

METRO  
CHARTER  
COMMITTEE

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AGENDA

DATE: December 5, 1991  
MEETING: Full Committee  
DAY: Thursday  
TIME: 6:00 p.m.  
PLACE: Room 440, Metro, 2000 SW First Avenue, Portland

6:00 Call meeting to order.

Correct and adopt minutes from November 7 and 14 meetings (previously distributed).

6:10 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

December 5, 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, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit

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

Chair Myers called the regular meeting to order at 6:10 p.m.

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the November 7, 1991.

Motion: Ron Cease 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 November 7, 1991 minutes were approved.

Chair Myers asked for corrections to the November 14, 1991.

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

Vote on the Main Motion: Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit and Chair Myers voted aye. Mary Tobias abstained. The vote was 12 ayes and one abstention. The November 14, 1991 minutes were approved.

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

Ned Look suggested that the Committee take a Saturday in early January to receive input from invited organizations, including those that have already submitted information to the Committee, regarding the outline before it is taken public. He said that the Committee has already received plenty of written information but it now needs to hear comments on the first outline.

John Meek said that the input from organizations is vital. He said that he would prefer it if the meeting was not held on a Saturday.

Ray Phelps said that a Saturday would be better because it would allow for a lengthy block of time and it could be done in one day. With night meetings, organizations get disadvantaged because time has

run out and they do not get to speak or their comments are cut short. He said that those that can come should come and those that cannot come, do not need to come since it will be hearing public input and not the Committee getting into a discussion.

Ron Cease asked if groups would be invited in to give an indication of what they think the Committee ought to do and what they have been working on or if it would be an open public hearing.

Ned Look said that he would suggest asking the groups that the Committee has heard from, as well as other organizations that have an interest, before taking the document to the public. He said that he did not want to go public until the Committee can put its best foot forward. He said that a lot of groups have given the Committee information and he would like them to talk the Committee through it, allow the Committee to get clarifications, see where the different recommendations that have come before the Committee fit into the Committee outline, determine the areas where there is agreement and disagreement, and try to dismantle the disagreement where there is disagreement. He said that he is not trying to exclude the public, but it would be helpful to have a work session with the organizations first.

Ron Cease said that it should be by invitation.

Bob Shoemaker said that he is not clear how far along the Committee will be at that point. According to the work plan, the Committee approval of the first draft will be in April. In January, the Committee will be in the middle of finance. He said that he is concerned about the Committee being far enough down the road to make a day's meeting with this input worthwhile. He suggested waiting until the draft was closer to being completed in order to distribute a tentative document for response.

Ned Look said that his concern is that the Committee is moving too far down the road without getting the proper input. He said that the input will help shape the end result.

Bob Shoemaker asked if it should be done twice, once in January and again after finance and structure.

Ned Look said that it would be a good idea depending on how the session goes in January.

Frank Josselson said that it is not too soon to ask for the input of different groups. He said that he would like to hear from them and would like them to talk to one another. Another issue to discuss is whether the Committee wants to call for full public input until after the first draft. He said that if pieces were let out piece by piece, it would create tremendous confusion and subject the Committee to criticism. Before getting public testimony, the entire outline should be put together.

Chair Myers said that he is content to work through the total outline which would be the focus for overall public action. He said that the conception in the work plan in regards to April is that the first round of decision making will be translated into a first draft of a working charter.

Bob Shoemaker said that by mid-January, the Committee will not be through structure and finance to the point that there will be much reaction. He said that it might be premature to have reaction to regional planning and functions, which the Committee has already discussed.

Chair Myers said that is the question that needs to be resolved. If the Committee assumes that it will work through a composite document for comment, then the question is whether the Committee will hear a first round of comment, part of which will address the work which will have occurred and part of the comment will center around what the Committee has not yet discussed.

Ned Look said that one of the mistakes made by the Committee is not taking full advantage of the expertise out there or the work that has been put into their comments. He said that he is concerned about going public without incorporating what is appropriate from the recommendations of the groups. He said that many of the approaches can be folded into what the Committee does and it will get over the hurdle of the organized groups saying that the Committee is not listening to them. He said that there needs to be a dialogue with the organizations about the various proposals.

Mary Tobias said that she would appreciate hearing the reactions of the central groups. People will react to it differently and the groups might be hearing something that the Committee does not know it is saying. It will be helpful to sort those out now rather than waiting until April. She suggested writing a possible list of invited people made up of those groups which have put energy and effort into following the meetings. The meetings are open to the public so the Committee is not operating in a vacuum or the dark.

Ron Cease said that Saturday would be the best time to hear all of the information. He said that Metro should have a chance to comment as well as the League of Women Voters. It should be open to any group that has an interest, not limited to a few select groups.

Jon Egge said that the community should use the term invited dialogue and stay away from testimony. He said that he would like to have two way conversations instead of a formal testimony process. He said that he is concerned that the work plan states that the Committee is to go from functions to finance. He said that the progression from functions to finance seemed logical in the beginning, but finance is the largest battle. Unless structure is addressed first, he said that finance cannot be addressed logically. He said that if the order of finance and structure are switched, then the Committee will be under way with structure by the time of the Saturday dialogue. The input from the dialogue could help greatly in the structure decision. He said that it seems logical to move from functions to structure and then finance rather than functions to finance to structure.

Bob Shoemaker said that he agrees that it is more logical to move from functions to structure.

Chair Myers said that he sees no problem with making the change. Unless there is a desire for discussion, that change will be made. He said that he would like to finish work on the functions and then move to structure, if the Committee agrees, coming up to the point of the initial round of dialogue. He said that he does not view the Committee as working in isolation. Earlier, the Committee had decided that they had a lot of preliminary discussions and wanted time to work straight forward into the charter by their own devices and discussions. The Committee had agreed that it would be preliminary and all decisions would be subject to modification. He said that there seems to be agreement that a Saturday dialogue be held.

Ron Cease said that finance will be the most difficult topic. The groups monitoring the Committee have not really zeroed in on finance yet but have discussed structure. He said that he would feel more comfortable if the Committee discussed structure before the meeting in January so that they can have discussions with the groups. He said that the members have all been anxious to move on to structure.

Larry Derr said that he concurs with everything that has been said, especially changing the order of finance and structure. He suggested that, for the Saturday dialogue, a list of names of those who would like to participate be developed in advance and be structured as to the time slots.

Bob Shoemaker suggested that another way to proceed would be to have everyone there at the same time for a round table discussion, dealing with it subject matter by subject matter.

Chair Myers said that the Committee can give some thought as to how best to organize it.

Janet Whitfield passed around a paper, to the members, with options of January 11, 1992 or January 18, 1992 for possible dates for the dialogue.

Chair Myers asked the Committee to begin the discussion of potential Charter provisions relating to the functions of Metro with consideration of the transportation issue. The provisions in respect to transportation are *mass transportation, mass transit operation, and transit system acquisition*. He suggested that the Committee start with *transit system acquisition* which states *when a metropolitan service district functions in a mass transit district the governing body of the metropolitan district may at any time order transfer of the transit system of the transit district to the metropolitan district (ORS 268.370)*.

Ron Cease said that when the Tri-County Commission met to put Metro together in the 1970's, it debated the whole issue of the relationship of Metro to Tri-Met. He said that they took the easy way out with the retention of the marriage clause. Tri-Met had things added to the law, specially in the bonding area, which made it more difficult for Metro to make the assumption, although not impossible. He said that he is not in favor of removing the provision, although he does not know what the mechanics would be for the acquisition. He said that the question is if it should be forced or left there so when the timing is right, it can be done. He said that there is a political question of a time certain when Metro would assume Tri-Met, it would add substantial political baggage to the process. He said that idea troubles him, but there has to be a relationship between the two and the possibility should not be eliminated.

Jon Egge asked if there was a certainty that it would add political baggage.

Ron Cease said that he does not know if it would be a certainty. It would depend on how Tri-Met would take it. He said that the notion could be sold that Metro should appoint the members of Tri-Met and that it should deal with the budget. Beyond that, it becomes a large substantive issue. He said there have been attempts at the legislative level to have the Tri-Met Board be elected and not appointed. He said that he resists that idea because, although the Board should be more accountable to the public, he did not want to start the process of having separate elected boards for individual regional functions. The issue of having it closer to the elected process has always been present. He said that Tri-Met runs well and is not controversial, but if he was asked how Tri-Met is accountable to the public, he would not know the answer.

Jon Egge asked if there is the same kind of dissatisfaction of taking care of the region's business with Tri-Met as there is with the regional government.

John Meek said that if the language is left similar to the way it is now, the bond issue is the main problem. He said that there are means currently by which Metro could start the process to acquire Tri-Met. He said that there could be a statutory change for Metro to appoint the members of the Tri-Met Board or Metro could run Tri-Met through contractual agreements until the bonds run out.

Ray Phelps said that he has had Metro Counsel find information for him on Tri-Met. The "poison-pill" problem with the bond issue can be solved and it is not costly. He said that the bond issue is an obstacle that is a smoke screen. He said that the reason for Metro to have a home-rule charter is because the legislature does not want to deal with the regional government. He said that it would not be a good idea to pen a lot of actions on the prospect that the legislature can only do certain things. He said that the legislative option should not be used too gingerly. He said that moving the Tri-Met piece into the charter should not be conditioned on some legislative authority.

Chair Myers said that he understood John Meek to advocate for a reassertion in the charter of the basic principle authorization that now exists in the statute and to leave the actual utilization of that to

the politically accountable structure.

Jon Egge said that, essentially, it would be out of the legislature's hands. It is a regional issue. He said that if he were Tri-Met, he would want certainty. It would be better to establish a dialogue with Tri-Met and determine what they would like to happen if this were to happen in one swift move. If the charter provision is reenacted the way it is now--the marriage clause--there is the uncertainty of timing and how Metro will take over Tri-Met. It is not specific as to how the Board would survive. For political reasons, one would assume that it would be an arm in arm deal, but the provision does not assure that. He said that there is a fear of the unknown on the side of Tri-Met.

Chair Myers said that to the extent of incorporating further provisions around the exercise of the powers, such as the continuation of the intervening board of directors, it would be helpful to take it up under the structure piece because it becomes part of the larger issue of how functions of Metro will be organized.

Jon Egge said that Tri-Met would probably be more satisfied to cut a deal and make the transition formally now than having the possibility of a take over hanging over their heads.

Frank Josselson said that it is important to remember that Tri-Met is a well functioning unit of government. It is serving the region well. Tom Walsh testified to the idea that unless the charter deals with Tri-Met, it will not pass. He said that the insecurity that Jon Egge was describing exists at Tri-Met. He said that if he were a Tri-Met bond holder, he would be far more insecure and more concerned about the results of the possible marriage between Tri-Met and Metro with an elected board making the decision than with a non-partisan, appointed commission, such as this, which can ask how to fold Tri-Met in without disrupting the excellent service it is providing or the security of the bond holders.

Jon Egge said that there may be something, that the Committee does not know about, that could be done to improve upon the environment which they are working under.

Frank Josselson said that he thinks that no Committee member will disagree with the concept that mass transit is a regional service. The issue before the Committee is whether or not the regional government ought to deal with it. He said that he thought it should because the legislature does not want to deal with it. The question of how to deal with it procedurally is one where there will need to be a dialogue with Tri-Met to make it the best so it does not interfere with the service.

Ron Cease said that if Metro is going to take over Tri-Met, the only practical way would be to use a commission. He said that Metro could appoint the Board members and have some budgetary authority, but the Board would operate Tri-Met. He said that this proposal takes into account the fact that Tri-Met is an existing organization which is working well. He said that, in the past, the Tri-Met employees were concerned about their retirement benefits since they would be coming under PERS with Metro. He said that it should be brought in under Metro in a way that creates the least disturbance.

Jon Egge said that one way to make the transition least disruptive as possible is to allow the existing board to remain the board and appointments to occur only when terms expire.

Larry Derr said that he agrees with Ron Cease's statements. He said that if there is a consensus of the group in that direction, it makes sense to get a response to whether or not something like that will work rather than Tri-Met telling the Committee what they want. They would operate as a commission appointed by the regional government with budgetary oversight by the regional government.

Chair Myers said that if the Committee can reach a starting agreement, the proposed approach will be constructed in outline form for Tri-Met and others to respond to.

Larry Derr said that Tri-Met is unique because it is an existing agency and it would be appropriate to solicit their response.

Ray Phelps said that Chair Myers is talking about function, not structure, and the two issues must remain separate. The threshold question is whether or not Metro has the ability to take over Tri-Met.

Chair Myers said that is the issue at the threshold. He said that he understands that some members would like to include a further provision in respect to the maintenance of the existing structure. He said that the issues of function and structure should remain separate.

Ray Phelps said that the issues need to be kept separate because the argument applies to half of the functions in one way or another since there are other types of boards operating. Otherwise, the list will include commissions for some and not for others and the question will arise, why not the others.

Ron Cease said that he will fight to prevent anything in the charter that requires a commission in all situations. He said that it does not make sense—the conditions, situations, functions and operations vary too much. In order to get it accomplished at all, a commission must be used for Tri-Met because it can be compared to a mouse taking over an elephant.

Frank Josselson said that he would appreciate hearing from Tri-Met. If there is going to be a budgetary oversight, it would be helpful to find out what kind of budgetary oversight Tri-Met would feel is appropriate to insure regional accountability.

Bob Shoemaker said that it seems like there is a consensus in the direction of the Committee regarding Tri-Met and that there will, most likely, be more detail to the existing provision regarding the assumption of Tri-Met's functions. He suggested appointing a sub-committee made up of people from Tri-Met and members of the Committee to work together between now and mid-January to develop a plan.

Chair Myers said that he would like to first resolve whether or not there is Committee agreement to include in the outline a provision authorizing the regional government to assume the responsibility for the transit district, in the terms that are currently provided. The second question is to what extent, beyond that, does the Committee wish to attach any additional qualifications.

John Meek asked if, according to the language in the charter, the public would not be voting on Metro taking over Tri-Met. By voting yes for the charter, as soon as the structure is formed, the regional governing body assumes control. There would still be in the charter the fact that the regional governing authority would vote to take over Tri-Met. If the governing body did chose to take over Tri-Met, then the charter would set forth the structure for doing so.

Chair Myers said that is correct.

Larry Derr said that is not what he thought he was agreeing with. He said that he thought the charter would make the election.

Ray Phelps agreed that he thought the concept was more specific. The threshold right now is the fact that it can be done at some point. The metropolitan government would get into the transportation business, undefined as to when certain.

Chair Myers said that there is more than one way the Committee could describe the way this would operate. It could be a direct mandate, a direct amalgamation upon approval of the charter, a mandate to accomplish it with in a specific amount of time, a continuation of an authority to do it, and it could carry further restrictions.

Ron Cease said that if the Committee can go on the first principle, that Tri-Met ought to be tied to Metro, the question of a time factor could be left for further discussion. The second principle should be that it is a commission arrangement when it is brought in. The relationship between the Metro Council and the Tri-Met Board would be open for further discussion.

Chair Myers asked what is meant by "Tri-Met ought to be tied to Metro" in relation to the current authority.

Ron Cease said that he is buying the notion that we are not throwing out the question of the tie rather than choosing to delete the statute entirely. He said that the question of whether the charter has a specific date still needs to be negotiated.

John Meek said that the government authority needs to be the regional authority.

Ron Cease agreed.

Jon Egge said that he agrees with Ron Cease's description as long as it includes an effort to get as certain as possible as the Committee can through a negotiating process. He said it is important for the Committee to decide now to go as far as they think they can go in the particular direction. He said that he has not heard anyone say that Tri-Met should be cut loose so it is at least this far, the way it currently is.

Ron Cease said that he assumes that before it is done, there will be a clear idea of a certain time or arrangement.

Jon Egge said that time is not the only uncertainty.

Charlie Hales said that he shares in the opinion of Jon Egge and Ron Cease. He said that he needs more feedback from Tri-Met before he can answer the question of timing or the strength of the tie in the short run between the Metro governing body, as it will exist, and Tri-Met, as it currently exists.

Chair Myers said that he thought that the view was that the draft would contain a provision renewing the authorization for the regional government to take the function of a transit system over. The issues surrounding a specific time will be left for further discussion. This provision should also include the requirements for the continuation of an intervening board which would be in the first line of operation for the facility.

Wes Myllenbeck said that he has a problem mandating to the future Council that they accept the Board. He said that the Council's hands should not be tied. He said that the Council should have the option of continuing with the same board or electing a new one.

Ron Cease said that although the Committee discussed it, it was not part of the final proposal. The final proposal is two parts--giving the authority to Metro to take over Tri-Met and that, when it does, Tri-Met will operate in a commission form. The specifics of the board will be left open. The ideas that Tri-Met will be brought in and that it will be brought in under a commission form need to be reinforced.



Motion: The motion was to include, in the draft, provisions that renew the authorization of the regional governing body to assume the responsibilities of the transit district. There would be a further provision stating that the execution of that authority would require the continuation of the commission.

Larry Derr said that he supports the proposal as long as there will be more certainty to it and that it is a small step to toward the larger picture.

Ray Phelps said that he would support the vote but qualified it on the basis of the requirement of a commission. He said that the commission should not be stipulated as the threshold.

Vote on the motion: There was Committee consensus to pass the motion.

Chair Myers asked the Committee to move on to *mass transportation* and *mass transit operation*.

John Meek said that the statutes should be in the draft because they are open ended and seem to cover all the bases.

Jon Egge said that he supports the provisions but would add, in *mass transit operation*, the ability for the regional government to contract with anyone. The statute now only allows for contracting with public entities. All the options should be left open for contracting.

Frank Josselson agreed.

Bob Shoemaker asked why *mass transit operation* is needed. Under the home-rule charter, Metro has the power to contract with anyone. By leaving the provision in, Metro's reach is being limited.

Chair Myers said that there is another provision, which the Committee will discuss later, dealing with contracts in general. *Mass transit operation*, as well as Jon Egge's point on private contracting, might be able to incorporated into the *contracts* statute.

Mary Tobias said that she understands that Tri-Met has had difficulty contracting privately and is precluded from it because of the labor contracts. She asked if, with a particular statutory provision for the regional government to contract at any level, this would enable Metro to start up a private contracting arrangement with those places where there has been a regional desire to go to private contracting.

Jon Egge said that they probably could, but, in reality, they probably will not. He said that one of Tri-Met's goals is to get out of the labor agreement for exclusive delivery of services. If private contracting is allowed, it could give them the ability to break the tie. He said that the answer to Mary Tobias's question is yes, although it is not a political reality under the existing circumstances.

Chair Myers said that the Committee should be clear that the ability to contract privately, even if it is otherwise authorized, would still be within the decision of the district to impose restrictions on itself through collective bargaining.

Jon Egge said that this is a first step. He said that the metropolitan service district, or any of its commissions, would be precluded from entering into any agreement which would limit their ability to sub-contract.

Chair Myers suggested taking up that issue under the broader provision relating to contacting. He said that *mass transit operation* could be incorporated into the *contracts* provision. He suggested the

Committee move onto the provisions in *mass transportation*.

Bob Shoemaker suggested combining *mass transportation* and *transit system acquisition* to make it clear that Metro can incorporate any mass transportation facility or terminal facility in the region. *Transit system acquisition* should be broadened to include other public facilities or, by implication, the authority has been limited.

Ron Cease said that when talking about giving the body the regional aspect of something, then there needs to be another statement stating that the regional government can take over the locals if the locals want to contract with them. He asked if they would need specific authority to do that. He said that public transportation is different from transit.

Chair Myers said that they would.

Bob Shoemaker asked Ron Cease to define the difference between public transportation and transit.

Ron Cease said that he would not consider a limousine service to be transit.

Jon Egge asked if public transportation includes roads.

Ron Cease said that he would not include roads.

Jon Egge said that when he thinks about transportation, he thinks about roads, stop signs, and local things that the regional government should not intrude on.

Ray Phelps said that he would consider public transportation to be the vehicle.

Jon Egge said that was fine if everyone agreed that it is the vehicle.

Ron Cease said that public transit is a narrowing term.

Chair Myers suggested setting aside *mass transportation* and *mass transit operation* to be incorporated into the broader provisions later.

Bob Shoemaker said that acquisition of public transportation and terminal facilities would include acquisition of private transportation facilities. If it should become appropriate, Metro should, for example, have authority to take over RAZ.

Ray Phelps asked if *mass transportation* and *transit system acquisition* are the same things. He said that it would not diminish *mass transportation* if they were considered the same thing.

Bob Shoemaker said that *mass transportation* is broader and refers to a public bus company of some sort where *transit system acquisition* is a direct reference to Tri-Met.

Chair Myers asked the Committee to move onto *parks and open spaces (with voter approval)*.

John Meek said that metropolitan significance needs to be defined. The regional government should not have the authority to take over any park or open space regardless of whether or not it has metropolitan significance. The Committee needs to decide if they will define metropolitan significance or if the regional governing body will.

Chair Myers said that the Committee will return to the issue and address it.

Ray Phelps suggested deleting the provision regarding *parks and open spaces*. He said that Park and Recreation districts have a broad base of authority which allows them to do a good job, and they will not become overlapping or redundant. He said that open space is a city issue and not a regional issue.

Ron Cease said that he disagrees with Ray Phelps. He said that although there are some parks that are definitely local, there are others that attract people from the entire region. In the past, when a county has financial problems, there is a suggestion that they drop a park that has regional significance in that the people who use the park come from the region and not just residents from the county. It is an essence to the region that those parks are maintained. He said that the nature trail issue is a regional issue since it is a series of nature trails throughout the region. It is important for the regional government to work with the local governments to make sure that the parks are maintained and there are open spaces.

Ray Phelps said that there are many parks and recreation districts with elected boards and good funding sources and they will not overlap or duplicate each other. He said that the parks and recreations districts take in a large territory, have their own constituency, and elected boards. He said that he is more inclined to encourage park administration as a separate constituency with its own elected function. He said that parks are not a metro service district function but either a park and recreation district function or a local function.

Frank Josselson said that he agrees that the provision of open spaces is a fundamental and important regional function. He said that does not mean that the regional government has to go as far as the current statute goes. He said that, in the planning function, the Committee already has provided for the regional planning of greenspaces and open spaces. He said that the region should be able to finance the acquisition of recreational facilities, greenspaces, and open spaces. The maintenance, operation, and development should be left to local governments. If the regional government took over the maintenance and operation of the facilities, it would be an unnecessary duplication of services since the local governments have the ability to maintain the parks.

Larry Derr asked if it would work if the planning function identified a land use for a particular piece of land as open space. Ron Cease's concern regarding protection would be solved because local government hands would be tied to abide by the identified land use. He asked if that scenario would go far enough.

Frank Josselson said that it does not go far enough. He said that there will be decisions that will require acquisition of land in order to implement. Simply designating open spaces on a map will not do it for the regional government if it wishes to implement a greenspace policy. It should be able to acquire the land.

Jon Egge said that there are some greenspaces and open spaces of regional value. He said that Frank Josselson's suggestion for the regional government to acquire the land and the local governments to maintain it is impractical. He said that if the open spaces are truly of regional significance, then the local governments will not have the funds to operate the open spaces. He said that the regional government could gather funds for the operation of the parks and that they might sub-contract to the local governments to maintain them. He said that it will not work for the regional government to identify the open spaces and then leave the local governments with the responsibility to maintain them.

Frank Josselson said that is what he had in mind. He did not mean to suggest that the regional government hand over the land to the local government and tell them to take care of the land. He said that the regional government needs to provide the resources for the local governments to do that.

Mary Tobias said that it would be elitist because only a few people will use the facilities that the entire

region will be paying for.

Ron Cease said that if a local government has a park, and wants to continue to operate the park, it should be allowed to. If the local government has a park and cannot afford to operate it anymore, and the park is regional, then the regional government should be able to take it over. He said that the only way to have a regional trail is to have it done by the region with the region having control. He said that he is not talking about taking something away from the local governments, but is talking about the future when there might be financial problems.

Mary Tobias asked how to explain to the citizens of a small town that they will have to pay for a park, on the other side of Portland, that they probably will never set foot in.

Ron Cease said that there has to be some sense that it is regional but not everyone has to use it. Not everyone uses the zoo.

Jon Egge said that as the density of the region grows, more people will be using the parks and greenspaces. He said that he is nervous about including parks but as long as the provision includes regional significance, then he is satisfied.

Bob Shoemaker said that Ron Cease expressed his line of thinking well. He said that it is an empowerment act and that there seems to be Committee consensus.

John Meek said that the Committee will want to spend a lot of time on the structure because he is not ready for the regional government to start a parks department. He said that the Committee will need to discuss if there is a funding problem that the region needs to look at.

Motion: The motion was to include the *parks and open spaces* provision in the draft.

Vote on the motion: Ray Phelps and Mary Tobias objected. There was consensus to pass the motion.

Ned Look asked what Mel Huie, Metro Senior Regional Planner, is doing with the greenspace program. He asked if Mel Huie was taking inventory of the parks.

Don Carlson, Metro Council Administrator, said that Metro is the process of preparing a greenspaces plan which will deal with trails, open spaces, and natural areas and distinguishing the ones with regional significance from those with local significance. He said that part of the plan will address implementation of the plan. It will involve acquisition, development to the extent that some of the natural areas have some development, and operation.

Frank Josselson said that he agrees with John Meek in that one of the important functions of the Committee is to not create overlapping layers of government. He said that every city has a parks department which at least maintains the park facilities in the city. He said that he has no objection to a parks provision which states that the region can acquire and develop or pay for the development of the open spaces. He said that he does not want the regional government to maintain or operate a system of parks. The regional government should pay the local governments to do that. He said that he is satisfied with the empowerment provision but would eliminate the words *maintain and operate* because it is duplicative. He said that he would include instead that *the regional government can pay local governments to maintain or operate*. He suggested that the empowerment language would restrict operation and maintenance to regional finance of the operation and maintenance by the local units of government.

Ron Cease said that if Metro had regional parks, contracting with the local governments would make sense. He said that he would prefer to leave *parks and open spaces* as it is worded in the statute with the proviso that, when the Committee gets to structure, the Committee can discuss how they want to deal with it. He said that he is bothered by the fact that Frank Josselson's suggestion would preclude the regional government from operating in all cases.

Jon Egge said that the Committee might be able to get input on the subject at the Saturday dialogue. He suggested leaving it the way it is in the statute and creating a footnote which states that the Committee is moving in that direction but the Committee is fearful of making that decision right now.

Chair Myers said that, for purposes of the draft, the language would be carried in the way it is written in the statute and that there would be a Committee agreement that, in the dialogue and in the hearings, the question of a charter restriction of the regional government's role in the maintenance and operation will be addressed.

Jon Egge said that can be carried over as the next explanatory footnote of where the Committee is-- there is a concern about the actual delivery of the park services.

Mary Tobias said that she does not want to discuss the parks issue at the Saturday dialogue. She said that it will not resolve itself until structure is discussed. She said that it is blatant service delivery. Until the Committee knows what kind of government the regional government will be, the Committee cannot discuss this issue. She said that if too many issues are added to the Saturday dialogue, there will not be enough time to get into good conversations.

Larry Derr said that he did not understand the Saturday dialogue to be limited in any way. It should be open for groups to tell the Committee what they want to.

Mary Tobias said that she wants to get something out of the session. She said that the discussion revolving around what Metro wants and what the Chamber of Commerce wants does not get down to a level to discuss issues such as parks.

Chair Myers suggested that the Committee could decide that it wants the groups that will come in to address specific questions, as well as other information they would like to share.

Mary Tobias said that one basic question is whether the regional government should be a planning body or a service delivery body. If that issue is dealt with broadly, then the Committee will have a sense about the parks issue and others that are entirely service oriented.

Chair Myers said that the Committee will get a variety of views on that day. He said that it would be appropriate for the Committee to, rather than throwing the discussion open, request that the groups discuss certain issues and proposals.

Jon Egge said that he hopes that the Committee will have started discussing structure by the time the Saturday dialogue occurs.

Chair Myers said that the structure discussion the Committee will have had by the time of the Saturday dialogue will expose the major sub-issues and will give the members a basis for asking for the views of the different groups.

Ned Look said that it is very important that the Committee listens to the input and does not try to sell the different groups on the Committee's position.

Chair Myers asked the Committee to move on to *criminal and juvenile justice* and *criminal and juvenile detention*.

Jon Egge said that he has no problem with *criminal and juvenile justice*. He said that *criminal and juvenile detention* lends itself to some kind of process to add the service delivery. He said that he would like to hear from the different organizations as to the process that should be adopted for adding service delivery functions which would add a timeless element to the charter.

Ray Phelps said that the *additional functions* provision covers Jon Egge's concern.

John Meek said that *criminal and juvenile justice* is fine to be in the charter since it is a planning function. He said that *criminal and juvenile detention* is not needed in the charter.

Frank Josselson said that he agreed.

Chair Myers said that the planning function of *criminal and juvenile justice* could be added in an earlier section of the draft outline.

Motion: John Meek moved, Frank Josselson seconded, to eliminate, from the provisions of the charter, the empowerment to 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.

Ray Phelps asked if the motion stated that criminal and juvenile detention centers are not regional.

Jon Egge said that it will not be listed but will be allowed to happen by process.

Ray Phelps said that he did not understand why detention centers would not be considered to be of regional significance when the Committee decided that parks are. He said that detention centers are jail houses.

Jon Egge said that it is a significant new area for which a new bureaucracy would have to be created.

Chair Myers said that one argument would be that corrections and criminal justice should be viewed as a state responsibility.

Ron Cease said that, currently, detention centers could not be made regional without voter approval. He said that parks should be a regional function currently. He said that the voters are frustrated with the fragmentation of the criminal justice system and the police force as they are with everything else. He said that they are frustrated because of the difficulty of determining who is responsible for which services as well as the cost. He said that it would be adequate to have a procedure for adding detention services to the functions of Metro, by voter approval, in the future.

Chair Myers said that he thought John Meek's proposal was to eliminate the provision completely.

John Meek said that there are two separate issues. One is the function of planning for *criminal and juvenile justice*. The other is providing the facilities for *criminal and juvenile detention*. He said that he suggests removing the provision completely for now and then possibly bringing it up under the area of structure.

Ron Cease said that he would remove it from the charter as a listing. It would remain an unspecified

function. As long as there is an adequate process for adding functions, then the function of providing detention facilities could be added, just like any other unspecified function, at a later time by the voters.

Frank Josselson asked if *criminal and juvenile justice* and *criminal and juvenile detention would be deleted*.

John Meek said that only *criminal and juvenile detention* should be deleted.

Frank Josselson asked why regional government should be involved in the planning of criminal justice.

John Meek said that one reason is jail space. It does not make sense for one county to build a jail when there is room in the jails in the other counties.

Frank Josselson said that he understands that but his concern is with the planning. He asked why there should be justice facilities at the regional level rather than the state or local level, where it is already being done. He said that jail space can be handled with intergovernmental agreements. He said that it is a duplication of local and state functions that are being performed.

Motion: Frank Josselson moved, Jon Egge seconded, to eliminate the provisions regarding criminal and juvenile justice and criminal and juvenile detention from the charter.

John Meek withdrew his original motion.

Ron Cease asked if, in the way the planning function is written by the Committee, Metro could take on another planning function in the future if it were desirable to do so.

Frank Josselson said that was correct.

Ron Cease said that there is no need for *criminal and juvenile justice* or *criminal and juvenile detention* because this function could be taken on in the future if needed.

Bob Shoemaker asked, when developing the regional plan, should the regional government be allowed to set aside locations for correctional facilities to alleviate the not-in-my-back-yard syndrome.

Frank Josselson said that is already in the regional plan outline in respect to the siting of regional facilities.

Larry Derr said that unless there is a need for the regional government to provide the facility itself, then the two provisions are not needed because if the existing jurisdictions are providing them and doing an adequate job, then there is not a need for more facilities.

Bob Shoemaker said that he would not have a problem with not including the two provisions, provided that the regional plan includes the possibility through the provision on regional facilities.

Wes Myllenbeck said that he has some reservations about what is being said because, when he was a Washington County Commissioner, Metro would allocate federal funds, which it requested, within the region. Metro was responsible for allocating the funds for the region. He asked if Metro would still be able to do that under the new statute.

Bob Shoemaker said that it could possibly limit resources.

John Meek said that the Committee should eliminate the provisions and get a clarification on how that would work. The option would not be eliminated, but it would remain unspecified in the planning process.

Bob Shoemaker suggested that Metro could participate in the planning of the metropolitan aspects of criminal and juvenile justice. He said that might give enough leeway but would not be a take over.

Larry Derr said that there is a category in some RGC material which is similar. It states that the regional government will be a coordinator for the local jurisdictions.

Chair Myers suggested, for draft purposes, deleting the two provisions, and await comment on whether that step goes too far in relation to future useful opportunities. He said that he would like to see the corrections system at the state level.

Ray Phelps said that, with Ballot Measure 5, if the state is going to fund jails, that opportunity has passed. He said that this creates an enigma for local government.

Mary Tobias said that the metropolitan aspect of *criminal and juvenile justice* could be added, for comment, to the land use planning function. She said that it needs to be added to the list of regional planning responsibilities for comment.

Chair Myers said that Bob Shoemaker was suggesting to make it implicitly known and Mary Tobias would like to make to explicitly known. He said that if there is no objection, it would be included explicitly for comment.

Motion: Ron Cease moved, Frank Josselson seconded, to not include the *criminal and juvenile justice* and *criminal and juvenile detention* provisions in the charter.

Vote on the motion: Ray Phelps objected. There was Committee consensus to pass the motion.

Motion: Mary Tobias moved to add to the list of planning areas, under *Regional planning responsibilities subject areas*, the topic of *siting of correction facilities*.

Vote on the motion: There was Committee consensus to pass the motion.

Chair Myers asked the Committee to move on to *human services*.

Bob Shoemaker asked if human services are provided for at the county level.

Frank Josselson said that the counties operate the services with state and federal dollars.

John Meek said that Washington County has a department of Health and Human Resources but 85%-90% of the services are contracted out. It is supported with state and federal funds. Unless the region is going to provide more revenue, the services are already being provided.

Motion: The motion was to not include a provision on *human services* in the charter.

Chair Myers said that it could be brought in to *additional services* at a later date if the region votes to do so.



Vote on the motion: There was Committee consensus to pass the motion.

Chair Myers asked the Committee to move on to *library activities*.

Motion: Mimi Urbigkeit moved, Frank Josselson seconded, to not include in the charter a provision on *library activities*.

Jon Egge agreed.

Wes Myllenbeck disagreed.

John Meek said that every time a discussion about expanding library services in Washington County began, Metro came in and said that they wanted to be a part of it which stopped the discussion. He said that libraries have their own funding resources and they do not want to jeopardize that.

Bob Shoemaker said that libraries are more than books. He said that they are communication facilities. He said that they are metropolitan in aspect. Anyone in the area should be able to plug into any of the libraries in the region. There should not be duplication of books and other informational material. He said that it is the kind of service that lends itself to metropolitan planning and ultimately operation, rather than splitting it up into local pieces. He said that he is not proposing that Metro take over the libraries. He is suggesting that the Committee should think about it being appropriate to specifically allow Metro to do it rather than requiring it to go back to the voters, as it would under the *additional functions* provision.

Mimi Urbigkeit said that there is already a strong network of libraries with communication and inter-library computer systems. She said that it would be a big mistake if Metro got involved in the library system, just as it would be if Metro got involved with the school system.

Jon Egge said that libraries have an unrealistic paranoia of being taken over by Metro. Politically, it should be left out of the charter because it will foster the communication between the libraries.

Mimi Urbigkeit said that libraries look to the state for support, such as the state library, and will not look at the regional government for support.

Ned Look said that there is a tremendous amount of library communication. He agreed with Jon Egge's statement. He said that libraries are a basic issue and should not be polarized.

Larry Derr said that when the cooperative library began in Washington County, there were the same fears that the city would take over the library.

Vote on the motion: Wes Myllenbeck objected. Mary Tobias abstained. There was Committee consensus to pass the motion.

Chair Myers asked the Committee to move on to *boundary commission transfer*. He said that local boundary commissions are statutorily created and are state agencies. If there is sentiment to eliminate them, that would have to be dealt with in Salem.

Ray Phelps asked if the charter, in the negative, could exclude the authority of the boundary commission with respect to the Metropolitan Service District and metropolitan significance.

Chair Myers said that he did not know for sure but he would say no.

Larry Derr said that it is theoretically possible.

Frank Josselson said that the home-rule authority for this region is arguably greater than the state's authority to legislate in this area. He said that he would like the Committee to make a strong statement and ask for conforming legislation.

Wes Myllenbeck said that he would agree if it would be transferred back to the state with Governor appointments.

Jon Egge asked if the regional government will have the ability to set up a function with regard to boundaries. Without any function for boundaries, there are serious problems.

John Meek said that would fall under structure.

Jon Egge said that he thought it would fall under functions.

Chair Myers said that the first question for the Committee is whether the essentials of the existing law are carried into the charter. The question consists of whether the charter will provide the appointment of the local government boundary commission by Metro and carry into the charter the provisions of state law that would authorize the transfer of the duties of the boundary commission to the regional government.

Motion: Ray Phelps moved, Frank Josselson seconded, that the provisions regarding *boundary commission transfer* are not carried into the charter.

Ray Phelps said that his suggestion is not to put it in the list at all. In the structure portion, the Committee can discuss whether or not there would be a boundary commission at all.

Chair Myers said that if the motion passed, the charter would be silent on the boundary commission.

Jon Egge said that it should be dealt with here, not in structure.

Ray Phelps said that he would like to take it out entirely, it does not matter where it is dealt with.

Chair Myers said that it is appropriately dealt with in functions. He said that the first question is whether or not the charter should carry out the current provisions in the statute regarding the boundary commission.

John Meek asked that the two provisions be separated before being dealt with.

Chair Myers said that the motion would be separated into two parts.

Motion: Ray Phelps moved, Frank Josselson seconded, that the charter not include the provision that the appointment of the local government boundary commission for this area will be made by Metro.

Wes Myllenbeck asked if the Committee decides to eliminate the boundary commission, would the responsibility for appointment of the members go back to the governor.

Chair Myers said that is not clear yet.

Frank Josselson said that he intends to move that the charter specifically provide that no boundary

commission will operate in this area.

Wes Myllenbeck said that it would be tossed back to the counties and will create great conflicts.

Ray Phelps said that there are only two boundary commissions in the state. With this charter, the area could get out of the boundary commission business through the charter.

Jon Egge said that he is being asked to vote on a question when he does not know what will result.

Larry Derr said that there is no way of knowing how the question will end up. He suggested amending the motion to add a third part, which would be dealt with first, which would state that the charter would declare that the boundary commission is of regional concern, which this region chooses not to enter into.

Chair Myers suggested that Larry Derr's proposal be the main motion and the other two parts of the motion be dealt with later.

Motion: Larry Derr moved, Frank Josselson seconded, that the charter declare that the boundary commission is of regional concern, which this region chooses not to enter into.

Larry Derr said that, by definition, regional boundary commissions are of regional concern and local concern which the legislature has no authority to dictate over the charter authority. The charter can add, delete, or exclude powers. If the charter says that it is a matter of regional concern which the region chooses to deal with by not having a boundary commission, then the legislature's hands are tied. Having said that, the merits of what the region wants can now be discussed.

Chair Myers said that is the point where the Committee wants to go. He said that there will be a number of issues where the Committee will have their views aided by external professional opinion of what the charter can or cannot do effectively in relation to state law.

Jon Egge said that a lot of the resistance to the issue is due to the words *boundary* and *commission* being stuck together because it brings back bad memories. He suggested that the question be whether or not the regional government should assume any boundary authority. He said that it should have some kind of boundary authority.

Frank Josselson said that it already has in respect to the areas to be included in the urban reserves. Metro has been given the authority to determine which jurisdictions will plan and serve the territories within the urban reserves. He said that is the extent that the boundary authority ought to go. He said that one of the inherent basic principles of local government is the ability to decide whether they want self determination or not--whether or not they want to merge cities or water districts. He said that one of the greatest political crimes was the boundary commissions squelching of mid-Multnomah County people's determination to form their own city. The boundary commission created an estrangement of the people in mid-Multnomah County from government that resulted in Ballot Measure 5 and the anti-government sentiment that exists in mid-Multnomah County. He said that the boundary commission frustrates the people's ability to carry out their constitutional and statutory rights to form and merge cities and special districts. For example, the boundary commission has frustrated the consolidation of districts which would be important from an economic service delivery point of view. Tremendously expensive and complicated structures had to be developed to enable service districts to consolidate because of their certainty that the boundary commission would not let it happen. The boundary commission is damaging and detrimental to important political and service delivery functions.

Ned Look said that this discussion is one reason why he wants to have a dialogue with the experts. He said that he wants the boundary commission and other groups that are effected to answer the question of where the boundary commission belongs and what the role of Metro will be.

Bob Shoemaker said that he would like to use the same example that Frank Josselson did to show why boundary commissions, in some form, are needed. He said that the mid-Multnomah County movement was to prevent the area between Gresham and Portland from becoming urbanized--they did not want sewers, roads, taxes. They wanted an urban poverty pocket in the middle of the region. He said that if the region wants to be cohesive, it should not remove the one devise there is to prevent parochialism from occurring. Columbia Ridge was a group of residents who wanted to gobble up the Columbia South Shore, the best industrial land in the region, so that the entire tax base of the Columbia South Shore would enrich the residents of the adjacent area. That should not be allowed either. He said that some kind of devise is needed to prevent local people from doing those kinds of things and corrupting the region.

John Meek said that, in Washington County, they did not follow all of the provisions of the statute. One goal, in the statutes, is to not create any more districts. They created more districts in Washington County than they have gotten rid of.

Bob Shoemaker said that a better process should be created.

Jon Egge said that the boundary commission is not close to being perfect. Whatever is done, the boundary authority given to Metro must be redefined. At the root of the boundary commission's problem is their mission, which is also part of the statute, which states that cities are the best delivery vehicle for services. He said that the mission could be gotten rid of with the assumption that the regional government must have some redefined authority on boundary commissions. He said that he cannot envision all that cities will go through and all the expense that will accrue without an overriding authority.

Frank Josselson said that state law gave the citizens of Maywood Park the authority to create a city, even though it was not in the best in the public interest. Happy Valley was formed to keep the high density of Portland out. Four years after it was formed, SB 100 was enacted which provided that cities are the urban centers where high density is to occur. Exactly the opposite of what they proposed happened and they have been fighting it ever sense. The land use laws have progressed to the point where the elitist purposes, mentioned by Bob Shoemaker, of Maywood Park and Columbia Ridge could not be carried out. It would be up to the state to perform those purposes. The boundary commission did nothing to protect the area. It created a tremendous political backlash that still exists today. He said that Ballot Measure 5, which arose in mid-Multnomah County, was initially created by the boundary commission.

Bob Shoemaker said that if there had not been a boundary commission, Columbia Ridge would have succeeded as proposed which would have been a great loss to the region.

Ray Phelps said that the boundary commission is a carry over from when there was not an elected regional government. He said that he does not see what role a non-accountable, appointed commission exercising subjective, after-the-fact judgements, on actions taken by voters or elected officials, pertains to the merits since there is an elected regional government. That is his threshold. In respect to Jon Egge's concern, substitutes can be structured, although he is not sure that should be done. He can get to that point through a contested case environment. There are elected officials dealing with the issues impacting the people who do the electing. Their time is past.

Chair Myers said that the question that is pending is that there will be in the charter an outright

statement that this function is of metropolitan significance, and is one that the region will not exercise.

Jon Egge said that he has no problem stating that it is a regional issue. He said that he does not agree with the statement that *the region chooses not to get involved in it*. He said that precludes the regional government from any involvement in boundary issues. He said that there is a regionally elected body and the issues are of regional significance. He said that the regional body that has accountability to the voters make the decisions. He said that what they do should be limited.

Ray Phelps said that he would be glad to back off of the outright prohibition and keep it flexible to what the government would do. He said that he is really against the appointed boundary commission process and let the government address it.

Larry Derr said that if the motion gets voted down, then the Committee will know that some kind of boundary control is needed.

Frank Josselson asked what function the boundary commission should do. He said that he wanted to hear an example of what they should do with their authority.

Jon Egge gave the example of the fight over the Town Center area tax base in Clackamas County. He said that Milwaukie has wanted to encroach on the area through annexation and some of the water districts, fire districts, and county do not think that is appropriate. It is in the Milwaukie plan to assume the service delivery functions in the area for reasons of acquiring the tax base. He said that the local governments have come to an agreement but it could have been facilitated with a good, active regional government helping. If the two groups got to a melt-down situation, the regional government could dictate how it will go.

Frank Josselson said that it was decided early on by the Supreme Court that incorporation decisions are land use decisions that have to conform to comprehensive plans and land use regulations. If there were plans in effect with respect to the servicing of the area, comprehensive plan provisions, then the incorporation would have to honor those existing policies and arrangements in comprehensive plans. He said that, based on his experience with local governments, it is an unnecessary and dangerous function.

Mary Tobias said that the most reasonable or helpful role for the metropolitan government would be to serve as a court of last resort in jurisdictional disputes. There would be a certainty that they would be resolved, but first the resolution would try to remain among the conflicting jurisdictions. She said that there are a lot of boundary disputes where there is no conflict. If the jurisdictions are able to work them out and there is agreement over the lines, then it seems like those type of annexations should just occur. Where there is disagreement and it cannot be resolved, and there is a regional process to deal with it, then the metropolitan government ought to be there to arbitrate or mediate that decision.

Mimi Urbigkeit asked if any one serves that function now.

Mary Tobias said that it becomes adversarial by nature when the commission is there to hear the dispute.

John Meek said that he can accept that if it is a provision that both entities agree to have it resolved. Both parties must agree to have the conflict resolved. If not, one city could decide to go to the authority and the other city would be left holding the bag without a choice. He said that another possibility would be that the entity with the most political clout could go to the authority and tell them that they want to win. Unless both parties agree, it would lead to the same problems that exist now.

Larry Derr said that the problem is not always between two parties even if there are only two political jurisdictions. There are also the property owners and voters within the jurisdictions.

Bob Shoemaker said that change could occur without the concurrence of the competing parties. If there is a requirement of all the contending parties to request resolution by the regional government, that does not solve the problem. It allows the biggest one of the parties to get its way and run over the others unilaterally.

Jon Egge said that John Meek's scenario could work in either direction. Either party could hold out for political reasons and form a solution by abstinence which can be dangerous.

Frank Josselson said that he would like to hear the standards that would be applied to the exercise of the boundary review function.

Bob Shoemaker said that this is getting into a technical area and the Committee would benefit from staff to the boundary commission telling what its authorities are and how it functions. He said that he cannot reach a decision on what kind of boundary authority Metro should have because he does not understand well enough how it works today and what the problems are that the boundary commission can resolve.

Chair Myers said that if the motion is rejected, he suggests that the issue of the boundary commission be part of the Saturday dialogue and is left as an open issue for the draft. In the meantime, there is a specific proposal advanced about how to redefine the proposed function of the regional government in regard to the functions exercised through the boundary commission.

Bob Shoemaker said that he thinks the motion ought to be defeated because of half of its input. He said that he suspects that the Committee would agree that if there is a boundary authority, it should be within Metro and not left to an independent commission as it now is. If that consensus can be reached, then the issues of what the authority ought to be can be resolved after the Committee has learned more about it.

Chair Myers asked if Bob Shoemaker was saying that the boundary authority would be in or under Metro with the detail yet to be resolved, not necessarily that the elected body, and not an appointed body, would exercise the function.

Bob Shoemaker said that was correct.

Vote on the motion:

Larry Derr, Frank Josselson, Ned Look, John Meek, Ray Phelps, Mary Tobias, Mimi Urbigkeit voted aye. Jon Egge, Wes Myllenbeck, Bob Shoemaker, and Chair Myers voted nay. The vote was 7 to 4 and the motion failed.

Wes Myllenbeck said the motion still needs to be discussed and questions answered.

Jon Egge asked the Committee for consensus on whether or not boundary authority is a regional issue and should be handled regionally. The question to what extent it would be handled could be answered after the Saturday dialogue where questions could be answered.

Frank Josselson said that if the ballot explanation for the charter says it will eliminate the boundary commission, that alone will get the charter votes.

Ray Phelps asked why Jon Egge would make the proposition that the boundary authority is a regional

issue and should be handled regionally because, in reality, it does nothing different than what is already being done. He said that he thought the Committee wanted a change and he did not understand how the spirit of the proposal would cause anything to be different.

Jon Egge said that it is not intended to restate the process as it is currently. He said that the spirit of his proposal is that the Committee end all reference and thought of the existing statutes of the boundary commission and boundaries. He suggested that the Committee start over only at a regional level.

Ray Phelps said that a proposition of a restart might be that it is not needed.

Jon Egge said that was correct.

Motion: Jon Egge moved, Ray Phelps seconded, that, in the draft, there would be a declaration stating that the exercise of any functions presently performed by the state and local government boundary commission is a matter of metropolitan concern.

Jon Egge said that the Committee will start its consideration of the boundary authority with a clean slate. The slate may remain clean or the Committee may authorize some boundary authority.

Mimi Urbigkeit asked how boundary disputes are dealt with outside the metropolitan area.

Ray Phelps said that the state can create its own boundary commission.

Frank Josselson said that, currently, if a service district outside the metropolitan area wants to add territory, it can by following the statutory procedures. If a city wants to incorporate land, it follows the procedures set out by its comprehensive plan and statutes.

Vote on the motion: There was Committee consensus to accept the motion.

### 3. Additional business

Janet Whitfield distributed *Metro Charter Review Task Force: Finding and Recommendations* by the Portland Chamber of Commerce and *Regional Governance in the Denver Metropolitan Area*.

Chair Myers said that he would like to spend the first part of the next meeting finishing the function provisions in the draft, beginning with the catch all provisions and any other specific areas that members would like to raise. He said that he would like to complete the functions in the first hour of the meeting. The remainder of the meeting will center around a first discussion of the principle issues and points around structure.

Chair Myers adjourned the meeting at 9:10 p.m.

Respectfully submitted,



Kimi Iboshi  
Committee Clerk

Reviewed by,



Janet Whitfield  
Committee Administrator

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**REGIONAL GOVERNANCE  
LAND USE SUBCOMMITTEE  
MEETING NOTES  
Wednesday, December 4 1991**

Present at the meeting were: Mike McKeever and Greg Chew, RGC staff, Frank Josselson and Ned Look, Charter Committee members, and Gussie McRobert, Shirley Huffman, Marge Kafoury, Dennis Mulvihill, John Andersen, Dave Poese, and Bruce Thompson, subcommittee members.

Charter Committee member Frank Josselson made an introductory presentation setting forth the general principles in the Committee's current Planning Responsibilities outline. He indicated that the phrase "Regional Framework Plan" should be eliminated in Section II of the outline and that generally, the outline needed more work to clarify its intent. For example, he indicated that the regional goals and objectives called for in Section II A 1 of the outline would be limited to those topics listed in Section III of the outline. This type of cross-referencing is not clear in the current document. Frank indicated it was his desire to pass a charter which limited METRO's authorities to a shorter list of topics than in the current state statutes, and to then give them the authority to successfully execute this shorter list of responsibilities.

Most of the meeting was spent discussing the topic of the roles of LCDC and METRO in regard to reviewing local Comprehensive Plans. One proposal advocated by some Charter Committee members is to have METRO send its Regional Plan (regional goals, performance standards and functional plans) to LCDC for acknowledgement. Following acknowledgement of the Regional Plan, METRO would then have authority to review the 27 local government Comprehensive Plans and determine whether they were in compliance with statewide planning goals and the Regional Plan.

Several subcommittee members expressed concern that entirely eliminating LCDC from the process of reviewing local plans would create risks for local governments and, politically, would be impossible to convince the legislature to accept. Frank listed the possible benefits of such a system as follows:

- savings of money and time;
- less legal challenge;
- better staff competence;
- better accessibility and communication;
- more familiarity with local metropolitan issues; and
- foster regional and local cooperation.

Subcommittee members generally disagreed that there would be savings in money, time, or reduced legal challenges. They also were concerned that such a system might reduce regional and local cooperation rather than increase it. They agreed that it was possible that METRO staff might be more competent, have greater familiarity with local issues, and be more accessible.

Mike McKeever suggested that the group think about ways which the benefits of the proposed shift of local plan review responsibilities from LCDC to METRO could be achieved without triggering some of the problems. The group considered the merits of a suggestion to have LCDC delegate the staff review of local plans to METRO, with LCDC retaining authority for final action. John Andersen suggested that this idea had merit, but that more thought needed to be given regarding how METRO could use its current statutory authority to coordinate plans effectively under this system (that authority currently is not utilized by METRO). Frank expressed concern that this proposal would result in duplication of effort as local governments would have to stop at METRO on their way to LCDC.

Everyone agreed to continue thinking about the issue. The next meeting was scheduled for 9:00 a.m. Wednesday, December 18 at McKeever/Morris's office.