that Governor Roberts asked all state agencies to cut back by 25%, but Metro's budget for fiscal year 91-92 increased by \$30 million which indicates that Metro currently has some substantial money sources. He said that it would cost less to run the kind of government he envisioned, as shown by the original diagram that he presented, from the beginning. He said that the problem with ORS 268 and the identification of Metro is because it was created with a shot gun--it is a general purpose government which is everything to everybody but nothing to everybody. He said that the mission should focus on the growth of the region and maintain its livability.

Jon Egge said that, in his conversations with local jurisdictions, people are more willing to vote for specific functions such as the zoo. He said that if the same mission idea is used, it has not gone far enough for the public to understand.

He said that the result would probably be a rewording of ORS 268 and it would not have enough substantive changes for the voters to agree to it. He said that a mission statement is the right way to start.

Ron Cease said that he agrees there should be a mission statement. He said that the Committee is not at a point to agree with what the mission statement should be. He said that the structure of the government will come back to what the mission of the government should be--should it be more credible, cheaper, or more effective. The Committee may agree on the basics, but it does not agree on the specifics.

Chair Myers said that the mission statement must be politically sensitive and realistic of what the charter is representing. It has to be a fairly good faith portrayal of what the charter represents as a political document measured against the quality of life in the region. He said that the Committee must do one of two things. If the Committee wants to develop a mission statement for further work in the functions area, then a mission statement needs to be developed that the Committee can work with and adopt. He suggested that, if the Committee chooses that option, that the subcommittee develop the mission statement. Either there will be a general sense of what the mission will be or there will be a crafted statement for the Committee to adopt. He said that the mission statement does belong somewhere in the charter.

Isaac Regenstreif said that his perception is not what Frank Josselson would perceive. He said that he would not move away from regional services. Before getting into a discussion that is specific function by function, the Committee ought to decide if the regional government will be a planning government or a multi-purpose, general purpose government. He said that he does not see how the Committee can have a debate over each function and whether or not Metro handles it, without solving the basic question first. He said that, based on Frank Josselson's view that Metro should only plan, there will be a debate on most of the functions.

Chair Myers said that the debate over whether or not each function should be a Metro planning responsibility or service responsibility is an important threshold issue. He said that he is not sure that the mission statement confronts the global issue of whether Metro should do any service delivery or not and if so, how it should be organized to do that. He said that his idea of a mission statement would not resolve the structural questions that the Committee is discussing now.

Jon Egge said that he thinks the Committee could agree if certain functions ought to be delivered regionally somehow and then decide the question regarding the mission later. He said that he does not want to do the mission now because, if the Committee tries to do it without a facilitator, it will not get done. He said that he is not sure the Committee is ready to take the time now to do that.

Charlie Hales asked at what point does the Committee integrate the ideas from the retreat in terms of developing the organizational principles. He asked if that fits into the mission statement or if it intervenes between the mission statement and consideration of the individual services. Where do the ideas from the retreat get merged into the process the Committee is now undergoing?

Ray Phelps said that if the Committee is going to plan for what the government is, it should know what it ought to be and what shape it ought to take. He said that he does not know what it is suppose to look like so he cannot gauge the conversation and cannot take a position. He said that the Committee needs to stake out what it is trying to get to. He said that he thinks the regional government will be a multi-purpose general government. He said that there needs to be a statement of mission so that he knows what it will look like.

Frank Josselson said that it is impossible to construct the shape and form of the regional government before some basic decisions are made about the functions. In government, structure follows functions and that law will continue.

Ron Cease said that, in the end, people will ultimately decide that they want government to spend the same amount of money or more money. He said that the functions and the structure must be gone through first before one can decide on the mission. He said that it will work to determine the smaller pieces first before deciding on the larger, more general statement. He said that there are too many different functions to do it the other way.

Bob Shoemaker said that the charge of the Committee in the Constitution is closer to Ron Cease's idea

than to Isaac Regenstreif's proposal. He said that the charge says "the metropolitan service district shall have jurisdiction over matters of metropolitan concern as set forth in the charter." It is the job of the Committee to determine what the matters of metropolitan concern are. He said that is closer to getting down to the details of what are matters of metropolitan concern before discussing how Metro will deal with them. He said that discussing the functions gets down to the matters of metropolitan concern.

Chair Myers said that there are two large concerns the Committee must deal with. The first is whether, and to what extent, Metro will be precluded in all events from service delivery. The second is, to the extent that Metro has service delivery responsibilities, how will those be structured in Metro--the idea of commissions and the role of the Council. He said that the structural issue, how it is organized, does not need to be dealt with now. The fundamental question will be if Metro should have the function at all.

Ron Cease said that a mission will be helpful but the Committee cannot get there yet. He said that when the tri-county commission went through the original process for the establishment of Metro, they had three basic principles that they stuck to through the process. He said that they discussed the issues and worked them out and did not have a formal policy statement until the statutes were put together. He said that everyone on the Committee would agree that, whatever the structure is, there ought to be accountability. The question is accountable to whom--the public, the business community, the constituents. He said that the Committee will have to wade through that first before they can agree on a mission statement. If the mission statement was discussed now, chances are that the Committee would argue and specifics would never be reached.

Isaac Regenstreif said that it is helpful for him to start with what the organization's major charge is and, from that, all the functions will flow. He said that he will go along if the majority of the Committee decides to go through the individual functions first. He said that the conversation has been helpful.


Chair Myers proposed that the Committee start with the specific functions. He said that the Committee should not, at this juncture, discuss how a given function that is determined to be at the regional level is organized for delivery. The Committee should deal with the question of shall the authority be in the regional government. He said that he would like to keep the issues separate. If there is one or more individual members who would like to propose a specific statement that would be a way to guide a mission, he would make the process open for consideration. He said that discussion of the specific functions will be the agenda for the next meeting.

4. Other Business

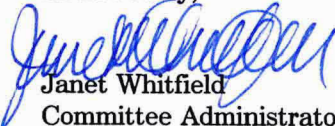
Chair Myers said that Dick Hartman, Executive Director of the National Association of Regional Council, is in Portland and will be available to meet with Committee members on Friday, November 15, 1991 if any members are interested. He asked members to contact Betsy Bergstein or Janet Whitfield if they are interested in meeting with Dick Hartman.

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

Respectfully submitted,


Kimi Iboshi
Committee Clerk

Reviewed by,


Janet Whitfield
Committee Administrator

Materials following this page represent
Attachments to the Public Record



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

November 19, 1991

Hardy Myers, Chair
Metro Charter Committee
2000 SW 1st Ave.
Portland, OR 97201

Dear Hardy:

Attached you will find a copy of a document on Metro functions which the Council approved for transmittal to the Charter Committee at its November 14 meeting. It is organized to show existing Metro functions as authorized in state statute in one column, with our suggestion for restating those functions in a charter.

This document on Metro Policy, Purpose and Powers/Functions updates the policy statement in the statute, casting it in a preamble which places in priority order the principal missions of regional government. It goes on to delineate the specific authorities regional government should have, again establishing them in some order of priority. You will note our consistent message that regional government's main purpose is to preserve regional livability by ensuring the effective management of urban growth; such management must protect the natural and human resources that make our region uniquely livable.

Finally, our proposal would provide for voter approval of the Council's authority to assume additional metropolitan functions through their adoption of a charter. It also continues limitations on the authority of regional government to assume local functions, prohibiting such action except through specific agreements with existing local governments.

We, and the rest of the Metro Council, remain available to discuss these or other matters of interest to you any time you wish to talk with us. Thank you for your interest.

Sincerely,

Tanya Collier
Presiding Officer

Rena Cusma
Executive Officer

cc: Metro Charter Committee
Metro Councilors



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: October 31, 1991

To: Governmental Affairs Committee

From: Donald E. Carlson, ^{DE}Council Administrator
Daniel B. Cooper, ~~General~~ Counsel

Re: Draft Paper on Metro's Current and Proposed Policy,
Purpose, and Powers/Functions

Please find attached a draft copy of the chart which lists the District's current and proposed policy, purpose, and powers/functions. This draft is a revision of the copy the Committee reviewed at its October 17, 1991 meeting. As we indicated at that time, the chart reads from the general to the specific. That is, it starts with the general policy framework, then moves to more specificity about the purpose of the District, and finally lists the specific powers/functions. The left-hand column labeled "Current" is a reiteration of Metro's statutory policy, purpose, and powers/functions. The right-hand column is our "Proposed" statement of these same items. We have relabeled the Policy section as "Preamble".

The major changes from the Current to the Proposed are as follows:

- The policy statement in the current statutory scheme stresses proliferation of regional governments as a problem and establishes the legislative policy of consolidation of regional governments as the first purpose of the District. This apparently responded to one of the principal objectives of that time, mainly the consolidation of the old MSD with CRAG. The statement also set forth the policy of accountability through a directly elected governing body. The proposed policy statement (labeled Preamble) establishes the basic policy framework for Metro in light of the need to protect overall livability, manage urban growth and protect the region's natural and human resources. It continues the policies of preventing proliferation of regional entities (multi-purpose service provider) and maintaining accountability through directly elected officials. This proposed policy statement seems to meet the reality of our times that livability and regional growth management are important values and that the provision of regional services or functions should be done with those objectives in mind.

- The proposed Purpose section is a restatement of the above Preamble but in greater detail. It keeps preservation of livability and urban growth management at the forefront of the District's reason for being and specifies the regional services that the District may provide to carry out the primary purpose. The list of services or functions is similar to the list in the current statute.
- The proposed Powers/Functions section is for all intents and purposes the same as the current statute except that they are reorganized to put the land use/urban growth management/functional plan activities first, and the District's current functions next in the order of assumption. The remaining functions or services are listed in no particular order. The Proposed section eliminates any reference to the vote of the people as a necessity before Metro provides the service because in practicality a vote for large scale funding measures has been required prior to the District assuming a function (Zoo and Convention Center). In addition it is assumed that a vote for the Charter would be a vote on these authorities.

It should be pointed out that two important features of the current statute have been continued in the proposed sections. They are as follows:

- The proposed Purpose section continues the basic framework that the District shall be authorized to provide the metropolitan aspects of services or functions and that it shall not provide the local aspects of regional functions or any other local governmental services except as authorized by law or as authorized by agreements with local governments. This has been a feature of the District's current statutory authority and it is continued in the proposed section of the draft.
- The ability to assume additional functions that are a matter of metropolitan concern is continued in the final part of the Powers/Functions section. The District is currently authorized by statute to do this and we have incorporated that feature in the proposed section.

Please review this draft for discussion at the November 7, 1991 Committee meeting. If you find it acceptable, it should be discussed with the Council on November 14, 1991 and transmitted to the Charter Committee as soon as possible.

A:PPP.Fun
CC: Metro Council
Rena Cusma

METRO POLICY, PURPOSE AND POWERS/FUNCTIONS

CURRENT

POLICY (ORS 268.015)

Proliferation of regional governments exist which leads to 1) duplication of services; 2) overlapping jurisdictions; and 3) confusion and unfamiliarity of decisions by the citizens about their lives. Therefore, the purpose of the legislation is to 1) provide for consolidation of regional governments, and 2) establish an elected governing body to increase the accountability and responsiveness of regional government officials to the citizenry.

PURPOSE (ORS 268.030)

- Provide a method of making public services available that are not adequately available through previously authorized governmental agencies. Public services authorized are:

PROPOSED

PREAMBLE

The Metropolitan Regional Government shall (1) preserve regional livability; (2) promote effective management of regional urban growth; (3) protect the region's natural and human resources; (4) prevent the proliferation of regional governments which leads to a) duplication of services, b) overlapping jurisdictions, and c) confusion and unfamiliarity of decisions by the citizens about their lives; and (5) provide effective, efficient and equitable delivery of regional services to the public. The Metropolitan Regional Government shall be an elected, responsive, visible, accountable regional body that supplements, but does not replace, local governments.

PURPOSE

A. The primary purpose for the regional government is to preserve regional livability, promote effective management of regional urban growth and protect the region's natural and human resources by the adoption of Regional Urban Growth Goals and Objectives, maintaining a clear regional urban growth boundary and the adoption and enforcement of appropriate functional plans.

B. In order to carry out the purpose of the Metropolitan Regional Government it is necessary that it provide a method of making public services available that are not adequately available through previously authorized governmental agencies. Such public services shall include, but are not limited to:

a) Metropolitan aspects of sewerage, solid and liquid waste disposal; control of surface water; public transportation; water supply; human services; park and recreation; cultural facilities; libraries; correctional facilities and correctional programs;

b) Zoo facilities, and

c) Local aspects of above public services transferred to district by agreement with other local governments

d) By contract, Metropolitan and local aspects of above services to areas outside district boundaries.

1) Metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water, public mass transportation, water supply, human services, park and recreation, convention, trade, sports, cultural and other spectator facilities, libraries, correctional facilities, and correctional programs; and

2) Zoo facilities

C. In order to promote cooperation and cost-effective delivery of public services in general, the Metropolitan Regional Government shall not provide local aspects of regional services or any other local governmental services for the citizens of the region except as specifically required by law or as authorized by agreements with local governments.

■ The district shall provide for those aspects of land use planning having metropolitan significance.

■ Only one district may be formed in any metro area.

POWERS/FUNCTIONS (Generally)
(ORS 268.300)

- District a municipal corporation which has power to carry out objectives of formation including: use of a seal; perpetual succession; sue and be sued and enter into contracts.
- May contract with federal, state and local governments or any department thereof.
- Except as provided elsewhere power vested in governing body.

POWERS/FUNCTIONS (Specific)
(ORS 268.310)

District authorized to:

■ SEWAGE DISPOSAL

"(1) Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties in accordance with this chapter."

■ SOLID AND LIQUID WASTE DISPOSAL

"(2) Subject to the requirements of ORS 459.005 to 459.045, 459.065 to 459.105, 459.205 to 459.245, 459.255 to 259.385, 459.992 (1) and (2) and 466.995 (1),

POWERS/FUNCTIONS (Generally)

- The Metropolitan Regional Government is a municipal corporation which has power to carry out objectives of formation including: use of a seal; perpetual succession; sue and be sued and enter into contracts.

POWERS/FUNCTIONS (Specific)

Metropolitan Regional Government authorized to:

■ LAND USE PLANNING

- a. Adopt goals and objectives
- b. Review local plans and recommend or require amendments to achieve conformity with regional goals and objectives
- c. Coordinate land use planning activities of local governments and with federal and state governments or agencies

■ URBAN GROWTH BOUNDARY MANAGEMENT

Adopt and amend an urban growth boundary

■ FUNCTIONAL PLANNING

- a. Define and apply planning process

dispose, and provide facilities for disposal, of solid and liquid wastes."

■ DRAINAGE

"(3) Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems."

■ PUBLIC TRANSPORTATION

"(4) Provide public transportation and terminal facilities for public transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter."

■ ZOO FACILITIES

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

■ CONVENTION, TRADE AND SPECTATOR FACILITIES

"(6) Acquire, construct, alter, maintain, administer and operate major cultural, convention, exhibition, sports and entertainment facilities. However, unless the electors of the district first approve the financing

- b. Prepare and adopt functional plans
- c. Review local plans and recommend or require amendments to achieve conformity with adopted functional plans.

■ ZOO FACILITIES

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

■ SOLID WASTE DISPOSAL

Subject to Oregon law, dispose, and provide facilities for disposal, of solid wastes, and promote and encourage environmentally sound waste reduction, reuse and recycling programs.

■ CONVENTION, TRADE AND SPECTATOR FACILITIES

Acquire, construct, alter, maintain, administer and operate major cultural, convention, exhibition, sports and entertainment facilities.

■ PARKS AND OPEN SPACE

Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of metropolitan significance.

■ PUBLIC TRANSPORTATION

Provide metropolitan aspects of public mass transportation, including local aspects thereof transferred to the district by one or more other public corpor-

of the facilities, the district shall not:

(a) Construct new facilities; or

(b) Except for facilities acquired by means of an intergovernmental agreement, acquire existing facilities."

■ CRIMINAL AND JUVENILE JUSTICE PLANNING

"(7) Notwithstanding ORS 268.312, provide planning for metropolitan and local aspects of criminal and juvenile justice. Funds derived from municipal corporations under ORS 268.513 may be used as matching funds to obtain federal or state grants for those planning purposes."

ADDITIONAL POWERS/FUNCTIONS
(Specific (ORS 268.312))

(1) Subject to prior voter approval, district authorized to:

■ WATER SUPPLY

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

ations, cities or counties through agreements in accordance with this chapter.

■ ASSUME OPERATION OF TRI-MET

May do so by Council action.

■ SEWAGE DISPOSAL

Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.

■ LIQUID WASTE DISPOSAL

Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.

■ DRAINAGE

Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.

■ CRIMINAL AND JUVENILE JUSTICE PLANNING

■ HUMAN SERVICES PLANNING, COORDINATION AND EVALUATION

"(b) Plan, coordinate and evaluate the providing of human services, including but not limited to, programs for the aging, health care, manpower, mental health and children and youth."

■ PARKS AND OPEN SPACE

"(c) Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of metropolitan significance."

■ CRIMINAL/JUVENILE JUSTICE FACILITIES AND PROGRAMS

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

■ LIBRARY ACTIVITIES

"(e) Provide metropolitan aspects of library activities including, but not limited to, book acquisition and technical assistance for local libraries."

POWERS/FUNCTIONS (Other)

■ LAND USE PLANNING (ORS 268.380)

- a. Adopt goals and objectives
- b. Review local plans and recommend or require

Provide planning for metropolitan and local aspects of criminal and juvenile justice.

■ CRIMINAL/JUVENILE JUSTICE FACILITIES AND PROGRAMS

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

■ WATER SUPPLY

Acquire, develop, construct, alter, maintain and operated metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.

■ HUMAN SERVICES PLANNING, COORDINATION AND EVALUATION

Plan, coordinate and evaluate the providing of human services, including but not limited to, programs for the aging, health care, manpower, mental health and children and youth.

■ LIBRARY ACTIVITIES

Provide metropolitan aspects of library activities including, but not limited to, book acquisition and technical assistance for local libraries.

amendments to achieve conformity with regional goals and objectives

- c. Coordinate land use planning activities of local governments and with federal and state governments or agencies

■ FUNCTIONAL PLANNING (ORS 268.390)

- a. Define and apply planning process
- b. Prepare and adopt functional plans
- c. Adopt an urban growth boundary
- d. Review local plans and recommend or require amendments to achieve conformity with adopted functional plans

■ ASSUME OPERATION OF TRI-MET (ORS 268.370)

- a. District may do so by Council action

■ ASSUME OPERATION OF BOUNDARY COMMISSION (ORS 268.320 (3))

- a. Authorized only by vote of people

ADDITIONAL FUNCTIONS
(ORS 268.320)

Voters may approve district assuming additional functions. Local aspects of additional functions may be assumed only through agreements with local governments.

■ ASSUME OPERATION OF BOUNDARY COMMISSION

Authorized only by vote of people.

ADDITIONAL FUNCTIONS

Council may authorize the assumption of additional functions that are matters of metropolitan concern. Local aspects of additional functions may be assumed only through agreements with local governments.