

METRO  
CHARTER  
COMMITTEE

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AGENDA

**DATE:** April 9, 1992  
**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 March 19 and 30 meetings.

6:10 Adoption of Charter drafting instructions relating to structure of the regional government.

8:30 Consideration of subcommittee proposal on Charter treatment of the Local Government Boundary Commission.

9:00 Adoption of Charter drafting instructions relating to the revenue authority of the regional government.

10:00 Meeting adjourned.

MINUTES OF THE CHARTER COMMITTEE  
OF THE METROPOLITAN SERVICE DISTRICT

April 9, 1992

Metro Center, Room 440

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

Committee Members Absent: none

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

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the March 19 minutes.

Janet Whitfield explained that Chair Myers' vote had not been recorded on the amendment to the main motion regarding a mandatory five-year periodic review of regional government functions. The vote is located on page 24 of the March 19 minutes. Chair Myers voted nay. The Committee received the corrected page with tonight's material.

Motion: Chair Myers moved, Ned Look seconded, to approve the correction to the minutes.

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

Motion: Ray Phelps moved, Larry Derr seconded, to approve the minutes as corrected.

Vote on the Main Motion: All present voted aye. The vote was unanimous and the March 19 minutes were approved.

Chair Myers asked for corrections to the March 30 public hearing minutes.

Motion: Larry Derr moved, Wes Myllenbeck seconded, to approve the minutes as distributed.

Vote on the Main Motion: All present voted aye. The vote was unanimous and the March 30, 1992 minutes were approved.

2. Charter drafting instructions relating to regional government structure

Chair Myers said that it is important, when addressing structure, that there not be the fact or perception that the Committee is moving too rapidly through the issues that are before it. He asked that each member respond to the following questions: what would you like to accomplish through the

structure of regional government; does the present structure serve those objectives; and if not, what are your specific concerns or areas of concern as to the present structure. He said that the goal of this exercise is to identify individual views without getting to specific ways in which to address concerns.

Frank Josselson said that the growth management functions of regional government are absolutely critical to the future of the region. A strong planning process for regional growth management is all that stands between the metropolitan area as it now exists and the unlivable megalopolis which has become so characteristic of the urban population centers nationally. The regional government is going to need every possible assistance that the Committee can give to it to prepare and implement a regional growth management plan and strategy that works for everyone. Unfortunately, the region also faces enormous challenges on the regional service delivery front. He said the financial problems of MERC and the Zoo, to name just two, are so large that he cannot be certain that they will every be solved satisfactorily. The current government's financial structure completely intertwines the growth management and service delivery functions. As service delivery goes, so does regional planning. Planning is usually the first to go, as seen in the recent budget cuts. He said that he wants a government structure that equips Metro to successfully execute the growth management responsibilities that the Committee has agreed to assign to it. The Committee cannot responsibly assign the government tasks which the structure does not equip it to execute. The region cannot afford to put the growth management program at risk because the Metro council is spending all of its time figuring out how to transport garbage or raise funds to pay for performing arts or the next exhibit at the Zoo. He said that he has further objections which are important to him as the Committee collectively figures out how to structure the government. He said that the litmus test for him has always been and always will be whether or not the structure makes it possible for Metro to execute the planning program the Committee has delegated to it.

Norm Wyers said that his answers reflect 10 to 20 years in the future. He did not want to get bogged down in current actors and governments. He said that he would like Metro to accomplish, through its structure, six things. They are: to represent the region; to be as strong as the Committee can make it; to provide a balance of power between the executive branch and the legislative branch; for Metro to have the ability to both plan and provide services; to realize the future vision; and to be a partner with local governments, but not be their hand maid. He said that the current structure serves those objectives, with the exception of the need to strengthen or improve the function or role of the chair of the council by having that position become either full time or part time.

John Meek said that the planning function is first on his priority list. The regional government should do the overlay of planning that has to be dealt with on a regional basis. He said that he would like to see that reflected in the charter and capped at that part. He said that it has not been demonstrated in the Committee proceedings that it is absolutely essential that the actual performing of the service function has to be done on a regional basis. There are services that could best be run on a regional basis, but experience has shown that they do not necessarily have to be operated by a regionally elected body.

Chair Myers asked if John Meek was talking about existing service functions.

John Meek said that he was talking about existing and future service functions and the role of Metro, whether it strictly does planning for the future or the actual operation of the services. When there are money crunches, there is a conflict over what functions normally go first. He said that there needs to be a good delineation between Metro taking on a service function and an aspect that does jeopardize the main priority of planning for the future. He said that he is deeply concerned about the accountability factor of the current structure. He said that he does not support the current structure the way that it is.

Ray Phelps said that he would like to see the government become more aggressive in doing those things that it was created to do in 1978. In order to do that, they need to have a greater opportunity to find the financing that would legitimately allow them to perform those functions, rather than to have to develop certain kinds of financing strategies that enable them to do it but possibly not as neatly as some would like. He said that his greatest concern is that the elected officials are undersized. This invites a remoteness of part time persons to the community and the creation of unaccountable commissions. He said that if anyone would read the audit of the MERC and would still like to have another commission formed in the community, he would like to talk to them. Commissions are unaccountable. The size of the government invites this lack of accountability. He said that he would like to see a council with 21 or 23 people on it to make the districts smaller. There is a realistic expectation that they can become more identifiable in those communities. If the region continues to add population, the federal government may do it for us because the districts will become so large that they will dilute the voting opportunities of the various segments of the minority population. He said that he would like the Committee to revisit the idea of an elected treasurer who would perform the fiscal and performance audit routines. He said that there is a perception that the books are not being kept, although they are being kept according to law. That perception is becoming reality. There needs to be an independent person handling the numbers. With that person, there will be the same accounting system and finance system, but there will be a cleaner perception that those things will occur and occur correctly.

Chair Myers asked if Ray Phelps said that the executive function was also undersized.

Ray Phelps said no. The executive is fine and there needs to be a strong separation. The council is undersized.

Ned Look said that he would like to see Metro with the broadest possible responsibilities and the necessary financial resources to effectively address its given objectives. There needs to be flexibility to add to those responsibilities, as the need becomes apparent in the future. At the same time, it needs to be responsive to the regional constituents. He said that he is concerned about Metro's present image of a lack of credibility, lack of leadership, apparent lack of cooperation between the administrative branch and the council, lack of visibility, and the need for permanent reliable funding sources. He said that he senses a feeling with the Committee, at times, to maintain the status quo rather than give an objective evaluation of how to strengthen and improve that role. It is the feeling of 'if it ain't broke, don't fix it'. It is not broken, but the Committee has an obligation to look at the possible ways to strengthen it by possibly shifting some of the responsible roles. The current structure does not need much fine tuning but an evaluation that answers the question of whether or not it is structured in a way to get the most out of what is expected.

Jon Egge said that he would like to see the government complement the decisions that the Committee has already made in respect to what the government's responsibilities are. He said that the most awesome responsibility that the Committee has assigned the government is the planning policy functions. The structure should complement that decision. He said that the present structure does not serve the purpose. The existing model does not reflect the uniqueness of what the Committee is asking the government to do. The legislative model, which is arguably the current model, has not lent itself well to what the government should do. The local government models do not meet this same test. It is a completely unique government which he believes requires a unique structure to accomplish its goals in the best possible way. That structure cannot be read from a textbook. He said that he is concerned that if the Committee has assigned clear responsibility, clear accountability ought to be created. That cannot be done without some clear separation of service delivery and planning and policy. One thing that is absolutely essential to accomplish through the structure of the government is to create a balance. He said that the government is out of balance--the council is no match for the current executive. He said that he keeps coming back to the concept that he has had since the

beginning--in order to effectively govern, this government needs to have a clear separation between service delivery and the planning policy functions.

Ron Cease said that the structure is the vehicle of the organization which pulls the region together. The organization has to perform a fairly major planning role, including the vision issue, and service functions, or pieces of functions, that cannot either be performed at the local level or can be more effectively performed at the regional level. He said that he agrees with Ned Look in that it is not broken, but it can be improved. One needs to look at it in two ways. First, what do you do to improve it? Secondly, do not do those things which do not improve it but make it impossible for it to operate. He said that he believes very strongly that you cannot separate planning from functions in a holistic way. If what you really have is essentially a planning body, it would be a weak body. Metro has a lot of strengths and that is partly because they are performing some regional functions and a regional role. He said that there needs to be improvement as to how accountability is done. Certainly, there ought to be a performance evaluation. There has to be a clearer and more up-front way of doing that than is now being done. He said that he is concerned that the Committee not fragment the operation and the pieces all over the place so that, even though there may be some accountability to a specific or smaller public, the accountability to the larger public is more difficult. The issue of increasing the strength and making the council stronger is a valid issue. Part of that is due to the fact that some of the councilors are not as strong as they ought to be. If there is a part time or full time presiding officer, it might improve it. He said that, although he does not know how it will work, the suggestion that the council play a bigger role on the planning side is worth looking at. He said that he remains feeling very strongly that when you get through with what you have to have, there is a vehicle that not only performs functions but also gives you some sense of the political presence within the region that the public and local governments can look to in reference to the region. The local governments need to play a more formal role--RPAC does some of that--but ought to also put them in a position where they can follow the organization's path.

Wes Myllenbeck said that he agreed with Ron Cease in that planning is only one of the functions and there should be the ability to provide services. He said that one of the things that concerns him is the definition of powers and relationships between management and the policy making body of the management. He said that, ideally, he would like to see all the powers lie with the council and there be an appointed, hired administrator. The council could delegate those powers to the administrator. He said that he thinks he is in the minority on that issue. He said that his main concern about the current structure of Metro is that there is not a good, clearly defined separation of powers between the administrator and the council. He said that has been a lot of the trouble in the past 12 or 13 years.

Matt Hennessee said that he agrees with Norm Wyers' six points. He said that the Committee needs to remember that they cannot resolve all the problems that can crop up in a government with whatever structure is put in place. He said that he is concerned that the Committee is being led by a lot of things that are going on today and they think they can fix it by changing things. He said that there is a wonderful constitution at the federal level and, yet, the House of Representatives is suffering from the lack of credibility from the public which has less to do with structure and more to do with the people who are in office. As a result, he is concerned about the Committee trying to fix everything, because it cannot be done. The objectives of the government structure are to meet whatever are the charter provisions that the government must carry out. He said that he subscribes to the fact that Metro must be more than just planning. He said that, looking out 50 to 100 years, no one has any idea what will happen between here and there. A mechanism needs to be in place to be able to address whatever changes there will be within the region with the strong input of local government so that the regional government is not doing it in a vacuum. It is a nebulous question to ask if the present system is okay because the Committee is talking more about people than structure. Specifically regarding structure, he said that he does subscribe to there being a balance of power between the council and the executive. He said that there is a need to look strongly at making the presiding officer a full time

person to deal with the issues that have been brought up around this table relative to planning and policy. He said that the regional government ought to have an elected treasurer for internal accountability. There should be a more representative number sitting at the table so people understand what the government is and what they are electing people to do.

Larry Derr said that he would like the government to be open, visible, and accountable. There should be an assurance of a vigorous and effective implementation of the planning process. Balanced with that would be a cost effective implementation of those services that are appropriately delivered at the regional level and the ability to add services when needed. He said that the present structure does not deal with all of those things as well as it could. There is significant room for improvement. The current structure has problems due to a lack of clear delineation of authority between the executive officer and the council, although it may be more complicated than that. The executive department, within the confines of the existing service delivery programs, would be more efficient if it were able to focus more on services and less on some of the issues that are more appropriately addressed on the council side, such as long range policy making. In the last week or so, when thinking through the processes that the Committee has been talking about in the context of structure, it has become clarified in his mind with some of the Committee debate regarding the meaning of planning functions and if it is land use planning or more. He said that policy making is the job of the governing body and there is no way of knowing what areas the policy making will entail in the future. What is important today is particularly in the area of growth management. It needs to have a heavy focus and a structure that will assure, not just make it possible, that it gets carried out. He said that does not mean that the focus will need to change tomorrow so the Committee cannot get too narrowly focussed on it so that only those powers are given and not others. It has to be all of the policy making power and must be lodged in such a way that it can be done, especially without getting bogged down in trying to second guess the management of the service delivery. He said that he sees the organization as having current services that it will continue and those have to be done efficiently and effectively. It will have the current policy making, some of which it is doing and some of which it has not done in part for lack of finances and part for lack of a clear structure. There are some definite opportunities to do some tweaking of the structure. He said that there have been some fairly radical ideas for change, but the Committee might be able to come to some less radical changes that are just as effective with their eye toward putting the emphasis on policy making on the council and service delivery on the executive.

Chair Myers said that he would like to have a structure through which the government can provide politically accountable executive leadership on a region-wide basis to define the program of action of the regional government. He said that, because of his legislative experience, he has never been very friendly to governmental structures that do not have an unitary executive function. That is the center where the real capacity for action comes from in terms of defining agenda. He said that he would like a regional government structure that provides an opportunity for citizens of the region on a non-professional, part-time basis to participate in deciding the policy making of the government--to be able to do that, on as informed a basis as possible, as well as to be available to adequately carry out responsibilities to assess the quality of the performance of the executive and to make budget decisions. He said that he would like a structure to provide high quality planning, particularly for growth management. He said that he would like to see a structure in which to achieve effective and efficient delivery of services assigned to the government or acquired later on. In general, he does not think that he has the level of misgivings that some members of the Committee do about whether the present structure is able to reach those particular objectives to the extent that those are objectives supported by members. He said that he is completely open to consideration of the question of whether there should be rearrangements within the existing structure or some similar structure that would better achieve them. The question that has been posed about planning and services and rearranging the cost versus benefits is probably the critical question before the Committee. He said that his major area of concern, with respect to the existing structure, centers on the council and to the extent to which the council has yet been able to effectively organize and use the time of the members, in terms of their

total responsibility. Particularly, his concern is in addressing the issue of oversight in the quality of the executive performance of the government and whether the council has provided itself with adequate staffing resources in order to carry out its responsibilities. When there is an imbalance between the executive and the legislative, up to a certain extent, the single headed executive will always have an advantage because there is one person making judgements versus a collective group. Nothing can be done about that if you opt for that structure, but the council can arm itself with adequate resources to help inform the judgements of the members. Often times, when there is a disparity over the effectiveness between the two areas, it is in part because the legislative is giving itself enough help. He said that he did not know if the council was getting the help that they need in making informed judgements.

Mary Tobias said that there needs to be a regional government to continue to do what the region has started to do over the last many years. With some caveats, if planning was to be separated to a purest agency that only did planning, she said she is not sure that a regional government is needed if that is all that it does. Planning is going to go on in many arenas. She said that she agrees that the Committee needs to look really far out into the future, which is difficult to do. Today is different than 10 years ago and a lot different than 15 years ago. Because of the dynamics, there is a lot of planning to do. To create an agency that simply does more of it probably makes no sense. She said that she is concerned about living in a time in which there is ordinary citizen angst about government--too much government, paying for government, and about what government does. She said that she does not subscribe to that, but it is very real. She said that she would like to see a regional government that is concerned about the citizens that it controls and local governments that it works with. She said that the regional government should be as streamlined as possible and set up, in the beginning, to always avoid unnecessary duplication, if at all possible. She said that she heard recently that if things were really going to be very efficient and effective, they would be done by private enterprise and if they cannot be done very efficiently and effectively, they will be done by government. She said that is not fictitious, it is very real. The private sector tend to take over things where they can make a profit and usually that means that they are pretty cost effective. The regional government should be structured in a way to continue the ongoing goal of avoiding any unnecessary duplication within the region. It should continue to have, in front of it, the motive, either through its own offices or through consensus building in the region, that unnecessary duplication gets sucked away. She said that the duplication may not necessarily be in the things that the regional government does, but it may very well be the things that other governments are doing. There should be a minimum of extra government. She said that she is bothered by the commission form because they appear to spin off to special districts or the equivalent of that. They will have their own funding source, own administration, and own programs. As a result of the people working in those bodies, working in good faith and trying to do their jobs well, their jobs will grow and not shrink. The government needs to work in an arena where the citizens are actively involved and where the goals of the government are to raise awareness of issues of the government and the importance of the tasks that it chooses to undertake. In doing that, it is structured to make itself more understandable. It needs to be a model that people understand and relate to. It needs to have simplicity of organization and standards of effectiveness and accountability. This government has to be in partnership with the local governments in the region. She said that she thinks that the region will, ultimately, be much more consolidated than it is now. Many of the existing cities will probably vanish. The government that will be left in the regional arena needs to be compatible. It needs to be an easy transition--it cannot be difficult. She said that the present structure does not work toward those objectives. It is the wrong model--it is not understood by the citizens which is why the interest in it has been low in the past. She said that the present structure has two fatal flaws. One is the financial structure. Metro has never been treated as a legitimate government or it would have been given a tax base originally. The other flaw is the elected council and elected executive. She said that the structure, by its very nature, provides ongoing tension. There is always going to be people at loggerheads with each other rather than going down the path together. She said that it is well to say that there is currently a council that understands that there is a dynamic

that they have to work within and an executive who understands the dynamic within which she has to work. All of those people will eventually be replaced. The next person that comes in will have to restake his/her turf and the struggle will start over again. It makes no sense to perpetuate that kind of a system. When the executive moves out, the next person who comes in will have to define who he/she is in that role. To do that, that person will be in opposition in establishing his/her equality. People do not change simply because a document is rewritten. The current model is unfamiliar to the citizens and is not recognized by businesses or to local governments. She said that policy belongs in the hands of the council--that is the most reasonable way to run any government. People are elected to set policy and that council hires the person who will carry out that policy. The important part of that is the ability to fire that person. She said that there has been a lot of discussion about the availability of recall. She said that recall is very unrealistic. It is rarely ever used and should only be used for real malfeasance, not for lack of carrying through the policies of the people who set them. She said that is not an appropriate use for recall. She said that there is a confusion over roles and, as a consequence, the council becomes compulsive about dealing in minutia. The only control that they have is if they themselves get into the daily operation. If they can hire and fire the person who's job it is to deal with minutia, they will do so. She said that she would have an elected council. She is not inclined to reduce the size, but does not know yet what she thinks about size. The government should have a clear financial base on which to operate. They should do the services that they are currently doing, because to try to restructure anything else through the charter will create chaos for which there is no reason. She said that the council should be the policy maker for planning and would cause the least disruption as possible. Otherwise, it will fail at the ballot. She said that she does not have a position on the treasurer.

Charlie Hales said that the Committee needs to improve on the identity and accountability of the office. Currently, the principle problem with the council is that few people know who their Metro councilor is. As to the question of what the structure should accomplish, it should be more representative in the sense that people know who represents their district and what they do. The more clarity and transfer of traditional local functions to Metro, in terms of its duties, the more likely there is to be greater representation. He said that is why he supports as aggressive a stance as the Committee can take on some of the issues like planning or water. The more that Metro does, the more people will pay attention and, therefore, the more effective the governing structure will be. He said that he has reluctantly come to the conclusion that there needs to be an elected executive because there needs to be someone whom the region can identify as the head of Metro. If that person is an appointed manager, there would be enormous tensions with the elected council. Therefore, there is no less bad solution than having an elected executive. Unless there is a structure with a council-manager form with a visible manager who is on the radio talking about recycling and not invoking the envy of the elected council, he said he would rather stick with the institution of an elected executive.

Mimi Urbigkeit said that the council should be smaller, not larger, but definitely more visible. She suggested that the council meet in other areas besides downtown Portland every once in a while so that people can see who the councilors are. She said that she would like the council to represent the region as a whole and not one area being pitted off against another. She said that she would like to feel that every member of the council represents her and not just the councilor from her district. Growth management is the overriding task facing the regional government and is much more important than picking up garbage, although picking up garbage is part of it. Policy and planning are, by far, the most important functions that the regional government should face and be responsible for. She said that she would like to see a clear separation of powers. She said that the talk about a legislative branch bothers her because she does not think that people want to see another law making body. They would rather see a policy making body. The regional governing body should not be a legislative body. She said that there should be budget review and more accountability for how money is taken in and spent. She said that there should be a citizens budget review committee like counties and school districts have. There should be more public auditing. She said that she would like to see



the performing arts have the same kind of support as athletics.

Judy Carnahan said that she would like the citizens to know what Metro is and for the citizens to feel as though they have a say so in the regional government. The citizens need to know what Metro is all about and what Metro can offer. She said that the current structure does not meet those objectives. She said that she is concerned that government reflect the people. The citizens need to feel that they have a high, open, and active part in their government. The average citizens do not know, really, what Metro does or what Metro could potentially accomplish for them and how the citizens could, more actively, participate in the goals which they should be setting for Metro. She said that, with the current structure, citizens do not know who their Metro representatives are. She said that she is of two minds when it comes to whether or not the Metro council ought to be larger or smaller. In the long run, the Metro council ought to be smaller and made up of full time paid persons. The political reality right now is such that it will not happen. Right now, she is inclined to support a continuance of the current membership. Regarding the executive position, she is also of two minds. She said that she is, under no circumstances, convinced by what she has seen on the local level, that having a manager position really does provide the type of governance that the people really ought to have. On a practical basis, that power has belonged to an unelected person which is worrisome to her. She said that she likes the idea of people throughout the whole Metro area voting for one person who represents Metro. She said that she is worried about the distribution of that power and what that one position really means. She said that revenue is a concern to her. She said that the money for Metro is coming out of citizens' pockets and, as a citizen, she wants all forms of government to be responsible and accountable. There needs to be mechanisms and systems in place so that the government is accountable to the citizens and works efficiently and legally. On the other hand, a government needs to be able to do what it needs to do and ought to have enough money to do that. When things arise, the government ought to be able to accomplish things in a timely fashion. She gave the example of the state government having a budget for two years, and with rapid changes in the economy, it hamstringing the governmental body and creates problems and does not work for the people.

Ned Look asked if the Committee thought it would be appropriate if the spectators in the audience from the RGC, Portland Chamber, and Metro commented on their concerns for the regional government. He said there have been many meetings where there have been people in the audience who had thought on issues and they have not been allowed to speak.

Frank Josselson said that he agreed.

Chair Myers said that he will entertain Ned Look's suggestion, but it will have to be granted to anyone else in the room, unless there is strong objection. He asked that those who would like to speak to limit their comments to two to three minutes.

Ron Cease said that, since the Committee has not given other groups the same opportunity or announced it, some groups will be making a presentation tonight and others will not have that opportunity. He said that bothers him.

Matt Hennessee said that he is concerned about the position that it gets the Committee into. He said that he does not like appearing as if the Committee is providing special treatment too various people.

Chair Myers said that it might be more appropriate if those who have specific thoughts that they would like to be considered, get those into the staff before the next meeting.

Ned Look said that the problem with that suggestion is that the Committee is going to be discussing the issues this evening.

John Meek said that the Committee members can talk to those in the audience during a break and get their feedback then.

Ray Phelps said that there is a letter in the sack of information from a gentleman in Portland who was upset about the improper notice of the hearings. He said that he gets embarrassed by situations like that. If there is going to be commentary, it should be offered to everyone on an equal footing. He said that he would like to be sure that everyone has the same opportunity for access so that the Committee does not leave themselves open to criticism.

Chair Myers said that the Committee has held a public hearing on structure at which it received comments from those who were interested enough to say something about it. He said that there might be something significant that the Committee may have missed. He suggested that if there are people who would like to comment, they should talk with the members during a break. Chair Myers said that he thought it would be difficult to synthesize all the Committee's comments. The Committee already has resolved that the regional government is going to have both planning and service delivery functions. Public accountability, visibility, and openness are all aspects that the government should have. But the dominating points are, given that the government is going to plan and deliver services and the planning role will be of great significance in the region, how the structure can be devised to assure the appropriate level of quality and effectiveness in both of those areas. He said that intersects the question of whether there will be a separate executive and, if so, whether the executive should have some portion of overall responsibility for the functions, in the sense of administrative accountability and whether there is some portion of growth management planning that ought to be otherwise allocated and dealt with. If there is no separate executive, then how should the structure look? He asked if there is any disagreement to his summary of the major points so far or if there are other major points to add to the summary.

Ron Cease said that, on the planning issue, one of the concerns is that when the government is going through some difficulty, the planning areas get short-shifted. He said that it should probably be incorporated into the system to insure that it is not lost sight of or downgraded when the government goes through times of difficulty. Highlighting it in the charter will give it greater emphasis than it currently gets in the statute.

John Meek said that Wes Myllenbeck said earlier that he thought he was in a small minority for wanting a manager structure. He said that he is not sure that statement is correct. The Committee seems to be a lot closer than they are lead to believe. One of the aspects to having strong planning is information. The information has to be given to the people, who are going to be voting up and down on the policy, for discernment purposes. Under the current Metro structure, that is somewhat controlled by the elected executive officer. He said that does not necessarily lend itself to the greatest policy making decisions because the policy makers do not control all of it. He said that it was not that long ago when the Metro councilors said that they were not getting enough information and were going to have to hire some people for their staff to get the information. When they did that, they were brutalized for wanting more staff. He said that those policy makers should have control over the discernment of the information that is coming to them on that flow basis. They should be able to hire the administrator to make sure that is happening for them. Metro does not perform that many functions that there needs to be an elected executive officer dealing with them. If it is really important to have a regionally elected individual, make the presiding officer that person and have him/her be full time. The Committee can debate whether the rest of the council should be part time or volunteer positions. He said that the Committee needs to get where the elected policy board has the ability to control the information that is coming to it without any qualms whatsoever.

Ray Phelps said that, based on his four years of first hand experience, the conception that John Meek presented is not correct. The council does get correct information, it just does not know what to do

with it. The elemental aspect of getting government to do what they are suppose to do is to provide them with the money to do so. If the Committee wants the government to plan, give it the money in a dedicated fund, and it will plan. If it is given general fund dollars, the money will go wherever the squeaky wheel is turning. Successful agencies function because they have their own money.

Larry Derr said that Ray Phelps is right, the planning function needs to be funded. He said that Ray Phelps was also correct on his earlier point on having an elected treasurer and information. He said that he agrees with John Meek on his information statement. If planning depends on information, which it does, then the planning body has got to exercise the control over the generation of the information, if for no other reason than for Metro's current financial system and the need for someone independent of the people who are spending the money to oversee it because of the perception that something is wrong with it. If the governing body is asked to make critical policy and planning decisions based on information that someone else's staff has prepared, they will probably have the same lack of confidence, even if the information is good. Most of the information, on a purely factual basis, is probably fine, but maybe it is not all the information that is needed for a particular job, or not on point, or biased in a direction that the executive thinks it ought to go. There are a lot of reasons why the generation of the planning information needs to be separated out. If that is done--putting aside the need for an elected executive to get the service delivery done--the legislative body in control and generation of information for its planning, and carrying that out through the staff and an appointed person is an efficient and simple way to deal with that function. That would separate it out from the issue of what is the efficient and best way to deliver services.

Jon Egge said that he is concerned that if the Committee continues to take the issue on a piece meal basis, there is the real possibility of creating the ultimate monster. He said that John Meek implied that there were enough votes around the table to decide to have an appointed executive. If that decision is made now in a vacuum without looking at a holistic approach, he said he would almost bet that there would be enough votes to eliminate the elected executive. He said that he is fearful of taking a piece meal approach.

Frank Josselson said that the information issue is a tremendously important issue. He said that Chair Myers attributed part of the council's weakness to perhaps the lack of staff or information sources. He said that is manifest in the proposed budget where the council proposed \$170,000 to increase its staff. He said that the Committee is seeing the spectacle of dueling staffs--the council staff to track the executive staff to track the council staff to track the executive staff. Duplication is an unnecessary expense. He said that he heard the suggestion that the correct way to possibly strengthen the council would be to give it more staff. He said that would only create mischief. He said that the correct way to deal with the council's position is to clearly define the council's mission and the mission of the executive. He said that it is something that they have discussed since the very beginning of the Committee. The missions of the executive and council need to be clearly defined and each should have its own staff for the purposes for which they have been assigned a function. The business of dueling staffs is a spectacle that the region cannot afford.

Ron Cease said that the regional governing body is, by nature, a legislative body--it will make policy and pass laws. He said that he has a hard time arguing that they, using Congress as an example, do not have enough information. He said that it would be fair to say that individuals do not have enough information. To say that they do not have enough information, through staff committees or other means, is not accurate. The very nature of a legislative body is that there are different values because they represent different districts, they have different ideas, and the whole nature of the process is that they work it out. He said that, at times, they are at a disadvantage when dealing with the executive which is why they are not asked to make the budget, but they are responsible, by law, to dispose of the budget. The very nature of the council is a limiting one in some respects. It will always be that way because it is a number of people who have to work at it and agitate it. Mimi Urbikeit said earlier

that she wants all the people on the council to represent her. Good councilors and legislators understand that they have to have a view that is larger than just their districts because they have to work together for the good of the region. Good bodies do that. On the other hand, if they ever lose track that they are representing a certain group who elected them, they probably will not be in office very long. Some people never get beyond that boundary of that district. They may have a good relationship with their constituents, but they are not very effective at performing the larger role of running the government. He said that it would be appropriate to ask how the council, as a body, relates to the executive, whether it is elected or appointed, when the executive will have to play a larger role in representing the region in a way that a group of individuals could.

Matt Hennessee said that he agrees with Frank Josselson and Jon Egge in regards to the question of whether the executive is elected or not. He said that he remembers when the Committee learned that a group of city managers was on the committee that put together the structure of Metro. He said that he was surprised, as a person who has been in city management for 12 years, that they recommended that there be an elected executive. The more that the Committee has discussed what kind of government this will be, the processes that they must go through, and the kind of mouthpiece that the executive needs to be, he said that he is not in favor of an appointed executive for a lot of different reasons, including that the life of a city manager is usually between three to five years. He said that he agrees with the comment that the council could fire the manager any time that they want. He said that for any council that is looking at a person that is going to represent them, part of the reason that he/she gets fired is because the council wants he/she to walk on water before they get there and then, once they get there, they realize that he/she cannot. It is difficult to do that. Ultimately, the manager gets out in front of the elected body and the elected body does not particularly care for the stance that he/she has taken which leads to trouble for the manager. When that happens, it makes it really difficult for that person to carry out the job. As the Committee continues the discussions, they ought to consider the dynamics of having an appointed official that represents the executive branch of government. There are issues to talk about in regards to the executive being appointed or elected and the political courage it takes to go out and do some things that might not necessarily be popular.

Jon Egge said, to clarify, he earlier said that if the Committee were to vote on an appointed executive in an isolated manner, he would vote for an appointed manager. He said that it must be looked at holistically in order for him to vote for an elected executive.

John Meek said that he would not, at this time, vote to have an elected executive officer. He said that he would probably vote to have an elected presiding officer where the checks and balances would be right in the organization. The council itself would hire someone to carry out the policies and service delivery functions. He said that he would have a regionally elected officer to preside, similar to a mayor.

Matt Hennessee said that he agreed with Jon Egge's statement that the decision should not be made in a bottle.

Frank Josselson said that he recognizes the biases of Ron Cease and Chair Myers, from having served in the legislature, toward the legislative model. He said that he also recognizes local governments' bias for a city manager model. He said that the greatest difficulty that the Committee is facing is that it is not creating a general purpose state or city government. The Committee is creating a limited purpose regional government. It is entirely different than state or local government. He said that he agrees with Jon Egge in that the state legislative model cannot be used because the structure does not match the function of a limited purpose regional government. The city model does not work any better. Coincidentally, there are features of the state and city models that will be appropriate with respect to the structure. He said that he does not like the use of the term legislative when referring to the regional government because it takes him to a model that does not fit the structure. This is not

a legislative government, it is a planning government with policy making functions that are delineated in the charter and can be added to. He said that a lawyer may call those legislative, in a sense, but to relate those back to the state or Congress is absurd.

Matt Hennessee said that when he hears the term *legislative*, he does not think about the state model. He said that he thinks about a body that is policy making. The council is the legislative body of Metro. He said that he does not see it as the federal or the state.

Ned Look said that *policy making body* would be a better term.

Ron Cease said that *governing body* would work also. He said that he does not think of it in the context of the state legislature or Congress. All of the bodies have the same functions--they pass laws, make policy, and pass ordinances and resolutions. The most commonly used phrase is *governing body*. He said that Frank Josselson is correct in that it is not general purpose in the sense of the city, county, or state. However, looking at its functions and potential functions, it is much broader than a district. It could, at some point and it seems to be moving in that direction, become general purpose if, by general purpose, it means to perform a number of functions. He said that it is not fair to say that the model used to create it was solely a state legislative-gubernatorial model. The traditional strong mayor system was more clearly the model. Both of those have some similarities. When through, the Committee still has to fall back on the question of how to make the government representative and accountable and how to get the job done. He said that he thinks the Committee is running into difficulty because members are trying to create the government from scratch and that is not possible. Adjustments need to be made and structure can still melt the Committee down, which everyone wants to avoid. It makes sense to look at the executive in relation to the larger picture because no one wants to throw away the months of time that the Committee has already spent by saying that it cannot be done. It can be done.

Larry Derr said that Ron Cease earlier said that the elected executive of the regional government has a unique capability of getting out before the public and represent the people of the region. He said that some people say that the existing council is not enough people to do that same job and others are debating whether five, seven or nine is better than thirteen councilors. He asked if Ron Cease meant, literally, that the one elected executive is the appropriate place to look for representation.

Ron Cease said that it relates to some comments that Matt Hennessee made. He said that he is assuming that the people on the council do their job, although he is aware that there have been some complaints about whether the current council and executive get out enough. He said that he thinks each of the councilors will, predominately, spend their time away from Metro in the districts, talking to the city councils, managers, constituents, and business groups, which is not to say that they should not take time to talk to people outside of their districts. If all of them do that, it still leaves a void as to who represents the larger district. Someone needs to be able to go out to Hillsboro to represent Metro and the same person should be able to then go to Gresham and do the same thing. Looking at the political side of managers, there are managers who have to be careful as to how he/she is viewed by the press and public in terms of representing the government politically. It is not simply that the individual may say something that the council members do not agree with. Frequently, the attitude of the council is that the manager does not have a right to speak, politically, for the council--he/she should be managing the government. A lot of times there are arguments between the manager and mayor, because they are arguing over the management versus political role. He said that there needs to be some kind of an executive role that performs the political function.

Larry Derr asked if some of that can be resolved by drawing a distinction between representing the position of the regional government, which an elected executive could probably do more forcefully than an appointed one, and creating the position of the regional government, which is the policy making

function. Going out into the public and holding out the existing regional government position would be pronouncing the policy, executing the policy, explaining the policy, and being a visible representative of government. The other side is creating the position and the policy of the regional government, which is the governing body's job. It gets into the muddying of the waters and is counterproductive when the executive tries to create the position rather than represent the position.

Ron Cease said that the executive officer or the manager does make policy. He said that will always be true because the policy making cannot be limited to the elected council. He said that there needs to be a clearer delineation of authority between the council and executive officer, as long as there is not a clear delineation that says that there will not be conflicts between the two because both sides know exactly what authority they have. It will not work that way. The strong people will always go one step further and probably walk on the weak people. There needs to be a strong executive and a strong council. There needs to be a balance. The presiding officer can play a bigger role in representing the views of the council and the council has a greater strength in dealing with the executive, providing that the presiding officer is elected by the council and is viewed by the other members as a colleague. It does not work well to have the presiding officer be elected at large because that person is forced on the council and the council resents it terribly.

Larry Derr said that there will never be a perfect delineation of policy making authority between the executive and the governing body on paper. He said that it would make sense to try to make it as clear as possible and have both bodies as strong as possible.

Frank Josselson said that there are some models in the existing regional government. Tri-Met is a good example of operational policy and major policy being differentiated and it works very successfully. JPACT prepares the regional transportation plan with the active participation of Tri-Met. Tri-Met develops a transportation plan which shows how it is carrying out the regional transportation plan. If Tri-Met fails to carry out the plan, the governing body, or JPACT acting on behalf of the regional governing body, can straighten Tri-Met out. He said that there is a difference between the major policy making that is made at the policy level and operational policy that will be executed by an organization like Tri-Met.

Larry Derr said that there is no reason why the same example could not be used within the same agency.

Ron Cease said that one problem with the Tri-Met example is that it only deals with one function. Secondly, when there are difficulties, there is no real accountability. The council will tell people to talk to the manager and the manager will tell people to talk to the council. The connecting link between their role and responsibility and the public's connection about having any say is missing. There is a lack of legitimacy.

Frank Josselson said that is a good argument for an elected executive official, but not an argument in favor of having policy and service delivery in the same person.

Ned Look suggested that the Committee identify and outline four models that have been proposed. He suggested that those models be the status quo, council/manager, commission form, and Larry Derr's proposal. Those models should be overlaid on top of the Committee's concerns and objectives.

Mary Tobias said that the Committee has agreed that the regional government will do planning and policy. She said that there will be some service delivery based on the Committee's actions. The actions to date have said that the regional government is a municipal corporation. She said that she agrees with Frank Josselson, that the government is not a full service municipal corporation, but the purpose of the charter is to define the limits on the service. She said that she feels like the Committee

is making more work than they have to--it is much more complicated than it needs to be. There is an existing government so the Committee is not in a position of creating something from scratch. The government needs to be able to carry on from where it is now. It will not stop and start over. The Committee has provided that it re-emphasize that in the direction that the functions lead--policies for growth management. She said that the Committee has agreed that the government will act on issues and act to deliver services of metropolitan significance. It is key that the government is the regional government and should not be muddling around in the affairs of local or state government. This government should be very sure that regional decisions are made with the widest possible constituent base. That constituent base has two tiers--one is the local governments and the other is the citizenry. It is a broadly based government dealing with metropolitan significance doing planning and limited service delivery for those things of metropolitan significance. She said that the Committee has implied that it should be accountable, that audits are important, and that there be a workable funding mechanism. She said that, from the comments at the beginning of the meeting, there seems to be a strong feeling that the current structure needs to be restructured. She said that a council and an administrator are needed and someone within that framework needs to represent the region at large. The person elected at large ought to help set the regional policy and ought to be part of the policy body. It should not be a person who makes sure that the day to day functions of the government are carried out. She said that she does not see where anything is gained by electing the administrator. She said that it does not make sense to hire the general manager. It would be equivalent to electing the head of your body shop.

John Meek suggested that the governing body have 13 members, with one selected at large to be the presiding officer.

Ned Look said that he would rather postpone specific suggestions for models until Larry Derr defines the four different model types so that the Committee can look at each one of the models.

John Meek said that would be fine.

Larry Derr said that Ned Look asked him to take the four categories and tell the Committee his synthesis of the Committee's discussion so far on the different types. He said that the council-manager form is probably the majority of cities in this region. The council and elected executive form is what the regional government has now. The chamber proposal was a council with service delivery from independent agencies, although not exclusively. The fourth option is a compromise with a council and an elected executive and with a restructuring of the duties. The council-manager form of government, in practice, works a lot of different ways. The theory of it is that the elected council is all things--all power of that government is lodged in that group--and they parcel it out, in part, to an appointed executive to carry out the service delivery and execution functions. It is both service delivery and policy enforcement. He said that in Washington County, the model is to have a clean separation where there is an appointed county administrator and all county functions, almost without exception, are under that one person. That one person is accountable to the council and the council is ultimately accountable for everything through that person and the structure. The council would make policy, may or may not dabble in the administration of it, depending on individuals at the time. The council with an elected executive form is an attempt to draw a clearer delineation of that and, over time, the differentiation has gotten clearer at Metro. He said that the council has the policy making function, but he does not think that the Metro statutes say that the executive does not have policy making authority. In practice, the elected executive has gotten into that arena. He said that the fact that the executive has a veto over legislative decisions of the council is, to him, a demonstration of the state legislature's intent that the elected executive should get involved in policy. Otherwise, how would you implement a legislative veto? He said that the veto may be a plus to some people, but, personally, it is one area that muddies the waters because it is a clear sign that policy making is lodged in both the elected executive and council. The elected executive has the service delivery functions, enforcement

functions, and staff to carry all of that out. The council has, in recent years, started to develop staff, but has had limited staff. The chamber proposal eliminates any confusion because it lops off the service delivery function--which, he said he suspects, was a large part of the motivation to do it. There cannot be any confusion if you are not delivering any service. You are doing pure policy making and implementing it, for the most part, through existing, or to be created, other agencies. He said that it gives rise to as many questions as it answers about how, day to day, to get service delivery to work. The fourth proposal, on its face value, could be confused with the existing system. It has the council and an elected executive, but the policy making, in the form of planning at the global, non-operational level, is in the council. The council has budgetary authority and financing authority and resources, that have been placed in an unassailable position by the charter, to carry out its functions. The elected executive has staff and financing and policy enforcement functions for service delivery and could be representative of the regional government, but there could be less confusion if the executive is representing the policy of the regional government versus trying to make it and then getting into odds with the council for trying to make it. He said that he has mixed feelings on whether or not the fourth proposal should contain the veto power. He said that it ought to include no veto to get a clear distinction. On the other hand, if the veto is relatively easy to overcome, there could be argument that there might be some checks and balances. He said that he does not like the idea, but it is one that should be explored.

Ron Cease said that another option would be the notion of an elected executive officer and a clear indication of the ability of the executive officer to appoint the administrative officer. He said that it has worked well in some areas. In a case where the manager does not have the time or effective skills, there would be someone who could do that. He said that it is a much more discrete operation and narrow operation. He said that the zoo is run primarily that way. Kay Rich performs the role of being the administrator of the budget while the director is the person that serves the community, deals the politics of it, and represents the organization. The director has major responsibilities to see that the management is done, but does not necessarily have the skills or the time to perform the management. To some extent, that is the way that Metro worked the first months when it was created, when Rick Gustafson became the executive officer and kept on the director of CRAG as his administrator. He said that it did not work because the director did not like being second to Gustafson. If it had been a different person, it might have worked. He said that Washington County really has a council that gives and takes functions from the manager, unlike a real city manager system which is built into the charter, and the manager is the manager of the operation by law.

Wes Myllenbeck said that the administrator has no authority. He gets what authority that the board gives him, and the board can take it away.

Ron Cease said that he would not recommend that. At the local level, there is probably an executive with every major model, and all have problems.

Norm Wyers said that he thought the Committee was close to reaching an agreement at the last meeting.

Chair Myers said that he thought the Committee was at a point of taking up proposal four in more detail.

Ron Cease said that he thought there was going to be some research into the question of what would be the case if there was, in effect, two planning staffs and the whole issue of the staffing relationship. He said that would be helpful to do in order to get a sense of how the pieces would fit together. It would retain the basic structure, but would alter it substantially.

Larry Derr said that there has not been any scientific inquiry into that, but there has been some



inquiry. The inquiry has pointed to the fact that, if you can properly and carefully--so everyone knows what you are talking about--define the difference between operations and operational planning on the one side and planning as functional planning, land use planning, and global planning on the other, that division can work, and does work, without a duplication. He said that a case in point was when a heavy workload of the solid waste planning was going on, there was a separate group, from those doing the implementing, that was doing the planning. He said that he asked if they were connected under one administrator who then answered to the executive or to the council or if it went straight to the top. He said that the impression he had was that it went to the top, to the elected executive, so they were discrete departments.

Ron Cease said that cities and counties have traditional structures. The way that they try to get the planning function, of which part has to do with the relationship between the executive and the council, is to use a planning commission for land use planning. He asked if there is enough experience or examples of how to do other kinds of planning in that respect. With the commission form, the executive and the council appoint the members of the commission. The planning department staff works with the commission and the planning goes through the department to the commission. There is either an automatic referral or appeal or some kind of things from the commission to the council.

Larry Derr said that there are very few city governments in the Portland region that have elected executives. For a majority, there is no executive to appoint the planning commission. The appointments come from a majority vote of the city council. The planning commission is an appointed advisory body of the city council. He said that there was a day when planning commissions could take final action on land use policy, but for many years now, that has had to be done by ordinance. Only the council can enact ordinances so the planning commission can only recommend. The planning commissions are only intermediaries--which, he thinks, are intermediary commissions that remove the people from their elected officers. The planning commission role has become, as a result, quite lessened from what it used to be.

Matt Hennessee said that the Committee is back on the issue that they were on last week--how it is if the governing body has final authority on all policies of the government, then is there really a need to define more the duty of the governing body versus the executive. He said that he is not getting into what is appointed and what is not. He said that he does see a role, if you can buy what the Committee has already passed, for a planning commission to make recommendations to the council on land use planning.

Ron Cease said that he is not necessarily arguing for planning commissions. He said that there is nothing wrong with commissions, except for the question of operational commissions. He said that Larry Derr is on to something with his proposal. He asked what the pieces would look like for the relationships to the parts.

Larry Derr said that in trying to define where the responsibilities lie, one way that it tends to take care of itself, in some areas, is defining who does the broad scope planning and having those plans have legal authority, so that any policy implementation, whether it be done within the agency or by other agencies, will have to conform. He said that it does not have to go farther than that to say that policy, at the level it is expressed in the plan, is done by the planning agency. Anything below that level, by default, is done by the executing agency. For some services, that is within Metro. For other services, it is local governments and special districts.

John Meek asked if there is going to be a clear delineation between carrying out service functions and policy. Could the charter state that the council shall adopt an ordinance spelling out the function of the executive officer? If you want to draw the delineation so that there is not the mixture of policy and functions, it either needs to be defined in the charter or it is made clear to the policy maker that

they have the policy function by ordinance.

Chair Myers said that he thought the sense was that the charter would be the appropriate place to make the delineation, and it could do so.

Larry Derr said that it is necessary to define it in the charter because it is not just the delineation of the authority and keeping it from overlapping as much as possible, it needs to make sure that everyone focuses on their respective tasks. If you leave it to the governing body to define the role of the executive department, then they can redefine it and undefine it. Immediately, they are right back into what he said he does not want to see as their primary task--service delivery.

Mary Tobias said that she is confused about the difference between Larry Derr's proposal and the council/manager form of government. She said that she could not tell the difference between the council/manager form and Larry Derr' proposal, except for the manager being appointed and the executive being elected. In the council/manager, the officials have the power for setting policy. The council would not do services, the manager would. In Larry Derr's proposal, the council has the authority to set policy, and not do services. The council would assign the execution of the policy, which is the difference between elected and not elected executive. Policy enforcement and service delivery functions would be given to the manager under the council/manager form. Under the other proposal, the policy enforcement for service delivery would be in the elected executive. She suggested that those two forms be outlined on the board.

Larry Derr said that he was making a different assumption on council/manager. If there is a charter that says that the manager is a charter position, untouchable by the council, it is more the council-elected executive position. He said that he was assuming, by council/manager, a situation where the council appoints, hires, and fires the manager and carries out the execution of service delivery through that person. Whether or not that position is mandated, or by will of the council, if the council can hire or fire that person, they are effectively into service delivery. He asked if there were any council-manager forms where the manager is autonomous.

Matt Hennessee said no. He said that in cities, different from counties, most council/manager structures have a clear delineation in the charter as to the role that the manager will play. It is not one of those things where the council can take back certain areas--it is usually delineated in the charter.

Mary Tobias said that there is almost always an employment contract that is not easy to break. She said that both models would have the council as the policy making body.

Larry Derr said that in all the models the committee has discussed, the council has policy making functions.

Mary Tobias said that she would prefer to just compare the council/manager form and Larry Derr's proposal for now. Neither of them have, vested in the policy making body, service delivery.

Matt Hennessee said that is correct.

Mary Tobias said that, for the council/manager form, the elected body is the one that is ultimately accountable for how the government functions. She asked if that was the case with Larry Derr's proposal.

Larry Derr said that Ray Phelps led the Committee in a detailed discussion of that issue and there were a lot of ramifications that go beyond that simple statement. In the sense of responsibility to see that their policy is implemented and that the dollars are being spent according to the budget, yes. If

they are literally responsible for the effect of what the service providing arm of the government does, the danger is that they get involved in the day to day oversight of the service delivery and probably have an obligation to do it to carry out that service responsibility. He asked how it works in the council/manager form.

Mary Tobias said that, in local government, the ballot box is the ultimate accountability. If the electorate do not think that those elected are doing a good job, they will vote those people out of office, based on performance. The performance is not necessarily one individual, but the performance of the government in relation to the citizenry. The voters exercise the accountability and they do not exercise it on the manager in a council/manager form of government. They exercise it on the elected officials. She said that she assumed it would be the same for the council. It would be a different tier between the elected executive and the hired manager.

Larry Derr said that one of the benefits of maintaining the elected executive versus the council-manager form is to shift some of that accountability to the elected executive for the day to day functions. The council/manager form works fine in a lot of settings, but maybe the direction that the Committee is grouping for is to say that the elected executive should be the spot where the buck stops for some things.

Mary Tobias said it would be both--it would be a parallel for the council. When people are unhappy with Metro, do they only think of not reelecting the executive rather than the council and the executive? If there is a planning agency, the council, which is not responsible for service delivery, then, for ultimate citizen accountability to be the greatest, you are relying on the citizens to know that only the elected executive is accountable at the ballot.

Larry Derr said yes. If someone does not like the tipping fee, he/she calls the executive and not the council. He said that there would probably be that much of a delineation.

Mary Tobias said that you have to rely on the citizens knowing that the ballot box is their only removal process.

Ron Cease said that, in most cases, it does not work very well unless people are riled up at election time. There needs to be a system that makes it more visible and there needs to be other accountability issues or mechanisms to allow them to see what goes on. Looking at the issues, there is funding and raising revenue. Whatever kind of executive there is, the executive and the council will be involved in the budget process. The budget will be prepared by the executive, regardless. It will be subject to disposal by the council. In effect, both are involved in the budget and in the process of raising money and running the organization. Regardless of the structure, there is a sharing of the major functions between the executive and the legislature.

Mary Tobias said that if the Committee feels so strongly that planning and policy have to be set aside, two organizations could be created.

Matt Hennessee said that is the reason why there was concern last week. When that delineation is trying to be made, you will end up with two organizations. He said that is not the road they want to go.

Chair Myers asked Larry Derr what the major advantages and disadvantages to his proposal are. He said that he wanted to compare the council and elected executive models. The non-operational planning is organized as a discrete function under the elected executive, side by side, with separately departmentalized service functions. He asked how that would compare to organizing the non-operational planning under the council and other service delivery and operational planning under the

elected executive.

Larry Derr said that financing the planning option is key to getting it done. With enough money, there is a better chance of getting it done. There still needs to be a will to do it over other demands on the council's time. Separating it provides the opportunity to give it a discrete funding source, that can stand on its own, aside from service delivery, and a discrete budgeting authority for that funding source. The council would not just be reviewing an executive created budget and voting yes or no, but would literally create a budget and decide how much money needs to be spent and how it needs to be spent to achieve the planning goals of the district. Putting that in one location gives it an emphasis.

Chair Myers asked if the executive proposes the budget for the non-operational side.

Larry Derr said no. He said that he does not see a need for that. If the legislative body is going to staff up to perform the planning function, then they ought to have the expertise to figure out how much money they need to spend on it and how you might want to have, on both sides, some kind of a citizen's budget committee as an outside review and oversight. There needs to be something more than unfettered fate and good judgement on either side of the coin.

Frank Josselson said that is not an unknown concept. Every local government in the state has a budget committee.

Chair Myers asked if the executive prepares the budget for the service delivery and planning responsibilities under the executive.

Larry Derr said that the executive would prepare it. The governing body would probably have to approve it. The preparation would come from the executive side because that is where the knowledge and expertise of what needs to be done for that function is. The other component is time and energy orientation. There will never be a perfect division of authority, but the Committee is discussing if there is anything that can be done with structure that might guide things more in the direction the Committee would like to see it go without throwing the whole thing out. He said that an obvious way to do that guiding is to say that those policy makers are going to have well defined responsibilities that stop at that level. That is fine, but having said that does not keep them out of the other side of the aisle. If there is enough authority on the other side of the aisle--the executive side--that person carry out the functions without having to go back to the legislative body on a day to day basis for contracting and determination of detailed terms. Once the budget is adopted, and is adopted to carry out the broad policy of the functional plans, the executive should have free reign to get the job done in the best possible way. The only remaining oversight of the governing body would be performance and financial audit, which are more science and technicality than they are art. It is not a matter of second guessing the quality of the work. It is not black and white, but it is an effort to put into substantive form the focus of the two functions. He said that he has no indication it can not be done without making the job more difficult or complicated. He said that it can be done with a real potential for benefits.

Mary Tobias asked, for the next meeting, to have a four part matrix that lays out each of the models that the Committee is considering. She suggested that it have the council's duties and the executive's duties clearly laid out. She said that she can find only minor differences between Larry Derr's model and either the current model or the council/manager model. A matrix might make the difference clearer.

Matt Hennessee said that he agrees with Mary Tobias. He said that he has some confusion as to how to implement Larry Derr's proposal. A matrix would help clear that up. Inherent in what Larry Derr said about the executive having free reign, the checks and balances has not been lost. He said that his

experience is that once the budget is passed, it is a plan, but the executive must come back to the governing body to get certain things enacted. He said that he does not know if that is the way things happen at Metro now or not.

Larry Derr said his concept is that, if there is an elected executive, that person is accountable to all the people in the region. There is no reason to go to anyone but the elected executive for that accountability. He said that is one of the areas where there is a dilution of people's time and energy under the current system. He said that he is satisfied that there is a reason to go back to the council.

Mary Tobias said, if that is the case, there is no rationale for having the policy body pass on the budget of the service delivery body.

Larry Derr asked why.

Matt Hennessee said that if the executive is going to have free reign, he/she is not accountable to anyone.

Ray Phelps said that Larry Derr is suggesting that if the council adopts a budget of one dollar, the executive can spend one dollar.

Larry Derr said that if you want to change it in any significant way, you would have to come back to the council. He said that Mary Tobias' questions are valid because they are uncovering the fact that as you cut down from the generalities to the details, there are questions like that. The question of at what level of detail do you turn loose minor changes to the executive needs to be solved.

Matt Hennessee asked how it works now once the budget is passed.

Ken Gervais, Metro staff, said that they have to go back to the council to get approval.

Ron Cease said that the way things normally work, it needs to operate on the principle that there needs to be various accounting mechanisms for all the pieces. Larry Derr's proposal is a middle ground of something and has the best chance for the Committee to come to resolution and get support for. He said that it would be helpful to walk through the pieces next week and ask others, from the outside, to tell the Committee how it might work. He said that how it might fit together in reality would be an important part of it. He said that Larry Derr's proposal is an honest effort to get part of what he wants without letting it blow up. He said that he is not sure whether there is a vote for a manager system or an elected executive and that neither of those is going to be accomplished now. Larry Derr's proposal takes the current system and modifies it to do some of the things that some of the Committee members want to do.

John Meek asked Larry Derr if the executive officer would have the discretion to hire the necessary staff or managerial staff.

Larry Derr said yes. One of the basic responsibilities of the executive officer is to hire the operations staff.

John Meek asked what is the difference between a regionally elected presiding officer, without an elected executive, having the authority to hire or fire managerial staff than the elected executive having that authority.

Larry Derr said that the difference is that the presiding officer would have to run all the service provision functions of the district, which is a big job, at the same time he/she is responsible for running

the council who has planning and policy making functions which are also significant.

John Meek said that it gets into the fine line between the public's outcry of wanting a government to work and have people who can carry out the service functions in effective and efficient ways and they also want ears out there to formulate policy. He said that the proposal appears to accommodate both of those perspectives, yet it calls for an elected person to carry out the efficiency and effectiveness of service. He said he is not sure that is what the public is asking for. He asked how the model supports what the public wants.

Larry Derr said that the reality is that it is going to take someone who is a career person, trained in the particular area of service delivery to do the actual hands on service delivery. That person can be hired and overseen by an elected executive or council or the elected presiding officer of the elected council and you get to the same place. He said that he is just saying not to put the responsibility for hiring those managers and overseeing them on the presiding officer of the council.

Chair Myers said that to look at the issue of the executive officer, as purely a matter of one form or another, as an administrator is too narrow a focus. He said that he thinks one goal of the structure ought to be to try and provide a regionally accountable voice for a regional government agenda. He said that he also is thinking of the position in its political terms also. If there is not an elected executive on a regional basis, the Committee will be driven, inevitably, to a regionally elected presiding officer. He said that there needs to be someone in the government structure that is above everyone else in some way. He said that the disadvantages of opting for the regionally elected presiding officer are significant and would deprive the members of the council the ability to choose their own leadership. To make that leadership role of the council the outcome of a particular election has serious dysfunctional problems in terms of the policy making body.

Jon Egge said that the regionally elected presiding officer leads to putting the Committee into a corner, where it almost mandates a full time council, because it is getting so much of the service delivery function. He said that might very well be a charter killer.

Frank Josselson read the descriptions on the board and asked if there were any additions. The description stated that the council is the policy maker and planner for the region. The council does not deliver services. The council assigns new service delivery functions. The council is ultimately accountable. The council prepares and adopts planning/policy-making budgets. He said that provision would include transportation planning, land use planning, and solid waste planning. The council has planning staff. The council does macro-planning for service delivery, excluding operational planning. The executive does operational planning. For example, the council would set targets with respect to the reduction of the solid waste stream and the executive would figure out how to implement those targets. Council members are part time positions. Council members are elected from districts. The council presiding officer is elected by the council. The executive officer prepares a service delivery budget for review and adoption by the council. The executive officer has operational staff. The executive officer performs day to day service delivery.

Ron Cease asked what was meant by the council preparing and adopting planning/policy-making budgets. He asked what budget policy-making would have.

Frank Josselson said that the budget would be for the budget for the staff. The council prepares and adopts budgets for its own staff.

Janet Whitfield asked if the council would have its own personnel system and own facilities operation.

Frank Josselson said yes.

Janet Whitfield asked if it was two separate governments.

Frank Josselson said no. The council would have the planning staff for the government and the executive would have the operational staff--the day to day people who run the facilities--for the government.

Janet Whitfield asked if the operational staff serve the planning staff and do the hiring for the planning staff.

Frank Josselson said that the council hires and fires the planning staff. The operational staff would be hired and fired by the executive.

Mary Tobias asked if the veto for the executive officer was optional.

Larry Derr said that he thinks it does damage to the concept to have the veto, but if it were a very "watered down" veto, and it was a key issue, there might be room for compromise. He said that he did not think it was a key issue.

Matt Hennessee asked if the "watered down" veto was a question of the override not being two-thirds.

Larry Derr said that the question would be whether it takes one more vote or two-thirds majority.

Ned Look said that John Meek raised the question of the role of the presiding officer and that person being elected at large, along with the executive officer. An option that has been mentioned is that the presiding officer not be elected at large, but be selected by his/her elected peers. The position would be a full time, full paid position. He said that the second option gives the kind of balance that the Committee is talking about without having two elected officials. By having the presiding officer selected by the council members who have been elected, there is a better chance of getting somebody who is compatible with the council as opposed to an outside elected person coming in.

Ron Cease said that the different roles need to be looked at together. If there is an at large presiding officer, and the council has been given more authority--as in the current proposal--an even greater potential for conflict between the executive and council has been created. The council may have more authority with all those pieces put together than is appropriate. A full time presiding officer with the staff and the planning responsibilities that the Committee is proposing to give to the council will create an interesting set of dynamics and relationships. If there is a full time presiding officer with the current council and the same functions, it is strengthened substantially, assuming that the presiding officer is an effective person. The added staffing function with a full time presiding officer would create a two headed monster.

Ned Look asked if Ron Cease was talking about having the full time presiding officer being selected, and not having the added functions, instead of being elected.

Ron Cease said that if the council is given the additional responsibilities of staffing and planning, and there is a selected full time presiding officer, a new dynamic has been set up because the presiding officer will be available to look over the staff all the time. Another full time dynamic has been set up with the council that does not exist currently.

Ned Look asked if the question would be solved if the council is not given the added responsibilities. The council would not have all of that power.

Chair Myers said that a full time presiding officer would seem less threatening.

Ron Cease said that if the council does what they currently do in terms of functions, and then have a selected full time presiding officer, the function has been substantially strengthened. If other responsibilities were given to the council, it can be strengthened even further, but that may be too far.

Jon Egge said that there is a hybrid and that is some part time compensation for an elected presiding officer. The election of the presiding officer would be by the council. He said that part time seems more balanced than full time. He said that the veto would do serious violation to what is being laid out. He said that he strongly opposes it. He said that a compromise could be to have a veto that was restricted by subjects, rather than votes. The veto would be limited to service delivery functions which the executive would have control over.

Mary Tobias asked if she understood correctly that, in the Larry Derr model, the council would consult with the RPAC, according to what the Committee has already decided, for the planning functions. For service delivery, would the executive consult with the RPAC or would the local governments be out of the loop once the planning is done?

Larry Derr said that all of the things in the outline so far, with respect to the creation and adoption of the planning functions and addition of additional service functions, would be unchanged. He said that he does not remember anything in the outline that calls upon any part of the regional government to consult with RPAC on service delivery day to day.

Mary Tobias said that it does provide for RPAC participation in undertaking service functions. She asked if that was being thrown into the planning horizon.

Larry Derr said yes.

Matt Hennessee asked if having a presiding officer that the council selects, and could be full time, gets at Larry Derr's concerns, at root level. He said that it would get after the concern of strengthening the governing body.

Larry Derr said that he thought it did.

Chair Myers asked if Matt Hennessee was asking Larry Derr if he viewed getting a full time presiding officer as an equivalent of planning under the council.

Matt Hennessee said that Larry Derr knows that he has a problem with the whole planning issue as it has been constructed. He asked, if you take what the Committee has already adopted--that the governing body is responsible for policy making--and the council has their presiding officer spending more time on these issues with their staff, is the separation of planning and service delivery still needed.

Larry Derr said that the separation is still needed. He said that the separation is more important than how much time the presiding officer spends.

Norm Wyers asked Larry Derr if the council hires its own staff, are they members of the same organization.

Larry Derr said yes.

Norm Wyers asked who determines the personnel policies, who hires and who fires.

Larry Derr said that he does not think it makes that much of a difference who literally conducts the



employment interview. The point is that it is within the control of the council to determine the number and allocation of the staff that it has. He said that he has not thought it through to the point to where it makes a difference whether or not there is one personnel officer or two personnel officers.

Frank Josselson said that the discussion of structure is getting more refined that it was initially presented. He asked Larry Derr if the proposal includes the council being elected from districts, is part time, and elects its own presiding officer who would serve full time.

Larry Derr said that everything, up until the presiding officer serving full time, is implicit in the proposal. The fine tuning of whether paying the presiding officer some partial salary versus full time is open to discussion. He said that the presiding officer would have enough of a role, given the structure, that he/she should be expected to be more than a volunteer.

Chair Myers said that when talking about making the position full time, particularly if it is the ultimate decision of the majority to shrink the size of the body substantially, the Committee should think about what that means about further shrinking the candidate pool for people who would be available to take the position. The position would be professionalized and you are starting with a body of people who are, by definition, part time and who probably have other occupations.

Ron Cease said that if there is someone half time, you do partially remove the concern. It would still be a problem, but it would be less of a problem.

Larry Derr said that it is a valid concern and maybe the Committee is focusing on the wrong thing with the number of hours in the day that is mandated, because that cannot be controlled. He suggested setting compensation levels and a stipend for every council member with a larger stipend for the presiding officer.

Mary Tobias said that she would find a matrix, laying out all four forms with their fiscal, policy, planning, and service delivery responsibilities, helpful. She asked Larry Derr if someone is unhappy with service delivery and files a lawsuit, do they sue the elected council or the elected executive.

Larry Derr said that the person would sue the government agency and it would not make a lot of difference, because all of the employees would be indemnified.

Mary Tobias said that, for the purposes of going through the litigation, the way that it is structured, there is no authority of the policy council, other than budget, over the service delivery. She asked if, ultimately, the litigation would be directed just at the service delivery side.

Larry Derr said that who you sue would be a function of a lawyer's debate over the what the effect of the structure is. He said that it may be more appropriate to focus on the structure.

Chair Myers asked if, in this arrangement, the governing body's role, with respect to the functions that are separately assigned to the executive officer, is not really any different than the council's role, with respect to what the executive officer does now.

Larry Derr said that it may be. He said that he would want to look at or have some help looking at the current statute and structure. He said that he is not sure that the current statutes and structure draw as clear a delineation as this would do. If they do not, then you might say that there was some shared responsibility and so you would name them all in a law suit. In this model, you would be more apt to say that, if someone thought he/she was damaged by some aspect of service delivery, the council would say that they do not have anything to do with that.

Mary Tobias said that the council would have a good chance of dropping out because all they did was budget and had nothing to do with carrying out the service.

Larry Derr said that would go hand in hand with a clearer delineation if you were successful. He said that may be the way it is not, but he has a feeling that it is not that clear.

### 3. Additional business

Chair Myers said that the requested matrix will be prepared. He asked the Committee to give suggestions as to who should be asked to comment on the conception of planning at the non-operational level under the council. He said that he is somewhat reluctant to have the Committee open-endedly go back and open the various options. The Committee has gotten positions of local government and others on what they would prefer to see the government look like. The main question is what comment would you like to elicit about the specific proposal that makes the separation about certain planning versus other functions.

Mary Tobias said that she would like to see Larry Derr's model compared to the council/manager form and the existing form.

Ron Cease said that it would be helpful to get a sense of the relationship between the separate staffs of the executive and the council. He said that it might be appropriate to ask RGC and Metro for their opinions as to how the system would work, what would be consequences for the operation of the government, and the accountability question. He said that, before he is willing to support it, he wants to know what it means, on the ground.

Bob Shoemaker suggested that Dean Nohad Toulon be asked to testify.

Ron Cease suggested Ken Tollenaar.

Janet Whitfield said that she could talk to RGC and Metro and fill in the gaps--the areas that Larry Derr's proposal addresses and the others do not--on the other proposals that might be considered part of the matrix.

Mary Tobias said she would find that helpful.

Frank Josselson suggested inviting the Chamber of Commerce and Tom Walsh to testify before the Committee. He said that he thinks Tom Walsh has tremendous expertise with respect to local government.

Mary Tobias said that Tom Walsh is new to local government.

Jon Egge said that he is concerned that if there is not a proposal on paper, it is really difficult to get input. He said that he is apprehensive about invited testimony now, when the Committee has not come to any conclusion.

Chair Myers said that the provisions outlined on the board are fairly detailed. Those testifying would have the list in advance.

Jon Egge said that the provisions need a little refinement and Larry Derr should have time to refine it further. The provisions seem sketchy at this point.

Ron Cease said Jon Egge's statement is true, but there is enough to suggest what the proposal is. At

this point, the Committee needs some testimony from the people who are involved in these kinds of things so that the Committee can get a sense of where they are before voting on it. Before the next public hearing, the Committee will have a formal proposal adopted by the Committee.

Chair Myers said that the issue needs to be resolved as part of the basic outline. He said that if there are other refinements that Larry Derr would like to make, for purposes of getting comment, he is entitled to make those changes.

Blanche Schroder, Portland Metropolitan Chamber of Commerce, said that, in referring the proposal to the chamber group, one of the concerns would be how much the Committee has looked at whether it is workable in technical terms. She said that she is not sure the chamber would be helpful in that, but they can respond to the concept.

Mary Tobias said that there is a big gap between theorists and practitioners. She said that the Committee is at a point where it needs to deal with practice. If the Committee is going to ask anyone for opinions, the practitioners should be asked. The key practitioners are Metro--they will have to implement it--and local government people--they are already mandated to be Metro's partner. She said that the Committee does not have time to deal with too much theory.

Ron Cease said that he disagrees--the Committee does have time. He said that the practical view is needed, but someone like Ken Tollenaar, who has worked with local governments for years, has a pretty good sense of how local governments operate. There is some value to having the theorists come speak to the Committee. He said that there needs to be a mix of practitioners and theorists.

Ned Look said that the Committee needs to hear from Metro and RGC at the same time as the theorists.

Chair Myers said that a portion of the next meeting will be devoted to getting some very focused reaction to the proposal. He said that he is concerned about it wandering all over the map. He said that it should be focused on this proposal. He said that he would like to complete all aspects of the structure discussion at the next meeting.

Chair Myers adjourned the Committee at 10:00 pm.

Respectfully submitted,



Kimi Iboshi  
Committee Clerk

Reviewed by,



Janet Whitfield  
Committee Administrator