

**METRO
CHARTER
COMMITTEE**

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AGENDA

DATE: January 9, 1992
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: Metro, Room 440, 2000 SW 1st Avenue, Portland

6:00 Call meeting to order.

Correct and adopt minutes from December 12 and 19 meetings (previously distributed).

6:10 Discussion of hiring counsel to assist in Committee deliberations and Charter drafting.

6:30 Consideration and adoption of outline of Metro structure alternatives for public comment.

8:45 Review of proposed Committee schedule for completion of pre-drafting decisions relating to powers, functions, structure and finance.

9:00 Adjourn meeting.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

January 9, 1992

Metro Center, Room 440

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

Committee Members Absent: Norman Wyers*

Chair Myers called the regular meeting to order at 6:15 p.m.

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the December 12, 1991 minutes.

Motion: Charlie Hales moved, Larry Derr seconded, to approve the December 12, 1991 minutes as distributed.

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

Chair Myers asked for corrections to the December 19, 1991 minutes.

Motion: Charlie Hales moved, Ray Phelps seconded, to approve the December 19, 1991 minutes as distributed.

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

2. Discussion of hiring counsel to assist in Committee deliberations and Charter drafting.

Chair Myers asked for the Committee to grant him authority to ask Hans Lindy to be legal counsel for the Committee. Hans Lindy is a former member of the Oregon Supreme Court and the author of virtually all of the Oregon Supreme Court decisions that currently define home rule in Oregon. He said that, if given authority, he would report back by the next meeting Hans Lindy's views and the basis on which he would be willing to take the position, if he is willing.

Motion: Ned Look moved, Ray Phelps seconded, to grant Chair Myers authority to ask Hans Lindy to be the legal counsel for the Metro Charter Committee.

Wes Myllenbeck asked if Hans Lindy has written any charters.

Chair Myers said that he is not sure. He said that Hans Lindy was the draftsman of the revised constitution for Oregon which was generated by the commission in 1963 and narrowly defeated in the

Senate.

Wes Myllenbeck asked if he had a good understanding of local government.

Chair Myers replied yes.

John Meek asked if the Committee needs to set a limit on legal expenditures so that it does not run into conflict with the competitive bid process. He said that a cap under the competitive bid legal requirement needs to be set.

Janet Whitfield said that \$27,000 had been budgeted for professional services, for which approximately \$1,600 had been spent.

Chair Myers said that it is a professional services contract and is not subject to competitive bid requirements. He said that he will make sure that the Committee is not moving inconsistently with any law if and when the Committee gets legal counsel.

Vote on the motion: All present voted aye. The motion passed.

Wes Myllenbeck asked if Chair Myers had any alternatives.

Chair Myers said that he did not at this point.

3. Consideration and adoption of outline of Metro structure alternatives for public comment.

Chair Myers referred the Committee to the *alternative approaches to regional government structure*. He asked the Committee to determine if the detail of the basic alternative is sufficiently set forth to the Committee's satisfaction. He said that, for the purposes of the first round of public comment, specific detail is not needed. He asked the Committee to also determine if the sub-issues are fully stated to the satisfaction of the Committee. He said that alternative one is the current system. He read through the executive officer section of alternative one.

Motion: Mary Tobias suggested inserting *elected at-large* to make the first statement read: *executive officer, elected at-large by voters of regional government to exercise executive/administrative authority.*

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

Ron Cease said that the sub-issue of *limitation of consecutive terms* is limiting. It would leave the issue open if the sub-issue was simply the *limitation of terms* so that it could be consecutive or non-consecutive terms.

Ray Phelps said that Ron Cease is making it a different issue.

Ron Cease said that he was making the issue broader. The charter could limit the executive officer to a two term limit regardless of whether the terms are consecutive.

Motion: The motion was to reword the sub-issue *limitation of consecutive terms* to read: *limit on number of terms.*

Vote on the motion: There was Committee consensus to make the change.

Mary Tobias asked if any Committee members wanted to talk about the amount of votes that it would take to elect any of the positions. For example, should it be a majority of the votes, two-thirds of the votes, or a specific number of votes?

Larry Derr said that there is the practical problem that there might not be anyone elected.

John Meek said that there could be a threshold on a percentage of voter turnout.

Ray Phelps said that could result in an executive officer never leaving office.

Jon Egge asked if the *partisan or nonpartisan* sub-issue was really an issue.

Ray Phelps said that it was.

Chair Myers went on to explain the legislative body of alternative one.

John Meek said that the legislative body should not only be elected within single-member districts, but there should be the same number of council members for each county.

Ray Phelps said that is not possible because of the idea of one person, one vote.

Chair Myers said that unless the districts could be shaped consistently with one person, one vote to bring out an equal number in each county, there would be a constitutional problem.

John Meek said that he would like the issue researched. He said that the Committee is doing something new and unique and is looking for regional representation.

Chair Myers said that the Charter will be subject to the one person, one vote constitutional requirement.

Ray Phelps said that the issue was brought up in Salem a few years ago and found to be unconstitutional by the Attorney General.

Chair Myers said that when legal counsel comes on board, that question can be researched.

Motion: John Meek moved that *the equal allocation of legislators from the three counties* be listed as a sub-issue in alternative one.

Ron Cease said that he thinks it is not really an issue because it cannot be done. He said that if the issue of equal allocation of legislators from the counties is put down as a sub-issue, attention will be drawn to it and people will zero in on it when they should zero in on other issues.

Chair Myers said that he agrees that it is not really an option. He asked John Meek if it would be satisfactory to leave the issue out of alternative one and get some advise from legal counsel. If it is determined that it is an option, it can then be put on the list.

Vote on the motion: Having no second, the motion failed.

Chair Myers said that the issue will be researched.

Matt Hennessee asked if *limitation of terms* was left out of the sub-issues for the legislative body intentionally.

Chair Myers said that was an error and should be included.

Frank Josselson asked what the exact wording was for *limitation of terms*. He said that limitation on number of terms is not what the Committee means.

Motion: The motion was to change the language of *limitation of terms* to *term limits* throughout the document.

John Meek asked why it should be changed to *term limits*. He said that it should remain *limitation of consecutive terms*.

Chair Myers said that Ron Cease said that there might be a desire to have a limitation on non-consecutive terms.

Ray Phelps said that *term limits* is adequate and invites all options.

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

Chair Myers asked if there were any changes to the administrative structure of alternative one. Hearing none, he moved on to alternative two. Chair Myers said that alternative two is the same as alternative one except that officers include a Treasurer. He said that alternative two follows the thinking of Ray Phelps and work he has done on the overall structure.

Ray Phelps said that he would like it to be known that he has been working with several people on the Committee. He said that he has not enjoyed the methodology that he has followed, but he did not know how else to do it. He said that he has drafted a charter in outline form and it is hard to understand the Treasurer concept without the interaction from the rest of the outline. He said that he respects Chair Myers' desire to not have this charter outline come forward at this point.

Ned Look asked when it would be appropriate for Ray Phelps to share his outline with the Committee.

Ray Phelps said that he talked with Chair Myers about it and Chair Myers suggested that he wait until after the public hearings. He said that he is ready to move on it, but does not want to cause problems for the Committee.

Ned Look said that he thinks Ray Phelps' outline is well done and germane to the subject.

Chair Myers said that to the extent that any one or group of members generates proposals with respect to elements of the charter, there are two points that they should be introduced to the Committee--either at the point at which the Committee is discussing the conception that will go out to the public or when the public process has been completed and the Committee is at the point where it is deciding what will go into the draft.

John Meek said that a proposal being circulated out of the formal Committee process is likely to get torpedoed regardless of its merit when it is brought before the Committee at the last minute. He said that even if it passes out of the Committee with nine votes, there will be a strong minority telling the public that it is a cliquish group railroading the proposal through.

Matt Hennessee said that the conversation has moved from a discussion of the treasurer to a discussion of the report. He said that the discussion of the report is necessary, but this is not the place. He asked that the Committee return to the discussion of the treasurer.

Chair Myers said that the issue of how other concepts around different pieces of the charter best fit into the process can be discussed when the Committee discusses the work plan for the next six weeks.

Matt Hennessee said that the position of treasurer does functions of both a treasurer and an auditor. He asked for a better explanation of what the treasurer would be doing. He asked if the person would be better named a treasurer or an auditor.

Chair Myers said that he has set forth the description of the functions of the office as Ray Phelps prepared them. He said that the office involves audit related activities--executed transactions and performance auditing--as well as other functions.

Ray Phelps said that he truly believes in performance auditing. He said that the government is of a size that it has the ability to do performance auditing independent of any other agenda. He said that there is a narrow agenda of trying to hold down the cost of government and it would be more cost efficient to have a fiscal person who does auditing. It would assist the council with their work load by giving them the assurance that there is a person doing the fiscal jobs independent of other elected officials so that it can get autonomous attention.

Ron Cease said that he likes the concept but is not set on having the treasurer being elected. He suggested having a separate alternative with the same provisions, but have the treasurer be appointed.

Chair Myers said that in Ray Phelps' conception, which is not set forth, the treasurer is in the line of succession to the executive officer.

Ray Phelps said that it has that component because he does not believe that the executive officer should be appointed and the elected treasurer provides for an elected official always being in the position. He said that is the secondary interest. The primary interest is to do performance and fiscal responsibilities independently.

Charlie Hales said that if Ray Phelps' concept is in the draft as an option and the Committee chooses not to take it, then there is nothing to prevent the appointment of similar duties. He said that it would be below the threshold of what has to be in the charter. The executive or the Metro council could appoint an outside auditor or controller without having the charter speak to the existence of the appointment.

Ron Cease said that the concept may have enough merit to put it in the charter. It needs to be in the charter if there is to be an assurance that the person is either appointed or elected. Otherwise, it is left to the governing board and executive officer. He said that there is a concept that says that there needs to be a guarantee for there to be a treasurer with some independence to perform the role. He said that if the guarantee is going to be an option, then it should be clear that the person does not have to be elected.

Chair Myers said that could be accomplished by deleting the reference to election and by listing as a sub-issue: *method of selection*.

John Meek said that he understands the provision to have independence in the position. It will have authority to do continuous inspection on financial affairs and conduct fiscal and performance audits. He said that the statement *subject to approval of the legislative body after provide for management and investment of Metro finances* strips the independence away. He said that it should be broken up into two distinct aspects. The first would have the treasurer with independent roles and the second would have functions subject to approval by the legislative body.

Ray Phelps said that only the investment of finances is subject to approval by the council. He said that what is being contemplated is what the legislature does with respect to the treasury of the state which is to identify the quality of investments that can be made and not how they can make the investments.

John Meek said that he understands the issue, but it is not clear how it reads.

Motion: Ray Phelps suggested that the statement *provide for management and investment of Metro finances, subject to approval of legislative body* be moved to the end of the phrase after *payments due*.

Ray Phelps said that by placing the statement at the end of the paragraph, it may be clarified.

John Meek said that there are two roles. One is subject to legislative body approval and the other is an independent role.

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

Ned Look asked how the options for an elected treasurer and appointed treasurer will be written. He asked if they will be written as two separate alternatives.

Chair Myers said that it can be done that way or as a sub-issue. He asked which way Ray Phelps would prefer.

Ray Phelps said that the two options do not have to be parallel. There could be a general manager instead of an executive officer and still have a treasurer. He said that autonomy cannot be achieved without the election. He said that he would have no problem making the issue a sub-issue.

Motion: The motion was to have the options of an elected treasurer or appointed treasurer be listed as a sub-issue under the second alternative. The reference to an elected treasurer earlier in the description will be deleted.

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

Chair Myers said that another issue that needs to be explored is the potential role of a successor to the executive officer. He said that if a treasurer were to have performance auditing capability, vis-a-vis the executive officer, that ought to be a position to which the treasurer is ineligible to succeed so there is no incentive to use the position as political gain against the executive officer.

Ray Phelps asked how long the period between being treasurer and executive officer would have to be.

Chair Myers said that it would be a long time--possibly eight years.

Ray Phelps said that the Committee should be more sensitive to a special election to replace a vacancy in the executive office rather than the council. He said that he was calling for a less expensive way to call for replacements with his proposal.

Motion: The motion was to add, under alternative one, a sub-issue for the executive officer which would read *method of filling vacancy*. The sub-issues of *method of filling vacancy* will also be added under the treasurer in alternative two.

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

Chair Myers said that alternative three would be the same as alternative one except that the elected executive officer is replaced by a regional government manager selected by the legislative body.

Frank Josselson said that alternative one talks about two branches of government--executive and legislative. Alternative one contemplates a division of responsibility. If alternative three would have a legislative body and no elected executive officer, then the council should have legislative and executive authority. Frank Josselson suggested that alternative three read *regionally elected council from single member districts with no elected executive officer*.

Mary Tobias said that with the alternative for an appointed executive officer, then it is a council-manager form of government. To be effective in a council-manager form of government, executive authority should not be reposing in the council. The council should be purely a policy council, otherwise the waters get muddy.

Chair Myers said that there might be another alternative that should be set forth because alternative three was meant to capture the council-manager form.

Frank Josselson said that Mary Tobias' comment anticipates his other comment that he has not considered the possibility of having a council and the charter require a regional manager. He said that alternative one says that the administrative structure of the regional government is left for the determination of the legislative body except to the extent the charter prescribes that structure. He said that another alternative is elected regional governing body from districts with the authority to establish its own administrative structure.

Matt Hennessee said that there is a sub-issue with alternative three as to how the governing body decides whether they shall have a chair or presiding officer. He said that it is not spelled out in the outline. A further question would be what the completion is of the whole governing body. He said that there are several alternatives with the elected legislative group and an appointed manager.

Chair Myers said that in order to keep the total number of alternatives under control, a list of sub-issues could be set up that could be pertinent to a number of them. He asked if Matt Hennessee was talking about how the leadership of the legislative body was chosen.

Matt Hennessee said yes. He said that some mayors are elected at-large while others are appointed by the council. He said that is an issue that should not be overlooked--especially with an appointed manager being an executive and the other aspect being left open.

Chair Myers said that Matt Hennessee's concern could be captured by expanding the sub-issues throughout the document to include *method of selection of presiding officer/president of legislative officer*.

Frank Josselson said that is an important consideration. He said that alternative three read *a regional governing body, the members of which are elected from single-member districts*. Underneath that would be a sub-issue that deals with the *option of an appointed regional government manager*. Another sub-issue would be the *option of having the chair or presiding officer being appointed by the council from their own members*.

John Meek suggested that instead of *elected executive officer*, it be *an at-large presiding officer*.

Frank Josselson said that is alternative four.

Ron Cease said that it is getting too complicated to put all the sub-issues together. He suggested that

the alternative be the elected council with an appointed manager.

Motion: Ron Cease suggested that a sub-issue under alternative three be the *nature of responsibilities and relationships of the council and manager*.

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

Frank Josselson said that alternative would be fine with him although it overlooks the alternative that allows the council to determine if it wants to have a manager or another form of leadership.

Ron Cease asked if Frank Josselson really wanted to leave that open to the council. He asked if it was a real option.

Frank Josselson said that he has not thought about it.

Ron Cease said that he does not consider it to be a real option.

Chair Myers said that, for alternative three, he would like to stay with the notion of *same as alternative one except* because it goes back and picks up the sub-issues and they do not have to be restated. He said that if alternative three stays the same, Ron Cease's sub-issue would be the *nature of relationship and responsibilities between the council and manager*.

Frank Josselson said that the problem with saying *same as alternative one* is that it perpetuates the legislative body concept, which can be inaccurate depending upon the structure of the government otherwise. He said that it would be fine if it is called a *regional governing body* and has both legislative and executive functions.

Chair Myers said that if it is a *regional governing body with regional government manager selected by governing body*, then the same sub-issues from alternative one are relevant. There is also the additional issue of the *nature of relationship and responsibilities between the council and manager*.

Bob Shoemaker said that alternative one says *administrative structure of regional government is left for determination of legislative body*. If there is not an elected executive, then the management is within the administrative structure. He asked if that allows alternative three to fit within alternative one.

Chair Myers said that the thrust of alternative three is that it calls for a manager in the charter. The rest of the administrative structure is left to the governing body.

Bob Shoemaker said, except for the call for a manager, alternative one fits, including whatever role the legislative body wants to play in the administration of the government, because it is left up to the body.

Ron Cease said that part of the problem is that the reference back to alternative one creates a problem, because people go back and do not know what is the same. If the pieces are repeated, it will work better.

Motion: The motion was to redraft alternative three to specify a *regional governing body elected from single member districts with a regional government manager selected by the legislative body*.

Matt Hennessee said that there is a difference in spelling out that there is a regional government manager and his or her responsibilities are to get into some of the other issues, such as appointments,

as opposed to leaving it the way it is and saying *administrative structure is left to the determination of the legislative body outside the charter*. This would mean that, by ordinance, certain things would be determined that would allow such things as a group of people to decide what powers the administrator will have depending on the council. It will allow the council to empower or unempower the administrator.

Chair Myers said that it could be a sub-issue that would be addressed in putting the issue together. He said that the issue might be captured under Ron Cease's suggestion of having a sub-issue be the *nature of relationship and responsibilities between the council and manager*.

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

Chair Myers asked the Committee to move on to alternative four. He said that it was an attempt to capture the commission form proposed by Jon Egge and Frank Josselson.

Jon Egge said that his intent was not to elect an at-large official.

Chair Myers said that an at-large elected presiding officer can be a sub-issue for alternative four. He said that it could be a sub-issue for any approach that has a legislative body in it.

Jon Egge said that it is a subtle difference. He said that he hopes that he got across the point, during previous discussions of the commission form, that the current functions that are being delivered by Metro ought to be delivered under commissions. The future functions that Metro might take on by process would be open to whatever decision the regional governing body undertakes to deliver the services.

Motion: The motion was to delete the reference to the presiding officer being *elected by voters of the entire region*. The issue of *the method of selection of the presiding officer* will become a sub-issue.

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

Chair Myers said that alternative four would read: *regional governing body with members elected within single-member districts. Regional governing body exercises the regional government's planning responsibilities and ultimate budget and policy-making responsibilities for all other regional government functions*.

Bob Shoemaker said that the sub-issue captures the idea of electing the presiding officer at large. He said that it is a very important issue and gets lost in the statement *method of selection of the presiding officer*.

Chair Myers said that the sub-issue could be amplified by stating *method of selection of presiding officer, i.e., elected at large or selected by legislative body*.

Motion: The motion was to reword the sub-issue to read: *method of selection of presiding officer, i.e., elected at large or selection by legislative body*.

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

Chair Myers suggested that the administration statement for alternative four read *administration of all initial regional government functions other than planning is placed by the charter under commissions selected by the legislative body. Administration of all later acquired functions is left to*

the decision of the governing body.

Jon Egge said that the key to the concept is the process that the later acquired functions will go through. He said that, although the process has not been identified yet, the statement should say *later acquired functions acquired by process are administered in accordance with the process*. He said that the idea of the process is that there might be a vote of the people and that it might be prefiltered for additional functions that the regional government might undertake.

Chair Myers asked what is meant by the functions administered under the process *are administered in accordance with the process*.

Frank Josselson said that whether there would be a committee, administrator, or council administering the process would be determined as part of the process.

Chair Myers asked if it would be a matter of political agreement.

Jon Egge said yes, but it would also be more than that. He said that it might be a political agreement with the voters of the region.

Motion: The motion was to reword the administration statement in alternative four to read: *administration of all initial regional government functions other than planning is placed by the charter under commissions selected by the regional governing body. Manner of administration of any function later acquired by charter process will be determined in that process.*

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

Ray Phelps asked if alternative four is calling for commissions mandated for the current functions and will allow the council to choose for future functions.

Jon Egge said that it calls for commissions for current services. It allows for identification in the process for how the services will be delivered for future functions.

Ray Phelps asked what the council would do after it appoints the commissions.

Jon Egge said that the council will do planning and policy. They will also handle appeals of decisions at the commission level. He said that the council would probably be a full time job.

Mary Tobias said that the sub-issue would have to be the *removal of commissions*. If a commission was malfunctioning or not functioning or increased the cost of doing the service, the regional governing body might decide that it would want to fold that duty back into its own and there should be a process to do that.

Jon Egge said that the charter will be a timeless document. He said that the commission form should be dictated to the regional government in the form of *may* instead of *shall*. He said that there should be some way of adjusting the idea of mandated commissions, but initially the idea is to deliver the services through commissions. He said that the regional government should also be allowed to deliver the entire function by contracting.

Janet Whitfield asked, when additional functions are adopted by the regional government through a process and that process includes a vote of the people, if the ballot measure would outline how the function would be administrated.

Jon Egge said that if it is a commission, it would be laid out in the ballot. If the council decided to take on the function themselves, then there would not be a commission created and it would not be mentioned on the ballot.

Chair Myers asked if there should be a sub-issue as to the authority of the governing body to terminate the use of commissions.

Wes Myllenbeck said that there should also be a sunset date for commissions and advisory boards. This would allow the council to review the commissions and boards periodically to determine if they are really needed or to prevent them from taking away too much power from the regional government.

Chair Myers said that it could be listed as a separate sub-issue. He said that, without trying to resolve a lot of detail, he wants to make sure that all the sub-issues have been called out.

Motion: The motion was to add, to alternative four, the sub-issues of *authority of the governing body to terminate a commission and periodic "sunset" of each commission subject to continuation by governing body.*

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

Ray Phelps asked how alternative four is different than alternative five, other than the source.

Chair Myers said that alternative five is from the Portland Metropolitan Chamber of Commerce Metro Charter Review Task Force. He said that the reference to *legislative body* would be better stated *regional governing body*. He said that the difference between alternative four and alternative five is that alternative five states that the *regional governing body would be empowered to establish independent regional authorities to deliver specific regional services as necessary and appropriate, but could not itself tax directly for those services or provide regional services delivery directly.*

Blanche Schroeder, Portland Metropolitan Chamber of Commerce staff, said that it is just one way for the regional authority to deliver services. She said that the Chamber assumed that the regional government would either ask the local governments to do it or contract to have the service done. She said that there was a list of ways for the regional government to provide the service, including setting up an independent regional authority which would have to through the regional government to get funds. She said that the Chamber was not assuming that commissions would be established for everything that was regional in nature.

Mary Tobias asked if the Chamber's position would be better captured by prefacing the alternative with *the legislative body is empowered to exercise legislative authority*. She said that it would precede the statement *it would be empowered to establish regional authorities as needed to deliver services.*

Blanche Schroeder said that it does. She said that it needs to be broader than *establishes regional authorities.*

Motion: Chair Myers suggested that it be reworded to state *regional governing body would be empowered to establish independent regional authorities or affect other arrangements to deliver specific regional services....*

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

Blanche Schroeder said that would better capture the essence that the regional governing body would be left to do planning. She said that *independent regional authorities* should not be limited to

commissions.

Bob Shoemaker asked if the taxing authority was being restricted to the governing body or the voters and the independent commissions would not be allowed to exercise taxing authority. He asked if the governing body cannot tax.

Blanche Schroeder said that the governing body could not tax directly to operate services. It would be taxing on behalf of the regional function concept, libraries for example.

Bob Shoemaker asked who would have the authority to enact the tax.

Blanche Schroeder said that only the council would have the authority to enact a tax. She said that the Chamber proposal said that the intention is that the taxing is not going to be done by the regional government for itself to provide the services.

Bob Shoemaker said that the regional governing body could enact tax to fund the independent agencies.

Blanche Schroeder said that was true. The Chamber proposal says that *the regional entity, itself, shall not be authorized to either tax directly for regional service provision or provide regional services delivery directly*. She said that the regional government cannot tax for itself for planning or policy.

Bob Shoemaker said that the way it is written in alternative five sounds as if the independent bodies are created but the council cannot fund the operations of the independent bodies.

Chair Myers said that the source of alternative five is the Metropolitan Chamber and he would prefer to keep it essentially verbatim and would prefer not to modify it according to the Committee's sense of what it means. He said that he would like to put it forward as the Chamber proposed it. If there are ambiguities, those can be sorted out when the Chamber discusses it with the Committee. He said that the Committee's addition of *affect other arrangements* is a departure from the proposal. The proposal says *be empowered to establish independent regional authorities to deliver specific regional services*. He said that the Committee has widened the proposal in the modification beyond what is actually stated.

Chair Myers said that he would like to take out the amendment of *affect other arrangements* in order to state the alternative as the Chamber has proposed it. If the Chamber thinks that the alternative is inadvertently stated too narrowly, they can correct it.

Chair Myers asked if there was any other alternative descriptions of structure that the members would like added.

Ron Cease said that he would like to add an alternative. He said that it would be identical to alternative one and there would also be a provision for a chief administrative officer. He said Metro operated under that structure during its first year of an elected executive officer. He said that larger cities, such as New York, operate this way. He said that there would be an elected executive who would be the political officer of the unit, but the administrative details would be turned over to the chief administrative officer. He said that it would be called out in the charter. He said that it could be done now, to a certain limit. He said that it would not be a substitute for a treasurer. There would be an elected executive officer, chief administrative officer who would handle the budget and other in-house administration, and the council.

Mary Tobias asked if, under alternative two, there was any need for a sub-issue to be a separation of a

chief financial officer and an auditor. She said that there might be a need for two separate positions.

Motion: The motion was to add under the second alternative, the sub-issue of *separation of the audit from other functions.*

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

Chair Myers asked the Committee to return to Ron Cease's proposal. He asked if the executive officer would still exercise executive administrative authority.

Ron Cease said that the phrase should be left out. He said that what would have to be determined would be the relationship between the executive officer and the administrative officer.

Chair Myers said that there would be *required appointment of a chief executive officer.*

Ray Phelps asked who would make the appointment.

Chair Myers said that sub-issues would include *method of selection* and *scope of responsibilities.*

Ron Cease said that those who support an elected executive say that the politics of the region are such that the only way to deal with that is to have an at-large elected officer dealing with it. He said that, on the manager form, there needs to be a professional manager, subject to the council, to perform the management responsibilities of the organization. The difficulty with the elected executive officer is that there are times when the executive officer does not know anything about management and is not very good at it. He said that the alternative that he is proposing is sometimes used in larger units to try to combine the two needs.

Chair Myers said that it will be added as a sixth alternative.

Mary Tobias asked, in places where there is a chief administrative officer, whether there is usually an elected executive officer position or if the position is a mayoral figure.

Ron Cease said that the situation has worked well in larger cities where there is a full time elected mayor who is the chief political officer. There are also complicated management problems that must be dealt with by a professional person responsible for those tasks and who operates under the mayor. He said that he does not know places specifically where it is being used.

Wes Myllenbeck said that King County in Washington has a similar form.

Ron Cease suggested that there be a sentence added in the opening of the structure alternatives paper which states that there are variations to the alternatives.

4. Discussion around the committee narrative

Chair Myers said that, at the last meeting, the committee narrative to supplement the outline was distributed and members were asked to sign-on to it if they wished to.

Charlie Hales said that it is important to characterize the document as the status of the Committee's thinking and not as the Committee's proposal that is being put before the public. It is a summary of the yet uncompleted work rather than a proposal that is in the final stages.

Jon Egge said that the narrative is a better explanation of the outline. He said that he would prefer it to come out of the Committee rather than be signed by a few members.

Ron Cease said that he had some questions about some statements in the narrative that may not be quite accurate.

Mary Tobias said that she was concerned that there are statements in the narrative that are subjective and not supported by facts.

Ray Phelps said that it would be a disservice to put out the outline without some sort of narrative. He said that the troubling aspect is that to have members subscribe to or not subscribe to the document becomes an issue of support or denial that none of Committee is comfortable with. He suggested that the chair be authorized by the Committee to provide, to the best of the ability of the chair, a narration which the Committee will then accept to support the facilitation of a discussion.

Motion: Ray Phelps moved, Frank Josselson seconded, to authorize the chair to provide a narrative of the outline on behalf of the Committee.

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

Chair Myers said that he would not be able to construct a document from scratch and have the document available right away. He said that he will scrutinize the document again and make the changes that are necessary to make it consistent with his understanding of a correct explanation of what the outline involves.

Ron Cease said that the document should not be an official document and it should reflect that it is provided by the Committee under the direction of the chair.

Chair Myers said that he will consult with those members who have specific concerns.

Ron Cease, John Meek, Bob Shoemaker, and Mary Tobias expressed that they had concerns.

5. Review of Committee schedule

Chair Myers said that, because the Committee is heading into a period of full Committee involvement in the hearing process and there is the need for the full Committee to work back through functions and structures, he wants to designate a finance subcommittee to develop and bring to the full Committee a proposed outline of the charter respecting finance. He said that the Committee will receive an in-depth overview of Metro's current finance structure on January 16. He said that he would appoint the subcommittee at that time. He said that subcommittee would bring their proposals to the full Committee on February 14 and the Committee would adopt the proposal on February 20. He said that there would be a public hearing on finance to react to the outline.

Chair Myers discussed the public hearing schedule for January 18, 22, 23, and 30. He said that the Regional Governance Committee is scheduled for January 18. Multnomah County and City of Portland are not able to give a definite reply at this point. If they cannot meet on January 18, they will be rescheduled. If the agenda for January 18 is not full, staff will ask other groups to testify and there will be time left open for public comment.

Wes Myllenbeck asked that the City of Portland have a representative from the water bureau to testify.

Mary Tobias said that the public hearings should be called work sessions because the Committee will have a lot of questions that will need to be answered in an informal setting rather than a formal setting.

Janet Whitfield said that the agenda for January 18 labels the meeting a full meeting with invited testimony. She said that she has told people who have inquired that the January 18 meeting is for invited testimony only.

The Committee discussed groups which they would like to hear from and are not scheduled to testify at this point. The list consisted of LCDC, the State Agency Council, Homebuilders, Common Cause, and Chuck Harrison.

There was Committee discussion surrounding the title of the meetings for public comment. There was objection to calling them a public hearing because it does not give the impression of a dialogue. There was concern that the public will prepare differently for a public hearing than a work session. There was discussion of changing the title to call the meetings work sessions. Ron Cease said that a work session is when decisions are being made and the Committee will not be making any decisions.

Chair Myers said that the Portland Metropolitan Chamber is scheduled to testify on January 22. The meeting will begin at 5:00 p.m. He said that the meetings of January 22 and January 23 will be open ended and there will be time for public comment as well as presentations from individual organizations who have been invited to testify. There will be testimony from Metro on January 30. The meeting on January 30 will be held at Metro. The meeting of February 6 will center around decision making around the function elements of the directions for drafting. February 13 will center around decision making on charter drafting instructions for regional government structure. The finance subcommittee would then complete its work by February 14 and the Committee would discuss the proposals on February 20 with a public hearing the week of February 24. The meeting of March 5 is set aside for the adoption of charter drafting decisions for finance.

Ray Phelps asked if the finance subcommittee would be charged with the responsibility of determining funding for Metro. He suggested that there be a Committee charge for the subcommittee to look at specific issues.

Chair Myers asked the Committee to think about specific matters for the subcommittee to consider for the next meeting.

Mary Tobias suggested that the Committee come to the meetings of February 6 and 13 prepared to meet from 6:00 p.m. to 10:00 p.m. with a guaranteed 15 minute break in order to avoid slipping from the schedule.

Motion: Wes Myllenbeck moved, Ned Look seconded to give the chair authority to appoint a subcommittee on finance.

Chair Myers said that any members of the full committee are entitled to be members of the subcommittee. He said that he would like to have two members from each county on the subcommittee. He asked that if there are members of the Committee who plan to participate on the subcommittee whether or not they are appointed.

Frank Josselson and Ray Phelps said that they intended to be on the subcommittee.

Wes Myllenbeck said that he did not want to be on the subcommittee.

Vote on the motion:

There was Committee consensus to adopt the motion.

6. Additional business

Ray Phelps said that he tried to develop an outline of the entire charter. He went through the statutes and ordinances to take out what he thought was pertinent, based on his personal experience at Metro and other personal experience, as to the purpose, criteria, finance, structure, etc. He said that he came out with an 11 page outline and a summary of the outline. He said that he talked with a number of persons on the Committee to see where the thinking was askew and where it could be improved. He said that he wants to identify that he has been doing it and has worked with a number of persons on the Committee. He said that he did not want to work outside the process, but that is the only way he could figure out how to do it. He said that some members of the Committee have copies of the outline and he wanted to make the Committee aware of what he has been doing. He said that he prefers to look at documents in their totality and has a difficult time looking at fragments of it. Ray Phelps distributed copies of his outline and summary.

Chair Myers said that the Committee should not try to work through Ray Phelps' document as a Committee document. He said that it would serve as a source of questions in the hearing process around specific aspects that may differ from the pending draft. He said that it could come back into the Committee process at the point where the Committee is working on the drafting instructions to the charter and changes, taken from the outline, can be brought up then.

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

* After the January 2, 1992 meeting, Isaac Regenstreif resigned from the Committee. Committee members were notified that Norman Wyers will replace Isaac Regenstreif as the representative from Districts 11 and 12.

Submitted by,



Kimi Iboshi
Committee Clerk

Reviewed by,



Janet Whitfield
Committee Administrator

Materials following this page represent
Attachments to the Public Record

**METRO CHARTER COMMITTEE
ALTERNATIVE APPROACHES
TO REGIONAL GOVERNMENT
STRUCTURE**

JANUARY 10, 1992

FOR PUBLIC DISCUSSION AND RESPONSE

The Metro Charter Committee is considering, and invites public comment on, the following (or other) alternatives to regional government structure or variations of them.

I. ALTERNATIVE ONE

(Source: Metro Charter Committee)

Executive officer, elected at large by voters of regional government, to exercise executive/administrative authority.

Sub-issues:

Partisan or nonpartisan.
Term limitations.
Method of filling vacancy.

Regional governing body, elected within single-member districts, to exercise legislative authority.

Sub-issues:

Size of regional governing body.
Partisan or nonpartisan.
Part-time or full-time.
Term limitations.
Method of filling vacancies.
Method of selecting presiding officer, i.e., at-large election or by regional governing body.

Administrative structure of regional government is left for determination by regional governing body except to the extent the charter prescribes that structure.

Sub-issues:

Situations, if any, in which charter should prescribe use of commissions or boards of directors.

II. ALTERNATIVE TWO

(Source: Metro Charter Committee)

Executive officer, elected at large by voters of regional government.

Sub-issues:

Partisan or nonpartisan.
Term limitations.

Scope of responsibilities in relation to Chief Administrative officer.
Method of filling vacancy.

Separate and appointive Chief Administrative Officer position specified by Charter.

Sub-issues:

Method of selection.
Scope of responsibilities in relation to Executive Officer.

Regional governing body, elected within single-member districts, to exercise legislative authority.

Sub-issues:

(Same as Alternative One)

Administrative structure of regional government is left for determination of governing body except as to use of a Chief Administrative Officer and except to the extent the charter otherwise prescribes that structure.

Sub-issues:

Situations, if any, in which charter should prescribe use of commissions or boards of directors.

III. ALTERNATIVE THREE

(Source: Metro Charter Committee)

Executive Officer, elected at large by voters of regional government, to exercise executive/administrative authority not vested in Treasurer.

Sub-issues:

(Same as Alternative One)

Treasurer, to make continuous inspections of regional government's financial affairs; conduct fiscal and performance audits; prepare five-year projections of operating budget and capital program; receive all monies due the regional government and make all payments due; and provide for management and investment of Metro finances, subject to approval of legislative body.

Sub-issues:

Elected or appointed.
Partisan or nonpartisan.
Term limitation.
Separation of audit to additional position.
Method of filling vacancy.
Successor to Executive Officer position if vacancy occurs.

IV. ALTERNATIVE FOUR

(Source: Metro Charter Committee)

Regional governing body elected from single-member districts.

Sub-issues:

(Same as Alternative One)

Regional Government Manager selected by the regional governing body.

Sub-issues:

Nature of relationship and responsibilities between regional governing body and Regional Government Manager.

V. ALTERNATIVE FIVE

(Source: Metro Charter Committee)

Regional governing body with members elected from single-member districts. Regional governing body exercises the regional government's planning responsibilities and ultimate budget and policy-making responsibilities for all the regional government functions.

Sub-issues:

(Same as Alternative One)

Administration of all initial regional government functions other than planning is placed by the charter under commissions selected by the regional governing body. Manner of administration of any function later acquired by charter process will be determined in that process.

Sub-issues:

Periodic charter sunset of each commission.
Authority of regional governing body otherwise to
terminate commissions.

VI. ALTERNATIVE SIX

*(Source: Portland Metropolitan Chamber
of Commerce Metro Charter Review Task Force)*

Regional governing body with authority to establish regional policy, set regional standards, maintain information and databases of the region, ensure compliance with regional policies and be accountable to regional electorate regarding regional issues.

Sub-issues:

(Same as Alternative One)

Regional governing body would be empowered to establish independent regional authorities or affect other arrangements in order to deliver specific regional services as necessary and appropriate, but could not itself tax directly for regional service provision or provide regional services delivery directly.

Legislative body would act as appeal body to resolve problems between local governments on regional basis, and would be required to provide for regular input from and communication with local governments either structurally or by other stated means.