

**METRO
CHARTER
COMMITTEE**

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AGENDA

DATE: April 23, 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 31 and April 2

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

10:00 Meeting adjourned.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

April 23, 1992

Metro Center, Room 440

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

Committee Members Absent: Judy Carnahan, Charlie Hales

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

1. Correction and adoption of minutes.

Chair Myers asked for corrections to the March 31, 1992, minutes.

Motion: Wes Myllenbeck moved, Ray Phelps seconded, to approve the March 31 minutes as distributed.

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

Chair Myers asked for corrections to the April 2, 1992, minutes.

Janet Whitfield said that on page 20, paragraph 6, second sentence, Mimi Urbigkeit asked that the wording be corrected. It would now read:

"She asked if the *executive* appointments would still make the appointments if the executive officer is appointed."

Motion: Ron Cease moved, John Meek seconded, to correct the minutes to reflect the change set forth.

Vote on the Amendment: There was no objection and all present voted aye. The vote was unanimous to accept the amendment.

Motion: Ron Cease moved, John Meek seconded, to approve the April 2 minutes, as amended.

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

2. Charter drafting instruction relating to the structure of the regional government.

Chair Myers suggested that the Committee try to set out the four or five major structural alternatives,

try to resolve what the major features would be, and then bring an alternative approach to a Committee decision. He said that the major alternatives include:

1. Executive-Council. (current system) The planning and service delivery under the responsibility of the executive. The council handles policy.
2. Executive-Council. (Derr proposal) The council has direct responsibility for regional growth planning. The executive has responsibility for service delivery and operational planning.
3. Council-manager. Has an appointed regional manager. Presiding officer is selected from among the council.
4. Council-manager. (Tobias proposal) Has a regionally elected presiding officer who is a member of the council. Includes a president of the council. Has an appointed regional manager.

Chair Myers said that there have been other conceptions, including that of the Portland Metropolitan Chamber of Commerce, that would have a devolution of all services under separate commissions. He said that he could list that and others as well, but they are really variances of the basic ones now listed.

Ron Cease said that there is also the administrative officer concept.

Chair Myers said he would take that as a next-level detail around one of the proposals above.

Bob Shoemaker said that in #3, the presiding officer, the titular head of the government, would be selected by the council. Otherwise it would be the proposal in #4 in which there is a regionally elected presiding officer.

Chair Myers said that the Committee should work through each proposal and spell out in more detail what each should be.

Mary Tobias said that the Committee should know the criteria that are most important to her in the structure discussion. The agreement of the Committee, to date, is that there should be the strongest regional government possible. It should assume a leadership role, and be responsible for policy and regional planning. She said she believes the power comes to that government through the voters. Since the Committee is starting with an existing government, it is important to try to restructure the government with the least amount of disruption.

Chair Myers said that in looking at #1, and possibly #2, the Committee should start by deciding the method for council selection of leadership and then the number of councilors.

Jon Egge said it is difficult to peg a number of councilors to any of the proposals now, because the number isn't critical to any of the four proposals. If you tag a number to any particular proposal, it could fail by that virtue, and the merits of the proposal may not come through. He said the first thing he would want to know is the really substantive differences. Between #1 and #2 there are some really subtle but important differences. Between #1 and #3 there are substantive but not so subtle differences. He said he isn't sure that everyone understands the differences.

Larry Derr said that there is a difference between #1, on one hand, and #2, #3 and #4. He said a paragraph in Matt Hennessee's letter to the Committee highlights that. It says that in order to get

growth management and land use planning off the ground, there is going to be a lot of political give and take. He said he agrees with that, but the letter says that having a strong regional manager is important so that there is someone who can take the lead and handle the politics. He said if that is where the policy is being made, that would make sense. However, the policy is ultimately going to be adopted by the council. What results is that if you want something done on a broad policy level at Metro today, a program has to be launched at two places at one time. You have to deal with the executive staff and with the council and its staff. Sometimes you can get them together, but other times they are at odds. That is the one most serious flaw with the existing system. #2, #3 and #4 get around that in different ways. #3 and #4, variations on a council-manager system, simply eliminate the executive. Then you just go to the council. Of course, you may be working with the staff, but it is essentially the agency staff with one group at the top. #2 is a little more subtle in its attempt to get around that by saying that the executive will do some things other than long-range policy making. So you don't necessarily have to go to the executive staff because they are doing a different thing.

Mary Tobias said that when there is an election in which the voters say they want certain people making policy and they want them voted into office, and at that same election the voters say they want to vote a certain person into the executive office, it splits the power off immediately. It is a split between the policy body and the executive. The problem is that the executive doesn't sit internal to that body. The division of power negates the goal of a government that is as strong as this charter can make it. If the lead official clearly sits within that policy body, elected at large, the policy body is one. There isn't any way that this government will function, either as the federal model or the state model. It would have to have more parts.

Ron Cease asked Mary Tobias how she would assume that her proposed change of the executive role would not disrupt the system.

Mary Tobias said that, leaving the people in place through the transition and into the reshaping of the government under the charter, it goes a long way towards making the transition happen. The executive officer, who is currently elected at large, would move into the one council elected-at-large seat for the duration of the term, which would be until the '94 elections. The proposal takes the current presiding officer and makes that position council president. This would be the person the council elects from among its members to be the second in command in the policy ranks. It would keep the existing number of seats on the council and the council would function as they currently do. Restructuring would come with that council then hiring a professional manager, who would not be like Rena Cusma now is, but the next evolution.

Ron Cease summarized that the council would select its own president. The elected executive now becomes the presiding officer, votes in case of a tie, and has veto power. He said that this is someone who is elected at large, but really has no power generally, except for breaking a tie vote and a veto. It is setting things up for the presiding officer and the council to be at war with one another continually. The council president is one of the council people. The presiding officer is someone who sits on top of all of this.

Mary Tobias disagreed. There is no data on council-manager forms of government that prove conflict to be the case.

Ron Cease said you only have to look locally to see that is the case.

Mary Tobias asked where.

Wes Myllenbeck said Washington County. He said, as Washington County Chair of the commission, he

lost his board about 2 1/2 years into his term. Without being able to set goals and objectives you lose all your effectiveness and can't speak for the board.

Ray Phelps said that Lake Oswego had three city council members resign over the mayor.

Frank Josselson said they didn't really resign over the mayor. That isn't true.

Ray Phelps said he read that conclusion in the newspaper.

Ron Cease said, in Multnomah County the presiding officer is also an executive officer. He said he doesn't think it works. If there are strong people on the commission, they want to run their own affairs. Even if there were a presiding officer elected at large and a manager, the presiding officer would have no necessary connection with the people who are elected to perform that role. The presiding officer is not their person. You could have somebody elected at large, who has a good name, but the other members of the council don't want to have anything to do with that person.

Mary Tobias said there is no perfect system. Under any circumstance there will be a breakdown. But where do you want the dynamic tension? Do you want the tension within policy body that sets the policy and direction or should the debate be between the policy makers and the operations person? The debate should stay in the policy body.

Ron Cease said he doesn't think the current system is broken down. People are frustrated at having to go to both the council and executive in order to do certain things. To suggest a change, it must be demonstrated that the change would indeed be an have an excellent chance of improving the situation. If you can find an example to suggest that the proposal is perhaps worse than the current system, the proposal should fall by its own weight.

Mary Tobias said that in Washington County the system is working very well. For most of the cities in the region, this system is working well. Is that more weighted than one or two examples of it not working? The debate over power, policy and planning should stay in the policy body. That is what is wrong now. The person who initiates a debate on any kind of regional policy picks or chooses the camp.

Ron Cease said that happens in any case. The most effective managers, even in smaller cities, are people who are pretty strong executives. They are policy makers, even though the system says they are not. They don't get up and say to the council that they are the chief policy maker, but indeed, that person is the major policy maker.

Mary Tobias said she wouldn't quarrel with that. That is just one more citizen involved in the process. She said she has no problem with that. But that manager as policy maker has no power to make policy, unless the policy body so directs. It is not what there is now.

Jon Egge said he agrees with part of what Ron Cease said. But Ron Cease has talked a lot about improving the current government, without making a proposal. Jon Egge said that in looking at Mary Tobias' three criteria--(1) government does planning and policy, (2) power through the voters, (3) as little disruption as possible--it could be debated that the first two might fit her model. But the third one, of reducing disruption, would no because her model would actually create a great deal of disruption. He said he might be able to fit himself into the three criteria, but he is more attached to proposal #2. It fits much better into the three criteria of #4, particularly into the third one. In looking at (1) and (2), there is a subtle difference. Proposal #2 has assigned responsibility to the two elected bodies--to the elected exec, service delivery, and to the council, policy. The veto is removed to

insure that the exec is not involved in policy making. It fits the three criteria. Ron Cease said that the current government isn't broke. John Egge said he thinks it will soon be broke, financially. Maybe it isn't broken, but it is bent. When the Committee went around the table and everyone commented on how they would improve the structure, that was one of the closest things to a unanimous expression. Everyone thought they could make some improvements to the structure of this government.

John Meek said #2 doesn't offer any change. It fragments the government more than it is right now. Why is there a need for an elected executive officer to run three functions? There is solid waste, the Zoo and MERC.

Jon Egge said he sensed that the group supports the need for one elected, identifiable person. Of course, there is some disagreement on that. He said he originally didn't think it was important. This is clearly a compromise for him. But it is a much more workable compromise than the current system, and really assigns clear responsibility to each department of government. Currently you have to satisfy two policy entities within this government, which is duplication.

John Meek said #2 offers an elected council, with no one elected at large, debating and setting the policy for future growth.

Jon Egge said he couldn't expect this government to be effective, saddled with an elected-at-large presiding officer forced upon it. The government will be far more effective if it selects its own head. He said he is reassured about the number of Committee members who think that it is an important element.

Chair Myers asked if there is general consensus that there needs to be a regionally elected official in this mix.

Bob Shoemaker said he isn't sure. It depends on the responsibilities that individual has. He said his concern is which of the structures is going to work best. If there is an issue in which the single leader--either the administrative officer or the executive--feels one way and the council feels another way, what happens? If the elected executive has an entire staff and the veto power, that can neutralize the council. Similarly, the council can neutralize the executive. Nothing happens. #4 runs into the same problem. If the presiding officer is at odds with the council, the presiding officer can see to it that what the council wants to do doesn't get done. Similarly, the council can see to it that what the presiding officer wants to do doesn't get done. The other two models--#2 and #3--avoid that. That responsibility is in the council to decide upon policy. There isn't someone who can block that. If the manager tries to block it, that manager can be replaced. The elected executive/presiding officer cannot be replaced. The fundamental decision is whether the check and balance of #2 and #4 are more important for developing the policy decisions over the long run for the region. Giving the power to one body, without a check and balance, is the fundamental question that the various alternatives pose.

Frank Josselson asked what is the advantage of having a balance of power.

Bob Shoemaker said the argument for it is that change should come slowly, and that you must really make your case in order to make a change. Change arrived at quickly and in the emotion of the moment, with the strength of one persuasive person, may prove to be unwise. The question is which is better for the region.

Frank Josselson said that the argument for a council with plenary authority is that it is able to change quicker, more efficiently, and with less tension. A balance of power would be more deliberate. The other model would be more efficient and speedier.

Bob Shoemaker said the deliberate aspect could be true under either model. He said that he isn't sure that a divided power will lead to a more deliberate approach to problems.

Chair Myers said it states the issue too narrowly to describe it as a matter of checks and balances. There are political reasons for having a unitary executive authority--a politically accountable person who is formulating a budget and a proposed program of action, not a manager. That could be, theoretically, the presiding officer of the council, elected regionally, but somewhere in this government there needs to be an official who is trying to define a proposed program of action with the council making the ultimate decisions.

Frank Josselson asked Chair Myers if his reasoning is because he doesn't have confidence in the council's ability to define a program of action.

Chair Myers said it is a very difficult exercise for a multiple number of people to do.

Frank Josselson said if Chair Myers is talking about a council of 13 people, he shares his view. He said, basing his experience on the 11 months spent on the Charter Committee, a body this size is incapable of formulating policy. Looking at a deliberative body of 13, it is incapable of formulating policy and it needs someone to goose it. Looking at a more characteristic local government structure, with five to seven councilors, there is a more deliberative process and leadership emerges.

John Meek asked Mary Tobias if, in #4, the elected presiding officer sits as chair.

Mary Tobias said yes.

John Meek said that Metro, with its current structure, has not had a driving force from a policy making body to take the strong steps that need to be taken, whether it be under the executive officer, who has been content to run the operation end and not force an issue one way or the other, or whether there is strong leadership on the council to force the elected executive officer to implement the policy end. That is the void that is there. Wes Myllenbeck was not correct in saying that he was ineffective in half his term as Washington County chair. The goals and objectives that were laid under his leadership took place after he was gone. And it only took two years to make the change. The fact that the change took place was insightful enough to make sure that the structure got done. The amount of cooperative effort among the municipalities in Washington County is unprecedented. Metro needs that strong, cooperative effort, and the role that the elected-at-large presiding officer brings to the form of government is to make sure it shakes a leg. And whether it stalemates and fights for four years, it is better than being stalemated and nothing being done for 10 years. Let's get someone elected who will get the council charged up and going. Under the current Metro structure there is a very weak policy-making body that is almost powerless.

Mary Tobias said that this government is not understood and it is not clearly identified in the public mind what Metro is, why it is and what it does. That is to a great deal because there isn't one identifiable person who speaks for it. That has been exemplified every time Metro has spoken to the Committee. Every time Metro has been represented here it has been Rena Cusma and the current presiding officer. There has been more than one occasion where the presiding officer has quite clearly not agreed with the executive. She said she presumes that the presiding officer at least carries a majority of the council feeling on issues. The Committee hasn't heard rebuttal from the presiding officer because the power is divided between the executive and the council. It isn't sitting in the policy body. She said she agrees with Wes Myllenbeck, that there are many times on a council where the one person who is the head of the government is the odd man out. It will be true no matter what structure there is. When the voter accountability is weighed against the government, it comes to the head. The person who leads the government is never absolved from responsibility. Wes Myllenbeck,

throughout his term, was always the chairman of the Washington County commission. When that person speaks, even if they are representing the minority position, they are speaking for the government. That is the way it really works. When a policy vote has been taken, the person who is the head of the government is obliged by the vote to carry forth the policy to the public arena. If it is kept in the head of the government, instead of the heads of the government, it makes the agency itself more responsive and responsible to the electorate. There is plenty of empirical data to show that to be true.

Bob Shoemaker asked Chair Myers to enlarge on his statement that a council without an elected executive is unable to develop and pass effective policy. He said that the Legislature recently has developed a lot of strong policy within the body, led by the Speaker of the House or the President of the Senate. They have really been policy leaders and that is where policy has come from, much more so than from the Governor. Maybe a parallel is the parliamentary system where the prime minister is selected by peers from within the parliament, not elected at large by the people. That system seems to work well also.

Chair Myers said he didn't think the council is unable under any circumstance to formulate policy. In the Legislature or in any collegial body there are individual proposals for policy. But if you start with the budget, which is the most important governmental decision, formulation of that proposed budget collegially is a very hard task.

Bob Shoemaker said the budget can be generated from the chief administrative officer.

Chair Myers said he was making his comments in the context of the question of whether there should be a primary leadership responsibility.

Bob Shoemaker asked if it is necessary to have a regionally elected executive official to formulate policy.

Chair Myers said that the formulation and proposal of programs of action, particularly as they are reflected in budgets, ought to be the responsibility of a politically accountable person, and not a manager. That responsibility could be assigned to a presiding officer of a council. The Committee should develop a form of government in which there will be an opportunity for regional political leadership.

Bob Shoemaker asked Chair Myers why he doesn't think that can occur within a council as the source of power, with a presiding officer selected by the council.

Chair Myers said it is not a source of programs of proposed priorities and policies that is elected in the region, it is a regionally endorsed leader.

Norm Wyers said that he has been a member of the Committee half as long as the rest and none of the discussion is new. He said he knows which model he prefers and would like to see if others feel the same.

Ron Cease said that there continues to be reference to the council being weak. If it is true, the question is why is it weak. The reason that there are executive budgets is that there was a time when there were bits and pieces that would end up being the budget, and some of it would come out of a council and some of it would come from departments. There was recognition, as government became more complicated, that there had to be one person responsible for formulating all of it, not for passing it. He said, in talking about Metro speaking with the Committee, the same thing is happening when local government groups have come before the Committee. They are all on their best behavior. They

want to make clear that they are not disagreeing when they speak to the Committee. There is more disagreement than what shows up in the testimony. But everyone is fearful of what the Charter will do. There is no question that Rena Cusma is a strong executive, and no question that she works with individual members of the council to get her way on various proposals. Even a strong manager would do that. But is this a system where there isn't enough actual authority in the council to make it strong? He said he isn't sure that it is the case. If it does have enough formal power and it is still weak, what is the problem? Partly it is because there have been some poor people. But now there are more people running against those positions than has normally been the case. The crop of people out there looks pretty good. There have been presiding officers who have been strong, and some who are not. There is no way to create a strong executive officer or have a strong council by providing for the structure and assume that it will result in a strong system. To a large extent it will depend on the people. There are things that can be done with the council that would give it greater structural power. But when you get done, there will probably be a sharing of power between the executive and the council. By the very nature of the area, there needs to be one person who needs to have some authority to be the gooser. You may have the executive officer goosing some of the people on the council some of the time. But they can't do it all of the time.

Chair Myers asked the Committee members to select their two highest priorities of the four proposals. He said that the Committee would then take the two highest rankings and eliminate the rest.

Frank Josselson asked for secret ballots so that votes would not be skewed. He said the members could write their names to the ballots and then it could be announced afterward.

Chair Myers agreed.

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| <u>Selections for #1:</u> | Chair Myers, Ron Cease, Matt Hennessee, Ned Look, Wes Myllenbeck, Ray Phelps and Norm Wyers. Seven members total selected #1. |
| <u>Selections for #2:</u> | Chair Myers, Ron Cease, Larry Derr, Jon Egge, Frank Josselson, Ned Look, Bob Shoemaker, Mimi Urbigkeit and Norm Wyers. Nine members total selected #2. |
| <u>Selections for #3:</u> | Jon Egge, Frank Josselson, John Meek, Bob Shoemaker, Mary Tobias and Mimi Urbigkeit. Six members total selected #3. |
| <u>Selections for #4:</u> | Larry Derr, Matt Hennessee, John Meek, Wes Myllenbeck, Ray Phelps and Mary Tobias. Six members total selected #4. |

Judy Carnahan and Charlie Hales were absent.

Frank Josselson said that #3 and #4 are variations of one another. He proposed a vote between #1, #2 and #3.

Bob Shoemaker said he doesn't view #3 and #4 as variations of one another. They are very different.

Ron Cease said that, using that basis, #2 is a variation of #1.

Mary Tobias said she isn't willing to give up #4.

Jon Egge said that there was discussion some time ago about using a facilitator. He said he does not want to see the work the Committee has done come to a stalemate over the structure issue. He said

that the vote is a little too close to satisfy anybody.

Bob Shoemaker asked what would happen if everyone just picked a first choice.

Chair Myers said the Committee could try that.

Ned Look said that the Committee should select their first and second preferences.

Ron Cease asked what the purpose of the vote is.

Chair Myers said he is trying to get some choices made about what is going to be further and finally discussed.

Ron Cease said he wished the Committee had put another proposal up, which would be an administrator selected by the elected executive. It is a variant of #1.

Motion: Ned Look moved, Norm Wyers seconded, that the Committee vote, listing their first and second choices of the four proposals.

Larry Derr asked, when the votes are tallied, what will it tell the Committee.

Ned Look said it will tell the Committee where the feelings for a first choice are and where the feelings are for the second. It will possibly get the Committee down to discussing two entirely different choices. It is a straw vote.

Vote on the main motion: All present voted aye. The vote was unanimous to have the members select their first and second choices of the four proposals.

First preferences for #1: Chair Myers, Ron Cease, Matt Hennessee, Ned Look, Wes Myllenbeck, Ray Phelps and Norm Wyers. Seven members total selected #1 as their first choice.

Second preferences for #1: No members selected #1 as a second choice.

First preferences for #2: Larry Derr, Jon Egge, Frank Josselson, Bob Shoemaker and Mimi Urbigkeit. Five members total selected #2 as their first choice.

Second preferences for #2: Chair Myers, Ned Look and Norm Wyers. Three members total selected #2 as a second choice.

First preferences for #3: No members selected #3 as a first choice.

Second preferences for #3: Larry Derr, Jon Egge, Frank Josselson, John Meek, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit. Seven members total selected #3 as their second choice.

First preferences for #4: John Meek and Mary Tobias. Two members total selected #4 as a first choice.

Second preferences for #4: Matt Hennessee, Wes Myllenbeck and Ray Phelps. Three members total selected #4 as a second choice.

Other preferences: Ron Cease selected an option for an elected executive with an administrative officer.

Judy Carnahan and Charlie Hales were absent.

Jon Egge said that none of the proposals has survived the vote particularly well if the number is brought down to two proposals. Even #1 would have a problem. This group has needed professional help for a long time.

Motion: Jon Egge moved, Frank Josselson seconded, to hire a facilitator to help the Committee come to a decision of structure provisions.

Ron Cease said that a facilitator would help if Committee members were at each other's throats. There are some differences here, but that isn't the problem. The problem is that there are different philosophies and different viewpoints. Unless there is a facilitator who really understands the system and the structure, it wouldn't be worth it. A facilitator usually gets people to work out their differences on a personality basis. That isn't the issue here. There are two members missing, who could possibly make the vote clearer. The vote says that the Committee should come back to #1 and #2 and figure out which it is to be.

Bob Shoemaker said the Committee should take a vote between #1 and #2.

Matt Hennessee said he agrees.

Ned Look said after getting through that vote, the Committee can fine tune the proposal. Once the Committee decides how close the options are and particularly which one is the winner, then members can decide what kind of fine tuning is needed. He said he found himself in disagreement with much of what Larry Derr was asking for with #2. He said he is basically in favor of #1, but with some refinement.

Jon Egge said, in reference to the motion, Don Barney serving as facilitator would overcome some of Ron Cease's argument against having a facilitator. Don Barney served at the retreat and has worked with Metro in the past.

Frank Josselson said that many of the issues that the Committee is at loggerheads over today were the same issues that were discussed at the retreat. He said the Committee is at the same point now as it was 10 months ago.

Ned Look said a facilitator isn't necessary at all. Members know pretty much what they want to do.

Matt Hennessee said he agrees.

Mary Tobias said that she would not support #1 or #2 on any subsequent ballot in terms of eliminating #4. She said part of the reason is based on the constituency she represents. Part of it is based on a need of adjustment in the region. In talking with about 10 Chambers of Commerce, the recommendations of that representation of the citizenry does not fall into either #1 or #2. She said she would continue to advocate for #4.

Chair Myers summarized the motion on the floor. It is to defer additional discussion and to retain a

facilitator at the next meeting.

Vote on the motion: Larry Derr, Jon Egge, Frank Josselson, Mary Tobias and Mimi Urbigkeit voted aye. Chair Myers, Ron Cease, Matt Hennessee, Ned Look, John Meek, Wes Myllenbeck, Ray Phelps, Bob Shoemaker and Norm Wyers voted nay. Judy Carnahan and Charlie Hales were absent. The vote was 5 ayes and 9 nays and the motion failed.

Ron Cease said that once the charter is completed, everyone is free to make a judgement as to whether they want to support it or not. The current government won't go away. It will remain there. For those people who particularly want some sort of change, a compromise would give them some of that. If there is to be a compromise, the vote suggests that it should be some variation of the elected executive.

Motion: Bob Shoemaker moved, Norm Wyers seconded, for a straw vote between #1 and #2.

Hardy Myers said he had intended to have a straw vote between #1 and #2 anyway, and didn't think there was a need for a motion.

John Meek said he wanted to argue against the motion.

Bob Shoemaker said he retracts the motion if Chair Myers intended to have the straw vote anyway. He said he made the motion because he thought the discussion was going off in another direction.

John Meek said, if the Committee votes for #1 or #2, he is concerned whether there is support for alteration of #1.

Chair Myers said that the Committee might spell out more detail around each proposal and then make a choice. If there is an alternative to taking a straw vote at this juncture, on #1 or #2, it is to spend time working out further details and then taking the vote.

Bob Shoemaker said it would be instructive to learn how the Committee would come out between #1 and #2.

Larry Derr said there are only two people needed to vote.

Ned Look said whichever one is selected, everybody will have an opportunity to help fine tune it or make suggestions.

John Meek said he would not vote for either #1 or #2. But he would want to make sure that the structure set up doesn't melt down the council any further than it already is.

Ron Cease said that a straw ballot, with two people missing, would probably only get about seven votes. The Committee could continue discussion on what kind of variation might get support. John Meek said he doesn't want to weaken the council. Ron Cease said he doesn't want to weaken the council either. There can be both a strong executive and a strong council. Those aren't contradictory, necessarily.

John Meek said he agrees. He said he would lean more toward #1 and strengthen that model, than trying to split the organization.

Chair Myers asked for the two people, who didn't select as a first choice either #1 or #2, to now make a selection.

Bob Shoemaker said that John Meek would go for #1, and asked Mary Tobias which proposal she would support.

Mary Tobias said she would not vote on either #1 or #2.

Hardy Myers said there is a large majority of the total Committee that wishes to proceed in the direction of some version represented between #1 and #2. At least 12 members are in that category. There is reason to believe one or both of those absent might be in that position.

Ron Cease said he would be happy if the Committee stayed with #1. #1 will stay in effect if the Committee doesn't agree on it, or if it isn't passed on the ballot. You can strengthen #1. Wes Myllenbeck's proposal of an administrative office might make sense. If you can strengthen the council it needs to be done. If there are nine or 10 votes for #1, and six people who are elsewhere, it won't be a very strong proposal. Is there a way to take the current basic structure and strengthen it? That is still possible.

Frank Josselson said that is what #2 does. It comes far closer to what the drafters of ORS Chapter 268 had in mind than #1 does. ORS 268.180 provides a description of the executive officer. It says: "District business shall be administered, and district rules and ordinances shall be enforced, by an executive officer."

ORS 268.190(1) provides:

"The council is responsible for the legislative functions of the district and such other duties as the law prescribes."

All ORS 268.190(2) says is that the council is the policy maker, and that the executive shall administer and enforce council rules. Actually, #2 comes far closer to the conception of Chapter 268 than #1 does. In talking about refinements, it is as close as it can be. When Jon Egge said it is a compromise, #2 is a significant compromise. What has been proposed, previously came from a model with services spun off to semi-autonomous commissions. The earlier proposal didn't go as far as the Chamber proposal. The earlier proposal had budgetary and policy oversight on the part of the council. Whereas the Chamber would have proposed spinning off those services entirely. The earlier proposal became #2 because of Ron Cease's determination that the executive officer be retained. It was deference to Ron Cease and recognition that he carries enough votes on the Committee to determine the outcome. #2 provides the clarity that Rena Cusma herself called for in the very first newspaper interview she gave in connection with the Charter. #2 comes far closer to what the drafters of Chapter 268 intended. He said he doesn't know how you can take #1 and fix it without coming up with #2.

Ron Cease said he doesn't view #2 as outside the discussion. The Committee needs to resolve what the variation of #1 is going to be. Wes Myllenbeck is talking about an administrative officer, but there are all kinds of variations. #2 is obviously one of those.

Ray Phelps said that the Committee has some pretty good instructions. There is a pretty good idea that the Committee wants a council and some regionally elected person. You can draw that conclusion by looking at #1, #2 and #4. With regard to further conversations the Committee is back to functions. The Committee tries to keep structure and function apart but keeps blending them together again. But there is a strong indication that 14 out of 14 persons think there should be some kind of regionally elected person, whether it is a presiding officer, an executive under #2 or an executive under #1. What the Committee needs to do now is to go back and look at the functions and start laying them in and see where they belong, and not reargue the threshold position that has been resolved. There is going to be a region-wide elected person, and there is going to be two separate

entities driving some concept of policy. He said the strength of his position is that no one voted as a first preference for the council-regional manager form of government.

Larry Derr said there is another lesson to be learned from the votes, that Ray Phelps isn't taking into account. #2 was intended to be a long movement of compromise, away from a preferred situation toward a status quo. If #2 isn't achieved, where do those five votes go? Then you are looking at the second choice where the big vote getter is the council-manager form. It is not necessarily accurate to say that the only conclusion to be made from the first choice is that a strong majority favors a regionally elected executive. They favor it as a compromise in one camp and as their first choice in another camp, and people on the compromise vote go in an entirely different direction without the compromise.

Ned Look asked Larry Derr to define the key differences between #1 and #2.

Chair Myers said that it is in the way the responsibility of service administration and planning are allocated between the executive and legislative authorities.

Larry Derr said, getting it down to simple terms, the thing that does that is the elimination of the veto.

Ned Look summarized, if the veto is eliminated, you are getting closer to agreement.

Jon Egge said very much, but not entirely. #2 is a variation on #1. #4 is a variation on #3. Because a number of Committee members have voted for #2, it does not mean that, if forced between a choice of #1 and #3, they wouldn't take #3. In taking a straw vote between #1 and #2, and #3 and #4, the Committee might get a very different picture. Then you might see things flip entirely around.

Ron Cease said that he is still bothered with #2, even though it is a compromise. He said the comments of Nohad Toulan, Ken Tollenaar and Metro people suggest a real problem with it. Jon Egge said that the veto is a real problem. What are the relationships between the executive and council side that could be changed, that would strengthen the council and get at what Jon Egge wants?

Jon Egge said the reason the veto is so important is because the veto, by its existence, automatically injects--even though the statute says it doesn't--the executive into the policy issues. The removal of the veto goes a long way, but not enough, to strengthening the council. A couple key elements of #2 are that the council may hire its own staff, but also would have a clear, stable funding source for the functions of the council itself. There wouldn't be situations where the planning department disappears. Maybe there are Committee members who believe that what the charter provides so far ensures that the planning functions aren't going to disappear, as has been done right before the Committee's eyes. He said he isn't convinced of it. The funding is a very important part of the proposal. The exec is still going to propose the budget. The council is still going to pass on that budget and have clear financial oversight of the functions. By removal of the veto and a little enhancement of the words in ORS 268, the Committee would be pretty much where #2 is.

Ron Cease asked if it would be helpful for the Committee to figure out the pieces that would deal more specifically with the relationships between the executive and the council. He said, in reference to Metro's contracting arrangement in the statutes, he had tried in the Legislature to give the council additional authority. If the Committee can resolve the relationship between the executive and the council, then it would be narrowed down to something that can be argued about.

Bob Shoemaker said the object is to strengthen the council, have the council focus on planning and policy, but with urban growth management planning being the preeminent policy. First of all, the council's presiding officer would be compensated at a level that would make it a job that demands a

good chunk of time--maybe two-thirds time. It is a job in which the presiding officer is going to be a very visible, prominent, involved member of the government. The charter would mention planning as the top priority of the council. If the council doesn't give planning its focus, the members can be held accountable. The council would provide a stable funding source for planning and policy-making functions, so that they are not at the whim of a function. There would not be a veto. One of the current concerns is that if staff responds to the executive and not to the council, then the council can be subverted by staff. The planning staff would be under a planning director. The director of planning would be hired by the elected official, confirmed by the council, and subject to removal by the council. If the director of planning is subverting the council and is dancing to the executive officer's tune too much, the council can fire that person. Those suggestions are a way of strengthening the council, putting planning at the forefront and giving the council some control over that.

Ron Cease said that there are ways to take care of the problem of an executive officer proposing an elimination of the planning department. He said he is concerned that it was done, although there are suggestions that over the long haul they will be combining planning with transportation. It does send a bad message. If the council is arguing that they were not involved initially with the proposal to do that, something may be wrong there. He said he doesn't know if he agrees with Bob Shoemaker's proposal, but the Committee could still work into the system a way to make sure that a planning department elimination-type situation doesn't happen again. Then, in fact, the planning function would play a bigger role than the previous action would suggest.

Larry Derr said the problem he has with the Toulan and Tollenaar letters, which respond to #2, is that they seem to be assuming something that isn't in the proposal, namely that operational functions would be bifurcated. What #2 talks about the council doing, in the area of planning, is not operational planning. The witness to the fact that Nohad Toulan misunderstood #2 is in his last paragraph, when he alludes to the Portland city council arrangement, where there are individuals on the council responsible for different operations. That is the farthest thing from #2. He said he is sorry the Committee didn't have the opportunity to have a true dialogue on those points with Toulan and Tollenaar. The Committee might have learned a lot more. He said he hopes that people don't think that the two letters are a death knell for the council having direct responsibility for planning staff, because it would be missing the point. He said he circulated a revised version of #2, entitled "Regional Government Structure and Related Matters." With the exception of Bob Shoemaker's last item, the revised version is basically like his with some amplification. Instead of proposing five councilors, the new version is proposing nine members, in an obvious attempt to compromise from the existing 13 members. If the council is too small, there is a good chance that a diversity of views are not going to get recognized. On the other hand, if the council is too big, they will not be able to work together toward substantive solutions. Larry Derr said he also added a salary for the presiding officer, suggesting one-half to two-thirds of the executive officer's salary. The funding of the functions is key to any point so that the revised version has added a provision that, if #2 is approved but the Committee cannot agree that financing not be subject to the whims of service delivery, then #2 would be set aside. He referred to Bob Shoemaker's last item, which is an attempt to answer concerns about having a planning staff under the council versus having the council have greater control of the planning staff under the executive. The reason that having some control over the planning director--which is kind of ironic because there is no planning director right now--is needed is for the ability to have control over the information that is generated. If the council had control over firing the planning director, it would be hard to know when to do that if they don't have good enough information to know if they like the way it is going. They need information from a source they can be confident with, because they will never be getting it first hand. The person who controls the information is going to control the outcome.

Mary Tobias summarized Bob Shoemaker's proposal, that the council presiding officer would be compensated at two-thirds of the executive officer. Is that an elected at-large person?

Bob Shoemaker said no. That person would be selected from the council members.

Mary Tobias asked Bob Shoemaker who would hire the planning director.

Bob Shoemaker said the executive would hire the planning director.

Mary Tobias said that is the current structure. She summarized that the planning director would be confirmed and fired by the council.

Bob Shoemaker said the planning director could be fired by either the executive or the council.

Mary Tobias said the planning director would never know for sure who the ultimate boss is and not know who has control over their salary. When the charter is finally hammered out, and the Committee puts it out for public hearing, and the overwhelming majority of the testimony rejects that, is the Committee going to rewrite the Charter based on what they hear?

Chair Myers said that is a good question. The purpose of the hearing process is to elicit reactions and proposals which may well produce change but may also not produce change. The Committee may or may not be persuaded by particular comment.

Mary Tobias said it is a thing the Committee should wrestle with now while there is decision making. If members are prepared to ignore public comment on this part, or whether that public comment is an important part of the process.

Chair Myers said it is very important. He said, right now, no more specific answer can be given than that it is possible that comments will elicit further modifications around any given point.

Mimi Urbigkeit said she is deadly serious that, after public comment, if the charter is not acceptable she is probably finished with it.

Mary Tobias said the Committee has had a fair amount of public comment in one form or another. The Committee needs to be pragmatic. She said she doesn't want a charter developed that is not going to get out of the Committee in a timely manner. She said she absolutely wants the charter to be finished in time for the November ballot. She said she doesn't want to see something put out that will have such an uprising against it, that all of the time, effort and money will have been wasted. That is very important to further deliberations. She said she doesn't want to waste the taxpayers' money.

Chair Myers said that, whether or not particular points in the charter are opposed in the hearing process, it is not necessarily saying there is an uprising against the charter.

Mary Tobias asked, in a public hearing, if reaction is overwhelmingly in opposition to structure, what is the committee prepared to do about that.

John Meek said he would like to point out his problems with #2. He said he would like to strengthen #1 so that the council has a larger role in the delivery of the policy they adopt. Getting policy carried out has been a problem. Everyone basically wants an effective, regionally elected representative, somebody who is involved and accountable. He said his problem with #2 is that it is pulling the biggest thrust from a regionally elected person. You give all the planning and functional powers of planning to #3. It didn't get any votes for first choice because it didn't have a regionally elected person. A further compromise to give more strength to the council has been to get rid of the veto. Again, it pulls the policy function of the regionally elected person out of the picture even more. Then

it is decided that the regionally elected person should only be running the operation, and not be involved in policy, especially in planning. He said he isn't sure that everyone has seen that. He said it is a strong concern of his and how it would be addressed in #2. Secondly, he said he questions the role of how #2 is to be carried out and the actual operation of the organization, where the exec is to run the department, but yet is not involved in the operation of it. That power and function is given to the council which could hire and fire along with the exec. He said he would make an addition to Bob Shoemaker's proposal. In strengthening the council, whoever is elected as presiding officer, the charter should state that it is a one-year stint. You can't have the presiding officer wondering if they made a bad move. You have to allow that person the opportunity to stand and face the council and admit that they fouled up, and go on from there. There can't be someone admitting to fouling up and asking the council if they still want that person to still be presiding officer. You cannot have a strong leadership role if there is something hanging on that person's shoulder all the time.

Bob Shoemaker summarized that the presiding officer could be re-elected but could not be discharged by the council.

John Meek said that is right. The presiding officer would serve a one-year term, could be re-elected, but could not be dismissed from that position for a year. That is a real fault in the current structure, because the presiding officer is always looking around his back and wondering if he displeased anyone. That takes away from the leadership role. Another point, when you are dealing with an elected exec running things, there could be an elected auditor. The organization needs somebody who will see if the functions are operating. There isn't that power right now. The exec can shut the door. It can't be done if there is an elected auditor who can report to the council of what is going on. That is a strength they can turn to in balancing out the elected executive officer. He said the Committee should go back and review how the RPAC is dealing. It needs to be reviewed and, if need be, strengthen it. That is another role for the council, to be able to go through the RPAC structure, a hearing process, and basically encumber itself with more strength and power as to the policy, and basically force more strength and leverage on the executive officer. There are some pros and cons for having a budget committee, but when there are 13 people elected to review the budget, it is maybe something that could be tossed out. Those things need to be added if the Committee is going to go with #1. He said he has some concern with #2 in pulling the regionally elected officer out of the planning function.

Chair Myers said that the Committee should begin adding detail around #1 and #2, and start to flesh them out. There are a lot of points of potential agreement that can be identified.

Ron Cease said that there are some areas of Metro where there are joint appointments made by the council and the executive officer. Some members want to make sure that the council plays a stronger role in the planning issues and policy. And they want to make sure there is something in the structure that will more clearly guarantee that rather than simply being reliant on strong or weak people on the council. Some of the rest of the members are bothered by that proposal. They want the operation and planning staff to be under the executive officer. It does seem possible to make the planning director, like the general counsel, a joint appointment. It could be some sort of process that brings both of the pieces into the operation.

Jon Egge said that if the Committee is elevating the presiding officer, and everyone agrees that it is not a duplication--because operational planning will be done under the exec--why not have the planning director report to the chair of the council, to the presiding officer.

Chair Myers said the Committee should try to begin resolving details around #1 and #2. He said he proposes to start with the selection of the presiding officer of the council.

John Meek said he would propose to have the presiding officer elected by a majority of the council and

serve a minimum of a year.

Motion: Jon Meek moved, Jon Egge seconded, that the presiding officer be elected by a majority of the council.

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

Chair Myers said the Committee should identify structural features that could be viewed as common to #1 and #2. It is up to Committee members to say that an issue should be held off until the planning/service separation issue is addressed.

Motion: John Meek moved, Ray Phelps seconded, that the presiding officer serve a minimum of a one-year term. The position would not be subject to earlier removal by council.

John Meek said that if the presiding officer is selected, that person will serve for a minimum one-year time and can be re-elected.

Jon Egge said one year is a mighty short period of time, if you are talking about a substantive leadership position. He said he would like to see it longer. He said he would like to see it two years.

Ray Phelps said that there is nothing that precludes a person serving more than one term. The Metro council, at its first meeting of the year, elects somebody to be presiding officer. He said he has seen a presiding officer last one year and the good presiding officers last more than one year. Having that revisitation annually is healthy. It keeps the presiding person on their toes and they know they have a politic internal that gets revisited every year. As long as there is no limitation on how many times that presiding officer can serve, it is healthy to have the visitation annually. The Legislature visits its leadership question every time it goes into session. Rather than having to create a process to remove an ineffective leader, the time for that to occur can be revisited automatically on an annual basis. It is an experienced individual because you are not electing somebody right out of the blocks, at least it hasn't been done so far. All the previous presiding officers have served as members of the council for maybe one or two years. He said he would rather have the annual selection than the strain of a process to remove someone who is ineffective, because that period of time is too long.

Larry Derr said that Ray Phelps made some good points. He asked if there is a chance that by having a presiding officer for a longer time, there is less energy spent politicking and there is more of an opportunity to carry out an agenda. What has been the experience? Have presiding officers in the current system tended to serve more than one term, or have they rolled over every year?

Ray Phelps said he has seen it both ways. He said when he first came to Metro there was Dick Waker serving as presiding officer, who served two full terms. Mike Ragsdale served two terms and Tanya Collier just completed two full terms. Jim Gardner is beginning his first term. Previously, one or two times, they had a change over after one year. Sometimes, if a councilor is in the last year of their term, and not running for re-election, they are chosen for presiding officer. Generally speaking, a very effective presiding officer can get more than one term. Another element of the annual consideration of presiding officer is the biannual nature of the election of half the council. If there were an extended term prior to an election, you could elect someone for two years and the new people coming in would have to wait until the third year of their four-year term in order to remove a presiding officer, short of

a revolution. Allowing the annual revisit is being sensitive to the new people elected.

Ned Look asked if any presiding officer has served for more than two terms.

Ray Phelps said he did not think so. He said that would probably not happen. Mike Ragsdale was asked to go for a third year, but he refused it. He believed that two was enough.

Chair Myers said that, from one angle, you can argue that there is tradition, if not a mandate, that the leadership position should rotate at times. It gives some sense that there is something to strive for on the part of the council members.

Ray Phelps said that Hardy Myers established a principle of serving only two terms, as Speaker of the House of Representatives, and he did it voluntarily. One of the things you sacrifice as presiding officer is your individual agenda, because you have to run the council's agenda.

Wes Myllenbeck said he would like to have the presiding officer serve at the pleasure of the council, revisited annually. If in mid-term the council is unhappy, they should be able to have a vote of confidence or no confidence. That is from practical experience.

Jon Egge said he is persuaded by Ray Phelps that one year is an appropriate term for the presiding officer, with the possibility of a re-election.

Vote on the motion: Chair Myers, Ron Cease, Larry Derr, Jon Egge, Matt Hennessee, Frank Josselson, Ned Look, John Meek, Bob Shoemaker, Mimi Urbigkeit and Norm Wyers voted aye. Wes Myllenbeck and Ray Phelps voted nay. Mary Tobias abstained. Judy Carnahan and Charlie Hales were absent. The vote was 11 ayes, 2 nays and 1 abstention and the motion passed.

Ray Phelps said the reason he voted no was because of the inability to remove the presiding officer from that position. Otherwise, he has no difficulty with the other aspects of the motion.

Motion: Bob Shoemaker moved, Matt Hennessee seconded, that the presiding officer be compensated at a rate three times that of the other members of the council and that the other members of the council be compensated at a rate yet to be established.

Jon Egge asked if this is a crucial decision at this point. He said he is fearful about treading on some charter-killing concepts. The Committee hasn't decided if the council is to be half-time, third-time, part-time or whether they can be compensated for expenses. Three times of \$1.50 isn't enough. Three times \$20,000 might be too much. He said he is uncomfortable with voting on this right now.

Ray Phelps said that he had originally proposed a council salary of \$6,000 a year, based on 23 councilors. At the current level of expenditure for 12 councilors, the same amount of money is spent as if it were for 6,000 times 23, whatever that comes out to be--\$138,000. It would put a fixed amount down so that the council wouldn't be dealing with its own salary annually as to how much per diem there would be. And they wouldn't be dealing with whether they are going to vote themselves so much money for trips or whatever the case may be. He said his thought was to leave the arithmetic the same, so that the charter would commit a fixed amount of money, with Consumer Price Index adjustments, and that it would be annualized at that rate, and that it would equal the current cost of the current council. It would include trips, dinners, per diem, mileage--that's it. It would be a flat \$6,000. You could make a motion that the cost of the council--number yet to be determined--would be

no greater than the cost is today. He said, rather than having a struggle as to how much it costs for the council, he would set a flat rate, which would cover the total cost and be allotted however they wanted.

Ron Cease said that, politically, any suggestion that you pay the council a salary is a real negative. But the council is free to set a salary now. They are free to raise that and deal with it the way they want to. You could make an argument, however, to pay the presiding officer. They could pay the presiding officer a half-time salary or they could go higher. There could be a charter provision that the position would be half time. It could be whole time, if the council wanted. But it shouldn't be up to the council, so that the presiding officer has to dicker with them to determine whether he or she gets anything at all. You really got a maelstrom around your neck if you take it to the voters and say you're going to pay these people.

Bob Shoemaker offered to amend his motion so that the presiding officer is paid a salary that equates to two-thirds of time of a full-time government employee at that level of governance. He said he was thinking it would come out as \$40,000 today.

Matt Hennessee said he would have real concerns about seconding the amendment.

Mary Tobias said she is speaking to the original motion. She said she doesn't believe that it is proper or appropriate for a charter to have a dollar figure in it. If the inflation rate goes to 12 percent a year and holds for three years, any amount placed in the charter is totally and completely worthless for the person receiving the compensation. The charter has to be flexible and adaptable over time.

Bob Shoemaker said he agrees, the charter should not reflect dollar figures. But the Committee should find a way for the presiding officer to be compensated at a level around two-thirds what a full-time employee at that level in government is paid. How it is to be done, he said he doesn't know.

Amendment to the main motion:

Larry Derr moved, Jon Egge seconded, to amend the motion to provide for compensation for the presiding officer at the rate of one-half to two-thirds of the executive officer's salary.

Ron Cease asked why a two-thirds salary would be proposed. He said he could see the logic of one-half. How would you hold another job. Why not make it a whole job? You could say half of what the executive officer gets. That makes some sense. Or you could say that they have to provide at least half, so that they could make it more. There needs to be a floor here.

Larry Derr said having a fixed amount might have some merit, since there would be a ceiling as well. He said he likes a half salary.

Ray Phelps said one of the reasons he supported a fixed salary is to avoid the trap of having a number of elected people in part-time elective offices. They become full-time employees. Nearly half of the citizen Legislature right now is fully employed as legislators. He said the second problem he has is that it might invite professional politicians to launch careers from Metro. It undercuts the original intent of fine people willing to take time out of their otherwise busy day and expensive careers to come to Metro and be compensated at least for the expenses of driving and skipping dinner and paying a baby sitter. They are compensated at level, but otherwise their citizenship commitment is free. The hope is there wouldn't be careerists serving on the Metro council. The alternative, with this motion, is that it creates an opportunity for a salary committee. He said it would be difficult for him to vote for any dollar amount when he doesn't even know what the duties are. The current executive officer is paid a fixed amount of money and it is very specific that it is a full-time job, and she can't hold

another. He said he doesn't know how you can pay someone \$30,000 a year and tell them they can only have half a day's work someplace else.

Ned Look said he agrees with Ray Phelps. He said, instead of stating a fixed amount, there could be a provision that the position would be adequately compensated, reflecting the amount of time and commitment required by the presiding officer, to be determined by the council.

Matt Hennessee said he would vote against the motion. There are a number of other pressing issues that are a lot more important than deciding the presiding officer's salary. The Committee still hasn't decided what the role of the council is, what the role of the presiding officer is, the role of the executive, and the Committee is talking about giving the presiding officer anywhere up to \$50,000 for whatever it is they are going to do.

Jon Egge said he withdraws his second to the motion.

Ron Cease said the presiding officer position could be dealt with in a number of ways. The council could be given authorization to pay the presiding officer what they want to. He said he thought there was a big concern about strengthening the council. You can't exactly say that you will pay the presiding officer what they are worth for the time that is spent, because that will vary. The Committee shouldn't leave this undone so that there might be a situation where they can't pay the presiding officer anything.

Matt Hennessee said, in looking at #1 and #2, the duties of the presiding officer could be very different. Until the Committee determines which of those, or some other variant, to end up with, the group shouldn't get too fixed on how to pay that person before their function is determined. But a mechanism does eventually need to be put in place.

Mary Tobias said she would not vote on the issue, because it is putting the cart before the horse. She said she would like to move to a discussion of the role of the presiding officer in the regional government.

Bob Shoemaker withdrew the main motion.

Mary Tobias said she would like to hear from the proposers of #1 and #2 what the role of the presiding officer is.

John Meek said, with any of the proposals, it would be his wish to have a strong policy board. The charter should state that the presiding officer is going to be a leadership role. He said he sees it as a position not less than that of the presiding officer with the flexibility to be a full-time position, if the council thinks it is necessary. On the other hand, the council may be in a situation where, years from now, it may feel the presiding officer is only a maintenance position. It is a very strong role for strengthening the council.

Chair Myers said that the question is to what extent and in what specifics does the charter spell out responsibilities for the presiding officer. There would probably need to be a catch-all reference to such other duties as the council may determine.

Ray Phelps said he would expect the presiding officer to have the freedom to appoint the chairpersons of the committees created by the council. The presiding officer would determine the calendar and agenda of the council. The presiding officer would be that person who is responsible for the full-time staff--whatever that number is--hired by the council, with the authority to hire and dismiss those individuals. The presiding officer would be the individual who would be responsible for validating the

expenditures of other councilors. The presiding officer would be responsible for the administration of the business affairs of the council.

Bob Shoemaker asked if the presiding officer would determine what committees there would be.

Ray Phelps said that the presiding officer would appoint the committee chairs to the committees created by the council. The presiding officer would also appoint the members of the committees.

Larry Derr said the statute says, under ORS 268.160, that:

"The council may adopt and enforce rules of procedure governing its proceedings in accordance with this chapter. At its first meeting after January 1 of each year, one councilor shall be elected by the council to serve as its presiding officer for the ensuing year."

He said that he assumes that the types of things cited by Ray Phelps are dealt with in the council's rules and procedures. He said he considers the wording in the statute maybe a good way for the position to be dealt with in the charter, particularly with respect to appointing the committees. He said he would prefer the council to have no committees if there is a small enough council.

Chair Myers summarized that the specific content of the job would be left for determination by the council.

Matt Hennessee asked, in terms of the discussion, would the presiding officer still have a vote.

Ray Phelps said yes.

Ron Cease asked if there is anything in the statute that indicates what vote is required to select the presiding officer.

Larry Derr said he doesn't think so.

Ron Cease asked if Metro operates under the basis absolute majority of the elected membership, or simply a majority of those who are present on that evening.

Ray Phelps said there has to be a quorum present for a meeting with a majority vote of the entire council required to pass an ordinance.

Motion: Ron Cease moved, Frank Josselson seconded, that the duties of the presiding officer would be determined by rules of the council.

Mary Tobias asked to delay motions until the role of the presiding officer is determined. So far, only one person has delineated an idea of what that person would do. She said she hasn't gotten a chance to speak to that issue yet.

Ron Cease said the duties could be a lot more or a lot less. If the Committee tries to lay out the duties, clutter the charter with that, something will be left out which creates other problems. Metro has operated pretty well with their own rules and it is an appropriate way to do it.

Mary Tobias said she isn't attempting to define the duties of the presiding officer. She said she is attempting to understand what part this person is going to play in the regional government.

Ron Cease said that the Committee can discuss that as they get into other things. The role of the presiding officer, though, will change over time.

Jon Egge said the difference between #1 and #2 is not substantive enough to get hung up on what the

job does. He said he is comfortable to go ahead with the motion.

Frank Josselson said the important question is what the council does. If the Committee doesn't know what the council does, why not talk about what the presiding officer does?

Chair Myers said there are a lot of the potential duties of the presiding officer that are going to be the same regardless of the proposal selected. He asked Mary Tobias if she would like more specific explanation of what the duties of the presiding officer might be.

Mary Tobias said that before even talking about duties, the Committee should talk about what role the presiding officer is to play.

Frank Josselson asked how you could know that before knowing what the council is.

Mary Tobias said that it is quite simple to know. The Committee has said that it wants a strong council. What role the presiding officer plays, to a very great point, determines how strong the council is going to be.

Chair Myers said that the question is whether the charter is going to spell out the role or whether it will be left to the council to define it, in the context of whatever the council's role is going to be.

Mary Tobias said then the charter has to speak to the position if the council is to be strengthened.

Bob Shoemaker said he would vote against the motion. He said if the Committee gets fixed on that, then the Committee will be in a tough position to make the presiding officer a role of real strength, one that will call for a reasonable salary so that a strong council presiding officer will be encouraged to emerge. If the Committee members were to commit themselves, at this point, to delegating the description to the council, the Committee is, in effect, not allowing a way to call for a strong council presiding officer.

Ned Look asked Mary Tobias to define the presiding officer role as she sees it.

John Meek said that having Mary do that is not dealing with the motion.

Chair Myers agreed. The issue is whether the charter should spell out the duties, or is it going to be the council.

Jon Egge said it might be time to go home. He said he doesn't want members to get ugly with each other.

Chair Myers said that, at any given point, it is fair comment for any member to suggest that a particular motion raises a question that should be deferred, or that is premature. But the Committee is going to have to resolve some number of detailed questions. He said he would like to urge members to comment when they think an issue should be postponed.

Frank Josselson said that the Committee is dealing with details when there are still big issues to be considered. For instance, is the planning staff going to work for the council or for the executive. To enable the Committee to get to that point, he said wants to move to terminate discussion and vote on the motion.

Motion: Frank Josselson moved, Ray Phelps seconded, to terminate debate on the main motion.

Vote on the motion: Chair Myers, Larry Derr, Jon Egge, Frank Josselson, Ned Look, Bob Shoemaker, Mimi Urbigkeit and Norm Wyers voted aye. Ron Cease, Matt Hennessee, John Meek, Wes Myllenbeck, Ray Phelps and Mary Tobias voted nay. Judy Carnahan and Charlie Hales were absent. The vote was 8 ayes and 6 nays and the motion to terminate debate failed.

John Meek said he does not support the main motion, because the council should not be fooling around with the presiding officer position. The Committee hasn't had that discussion. Ron Cease's motion opens the door to weaken the role of the presiding officer. There may be duties the Committee wants the presiding officer to do in order to make sure a strong council is maintained. The motion is premature. Some guidelines may be needed for the rules established by the council.

Matt Hennessee said the Committee has already decided that the council is to be a policy-making body. He said he agrees with the motion. It allows the council to strengthen the presiding officer's position and strengthen its own position, relative to the rules. This is an opportunity for the council to have the flexibility to strengthen the presiding officer's role. The charter could keep the duties rigid.

John Meek said when people get together to establish governing rules to delegate on somebody, they generally do not take the position to relinquish strength.

Larry Derr said he would vote no. The Committee may want to revisit the issue after deciding on the model.

Ray Phelps said he would also vote no. He said he agrees with John Meek. The council will not relinquish strength. If the Committee is to establish a strong council, then there should be an annual question of what the presiding officer is going to do. The charter should prescribe the power of the elected person.

Vote on the main motion: Ron Cease and Wes Myllenbeck voted aye. Chair Myers, Larry Derr, Jon Egge, Matt Hennessee, Frank Josselson, Ned Look, John Meek, Ray Phelps, Bob Shoemaker, Mary Tobias, Mimi Urbigkeit and Norm Wyers voted nay. Judy Carnahan and Charlie Hales were absent. The vote was 2 ayes and 12 nays and the motion failed.

Motion: Jon Egge moved, Frank Josselson seconded, that the Committee adjourn.

Chair Myers said the Committee needs to conclude the structure provisions. He said he is trying to work around the planning-service separation in order to see if there are other details that can be agreed on. If the Committee would like to go straight to the planning-service issue, that can be done. He said he sensed that there are a number of important points that have to be resolved in any event.

Jon Egge said that the Committee is complicating the process by looking at the minutiae. A lot of the smaller items will be solved by the bigger question. He said he is willing to take a look at the core issue. Bob Shoemaker presented something that is awfully close. The Committee didn't take action on it, but there was some head-nodding around the table.

Mary Tobias said she would like to pick up the process the Committee has been discussing. Some of the shape is beginning to emerge and why the Committee thinks they should be the way they are is coming out. The Committee needs to play these things out and what they look like in real life.

Frank Josselson said the Committee took straw votes on the four alternatives. One or two came out as the favorite models. If this Committee is to determine that the planning power shall be in the council and the planning staff shall be under the executive, then it will change his view entirely. Under those circumstances, he said he would vote for #4. It absolutely hamstring the government and it is ridiculous to have the planning power concentrated in one branch of the government and the staff to carry out that power concentrated in another branch. It doesn't make any sense. If the Committee does that, then do it, so he knows how to vote in terms of the structure. This business of who the presiding officer is and how much he gets paid--it's how many angels can dance on the edge of a pin. He said he has gone over the edge in this process. It has taken too long. The Committee is talking about the same things it talked about 10 months ago without getting down to it. He said is burned out and exhausted with the process.

John Meek said he supports adjournment. There must be 20 questions on the tape, getting down to core. He said he would like to see the staff put together an outline in order to expedite the process.

Matt Hennessee said he does not support adjournment, but he is with the group if that is the decision. He said he hopes the audit function is discussed at the next meeting--performance as well as financial. It is critical in talking about the structure of the government.

Chair Myers said that, listening to the members, there is no combination of adjustments, in regard to the council-executive officer relationship, which will suffice or equate to this separation of planning and service delivery.

Jon Egge said whether or not there is a veto may be an exception. It might be a substantive enough issue that it could be addressed without addressing the core issue. But why not get to the core issue and let it be a result of that?

Chair Myers said he thinks there is a lot of division around the core issue. But there is probably a lot less division around some details that might obviate the problem of the core issue. He said he wants to see if he understood that there is no combination of other modifications in the executive-council relationship that might equate to splitting off the functions.

Matt Hennessee said all of the members came expecting to get the structure provision done. He said he hopes that it can be finished next week.

Larry Derr said the Committee was making progress when the group was speaking on the big issues and taking votes. The progress stopped when the Committee started taking pieces that are meaningless by themselves. The Committee should get back to the big issues. Compromise can still be worked on the big issues.

Chair Myers said he would try to structure the agenda to march through the issues. As the Committee goes along, members need to be sensitive as to whether an issue should be deferred.

Mary Tobias said the Committee should vote against the motion to adjourn. Instead, immediately after the motion fails, the Committee should go to the question of the council-executive relationship and give an up or down vote on whether or not to separate the planning functions and put them under the council, as proposed by #2.

Chair Myers said he didn't think that adjournment is really debatable.

Ron Cease said, since the Committee is debating the issue, people are tired. He said the Committee has had enough. He said he is troubled by what Mary Tobias said. The Committee needs to dance

around the options to keep the group from falling in two. If there is that kind of vote, and one side is mad, then the possibility of getting it resolved with other pieces becomes more difficult. He asked the Chair to give the Committee a time sense for completing the job.

Chair Myers said that structure should be finished by the end of the next meeting. The Committee should try to go to a two-meeting a week schedule in order to get the charter done. The finance provisions still need to be done and won't be free of controversy.

Mary Tobias said that the proponents of the split of powers have said that for them it is a key issue. There is no advantage for this Committee to postpone that vote until next week. Otherwise, at 10:00 next week the Committee will still be sitting around waiting to get to the separation issue. She said she almost put her proposal on the table, but shied away because she wanted to do some thinking on her stand on the issues. The people around the table are ready for an up or down vote.

Frank Josselson said he would like to move to terminate discussion and vote on the motion.

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

Chair Myers adjourned the meeting at 10:05 p.m.

Respectfully submitted,



Janet Whitfield
Committee Administrator

Materials following this page represent
Attachments to the Public Record

TRI-COUNTY
METROPOLITAN
TRANSPORTATION
DISTRICT
OF OREGON



TRI-MET

4012 SE 17th AVENUE
PORTLAND, OR 97202



May 27, 1992

Mr. Hardy Myers
Chairperson, Metro Charter Committee
Stoel, Rives et al
900 SW 5th Avenue
Portland, Oregon 97204

Dear Hardy,

I appreciated the opportunity to talk with you about the joint work program on a possible merger that we are proposing to the Metro Council tomorrow evening. As we discussed earlier, on April 23 I made a commitment to the Council that I would urge the Charter Committee to remain silent on the issue of the Tri-Met/Metro relationship while the two organizations are working to determine what that relationship will be.

The essence of the joint work program is the concept of cooperative merger between Metro and Tri-Met, not a unilateral take-over of Tri-Met by Metro which is what is permitted by state statute.

I have asked Caryl Waters to share the proposed work program with other members of the Charter Committee and to make them aware of my intention to formally request the removal of any language relating to changes in Metro's statutory authority regarding Tri-Met.

At your convenience, I would like to request formally to the Charter Committee, after we have reached an agreement with the Council on the final form of the joint work program, that these suggestions relative to charter language be incorporated.

Sincerely,

Tom Walsh
General Manager