

METRO
CHARTER
COMMITTEE

P.O. Box 9236 • Portland • Oregon 97207
Phone 503-273-5570 • Fax 503-273-5554

AGENDA

DATE: February 27, 1991²
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.

Adoption of charter drafting decisions for regional government powers and functions, including but not limited to:

Establishment of processes by which regional government may undertake additional service responsibilities.

Establishment of processes by which regional government may undertake additional planning responsibilities.

Determination of charter treatment of specific powers and functions to be initially authorized for regional government.

10:00 Meeting adjourned.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

February 27, 1992

Metro Center, Room 440

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

Committee Members Absent: Matt Hennessee

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

1. Adoption of charter drafting decisions for the establishment of process by which regional government may undertake additional service responsibilities.

Chair Myers asked the Committee to begin the discussion with the process by which the regional government may undertake new service functions which are not currently done by one or more local governments and are not state or federal mandates.

John Meek said that he missed the last meeting and would like to express what he considers to be the key element. Some process is needed in the charter which would use either a volunteer or appointed body made up of the local governments that are impacted by the services. They would be an advisory sounding board which would make a recommendation or do research to get it to the Metro Council. One of the biggest things that is lacking right now with Metro taking over services or doing new services is the public involvement process. He said that it needs to go beyond the formation of an RPAC and get into the process for services to be acquired by Metro.

Chair Myers said, at the last meeting, the Committee addressed the process for adding new service functions which are currently being undertaken by one or more local governments in whole or part. That process includes a creation of a RPAC, which could be a part of the process of deciding if something should be regional, or the Council could have the option of going directly to a vote of the people. It could also consult the RPAC for a vote and go to a vote of the people. The Committee is now concentrating on service matters which are not currently being performed in the public domain by local governments at all.

John Meek said that one of the functional elements, and probably primary duty, of having a RPAC is to determine what is or should be of metropolitan significance. The main question for both service functions that are currently being done by local governments and those not being done at all is the question of whether it is of metropolitan significance and if the regional government should be performing it. There does not need to be two facets in the charter because the main question is the same.

Chair Myers said that the Committee decided to create an RPAC. For services which the local governments are performing now, the RPAC would have a controlling role--a vote--along with the regional government unless the government goes directly to the vote of the people. He asked if John Meek was saying that for services which are not being performed by local government, in whole or in part, the RPAC should have an advisory role as part of the decision making processes.

John Meek said yes. It should not be limited to a discussion element evolving around services that they may be performing. They may be discussing elements that some government bodies are not performing. The issue is if it is of metropolitan concern. If it is, the next question is who should be the service provider. The discussion needs to take place with those bodies which are potentially being impacted.

Chair Myers asked if John Meek was envisioning an advisory role for RPAC in terms of services not being performed locally.

John Meek said that he likes the premise that Metro has full authority, irrespective of the recommendation given to reject it and go to the people. You have to have the bottom line still be accountability to the people. He said that he does not view the RPAC as being the final stopping ground. If there is a significant majority, such as 2/3, of the RPAC telling the regional government that they need to do something, Metro could, by a majority of themselves, begin the process for taking over that service without a vote of the people. The citizen involvement process has been brought to a high enough level. The simplest way to do it would be to state that any new function that is taken on by Metro, that has not been stated in the charter, must go to a vote.

Frank Josselson said that a lot of the debate last week concerned the determination of services being of metropolitan concern, the presentation of the issue to people who will have to finance the service, and whether or not the function has to go to a vote of the people to decide if it is taken on by the regional government. He proposed the same approval authority for those functions which are not currently being done by local government as those that are currently being performed by local government: they can go to RPAC for majority approval or to a vote of the people with the recognition that if they go to the voters, they probably would have to seek the advice of RPAC for practical matters.

Chair Myers asked if it was the same formula as those service functions which are currently being done by local governments.

Frank Josselson said yes.

Bob Shoemaker said that it is a government that will have increasing credibility with the people and will come to assume an increasingly important rule in governing--part of which will be new functions which are not currently being done locally. One of the reasons for having an elected government is to deal with issues like that and not depend on a council of governments which is not necessarily truly reflective of the voters for approval or guidance. It is the job of the Metro Council, which is subject to political pressures and re-election. They should not be able to hide behind another body and escape the responsibility. It is not appropriate that another body veto the decisions of Metro. Those decisions are what Metro is for. If they act inappropriately, they must deal with the referendum process as well as the political consequences. To protect the referendum process, the charter could include a statement that a new function cannot be put into place pursuant to an emergency clause. It would have to be subject to referendum so that if it was offensive, it could be put on the ballot by petition. The Council could always put it on the ballot by referral. He said that it seems to be the more appropriate way since nothing is being taken away--it is a new function.

Motion: Bob Shoemaker moved, Wes Myllenbeck seconded, that the decisions to undertake new service functions not now being performed in whole or part by local governments, be left to the Council.

Bob Shoemaker said that it would not have a requirement for approval of RPAC or referral to RPAC for advice so that it does not necessarily go to RPAC for advice. It would be subject to referendum.

Ron Cease said that the motion is only dealing with new functions, but it can be parts of a function or a sharing of the functions. Most likely, it will be a part of a function. He asked if it would be any different for a part of a function rather than the whole function. He said that allowing the Council to take on a new function without asking the advice of RPAC or taking it to the voters is questionable. In a practical sense, however, it is unlikely that they will not ask the advice of RPAC. If Metro takes on a major new function, there needs to be some overview, preferably a citizen overview in the form of a vote. It is a different scenario for existing functions where Metro and RPAC agree and, for that reason, probably does not need voter approval.

Bob Shoemaker said that it may not always be a major new function. It could be a relatively small thing.

Ron Cease said that the problem is to define what is major and what is minor. It is not necessary to take all the minor issues to a vote. For major issues, there needs to be approval of the people rather than the Council doing it all themselves, because the Council will have no accountability to the people.

Mary Tobias said that, in the summary of Metro resolution 92.1543A, the process includes that it is the Council's responsibility to determine if something is of metropolitan significance by involving local governments. In determining if the new service has enough importance to be regional, the best way to decide if there needs to be a vote of the people is to take it to the local governments that will be involved. If the regional government picks a service on its own and decides that it will be a new service, they will want to talk to some different people to determine if it is an extension of a current plan or if it is an entirely new plan that the people probably should have the final decision on. To make that work, the RPAC reviews and gives advice on a new service that no one is doing.

Chair Myers asked, if he understood Mary Tobias's statement, that the decision to undertake it or if it should go to a vote of the people would be a decision of the regional government. The regional government would be required to be advised by the local governments.

Mary Tobias said yes. It brings every entity to the table to discuss the scope of that service. If there is a price tag attached, it should go to the ballot. Government expansion, without the voters saying that expansion is wanted and they are willing to pay for it, is dangerous.

Chair Myers said that the motion, as it now stands, is that new services regarding matters of metropolitan concern not being performed, in whole or in part, by any unit of local government, are the responsibility of the regional government, subject to referendum.

Charlie Hales asked if this category included services, such as the assumption of mass transit, which are now allowed to be transferred to the region government through a vote of the Council.

Bob Shoemaker said that he would prefer to think of it separately.

Charlie Hales said that the mass transit function is not currently being performed by another local government.

Bob Shoemaker said that it could be done now on a vote of the Council. The Committee will consider if that is appropriate and may add additional constraints. He said that his motion does not deal with Tri-Met.

Charlie Hales asked if it was an entirely new function such as one that was delegated from the state or one that was not being done at all.

Bob Shoemaker said that those functions which are delegated from the federal government or state are in a separate category because they have to be done. Air sheds or air traffic control would be examples of functions which would be entirely new.

Charlie Hales said that it does not apply to those functions now listed in the statute but have not been assumed by the regional government and are not local government functions.

Chair Myers said that the key is whether or not it is performed in whole or in part by local governments. If it is, then it is dealt with in the category that was discussed last week. The category on the table now is functions that no one is doing. The transit issue is being put aside for now.

Janet Whitfield asked, if a function is authorized in the statute but has not been performed by any local government or by Metro, would it be in this category.

Chair Myers said yes.

Bob Shoemaker said that an example for this category would be that the state is performing certain children's services and assume that a statute permits the local governments to take that on. No local government is doing it, but it is permitted to take it on. It should be Metro's decision whether or not to do that.

Mimi Urbigkeit said that the motion would unnecessarily confuse the issue. In order to keep it simpler and more uniform, everything should be run through RPAC.

Chair Myers asked if Mimi Urbigkeit was talking about the actual approval of RPAC.

Mimi Urbigkeit said that it would be advisory.

Jon Egge said that he thinks that Ron Cease's idea is too severe a test for small functions. He said that he supports Mary Tobias' suggestion because it is in-between.

Ned Look asked for an explanation of the differences between Bob Shoemaker's motion and Mary Tobias' proposal.

Chair Myers said that Mary Tobias' proposal would require consultation with and the advice of RPAC as part of the regional government's decision to take on a new service which is not now being performed by any unit of local government. RPAC would be purely advisory. In Bob Shoemaker's motion, a consultation with RPAC is not required.

Ned Look asked if the RPAC was a permanent or ad hoc group.

Chair Myers said that the RPAC would be a permanent group.

Larry Derr said that he is going to vote no on this motion. He would prefer that a vote of the people be required and the consultation of RPAC be required for advice with the recognition that the minor issues would be carved out--probably by putting dollar limits on the program budget for a certain number of years.

Ron Cease said that members will vote no for one or two reasons. First, they might vote no because it does not require RPAC advice. Second, they might vote no because it does not require that the issue be taken to the voters. He said that he agrees that minor things can be worked out with the Council. It would be a mistake to bypass the voters with the major issues. He said that he would prefer if the

Council did not have to seek the advice of RPAC.

Jon Egge said that he likes Larry Derr's idea.

Vote on the motion:

Wes Myllenbeck, Ray Phelps, and Bob Shoemaker voted aye. Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Mary Tobias, Mimi Urbigkeit, Norm Wyers and Chair Myers voted nay. Matt Hennessee was absent. The vote was 3 ayes and 12 nays and the motion failed.

Motion:

Mary Tobias moved, John Meek seconded, that any new services deemed to be of metropolitan concern that are not currently being performed by any local government, must be put to the RPAC for advice and consultation before the government makes a decision to undertake it. It could always go to a vote of the people, regardless of the RPAC advice.

Jon Egge asked if the vote of the public could be piggy-backed along the lines of Larry Derr's suggestion of requiring a vote of the people if the issue was above a certain dollar amount.

Mary Tobias said no.

Janet Whitfield asked if one-third of RPAC approved of the function, would it have to go to the people.

Mary Tobias said that it would be up to the regional government to decide.

Chair Myers said that they only requirement in the motion is that it must consult with the RPAC.

Charlie Hales said that after the consultation with the RPAC, the Metro governing body could make its own decision or refer it to the people for a vote.

Ron Cease asked if Mary Tobias would be willing to accept an amendment which would call for a vote of the people, in addition to the advice of RPAC, with a caveat that those functions which are minor could be worked out with the Council and RPAC and would not have to go to a vote of the people. The major functions would have to go to the voters.

Chair Myers said that he preferred not to change the motion because it would be helpful to see where the Committee stands on the issue.

Mary Tobias said that she does not want to entertain the amendment because there is a need to put some faith in the regional government. If it is a new service and RPAC feels that it will have major implications, RPAC will ask to refer it to the people. If it is a relatively routine issue, then the RPAC ought to be able to advise the regional government to move ahead. If it is an obscure function, there will not be enough money in the budget and RPAC will probably advise that the people and funding sources need to be behind the regional government before the issue is taken on.

Larry Derr asked if it was possible that money come from major user fees so that additional funding sources would not be needed.

Mary Tobias said that it would be possible but they would not be put in place if the RPAC were to oppose them. Realistically, it would not happen. In the Committee work to date, the regional government has not been envisioned to be far away from its first tier of constituents. Everything the

Committee has done so far has required that people come together to resolve the issues.

Ned Look said that it would be short sighted and politically naive of the Council not to ask the advice of RPAC. He said that he favors Mary Tobias' motion. If there is a disagreement, the Council will not be so politically naive as to not come to terms with the advice. If they still do not agree, then the issue should either be dropped or taken to the people for a vote.

Ron Cease said that he does not have a problem with the regional government being required to get advice since they probably will do it anyway. The regional government is a government of delegated powers--it only has the powers that the statute has given it. It would be a mistake to deviate from that unless the issue is very minor. The government covers a large population of people that feel that there is not much communication between individuals and the government. It would be better served and safer to require a vote of the people after the advice of RPAC has been sought. He said that it would be a mistake to leave the voters out.

Wes Myllenbeck said that he is bothered by a permanent standing committee. Adding anything more puts the future councils in hostage. He said that he did not have a problem with referring all new services to the voters.

Mary Tobias said that the RPAC provides a bridge between the regional government and the people. It is not possible to constitute the regional government with a manageable number of councilors for one person, one vote representation for strong communication. Communication from the council to the people to find out what they really think is very difficult. The councilors will be very dependent on special interest groups. One way to bring the increase communication is to make sure that the Council is in communication with the elected officials, special service officials, and appointed citizens. This would provide a way to reach a smaller group of constituents.

Frank Josselson said that it is one thing to delegate to a limited purpose government full power to carry out the authorities that are delegated to it. It is another thing to give a limited purpose government the power to define its authority by itself. It is politically wrong and irresponsible.

Larry Derr said that if this motion is approved, it would have the same affect as Bob Shoemaker's previous motion--a majority of the Metro council to undertake a major function without voter approval.

Ron Cease said that in Multnomah County, there are five Commissioners elected by district and Portland has five Commissioners elected at large. There is a strong feeling in the Portland neighborhoods that there is too great a distance between the citizens and the elected officials. He said that Metro has its own constituency and cannot rely totally on the constituency of other levels of local government.

John Meek asked Larry Derr to explain his statement that Mary Tobias' motion will have the same result as Bob Shoemaker's previous motion.

Larry Derr said that the only difference between the two is that Mary Tobias' motion requires the Council to seek the advice of RPAC.

Mimi Urbigkeit asked if it would go on to a vote of the people.

Mary Tobias said that it is not required to.

Larry Derr said that it is not required to follow the advice of RPAC.

Mary Tobias said that is true. She said that it would take a maverick regional government to totally ignore the advice of RPAC. The structure concepts presented by the RGC are for a very representative group of the local governments and special districts. It would take a very motivated Council to act against that advice. If there was a function that the RPAC suggested that Metro not take on, but the Council felt strongly that it should be a regional function, they would refer it to the voters.

Judy Carnahan asked if the motion addressed any new function rather than any new major function.

Mary Tobias said that it addresses any new service deemed to be of metropolitan concern not currently being done by any local government.

John Meek moved to amend the motion to include that an affirmative recommendation from RPAC must precede the vote of Metro. If there is a negative recommendation by RPAC, Metro could still take the issue to the voters.

The amendment died for want of a second.

Bob Shoemaker said that it is not outrageous for Metro to take on a new function without the vote of the people. He said that there is not a complete parallel between local government and state government, but there are some parallels. Metro is a large part of the state. The state government takes on functions and is subject to political pressures. He said that he is not sure that every time the cities want to do something that is not regulated they have to go to the voters for permission. He said that he thinks that they probably do not. Metro is not very different from other governments. He said that he supports Mary Tobias' motion.

Mary Tobias said that the Committee is taking the existing government and crafting a new model at the same time. In the political climate of the state, the Committee recognizes that some of the things that were not quite right need to be reshaped for the future. This is the opportunity to reshape the arrangement between the local governments and regional government.

Vote on the motion:

Judy Carnahan, Charlie Hales, Ned Look, John Meek, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers and Chair Myers voted aye. Ron Cease, Larry Derr, Jon Egge, Frank Josselson, Wes Myllenbeck, and Ray Phelps voted nay. Matt Hennessee was absent. The vote was 9 ayes and 6 nays and the motion passed.

2. Adoption of charter drafting decisions for the establishment of process by which regional government may undertake additional planning responsibilities.

Frank Josselson said that planning involves local and regional governments.

Motion:

Frank Josselson moved, Jon Egge seconded, that the charter provide that planning functions relating to matters of metropolitan concern which are not initially authorized in the charter may be added or deleted upon majority vote of the regional government and RPAC.

Chair Myers asked if the RPAC role was approval, and not advisory.

Frank Josselson said that is correct.

Charlie Hales asked if the motion applied to planning functions not assigned to Metro in the charter.

Frank Josselson said yes, Metro could take on planning roles not assigned in the charter.

Ron Cease asked if it left open the issue of laying out additional planning functions over and above what they are currently doing.

Frank Josselson said yes.

Bob Shoemaker said that it gives veto power to an outside body over Metro decisions, which is not healthy. An *either/or* statement might be appropriate instead. The requirements for taking on a metropolitan planning function should not be more stringent than the requirements for taking on a function that is being performed already by another form of government. It shifts the power from Metro to RPAC on metropolitan planning, which should not happen.

Ron Cease asked if the motion leaves out the possibility of taking the issue to the voters.

Frank Josselson said that he would be inclined to leave it out because he cannot see a reasonable and prudent voter having anything to contribute to the issue.

Ron Cease said that if the option is not left in, the planning arena is more restrictive than the areas where the local governments are planning something. He said that nothing gets the people more excited or upset as planning issues. They may not understand all the pieces, but the avenue should not be cut off. In most cases, if the RPAC and the Council were agreeable, there would not be a lot of fuss about it. It is possible that the citizens will feel like they are cut off and bypassed and that avenue should not be cut off. The government should be able to work effectively with technical issues and still have the option to take something to the voters if it is a reasonable thing to do.

Friendly amendment:

Ron Cease made the friendly amendment, approved by Frank Josselson and Jon Egge, that the motion include approval by RPAC or an affirmative vote of the Council.

Chair Myers said that it would be the same procedure for those service functions which are being performed in whole or in part by local governments.

Larry Derr said that, even with the alternative option of going to the voters, it unbalances the input of the local government's and Council's ability. It could effectively be a local government veto of something if the Council does not want to go to the voters with the issue for some reason. The RGC proposal had one way around that by providing an *either/or* situation with two-thirds vote. If two-thirds of the RPAC and a majority of the Council agree, the function is adopted. If less than two-thirds of the RPAC agree, then two-thirds of the Council can override. With the RGC approach, there would not be a deadlock approach where the only alternative would be to go to the voters. Another approach would be to seek the advice, and hopefully consent, of RPAC and still allow Metro Council majority vote to take something on. He said that he is concerned that it is too high a hurdle to jump to take on a planning function.

Ron Cease said that there is a piece that has not been resolved yet which could remove some of the concern. He said that the charter could initially lay out substantial planning authority for Metro which would modify it quite a bit.

Larry Derr said that there has been some discussion about making the charter authority a modified process function, but having the basic list of items that are fair game for Metro planning. He said that

if the list would encompass those things that are reasonably foreseen to be taken on in the future, his concern would be resolved.

Jon Egge said that he likes parts of the RGC proposal about listing planning functions and leaving the process to identify an elaboration of the original listing. He said that he hopes the Committee can come back and look at this issue after the discussion around the listing of planning functions.

Chair Myers said that he would prefer to proceed at this point with the understanding that it is subject to change with respect to the specific authorities.

Charlie Hales asked, if the Committee wants Metro take a more proactive role in planning issues rather than service delivery, should there be parallelism between taking on new planning functions versus new service functions.

Mary Tobias asked if the discussion was only about land use planning. She said that Metro is currently withdrawing from four planning areas for which, when it went in, it did not have regional consensus that it belonged there and now there is no funding to continue. She said that if the regional government is looking to take on planning in an area, the best way to do that is to go back to all the original partners and bring them to the table to discuss the issue and realize the metropolitan significance of the issue. If everyone is brought to the table, the issue will move faster and it will work better. If the process that is set up asks the questions of who is doing it, how can it be done better, and should it be done regionally first, then the issue has more validity.

Bob Shoemaker said that an alternative would be something similar to what was just voted on for brand new functions--Metro would seek the counsel of RPAC but not require their approval or a vote of the people. This alternative is one step away from the *either/or* possibility. If the Metro Council is allowed to decide if something is of metropolitan concern, the Council would be able to appropriate some planning functions from the local governments by finding that it is a matter of metropolitan concern, overlooking their advice and going forward with it. It would be dangerous to leave that possibility open. On the other hand, the local governments could be protecting their turf and be resisting regionalization of some planning. Under that circumstance, the regional government should be able to make its case to the voters. The balance is found in the amended motion; it protects the local governments from an overbearing regional government and it protects the region from local governments that want to protect their turf.

Motion, clarified: The motion would subject the undertaking or deletion of an additional planning function of metropolitan concern, not initially authorized by the charter, to the approval of the RPAC or an affirmative vote of the people.

Mary Tobias asked if it would include the regional government approval.

Chair Myers said that it would.

Ron Cease asked if the motion suggests that Metro would have to go through this process to undertake a study about whether to get involved with a planning function.

Frank Josselson said no. In the planning functions outline, it enumerated planning functions to be undertaken in the regional framework plan. The motion is the adding to or subtraction from that list.

Ron Cease said that the list has not been voted on yet. He said that regardless of what the Committee does in reference to the planning functions that are listed, Metro would not be precluded from studying

anything.

Frank Josselson said that is correct.

Vote on the motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, John Meek, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers and Chair Myers voted aye. Ned Look, Wes Myllenbeck, and Ray Phelps voted nay. Matt Hennessee was absent. The vote was 12 ayes and 3 nays and the motion passed.

3. Determination of charter inclusion of criteria for identifying matters of *metropolitan concern*

Motion: Mary Tobias moved, John Meek seconded, that the charter include criteria for identifying matters of *metropolitan concern*.

Mary Tobias said that the charter should define the criteria because, in all the testimony the Committee has heard, the one pressing issue is that no one knows what *metropolitan concern* means. This is the opportunity to change that. It should be laid out so that everyone knows how *metropolitan concern* is measured.

Jon Egge said that there are two choices. The Committee can try to write a definition of *metropolitan concern* and try to include all the elements, or come up with criteria and allow a decision process to decide what *metropolitan concern* means on a moving basis. He said that he supports the idea of criteria for *metropolitan concern*.

Ron Cease said that it is difficult to determine what is meant by *metropolitan concern*. It is difficult to define because it might be different in one case than another. He said that it would make more sense for the Council to make the judgement and be required to have a formal written finding anytime it proposes to take on a function or part of a function. The formal written finding would lay out the metropolitan aspect, keeping in mind that it still has to get the approval of RPAC or the voters. It makes more sense for the Council to determine *metropolitan concern* because it will change with each function and it has to be clearly laid out for the approval body. It would be very difficult for the Committee to determine what *metropolitan concern* means.

John Meek said that it would be difficult to spell out the definition of *metropolitan concern* in the charter, but the criteria to lay out the process and findings need to be in the charter. There will be some elements, such as how they will arrive at the answer, that will not be difficult to lay out in the charter and it should be kept simple.

Ron Cease said that he agrees that the process needs to be laid out, but that is different than laying out the specific criteria that they must meet in order to make a determination of *metropolitan concern*.

Charlie Hales said that *metropolitan concern* is an extremely intangible concept which will probably evolve over time. *Metropolitan concern* will be defined differently for different things. If the Committee comes up with a good process for the assumption of new functions, then the Committee should let the ideal of *metropolitan concern* float and be negotiated.

Frank Josselson said that any criteria that the Committee could agree on would be so general and abstract that it would be meaningless.

Mike McKeever, RGC staff, said that the RGC recommendation is the soft version of the criteria. He said the RGC is not looking for something that is legally challengeable, but for a way to frame the discussion. The concepts that money can be saved by regionalization, getting a better product by regionalization, or having a better distribution of something in the region, are concepts which are timeless and give the RPAC something to shoot for when drafting the findings.

Chair Myers asked if there should be language included with the criteria, which states that it is not legally binding.

Mike McKeever said that he did not know the answer. He said that RGC attorneys thought that there was a way to write the criteria so that they would only be challengeable if the findings were not done.

Ron Cease said that he agrees that the Committee cannot devise a list of criteria that will work in all instances. The charter could require, in the process of taking on a function, that Metro has to lay out why the particular function must be done by the regional government. It could be different with every function. They should be able to demonstrate why there is a regional aspect of a function without having a list of criteria to go off of. It should not be left totally silent for them to decide what they want to be regional without going through any kind of study.

Mary Tobias said that it would be useful, for something that is being considered to be of *metropolitan concern*, that it not be held to a test. The regional government could take that function and check it against those criteria but not be limited to those criteria. She suggested that the RGC recommendation be used as criteria with the addition of *but not limited to*.

Charlie Hales said that, when the Committee was first discussing criteria at Clackamas Community College, he did not have an RPAC body in his mind. He said that an RPAC and a list of criteria are not both needed because it provides two checks.

Mary Tobias asked what the RPAC checks.

Charlie Hales said that the RPAC lays out the forum for discussion.

Ron Cease said that, if the regional government takes on a function, it ought to have the responsibility of stating why it is doing that. RPAC can disagree with the regional government and say that it is not a regional function, but the regional government can still take the issue to the voters. If it is taken to the voters, there needs to be an argument as to why the issue should be regional. There is nothing wrong with telling the regional government that it needs to lay out why the function should be regional. The charter should not lay out particular criteria because it will be too difficult to make sure that it includes all the possibilities and it might be too inclusive and make it difficult for the region to take on additional functions.

Larry Derr said that the RGC proposal has two sets of checks and balances—the process and criteria. He said that may be more than necessary. Anything that looks like a definition can only be limiting. *Metropolitan concern* is what it is in the eyes of the reviewing court at the time it is reviewed and that will change. Anything that the Committee puts into the charter can only limit and will not expand what the term means. The criteria will only be limiting. The RPAC will be effective in a limiting fashion and that should be enough.

Ned Look said that he agrees that the criteria should probably not be put in the charter.

Vote on the motion:

John Meek, Ray Phelps, and Mary Tobias voted aye. Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales,

Frank Josselson, Ned Look, Wes Myllenbeck, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted nay. Matt Hennessee was absent. The vote was 3 ayes to 12 nays and the motion failed.

Motion: Ron Cease moved, Norm Wyers seconded, that when the regional government proposes to take on an additional function or a part of a function, it must provide findings indicating why the proposal has metropolitan significance and why it would be appropriate for the regional government to take on the function.

Frank Josselson suggested not using the term *findings* and use *statement* instead because of the legal use of the word.

Ron Cease said that would be fine. The regional government needs to make its case as to why the function should be regional because, even if it does not go to the voters, there will be a public discussion of the issue. Public acceptance will vary from time to time. He said that, with this motion, the Committee does not get in the issue of determining the criteria, but leaves it up to the regional government. The motion just indicates that the regional government must lay out a statement as to why the function is of metropolitan significance.

Bob Shoemaker suggested that the motion read *metropolitan concern* rather than *metropolitan significance* because *metropolitan concern* is the term used in the statutes.

Ron Cease said that would be fine.

Chair Myers restated the motion--the charter will include a requirement that, incident to undertaking a new function judged to be of *metropolitan concern*, the Council must have a statement indicating why it is of *metropolitan concern*.

Ron Cease said that the reasons why the function is of *metropolitan concern* could vary depending on the situation. The Committee is not required to lay out criteria and the Council will have to lay out why it makes sense.

Frank Josselson said that it also begins to enable this agency to develop a body of case law or precedent for future decisions.

Ron Cease said that all they really have to do is justify what they are doing. Over time, it will have meaning.

Bob Shoemaker said that it would be useful for the Committee to know what the standards for review would be for such a requirement. He said that he thinks it would be a rational basis for their decision. If it is challenged in court, the court would look at the decision and see if there was a rational basis for the decision that was reached.

Ron Cease said that he did not think it would be legally arguable.

Bob Shoemaker said that, regardless of what the Committee does, it will be appealable to the courts because the courts stand guard over arbitrary exercise of power by governments. If they picked something that was clearly local and somehow were able to take over the function, they would be subject challenge in court.

Ron Cease said that Metro has not been in a position to make a case to say that a particular function or piece of a function is metropolitan in aspect. If something was taken to the voters and made its case that the function is regional and the voters approved it, it could be taken to court, but the fact that the voters approved it means it is regional.

Chair Myers said that the motion will not really have any effect, one way or another, on the adjudication of a question of whether the action involved a matter which was not of *metropolitan concern*. He said that the motion would create a formal discipline for the agency in relation to making a decision in relation to compelling a public explanation.

Ron Cease said that if the regional government is making its case to RPAC, it ought to make its case to the public also.

Vote on the motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, John Meek, Wes Myllenbeck, Bob Shoemaker, Mimi Urbigkeit, and Norm Wyers voted aye. Ned Look, Ray Phelps, and Chair Myers voted nay. Mary Tobias abstained. Matt Hennessee was absent. The vote was 11 ayes to 3 nays and 1 abstention and the motion passed.

4. Determination of charter treatment of the Future Vision

Larry Derr said that he attended a meeting with Clackamas County elected officials, RGC members, and the Charter Committee members who represent Clackamas County. He said that they went through the planning functions of the power and functions outline. Comparing the outlines of the RGC and Charter Committee, they discovered that there was a great deal of concurrence once the language being used was the same. He said that there was no disagreement that there be a regional future vision and that it should be called out in the charter. He said that there was consensus that the section on *matters to be addressed in the Future Vision* should not be addressed in the charter. It should be left to those who are going to do the future vision and ultimately the Council which will have to adopt it. The regional plan is the next section on the outline. In the outline, the regional plan consists of both a regional government adopted framework plan and the local plans of cities and counties. The bundling concept was not that the regional government would adopt the local plans, but the sum total of the local plans and the regional framework plan would achieve the goals and objectives that the regional government set for itself. The local government representatives were concerned that the regional government not re-adopt the local government plans because it would at least create a procedural nightmare. Things were cleared up when all the groups started to talk about the same thing--the local plans which need to be consistent with and amended if necessary to comply with any regional goals and objectives or other elements of the framework plan. On the one side is the regional framework plan which is not a comprehensive plan and on the other side, the local plans have to be consistent. The easiest way to solve the semantics problem is to delete the regional plan. Every time the term is used, it raises a red flag. He said that no one had a problem with the matters addressed in the regional framework plan--*mass transit, urban growth boundary, urban reserves, and federal and state mandates*--if they are called out as categories and not second guessed as to how they will be dealt with. There is strong concern with the laundry list of *matters of metropolitan concern within certain designated subject areas*. The concern is that no one knows what the terms, such as Greenspaces, really mean. The charter should not get into great detail. One way to solve that problem would be not to have a laundry list in the charter. Most of the topics on the list are important enough to highlight the fact that the new government will have to address them, but not make any attempt to second guess or preordain how they will be addressed. The key to the listing and the regional framework plan is partnership and how that the partnership will be achieved. The bottom line of the meeting was

that there is a need for strong growth management planning by the region with the cooperation of the local government.

Ned Look asked who was at the meeting.

Frank Josselson said that the participants were Craig Lomnicki, Mayor of Milwaukie, Ed Squires, Manager of the Oak Grove Water District, Judie Hammerstad, Chair of the Clackamas County Board of Commissioners, John Andersen, Gresham Manager of Strategic Planning, Jerry Krummel, Mayor of Wilsonville, Mike McKeever, Jon Egge, Larry Derr, Mimi Urbigkeit, and himself.

Mike McKeever said that the RGC disagrees that two or three items on the list of *matters of metropolitan concern within certain designated subject areas* are at the core of growth management and they should not be on the list.

Motion: Charlie Hales moved, Frank Josselson seconded, that the charter should require the regional government to adopt a regional Future Vision.

Vote on the motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Mary Tobias voted nay. Matt Hennessee was absent. The vote was 14 ayes to 1 nay and the motion passed.

Chair Myers said that the second question is what detail the charter should provide as to the definition of the Future Vision.

Motion: Larry Derr moved, Jon Egge seconded, that the charter define the Future Vision as *a conceptual statement that indicates preferred population levels and settlement patterns that the region and adjacent areas can accommodate within the carrying capacity of the land, water and air resources, and that achieves a desired quality of life. The Future Vision is a long-term, at least 50-year, visionary outlook.*

Larry Derr said that it is the definition that is provided in the **discussion outline of powers and functions**.

Mary Tobias said that if the Committee adopted the motion, it would cause a halt to the Region 2040 project that is currently underway according to the Metro Council testimony. It would cause the Region 2040 project to start over. If the Committee is going to call for a Future Vision, the regional government should be left to define the Future Vision and the Committee should avoid detail. If there is going to be a consideration of what the definition is, the definition should be gone through piece by piece because it was not adopted as the Committee's thinking--it was only for comment.

Chair Myers asked if Mary Tobias meant that the two sentences of the definition should be looked at separately.

Mary Tobias said that the Committee has made the most progress when it has taken small steps. She said that each sentence should be looked at independently.

Ray Phelps said that the discussion that the Committee is having now will be no different than the previous discussions the Committee has had on this issue. He suggested, for the purposes of moving

on, that the Committee try to vote on the issues. If they pass, the Committee does not have to labor over them again. If they fail, then the Committee could try to fix them and move on.

Mary Tobias disagreed. She said that there were parts of the first sentence that she finds objectionable and not accomplishable.

Charlie Hales said that the Committee is at a point where it needs to start voting on things piece by piece because, when the Committee drafted the language in the concept, it was done conceptually and it was stated that not everyone agreed. But the Committee did the best it could in crafting the language. He said that he would rather have an up or down vote on each of the provisions and not get back into crafting the language.

Ron Cease said that he agrees with Mary Tobias. He said that he does not want to cause a break with the current Metro. He asked if there is clearly a sense that, if the Committee adopted the motion, it would damage the Region 2040 plan. If Metro is already doing some Future Vision planning, the Committee could accommodate that.

Jon Egge said that it is not the Committee's job to shoehorn the charter into what is already being done.

Ron Cease said that Metro is spending a lot of money on Region 2040. He said that he would like to know if it fits into the Committee's proposal or not. He said that it would make a difference in whether or not he supports the issue.

Ken Gervais, Metro staff, said that there is \$300,000 allocated for Region 2040 this year and more to be spent in the future. They are working with ODOT, Tri-Met, and private organizations to get more money. If the Committee follows the proposal that was in the discussion draft exactly, there will be a delay in when the vision will be complete and might cause Metro to miss the opportunity to get ahead in growth.

Chair Myers said that the intersection between the Future Vision and Region 2040 does not lie with the definition, but elsewhere in the explanation.

Ken Gervais said that there should not be a problem with the charter calling for a Future Vision. The problem would arise with the process to do that.

Mary Tobias said that it is inappropriate to call out that the vision indicate *preferred population levels and settlement patterns*. It is not something that can be judged. Even if they are called out, they cannot be mandated. Settlement patterns come through the land use planning process, but she said that she has a problem with the vision having a preferred population level. It will be meaningless.

Frank Josselson said that, during the previous discussions, the words *indicates preferred* were added by Mary Tobias.

Mary Tobias said that the only reason she did that was to resolve conflict within the definition because the Committee insisted that it go forward. She said that she has never supported the Future Vision.

Motion: Ray Phelps moved, Jon Egge seconded, to close debate on the motion to adopt the definition of the Future Vision.

Vote on the motion: Larry Derr, Jon Egge, Frank Josselson, and Ray Phelps voted aye. Judy Carnahan, Ron Cease, Charlie Hales, Ned Look,

John Meek, Wes Myllenbeck, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted nay. Matt Hennessee was absent. The vote was 4 ayes to 11 nays and the motion failed.

Ned Look read an excerpt from the January 30, 1992 minutes regarding the Future Vision. He read: "*Chair Myers asked if the Future Vision should not be mentioned in the Charter or if it should be mentioned in general terms. Jim Gardner said that the Charter could say that there is a Future Vision developed for the region as part of the regional government's planning program. It should not be spelled out in the great level of specificity that is in the discussion outline. If it was spelled out, it would be saying that the progress made on Region 2040 is irrelevant and the process would have to start over once the Charter is adopted. Managing the planning work and adopting the Future Vision is the responsibility of the elected governing body. Setting up an independent commission takes the process further away from the people of the region.*" He said that the particulars of the Future Vision should be left to Metro.

John Meek said that the statement that the Future Vision is a *conceptual statement that indicates preferred population levels and settlement patterns that the region and adjacent areas can accommodate within the carrying capacity of the land, water and air resources, and that achieves a desired quality of life* should not be in the charter. The statement is inundated with a NIMBY philosophy and could be interpreted differently in 20 years and there is no way to change the definition, but by changing the charter. The charter is not the place for a definition because the definition should be able to mold and shape as the region grows and develops.

Ron Cease said that he does not see the point in only putting in the charter the requirement to adopt the Future Vision and that is all. He said that he thought that, by adopting *preferred population levels and settlement patterns*, the Committee meant that the government was free to lay out various scenarios of population levels and settlement patterns at those population levels. He said that he does not see how a Future Vision could be done without addressing population levels and settlement patterns.

Frank Josselson said that Region 2040 is a study that is mandated, in part, by the U.S. Department of Transportation. It is fundamentally a transportation analysis. Metro has gone so far as to issue a \$300,000 RFP for consulting services that will take a year to perform. The entire study will take about three years. He said that the Committee had previously discussed asking Metro to postpone its work on Region 2040 if it would frustrate or prejudice the Committee's ability to make a decision. He said that the result of that discussion was that the Committee would proceed without prejudice of the decisions made by Metro. In the meeting with Clackamas County officials, the RGC and the Committee members present determined that the work of Region 2040 can compliment the Future Vision conception of a land use study.

Charlie Hales said that he thinks the only interference of the adoption of the Future Vision in the charter is the procedural question that does not face the Committee until the discussion of development, adoption and review of the Future Vision.

Bob Shoemaker said that he supports the motion, with one exception. He said that this is not something that will be in the charter to be returned to over the years. It is an assignment to do something now at the beginning of the reconstituted government. He said that they need to be told what their assignment is and should not select their own mission. It is the job of those who bestow the mission to define the mission. He said that he has a problem with the word *preferred*. The Future Vision should not focus on what we would like it to be, but what it is likely to be and, from that, settlement patterns that could be accommodated. He suggested changing *preferred* to *possible* or

probable.

Jon Egge suggested striking the word *preferred*.

Mary Tobias said that she thinks the intent of the Future Vision is to define the concept of regional livability and quality of life. She said that she does not like either one of those terms because they mean different things to different people. If the intent of the definition is to deal with the issue of quality of life and regional livability, then the charter ought to call for a Future Vision to deal with the issues required to maintain quality of life and maintain livability. Beyond that, it is the job of the regional government, through whatever means they determine to be the best, to define the issues in a broad arena and work the issues and put the vision together. She said that the way the definition reads now is a mini-land use plan.

Amendment to the motion:

Bob Shoemaker moved, John Meek seconded, to delete the word *preferred* from the statement *the Future Vision is a conceptual statement that indicates preferred population levels and settlement patterns that the region and adjacent areas can accommodate within the carrying capacity of the land, water and air resources, and that achieves a desired quality of life.*

Vote of the amendment:

Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Judy Carnahan and Wes Myllenbeck voted nay. Matt Hennessee was absent. The vote was 13 ayes to 2 nays and the amendment to the motion passed.

Amended motion:

The amended motion is that the charter define the Future Vision as a *conceptual statement that indicates population levels and settlement patterns that the region and adjacent areas can accommodate within the carrying capacity of the land, water and air resources, and that achieves a desired quality of life. The Future Vision is a long-term, at least 50-year, visionary outlook.*

Ned Look asked if the amended motion jeopardizes Region 2040 in any way.

Frank Josselson said no.

Vote on the motion:

Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. John Meek, Wes Myllenbeck, and Mary Tobias voted nay. Matt Hennessee was absent. The vote was 12 ayes to 3 nays and the motion passed.

Motion:

John Meek moved, Ray Phelps seconded, that the charter state that *the matters addressed by the Future Vision will include, but are not limited to: the use, restoration and preservation of regional land and natural resources for the benefit of present and future generations; how and where to accommodate the population growth for the region while sustaining and maintaining its*

livability and quality of life; means of developing new communities and additions to the existing urban area in well planned ways; economic growth and educational opportunity; and appropriate regional and local government structures and financing to provide the necessary public services in an efficient, effective and accountable manner.

Ron Cease asked if Region 2040 deals primarily with transportation.

Eric Carlson, Program Manager for the City of Beaverton, said that his understanding of Region 2040 is that it grew out of the RUGGO's process because the local governments said that RUGGO's are an attempt to develop goals and objectives for a vision that does not exist yet. Metro said that they will do the visioning process. It is not primarily related to transportation. It is both a land use and transportation document. He said that he did not think that it was mandated by the federal government. He said that it was designed to talk with people and local governments in the region and find out what they want the region to look like over the next 50 years.

Ron Cease said that the motion includes broad-gauged matters to be addressed in the Future Vision and asked what the objection was to listing those. He said that he does not see a problem with laying out the issues to be addressed if they do not do damage to Region 2040 at the moment, but do lay out the issues that future visions should contain.

Charlie Hales suggested separating the two questions of interference with Region 2040.

Ray Phelps said that the issue of interference with Region 2040 deals with the development, adoption, and review of the Future Vision which is the next area that the Committee will be dealing with. He suggested just dealing with the plan now and leaving the process, and possible interference, for later.

Larry Derr said that the matters addressed in the Future Vision should be left out so that they do not tie the hands of the Council that will be creating and adopting the Future Vision beyond the broad mandate of the definition. Although the motion says *include, but not limited to*, it characterizes what the Future Vision ought to be. The evolving thinking is that more faith should be placed in the people working on the Future Vision to decide what should be in it. Even if the first four matters are included, *appropriate regional and local government structures and financing to provide the necessary public services in an efficient, effective and accountable manner* should be left out because it is a governmental structure and operations matter which should be dealt with in a different manner.

Amendment to the motion:

Bob Shoemaker moved, Jon Egge seconded, to strike *appropriate regional and local government structures and financing to provide the necessary public services in an efficient, effective and accountable manner* from the list of matters addressed in the Future Vision.

Vote on the amendment to the motion:

Judy Carnahan, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, and Norm Wyers voted aye. Ron Cease and Chair Myers voted nay. Matt Hennessee was absent. The vote was 13 ayes to 2 nays and the amendment to the motion passed.

Amended motion:

The amended motion is that the charter shall state that *the matters addressed by the Future Vision will include, but are not limited to: the*

use, restoration and preservation of regional land and natural resources for the benefit of present and future generations; how and where to accommodate the population growth for the region while sustaining and maintaining its livability and quality of life; means of developing new communities and additions to the existing urban area in well planned ways; and economic growth and educational opportunity.

Ned Look asked for information on Region 2040. He said that it probably includes some, if not all, of the same things that the Future Vision will. He asked if any of any of the Future Vision is in violation or is not included in Region 2040.

Ken Gervais said that he does not have the information with him.

Mike McKeever said that he is fairly certain that *educational opportunity* is not included in Region 2040.

Ken Gervais agreed and said that *economic growth* is a very small part of Region 2040.

Ron Cease said that he does not want to do anything to derail Region 2040, but it is nonsense to put exactly what Metro is doing with Region 2040 into the charter Future Vision. He said that the Committee is not here to rubber stamp Region 2040, but they should not make life difficult for them either. If it does not do damage to what they are doing and requires them to do more, that is fine.

Jon Egge said that he has a problem with education being a matter to be addressed in the Future Vision. He said that it is expensive to address well and will bring concern from the education community.

Second Amendment to the Motion:

Jon Egge moved, Frank Josselson seconded, to amend the last phrase of the motion by deleting the word *education*. The end of the motion would read *economic growth and opportunity*.

Ray Phelps said that the amendment should not be approved because the Committee agreed earlier that the Future Vision will deal with population levels and settlement patterns. One of the more driving forces in settlement patterns for families is education. Families will go where their children can get an education. The quality of education does not need to be addressed, but the opportunity should be.

Frank Josselson said that no one will probably disagree that planning for educational opportunity ought to be done, but the question is should it be done in the Future Vision. He said that it probably should not be done in the Future Vision because it might distract from other aspects of the Future Vision or not relate to the other aspects.

Mimi Urbigkeit said that she agrees with Frank Josselson. She said that the school districts might see this as a way of taking the education issues out of their hands and putting them in the hands of the regional government.

Mary Tobias said that the definition of Future Vision is a conceptual statement that achieves a desired quality of life. If that is true, and there is a list, then education needs to be a part of that list. The list either needs to include everything or nothing at all.

Charlie Hales said that he supports the amendment and the motion because none of what is listed is being done now. He said that it is a general enough description of what should be done that it will not jeopardize Region 2040. Education is one of the many social services and government services that will have to be provided for the vision to be achieved. The basic land use vision that is being requested in the other matters to be addressed by the Future Vision stand on their own without education.

Ron Cease said that the vision is not limited to land use--it is a broad-gauge vision of the region. If education is included, it does not mean that the regional government will be the only body to look at education. Asking the regional government to look at educational opportunity in the larger picture is appropriate. It is also appropriate to tell the regional government that the Future Vision of the quality of life is broader than land use.

Norm Wyers said that he supports Ron Cease. He said that there is also higher education in addition to K-12. Higher education is becoming regionalized in the area and it would be a mistake if the regional government was not asked to look at educational opportunity and higher education and the regional government went two separate ways toward regionalization.

Mary Tobias said that there is nothing in requiring and defining a Future Vision that makes it a plan--it is only a concept. To be a concept, it must be inclusive of everything. It includes everything so there is no need to list things separately.

Vote on the second amendment to the motion: Jon Egge, Frank Josselson, Wes Myllenbeck, and Mimi Urbigkeit voted aye. Judy Carnahan, Ron Cease, Larry Derr, Charlie Hales, Ned Look, John Meek, Ray Phelps, Bob Shoemaker, Mary Tobias, Norm Wyers, and Chair Myers voted nay. Matt Hennessee was absent. The vote was 4 ayes to 11 nays and the motion failed.

Vote on the amended motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Frank Josselson, Ned Look, John Meek, Ray Phelps, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Wes Myllenbeck and Mary Tobias voted nay. Matt Hennessee was absent. The vote was 13 ayes to 2 nays and the motion passed.

Chair Myers asked the Committee to move on to development, adoption, and review of the Future Vision.

Bob Shoemaker suggested that the Committee postpone discussion of the development, adoption and review of the Future Vision until Metro can provide definitive advice as to how the Future Vision conflicts with Region 2040.

Ron Cease said that he agreed with the idea of a postponement because the Committee cannot adopt the development, adoption, and review of the Future Vision as it is in the outline without having more advice.

Chair Myers asked Ken Gervais if someone from Metro could be at the next meeting to discuss how the Future Vision concept intersects with Region 2040.

Ken Gervais said that it could be arranged.

Mary Tobias asked if there was any interest in having the charter speak to Region 2040 and call out the development of the Future Vision in concert with that process and the adoption of the Future Vision occur as it is produced through that process. She asked if it could be referenced in the charter. Why bind it up with something of the Committee's when there is something on the table that is happening?

Larry Derr said that it is not a one time operation.

Ken Gervais said that Region 2040 is a process and is not a defined thing that says this plan will be this. It is a process for identifying where the region is going and what the alternatives are, how people can make input, and what the criteria are. He said that it would not specifically answer the development, adoption, and review questions. The Committee will have to draw its own inferences as to whether that is what it should be doing.

Chair Myers said that Ken Gervais' comments pertain to where the Committee has already been. The question that Bob Shoemaker raised is on the process of actually developing and adopting it. To what extent does the process defined in the outline frustrate or invalidate the work that has been occurring with Region 2040. The earlier testimony from Presiding Officer Gardner said that the procedure for dealing with the Future Vision threatened the current work.

Bob Shoemaker said that, after hearing what Region 2040 is, it may be possible that the Committee will want to rethink what it has already decided on for the Future Vision. He suggested that the members listen to the testimony next week with an open mind and be guided accordingly.

Ron Cease said that the question of cost has been raised. He said that the Future Vision has a potential of costing more than Region 2040 because it is more extensive. He asked if it was realistic for the Committee to ask that, recognizing that additional resources will be needed. He said that it is not appropriate for the Committee to state exactly what Metro should be doing. On the final analysis, it will be up against the financial side. He said that with the 50 year requirement, that does not mean that smaller periods of time cannot be looked at within that 50 years.

Ned Look said that he does not think Bob Shoemaker is suggesting rubberstamping Region 2040; the Committee just does not know what it is.

Ron Cease said that there is a real concern on the side of Metro that the Committee will be asking them and the local governments to do more than they realistically can do with the resources that they have.

Ned Look said that he would like to base his decision on knowing what the regional government is proposing.

Ray Phelps said that the problem is a competing process that could arguably upset what is in place. Whether the Committee does or does not change the process that is underway is immaterial, but the Committee does not want to issue a fatal blow to what is already in place by coming in with a competing process and making them start over again.

Chair Myers said that he got a sense from some members that the development, adoption, and review section of the Future Vision be substantially contracted and may be restated so that the method of development of the Future Vision would be responsibility of the governing body to determine.

Charlie Hales said that he would consider contracting the *development, adoption, and review*, but would prefer to postpone the discussion until the Committee knows more information.

Motion: Bob Shoemaker moved, Ned Look seconded, to postpone the consideration of the *development, adoption, review, and legal effect* of the Future Vision until the next meeting.

Vote on the motion: Judy Carnahan, Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Frank Josselson voted nay. Matt Hennessee was absent. The vote was 14 ayes to 1 nay and the motion passed.

5. Determination of charter treatment of the Regional Plan

Larry Derr said that the question for the Committee to consider is whether or not the charter should authorize adoption of a Regional Framework Plan to be part of a Regional Plan. Looking back to the discussion outline, he suggested that the preamble be changed so that they do not provide for a Regional Plan, but show the relationship between the Regional Framework Plan and the local plans. There would be a clear distinction between the Regional Framework Plan and the local plans. The outline would then go on to describe what the components of the framework plan will be to avoid the concern that the regional government is taking over the local plans.

Ray Phelps asked if the changes in the preamble provide a definition of what the Regional Framework Plan is.

Larry Derr said yes. He said that all he is really talking about now is redefining the question.

Chair Myers said that it is like the threshold question for the Future Vision--shall the charter require a Future Vision.

Ray Phelps said that he has always had a problem with the Regional Framework Plan because it seems to be a disguised comprehensive plan.

Chair Myers said that the question could be more elastic and then have someone propose further detail.

Jon Egge said that he would prefer to take the question incrementally.

Motion: John Meek moved, Jon Egge seconded, that the charter call for a Regional Framework Plan.

Mary Tobias said that the preamble is really a definition of a Regional Plan.

Chair Myers said that is the next step.

Mary Tobias asked how it can be next step when it is the overarching part of which the Regional Framework Plan is only a portion.

Chair Myers said that, as Larry Derr conceives it, the term *Regional Plan* will drop out completely.

Mary Tobias said that she understood Larry Derr to be refining how the Regional Plan would be defined.

Larry Derr said that the refining would be to eliminate the term.

Ron Cease said that the Regional Plan, as defined in the outline, is the Regional Framework Plan and the local plans. If the Regional Plan is removed, then the Regional Framework Plan and local plans will be somewhat separate, but there will be a requirement that adjustments need to be made in the local plans to make them consistent with the Regional Framework Plan.

Larry Derr said that, in previous discussions, the Committee talked about a Regional Plan which was both a Metro adopted framework plan and local adopted local plans. He said that his suggestion is to get rid of the concept of a Regional Plan which would leave the Regional Framework Plan and local plans left. The Regional Framework Plan would have to be defined, but the local plans will not have to be defined because that is not the charter's business. The charter can say that the local plans need to be consistent with the Regional Framework Plan.

Vote on the motion:

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

Motion:

Larry Derr moved, Charlie Hales seconded, to adopt a preamble for the *Regional Framework Plan* which would state *there shall be a Regional Framework Plan adopted by the regional governing body. The existing local plans of the cities and counties within the region shall be modified over time by those cities and counties to be consistent with the Regional Framework Plan.*

Vote on the motion:

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

Motion:

Larry Derr moved, Frank Josselson seconded, to adopt the *definition of Regional Framework Plan* which states *the Regional Framework Plan establishes and is limited to plans and policies for the matter addressed in 2 and 3 below, and provides the basis for coordination of local city and county plans. The Regional Framework Plan must be consistent with Statewide Planning Goals and describes its relationship to the Future Vision. The Regional Framework Plan will include regional goals and objectives, functional plans and benchmarks for performance as implementation tools.*

Mary Tobias said that the statement that *the Regional Framework Plan establishes and is limited to plans and policies for the matter addressed in 2 and 3 below, and provides the basis for coordination of local city and county plans* is not consistent with the other things that the Committee has done in regards to planning. The Committee has said that, in regards to planning, the government will take on what it is doing now and to do anything else, it must go through a process. She asked how this section

of the Regional Framework Plan interacts with the assignment of what is happening now and what might happen in the future.

Chair Myers said that the previous discussion about acquisition of new responsibilities was intended to address whatever was not initially called out by the charter. What is called out by the charter initially may be more than the government is currently doing.

Larry Derr asked if Mary Tobias was taking into account that the following section in the outline, *procedure for addressing additional matters in the Regional Framework Plan*, is what Chair Myers was talking about.

John Meek asked if the motion includes the information in *2. matters addressed in the Regional Framework Plan* and *3. procedure for addressing additional matters in the Regional Framework Plan* since they are referenced in the motion.

Chair Myers said that there will be independent discussions for the two additional sections. The reference to them in the motion should be interpreted to be how they are developed and not necessarily how they stand now. It is just a gateway provision. A vote on the motion is not an endorsement of the other two sections.

Mary Tobias said that, in defining the Regional Framework Plan, the statement that *the Regional Framework Plan will include regional goals and objectives, functional plans and benchmarks for performance as implementation tools* is central to what it is in terms of the definition. *The Regional Framework Plan must be consistent with State-wide Planning Goals and describes its relationship to the Future Vision* is a reasonable statement. She said that the first statement, *the Regional Framework Plan establishes and is limited to plans and policies for the matter addressed in 2 and 3 below, and provides the basis for coordination of local city and county plans* should be left in abeyance until the Committee looks at how it shapes. She said that the Committee could adopt it now and come back to it and see how the fit is, but the fit is not as good given the actions that have been taken already. In some ways, the statement that *the Regional Framework Plan establishes and is limited to plans and policies for the matter addressed in 2 and 3 below, and provides the basis for coordination of local city and county plans* is redundant with the other two provisions.

Chair Myers said that he does not see it being redundant of the other provisions. He said that it has stand alone significance and is the core definition piece. He said that the statement that *the Regional Framework Plan must be consistent with Statewide Planning Goals and describes its relationship to the Future Vision* is less definitional than the other two provisions.

Ron Cease said that the Committee could adopt it now and if the Committee decides to delete or change the sections regarding the matters addressed by the Regional Framework Plan, then the Committee could come back and change it.

Vote on the motion:

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

Chair Myers asked the Committee to move on to *matters addressed in the Regional Framework Plan*.

Larry Derr said that he would see the section breaking down into a couple different areas. The first

would include: *a. Regional transportation and mass transit systems, b. Urban growth boundary, c. Urban reserves, and d. Federal and state mandated planning functions.* They are general areas to mandate and address in the Regional Framework Plan. They probably will not generate very much debate, particularly if the subheading detail is deleted. The last provision is the introduction to a list of items that specifically call out just those areas of metropolitan significance. There is wide disagreement as to whether some of the issues should be on the list at all. For the rest of the items, there might be more agreement that they be on the list if the Committee works with a process rather than a mandate in the plan for the issue to be dealt with. The definition of metropolitan concern may or may not be something to put in the plan. He said that his personal opinion is not to have a definition. The Committee may or may not want to have some general criteria. The other section, *procedure for addressing additional matters in the Regional Framework Plan*, has probably already been addressed by the Committee, but it should be reviewed so the Committee can decide if they are comfortable with it.

6. Additional business

Chair Myers said that the next meeting will begin by revisiting the Future Vision issue and then the Committee will resume the discussion on the Regional Framework Plan.

Chair Myers adjourned the meeting at 9:50 p.m.

Respectfully submitted,



Kimi Iboshi
Committee Clerk

Reviewed by,



Janet Whitfield
Committee Administrator