

# METRO CHARTER COMMITTEE

P.O. Box 9236 • Portland • Oregon 97207  
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## Public Testimony/Discussion on Metro Functions and Structure

### AGENDAS

#### January 18, Saturday, 9 a.m. to 4 p.m.

Room 26, Smith Memorial Union, Portland State University

- 9:00 Regional Governance Committee
- 12:00 Lunch break
- 12:30 Multnomah County
- 1:00 Common Ground: The Urban Land Council of Oregon
- 1:30 Chuck Harrison
- 2:30 Open for other public testimony

#### (January 22, Wednesday, 5 p.m. to 9 p.m.)

Room 602, Multnomah County Courthouse, 1021 SW 4th Ave., Portland

- 5:00 Chamber of Commerce for the Portland Metropolitan Area
- 6:00 League of Women Voters
- 6:15 Portland Metropolitan Area Local Government Boundary Commission
- 7:00 City of Portland
- 7:45 Open for other public testimony

#### January 23, Thursday, 6 pm. to 9 p.m.

Conference room, Wilsonville Community Development Annex, 5454 SW Elligsen Rd., Wilsonville \*

- 6:00 Tri-Met
- 7:00 Citizens Crime Commission
- 7:30 Open for other public testimony

#### January 30, Thursday, 6 p.m. to 9 p.m.

Room 440, Metro, 2000 SW 1st Ave., Portland

- 6:00 Metro Council and Executive Officer

Any individuals or groups wishing to testify on January 18, 22 or 23 should call the Charter Committee office at 273-5570. Copies of the functions outline, committee narrative and structure alternatives are available at that number.

\* Directions to Wilsonville Annex: Going south on I-5, take exit 286 and turn left onto the overpass (going east). Just past the Super 8 Motel, turn left into the Annex (same building as the fire station).

MINUTES OF THE CHARTER COMMITTEE  
OF THE METROPOLITAN SERVICE DISTRICT

January 22, 1992

Multnomah County Courthouse, Room 602

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

Committee Members Absent: Charlie Hales, Matt Hennessee

Chair Myers called the meeting to order at 5:10 p.m.

1. League of Women Voters

Adele Newton, president of the Columbia River Region Inter-League Organization of the League of Women Voters (CRRILO), presented testimony. See attached testimony.

Bob Shoemaker asked, if there was an appointed Executive, does the League have a position on whether the president of the Council should be elected by the people at large or elected from within the Council.

Adele Newton said that some thought that an elected at large head of council was a good idea, but there was not a consensus.

Ned Look asked if the League took a position on whether or not there should be an auditor and how it should be structured.

Adele Newton said that it was not a question that was asked. She said that she would leave a list of the questions with Committee staff.

Ray Phelps asked if CRRILO had any ideas how to accomplish greater visibility and outreach.

Adele Newton said one idea was that individual councilors should make more effort to reach their constituents.

Jon Egge asked if there was any discussion about whether or not Metro councilors ought to serve on advisory committees.

Adele Newton said no.

2. Portland Metropolitan Chamber of Commerce

John Russell, chair of Metro Charter Review Task Force of the Portland Metropolitan Chamber of Commerce, said the Chamber favors a strong regional government. The task force members were Marty Brantley, KPTV, Gene Brim of Brim, Inc., Gary Conkling of Conkling Fiskum & McCormick, Chuck Frost of Tektronix, Leonard Girard of PGE, Barbara Karmel of The Reed Co., Chuck Lenard of



US West, Roy Marvin of Precision Castparts, Randy Miller of The Moore Co., Rudy Miner of Standard Insurance, John Pihas of Pihas, Reeves and Barns Advertising, Roger Qualman of Norris, Beggs & Simpson, Mike Ragsdale of Grubb & Ellis, Bill Robertson of Robertson, Grosswiler and Jermaine, and Bill Scott of Pacific Development. If an effective, efficient regional government is in everyone's best interest, it is certainly in business's best interest. The task force followed the format set out by the Committee--functions, structure, finance. Mike Ragsdale chaired the subcommittee, composed of Gary Conkling, Chuck Frost, Randy Miller, John Pious, Bill Robertson and John Russell, which looked at the form of government.

Mike Ragsdale gave the history of the task force. He said that the full task force discussed how they were going to provide input to the Committee and all members were asked to reflect the many biases and opinions they had about Metro and the charter process. There were people who believed that Metro ought to become a home rule general government urban county--Willamette County--with all kinds of powers and the ability to put everybody out of business and do everything themselves. On the other hand, people were very resistant of regional governments. A number of people that have very good backgrounds in local government and regional government activities gave very careful consideration to our recommendation. The subcommittee recommendation went to the full task force and then to the Chamber board. There was a tremendous amount of concern that, as a business group, we bring you a recommendation that we believe could be efficient. One of the most consistent beliefs in the business community is that government is inefficient. Our recommendations attempt to address that. We determined that we could not necessarily set a business model to judge efficiency because you cannot use a profit standard with government to judge whether they are doing the job right. In order to have a wide spread constituency support, government has to start being more efficient. We also considered the pragmatic reality of the existing governmental jurisdictions. Any recommendation that runs rampant over the true valid interest of local government, cities and counties, stands no chance of getting voter approval. We wanted to have a proposal that could have the support of local government, but we did not interview local government nor has it been presented to local government. *The charter should establish a regional government which shall establish policy, ensure policy compliance, and provide accountability to the regional electorate regarding regional issues.* These are three criteria that should be used by the regional government in determining if they should be involved in those issues. Regional issues are defined as those issues which *cannot be effectively regulated by the legislation of individual jurisdiction, or local law could prejudice the interest of other jurisdictions or of the region as a whole, or the preservation of legal or economic unity demand, in particular the preservation of uniformity of opportunity extending beyond the territory of an individual jurisdiction.* This criteria should be in the charter. It is a sharp departure from a charter enumeration of responsibilities. This technique is for determining responsibilities and we believe the charter ought to do that and not list out specific responsibilities. We have listed issues that we believe could be included, but are not limiting, but we don't intend this to be a listing strategy. We encourage you to say the charter is empowering this regional body to develop regional policy and then state the criteria whereby they may be involved in those policies. The second recommendation is that *the body would set policy on a regional basis regarding those regional issues in such a manner that would provide the residents of the region with a level of livability in keeping with regional values.* These should include long range planning and setting of standards. It's important that, when you're giving policy authorization, you also deal with some kind of direction in the charter to the elected officials who are going to be administering that policy. They should ensure a level of livability in keeping with regional values. This creates flexibility, but it also creates some standards. We also recommend that the charter should include long range planning with short range quantifiable goals, standards and activities of that nature. We also indicated that the regional body should maintain information and data bases on regional information. We believe that the true currency in the government in the future will be information. We very much believe that this regional body ought to be specifically, clearly authorized to be clearly charged to be the one to do it on a regional basis. In the future the currency of knowledge will be extremely competitive. If this committee doesn't define that it



is an authorized and endowed responsibility of this agency, it might be overlooked. The third recommendation is that the body should have the authority and obligation to insure that the regional policies are implemented and standards met in the most efficient and effective manner available, and in such a way as to simplify service delivery. The charter should say that efficiency shall be a criteria. The question of how to judge efficient government needs to be resolved. We also urge that you put language in there indicating that the government shall simplify service delivery. Government will not necessarily simplify unless they are told they must in the charter. The recommendation continues with *in order to ensure implementation it is obliged to provide services necessary to meet the policy standards and goals*. Note that does not say that they are required to deliver, which is very intentional and controversial. Metro's set of policies is developed from the regional plan and local government. They may direct local government to do that. They may contract with the private sector, local governments, or quasi- governmental organizations or establish independent regional service districts to provide the services, but they may not conduct those services themselves as an agency. The fourth recommendation allows the establishment of independent regional service districts that really become part of the Metro, but they are separate. The task force's experience is that there is an inability for a policy making body to be a good deliverer of services--both in the public and private sector. As an ex-Metro councilor and presiding officer, there was not the ability to sit in committee meetings and make decisions about the operations of the solid waste function, but he had the ability to establish policy in solid waste. We encourage you to make the regional government a planning agency, a strategy agency--to set the direction for the reason in any area as long as it is truly regional in nature. Metro will work with a local government to deliver the service. In those rare cases where there's not any other way to do it, a regional service district can be set up. For example, certain aspects of water might be something that the existing entities cannot do the way it ought to be done or a future function granted to Metro might not be able to have its policy dispersed in any other way. A special service district would be set up with a board or a commission to operate that special service district. It does not matter how the appointment works, or how the confirmation works. The body should review local actions to make sure they are consistent with the policies. The body ought to be set up so that, if local jurisdictions are in conflict or are doing things in conflict with regional interest, it can serve as a review or appeal board. The fifth recommendation is that this body ought to be a forum for local governments and others to talk.

John Russell said that another element to the issue of service delivery is accountability. The general purpose government is a government which collects a sum of money and then allocates it among different services, a process which consumes an enormous amount of time and lacks accountability. Taxpayers don't know what they're paying for. They pay a general sum of money and they get an array of services. Ideally, voters would see what they pay for every time they pay taxes. We believe there is wide-spread resistance to creating additional layers of general purpose government. There are some services that lend themselves to independent financing with independent sources of revenue that don't get mixed in with other services provided by that same government. Another advantage is flexibility because the boundaries for delivery of each of these services is different. The metropolitan government would have a big enough boundary to encompass all of them. The ability to do that by means of either contracting with local governments or creating two service districts, each with different boundaries, is an inherent appeal of separating service from planning.

Bob Shoemaker said that a major concern--with the recommendation that Metro not deliver any services--the Committee had was the flip side of accountability. If you farm a service out, every service out to an independent board or commission, there is a loss of accountability from the deliverers of the service to the voters because the independent commission is not responsive to the voters. The Metro council would be responsible to the voters, but it wouldn't quite be responsible for that service about which people are unhappy. Another piece of that same problem is that sometimes a service is captured by its constituency and the board then becomes beholden to some aspects of the constituents being served--whether it be the providers from whom they purchase services or to the people to whom they



deliver services. If it is lodged in an independent commission, that is a lot more likely to happen than if you have it delivered by the administrative arm of the government itself.

John Russell said that the idea of independent commissions is not something that's central to the Chamber's thinking. The important part of what we are saying is there should be an accountability and a separability that's not dependent on creating independent commissions. There are a number of other ways to do that. The important thing is separation of the money. It shouldn't be an allocation process that the government goes through, but in lieu of an independent commission, you could even have the regional government with the ability to hire and fire the manager of that service.

Mike Ragsdale said that, personally, he does not believe in the myth that the elected official operating a service is more accountable. The Oregon legislature would not be good at operating services for the state. As a council member on Metro's solid waste committee, he got involved in trying to operate the solid waste department a number of times and didn't know what they were doing. The policy making bodies are not good administrators of service delivery.

Bob Shoemaker said that he would agree that could be true, but the way it's done within the state is by the Executive branch administrators. There's still accountability there because the Governor heads that and she's accountable. The legislature is largely accountable for what the Executive branch does. Whereas, if you can direct local governments to provide the services then that's a good way to do it. If you contract with private sector to do it, that's often a good way to do it, but that doesn't work in every situation because some services don't lend themselves to private sector handling, local governments or quasi-governmental organizations. He said he agrees that the City of Portland system is probably not a good way where the commissioners themselves are directors of departments. The options are to either establish an independent arm within the government to do it or you set up an independent commission, which concerns him.

Mike Ragsdale said that the independent commission accountability is a valid concern. There are examples of independent commissions that are clearly not accountable. There are also some that are very sensitive to public interest.

Chair Myers said, in regards to the allocation issue, it seems that it is very foundational to the whole thrust of the recommendation about the way in which services ultimately get organized. The concern in that regard is in terms of the operation of the government in a way that permits it to gather funds from perhaps a variety of sources and then to spend them without any necessary connection to the source of the funds, and spread them over a variety of services as it decides. He asked if he understood correctly.

John Russell said yes. There is a need for general purpose government in the region, but the Chamber concept of the regional government is that it would not be a general purpose government. It would cause to be delivered several regional services that lend themselves to service delivery.

Ron Cease said that he agrees with Mike Ragsdale's statement that a legislative body is not a good administrator of probably anything. What you are really dealing with is an organization that has both an executive and legislative portion of it. You seem to be suggesting in this proposal that what you really need is only a legislative policy part and not the other part. Somehow you would eliminate a very large piece of what the current organization does and how the current organization is put together because you wouldn't have the executive part that is doing the administrative side. There is an assumption there that you could take a number of existing local governments and a number of cities that together would operate a regional function. The policy of the regional function is going to be at the regional level. The administration is going to be handled by a number of existing local governments, although in some cases you could establish a board, as a service district, and the board would then operate the



function. He asked if he understood correctly.

Mike Ragsdale said yes. He said that Ron Cease overlooked sub-regional agencies, such as the Unified Sewerage Agency, in his model.

Ron Cease said that he does not have any question that a service area sort of arrangement can work, recognizing in most cases where you use it within the region, you still have a fairly major responsibility for the operation in the hands of the elected officials. He said that you could actually have a service area under the operation of Metro which would be less than the region--you could have different boundaries for one function than another.

John Russell said that where there is an operation that can meet the standards efficiently, those agencies would deliver those services. Where there is not, there could be intergovernmental agreements or other strategies, or after tests and standards have been found, the regional government could create a service entity that would deliver that service. It could be sub-regional or regional, he would prefer it not be local but the proposal has not precluded that. We are encouraging this government not to be in the service business. With the creation of an executive branch, and that strategy, it encourages them to be in the service business. We are encouraging them to only do it as a matter of last resort. In that case, they are required to set up the board that reviews that.

Ron Cease said that you could have in some cases a service under the board that would be less than the total region.

John Russell said an example of that is water. The City of Portland supplies water to a number of jurisdictions. It doesn't supply water to all the jurisdictions in the region, geographical limitations, etc. In that instance, it might be appropriate that there would be different boundaries for the delivery of water service say from Bull Run than from the Coast Range.

Ron Cease said that proposal would simply lop the head off of the executive side. You simply say that your organization is essentially dealing with policy, and that in most cases you would continue to operate on the administrative level, and the operational level by existing units, which raises some very interesting questions of whether you can ever have this sort of uniformity at that level. In many cases, you shouldn't rely on your local government to perform a lot of these functions, but in many cases you will. If however, you make the argument that some should be regional, now all of a sudden you are going to make it regional at the policy level, but not at the operational level. There are times, if it's regional, that it will have to be operated at a regional level. It doesn't mean you don't work with the local government, but it does mean that you don't rely on them totally to operate it. Another concern is with accountability. If you look at the question of the use of boards and commissions in the way being suggested, what it really does is take the whole notion of public accountability and turn it upside down. What you've really got is a sense of a corporate guild, so that you have one function that business people are particularly interested in, a board they control, and another function is the librarian that deals with the library, and the librarians will control it. In another case, the park specialists will control it, so you've got a little nitch of the public out here that has a particular interest in parks or the convention center, and the larger public issue and accountability is simply thrown out the window. There is an underlying assumption that you can't trust the elected officials or the public, and the only way you can make sure you're going to have efficient government operated by professionals is to see that each function, each activity, is put together that way and that particular operation is accountable only to that group of people who have a particular interest and who know anything about it and have any right to deal with it.

Mike Ragsdale said that it's not their intent to create special interest commissions. Personally, he has participated in the creation of commissions where there were no safeguards, as to (a) how those



commissions were going to be appointed, or (b) who could be appointed to them. At the same time, he participated in the creation of commissions that were very carefully thought out as to (a) who would be the appointing authority and (b) what the criteria were for being able to serve, including the limitations of people from the affected industries or affected groups and the requirements that, in some cases, competing interest be represented.

Ron Cease said that it's really a question of when you do it, how you do it, how you control it, etc.

Mike Ragsdale said that it seems to be the sense of the Committee that commissions inherently become operated by the affected groups. It is absolutely possible to get safeguards, but it may not be possible to legislate a quality product from a commission any more than it is possible to get that from an elected body.

John Russell said that the boards and commissions thing has obscured the real issue. There are ways to do this other than boards and commissions. The important thing is the separation of the money. The way we envision this, the regional government would have its own tax base to support the planning function and the service districts or whatever, and the contracts with the regional governments would have their own financing mechanisms. The taxpayers would be able to see what they're getting. There wouldn't be a mixing of money within the government.

Ron Cease said that is a very powerful statement--it doesn't do that now, but it could operate differently. He asked if it would be fair to say that if you are talking about the separation of the legislative part from the operational part--with the exception being the City of Portland where you mix the two structurally--that all local governments are operated with a policy board, which is the elected council or board of commissioners, and the administration, which carries out the activities. That is the way we have put government together in this country. You can have a strong mayor or manager doing more than simply operating the day to day activity. They are obviously making policy, as well. He said that it is interesting that the Chamber has to take the existing organization and cut off the executive side and then say, in order to really make pristine sure of your policy role, you are going to have the operational side all done by other local governments with none of it done by Metro--unless you have a service area that must be done by Metro, in which case you'll use a board, which in that case is given an operational responsibility.

John Russell said that it doesn't have to be a board. An example of a service delivery by local governments would be land use. The administration of zoning laws is probably best done by the governments the way they exist now. They would have goals set out by the regional government.

Chair Myers asked if he understands correctly that the closer the government's financial arrangements tie particular sources of revenue to a specific purpose, presumably to one that has some relationship to the source, the closer that kind of arrangement exists, the more your concern about allocation is addressed.

John Russell said yes.

Mike Ragsdale said that a lot of the information for allocation will be presented to the Committee under the finance section. The information that the Committee has received from the Chamber does not deal with the separation of moneys. It's inherent in this document, but it's not specific. We've not thought that all the way through because it's part of the purview of another task force.

Chair Myers asked how can you obtain adequate financing for a planning and policy making function which is cut off from access to funds that are derived from fees for service or other kinds of actions.

John Russell said that type of government would have an allocation of taxes over the entire region--you're not looking at an enormously expensive government. Its tax base would not be an enormous burden. It is inherently a small body, with clearly most of the money spent in service delivery.

Ray Phelps asked if, in reference to the establishment of independent regional service districts, the *must* statement is more powerful than a *may* statement.

John Russell said yes. The document was not adopted by the Chamber board.

Ray Phelps asked if it would make the Chamber uncomfortable if he were to read the word *must* as *may*.

John Russell said that would be fine.

Ray Phelps asked if the Chamber had legal research on the policing power, mentioned in III.A.1., IV.A. and IV.B, with regard to the independent governances of other governments.

John Russell said that the group did have a fair amount of unanimity, but not on the basis of legal research.

Mike Ragsdale said the subcommittee did not worry about the constitutional or statutory authorities. One of the key points is that the regional government would be a very strong policy body and a very limited delivery body.

Frank Josselson said that if the regional governing body is to establish policy, then presumably the Chamber would grant it oversight authority to insure that its policies are carried out. It's not only a policy making authority, but it has some enforcement authority and oversight responsibility. He asked if there was any discussion at the Chamber that there be a limited appeal of local government decisions, or independent board of commission decisions to the regional governing body to assure conformity with the regional policies.

Mike Ragsdale said no. Personally, it would be consistent with the intent to have that kind of procedure. In developing a regional policy for garbage, the decision to take it to a black hole in Eastern Oregon and the decision on how it is transported is a policy decision. He said that he is not sure that he would agree that this policy body should address the question of rail versus truck, as an example. Because we do not know what the exact examples will be when it is implemented, we have avoided some of the *shalls* and *mays* and made it pretty flexible on which is *shall* and which is *may*.

Larry Derr asked if there was any discussion about the ability to attract experienced and qualified people to run for office to fill the governing body positions for such an operation.

John Russell said that it was discussed briefly. His personal feeling is that this would be a very exciting group to be a member of. It would have an enormous amount of power and it would be dealing with big issues, big policy issues.

Mike Ragsdale said they are dealing first with powers or functions and then they will deal with organization. We are not delivering to you any suggestions on how the membership be constituted, but we believe the conversations about the membership will not be locked into necessarily old forms.

John Russell said that the issue of how the membership of the regional government is established is the subject of a subcommittee that Bill Scott chairs and which has just started its work.



Jon Egge said that he understands the list of items is just a laundry list of possible regional portions. On that list is economic development. He asked about the discussion that surrounded the inclusion of economic development in your laundry list here.

Mike Ragsdale said that Randy Miller, a member of the subcommittee, made a very articulate argument that the question of economic development policy needs to be regional--you cannot have a successful strategy for separate communities. You need the international competition that occurs, you need to be able to have a regional policy for economic development, and you need to have an economic development regional policy body, or you cannot compete internationally for high quality economic development.

John Russell said that there are two aspects to that. One is that smaller communities don't have resources to do their own economic development and they're probably disadvantaged. The other is if there are different economic development units from each of the municipalities and counties, you get competition, and neither one of those outcomes is all that great.

Jon Egge asked if there was there any discussion about having a regional economic development commission and smaller economic commissions operate for those local smaller communities.

Mike Ragsdale said that the task force did not take it that far.

Jon Egge asked, if the task force envisioned that the regional governing body would make boundary decisions and coordinate those disputes, which would maybe preclude continued existence of the boundary commission.

Mike Ragsdale said that they did not specifically talk about the boundary commission.

Jon Egge asked Mike Ragsdale if, during his time on the Metro Council, the ability to address a policy issue was impacted by the amount of time that was required to spend on service delivery items.

Mike Ragsdale said absolutely.

Jon Egge asked if it was that something that was articulated by other council members. Did they feel frustration that they weren't getting to the real heavy policy issues?

Mike Ragsdale said that it was frequently discussed by the members of the council. They were not dealing with long range strategic policy issues, they were dealing with day to day administrative issues. He said that his experience at Metro influenced his conclusions on the task force now.

Mary Tobias said that much discussion to date has moved around issues of a charter that will stand over time. A charter that can provide for evolution of government ought to be process oriented, and particularly this has been the position of the Regional Governance Committee. The charter ought to lay out a way to move responsibilities in any direction, depending on what has to be done and who can best do it. They also talk about efficiency and effectiveness of service delivery as well as planning. When you try to separate out the policy direction from the service delivery direction, you truly limit the ability of a government to grow or to change. If we were doing this charter three years ago, it could possibly be totally different because we would not be contending with the political climate of Measure 5. She asked how the Chamber feels about flexibility to allow for evolution and how they feel about the process.

John Russell said flexibility is one of the beauties of having services with different boundaries. One of the reasons we are where we are is that the counties 100 years ago were created in areas with



boundaries that made sense then, but don't now. That's one aspects of flexibility. In terms of financial flexibility, our belief is if voters know what they're paying for they will fund it. There is a distrust of general purpose governments. It's the accountability to the actual taxpayers that makes it more likely that those services be funded.

Mary Tobias said her experience has been exactly the opposite. For a long time she advocated that breaking the property tax into two separate bills that went out at two separate times because people were upset at local government because their school taxes were too high and had no recognition at all that they had any other kind of tax. In accountability it's really hard to make that connection. People do not understand and Governor Roberts would tell you the same thing after her experience recently. When you break out functions into either volunteer boards or other kinds of boards, some of the special districts have budgets that are way beyond that of many cities. They not only don't have oversight from the general public, but the press pays no attention at all. People understand the cities model--they understand the elected body, city manager or recorder, and people who work in city hall. Beyond that model, you begin to lose accountability and you lose interest at the press level. It simply doesn't get covered and that worries me, that we create a vacuum between the electorate and the policy maker or service provider.

Mike Ragsdale said, in his opinion, the Chamber proposal would not produce a highly visible agency. That is one of the reasons to leave as many of the service responsibilities with local government as possible. Local government will always be more visible. That may translate to more accountability than a regional government. The further you get away from where a service is delivered, the less accountability there is. He said he wasn't familiar with the process model that has been developed by local government. It sounds like it may be so flexible that the body could change on a continuum of the elected officials itself. That could be a charter that is so flexible that the body could change itself without having to go the voters for charter amendment.

Mary Tobias said she didn't mean to leave that impression. It doesn't change the body itself.

Mike Ragsdale said the Chamber's version left a lot of flexibility to deal with policy issues not projected in the future, but he would want to fix the structure and a lot of the process and require voter approval of Charter amendments.

Ray Phelps said he wanted to hear some thoughts of the Chamber group with regard to equalizing disparate tax revenues. Is there a mechanism to equalize that? The other, how would planning costs be related to functions? The last question, does the reorganization reflect the current political mood, particularly in this community, toward doing less with more? Was that part of the discussion?

Mike Ragsdale said no, it was not.

Ron Cease proposal seems to assume you would need neither an executive officer or a manager for the whole organization. If there was one, what would that individual do?

Mike Ragsdale said the model does not contemplate an executive branch. The equivalent of today's executive wouldn't be needed.

John Russell said a full-time staff and a chief of staff would certainly be needed.

Ron Cease said a group of elected councilors discuss policy issues and come to some resolution. Many of us would say that's not the same thing as having one elected official who has a constitutional political base in the total region while the representatives have only a limited part of that.



Mike Ragsdale said the Chamber subcommittee stayed away from that issue.

Ron Cease said the Zoo currently is operated by Metro. Under this proposal would it be right in assuming that it would either have to be operated by a private outfit, by an existing local government, or by some sort of service area, that it could not be operated directly by the Metro organization itself?

Mike Ragsdale said the Zoo could be operated privately, by a local jurisdiction, or it could be operated by a special operation, under Metro. But it would need to have a separate administrative board to run it, not the legislative body.

Ron Cease said you end up taking what the organization does on a service level and cut it up into pieces, but you have no overall executive or administrative control over those pieces. They are operated by a separate board in each case.

Mike Ragsdale said they didn't discuss that.

Ned Look asked when the Chamber's proposals on structure would be ready.

John Russell said he guessed by the end of February.

Chair Myers asked when their deliberations on finance would be ready.

John Russell said they intended finance to follow structure, but that they could change the order.

Chair Myers said they envision having a finance subcommittee finance making recommendations before the committee about the 21st of February and then a period of public hearings the following week. In the first part of March finance decisions would be ready for charter drafting. He said that Janet Whitfield will contact the Chamber and provide more detail on the work of the committee for the next six to seven weeks.

### 3. Portland Metropolitan Area Local Government Boundary Commission

Ray Bartel, chair of the Boundary Commission, talked about his business and activities in order to frame his attitude toward the Boundary Commission as a commissioner who understands many points of view. He said his experience with the Boundary Commission would affirm that it is a non-political, neutral body that makes decisions from objective information that is presented to it. The staff reports have detailed information and a very clear perspective. The Boundary Commission is a state agency. It was created in 1969 by the legislature, primarily with the idea that a lot of services were starting to be picked up in areas that needed single services--by service districts to provide sewer, water or fire service. Growth was starting to occur and someone had to take a look how those services could be provided on a cost effective and efficient basis to the public and to property owners. The Boundary Commission is a 12-member board, appointed by the Metro executive officer with councilor recommendations. No member of the Boundary Commission can work for or be appointed to any board, agency or committee related to any of the units of government that the Commission reviews. No two members can engage in the same business, trade or profession. The process is quasi-judicial. Any decisions are appealable directly to the State Court of Appeals.

The geographic area for jurisdiction includes all units of government within Clackamas, Multnomah and Washington counties. The actions that are reviewed are major and minor boundary changes. Major changes include incorporations, dissolving units, mergers; minor actions would include annexations, withdrawals, transfers. In all cases the Commission reviews see whether or not particular units can provide the services necessary. The funding source and budget are based on application filing fees and



assessments to cities, unincorporated areas special districts on a portion of assessed value. The process starts with a request for annexation. There will be one or more public hearings, a decision and then a final order that is conclusive but appealable to the Court of Appeals. Most of the decisions are subject to a voter remonstrance. The criteria used to review every application is the same. The Commission also reviews the comprehensive plans of the particular agencies they are dealing with to assure any transference of territory is compatible. The Commission has two relationships to Metro. One is the fact that the Boundary Commission members are appointed by the Metro executive officer. The second is that the Boundary Commission also controls and views Metro's boundaries. That is a strong reason why the Commission's neutrality the Boundary Commission should remain separate from Metro. The Boundary Commission function still needs to be maintained to keep a cap on the number of units of government and to make sure that areas affected by growth are able to provide full public services. It has been suggested by some units of government, that if the Boundary function is modified or changed, their relationship to the process should be questioned and their opinion should be sought. Currently, there are five cities talking about having different types of services within different areas and a fire district that has to figure out how it is going to function if three of these people withdraw. It has nothing to do with planning, it has nothing to do with any kind of control that Metro would have over land use in that particular area. It deals specifically with the method and the fiscal manner in which services can be provided to an area. Those are the types of issues that the Boundary Commission handles, sorts out, and deals with. It is the best structure to continue and the Commission is doing a good job performing that function.

Bob Shoemaker asked Ray Bartel to clarify the conflict of the Boundary Commission deciding boundary decisions for Metro. What would those be? It seems that boundary and service decisions within Metro and service decisions within Metro are appropriately under Metro.

Ray Bartel said Metro has a jurisdiction boundary, other than the Urban Growth Boundary.

Chair Myers asked what is the Commission's authority over Metro's own boundary.

Ray Bartel said that the Commission would control any requests to expand or contract that boundary.

Chair Myers asked if that wasn't a legislative question only.

Ken Martin, Boundary Commission executive director, said the Metro Service District is simply another special district. It has a boundary, less than the total jurisdiction of the Boundary Commission which is the whole three counties. A Metro boundary change requires an annexation process.

Bob Shoemaker asked if the charter allowed Metro to take on the function of changing its own boundary, would that eliminate the conflict of interest of having the Boundary Commission under Metro.

Ken Martin said that the process for handling boundary changes is spelled out in several state statutes, one of which is the Boundary Commission statute, but also in the general state law and it may not be possible to take over the changing of Metro boundary any more than a city can take over the changing of their boundary. Assuming that it can be done, it would answer a portion of that question.

Frank Josselson asked if the charter specified a different boundary, other than the current boundary, for Metro by either changing it, enlarging it, or contracting it, and the voters approved the charter, would require Boundary Commission approval. He said that Metro's ability to have a charter is not different from the people's ability to create a people's utility district by vote. The Constitution authorizes people to change or create regional government or people's utility districts by vote. However, the Boundary Commission would have to approve the creation of a special district and if the



Boundary Commission refused to do so, then the vote of the people would be meaningless. He asked if there was any distinction between that and a change in the boundaries of Metro that may be made by the voters pursuant to charter.

Ken Martin said that it is a legal question which he cannot answer without research. He said that there is one difference between Metro and the people's utility districts and that is that Metro will have a charter which the people's utility districts do not have.

Ned Look asked if the Boundary Commission has an opinion about the policy of Portland seeking further annexation of mid-county and elsewhere. He also asked for opinions on the flexibility or inflexibility of the present growth boundaries and density.

Ray Bartel said that the urban growth boundary is not under Boundary Commission jurisdiction. For the addition of special districts outside of the urban growth boundary, the Boundary Commission uses the criteria that applies to the land use planning and the expansion of services to those areas. In some cases, they look at the implications expanding services would have on growth and if it would be allowed under the comprehensive plan. They also try to determine if it would allow the extension of services.

Ned Look said that one issue that the region will be faced with is how to maintain livability through a transportation system that services the entire region without increasing density and jeopardizing the quality of life in the open spaces. The urban growth boundary is also a part of that, because if there is too much flexibility in the urban growth boundary, it will jeopardize the creation of the type of density that is wanted. The same can be said for the individual communities in the region.

Ray Bartel said that the Boundary Commission attempts to take into account all of the issues that are in place in the current plans. When outside the boundary, usually a county and small service districts, the Boundary Commission attempts to interpret any request to expand in relationship to the goals and objectives of that plan.

Ken Martin said that, according to law, the Boundary Commission cannot make any decision that contravenes the local comprehensive plan and that includes the urban growth boundary. The Boundary Commission only makes decision about the timing of the service delivery and the adequacy of the services when someone is in compliance with the plan and wants additional services.

Larry Derr asked to what extent are you required by statute, and if not, do you, take into account any other aspects of Metro's current planning documents besides the urban growth boundary.

Ken Martin said that, if Metro adopts something beyond the urban growth boundary, it would be a comprehensive plan that we would be required to follow.

Larry Derr asked if there would be a point where Metro's planning for growth and service delivery would become pervasive enough that it would overcome the functions of the Boundary Commission. He asked if the Boundary Commission would fill in a function which is not there because Metro has not taken on those broad range of service and land use planning functions.

Ken Martin said that you could clearly reach a point where the planning took over all those functions, but not anytime in the near future. When the state first adopted the land use planning process, there was a lot of hope that the land use planning process was going to coordinate the land use plans between the cities and counties and provide a plan that clearly said what was going to go where, who would deliver the services, when the services would be available, and how they were going to be financed. If the land use plans would actually do all that, then a good portion of the Boundary Commission's function would be gone.



Larry Derr asked what part would not be gone.

Ken Martin said that the impartial forum to resolve disputes over how things are going to be handled would remain. Looking at the plans, there's nothing in there to give anybody any guidance.

Jon Egge asked if the Boundary Commission has a policy that states that cities are the preferred provider of urban services.

Ray Bartel said that the policy says that they generally are the preferred provider, not that they definitely are. The issue is to analyze the issues and the territory to determine who is going to provide the most efficient cost effective service.

Jon Egge asked if they, personally, agree with the statement by the Chamber of Commerce that the voters of the region have been much more willing to support with their tax dollars those specific functions of government and somewhat less willing to give the blanket approval for general purpose government.

Ray Bartel said that it is not an issue which is before the Boundary Commission. Personally, there are certain services that you can get the taxpayer to support separately on special levies and other services that you would never get the tax payers to pay for. A unit of government that's combining all services can provide those other necessary services under their general fund.

Jon Egge asked if the Boundary Commission has ever discussed the point of diminishing returns that is attached to consolidation in relation to the policy that generally, cities are the best providers of urban services. He said that the city of Portland is a rather inefficient deliverer of services because of its size and would be probably more efficient were it divided out and fragmented into smaller portions. He said that there is a point in size that cities do not continue to be the most logical provider of urban services and it's an issue of efficiency.

Larry Derr asked if he is correct that, if the current Metro enters into a new area of service provision, they would not come before the Boundary Commission because the district already exists and already has the initial authority to do it subject to voter approval or counsel action.

Ken Martin said that the district is presently constituted being like any other special district and there is a section of law that says special districts with a list of special district services that they want to provide and they want to provide a new one that they have not presently provided, it is reviewable by the Boundary Commission. For instance, the Boundary Commission reviewed both the addition of the zoo function and the addition of the performing arts function. But if it was a function that Metro was already performing and simply chose to contract it out, the Boundary Commission would not review it.

Chair Myers asked if the Boundary Commission's present authority includes a review of the investment of an existing function in a new governmental entity--a separate independent service district. He said that the question is based on the Chamber conception that if service delivery were not done through some contracting arrangement or assignment to local government, it would be empowered to create a new service district to do that.

Ken Martin said that if the section was written to be included in the law that allows for counties to have county service districts, it would clearly spell out that those kind of districts are separate municipal corporations. If it's a separate municipal corporation, then the Boundary Commission would review it because it would be the formation of a new unit.



Chair Myers asked if the transfer of the appointment authority from the governor to Metro has been a satisfactory transition.

Ray Bartel said that it has been satisfactory. When it happened, there was concern that it would make some of the members political and take away the non-political aspects, but it has not been affected by the neutrality issue. The transition has not affected or prejudiced the Commission in any way.

Chair Myers asked if the functions presently performed by the Boundary Commission need to be continued.

Ray Bartel said yes.

Chair Myers asked if he understood that the functions ought to be performed in a quasi judicial manner by a body who's membership excludes the present exclusions, elected officials and staff of elected official.

Ray Bartel said that staff and other appointments, such as planning commissions and other advisory committees, are part of the municipalities planning function.

Chair Myers asked if the charter proposed some greater organizational integration of the Boundary Commission function with the regional government, would those kinds of restrictions on the membership of the body should be continued if the present functions continue.

Ray Bartel said yes. A neutral position needs to be maintained in terms of the Boundary Commission relationship to the units of government that are coming before the Commission.

Chair Myers said that he understood that the preferred structural approach would be to continue the current status of the Commission.

Mary Tobias asked how many new governments have been created since the inception of the Boundary Commission.

Ray Bartel said that when the Boundary Commission came into existence, there were approximately 350 units and now there are approximately 150 because of the consolidation of units.

Ken Martin said that approximately 15 new special districts have been created. A majority would be county service districts which retain the county board as the governing body. There have been no new cities formed since the Boundary Commission came into existence.

Frank Josselson asked what is meant by the Boundary Commission being quasi judicial.

Ken Martin said that it operates in the manner that a court does or that a hearing officer would. It does fall under some provisions, but not all, of ORS 183, the administrative procedures act, which spells out how to conduct hearings. Other issues, such as how the members would conduct themselves and how to gather information, are spelled out in the Boundary Commission statute.

Frank Josselson said that, technically, the term quasi judicial implies the application of specific standards and policies to facts in order to reach a decision. He said that he questions whether the Boundary Commission has standards or policies that applies to particular facts or whether it has a set of considerations or matters that it is required to take into consideration in connection with these decisions that do not necessarily lead to any particular decision at all.



Ray Bartel said that Frank Josselson is referring to the set of criteria or issues that the Boundary Commission reviews. All aspects--who will provide the best services and from the same point of view, what happens to the other people in that particular area and the other units if some kind of transition occurs--are reviewed from a fiscal and effectiveness point of view. We have issues that bring out the facts that we analyze and make a decision on.

Frank Josselson said that while you do have facts, you do not have standards that are going to guide the decision. For example, prevention of illogical extensions of boundaries, avoid fragmentation, assure adequate quality and quantity of public services, and so on. He asked if those are questions which reasonable people can and will disagree with every decision made.

Ray Bartel said that in any disputed issue, there is going to be somebody who leaves not agreeing with the decision and not liking the decision. We are not setting the minimum standards that any service district will provide. We are attempting to make a decision--who can provide the best standard and who can provide an adequate standard.

Frank Josselson said that if you had a standard that unit of government A could provide the service less expensively than unit of government B, that would be a standard that a quasi judicial body would apply. It would be judicially reviewable and would make some sense to have judicial review.

Ken Martin said that he disagrees on whether those standards are adequate or whether they qualify to make it a quasi judicial hearing.

Jon Egge asked if Clackamas County Service District 1, a function of the Clackamas County Commission, required approval by the Boundary Commission when it was formed.

Ken Martin said that he did not know if Service District 1 came in after the Boundary Commission or not, but the Tri-Cities, which is similar, was approved by the Boundary Commission.

Jon Egge asked if an existing unit of government adds or subtracts a service, would the Boundary Commission look at it.

Ken Martin said yes. For example, the county service district for sewers was the creation of a brand new municipal corporation and was reviewed by the Boundary Commission.

Chair Myers adjourned the meeting at 8:00 p.m.

Respectfully submitted,



Kimi Iboshi  
Committee Clerk

Reviewed by,

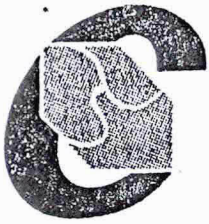


Janet Whitfield  
Committee Administrator



Materials following this page represent  
Public Testimony



**CRRILO**

**Columbia River Region Inter-League Organization  
of the  
LEAGUE OF WOMEN VOTERS**

7700 S.W. Alden St.  
Portland OR 97223

Testimony to Metro Charter Committee  
January 22, 1992

The six Leagues in Multnomah, Clackamas and Washington Counties have prepared and distributed a study on Metro government, "Metro - Whose Turf Is It?" held information meetings on the topic, and answered questions based on the study. The following consensus is based on the answers to those questions:

**METROPOLITAN GOVERNMENT (1992)**

CRRILO supports a regional government composed of:

1. A council of not more than 13 councilors elected from defined districts; and
2. An Executive Director, preferably to be appointed by the council.

Metro should continue to perform the following services and functions: Metro Washington Park Zoo, solid waste management, Oregon Convention Center, Metropolitan Exposition-Recreation Management, transportation planning, surface water run-off coordination, planning and development, and information and assistance to local governments. CRRILO supports Metro's assuming the function of planning for: a parks system, sewage systems, and water supply and distribution systems.

CRRILO supports the continued use of the following revenue sources for Metro: service or user fees; an excise tax on users of district services or facilities; per capita dues paid by counties, the Port of Portland and Tri-Met; federal and state funds; and general obligation and revenue bonds. CRRILO also supports Metro's consideration of the use of an income tax for additional funding.

Metro should strive to develop visibility and foster communication with the public and local governments by the use of government officials and private citizens on advisory committees, and by creative methods of providing information about its activities to its constituents.

The above consensus corresponds most closely to Alternative Four of the Charter Committee's Alternative Approaches to Regional Government Structure.

*Adele Newton*  
Adele Newton, President



**CRRILO**  
**Columbia River Region Inter-League Organization**  
**1991 Metro Study Consensus Questions**

Unit/Individual \_\_\_\_\_  
Date \_\_\_\_\_  
Number Present \_\_\_\_\_

*You may participate by returning this as an individual member if you cannot attend a unit meeting. Please return this questionnaire to the Portland League office by September 30, 1991. Please read through all the questions before beginning to answer them.*

1. Do you want to retain the present metro government as it is?

If not, what form of government do you recommend?

2. If the present form of metro government is retained by the Metro Charter Committee, what would you recommend concerning organization:

A. Should the number of Councilors be increased, decreased or remain the same?

B. Should Councilors be full-time?

C. Should Councilors receive a salary?

D. Should the Executive Director be elected by the voters or appointed by the Council?

3. What functions or services should our regional government provide?

A. What present functions of Metro should be continued?

B. What, if any, should not be continued?

C. What new functions should be assumed?

4. A. How could Metro be more accountable to the voters?

B. How could more cooperation between Metro and local governments be achieved? How should the charter encourage participation of local governments through advisory committees? What functions should be covered?

5. What sources of income do you recommend for Metro?



***Metro Charter  
Review Task Force***

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***Findings and  
Recommendations***

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*November 1991*

*Approved  
November 15, 1991*



***Portland Chamber***

*Portland Metropolitan Chamber of Commerce  
221 N.W. Second Avenue  
Portland, Oregon 97209-3999*



# PREFACE

The task force was asked to consider the functions of a regional government.

There was unanimous agreement that there are significant issues which can most effectively be addressed on a regional basis. Given the need to address regional issues the task force considered a full range of options. The two most widely discussed were:

- The existing Metro model which is a hybrid special district government which legislates, provides planning and makes policy and provides direct service delivery in a few, carefully chosen areas.
- A regional body which is a full service, general purpose government. It would collect money, allocate it as it sees fit, make policy and provides services directly.

Although the task force developed a consensus that a strong regional government is needed to set and enforce regional policy, it focused its efforts on the issue of service delivery.

Its proposed conceptual solution is a regional policy-making assembly with no service delivery functions. The assembly would have the responsibility and authority to regulate services and activities with regional impact. It would not have the authority to deliver those services itself, or to raise revenues beyond those needed to provide the policy function. The body would have the responsibility to draw separate boundaries for the effective delivery of each regional service, and it would have the authority to mandate compliance with its policies. When necessary, the body could mandate the creation of new or substitute service providers.

The Task Force believes that such a concept would create adequate power to deal with regional issues from a regional perspective, without creating a government with an appetite to take over services that can be handled by cities, counties and special districts. It would not by itself deal with the issues of service efficiency or tax equity. But it is the intent of the task force that the regional body would have the authority and obligation to reduce unnecessary and expensive duplication or to reallocate resources to address regional imbalance.

## TASK FORCE MEMBERS

Chairman: John Russell  
Task Force Staff: Nancy Kline

L. Martin Brantley  
President & General Manager  
KPTV-Channel 12

Gene Brim  
President  
Brim, Inc.

Gary Conkling  
Conkling, Fiskum & McCormick

Charles H. Frost  
Vice President- Corporate Public Affairs  
Tektronix, Inc.

Leonard Girard  
Senior Vice President of Legal &  
Regulatory Affairs  
Portland General Corporation

Barbara Karmel, Ph.D.  
President  
The Reed Company

Charles A. "Chuck" Lenard  
Assistant Vice President-Oregon  
US WEST Communications

Roy Marvin  
Vice President  
Precision Castparts Corporation

Randolph L. Miller  
President  
The Moore Company

Rudy Miner  
VP & Secretary  
Standard Insurance Company

John Pihas  
President  
Pihas, Reeves & Barns Advertising

John Russell  
President  
Russell Development Company Inc.

H. Roger Qualman  
Senior Vice President & Regional Manager  
Norris, Beggs & Simpson

Mike Ragsdale  
Grubb & Ellis

William Robertson  
Robertson, Grosswiler & Jermaine

William C. Scott  
President  
Pacific Development Inc.

Chamber Staff:  
Blanche Schroeder

### PURPOSE

The task force was formed to develop a concept of what a regional government should be and to develop a regional business consensus as to the appropriate role, structure and funding of a regional government for input to the Metro Charter Committee.



# FINDINGS

## Region and Government

- The Portland Metropolitan Area has common region-wide interests.
- To maintain livability, it is essential that there be a single, uniform and controlling policy on certain regional issues.
- A regional authority is needed to develop and enforce regional policy.
- A regional authority is needed to arbitrate inter-governmental actions that impact the region or that have a detrimental impact upon another jurisdiction within the region.

## Governance Issues

- There is widespread resistance to creating additional layers of general purpose government.. Voters seem more comfortable with special purpose taxes and fees.
- Addressing regional needs does not require establishing another tax supported general purpose government which collects money and allocates it among widely divergent services and purposes.
- Service delivery and policy making can be separated.
- Service delivery financing should be tied directly to the service being delivered. Where possible funds should not be intermixed.
- Existing general purpose governments (cities and counties) should remain to allocate funds and deliver services which have local impact.

## Needs

- The regional body must have the authority to incent local governments to carry out regional policy and the ability to ensure compliance.

## **RECOMMENDATIONS**

To support and actively promote the development of a charter establishing a regional entity based on the following concepts:

### **The entity would:**

1. Be authorized to establish regional policy, set regional standards, maintain information and databases on the region, ensure compliance and provide accountability to the regional electorate regarding regional issues.
2. Be obliged to ensure that regional services are provided when needed, however;
  - a). The regional entity, itself, shall not be authorized to either tax directly for regional service provision or provide regional services delivery directly; and
  - b). It shall be empowered to establish independent regional authorities to deliver specific regional services as appropriate and necessary.
3. Act as an appeal body to resolve problems between local jurisdictions on regional issues.
4. Be required to provide for regular input from and communication with local governments, either structurally or through other stated means.

## **IMPLEMENTATION**

The task force will develop consensus with participating groups as to charter language that will meet the intent of the above concepts.

### **STRATEGY**

1. To achieve consensus with other business organizations.
2. Develop press and community support.
3. Bring adopted recommendations to the Metro Charter Commission.



PRELIMINARY DRAFT

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CHARTER OUTLINE  
ADAPTED TO  
CHAMBER CHARTER TASK FORCE RECOMMENDATIONS

**Preamble:**

It is the purpose of this Charter to provide a government to ensure that issues can be resolved on a regional basis in order to provide uniform standards of general welfare and livability while maintaining local identity and character.

**Enabling:**

1. It is the purpose of this Charter to establish a regional government which shall establish policy, ensure policy compliance, and provide accountability to the regional electorate regarding regional issues.

Regional issues are defined as those issues which:

1. cannot be effectively regulated by the legislation of individual jurisdiction, or
2. local law could prejudice the interest of other jurisdictions or of the region as a whole, or
3. the preservation of legal or economic unity demand, in particular the preservation of uniformity of opportunity extending beyond the territory of an individual jurisdiction.

These issues include but are not limited to:

|                      |                             |
|----------------------|-----------------------------|
| Transportation       | Water Quality               |
| Water Supply         | Air Quality                 |
| Economic Development | Parks and Recreation        |
| Regional Facilities  | Solid Waste post collection |
| Land Use             |                             |

- II. This body shall set policy on a regional basis regarding regional issues in such a manner as to provide the residents of the region with a level of livability in keeping with regional values. This shall include long range planning, short term quantifiable goals, setting of standards, etc.

It shall maintain information and databases on regional information.

(over)

- III. The body shall have the authority and obligation to ensure that regional policies are implemented and standards met in the most efficient and effective manner available, and in such a way as to simplify service delivery within the region. In order to ensure implementation it is obliged to:
- A. Provide that there are the services necessary to meet policy standards and goals. To do this they may:
1. Direct local governments to provide services and comply with policies as set out.
  2. Contract with private sector entities to provide services.
  3. Contract with local governments or quasi-governmental organizations to provide services.
  4. Establish independent regional service districts. If such districts are established they must:  
  
Have an independent Board of Directors appointed by body president and approved by the body.  
A professional director reporting to the Board of Directors.  
Be supported by fees or special levies approved by the voters.
- B. Review local government policies and actions which impact regional policy for conformance to the policy. If not in compliance, the regional body may assess appropriate penalties as it sees fit or it may designate or establish an alternative service provider.
- IV. This body may also hear appeals from one jurisdiction regarding another jurisdiction when:
- A. There is some question as to compliance with regional policy, or
- B. There is a question of the actions of one jurisdiction adversely affecting another jurisdiction or the region as a whole regarding those issues for which the regional body is setting policy.
- V. This body shall hold meetings of representatives from all existing elected governments in the region to discuss the regional plan, to report on actions taken and progress made the previous year and for purpose of counseling, facilitating and communication among governments.



# **BOUNDARY COMMISSION**

## **WHAT IS THE BOUNDARY COMMISSION?**

### **State Agency**

- Created by the 1969 Legislature (ORS 199.410 to .534)

### **12 Members**

- Appointed by Metro Executive from Councillor recommendations
- Mandatory geographic spread

### **Neutral Body**

- Cannot be local government elected or appointed official
- No more than 2 members engage in same business, trade, profession

### **Quasi-Judicial Body**

- Applies statutory criteria
- Establishes record for judicial review
- Actions appealable to state Court of Appeals

## **JURISDICTION**

**Geographic Area** - Clackamas, Multnomah, Washington counties

**Units of Government Served** - All cities and 13 kinds of special districts

### **Actions Reviewed**

Boundary Changes

- Major: Incorporations, Dissolutions, Mergers
- Minor: Annexations, Withdrawals, Transfers

Water and Sewer Proposals

- Main extension outside city or district boundaries
- Formation or extension of private systems

## **FUNDING SOURCES**

### **Filing Fees**

All proposed actions

### **Per Capita Assessments**

Cities & unincorporated county areas - maximum \$0.10/capita

### **Assessments on Special Districts**

Proportional assessed value - maximum \$0.00159/\$1000 AV



# **STATUTORY REQUIREMENT FOR EACH PROPOSAL**

## **Process Steps**

Must be **initiated**

**Notice** published

**Staff report** prepared

One or more **Public Hearings** held

**Decision** made

**Final Order** issued

## **Time Limits**

Major proposals must be decided in **120** days

Minor proposals must be decided in **90** days

## **Commission Options**

Approve

Modify to increase or decrease size

Deny

## **Appeals**

All decisions appealable to Court of Appeals

Most kinds of decisions are subject to voter remonstrance

Materials following this page represent  
Attachments to the Public Record



File Metro923

4690 NW Columbia  
Portland, Oregon 97229  
22 Jan 92

Metro Charter Committee  
PO Box 9236  
Portland, Oregon 97207

Re: Public Hearings

Dear Committee,

Thank you for the months of effort you have already spent on the charter project.

Since I have not received copies of your minutes, I do not know the background to your proposed draft, nor the assumptions you started from.

I am the chairman of CPD 7 in Washington County, which encompasses both rural agricultural lands and urban unincorporated and incorporated (Beaverton and Hillsboro) lands. I have been involved in CPD 7 matters for over 15 years and participated in the original landuse planning for the Sunset Corridor and surrounding neighborhoods done originally in the late 1970's and finally adopted as the Sunset Comprehensive Plan in 1982.

In addition I have worked in various capacities for the Federal Government for 26 years since first going on active duty in 1966 after 8 months in the active Navy Reserve. By profession I am both an engineer and an attorney, as well as a Navy combat veteran who served in a recon squadron in SE Asia and in the Pacific with the US 7th Fleet. Prior to this Navy duty, I was a student in Oregon and Washington schools and colleges for 24 years. My ancestors were pioneers who settled various parts of the West.

All of this background teaches me that the first task in drafting a charter is to define two key issues:

- (a) revenue sources and public support for them;
- (b) those services to be performed which are not duplicative of someone else, and which state law allows one to perform, and which again there is public support for.

My starting points identify me as a pragmatist - a philosopher of the practical.

#### I. FINANCIAL GIVENS

Metro does not have a strong financial base. Metro survives on a mix of funds from the zoo, solid waste activities, and other sources.

More importantly, Metro's voter pool is predominantly the same citizens who launched and passed Measure 5. This means that Metro has virtually no

chance of significantly increasing its financial base, and that any charter provisions that try to avoid public vote on financial issues are likely to be soundly defeated in Multnomah County.

Secondly, Measure 5 has significant adverse consequences to the financial strengths of every other local and state government body in Oregon. It is the single biggest black-hole financial measure I have ever seen passed at any level of government, something like a suicidal poison pill.

Thirdly, Measure 5 is not going to be significantly changed or repealed anytime soon. Most citizens seem to think that taxes have not been cut enough, rather than appreciating the future financial chaos that Measure promises.

The practical consequences of these facts are that Metro's charter needs to be very conservative fiscally and stick to what Metro is already financially able to do and to do well.

## II. MISSION AND STATUTORY LIMITATIONS

### A. UNNECESSARY DUPLICATION

The historic local government roles in the US are performed by counties, cities, and special districts. Metro is the new player on the field, and was created not to duplicate others but to help coordinate common concerns of city and urban county areas and fill in small gaps in urban services.

### B. STATUTORY LIMITATIONS

Metro is an urban government. Its service area is only a portion of the counties, cities, and special districts that make up the tri-county area.

The practical consequences of this fact are that Metro can only effectively deal with concerns that are exclusively urban and are exclusively within its territory.

### C. VOTER SUPPORT LIMITATIONS

In addition Metro has had a very rocky history of voter support. In the past Metro has attempted to shove its programs and facilities on unwilling citizens, resulting in citizen revolts in both Multnomah and Washington Counties. This factor again urges caution on the charter committee.

### D. INTER-GOVERNMENTAL POLITICAL LIMITATIONS

Metro in drafting its charter also needs to consider the significant political differences in each of the 3 urban counties serviced by Metro.

Multnomah County is divided into one huge city, Portland; smaller cities; some still remaining viable farmland (Sauvies Island and east county); and



the western half of the federally-managed Columbia Gorge scenic area. The major public service characteristics of Multnomah County are that most public services are city-provided, with many major utilities privately-owned and operated.

Clackamas County is predominantly rural, combining many cities and farming areas with large timber areas generally under US Forest Service management, including the Mt. Hood scenic and recreation areas. Of the 3 counties, Clackamas is probably the most rural in overall character, although development is occurring rapidly throughout much of the county.

Washington County is a half and half county: half is urban and thriving, and half is agricultural and thriving (Washington County is the 5th largest Oregon county in terms of agricultural production - which is saying a lot considering its relative size to many other larger rural Oregon counties.) The other dominant political feature of Washington County is that special districts provide the majority of public services, even in cities. Furthermore the trend is to continue the growth and development of single purpose public service districts to handle major specialized public services, with the exception of landuse planning and zoning, which is handled in all cases by the lowest level of city or county government in a particular area.

While this mix of city planning dept's. and special service districts is a less common way of providing urban services, it has worked extremely well in Washington County, both in terms of efficiency of services and in terms of voter support. Washington County has gone through 25 years of intense urban growth and development, outstripping every other area in the state in most years, yet this non-traditional mix of city and special service districts has been consistently supported and funded by the voters. No traditional city has enjoyed the same level of voter support, especially in passing tax and bond measures. THIS FACT IS VERY IMPORTANT in choosing where the voters will let one go.

What the voters particularly like about special service districts is that they can effectively service almost an entire county without all of the political strife that a city of the same size gets into; they are specialized and focused in a single area for best overall political management; and they allow the most direct voter control over their finances and operations.

If Metro wants to grow and succeed as a governmental body, it needs to heed these basic success lessons of Washington County special service districts, namely: economy of scale, focus, and direct voter accountability.

### III. APPLICATION TO PROPOSED CHARTER AMENDMENTS

| Proposed Mission            | Duplication Problem           | Statutory Problem   | Voter Problem        | Financial Problem    | Other Problem   |
|-----------------------------|-------------------------------|---------------------|----------------------|----------------------|-----------------|
| Solid Waste                 | Competition w. private sector | Antitrust violation | Local Control        | Limited finances     | Sensitive topic |
| Recreation & Convention     | Potential problem             | Potential problem   | Potential problem    | Serious problem      | Sensitive topic |
| Water                       | Duplication                   | Lack authority      | Serious problem      | Serious problem      | Sensitive topic |
| Sewer                       | Duplication                   | Lack authority      | Serious problem      | Serious problem      | Sensitive topic |
| Transportation              | Potential problem             | Lack authority      | Potential problem    | Serious problem      | Sensitive topic |
| Boundary Com'n              | None                          | Lack authority      | Potential problem    | Avoidable problem    | Sensitive topic |
| Planning:                   |                               |                     |                      |                      |                 |
| Regional: Coordinate:       | None                          | None                | None                 | None                 | Sensitive       |
| Dictate:                    | Serious conflicts             | Lack authority      | Serious opposition   | Serious opposition   | Sensitive topic |
| Water Planning:             | Duplication                   | Lack authority      | Serious opposition   | Serious opposition   | Sensitive topic |
| Housing densities: planning | Duplication                   | Lack authority      | Serious opposition   | Serious opposition   | Sensitive topic |
| Greenspaces: planning:      | Duplication                   | Lack authority      | Serious opposition   | Serious opposition   | Sensitive topic |
| Disaster plan:              | Duplication                   | Lack authority      | Serious opposition   | Serious opposition   | Sensitive topic |
| Energy plan:                | Duplication                   | Lack authority      | Serious opposition   | Serious opposition   | Sensitive topic |
| Comp.plan reviews:          | Duplication                   | Limited authority   | Serious opposition   | Serious opposition   | Sensitive topic |
| Market geo. data:           | None                          | Authorized          | Potential opposition | Potential opposition | Sensitive topic |



## COMMENTS ON MATRIX

### DUPLICATION ("turf wars"):

Metro can probably get involved in many areas as an interested and limited partner, but will encounter intense opposition if it tries to duplicate or dictate to existing governments. A charter that encroaches on county, city, and special district jurisdictions will encounter voter opposition and financial opposition. Part of the opposition is rational and based on unnecessary and wasteful duplication of government services. Still another part of the opposition is innate human territorial protection that is imprinted in all of us by our evolutionary history.

Another form of duplication is unwanted competition with the private sector. Attempts to monopolize services have already gotten Metro into serious difficulty with the business community.

Thus while Metro may show an interest in other areas, Metro in its charter amendments would do best to stay with its current turf areas, if a charter is to be approved overwhelmingly by the urban area.

### STATUTORY AUTHORITY

Metro was authorized for narrow purposes and can safely operate wisely within those bounds. However attempts to expand jurisdiction and activities will take Metro into areas where:

#### (1) Metro lacks any statutory authority to act or operate:

Water: Federal, state, & county primarily; cities & special districts have limited roles; Metro appears to have no authority. Moreover water management requires legal authority restricted by federal law to federal, state, county agencies, and special districts.

Sewers: Again same statutory restrictions as water.

Disaster planning: Similar statutory restrictions in federal law and regulation, although Metro can assist to some degree.

Energy planning: This area is already over-regulated by others. Metro would do well to assist only in this area. It is hard enough to get agreement with all of the federally-authorized players.

#### (2) Metro lacks sufficient authority to act or operate fully and successfully:

A major factor in water, energy, and disaster planning being done

at federal, state, and county levels is that the magnitude of the problems require management and direction above the urban level, although cities retain ultimate responsibility for their own communities' local resources.

One cannot successfully handle or manage anything without sufficient authority and resources to handle a complete problem. Metro has neither legal authority nor adequate resources in the areas listed above.

In addition, where there is existing authority and resources in others, Metro will not be able to effectively step in and take over. Metro can only participate as a partner and roughly equal player effectively. This includes transportation, solid waste, recreation and convention, Greenspaces, and regional planning.

And there are 2 areas proposed for Metro involvement that so conflict with local government-citizen relationships that Metro should leave them alone: (1) housing densities at the local level and (2) LCDC comp. plan review at the local level. Both issues already involve highly charged relationships among (a) developers, (b) local residents, (c) local businesses, (d) local city and county governments, and (e) existing state review bodies. Metro can set overall regional planning goals, but should leave implementation and variances to local city and county governments. Metro doesn't need to get into anyone else's bitter political fights, nor can Metro win in any such fights. Metro will always be perceived as an outside bully.

Finally Metro should not use regulatory authority to bar private competition in the delivery of services. Basic federal and state antitrust laws and policies are violated by any attempt by Metro to monopolize services. Government monopolies are why the Russian government collapsed. Private sector competition is where better service and technical innovations usually first occur. Government usually winds up following, not leading, the private sector marketplace.

#### VOTER AND FINANCIAL PROBLEMS

Given Measure 5 and its impacts, voter opposition and financial crises go hand in hand. As stated above, Metro would be well advised to avoid any new commitments or intrusions into other governmental bodies' business, especially as long as Measure 5 remains on the books. Metro's only basis not to be put out of existence as a duplicative and unnecessary government body in light of Measure 5 is the few tasks where it conflicts with no one: (a) municipal recreation and convention, including the zoo; (b) operation of non-monopolistic solid waste facilities; (c) operation of an independent boundary commission; and (d)

regional planning support and data and coordination to other urban governments.

While this will not satisfy expansive proponents of supra-county regional government, it will avoid self-destructive political wars with better financed and better politically-supported local urban governments. In any political battle, the government closest to the grassroots is the strongest, if the grassroots can be properly mobilized. Metro has in several past battles demonstrated that the grassroots can and will rise up against it.


Further in the case of charter amendments, Metro runs the risk of all the grassroots uniting in a single campaign against it.

#### SENSITIVITY

In reviewing the list of proposed charter activities, I find virtually none that are not sensitive. Over the years I have either observed or participated in local battles on virtually every topic - some because of my employment and others because of my volunteer activities.

Good government is a combination of fixing the problems one can fix, and leaving to someone else the problems one can't fix.

Finally, as a matter of procedure, we would be better able to present oral comments if the hearings were held in Gresham, Oregon City, Beaverton, and Hillsboro as well as in Metro offices. There just isn't enough time most evenings to get to your downtown offices to participate because of the distance involved and traffic construction in the way. Thank you.

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