

**METRO
CHARTER
COMMITTEE**

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AGENDA

DATE: February 20, 1991
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: Room 440, Metro, 2000 SW First Avenue, Portland

6:00 Meeting called to order.

Correction and adoption of minutes from January 2, 9,
16, 18, 22, 23 and 30 (previously distributed).

6:10 Adoption of charter drafting decisions for regional
government powers and functions.

9:00 Meeting adjourned.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

February 20, 1992

Metro Center, Room 440

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

Committee Members Absent: Charlie Hales, Matt Hennessee, and John Meek

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

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the minutes of January 2, 1992, January 9, 1992, January 16, 1992, January 18, 1992, January 22, 1992, January 23, 1992, and January 30, 1992.

Motion: Wes Myllenbeck moved, Norm Wyers seconded, to approve the January 2, 9, 16, 18, 22, 23, and 30 minutes as distributed.

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

2. Discussion of charter drafting decisions for regional government powers and functions

Chair Myers said that, at the last meeting, the Committee had worked through initial consideration of the name of the government, elements for a mission statement, legal capacity, and the treatment of the powers and functions of the charter in terms of broad or limited grants of authority. The Committee decided that the regional government would be authorized to continue the functions and services it is now performing and would be initially authorized to perform additional functions as specified by the charter. The regional government would also be authorized to undertake additional functions, determined to be a matter of metropolitan concern, in accord with a process or processes defined in the charter. For this meeting, the Committee will deal with the remaining issues--what should be the process or processes by which the regional government may undertake additional service responsibilities? Should the process differ depending on whether the service being undertaken is already being performed in whole or in part by local governments or because of some other factors relating to the service? If the process should differ, what factor or factors as to the service should determine which process is to be applied? If the process should differ, which process options should apply to each category of additional services? Those options include a vote of the regional government legislative body, a vote of the regional government legislative body with mandated consultative role for local governments before a decision is made by the regional government, or a vote of the regional government legislative body and of a Regional Policy Advisory Committee or other body, with membership and vote margin described by the charter. If local government in the form of a vote is mandated, should it also require a vote of the people, make the vote of the people optional, or have the vote of the people be an alternative to the local governmental body approval at the discretion of the

regional governing body?

Frank Josselson said that, at the last meeting, there was a specific proposal for regional acquisition of a service being performed by a local government, on the table. The proposal was that the services could be acquired by a majority vote of both the regional governing body and the RPAC showing that the issue is of metropolitan concern. The proposal would also require that the issue be taken to a vote of the people. The purpose of the majority vote is to show that there is support for the issue to be regional and that it should go to a public vote. He said that, at the last meeting, Ron Cease expressed the opinion that any new service delivery functions should go to a vote of the public. Ron Cease also said that the local governments should have more than a purely advisory role with respect to new services that will be delivered. The Committee was moving toward a decision on that model, but did not discuss the specifics of an RPAC body. The Committee agreed to segregate off the issue Charlie Hales raised of future state and federal mandates which are not being done by the cities and counties.

Bob Shoemaker said that Frank Josselson is accurate except for Ron Cease's comments. He said that Ron Cease was suggesting that, for an additional service being performed by local governments, RPAC would approve it or it would go to a vote of the people--not both.

Chair Myers said that, subject to the one correction, Frank Josselson gave an accurate summary of where the Committee had gotten at the end of the last meeting.

Motion: Frank Josselson moved, Jon Egge seconded, that, for any service not originally allocated to the regional government but currently being performed by a local government, there would be a majority vote of both the regional governing body and an RPAC body finding that the issue is of metropolitan concern and the issue would go to a vote of the public.

Frank Josselson said that the question of whether it is a matter of metropolitan concern is something that the Committee will have to deal with and the charter probably should, in a general sense, define metropolitan concern. Local governments should be involved in the decision making in an active way. The issue of whether something is a regional concern versus a sub-regional concern or a local concern is an issue where the local governments can contribute a lot. Leaving the local government in an advisory capacity gives them an illusory role. Local governments should have a formal role in the process. Service delivery is a regional role which should be carried out at the local level because it needs to be accessible.

Wes Myllenbeck said that he has a problem with the standing RPAC body. Local governments do need to be involved, but knowledgeable citizens also need to be involved. The Council should initially decide if something is of regional concern. If they so decide, then they should appoint an advisory committee of which half would be local officials of cities and counties. This group would confirm or deny the supposition of the Council that the issue is of regional concern. If they decide that it is, then the advisory group will determine how it should be funded and how the consolidation should take place. It will make a recommendation to the regional governing body and then the Council acts. He said that he has some trouble going to the people on certain issues, although it is extremely important. He said that a lot of times, there is not a problem now, but one is foreseen for the future. It is difficult to communicate future problems to the public.

Ray Phelps asked what is anticipated by the term *local government*. He said that it always seems to come back to the cities, but the real stakeholders seem to be the special service districts. The process that is in place now and is running parallel with the Committee has little representation, in respect to numbers of persons in relative percentage. The Committee needs to be sensitive to special service

districts. The services that will probably be absorbed by the regional government are more likely to be service district functions rather than local government functions. There needs to be strong special service district representation on the body. He said that it might be possible in consideration that if a sufficient number of elected officials on the advisory committee believe that it is a good idea, it might be the threshold to not having to refer it to a vote of the people because they reflect the constituency.

Wes Myllenbeck said that he agrees with Frank Josselson that it should be a majority vote. He said that he does not know if it is right to say that if they get a majority vote, it does not go to the voters.

Ray Phelps said that it should say *not necessary*. He said that they still can do it if they need to. It allows a relief valve and an opportunity to have some reason not to take it to the voters.

Wes Myllenbeck said that referral to the people seems like a cop-out. Most citizens do not have all the facts in order to vote wisely.

Larry Derr said that if the Metro Council first determines that the issue is a good idea and then selects the committee, it will not be a realistic, in-depth view. It will be a rubber stamp. If the committee is already there, then there is a better chance of a checks and balances review.

Wes Myllenbeck said that it somehow needs to be initiated and it probably is best started with the Metro Council. The local governments look at it from the local point of view to determine if it is of metropolitan concern.

Mary Tobias asked Wes Myllenbeck if the advisory committee would only be in service up to the time the regional government took over the service.

Wes Myllenbeck said that it will only last long enough to make a recommendation. He said that he has a problem starting advisory committees without a sunset date because they can go on forever.

Mary Tobias said that her concerns about advisory committees is based on history. Those issues which have been given to advisory committees have been pretty complex and do not stand alone. They are interrelated. If the group which will analyze and look at the data carefully is not well versed in the area, they will not have time to understand it by the time they need to make the recommendation. She said that she likes the logic of the RGC model because someone raises an issue and then the Council says that the committee should explore it. The committee would look at it and decide if it is an issue for the region. If it is, then there will be a process. In essence, it becomes the regional government's bailiwick. Once it has been elevated to metropolitan significance by concurrence, the regional government goes with it or puts it out to the people or kills it. It is a good logical way to move things to the regional table. She said that there is a lot of merit to making sure that services go to the people for decisions. Although they will not always understand them, they will have to pick up the tab for them. There is a certain amount of need for the people to be held accountable for the addition of services for any government. The price tags are large and the people ought to be making the decisions.

Bob Shoemaker said that the Committee is talking about services which are currently being performed by the local governments so there will not be a new price tag, it will be a different price tag. It is a shift from local to regional.

Ray Phelps said that the money does not necessarily follow the shift from the local government to the regional government.

Wes Myllenbeck said that one of the things that must be determined, regardless of who is responsible

for it, is how will it be paid for. The local government that was formerly providing the service should not continue to charge for it so that the taxpayer gets layered with another fee on top of that. If there is a standing committee made up of elected officials and a technical issue comes up, there is a fair chance that the elected official will not know all the details. There is no guarantee. By appointing committees, the councilors, if they appoint them, would probably make an effort to pick the best and most knowledgeable people in their districts.

Mary Tobias said that there should not be anything in the charter to prevent the governing body from using advisory committees. The RPAC will not preclude it. The RGC current proposal is constituted so broadly to represent all the different constituents at the table. Since it is such a complex issue, Metro should have a policy committee to look at it and a technical advisory body look at it just as it occurs now.

Bob Shoemaker said that requiring both the vote of an RPAC and vote of the people straps the Metro Council down too tight. They will have to make decisions which do not find favor with local governments. That is why Metro is being created--so there is not eternal fief-domes. If the Committee advocates responsibility to guarding functions subject to approval of local governments, there will not be a metropolitan government that will undertake additional functions except those that the local governments are willing to get rid of. It is important that Metro work closely with local governments to seek their advice and counsel. On many issues, it should not have to go to the voters because the function should clearly be one that the regional government should take over and the local governments should concur. It should not have to go to the expense of the ballot. The best balance is an *either/or*. Metro could take on a function that has been performed locally either with the approval of RPAC or the approval of the voters, but not require both. He said that they could not absolutely require either.

Ned Look said that he agreed with Bob Shoemaker. The role of Metro should be strengthened through its stature and responsibilities. He said that he does not agree with Larry Derr's comment on the Council choosing an RPAC which would be a rubber stamp. He said that he does not think that they will pick a group which will do what they tell them to because they are consciously trying to do a good job. He said that he would like to see Metro having more power and they should not be running to the people all the time to vote on issues that can get too complicated.

Frank Josselson said that the Committee clearly wants a regional government that has full power to carry out the responsibilities and authorities delegated to it. The government should not have less authority than it needs. The ability to expand its authority is different than the authority to carry out a function. If it is going to fully carry out a function within the scope of its authority, it should have the full arsenal of capability to carry out the functions. In terms of expanding its own capability, government has the natural tendency to fill whatever space it can accommodate. If the government is left with the ability to expand its authority, it will.

Ned Look said that it is a matter of checks and balances. He said that he thinks that the regional government will not seek things that are not logical for them to do. They will not take things from local governments that the local governments are currently doing and want to continue to do.

Mary Tobias said that Metro has looked at things and said that something needs to be done and Metro should do it. They have started it and gotten the project moving along fast before the local governments get caught up. She said that the charter needs to identify that it is a dual cooperative role from the beginning. No service is taken on by a government over night. It takes time to have something evolve in a way that is useful. You do not put people at loggerheads so that they cannot resolve or move forward with the plan. Greenspaces is an example. It got up and running because of the enthusiasm of one person. The program began without the support of all the cities and still does

not have support of all the cities. Metro ran away with the project and has left some people feeling forced to do things that they are not interested in. This type of process should be avoided in the future. There is also an obligation to the electorate because they will be ones paying for the service.

Jon Egge said that he is hearing the same arguments that he has been hearing for months. He asked Bob Shoemaker to explain what he meant when he mentioned concurrence, then either/or, and then maybe not always.

Bob Shoemaker said that there would either have to be a concurrence of RPAC or they would have to go to the people. He said that he did not mean that there would be a third alternative.

Jon Egge said that he prefers the option that is currently on the floor. The additional capacity of the government to perform services is not a key issue.

Chair Myers said that, in order to reach consensus among the members, the motion should be broken down into smaller pieces. For example, the issue of a local government standing body.

Frank Josselson withdrew the motion because of lack of votes.

Jon Egge withdrew the second.

Chair Myers said that the Committee should vote on the question of whether the charter will mandate the creation of an RPAC body with the exact membership and function yet to be determined. In some instances, it may be advisory and in others, it may be binding.

Ray Phelps asked if the body will be standing rather than an ad hoc body that would come and go.

Chair Myers said that is correct.

Motion: Jon Egge moved, Mary Tobias seconded, that the charter mandate the creation of an RPAC body with the exact membership and function yet to be determined.

Vote on the motion: Judy Carnahan, Larry Derr, Jon Egge, Frank Josselson, Ned Look, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, and Chair Myers voted aye. Wes Myllenbeck, Ray Phelps, and Norm Wyers voted nay. Ron Cease, Charlie Hales, Matt Hennessee, and John Meek were absent. The vote was 9 ayes and 3 nays and the motion passed.

Chair Myers said that he gets a general feeling from the Committee that the RPAC will consist of a mix of elected officials and others. It would be inclusive of representatives of the special districts as well as other units of local governments as well as private citizens. He suggested that the second issue be whether, in terms of the undertaking by the regional government of new service responsibilities which are presently being performed by one or more units of local government, the charter would require the affirmative approval of the RPAC in addition to the approval of the regional governing body. The next issue would be the role of the vote of the people and whether it would be in addition to, supplementary to, or optional.

Larry Derr asked if they really could be separated. If you vote yes that the RPAC has to approve, it does not say whether it is the only way or an alternative.

Motion: Jon Egge moved, Mary Tobias seconded, that the charter mandate a vote of the regional governing body, RPAC and the people.

Judy Carnahan asked if the vote of RPAC had to be a majority.

Jon Egge said that his motion would be a simple majority of the regional governing body, RPAC, and the vote of the people.

Wes Myllenbeck asked what exactly it would be for--adding a new function or studying it.

Jon Egge said that it would be for adding a new service delivery function to the regional government.

Wes Myllenbeck asked if it would be at the phase when it is needed and not bringing it to the attention of anyone.

Jon Egge said that anyone could bring up the question.

Larry Derr asked if it was a new service delivery function for regional government that is presently being provided for by one or more local governments.

Jon Egge said that is correct.

Ray Phelps asked how the issue gets to the permanent advisory committee.

Jon Egge said that it would originate with the Council. He said that, for practical purposes, if someone brings up an issue, the Council will raise the question and start the ball rolling. In that sense, it could start anywhere.

Ray Phelps said that bothers him. He asked if the work plan of the advisory committee would be at the direction of the Metro Council or can the committee, on their own, begin a process for adding a function.

Jon Egge said that his preference is that it would start with the Council and then go to the RPAC. He said that he does not think that it makes a difference for the motion.

Chair Myers asked why the local governments should be precluded from initiating that process.

Ray Phelps said that the problem is who got elected to what. Under this process, there really is not a purpose for the Council.

Chair Myers said that the issue eventually goes to the Council.

Ray Phelps said that if the advisory committee can operate independently without the benefit of an election and can generate a momentum toward the Council, then there is nothing.

Wes Myllenbeck said that he has some fears along the same lines and agrees with Ray Phelps.

Mimi Urbigkeit said that the Council should first decide if it needs the test of metropolitan concern. If they want to, it should be referred to the advisory committee. If there is enough grassroots support for it, they probably will.

Chair Myers asked if that was a further piece of the motion.

Jon Egge said yes.

Larry Derr said that official process needs to start with the process. There is nothing to say that the local governments cannot come to the Council and ask them to start the process. If the process did not start with the Council, the advisory group should not waste their time on it because the Council still has to approve it.

Chair Myers said that the motion was, in reference to new service responsibilities of the regional government which are presently being performed by one or more local governments, to require a majority vote of RPAC. The proposal on which action would be taken or not taken by RPAC must come from the regional government. There must also be an affirmative vote of the people.

Jon Egge said that is correct.

Mary Tobias said that it refers to services currently provided by local government. She said that it would be logical if the local governments were able to raise the question of turning a function over to the regional government because the local governments are currently funding it, staffing it, and doing it.

Ray Phelps said that they can through the Council, but not with the advisory committee. If the Council does not agree, it never gets to the advisory committee. He said that the standing committees bother him and he wanted the distinction made to prevent them from breathing life into things to keep the agendas moving.

Frank Josselson said that his view of the RPAC role with the majority vote is to provide a safeguard to assure that the matter is of metropolitan concern. The significance of the RPAC vote is whether or not the issue is of metropolitan concern.

Chair Myers said that a further issue that is suggested by the RGC proposal is whether the approval process has to involve consideration and affirmative findings around certain criteria which is what Frank Josselson seems to be getting at. He asked that the Committee deal with the larger issue and leave the details for a further separate issue.

Frank Josselson said that he would keep it aside in hopes of keeping it on a political level as possible and to avoid subjecting them to the court system.

Chair Myers said that the RGC conception would not make those judicially reviewable decisions. The discipline of the process would make them subject to the criteria. He suggested taking up that question outside of the scope of the issue that is on the table.

Frank Josselson said that the principle role that he sees for local government in the decision making process is to confirm the regional government's decision that it is indeed a matter of metropolitan concern.

Ned Look asked for the RGC position. He said that he does not think that the RGC wants to tie the hands of regional government. He said that he thought the RGC wanted the RPAC to advise and not to be a veto power.

Chair Myers said that he is taking his information off of the material distributed by the RGC at the public hearing. He said that the material calls for an enhanced majority vote of approval by the RPAC.

Ned Look asked if it is advisory.

Chair Myers said no, it is a gateway to the acquisition of the service.

Mike McKeever, staff for RGC, said that it is not a prerequisite to get to a vote of the people.

Chair Myers said that the last Committee motion is at variance with the RGC proposal.

Bob Shoemaker asked if the RGC thinks that the *either/or* option is the most appropriate.

Mike McKeever said that it is if it is the sole decision of the Metro Council to take it to a straight vote of the public or to a concurrence of the RPAC.

Ray Phelps asked if it was clear that the way things get to the advisory committee is through the Council.

Jon Egge said yes.

Chair Myers said that there are three parts in front of the Committee: the initiation by the Council of a proposed assumption of a service with metropolitan concern currently being performed by one or more local governments; the affirmative vote of a majority of RPAC; and the vote of the people of the region.

Ray Phelps asked if it was mandatory to refer to the advisory committee a matter which is presented as a prospect of regional concern that the Council believes is not.

Jon Egge said no.

Ray Phelps said that the Council is free to choose whether or not to move forward.

Chair Myers said yes. If they decide that it is not a matter of metropolitan concern, no process is undertaken.

Larry Derr said that he is not sure of a vote of the people is appropriate for any instance for which the regional government undertakes a service. He said that a vote of the people would have the risk of taking away some of the necessary authority of the Council. The suggestion of an alternative approach--once the Council decides to take over something, they can seek the support of RPAC or go directly to the people--is the better way to go. He said that he does not support the current motion, but would support one with the alternative approach.

Mary Tobias said that if the RPAC looks at the issue from the perspective of whether local government ought to give it up and assign it to the regional government, and RPAC decides to give it to the regional government, then the regional government ought to be able to act. When there is a concurrence from those providing the service now to move it to the regional government, there is no need for an expensive election. She said that she is not comfortable with a simple majority all the way down the line. For things that local government is currently doing, there needs to be a strong sense that it needs to move from there to the regional government. She said that she likes a lot of the motion but will not support it as it currently reads.

Motion (clarified):

Jon Egge moved, Mary Tobias seconded, that the charter require, for new service responsibilities of the regional government which are presently being performed by one or more local governments, that the proposal under consideration must come from the regional governing body, a majority vote of

the RPAC body, and an affirmative vote of the people.

Vote on the motion:

Judy Carnahan, Jon Egge, Frank Josselson, and Mimi Urbigkeit voted aye. Ron Cease, Larry Derr, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Norm Wyers and Chair Myers voted nay. Charlie Hales, Matt Hennessee, and John Meek were absent. The vote was 4 ayes and 9 nays and the motion failed.

Motion:

Larry Derr moved, Norm Wyers seconded, that the charter require, for new service responsibilities of the regional government which are presently being performed by one or more local governments, that the proposal under consideration must come from the regional governing body and submitted to the RPAC body for a majority vote or directly to the people for an affirmative vote.

Larry Derr said that it would be the choice of the Metro Council.

Chair Myers said that this proposal differs from the last motion in that it is an *either/or* proposal. The issue can be taken to RPAC or to the voters.

Ron Cease asked if the Council could submit the issue to the voters at any time.

Chair Myers said yes.

Bob Shoemaker said if the issue was taken to RPAC, and RPAC voted against it, it could still go to the voters.

Ron Cease asked if there would be a specific majority of RPAC that would have to vote affirmatively.

Larry Derr said that it would be a simple majority.

Ray Phelps asked if he understood correctly that if the Council decides that it is worthy, it could go directly to a vote of the people or referred to RPAC and does not have to go to the vote of the people. Regardless of RPAC's response--whether they approve it or not--the Council could still decide to take the issue to the voters.

Chair Myers said yes.

Larry Derr said, with the several alternatives, if one developed where the Council referred an idea to RPAC and could not get majority approval, the idea probably would be dead. Functionally, it may be the same as the previous motion. Nevertheless, it leaves the opportunity with the Council to take care of the eventuality where the Council believes that the voters see a need for regionalization and the RPAC does not go along with that.

Janet Whitfield asked if there is a Council override.

Larry Derr said no.

Ron Cease asked if the Committee was talking about the process beyond those functions that Metro is currently doing now and those other functions that will be granted outright in the charter.

Chair Myers said that the Committee was talking about functions not initially authorized by the charter.

Frank Josselson said that the motion enables the regional government to bypass its local counterpart which could be a potential danger. There should be some check on the Council's determination that the issue is of metropolitan concern.

Larry Derr asked if it would be helpful to amend the motion to require, at a minimum, referral to RPAC for advise.

Frank Josselson said yes.

Larry Derr proposed amending the motion to state that the Council, if it chooses to go straight to the voters and bypass the majority consent of RPAC, would have to offer the opportunity for RPAC to consider and provide an advisory opinion on the new service. He said that it is appropriate because it is something that local governments are doing now.

Ray Phelps said that is very close to the previous motion that was defeated.

Bob Shoemaker asked that the amendment wait until after the vote on the current motion. He said it could be considered on its own merits after this motion passes. It might have the effect of defeating a motion that might otherwise pass.

Frank Josselson said that, if that is going to be done, he will vote against this motion. If not, then he would vote for this motion.

Bob Shoemaker said that, if this motion passes, it would be appropriate to have another motion stating that, in any event, a proposal for an assumption of a function must be submitted to RPAC for advise before going to the people. That could be debated on its own merits knowing that the Committee has already decided on an *either/or* option.

Chair Myers said that the pieces of the motion are that the Council must initiate the proposal, and it must either go to the RPAC for a majority vote or it may go directly to the people. It could go to the RPAC, and if rejected, it could still go to a vote of the people.

Larry Derr said that, instead of being three steps like the last motion, this motion is two steps with the second step being an alternative.

Chair Myers said that the major difference is that this motion does not need both the approval of RPAC and the voters.

Ron Cease said that once the structure is developed with RPAC having a role, the Council is not often going to take a question to the voters after RPAC has defeated it or without taking it to RPAC because there is a clear indication that there is strong opposition to it. As a political matter, it is not likely to happen. By bringing RPAC into the formal structure, the dynamics of it have changed. It says that the local government will indicate their views and it will have a telling affect on how they do things.

Mary Tobias said that she disagrees with Ron Cease. When talking about service delivery functions currently being performed by local governments, it seems logical to make sure that those governments have the opportunity to take a hard look at the transference and look at what the dynamic will do before they give it up. There is nothing onerous about saying that the Metro Council, when addressing

the elevation of the service away from the local providers, needs to consult the local governments. After getting advice from RPAC, the Metro Council can take the advice or override them or take it to the people, but at least the parties were at the table.

Frank Josselson said that deals with the next motion.

Mary Tobias said that she is not going to support this motion because of that point.

Jon Egge said that Bob Shoemaker suggested voting yes for this motion, because voting on the next motion will not compromise this motion.

Bob Shoemaker suggested, in order to simplify the motion, that the motion not deal with procedure at all. It should state that, in order for regional government to take on a function that is now being performed by local government, it must either have the approval of RPAC by a simple majority or the approval of the voters. If that passes, the Committee could move on to the process of how that will occur--whether or not it must go to RPAC first for advice or a vote.

Chair Myers said that the motion, in its original form, states that the charter require that the proposal must be initiated from the Metro Council either as a referendum to the people or submitted to RPAC for a majority vote. Implicitly, it could do both.

Bob Shoemaker said that the motion as it stands now is not appropriate because if it passes and the next one does not, people would have voted for something that they did not want which is the possibility of a direct pass through to the people.

Chair Myers said that there probably should be a motion to amend.

Bob Shoemaker suggested amending the motion to state, for any function currently being performed locally, that there either is concurrence of RPAC by a majority or the affirmative vote of the people.

Chair Myers asked how that changes the motion.

Bob Shoemaker said that it does not say how it will go to the people. The Committee may decide that it needs to go through RPAC before going to the voters.

Chair Myers said that he thought that was the part that was going to be added.

Bob Shoemaker said that would be the next piece. He said that he would like to see if it should be *either/or* as opposed to both or neither. Then the Committee can debate how to get to *either/or*.

Chair Myers said that the original motion is described that way. He said that the motion has three elements. The proposal to take on a service, which is presently being performed, in whole or part, by one or more local governments, must be initiated by the regional Council. It may either submit the question to RPAC where a majority approval is required or it may submit the question to the voters without submission to RPAC. If it is rejected by RPAC, it could be submitted to the voters.

Ned Look asked why the Council would bypass going to RPAC.

Bob Shoemaker said that they probably would not, but it should not be prohibited.

Ned Look said that if RPAC is opposed to it, the Council still has the ability to go around RPAC despite the negative vote.

Chair Myers said that the motion does not prohibit the Council from asking for advice and does not require them to ask advice of RPAC.

Ron Cease said that it may not be as simple as it seems to submit the issue to RPAC for advice before going to the voters. If there is general public support for Metro to take over a piece of something and there is possible objection by RPAC, the Council ought to be able to submit it directly to the voters. In a practical matter, they probably will submit it for advice.

Vote on the motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Frank Josselson, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers and Chair Myers voted aye. Ned Look and Mary Tobias voted nay. Charlie Hales, Matt Hennessee, and John Meek were absent. The vote was 11 ayes to 2 nays and the motion passed.

Motion:

Bob Shoemaker moved, Larry Derr seconded, that the charter require, for new service responsibilities of the regional government which are presently being performed by local government, that before Metro Council may submit the issue to a vote of the people, it must, at least, seek the counsel and advisory opinion of RPAC.

Ron Cease said that, in most cases, it would be desirable, and they will, to seek the advice of the body that has been appointed to have a role. He is reluctant to put, in the charter, conditions on what they submit issues to the voters. The Council should be able to submit anything they want. There should be nothing in the way of the Council's ability to submit something to the voters. It is not a major question. It is a major new device being added for Metro's authority and will not be in operation for some time because it is dealing with future functions.

Mary Tobias said that the motion is dealing with things that local governments are currently doing and it is essential that they go to the consideration of the advisory group to take on, in an arena away from the political decision making of the Council, the question of whether or not it belongs at the regional level. It is important before it goes to the vote of the people because the vote is optional. If the Council feels strongly enough that it has a political will to go against the local governments, the issue can still go to a vote of the people. If the local governments say yes, the issue is positioned differently in the regional consensus process. Once an issue goes to a vote of the people, it becomes a political issue. She said that she is concerned about the regional government deciding that they are going to mount a political campaign when the local governments have not had the opportunity to debate the issue in the regional arena. It is better for the region if the local governments are part of the process to move it up.

Bob Shoemaker said that he agrees that it would be rare for Metro to bypass RPAC. He said that appearances are important and the charter should recognize the importance of cooperative work between local governments and Metro to develop a regional government that works. To do that, the willingness and requirement to cooperate must be expressed. It is important in the tone of the charter that this level of cooperation be required.

Wes Myllenbeck said that he can see the possibility, if RPAC advice is required, of an RPAC holding the Council hostage and you begin to wonder who is really the boss--RPAC or the Council. There could be possible personality or other conflicts and there needs to be flexibility.

Bob Shoemaker said that it would be for advice only. He said that he thinks that the advisory committee would not block the process if there is a situation where there are polar positions.

Wes Myllenbeck said that he has seen advisory committees hold elective officials hostage, as in Washington County.

Ned Look said that it could always go to a vote of the people.

Ray Phelps said that Mary Tobias described a strategy rather than a component of the charter. The strategy is if there is public acceptance of the process. He said that he would rather have the Council willingly choose to accept the advice rather than it being required. Often, advice is better appreciated if it is asked for than if it is required to be given. He said that he does not want to clutter the charter with a strategy for campaigning or a mandate that there is a conversation. It would be better if the charter had a Council that was strong enough to seek advice, and may choose to ignore it, and strong enough not to seek advice and still refer it to the people. It has a better dynamic of a successful government than to mandate that persons elected to do the job are required not to act as freely as the authorized persons the public elected, but function administratively which may not be to the public's benefit.

Larry Derr said that there is a distinction between services which are currently being provided by local government and services that are not being provided by anyone. He said that he is not convinced that the RPAC advice ought to be mandated for brand new services which are not provided by anyone. He said that he is satisfied that it is good policy that RPAC advice be mandated for services which it is currently participating in.

Ned Look said that it is very arrogant and poor politics to not ask for the advice of RPAC. If they do not like the advice, they have the recourse of going around it. If RPAC is not consulted, they could make a political issue out of it.

Vote on the motion:

Larry Derr, Jon Egge, Frank Josselson, Ned Look, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, and Chair Myers voted aye. Judy Carnahan, Ron Cease, Wes Myllenbeck, Ray Phelps, and Norm Wyers voted nay. Charlie Hales, Matt Hennessee, and John Meek were absent. The vote was eight ayes and five nays and the motion failed.

Bob Shoemaker asked if it would be appropriate to bring the motion up again when more members are present.

Chair Myers said that the Committee has not resolved, as a matter of committee procedure, how to deal with reconsiderations. He said that, when the time comes, he will make a decision which can be appealed. He asked the Committee to move on to regional government acquisition of services which are not being provided at all.

Frank Josselson suggested that the area be broken down into two categories. One would be new state and federally mandated functions--functions which are not mandated now but will be in the future. The regional government should be able to take on those functions without consulting anyone.

Ron Cease said that if it is mandated, the regional government will have to do it regardless.

Frank Josselson said that there are certain functions which are so-called mandated where the government can lose benefits if it is not done or another government comes in and takes it over. With any state or federally mandated function, he suggested that Metro have the authority to overtake it by majority vote of the regional governing body.

Chair Myers asked what the second category was.

Frank Josselson said that the second category is all service functions which are currently not being done by one or more local governments.

Motion: Frank Josselson moved, Larry Derr seconded, that state or federally mandated functions, which is currently not being performed by anyone, are the decision of the regional government. The only action required is the decision by the regional governing body.

Mary Tobias said that she presumed that Frank Josselson was assuming that the regional government, in taking the functions on, would consider the ability of doing them in terms of dollars. If there were not enough dollars at the regional level, it would look at a partnership that would carry out the mandate with funding at the regional level. She said that, in her mind, it would take it back to the local governments for concurrence.

Frank Josselson said that the process may occur. It is just an authorization stating that it may take on functions mandated by the state and federal government.

Ned Look asked if it was just federal mandates or federal and state.

Frank Josselson said that it was federal and state.

Vote on the motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers and Chair Myers voted aye. Charlie Hales, Matt Hennessee, and John Meek were absent. All present voted aye and the motion passed.

Chair Myers said that the third category of services would be all services of metropolitan concern which are not described in the other two categories. He said that one option could be a required consultation with RPAC.

Ron Cease asked, although the initial action is from Council, could RPAC recommend anything at anytime, whether it is a new function or if they disagree with something that the Council has done. If they are playing a formal role, they should be free at anytime to make a recommendation.

Bob Shoemaker said not necessarily. He said that the planning commission does not.

Ray Phelps said that the Committee discussed this before and decided that the only way RPAC would get involved would be at the discretion and initiation of Council. He said that it was part of the discussion regarding making RPAC a permanent committee or not. The issue was who sets the agenda. If they are free to do as they wish, it is a renegade operation.

Chair Myers said that the conception was that if there was a desire on the part of local government to have Metro take on a function, it would not be in the action of RPAC but rather it would a political effort made by local governments to persuade Council to take the initial step.

Bob Shoemaker said that, in this area, Metro should not be constrained in that way. They might choose to consult local government on an issue that is of metropolitan concern, but they should not have to. The regional government is for dealing with brand new issues that have metropolitan concern.

It should be their choice to seek counsel from anyone.

Ron Cease said that counsel should not be formally required, but if the process is to work well, they should seek the advice of RPAC.

Bob Shoemaker said that he would rather trust the judgement of Metro to make the appropriate choice of seeking counsel. He said that if they must seek the counsel, it will not receive the same weight as if it is sought voluntarily.

Larry Derr said that the other source of a required mandate is perhaps the voters. As the Committee went through the list of available statutory powers and authorities, a majority of the new functions, beyond what Metro is doing now, require voter approval. He said that his present inclination would be for functions in this category to require voter approval.

Frank Josselson said that he supports that point of view because of his view that the emphasis of the government will be on planning and policy. He said that he does not see service delivery to be the government's primary emphasis.

Ray Phelps said that it should be looked at as two separate events. The government takes on a function of some kind and it is not the cost of doing business added onto the cost of government. There are some functions that do not cost anything. They are absorbed into the normal operations of the government. Those functions do not necessarily require the vote of the people. Alternatively, if it takes on a function with an element of cost, it should be taken to the people for a vote and the cost package should be presented at the same election. When the voters are voting on whether to do something, they are also voting on what it costs rather than being asked if they want to do something while the government tries to get funding six months later. He said that the most intelligent process he has seen in the state are the people's utility districts where the formation and funding questions are on the ballot at the same time. If the funding question fails, the formation is mute if it passes. He said that would be his expectation--the funding and formation would be voted on together. If the function has little or no cost, then he would not encourage taking it to an election because the cost of the election might cost more than the function. There should be a public process to determine how much the functions cost similar to ballot measures when there is a cost measure that goes with the ballot to tell people if it will cost money.

Mary Tobias said that, in service delivery, there is not a service small enough that the regional government would be doing where there would be no cost attached to it. She said that the suggestion that the financing and formation of a function go to a vote together has a lot of merit. It is a disservice to have functions with no funding.

Ray Phelps said that there are hundreds of governments in Oregon without funding and their gross revenues are less than the cost of an election for funding. They are spending more money trying to seek funding than they have in the first place. There can be functions where there is a nominal cost or nothing and it is absorbed because someone has to do it.

Chair Myers said that the requirement of a vote around the acquisition of a service should depend on whether the government needs to seek additional revenue to do it.

Jon Egge asked, if the government found a function that had a fee for service, would the point of asking the public for funding be a mute point.

Ray Phelps said no, because there is still a cost of doing business. It may be cost neutral, but it should still be voted on to avoid problems in the future.

Larry Derr said that it is a question of how the money is collected.

Ron Cease said that it makes imminent sense that if people are willing to give the regional government a service, they should be willing to identify the revenue source. On the other hand, it is not always possible to tie a particular funding source with a particular function under a general purpose government with many functions. They probably would not approve the general operations of the government. The function may not get approval because the people may not like the funding source.

Ray Phelps said that his perception of Metro's problem is that it was never originally funded. Consequently, there was a lot of frustration as to how to achieve the mission without money. Also, a number of functions that should have been assigned to the regional government were not because there was no money. People get fooled where funding has become a blackmail. The organization was there but no one asked if it would cost anything. If it is going to be a function of the regional government, the people should be asked if they want it and, if they do, how it will be funded.

Ron Cease said that, in many cases, people want the service, but do not want to pay for it or want someone else to pay for it. If Metro had a clear indication of the revenue source attached to it, it would never have gotten passed. The revenue was left aside with an understanding that if the organization passed, a way to fund it would be found. If there is support for the function, then there is the opportunity down the line to ask for support for the revenue.

Ray Phelps said that he is not sure that the people would adopt the function had they known that it would cost something. If they are given an incomplete question, then the voters may think that the funding source has been found. Alternatively, if the measure includes the cost, the question is complete and the voter has the opportunity to respond as they would without building an expectation and then be whip-sawed into paying for something that exists.

Ron Cease said that there has to be a distinction between asking the voters to fund a general purpose government compared to asking for funding on each function. It seems to put roadblocks in effective performance of some functions.

Mary Tobias said that if the regional government is going to take on any new function, then the local governments need to tell the voters that they think the regional government should take on the function and how it should be funded. When constraints are tight and choices need to be made, and the tax authority covers everything which compels it to be done, a burden is created for existing governments and the voters to sort it out. If authority is expanded, then the voters need to provide the funding along with it.

Ron Cease asked if RPAC and the Council decide that Metro needs to do something, would the finance question go to the voters.

Mary Tobias said yes. If the people who pay for the bill are not persuaded that they should pay for it, then the regional government and the local governments should reconsider if the service should really be provided. All services need to have the finance mechanism attached to it when taken to the voters because a lot of service delivery by the public and private sector begin from a grant. When the grant comes to an end, there is a tendency to say that they need to continue with the service and it begins to take on a life of its own. Having the people vote on the financing at the same time they vote on the function is very important.

Ron Cease said that probably about two-thirds of the functions done by local and state governments would fail if they were put on the ballot with financing options. There is some responsibility that the electorate gives to the elected officials to make the judgement because they have a better

understanding of the pieces. If everything is taken to the voters, it fragments the issue and it will not be effective.

Mary Tobias said that there is not much left that is not currently being done or will not come through mandates to the regional government.

Ron Cease said that, in past experiences, there have been things that have been brought to the regional government that were not known about. There are a lot of things out there.

Mary Tobias asked what things are out there are not being addressed.

Ron Cease said that he does not know of any currently. Five years ago, the Convention Center was a possibility, but it was not being performed. If the voters vote down an issue on the basis of funding, it does not mean that the function does not have merits and needs to be performed. If everything has to go to the voters on the funding side, there is no point in having the process because it goes to the voters anyway.

Ray Phelps said that he is talking about a brand new function that is not currently being performed and its funding source. If people are willing to prescribe the function to the regional government and are willing to pay for it, it makes it a legitimate process. It takes away the frustration about how to limit the appetite for the government to grow because it is limited by the ability of the voters to pay for it. Often the people who make the decision to pick up a function leave the funding issue to someone else. The people who think it is a good idea should also be the ones to fund it. It gives the voters all the proper information, if it passes, it legitimizes it because the people agree to pay for it, and the people who want to do the function must also make the case to fund it.

Motion: Ray Phelps moved, Mimi Urbigkeit seconded, that any service function in the third category would require voter approval. If the function requires new revenue, regardless of the existing abilities, the function and funding questions should both be placed on the ballot.

Chair Myers asked if the finance issue would still be on the ballot if the revenue can be generated by existing resources.

Ray Phelps said yes. For example, there needs to be a statement that it will cost money but the money will come from fees and will not require general taxes.

Ron Cease asked if there was an assumption that in order to take over a function, the revenue source needs to be approved.

Ray Phelps said yes. They are two separate measures and the funding must be approved. If the funding is not approved, whether the function is or not is immaterial.

Bob Shoemaker asked, regarding functions that require no new revenue or the revenue requirement is de minimus, if the taking on of that function has to go to the voters.

Ray Phelps said no.

Bob Shoemaker said that the motion would be to refer to the voters those new functions where significant revenues are required from either new or existing sources to fund. The definition of significant will later be determined. If it costs an insignificant amount, Metro Council could take it on and it does not need to go to the voters.

Ron Cease said that little things sometimes have a lot of clout.

Ray Phelps said that the point is that there must always be the opportunity to take on some function that is new to the government but can be absorbed in an existing operation. That can happen in planning where the government takes on an element that it has not done before, but it fits into the totality of the department which permits it to be done.

Chair Myers said that if there is going to be a division, it needs to be stated in a workable way. He suggested saying if a new function, of the third category, did not require the government to obtain additional revenue, but could be financed by reallocation of existing revenue, it would not require a vote of the people. He asked if that was correct.

Ray Phelps said yes.

Larry Derr said that is not what was said earlier.

Ray Phelps gave the example of the building license program. There was a cost to doing the program originally of about \$100,000 and the fees off-set it so there is no additional cost to the general tax payer. He said that he would be embarrassed to put on the ballot the building license program which costs \$100,000 when the election costs \$95,000.

Larry Derr asked if the differentiation is that it is an item that does not require significant revenue, not whether or not it is new revenue.

Ray Phelps said that his motion would be that any new Metro function, not performed by anyone else and not mandated, has to be voted on by the people and the financing of that function has to be included on the ballot.

Chair Myers asked if there is any circumstance where a new function could be taken on by the regional government without a vote of the people.

Ray Phelps said that is where the Committee is getting hung up on significant and de minimus. He said that he was trying to invite the question of whether or not the formation of the function and the financing should go to the people at the same time. The refinement comes as to whether that is done across the board or at a dollar break point.

Ned Look said that it may not be necessary to define *significant*. He asked if *additional revenue sources* could be used.

Chair Myers said that some additional revenue might be required, but if it were of a sufficiently small amount, it could be absorbed.

Ray Phelps said that there are functions that are transferred and do not require new revenue in the beginning, but then take on an identity of their own and need new revenue in a couple of years and people have not been able to vote on the existing function.

Chair Myers asked if a situation where no new revenue is required initially, but down the road new revenue might be needed would be an argument for requiring every new function to be voted on.

Ray Phelps said yes. He said that his point is not to trap the voters in a function that is going to happen now and then get the bill a few years later.

Ron Cease said that, in the history of Metro, there are measures in the statutes that can be taken on by asking the Council, taking them to the voters, or if they have the funding. If a major revenue source is required to do an additional function, neither RPAC nor the Council would put the measure on the ballot unless there is some understanding that there will be a revenue source put on the ballot down the line. It will be very difficult anyway to get new functions. He said that the opportunity should be left open to come back to the revenue side some point down the line if you need to. He said that it would put in more road blocks than are necessary to operate the system.

Ray Phelps said that he is looking at three counties and the circumstances where things will come together that cost a lot of money and take on a reality that was not a true reality to begin with because the voters were not given the opportunity to respond to the whole question. He said that if people are not willing to pay for it, they do not want it.

Janet Whitfield said that the finance sub-committee has had discussions about certain revenue devices being used by a vote of the Council. If a revenue source was allowed by a vote of the Council, and it were used for that function, would it still be required to go to a vote of the people?

Ray Phelps said that if that provision prevails, it would transfer in and modify what he is trying to accomplish. If it does not prevail, then what he is trying to accomplish does not need modification. He said that it should be a stand alone question later.

Janet Whitfield asked if the basic question was that any function Metro takes on must have the financing provided with it.

Ray Phelps said that yes, under a specific set of circumstances.

Motion (clarified): For a new service, not falling into one of the other categories, which requires some level of new revenue not yet specified, the acquisition of the service and proposed source and amount of revenue must be submitted to a vote of the people.

Vote on the motion: Ray Phelps, Mary Tobias, and Mimi Urbigkeit voted aye. Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Frank Josselson, Ned Look, Bob Shoemaker, Norm Wyers and Chair Myers voted nay. Wes Myllenbeck abstained. Charlie Hales, Matt Hennessee, and John Meek were absent. The vote was 3 ayes, 9 nays, and one abstention and the motion failed.

Motion: Frank Josselson moved, Larry Derr seconded, that new functions, not currently being performed by local governments or mandated by the state or federal government, may be taken on by Metro after soliciting the advice of RPAC and securing an affirmative vote of the people.

Ron Cease asked if it would require the vote of RPAC.

Frank Josselson said that it would go to RPAC for advice only. He said that he is mandating the conversation to create a partnership to the best extent possible.

Bob Shoemaker said that is pushing it too far. In the case of a brand new function, Metro should not be required to seek the advice of RPAC. They often will seek it and they should, but the advice they get will be more highly respected if they seek it than if it is required.

Jon Egge said that probably this area of new functions should have the same process as the Committee determined for functions that are currently done by the local governments. Under the current motion, he said that he fears that there will be a deminimus function that will be forced to go to the people. He said that he does not want to strap the regional government to that.

Mimi Urbigkeit said that any function that is taken to the voters should have a fiscal impact attached. If there is no cost, the voters need to know that. If there is a cost, they also need to know that.

Chair Myers asked if state election law required that.

Ray Phelps said that it is only for state issues.

Amendment to the motion:

Frank Josselson amended, Larry Derr agreed, the motion to include a fiscal impact statement.

Vote on the motion:

Larry Derr, Frank Josselson, and Mimi Urbigkeit voted aye. Judy Carnahan, Ron Cease, Jon Egge, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Norm Wyers and Chair Myers voted nay. Mary Tobias abstained. Charlie Hales, Matt Hennessee, and John Meek were absent. The vote was 3 ayes, 9 nays, and 1 abstention and the motion failed.

Chair Myers asked if the Committee would take a vote only on the portion of the vote that required consultation with the RPAC in order to see where the Committee stands.

Ray Phelps said that is the issue that defeated the motion.

Jon Egge suggested that the Committee adopt the same process for the regional government to adopt new service responsibilities, which are not being done by local governments and are not a state or federal mandate, that they adopted for new service responsibilities of the regional government which are presently being performed by one or more local governments.

Motion:

Jon Egge moved, Frank Josselson seconded, that the charter would require, for new service responsibilities which are not currently being provided by local governments and are not a state or federal mandate, that the proposal under consideration must come from the regional governing body and submitted to the RPAC body for a majority vote or directly to the people for an affirmative vote.

Mary Tobias asked if it were to go to a vote of the people, would it first have to go to RPAC for advice.

Jon Egge said no, that part of the motion did not pass originally.

Mary Tobias asked if the service function would go to vote of the people, would it require a disclosure cost.

Jon Egge said that he consciously left it out.

Vote on the motion:

Jon Egge, Frank Josselson, Ned Look, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, and Mary Tobias voted aye. Judy Carnahan, Ron Cease, Larry Derr, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted nay. Charlie Hales, Matt

Hennessee, and John Meek were absent. The vote was 7 ayes and 6 nays and the motion failed.

Motion: Larry Derr moved, Norm Wyers seconded, that any new service responsibilities, which are not currently being provided by local governments and are not a state or federal mandate, require a vote of the people.

Bob Shoemaker said that the motion would force expensive ballot measures on small things. With Jon Egge's motion, those small issues could be taken through RPAC and bought off on without going to an expensive vote. It opens the door for litigation because every time someone does not like something that Metro is doing, they will say that it is a new function and did not go to a vote of the public.

Larry Derr said that it is inherent in all of the motions.

Ron Cease said that, in most cases, it should go to vote of the people, but the regional government should not be tied into taking it to the people for the smaller issues.

Larry Derr said that his intention was to get the vote of the people issue out. He said that he agrees that there are deminimus issues that should not require more than an action of the Council. He withdrew his motion.

Norm Wyers agreed.

3. Other business

Chair Myers said that the next meeting will be three-and-a-half to four hours and will begin where the Committee left off with adding additional functions not being done by anyone and not mandated by the state or federal government. They will also discuss the issue of planning and the acquisition of planning functions and the matter of the treatment of the charter around specific functions and responsibilities. They will use the discussion paper from February 13 as a guide for the specific functions and responsibilities. He asked the members to review the working outline, the discussion paper from February 13, and RGC and Metro comments on the charter before the next meeting.

Jon Egge asked for an update on the status of legal counsel for the Committee.

Chair Myers said that he was working on it and should have it resolved within the next few days for Committee consideration.

Frank Josselson said that, at the last meeting, the Committee asked Dan Cooper to develop an enumeration of the powers that Metro is now executing. He asked if Dan Cooper had been contacted. If so, would it be possible to get that list in advance of the next meeting?

Chair Myers asked if Frank Josselson was referring to a proposed version of how the existing functions might be described in charter language.

Frank Josselson said yes.

Chair Myers said that he thought Larry Shaw went away from the meeting with the intention of drawing up the list. He said that he will ask him about it.

Janet Whitfield asked if it was proposed as it was from the outline or the way it is in the statute.

Frank Josselson said that he thought the Committee asked Metro Counsel to place, in charter language, the functions that Metro is currently performing in language that is as simple, clear, and straight-forward as possible so that the Committee knows what they are. He also asked if it was possible to have the room ventilation on until 9:00 pm or 9:30 pm.

Janet Whitfield said that she asked to have it stay on, but it went off at 7:30 pm.

Ned Look asked that the instructions about next week's meeting be sent out with the meeting agenda.

Bob Shoemaker said that the finance sub-committee will meet on February 25 from 8:30 am to 11:30 am for, hopefully, the last meeting. He drew attention to the matrix which outlines what the sub-committee has done and what it has left to do.

Mary Tobias said that she asked for legal counsel's opinion on the ability of the Committee to change the name of Metro. According to Dan Cooper, there is nothing to stop the Committee from changing the name.

Ned Look asked that the meeting locations be scheduled in advance.

Janet Whitfield said that the Committee is scheduled to meet at Metro through March 5.

Chair Myers said that, at the next meeting, he would like to get as close as possible to completing the functions instructions for drafting and be positioned at no more than two meetings from now to move on to the structure decisions. The finance subcommittee work is near completion and will need to be inserted back into the process. The Committee approval of a draft for a short period of public hearings on finance could occur either after the structure charter drafting instructions or before finishing the structure discussion.

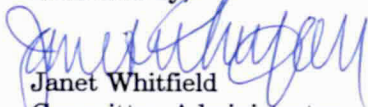
Chair Myers adjourned the meeting at 9:15 pm.

Respectfully submitted,



Kimi Iboshi
Committee Clerk

Reviewed by,



Janet Whitfield
Committee Administrator