

METRO  
CHARTER  
COMMITTEE

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AGENDA

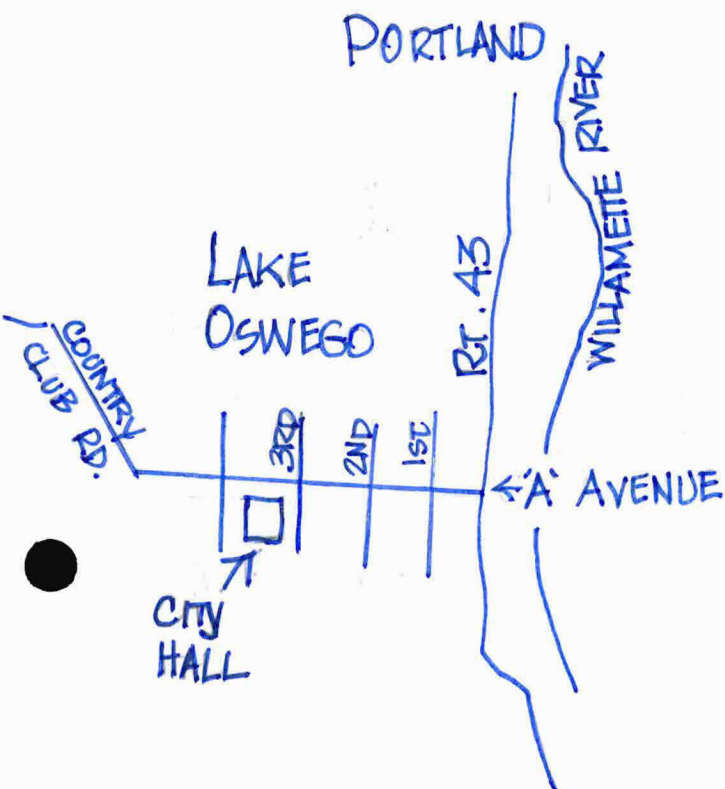
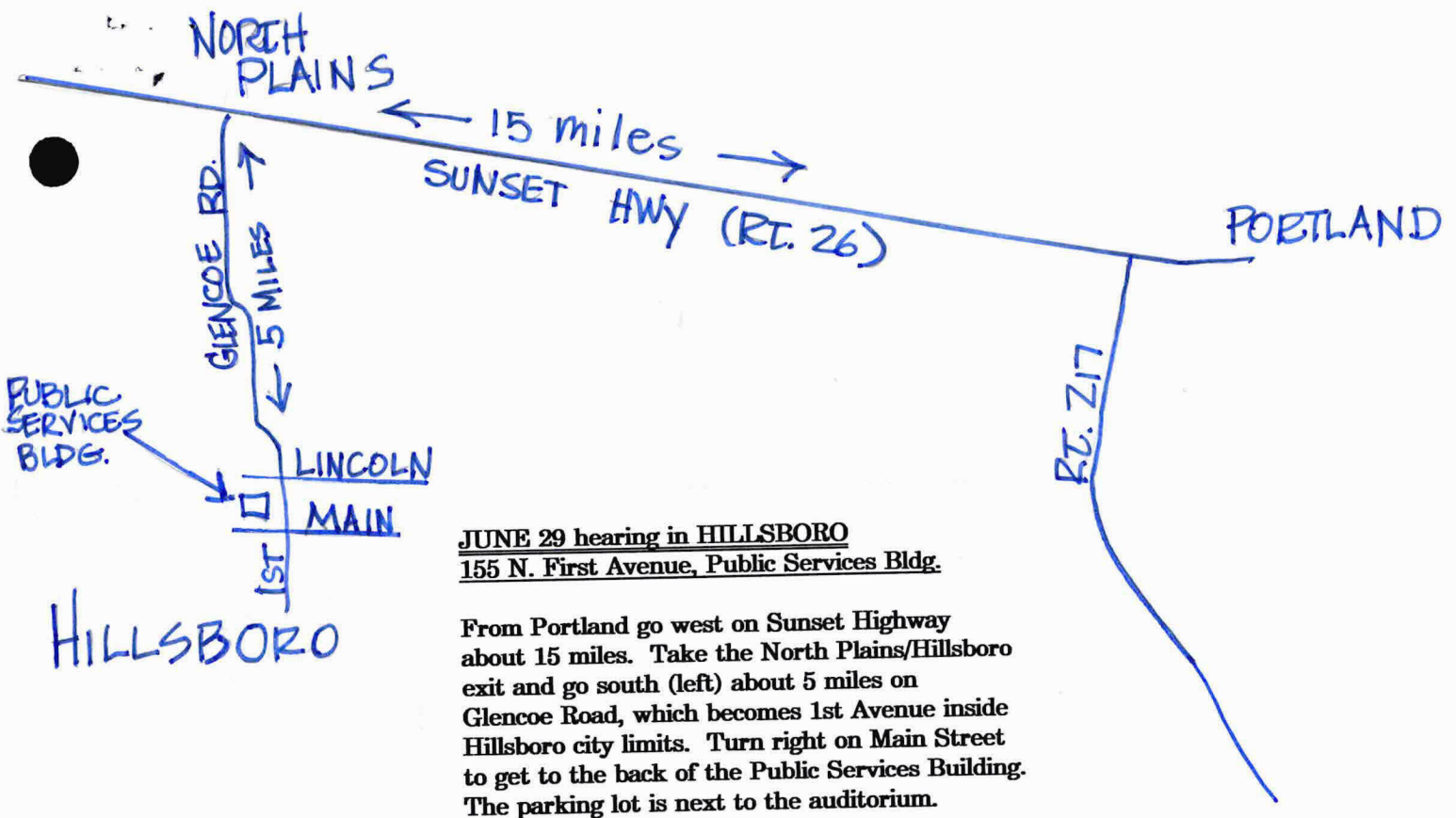
PROPOSED METRO CHARTER HEARINGS SCHEDULED

A proposed home rule charter for Metro is to undergo public hearings set for June 25, 29 and 30. The charter, if approved by area voters in November, will serve as a constitution for the Metropolitan Service District, the regional government of the Portland metropolitan area.

The hearings will take place in each of the three counties of the region. They are scheduled as follows:

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| ( June 25, Thursday | Northwest Natural Gas Company, 4th floor, 220 NW 2nd Avenue, Portland, 6-9 p.m.)     |
| June 29, Monday     | Washington County Public Services Building, 155 N. First Avenue, Hillsboro, 6-9 p.m. |
| June 30, Tuesday    | Lake Oswego City Hall, 380 A Avenue, 6-9 p.m.  |

If you would like to testify at one of the hearings, or would like a copy of the charter draft, please call 273-5570. Copies of the charter draft will be available after June 22 from the Charter Committee office.





MINUTES OF THE CHARTER COMMITTEE  
OF THE METROPOLITAN SERVICE DISTRICT

PUBLIC HEARING

June 25, 1992

Northwest Natural Gas, 4th floor

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

Committee Members Absent: Tom Brian\* and Ron Cease

\* Representative Tom Brian was appointed by the Speaker of the House of Representatives to replace John Meek who resigned June 16, 1992.

Chair Myers called the public hearing to order at 6:05 p.m.

1. Public testimony, Jacqueline Tommas and Gail Cerveney, Regional Committee of Citizen Involvement

Jacqueline Tommas, interim chair of the Committee for Citizen Involvement (CCI), said that Goal One of the RUGGO's and Goal One of the LCDC statewide goals require citizen involvement. She said that Goal One of the RUGGO's established the CCI. She said that the Regional CCI feels that the charter should mandate the CCI as it has with the RPAC. She said that this mandate could be done by adding a section 31 to put in the CCI as drafted and adopted by the council. She said that citizen involvement is a part of Oregon's land use process and it is important, if the Committee wants the citizens of the region to accept the charter, for the citizens to feel that they have a real opportunity in the decisions that are going to be made by Metro. She said that the goal of CCI is to provide that guarantee by reviewing the process for informing the citizens about what Metro is doing and making sure that they have an opportunity to appear before the council and express their concern.

Gail Cerveney, chair of Gresham Committee for Citizen Involvement and member of the Metro CCI bylaws committee, said that, in the Charter Committee's minutes, she recalls several comments about the Committee's concern that citizens be involved with the Metro councilors, that they be allowed to voice their concerns, and that a broader group of citizens be heard. The proposed charter has set Metro as a leader in comprehensive planning with a broad jurisdiction over comprehensive planning throughout the cities in the region. She said that the LCDC goals for citizen involvement state "adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources." She asked that the charter be a leader to the cities and include the CCI bylaws.

Chair Myers asked if there is a description of the Committee for Citizen Involvement as to its size, method of selection, etc.

Jacqueline Tommas said that the Committee was furnished with a copy of the bylaws earlier in the Committee process.

Gail Cerveney said that the CCI is comprised of representatives from each of the districts plus some overall members. There are 19 members and 19 alternates for a composition of 38.

Mary Tobias said that when she first received a copy of the CCI bylaws, she did not know, logistically, what the group was proposing. She asked if they were proposing that the CCI become an arm of the regional government.

Jacqueline Tommas said that currently fits into the Metro council office and reviews and assists in getting the word out. She said that it is a process committee, not a substance committee. It will not tell the council what they think the answer is that should be reached. Instead, they will put what Metro is doing in language that everyone can understand and get the word out so that people know what is going on and can come in before things happen rather than coming in after it is done to complain.

Mary Tobias said that the value to the community of a citizen involvement process is that it brings the arms length approach to the issues facing the region. She said that the CCI is at the table representing a lot of people with a lot of different perspectives from the public that need to be reached. If either the bylaws or a call for a CCI becomes part of the charter, it would become a part of the regional government. She said that it appears it would take that arms length away approach and would weaken the ability, over time, to keep it separate from government.

Jacqueline Tommas said that being a member of the CCI does not preclude the individual members from testifying on their personal opinions. The reason for the committee is process and not substance. She said that the committee will be worrying about getting citizens involved on either side of the issues.

Mary Tobias asked if, over time, Jacqueline Tommas thinks it will be seen as a department within Metro.

Jacqueline Tommas said that they have discussed with the council that the committee's purpose is process and not substance. She said that could change in the future if Metro thinks it is necessary. She said that the opinion of those working on the bylaws is that it would weaken the committee if they got into substance. She said that it would be insincere if one person wanted something in his/her area and another person wanted something in his/her area. There would likely be more dissention. When it is a matter of process, then it is something that everyone can agree on--that it is something that people should know about.

Mary Tobias asked if it would become the Public Relations department of Metro.

Jacqueline Tommas said no. She said that one of the functions of the CCI described in the bylaws is to review and go to Metro and tell them when they are not doing something that they ought to be doing.

Charlie Hales said that the current CCI is a creation of resolution. He asked, given that Metro is a product of state law and the charter is the product of citizen approval, why make the change from having a committee that is now a creature of resolution to one that is in the charter.

Gail Cerveney said that in Gresham's recent budget process, it was discovered that there was a \$1 million shortfall. She said that the Gresham CCI worked for a year on a proposal that went through the planning commission and city council with glowing approval. She said that not one dime was given to that proposal--the budget committee recommended that the citizen involvement coordinator be cut in addition to further cuts. She said that the inclusion of the CCI in the charter would assure the continuance of the CCI.



## 2. Public Testimony, Henry Kane

Henry Kane said that he resides and practices law in Beaverton and is a long time supporter of the Metropolitan Service District concept. He said that he wants Metro to succeed and to be a cooperative body that will work with, rather than dictate. He said that he does not think that the proposed charter will receive voter support. He said that it looks like big brother, big government. He said that the charter is not any better than ORS 268. He said that the charter does not contain a provision that Metro can exercise powers granted by ORS 268. He said that various provisions seem to be in violation of Oregon law, local government boundary commission laws, and land use laws. He said that the best procedure would be to make the effective date January 1, 1994 so that the 1993 legislature can write a large number of statutory amendments that will end the conflicts between the charter and state law. The alternative would be to provide that any charter provision in conflict with state law is nullity unless and until legislature amends law to remove the conflict. With respect to section six, he said that he prefers the statutory list which contains regional libraries. He said that section seven of the charter seems to duplicate Oregon land use law. He said that he sees no justification for superseding Oregon land use law or making Metro one more level of government controlling land use law. He said that he opposes section seven which states "it is the intention of this charter that the Future Vision not have any legal effect which would allow it to be reviewed by a court or agency of this state". He said that it is going to have some legal effect and therefore should be subject to some judicial review. He said that he opposes the Regional Framework Plan because the state already has land use laws and he has seen nothing that says that the state is incompetent or unable or that Metro can do a better job than LCDC and other agencies at the state level. He said that he opposes the provision that says that Metro, instead of LCDC, will pass on local government comprehensive plans. He said that is a state functions and should remain there for purposes of state-wide uniformity. He said that he opposes balkanization of land use laws. He said that he opposes the provision providing for the assumption of functions of the mass transit district. It is a matter of state law and this charter cannot supersede state law concerning Tri-Met. He said that the Boundary Commission assumption requires statutory authorization. He said that he opposes the provision regarding the assumption of other functions. He said that voters should know the functions of Metro so they know what they are voting for and what they are getting and do not have to worry that, in the future, Metro will adopt a function that will displease them. In other words, full disclosure. He said that section 10, regarding the general grant of powers, is objectionable because it is open ended. He said that he opposes section 11 on taxing powers. He said that the charter should contain a provision for a tax base or other tax to finance Metro under the charter. The charter provision that says taxes can be levied, and if the people do not like it, they have 90 days to gather signatures is not the best way to gain voter approval of any Metro charter. He said that the provision on the payroll/income tax is so loosely worded that it might be interpreted to include Tri-Met's payroll and self-employment tax. He said that it could be construed to allow Metro to impose a payroll tax. He said that the reference to a limitation of \$12.6 million for fiscal year 1994 does not list the sources of that income. He said that it could be interpreted by an opponent that as soon as it becomes law, they will levy a lot of taxes without approval. He said that he strongly opposes the section 13 provision that Metro prevails over an inconsistent regulation of a city, county or district. He said that the whole concept of Metro sold to the voters is that it is a cooperative regional agency and would not dictate to home rule cities and counties. He said that the section 14 apportionment provision is unacceptable. He said that it should fairly and expressly require that the districts be of nearly equal populations as possible. He said that he is concerned about the section 26 provision regarding a vacancy in office due to a conviction of a felony "and pertaining to his or her office". He said that, as he reads the provision, the only felony that would apply that would get someone off the council would be if he/she committed a felony pertaining to his/her office, which means that any other felony does not count. He suggested that the provision leave out the phrase "and pertaining to his or her office". He said that, regarding section 46, the charter should take effect January 1, 1994 in order to give the legislature time to pass enabling legislation. He said that he has carefully read the charter draft to see if there is any ORS 268.160 provision stating that councilors will



not receive a salary, but will be reimbursed for expenses only. He said that if the Committee wants the charter to pass, it is one of the provisions that must be inserted. Otherwise, the voters will say that it is one more political gimmick to raise taxes and support politicians who have no visible means of support. He said that an opponent of the charter could state that once the charter is approved, the councilors will give themselves salaries of \$60,000. He said that he wants something that the voters will approve. He said that a good clean up job along the lines that he suggested and others will suggest will make it more acceptable to the voters. He said that he thinks the voters currently look at it as a three humped camel that will only benefit politicians and will take more money out of their pockets.

### 3. Public Testimony, Steve Stolze and Gussie McRobert, Regional Governance Committee

Steve Stolze, Mayor of Tualatin and Chair of the Regional Governance Committee, introduced Gussie McRobert, Mayor of Gresham and one of the three executive officers of the RGC, Rob Mitchell, the Chair of the Tualatin Valley Water District Board of Directors and past Board member of the Tualatin Hills Parks and Recreation District, and Jeff Condit, city attorney for Lake Oswego. RGC has divided its testimony between this evening and the Monday hearing to accommodate some scheduling conflicts. The four members this evening will be discussing two topic areas in the charter: the functions of the regional government, and the process for executing those functions and adding new functions. On Monday evening, the representatives will talk about the finance and government structure sections. He said that he would like to make some brief general remarks regarding the work of the Committee, the work of the RGC, and how the two can successfully reach the finish line of this project together by early August. He said that the RGC has recently had the opportunity to review the June 17 draft with the full Steering Committee. The RGC is still fine-tuning their analysis of the charter and will have more detailed comments handed out at the Monday evening meeting. It is the RGC hope that, perhaps by the Tuesday hearing, the Committee members will have had time to read this document and RGC has asked its staff to attend the Tuesday hearing to be available to answer any questions about that document. RGC would like to compliment the Charter Committee both for the perseverance they have shown in working on this critical regional issue and for the product which has been produced. The volunteer efforts on behalf of the community are greatly appreciated. Yes, the RGC would like to suggest some minor amendments made to the document; but, they strongly believe that the Committee does have time to make some adjustments before the August deadline. He said that the RGC strongly urges the Committee to work towards meeting the goal of a November election and do not support any delay. RGC, from the first day of existence, has promised to deal with the numerous issues involved in creating a charter on their merits first rather than from a political basis. The RGC believes that they have been true to their word and very much hope that the Committee will review the final round of comments on their merits. As the Committee knows, the RGC have very purposely avoided defining hard and fast bottom lines. The RGC thinks that this approach not only makes the Committee's job easier, but has also helped the RGC to continue to think critically and originally about these issues from the start to the finish of this project. The document which the RGC will give the Committee Monday is in this same spirit. It sets forth comments of the current document. It does not identify bottom lines or say if the RGC does not get this or that, the Committee can forget about having their support at the polls in November. The RGC does not expect that they will agree with everything in the commentary, but asks the Committee, as they have done, to make one more open-minded, objective analysis of the issues before taking the final vote. He said that the RGC does know that the time is nearing when this product must be put to bed. All of the 39 members have passed resolutions identifying the general principles that they believe need to be in this charter. He distributed a sample of the resolutions that were passed. He said that the full RGC has empowered the three executive officers, himself, Gussie McRobert, and Judie Hammerstad to work with the Committee in whatever forum they choose between now and early August to arrive at a document which can be supported. So long as the RGC is operating within the general principles stated in the adopted resolution, he said that he would pledge to the Committee that they will try to be as flexible as possible to meet the objectives and purposes of the Committee.



Gussie McRobert, Mayor of Gresham, said that she would like to thank the Committee for their work. She said that, after reading the morning *Oregonian* article, it occurred to her that if no one is ecstatically happy, the Committee is probably right on. If one group was wonderfully happy, it would mean that the other group was not listened to. She said that she would like to speak briefly about the planning provisions and the process for adding new planning functions in the future. First, the process for adding planning functions. The RGC very much appreciates the establishment of a permanent Metro Policy Advisory Committee comprised as the Committee has defined it. The RGC, however, believes that the establishment of such a committee will cure the long standing need to institutionalize the essential partnership between local governments and the regional government. The RGC believes, however that the current process for expanding Metro's planning powers into new areas in the future needs to be amended to increase Metro's authority in this area. The current draft has two methods for adding a new planning function. The first is by a vote of the people, the second is through concurrence between a simple majority of the Metro council and a simple majority of MPAC. The RGC believes that both of these methods are viable and worthwhile, but the process that a third method be added. The third method would allow Metro to expand into a new planning area in the following manner: If less than a simple majority of MPAC agrees that it is a good idea for Metro to start a new planning function, the Metro council could still enter that area so long as they could secure the votes of two thirds of their members. This method allows the Metro council to enter a new planning area short of a direct vote of the people or the agreement of MPAC. The RGC thinks that this added flexibility still provides adequate checks and balances for diverse interests while giving Metro more power to execute the important growth management role that this region needs it to perform. The RGC also recommends that the Committee reduce the amount of detail which is included in this draft for Metro's current planning functions. The RGC supports Metro's continued current planning activities. They support Metro creating a future vision document for the region. Delating some of the details in the current draft will help to give this document the timeless flavor that a charter document should have. The specific recommendations in this area will be set forth in the document that the Committee will receive Monday.

Rob Mitchell, Chair of the Tualatin Valley Water District, said that he would like to speak to the inclusion of Greenspaces in the charter. He said that he is a former member of the Tualatin Valley Park and Recreation District. He said that the RGC supports any effort to expand the natural areas in the metropolitan area, but would like the Committee to consider maintenance of the Greenspaces. Specifically, Metro should be provided with the authority to maintain as well as acquire Greenspaces. As a policy matter it is important to address maintenance issues before making acquisition decisions. This will help to ensure that sound acquisition decision are made. Limiting Metro's maintenance role could result in local governments becoming responsible for maintaining facilities they do not own or may not have the funds or expertise to maintain. It would also make it impossible for Metro to contract with local governments or any other entity for maintenance due to the state law prohibiting the ability to enter into contracts without the ability to do it yourself.

Jeff Condit, Lake Oswego City Attorney, said that the RGC has a few issues of concern of a legal nature which they would like to discuss with the legal counsel and members of the Committee. First, the RGC wants to make sure that the Regional Framework Plan is not interpreted to be a Comprehensive Plan under the state statutes. They understand that the Committee shares the concern for this issue and would like to explore some possible language to further reduce this risk. Second, the RGC wants to be sure that the manner in which local plans and land use actions are brought into conformance with the regional planning documents works as efficiently and painlessly as possible. The RGC supports the intent of the Committee to establish consistency between the local and regional plans and simply want to be sure that they do not inadvertently create opportunities for unnecessary legal challenges or delays in the land use process. Third, the RGC shares some of the concerns of the Committee's legal counsel regarding the advisability of including a Boundary Commission takeover as part of the charter. Finally, the RGC has a general concern about the



relationship of the needed changes to State law and the effective date of the charter. Passage of the charter obviously cannot bind the legislature to pass all of the needed legislation. If the charter is adopted and becomes effective prior to the next legislative session, and the legislature does not make those needed changes, then a situation has been created for Metro where there is an authority issue and potential lawsuits every time Metro tries to exercise its authority one way or another. The state law prevails on all matters of state-wide concern, but what is a matter of state concern and what is of local concern is a different issue. The current law says that it is a matter of state-wide concern, and prevails, if the state says it is. One possible solution is to change the effective date of the charter to be after the next legislative session, and to condition the implementation of the charter on passage of the needed conforming State legislation. Most of the needed conforming legislation can be achieved by simply eliminating any ties between ORS chapter 268 and Metro. It may also be useful, for political purposes, to add a sentence to the charter which states that its passage should be seen as a mandate from the voters of this region for the legislature to pass the needed conforming legislation.

Charlie Hales asked Jeff Condit to expand on the issue of the delays that could be caused by the requirement that local comprehensive plans conform to the regional framework plan.

Jeff Condit said that the RGC concern is that the format for implementing may create some additional layers of government and/or some additional possibilities for people to throw wrenches into words that do not need to be there. He said that one of the provisions, for example, states that until the local plan is found to be in conformance with the regional plan, local land use decisions must be viewed against Metro regional plan. He said that, after having gone through the acknowledgement process in the county, it makes him shudder because having the local land use decisions in compliance with what may be a more general plan simply invites litigation and the opportunity to make land use legislation by court decision. He said that would slow down the acknowledgement process. He said that he understands that the reason it is in there is to create an incentive for local governments to get their plans acknowledged as quickly as possible, but that could be done by a time line that acknowledgment of the prime inconsistency by Metro. If the time limit, then, is not met, local land use decisions would be reviewable against the charter. He said that provides the incentive without diverting the attention during the process of bringing the plan into conformance with the Metro framework plan by having to fend off court decisions or change policies as a result of court decisions. He said that there is a process for Metro to issue something very similar to an LCDC enforcement order if the local government is indulging in a matter of practice violating the plan. The state statute currently provides for LCDC to make that decision, but the RGC would rather see the Metro charter plug into the already existing state process of the land use board of appeals rather than create its own separate new function. He said that it might create too much of an administrative burden on Metro when the current administrative structure already exists in the state.

Chair Myers asked if the RGC materials that they are preparing will have specific proposed amendments.

Jeff Condit said that the materials the RGC is distributing on Monday will generally state these points, but the legal committee is more than willing to sit down with the Committee's legal counsel and work out the exact language.

Mary Tobias said that, on the regional framework plan, one of her concerns is that growth management and transportation and land use planning is being done by a committee at the state level. She said that they are turning it around--moving it away from the ground up to make it an up down process. She said that by exerting something that has removed one more step from the citizenry than local government is and, to the extent that this charter does that, it helps perpetuate that change in intent.



Jeff Condit said that Mary Tobias could be right if the regional framework plan becomes more of a comprehensive plan and less a collection of specific regional planning processes that Metro would run and would be clearly defined in regional terms and have a regional impact. He said that the RGC feeling is that local transportation issues should remain at the local level for those reasons. But, there is a need to have some regional oversight, particularly in transportation. He said that the RGC concern about having a regional comprehensive plan is that it could go beyond the specific regional viewpoint that Metro ought to have, and would result in a top down process, which RGC has been opposed to throughout the whole process.

4. Public Testimony, Commissioners Gary Hansen and Sharron Kelley, Multnomah County Board of Commissioners

Sharron Kelley, Multnomah County Commissioner, said that after meeting with Matt Hennessee and discussing the charter among themselves, the Multnomah County Board of Commissioners passed a resolution which is a framework of broad policies that substantially disagree with the charter recommendation of the Committee. She read Multnomah County Board of Commissioners resolution 92-116. See attachment A.

Gary Hansen, Multnomah County Commissioner, said that there were two other issues that, after discussion with the Commission earlier, were removed from the resolution. He said that the two issues are not a Multnomah County policy position. It is the policy position of five individual Multnomah County Commissioners. He read a letter stating the concerns which was signed by the five Commissioners as individuals. The letter states: "In addition to the Resolution adopted by Multnomah County, there are two areas of concern to Multnomah County Commissioners. These two issues are not in the Resolution because they would not impact the working relationship between Metro and Multnomah County. However, these issues are troublesome because they are simply bad government. First, we recommend that the charter not contain any provisions that interfere with the process of collective bargaining. Second, we recommend that the charter place all executive and administrative authority under an elected official who is not a member of the legislative council, as with the current structure. The voters prefer electing the Chief Executive Officer, and as a relatively new government, Metro needs the visibility of having this position elected." He said that, personally, he served two terms at Metro before the separation of powers was really defined during the transition from Rick Gustafson to Rena Cusma as well as serving on the Multnomah County Commission. He said that he has served under three different legislative executive situations. He said that the situation that Metro currently has with an elected executive and a completely separate council seems to be the one that gives the council the most independence and flexibility in carrying out their elected responsibilities. He said that once the two are combined and blur the areas of responsibility, a great many problems are created and it makes it very difficult for those part time elected Metro councilors to take care of their responsibilities if they do not have authority over staff or if they do not have access to agendas.

Chair Myers asked if the reference, in the supplemental letter read by Gary Hansen, to collective bargaining was in reference to the provision about the limitation on authority to contract.

Gary Hansen said yes. He said that he is concerned about that in terms of the impact on collective bargaining and other things that would have serious impacts in a smooth transition of a Tri-Met/Metro merger.

Chair Myers said that the Committee substantially changed that provision. He asked if the letter was reacting to the latest version of the draft, dated June 17, 1992.

Gary Hansen said probably not. He said that if it has been taken out, he hopes that it will not slip back in.



Chair Myers said that the provision now states that "all officers of METRO shall preserve, to the greatest extent possible, the ability of METRO to contract for services with persons or entities who are not employees of METRO".

Sharron Kelley said that the Greenspaces program, that will be proposed to the voters, was eight years in the making and involved up to 70 jurisdictions. The 70 jurisdictions came together over a period of time to come to a collective agreement that this is the work that needs to be done. She said that to take away Metro's ability to maintain when other local jurisdictions may not have that authority, does not make sense to her. She said that she is pinpointing a specific issue because she wants the Committee to understand that she does not believe that Metro has done anything to deserve the kind of constraints that the Committee is about to propose to be put before the voters. She said that she cannot remember any single action by the government that would put them in this position. In particular, the Greenspaces program is particularly painful understanding the many people that worked on it and the time invested.

Charlie Hales said that, obviously, there was compromise and disagreement within the Committee over the powers of Metro. He said that he is confused by Sharron Kelley's example. Using Greenspaces as an example, he asked how the structure would be any less able to convene that kind of collective work by all the different entities involved with parks and open spaces.

Sharron Kelley said that the way she understands the new process under the charter, assuming that the charter will pass, is that it would ignore, realistically, that it takes a lot of work and people collectively to put together a regional program or service of any kind. She said that is the reality of it and is how the Greenspaces program came together. She said that it started with an inventory of the 700 parks and open spaces that currently exist in the tri-county area. She said that the process would require that it go through this committee, of which the Multnomah County Commission disagrees with the proportional representation. The process requires, for Greenspaces, that the eight years of work has to be taken through a sub-government structure for their approval when it is already going to go to the voters and then to the council anyway. It is another additional process, another formality that Metro would have to go through in order for it to be approved. It is not necessary.

Chair Myers said that he understood the focus of Sharron Kelley's concern about Greenspaces was the maintenance issue.

Sharron Kelley said that she also understood that Charlie Hale's question was trying to fold into the process and what would happen realistically with regional services. She said that in her view and experience, that is the way it really happens.

##### 5. Public Testimony, Joe Ross, citizen

Joe Ross said that he read the draft charter and thinks that the Committee is proposing control. He said that simply because Metro has had the power to merge with Tri-Met, they have exercised their powers only when they felt that they were able to manage this in a responsible manner so they have left it alone. He said that the Committee completely wiped out Tri-Met which should have been the number one issue. He said that Tri-Met has a \$212 million operating budget. Tri-Met is responsible to the Governor. They do as they please, how they please, when they please if they please at all and they are accountable to no one. He said that, in his proposal, at least someone has to answer to someone for something when there is that kind of money involved. If there is an elected board, they would have to answer and the people who elect that board. The people have recourse. He said that Tri-Met has complaints regarding services, drivers, etc. and they should be accountable to the public for that, not just to the employees. He said that if there is a holding company, and they purchase another company with certain things in it, that does not mean the demise of both things. He said that, for example, the



same employees that were in the banks at acquisition are still there. He said that is the way that it would be with Tri-Met, but they would be accountable. He said that, regarding the issue of councilor salaries, there are councilors who have served well on their own time and own expense and hold other jobs. He said that you pay for what you get. There needs to be more representation, not less if the people are to be heard. If the councilors were full time, there would be more representation. He said that Greenspaces is something that is very important. He said that, earlier, the cities had the vision to acquire land, such as Washington Park. He said that the land and dollars were just as precious then as they are now. He said that Greenspaces need to be acquired now, however, priorities must be set. He said that he has talked with people at Metro and they said that they want somewhere between \$100 to \$200 million for Greenspaces. He said that Seattle put out \$117 million and they have a population that is three times that of here. He said that cultural matters are discussed in the regional framework plan. He said that any place with culture will have performing arts. He said that if Metro's ability to tax is taken away to support this, who knows what will happen. The issue is being kicked around from city council to wherever it can sit for the year because no one has the money or wants to appropriate the money for that year. He said that there needs to be a way to pro-rate the issues. He said that there are Greenspaces and cultural facilities and if Metro's authority keeps getting taken away, then it will go back to a CRAG. He said the charter has the water issue in the future vision, but it should be dealt with now, not in 50 years.

Jon Egge asked if Joe Ross is suggesting that the Tri-Met Board be elected or that it be folded into the government at this time so that it comes under the direction of the elected council.

Joe Ross said that Metro should be allowed to assume control of Tri-Met with an elected board for Tri-Met. He said that would give it responsibility and accountability. He said that would save money because there would be a reduction in duplication of printing, accounting, etc.

Mary Tobias asked Joe Ross, as a private citizen and tax payer, how he would feel if there is one more taxing layer. She said that she is concerned about how citizens who are not intimately involved with government are going to react to the issues.

Joe Ross said that Metro has done some things to concern him, such as spending \$5.2 million for the Sears building. He said that when talking about the responsibility of taxation, he contends that it be presented to the voters where everything, such as the zoo and performing arts centers, is being pro-rated among the three counties. He said that pro-rating it will show responsibility to the tax payers. He said that people will not mind what they are paying for if they are consulted and have input.

#### 6. Public Testimony, Linda Robinson, citizen

Linda Robinson said that there needs to be a strong regional government that addresses regional issues. She said that the charter should not do something to weaken Metro's power to do those kinds of things so that it falls apart like CRAG did. She said that she has been working as a volunteer with the Greenspaces program for two years. She said that the Greenspaces has been an effort over a long time involving a lot of people. She said that it was developed with the assumption that Metro has the power to acquire, develop, maintain, and operate a system of parks, open space, and recreational facilities of metropolitan significance. She said that language should be incorporated into the charter. She said that a master plan has been developed over a long period of time and it is ready to go through the final hearing and approval process. She asked what would be the point if, once it did that, it cannot do those things that the plan addresses. She said that one of the things that worked out with a number of local government units is that idea that some of the local governments were very concerned that Metro would purchase some land and then they would not be given any choice to maintain it, even if they did not have the resources or the money. Some local governments were afraid that Metro would take over the parks and others were afraid that they would have to take over parks that they



did not want to. The plan was written so that the local governments would have the first choice of whether they are able and willing to do it and Metro will do it for those of regional significance if the local government unit cannot do it. She said that most people were pleased with that outcome. If Metro is not allowed to do any maintenance, it negates the whole process.

7. Public Testimony, Angel Olsen, Multnomah County Citizen Involvement Committee

Angel Olsen, member of Multnomah County Citizen Involvement Committee (CIC) and CCI bylaws committee and acting chair of the CIC outreach committee, said that the Multnomah County CIC is chartered and has been for over 10 years. She said that they function as a process group. She said that they outreach to the neighborhood associations, different ethnic groups, and other citizen groups who are organized and interested in their government. The issue of having citizens being able to come before the council on issues would be through an outreach system that was formed from those bylaws. She said that if the Committee would like wording, it is in the Multnomah County charter.

Mary Tobias said that she understands the intent of the process and she supports the CIC. She said that citizen involvement is very important. She said that her concern is that if it becomes a part of the charter itself, it will no longer be perceived as an independent body or process. She said that she is concerned that it will be perceived as a part of Metro.

Angel Olsen said that, in Multnomah County, it has been functioning very well for over 10 years. She said that they are independent and are not controlled by the county commissioners. She said that the wording in the charter would take care of Mary Tobias's concern.

8. Public Testimony, Herb Brown, Rockwood Water District

Herb Brown, member of the Rockwood Water District, said that the Rockwood Water District has signed with the RGC opinion, as far as water is concerned. He said that they do not want to see Metro get into the water retailing business at any time. He said that three or four water authorities or committees in the region would be more preferable. He said that, speaking as a citizen, under *other assigned functions*, the ownership and operation of public cultural, trade, convention, exhibition, sports, entertainment, and spectator facilities should apply to such things as performing arts centers designated and operated by the school districts, but used as public facilities. He said that another provision under *other assigned functions*, the disposal of solid and liquid waste, would involve sewage and could be interpreted to be that Metro would take over sewage treatment plants. He asked, regarding the provisions for initiative, referendum, and Metro ordinances, if there were an initiative petition to change the charter, what percentage of qualified voters would be needed. He said that the elected at-large President of the council will probably be the person who runs the best campaign, however, the person may or may not have the qualifications to perform the functions of the office. He said that it is not a justified position to have that person also have the authority to fire the general administrative manager of the district at will. He said that the firing of the administrative officer should be supported by a majority vote of the council. He said that, because of the magnitude of the charter, the size of Metro, and the structure of the government, at least two hearings should have been held in each county. He said that one-third to one-half of all of the metropolitan population lies east of the Willamette River, yet, all three of the meetings are west of the Willamette River.

9. Public Testimony, Jewel Lansing, citizen

Jewel Lansing, former elected Multnomah County auditor and former elected Portland auditor, said that she feels strongly about the importance of an independent elected qualified auditor for the Metro government. She said that she believes this not only from her years as Multnomah County auditor and Portland auditor, but also from watching performance auditing and local government auditing



nationwide for about 20 years. She said that in 1972, the general accounting office of the federal government published a book of standards for government auditors at every level. She said that only federal auditors must buy into these standards, but local governments have been doing it in increasing numbers. She said that when she first came to Multnomah County, her predecessor was said to not know an audit from a ham on rye. She said that, in both the county and the city, she followed good old boys who were more interested in other things than in auditing. She said that things have changed a great deal since that time. Auditing has become professionalized and respected. She said that she had to work in both the county and the city to earn that respect. Nationally, performance auditing and auditing in general has proven itself and it has grown. She said that when she came to Portland 10 years ago, she convened a citizen's task force to look at the question of what the city auditor ought to do because performance auditing had not been done in the past. She said that the task force spent a great deal of time looking at the whole question of how best to have the auditor serve and the task force came down very strong on the side of having an elected independent auditor. She said that they were very forceful in assisting that she go to the council to ask for money for a demonstration project for performance auditing because there was no other way to do it since there was nothing in the charter to give her authority to do that kind of auditing. She said that they were able to convince the council to put the money forward to adopt the program on an experimental basis. She said that the public felt so strongly about an independent watch dog--someone who actually had the resources to look at programs to see if the resources were being used well and done efficiently, not just if there is a budget that they are following. She said that there is no other part of the government that can do that as well as an independently elected auditor. She said that the person should be elected because, if he/she is not, the auditor is probably going to end up being an errand boy/girl for the council or executive. She said that she has seen this around the country where excellent auditors have bitten the dust in both those situations because there was not anything protecting them from other people's agendas. The idea of having an elected auditor puts some responsibility on the auditor for choosing what to audit. Another important point is that the elected auditor has direct access to the media and an appointment auditor is very often kept away from the media. She said that an appointed auditor has to answer to a single boss or a committee who decides what things they will look at. She said that an elected auditor has that responsibility and authority. She said that in order to do that, the auditor needs to be qualified. She said that it is not a panacea, but the very best way that anyone has found to assure a professional office is to require that the elected auditor be either a certified public accountant or a certified internal auditor. She said that the certified internal auditor designation is there for people who come from other kinds of professions and they can, by studying to become a certified auditor, put their experience to work and become certified. She said that it does not preclude people who are truly interested in this as a profession by making it too difficult for them to do so. She said that it is also important that there is a provision about a guaranteed salary. If a professional person is going to be asked to run for that job, there needs to be some sort of equivalency, although not necessarily what they would make in the private sector, to make it worth their while to run.

Ray Phelps said that one concept for the auditor is to make it part of a more, all inclusive fiscal or financial responsibility. In other words, more of a treasurer who has the performance audit responsibility. He said that part of that would be based on the assumption that there might not be sufficient tasks for a person to be exclusively a performance auditor.

Jewel Lansing said that she is very opposed to combining it with a treasurer or other financial position. She said that part of the auditor's job is to keep tabs on the treasurer and the financial officer and to combine those is the very problem that she talked about with the auditor as part of the executive line of authority. She said that the auditor usually ends up being equivalent to that person or under that person which does not work right--the independence is not there and there is no way for that person to go directly to the public. She said that on the subject of possibly not being enough to do, she is not sure that is true. She said that if it is true, one of the things that could be done is to provide a way



for the smaller municipalities to go someplace and find somebody who is experienced and understands local government auditing to come in and help them occasionally. She said that there has been talk at various times about setting up some sort of organization that would have the capability of contracting out to other local government units and Metro would be an ideal place where that kind of function might occur. She said that they need to be careful and know what the main focus is and what the priorities are or there is not time to take care of things at home.

Chair Myers asked how much it costs to run for auditor.

Jewel Lansing said that Gary Blackmer spent about \$20,000 to \$30,000 which she thinks is the biggest race there has ever been. She said that it was so big because Gary Blackmer was running against Dan Ivancie who has a name that is well known and Gary Blackmer's name was not well known. She said that auditor races are usually more in the nature of \$10,000, which is what Barbara Clark spent and what she spent.

Judy Carnahan asked if term limits are appropriate for this type of position.

Jewel Lansing said that they are less appropriate in this type of position than any. She said that there are limits on it in Multnomah County. She said that one of the problems with term limits is that if a professional person is being sought, if they get in a track, the question is where do they go from there. The only place is a big firm and the person would have to carve his/her own job or go into private enterprise. She said that it is the kind of office to be less concerned about term limits, but it would not be a major stumbling block. She said that if she were to vote, she would vote against it.

Charlie Hales said that he agrees that there is a substantive value of an elected auditor, but he gets hung up on the political question of how, in an area with 800,000 voters, someone would campaign for an office on this scale with its low visibility and technical nature. He said that it works for the Executive because that office is visible enough that the public can gauge, to some extent, which candidate is better for the office.

Jewel Lansing said that is a major problem with Metro. She said that the problem will not get any easier even though Metro will become more visible, but there are a lot of things on the ballot to vote for. She said that it makes newspaper endorsements more powerful. She said that it makes ingenuity more powerful and how you reach people. It makes the voters' pamphlet increasingly more important. She said that if there are qualified people running, then the odds of coming out on the short end are less. She said that she would be nervous about putting an elected auditor on the ballot without requiring certification. She said that there are not many known names in professional circles of people who have that kind of certification so candidates have to work for it. In a low visibility race, who supports whom is very important.

Charlie Hales asked if Jewel Lansing thought that was enough.

Jewel Lansing said that she thinks it is. She said that she thinks that the auditor is more important to people than is realized. She said that there is a lot of support among the public. She said that she trusts the voters and they do look for a qualified person for a professional job. She said the outside things--such as name familiarity--do not come into the race.

#### 10. Public Testimony, Tom Tucker, citizen

Tom Tucker gave comments on the charter residency requirements for council members, taxation without vote of the people, potential conflict of interest for councilors, and improvements to the objectives of the future vision. See attached testimony, attachment B.



11. Public Testimony, Tanya Collier, Metro Councilor

Tanya Collier, Metro Councilor, said that she has been a member of the Metro Council for six years and was presiding officer for two of those years. She said that she appreciates Mary Tobias coming to the Metro Council and recommending that everyone work together to get a responsible charter on the ballot.

Mary Tobias said that she spoke to the Metro Council as an individual, not as a Committee member.

Tanya Collier said that she thinks Senator Otto's intent with a home rule charter was to give the voters of the region control over their regional government, the ability to hold those elected representatives accountable, the ability to tax themselves with the approval of the voters, and that the charter be broad enough to meet the needs of the region over a period of time. The message from Ballot Measure Five also said that government should be simplified and accountable. She went through the sections in the charter that do not meet that criteria. She said that section 30, *METRO Policy Advisory Committee*, permeates the charter and the intention of the charter. She said that, because of this section, the appropriate ballot title should be "abolishes METRO and creates CRAG". She said that Metro works with local governments and local governments are included in any decisions made, but that does not mean that Metro goes along with every decision of local government because that is not the role of regional government. She said that, numerous times, local governments do not agree with each other. She said that the impact does not recognize that the region's constituent is the voter and that is the whole reason for having a charter. It takes it from the perspective that Metro's constituency is local government and not the voters of the region. She said that she feels that, since she was elected by 80,000 people, her constituency is the voters and she is elected to have a regional perspective. The creation of the MPAC and the requirement that a majority of the local governments must approve "matters of metropolitan concern" sets up a tremendous barrier for regional government and holds the regional voters hostage to the veto of local government which is in direct opposition to the purpose of regional government. She said that if this portion of the charter passed, there would be no reason to have a regional council or executive. The voters of the region cannot abolish MPAC nor the members of MPAC as the membership. If there is an elected regional body, those are the people ultimately responsible and the people who must be held accountable. She said that the draft language in section three, *Boundaries*, ignores state law and is inconsistent with it. The draft language in section four, *jurisdiction of METRO*, creates a limited function government without a general grant of power and there is no way to gain jurisdiction over matters of metropolitan concern without either a majority vote of local governments or a majority of the popular vote of the region. She said that, when considering regional decisions, it is not that they would not want to go to the voters for every regional decision, but it is a matter of time limits. There are some important issues that need to be decided. It is a responsibility of the regional government to do those in a responsible, expedient, and economically sound fashion. She said that section five, *growth management functions*, should have a general grant of authority and should read "to the fullest extent allowed by law, the regional government shall provide for regional urban growth management including, but not limited to, adopting regional goals and objectives for land use planning, coordination of local land use plans, urban growth management, and financial planning". She said that broad grant of power would allow Metro to make decisions that cannot be anticipated right now. She said that sections five, seven and eight (*growth management functions, regional planning functions, and addition of other matters to Regional Framework Plan*) ignores the state land use laws, it presumes legislative changes in land use laws that are not there, and it ties the hands of the Metro council who will ultimately be held responsible by the voters to deal with the most important area of metropolitan concern--urban growth management functions. It also completely ignores the recent adoption of RUGGO's. Section six, *other assigned functions*, does not provide an efficient way to address future matters of concern in the way that it is currently written. She said that three of the five specific functions granted to Metro in the charter did not exist four years ago, and there is no way to anticipate exactly what will be needed four years from now, which



leads to the conclusion that the only way to do that would be to give the elected body a general grant of authority to make those decisions as those decisions come up. She said that both parts, the Future Vision and the Regional Framework Plan, of section seven, *regional planning functions*, are totally unnecessary. She said that Metro is currently working on Region 2040 which is a 50 year plan that does almost identically what is outlined in the charter. She said that it is currently being worked on and there is broad participation by local governments, the community, and anyone else that wants to participate in the plan. She said that the charter interferes with the current effort and adds another layer of cost and bureaucracy that there is not a need for. She said that if there are complaints about how 2040 is being done, the more productive way to deal with that is talk about those areas where there is concern that Metro is not doing a good enough job in planning it rather than to set up the barriers in the Future Vision. She said that section eight, *addition of other matters to regional framework plan*, does not allow for regional growth decisions to be made without the approval of local governments or the popular vote. It is inconsistent with the philosophy of an elected regional government where the voters are represented through people that they elect and can be easily un-elected. She said that her remarks for section nine, *assumption or termination of additional functions*, are similar to those of section eight. She said that ORS 268 says that Metro has had the authority, under a marriage clause, to form a merger with Tri-Met. It has not been timely to do so up to this point, although it is under discussion with Tri-Met at this point. She said that the draft sets up what the merger would look like rather than letting Metro go through what would be a sensible way to merge the two agencies for the purpose of delivering better services. She said that the charter takes away the purpose of examining a merger with Tri-Met when it precludes an elected body as the governing body rather than an appointed body. She said that the single heaviest issue that has been raised in regard to Tri-Met is the notion that the Tri-Met Board of Directors, because they are appointed and not elected, have no accountability for the public money that they receive. She said that the nature of public transportation in the region is changing to such an extent over the next 10-20 years, if there is a regionally elected body making the transit decisions, the region can more easily address transit between Milwaukie and Beaverton without having to go to downtown Portland to serve communities that may not need full bus service. By removing the section on the Tri-Met merger, the charter has gone a long way on not letting both Tri-Met and Metro look at the best way to deliver transportation services in the area. She said that the Boundary Commission provision needs to be consistent with state law. She said that Metro works well with the boundary commission and there is not need to change or address that relationship in the charter. With a general grant of authority, Metro will be able to make that decision when it is time. Section ten, *General Grant of Powers to Carry Out Functions; Construction of Specified Powers*, says "not intended to limit authority", but the previous nine sections have eliminated all standing authority in the enabling legislation. She asked that, under section 11 (*Limitation on Taxing Powers*), the charter provide the same grant of taxing authority that is provided in any other model home-rule charter and the limitation on taxes should be up to the voters and not be constrained by a specific charter amendment. She said that she has no idea what the \$12.6 million limitation is based on. The limitation, if there is one, should be based on what is needed to fund functions that Metro undertakes, not just now, but in the future. \$12.6 million may or may not do it. She said that she does not know how the issue of pass through funds is addressed and how they would work with the policy advisory committee. The funding needs to be related to the appropriate functions that are being funded. She said that she does not have a problem with the voters approving tax measures. She said that this version of the draft, in section 12 (*the limitations on authority to contract*), includes the words "to the greatest extent possible", which she interprets to mean that it will no longer violate the law. She said that even if it is not a violation of the law, it ignores the public employee bargaining practices which have grown up over a period of time and precludes the ability of the administration to base contracting decisions on what makes sense in service delivery and what makes sense financially. She said that, regarding chapter III, *Form of Government*, she is disappointed that the Committee chose to handle structure this way. She said that the people who have worked with or believe in the current structure have recommended that it not be changed because it works. It is not necessary to change it, and there are not flaws in it that



cannot be changed by the balance of power. She said that the model abolishes the separation of powers, which is a model that has worked for at least the last five years and there have been a number of successes under it. It puts the executive on council which is the piece that ruins the balance of power. If there is a poor executive, she said that the balance of power switches to the council and vis a versa. If there is a poor executive and a poor council, any structure will not fix it. The term limitations assures that there will not be any institutional memory on the council, which is an important thing to maintain. She said that the Metro Council is a self selecting process. There will not be people on the Metro Council for more than a couple of terms because people cannot work full time at other jobs and serve more than six or eight years on an elected body. She said that ensures that there will a certain amount of turnover. She said that section 29, *METRO Manager*, ensures that the policy will be controlled by the bureaucracy rather than administration in terms of policy implementation. If an elected official is controlling the administration and policy, there is someone to hold accountable. Sub five under section 29 does not allow members of the council to comment on the performance of people who are working in the bureaucracy and institutionalizing the civil service system that takes the policy administration and implementation out of the hands of those elected to do those tasks. She asked the Committee to think about whether they want to ensure a bureaucracy driven regional government policy rather than people who are going to be held accountable by the voters of the region. She said that she knows Metro has not pleased everyone, but they are not here to please everyone. She said that if everyone is being pleased, then they are not setting very good regional policy, which includes a dialogue to set the policy. It is not going to go smoothly because there are too many diverse interests. She said that there is a system set up that allows the dialogue to go on, mandates local government participation, mandates citizen participation, and all of those pieces drive the council to be able to make good regional decisions. She said that there have been a number of successes in recent years such as the closing of the St. John's Landfill in an environmentally sound manner, completing a solid waste system, building a Convention Center on time and under budget, successfully merging the regional facilities, spectator and performing arts and putting them under one management instead of competing with each other, passage of the RUGGO's, implementation of Region 2040, the maintenance of the Zoo as the number one tourist attraction in the state, the placement of a regional Greenspaces program on the ballot, reapportionment in a responsible manner, the handling of Ballot Measure Five cuts without any fuss, and healthy labor relations. She asked if the Committee really wants to undo the same amount of successes in the next four or five years. She said that she cannot think of an adjunct failure since the separation of power model has been instituted. She said that Metro has not always pleased local governments, but they cannot and it is not their role. MPAC asks Metro to please local governments. The constituency is the voter of the region, not the local government.

Ned Look said that there has been a great deal of discussion about the role of MPAC. He asked how the Committee could make some changes that reassure local governments that they are in fact a part. He said that they feel left out of the process right now. He asked if MPAC should be a permanent body that is limited to advice, not approval or if there should be separate committees set up, similar to MPAC, for particular issues that may come up. He asked if it was necessary at all.

Tanya Collier said that she agrees that Metro does not always do what local government tells them to do, but she questions the premise that local government is left out.

Ned Look said that local governments feel left out, they not necessarily are.

Tanya Collier presented the challenge to the Committee members to name one decision that Metro has made in the last six years that has not involved local government. She said that the reason they feel left out is because, while they are participant in the decision making, Metro does not do exactly what they are asking Metro to do. She said that, on every major decision, there are local government officials, technical committees, and citizens.



Mary Tobias said that local governments have been involved, but there are programs, such as Greenspaces, that were not geared toward local government buy in. The local government buy-in is not there at a deep level. It is there because it has been forced on local government for a long period of time and through a lot of work of the special interests. She said that Metro does bring people to the table, but her concern is that because of the way they are brought to the table, the attentiveness to the concern does not reach the level up front that the charter is trying to institutionalize. She said that there are agendas at the regional level that are being promoted at the easiest access point and they are running away with themselves without playing out legitimate concerns of other interests to see if the outcome is actually in the best interest of the region. She said that the outcome is decided in advance of the input. She said that there is a feeling among a number of groups that this sort of partnership--"I'm going to set my agenda and bring you into it because I am obligated to"--has been the trend in the past. She said that she was approached by Metro and Portland to be a participant in the early stages of the Convention Center project because it was in the region's best interest. She said that she went along because she was told that she would get support for her issues that were in the region's best interest. She said that it did not work because the Convention Center met Metro's needs, but once that was done, her regional agenda went out of everyone's mind. The intellectual honesty between all the agencies has not been there. If the problems are going to be solved, it must be there. She said that she thinks that Greenspaces will be similar to the Convention Center.

Tanya Collier said that Greenspaces was the worst example to use of inappropriate participation. Eight years ago, a conference was held with the parks, library, and transportation departments. It took the next four years after that to get all of the people at the table, partially because local governments were not willing to come or citizens were not willing to come or special interests were not willing to come, but it was done. She said that they worked for those four years to establish an inventory of park land. Now it has taken four years more to put something on the ballot that everyone agrees on, at least in the compromised fashion, and the voters will get to decide what that is. She said that was the appropriate way to do it. She said that Metro cannot be accused of not having local governments participate in the Greenspaces program. She said that the constituency is not local government. For the good of this region, and the influx of 500,000 people, is why there needs to be a greenspace program. If there is not a regional government able to convene the parties and able to get consensus to put something on the ballot, there would still not be a Greenspaces program in 20 years. She said that she does not think that Metro includes local governments because they are obliged. She said that she just talked to hundreds of people about these issues and they wanted consolidation on an abstract level. When it gets down to the nitty-gritty of consolidation, they do not want it to happen. She said that the draft charter does not provide a body with a regional perspective to go that next step from a philosophical overview of wanting consolidation to actually involving people, both citizens and local government to make those happen. She said that Metro does not involve local government because they are obliged. Metro cannot get any consolidation done without local government and the citizens. She resubmitted the challenge to name a program where Metro has not involved local government, citizens, or technical advisory committees.

Mary Tobias said that the point is not whether the local governments are involved.

Tanya Collier said that she and Mary Tobias disagree which is fine. She said that she does not want local government to control those decisions. The way MPAC is set up, they will. She said that she is asking that the Committee realize that the constituency is not local government. Local government is a partner, but the constituency is the voter.

Bob Shoemaker asked Tanya Collier to expand on why she thinks that MPAC essentially has a veto. He said that he does not read it that way.

Tanya Collier said that, starting from the assumption that the constituency is the voter and not local



government, MPAC does have a veto because it takes 50% of the local governments or a regional vote of the people in order to approve a function. She said that if it does not exactly constitute a veto, it certainly holds up work that already moves slowly because of the number of participants that must be included to get a consensus to get something done. She said that she does not think that it is necessarily a veto, but it is an unnecessary layer to go through.

Ned Look asked Tanya Collier if she could live with MPAC being limited to advice rather than having consent. He said that the draft charter has issues that specifically require approval of MPAC and if that is not achieved, then they go to the vote of the people. He said that most of the recommendations, and it could be all of them, require that the issue be run by the MPAC to get their opinion, feedback, and advice without binding Metro. He said that Metro now runs issues by the local governments as a matter of course.

Tanya Collier said that is the structure that Metro currently has. She asked if the current MPAC requires 50% of the membership of MPAC in order to take on a function.

Ned Look said that is the only one where MPAC approval is required. He said that he was asking Tanya Collier' opinion on MPAC's role being all advice, which for practical purposes Metro does now. He said that he is looking for some way to bridge the gap between the concern of local governments that they are not really actively involved in the decisions. He said that if they are asked for advice, which Metro says it is doing now, through the MPAC process, it might be better.

Tanya Collier said that assuming new duties as a regional government is a fundamental purpose of the regional government. It is a major issue with the MPAC. She asked why elect a regional council to make regional decisions on a regional basis and then give local government the authority to stop those decisions. She said that it makes no sense. She said that she is sorry that local governments do not feel part of it. She said that if they were asked specifically, there is not an area in which they have not been involved or a decision that has not been tempered or changed because of their involvement. She said that if Metro would have written RUGGO's by itself, it would have come out a whole lot different than with the local government participants. The Greenspaces program would also have come out differently. She said that Metro would not be precluded from at least getting into those functions if they were not covered in the charter.

Ned Look said that there is only one area that requires MPAC approval. The rest require advice.

Janet Whitfield said that new planning and service functions require MPAC vote.

Tanya Collier said that growth management is the number one reason that there is a regional government. She said that if the Committee wants local government to have approval, they should go back to the CRAG model.

Ned Look asked if there is a problem with requiring MPAC's advice, and not consent in all areas.

Tanya Collier said that she does not have a problem with that because that is what they do now.

Ray Phelps asked Tanya Collier if when she said that she is not bothered by the advice of MPAC, is she suggesting that it is done now therefore it should not be in the charter. He said that she is giving the impression that it should be in the charter in a more advisory capacity.

Tanya Collier said that if the Committee wants to put Metro's interfacing with local governments in the charter, and that it is an expectation, the charter should also include citizens and other groups. She said that she does not think it is necessary because Metro does it automatically and Metro should



not do any business if they did not do that. She said that Metro cannot do anything without working with local governments. She said that it would tie the hands of the elected officials if it was in the charter.

Bob Shoemaker said that there are two things where MPAC approval or a vote of the people are required. One is assuming functions that are being done locally and the other is adding to planning functions. He said that he gathered that Tanya Collier is not as troubled about assuming functions now done locally in the sense of getting local government's approval. He asked if that is correct or if the assumption of local government functions is equally serious.

Tanya Collier said that she is asking the Charter Committee to look at the constituency as the voter and not as local government. She said that she does not want local government having authority over regional functions. It goes against their interests because their job is not to think regionally. Their job is to do what their city or county charter says and to think locally. She said that to have the local governments have authority over regional decisions in any capacity removes the ability of elected regional officials to put the pieces of local governments feels together and try to come up with a regional solution. She said that she does not have a problem with working with local governments. She said that institutionalizing local government's involvement and the level of involvement in the charter goes against the reason for having a regional government.

Bob Shoemaker asked if Metro has, to date, taken on any functions without going to the people.

Tanya Collier said yes. She said that they have assumed the Zoo function, growth management functions, greenspace policy, and solid waste functions. She said that the only thing they have gone to the people for is the authority to become a regional government, the GO Bond, and financing for the Zoo. She said that it has all been done in conjunction with local governments, technical advisory committees, and general citizens.

Chair Myers said that the authority for Metro to do all the functions it currently does is in ORS 268.

12. Public Testimony, Ralph Gilbert, citizen

Ralph Gilbert said that he is in the solid waste business and handles three percent of the solid waste in the metro area on a daily basis. He said that he likes Metro because of the current structure. He said that he has operated his business under two executive directors with two different philosophies, yet he was still able to operate under both circumstances. He said that the structure of Metro is excellent and the separation of powers should not be done away with. He said that he does not think that the structure proposed by the charter will operate as well as the current structure does. He said that some of the things in the charter are developed out of the fear of too much power, the fear of taking a function away from one person and giving it another without proper representation. It is the fear of completely eliminating a function that is now a local government fear. He suggested that people go see how Metro really works. He said that he has seen Metro councilors come into the process extremely naive and become extremely responsible council members. He said that the councilors really get involved. He said that when he has called the executive director, his calls are returned immediately. He said that Metro and its structure work well and the Committee should not try to reinvent the wheel.

13. Public Testimony, Easton Cross, citizen

Easton Cross said that he is an organizing member of the group who is willing to, politically and financially, support a proposed charter that would help simplify and clarify the local government responsibilities. He said that when he first read the draft charter, he came to the opinion that it is a



disingenuous effort on the part of local governments to propose a charter to the voters that would take a step backwards and further balkanize local government services. He said that it would be a step backward towards CRAG rather than a step forward toward simplified regional government. He said that he later changed his opinion and thought that this Committee is showing the legislature that they tried to form a committee made up of adversarial people--people with different conflicting interests--to see if they could, through compromise and concession, draft a charter to present to the region that would simplify and streamline government and clarify the lines of communication. He said that what the committee really accomplished was showing that this is not a way to draft a charter to present to the people. There are positions that are not compromising and the people on this Committee were not disingenuous--they were never here to present the region with a general purpose, clearly defined, simple charter. It was their mission on the Committee to keep local government balkanized, to keep small jurisdictions and let them have a say in what happens region-wide well beyond their jurisdictions. After hearing the testimony, he said that he is coming back to the opinion that it was a disingenuous effort, it was never intended by some of the members of this Committee to draft a regional charter--it was to draft a charter that would be defeated or, if it was passed, it will go back toward the CRAG model of government, which no one has successfully defended. He said that he is really disappointed in this that it is not a charter and he, nor his group, cannot support it at the ballot. He said that the best action that the Committee could make is to punt and say that this is not the way to draft a charter, let someone else draft the charter where they can listen to all of the parochial interests, but do not put them in the hen house, and then present that to the voters.

Frank Josselson asked who Easton Cross would have draft the charter.

Easton Cross said that the legislature could take a process. A citizens group could draft the charter and see if they can get enough signatures. He said that the Metro Council could take a shot at it, although they might not have clear authority to do that. He said that it should be someone whose charge is to draft a simplified streamlined regional government. He said that he would like to see it go to the county lines. The charter should be drafted and submitted to the voters and they should be allowed to decide.

Bob Shoemaker asked if the region is better off with the present statutory Metro than under the draft charter.

Easton Cross said yes.

Bob Shoemaker asked if there were some important changes that should be made to the present structure to create the model that Easton Cross is looking for.

Easton Cross said that Metro, generally, is larger than the urban growth boundary, but there are some exceptions and the first thing that should be done is to take the Metro boundary to the county line boundary.

Bob Shoemaker said that he was interested in Easton Cross' comments on structure, functions, power, and the ability to be a regional government.

Easton Cross said that there should be a general grant of power under the home rule charter. If they want to enact a tax, they ought to be able to enact a tax and face the wrath of the voters.

#### 14. Public Testimony, Rena Cusma, Metro Executive Officer

Rena Cusma, Metro Executive Officer, said that she appreciates the opportunity to talk to the



Committee. She said that she is not going to reiterate what has already been said with regard to the problems inherent in the draft charter. She said that there is not a great deal in it that she would be comfortable finding support for. She said that when the process began, the intent was to vest the regional decision making authority directly in the hands of the voters of the district--to get the district's business out of the legislative process and to diminish the historical strong hold that local government turf control has had over making much needed regional decisions. She said that when she appeared before the Committee at the beginning of the deliberations, she testified that she and the Metro Council had developed a joint position on what they felt a good regional charter should include. She said that those points are that the charter should not remake the wheel, but it should start from where we are as an agency placing, in charter form, their current authorities and responsibilities. Secondly, the existing structure of the government has been working well and should not be changed at this time. There is no need to fix what is not broken. Thirdly, there should be a clearer definition of the regional government's responsibilities. Matters of metropolitan significance, for example, should be clearly defined. Four, the government should have financing authorities commensurate with its responsibilities. Mandates to go get a tax base are unrealistic and simply not going to provide the resources to do the job that is expected of the regional government. She said that finally, if it is possible to do so, she and the Council were looking for an appropriate process by which to bring the 29 local governments in the district to the table to work out future regional activities. She said that, in short, the entire charter effort, from its conception as a division by the legislative interim committee chaired by Senator Glenn Otto, through the efforts of Metro to carry the state-wide ballot measure authorizing the creation of this Committee, has been with the view that the agency needed to be strengthened and funded to properly be able to do its job and the people of the district needed to be in charge. She said that, unfortunately, she does not believe that is what is reflected here. She said that her sense of urgency with regard to this Committee's activity and the charter and the future of the community is growing daily. She said that Portland is the second fastest growing city in the nation, behind only Seattle, and there is going to be a half a million here in the next 20 years--a city larger than the current size of the city of Portland. She said that there are rampant government costs, which an electorate has already and clearly said that they hope and insist it be controlled. She said that state government is in a state of crisis and, even under the best of circumstances, is facing service cuts that will fall to the local governments to address in terms of populations at risk and most of those are in the metropolitan area. She said that what is needed now is a strong regional government--not one with diminishing capacity. She said that, unfortunately, the draft charter does not do that. This sets up a confusing governmental structure which makes accountability and responsibility more a matter of luck than predictability. This creates a potential land use nightmare, a likely chance for endless litigation. It would set into place a shadow council of government, putting turf right to the floor and diluting the public's role as the constituency of the government and limits the financial ability of the regional government to respond to changing needs, including the consolidation and rationalization of infrastructure and service delivery needs. She said that it ignores state law and asks the voters to adopt a hypothetical charter with conforming legislation to follow. She said that she does not believe that this draft is fixable, certainly not in the time to appeal the measure in November. She said that she does not believe that the effort has been wasted, however. Local government and regional government have come to the table to discuss these issues in a matter that they have never come to the table before. She said that Mary Tobias, tonight, came to the Metro Council and talked about the way in which the local governments and Metro had participated and the need to continue that no matter what happens out of this. She said that there is a great deal happening now--the Governor's task plan, the Goldschmidt consolidation committee, the negotiations between Multnomah County and Metro for reorganizing the parks system into a regional system, the Exposition and Recreation agenda moving toward regionalizing the arts and expo facilities, the regional Greenspaces measure going to the ballot in November, and a new regional theme park at the end of the Oregon trail. She said that it is absolutely predictable that tomorrow's regional charter will look a great deal different from one that either of them would craft today. She said that, in this instance, she believes that discretion is the better part of valor and, while she generally comes from the position of "full speed ahead", in this



instance, everyone is best served if this effort is shelved for the time being. She urged the Committee to give that every consideration.

15. Public Testimony, Leigh Stephenson, Portland Opera

Leigh Stephenson, president of Portland Opera and an advocate of performing arts, said that he would like to focus on a micro-topic which illustrates a problem. He said that he is not going to say that the Committee's work is in vain nor is he going to criticize. He said that he is an advocate of regional government. He said that the efforts and time put in by the Committee are laudable. He asked that the Committee take his testimony as a constructive comment that will help the efforts. He said that, within the structure, there is already a mechanism to deal with the performing arts in the community. It is something that is already under Metro jurisdiction. He said that the problem is that the performing arts are at risk and they need public help. He said that he does not think there is any question about the importance of performing arts to all of the people. There are facilities built in the community over the years that have been publicly and privately funded and are dedicated to the non-profits like the symphony and opera. There is clear public demand for these things. There are great organizations working at these efforts and they have very efficient management and have huge amounts of money to raise in order to produce their excellence, but they are at risk. Part of the reason they are at risk is that public support is inadequate. Private support also is at fault, but that is another question. He said that he has been dealing with these things in trying to get a solution to some of the problems by appearing before public bodies. He said that he boils it down to two things--the public needs facilities that are adequate and priced fairly. He said that, looking at non-profit arts groups, you have to look at what other communities do. He said that his information shows that the region is paying three times what other communities charge. He said that his group addresses this and have partial satisfaction at this point, but in going through the process, they have to appear before public bodies, deal with people in the bureaucracy who are making decisions that may or may not be fully accountable or known to the policy makers and they have to go educate the policy makers. There is a reservation that the solution really depends on funding and there is no certainty out there of the future. He said that less than one-third of the audience is from Multnomah County. The rest is outside of Multnomah County--there are more people in Clackamas and Washington counties that attend Portland Opera than in Multnomah County. Yet, the funding comes primarily from the county and the city of Portland. He said that the city of Portland wants to make some commitment, but turns around, because of some information coming from the state, and suddenly is withdrawing their contribution. It is not a big amount of money--maybe a dollar per person per year based on the population of the city of Portland--but the point is that it puts all the groups that are at risk at even greater risk. He said that the term used earlier describes his characterization--it truly is balkanization. The results are inconsistent. There is inequity because it is not fair that the core of governments should be carrying all of this load and the others are not when it is truly a regional resource. He said that it is regional problem that needs a strong regional government and regional funding. He said that he does not find a solution to that in the charter, but he is not going to tell the Committee the answer.

Chair Myers asked, in terms of the charter, if Leigh Stephenson has a vision of how the charter ought to address the issue versus giving the government choices to try to find a solution.

Leigh Stephenson said that he would like to see a group empowered to do this--to make the decision and provide the funding. He said that, in the existing structure, Metro can set up committees and make decisions, but, when you come down to it, the funding sources are all the individual groups in the county. There is not a funding source for arts within Metro. He said that his group has to go around to all the political groups to find support.

Bob Shoemaker asked how much funding would be necessary on an annual basis.



Leigh Stephenson said that, looking at the facilities issue, for the 16 performing arts groups on an annual basis, it is something like \$750,000. He said that rent and user fees relief would bring this community down to a level where it is comparable with what other communities charge.

Bob Shoemaker said that, within the charter as drafted, short of a general purpose tax, the council can enact a tax, such as niche taxes, within a cap of \$12.6 million to go up as the economy goes up. He said that is perceived to provide a vehicle for regional funding of such things as the arts.

Leigh Stephenson said that it might be within that. He said that he cannot address the total picture. He said that, if that would cover all the needs, then maybe the cap is the problem.

Bob Shoemaker said that is why he asked the amount of funding needed and Leigh Stephenson responded that it was less than one million dollars.

Leigh Stephenson said that is the facilities issue. He said that the arts funding issue would be an additional million dollars, possibly two million dollars if the operational support of governments and the \$450,000 to implement Arts Plan 2000. It is more like a two million dollar solution.

Bob Shoemaker said that it is comfortably within that cap.

Leigh Stephenson asked what else would have to go under that cap.

Bob Shoemaker said that the present revenues that would be under the cap are less than \$6 million.

Chair Myers said that he does not think that, in this, or any charter, there is likely to be a direct provision that preports to spell out the funding of the arts. It is a question of whether or not there is sufficient authority.

Leigh Stephenson said that, in terms of what he sees as a true regional answer, this is just one of many issues that needs to be addressed regional. There are some horrendous funding issues.

Bob Shoemaker said that many members of the Committee regard the performing arts concern as a very important concern, particularly in light of what is happening to the funding of the arts by way of the Blazer contract. The problems that now exist are only going to get worse.

16. Public Testimony, Paul Ketcham, Portland Audubon Society

Paul Ketcham, Conservation Director of the Portland Audubon Society gave comments regarding the management of the region's growth, the Future Vision, acquisition and maintenance of regional Greenspaces, priority for regional planning for Greenspaces, charter omission of references to RUGGO's, and veto authority of the MPAC. See attached testimony, attachment C.

Larry Derr said that the Committee has heard from Paul Ketcham and the Multnomah County Commissioners the assertion that Metro now has the authority to now acquire, operate, and maintain Greenspaces and that the charter would limit that. He said that he does not understand that to be the case. He said that he understood the case to be that Metro is proposing a ballot measure to acquire that authority and that it takes voter approval.

Paul Ketcham said that the way the draft charter is written, there is a conflict between the charter provision and the authority given to Metro for Greenspaces planning and the ballot measure that is being proposed.



Larry Derr said that the conflict is between the way it is written and the ballot measure. The ballot measure has not been adopted. If the ballot measure were adopted, then the only question would be if it would take precedent over the charter. The charter, as drafted, gives more than exists now because it allows the acquisition and the planning by the council deciding to do it. It does not allow for the operation or maintenance, but the ballot measure would take care of that. He said that this issue is something that the Committee should get clarified. He said that perhaps the effect of the draft charter is misunderstood and is more supportive than unsupportive.

Paul Ketcham asked, why then, not make the draft charter consistent with the existing statute.

Larry Derr said that the statute is an authority to go through the voters, it is not an authority to perform the function.

Paul Ketcham said that the charter also has to be approved by the voters.

Larry Derr said that the ballot measure is already going to the voters. The charter is not a limitation.

Chair Myers said that the question might be whether the Committee wants a diversion between the ballot measure and a provision in the charter.

Larry Derr asked if there needs to be something to assure coordination with the result of the other ballot measure. He said that the Committee's intent is not to have the charter limit authority that may be gained by Metro's ballot measure.

Paul Ketcham asked if the Charter Committee could assure that it would not arise.

Larry Derr said that is the message of Paul Ketcham's testimony--the Committee needs to be sure that, where they have said something that does not go as far as the ballot measure, and the ballot measure is adopted, that the charter does not stand in the way.

17. Public Testimony, Flo Rhea, Hillsboro Chamber of Commerce

Flo Rhea, Director of the Greater Hillsboro Area Chamber of Commerce, said that she would like to comment on the process of the charter. She said that there was a real concern when the directors considered the draft charter which was made available last week. She said that some of the directors saw the charter for the first time last week and they realized what would really be involved in trying to come to some consensus about whether they support it or do not support it. She said that they are concerned about the timing of taking the charter to the voters in November. She said that the resolution of the Hillsboro Area Chamber of Commerce has to do with slowing the process down so that people can get a handle on what the charter means. It is important to the future as the region and will have a huge impact if it is adopted and the voters should have a chance to really study it. The resolution, R-007-92, reads:

WHEREAS, The Greater Hillsboro Area Chamber of Commerce feels there is not sufficient time to adequately present the proposed Metro Charter to the community and,

WHEREAS, The public has not been sufficiently informed on the issues it contains and,

WHEREAS, The Greater Hillsboro Area Chamber of Commerce feels there should be adequate time allowed for study and understanding of this proposal,



THEREFORE, The Greater Hillsboro Area Chamber of Commerce requests that a vote on the new Metro Charter be postponed until May of 1993.

She said that the chamber is concerned that people know and understand that the constituency are the voters and they need to be informed.

Chair Myers adjourned the public hearing at 9:40 p.m. The next public hearing will be in Washington County on June 29, 1992.

Respectfully submitted,



Kimi Iboshi  
Committee Clerk



Materials following this page represent  
Public Testimony



METRO COMMITTEE FOR CITIZEN INVOLVEMENT

April 15, 1992

Metro Charter Committee  
P. O. Box 9236  
Portland, OR 97207

Dear Committee Members:

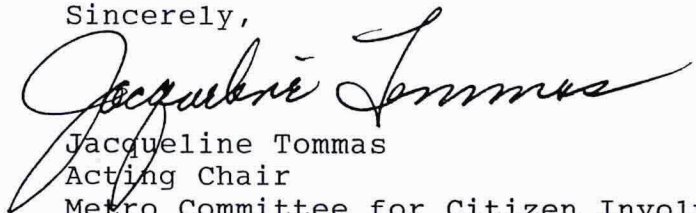
We have been drafting by-laws for the Metro Citizen Involvement Committee, which is mandated in Goal 1 of the RUGGO's and in the state law.

It has come to our attention that the citizen involvement process needs to be a protected part of the Charter.

The committee is charged by the RUGGO's with reviewing the process which Metro uses to provide for citizen involvement during application of the various procedures for regional planning in areas of metropolitan significance.

We would appreciate an opportunity for the members of the drafting committee for the by-laws to present our concerns to your committee.

Sincerely,

A handwritten signature in cursive script, reading "Jacqueline Tommas".

Jacqueline Tommas  
Acting Chair

Metro Committee for Citizen Involvement  
19288 S. Mattoon Road  
Estacada, OR 97023  
TEL: 631-2660



April 14, 1992

~~[REGIONAL CITIZEN INVOLVEMENT COORDINATING COMMITTEE BYLAWS]~~

METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI) BYLAWS

Article I

NAME

This committee shall be known as the ~~[REGIONAL CITIZEN INVOLVEMENT COORDINATING COMMITTEE (RCICC)]~~ METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI).

Article II

GEOGRAPHICAL AREA

The area served by this committee shall be the entire area within the boundaries of Clackamas, Multnomah and Washington Counties.



### Article III

#### MISSION AND PURPOSE

Section 1. It is the mission of the [REICE] Metro CCI to advise and recommend actions to the Metro Council on matters pertaining to citizen involvement as Metro creates and implements a participatory regional planning partnership to address areas and activities of metropolitan significance. The [REICE] Metro CCI will encourage citizen participation by a broad cross-section of the community and will provide or facilitate a direct line of communication between citizens and Metro and between existing citizen involvement groups and Metro.

Section 2. The [REICE] Metro CCI is a permanent committee and was established by Metro (Ordinance No. 91-418B). The [REICE] Metro CCI will serve as the officially recognized citizen participation resource committee committed to the success of citizen participation in the Metro regional planning process. The [REICE] Metro CCI will evaluate the citizen involvement process and promote the expansion of citizen involvement at Metro. The [REICE] Metro CCI will assist Metro in complying with LCDC goals regarding citizen involvement.

Section 3. In order to facilitate effective citizen involvement in the planning and development of all matters affecting the quality of life and the livability of the Tri-County community, the [REICE] Metro CCI shall assist Metro to:

a. Provide a citizen involvement process during the development and review of Metro's regional planning activities, including implementation of the Regional Urban Growth Goals and Objectives, development of new functional plans, and periodic review of the region's urban growth boundary.

b. Develop opportunities for citizens to become involved in a forum for identifying and discussing areas and activities of metropolitan significance.

c. Involve the citizens of all cities and counties within the Tri-County area in the process for the development and implementation of regional growth management strategies.

d. Coordinate citizen involvement activities associated with the Joint Policy Advisory Committee on Transportation (JPACT) so that citizen involvement in regional transportation planning is linked and consistent with citizen involvement in regional growth management efforts.

e. Coordinate with existing citizen involvement organizations to ensure the existence of a citizen involvement process: (1) to allow review and comment on the regional land use and growth management issues affecting or affected by local comprehensive plans or plans of state and regional agencies, and (2) during the discussion of land use and growth management issues of regional or subregional significance.

f. Provide a citizen involvement process if coordinating links with Vancouver and Clark County, Washington, and other parts of the State of Oregon are established by RPAC or Metro to address



land use and growth management issues of common interest.

g. Develop programs that educate and inform Tri-County citizens about citizen involvement in the regional planning partnership.

h. Develop programs for public notification about citizen involvement on specific Metro or regional issues and activities.

i. Promote and advertise citizen involvement opportunities to be used by Metro and Metro staff.

Section 4. Additionally, with the assistance of Metro staff, the [REIEE] Metro CCI shall:

a. Work with Metro staff in planning and participating in the annual Metro conference.

b. Report regularly (at least twice annually) to local citizen involvement groups on the proposals and actions of the [REIEE] Metro CCI, RPAC, JPACT and Metro.

c. Confer with Metro and Tri-County officials about ways to enhance citizen involvement.

d. At the request of a member, review and evaluate the citizen involvement process on a specific Metro or regional issue and, upon a majority vote of the [REIEE] Metro CCI, report to the Metro Council on its evaluation.

e. Review and evaluate Metro's citizen involvement program and budget annually and report to the Metro Council on its evaluation.

## Article IV

### MEMBERSHIP

#### Section 1. Composition of the, [REICE] Metro CCI

a. The [REICE] Metro CCI shall have nineteen (19) members. Each member position shall have an alternate. Membership shall consist of:

1) One (1) representative from each of the thirteen (13) Metro Council Districts (for a total of 13);

2) One (1) representative from each of the areas outside of the Metro District boundaries of Clackamas, Multnomah, and Washington Counties (for a total of 3);

3) One (1) representative from each of Clackamas County's Committee [en] for Citizen Involvement, Multnomah County's Citizen Involvement Advisory Committee and Washington County's Committee for Citizen Involvement (for a total of 3).

b. A Metro staff member shall act as a non-voting advisor for the [REICE] Metro CCI.

c. Members and alternates shall not be elected officials.

d. Alternates for each member shall be appointed to serve in the absence of the regular members (and shall be encouraged to attend meetings on a participatory but non-voting basis).

e. Members (or designated alternates) shall be expected to represent the interests of their constituency at all meetings of the [REICE] Metro CCI.



## Section 2. Membership Selection Process

[a-] Members and alternates for the [initial] [REIEE] Metro CCI will be appointed using the following process:

[1-]a. Metro, CCIs and CPOs will advertise openings on the [REIEE] Metro CCI to citizens of the region, utilizing ads, mailings, etc. but, at a minimum, recognized neighborhood associations and citizen participation organizations. Interested existing citizen organizations will be asked to nominate members and alternates to the [REIEE] Metro CCI. Applications shall include a statement of interest, a community service resume, a statement of commitment signed by the applicant and, if possible, a nomination by an existing citizen organization.

[2-]b. Metro will collect the applications and sort them by county and distribute them to each county citizen involvement committee.

[3-]c. The CCI/CIAC organizations from each county shall review the nominations and select the members and alternates from that pool of applicants. Each Metro Councilor shall be invited to participate in the selection process for nomination of the representative from their district. Separately, each County CCI/CIAC shall appoint their representative and alternate to the [REIEE] Metro CCI. In the case of overlapping jurisdictions [ef county CCIs, for position #4, Clackamas County CCI will review and] the county with the greatest population in the district will convene a meeting of the three county CCI/CIACs effected and make the [decision] nomination.

[4]d. One nomination for each of the 38 positions shall be forwarded to the Metro Council for appointment to the [RCICC] Metro CCI. Nominations shall be accepted or rejected by the Metro Council. If a nomination is rejected, it shall be returned to its originating body for a subsequent nomination.

~~[b. Members and alternates for succeeding RCICC openings will be appointed using the following process:~~

~~1) Metro will advertise openings on the RCICC throughout the region, utilizing, at a minimum, recognized neighborhood associations and citizen participation organizations. Interested existing citizen organizations will be asked to nominate members and alternates to RCICC. Applications shall include a statement of interest, a community service resume, a statement of commitment signed by the applicant and, if possible, a nomination by an existing citizen organization.~~

~~2) Metro will collect the nominations and sort them by position.~~

~~3) The current RCICC members shall review the nominations and select the members and alternates from that pool of applicants for each position. Separately, each County CCI/CIAC shall nominate their representative and alternate to the RCICC for its review.~~

~~4) One nomination for each open position shall be forwarded to the Metro Council for appointment to the RCICC.]~~



### Section 3. Duties

The duties of each member and alternate shall be to implement the Mission and Purpose of the [REIEE] Metro CCI as stated in Article III of these bylaws.

### Section 4. Tenure

a. Each [REIEE] Metro CCI members's term and alternate's term of appointment shall be three years, except during the initial period as stated in Section 4(b) of these bylaws. Members seeking reappointment cannot participate in their own selection process.

b. [REIEE] Metro CCI positions will be numbered from one to nineteen as follows:

#### [REIEE] Metro CCI Positions Corresponding to Metro Council Districts:

[REIEE] Metro CCI Position #1: Council District #1

#2:	#2
#3:	#3
#4:	#4
#5:	#5
#6:	#6
#7:	#7
#8:	#8
#9:	#9
#10:	#10
#11:	#11

#12: #12

#13: #13

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County Positions Outside Metro District Boundaries:

#14: #14 (Clackamas  
Co.)

#15: #15 (Multnomah  
Co.)

#16: #16 (Washington  
Co.)

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County Citizen Involvement Committee Positions:

#17: #17 (Clackamas  
Co. CCI)

#18: #18 (Multnomah  
Co. CIAC)

#19: #19 (Washington  
Co. CCI)



For the first three year term, membership will be staggered as follows:

	<u>One Year</u>	<u>Two Year</u>	<u>Three Year</u>
<del>Clackamas County</del>	<del>#4, #5</del>	<del>#17</del>	<del>#6, #14</del>
<del>Washington County</del>	<del>#13, #16</del>	<del>#2</del>	<del>#1, #19</del>
<del>Multnomah County</del>	<del>#8, #11, #18</del>	<del>#7, #10, #15</del>	<del>#3, #9, #12]</del>

One Year                #4, #5, #8, #11, #13, #16, #18

Two Year                #2, #7, #10, #15, #17

Three Year                #1, #3, #6, #9, #12, #14, #19

c. Members will be expected to attend all regularly scheduled meetings and special meetings. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chair to declare a vacancy in the position. The designated alternate shall be appointed to fill the unexpired term of the member and a new alternate shall be appointed by original appointing body.

## Article V

### OFFICERS AND DUTIES

#### Section 1. Officers

a. The Officers of the [REICE] Metro CCI shall be a Chair and Vice Chair to be elected by a majority vote of the members present at the first meeting and annually in June thereafter. The Chair shall set the agenda, preside at all meetings and shall be responsible for the expeditious conduct of the [REICE's] Metro CCI's business. In the absence of the Chair, the Vice Chair shall assume the duties of the Chair. Both the Chair and the Vice Chair are entitled to vote on all issues, except their own reappointment to the [REICE] Metro CCI.

b. Metro shall provide a staff member to serve as Recording Secretary for the [REICE] Metro CCI. The Recording Secretary shall be a non-voting member of the [REICE] Metro CCI and the Steering Committee.

c. The Chair, Vice Chair and three additional [REICE] Metro CCI members elected by a majority vote of the [RCICC] Metro CCI members present at the first meeting and annually in June thereafter, will serve as the Steering Committee for the [REICE] Metro CCI. The [REICE] Metro CCI shall attempt to elect a Steering Committee that is broadly representative of the geographic areas and interests of the total membership of the [REICE] Metro CCI. The Steering Committee may act in an emergency or temporary manner for the [REICE] Metro CCI, but such actions shall be reviewed by the [REICE] Metro CCI at the next regular meeting.



## Section 2. Term of Office

Officers and Steering Committee members shall hold office for a period of one year, from July 1 through June 30 corresponding to Metro's fiscal year.

## Article VI

### MEETINGS, CONDUCT OF MEETINGS AND QUORUM

Section 1. Regular meetings of the [REICE] Metro CCI shall be held monthly at a time and place established by the Chair, after consultation with the membership. Special or emergency meetings may be called by the Chair or a majority of the members of the [REICE] Metro CCI polled by the Recording Secretary.

## Section 2. Notice

a. Notice, agenda and draft minutes of all regular meetings shall be mailed by the Recording Secretary to all members and alternates of the [REICE] Metro CCI at least five (5) regular business days before such meetings.

b. Metro shall maintain a mailing list of persons and organizations who have expressed their interest in citizen involvement and the [REICE] Metro CCI. Notice of [REICE] Metro CCI meetings shall be mailed to everyone who has asked to be on that list.

Section 3. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the [RECE] Metro CCI.

Section 4. Subcommittees may be appointed by the Chair.

Section 5. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

Section 6. The [RECE] Metro CCI may establish additional rules of procedure as deemed necessary for the conduct of business.

Section 7. Metro shall provide staff to handle [RECE] Metro CCI business, correspondence and public information. Other Metro resources may be called upon as necessary.

Section 8. The Recording Secretary shall prepare formal minutes of meetings for distribution at the next regular meeting subject to [RECE] Metro CCI approval. Metro shall keep on file all minutes, as well as, a current roster of members and any other records of the [RECE's] Metro CCI's actions as necessary and appropriate. Approved minutes shall be forwarded to Metro Council.



## Article VII

### AMENDMENTS

#### Section 1. Amendment and Repeal of Bylaws

~~[These bylaws may be amended or repealed, or new bylaws may be adopted by a majority vote of the members of the RCICC present at any regular meeting called for that purpose and at which a quorum is present. These bylaws may be ratified by a majority of the Metro Council, but cannot be amended, repealed or added to without a majority vote of the RCICC as per above.]~~ These by-laws may be amended by a two-thirds vote of the full membership of the Metro CCI and a majority vote of the Metro Council. Written notice of proposed amendment of repeal and the nature thereof shall have been given to the membership of the committee at least one consecutive month prior to the date of the meeting at which the amendments are to be considered.

#### Section 2. Review of Bylaws

Bylaws will be reviewed at least every three (3) years. The first review shall occur no later than 1995. Written notice of such review shall be provided before the review.

LAW OFFICES OF

**HENRY KANE**  
ATTORNEY AT LAW

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June 26, 1992

Chairman and Members  
Metro Charter Committee

1. original supporter of Metro - camel
2. not better than ORS chapter 268, metro service districts
3. no provision that Metro can exercise ORS Chapter 268 powers
4. Various provisions in violation of Oregon Law, i.e., local government boundary commission law and land use laws.
5. Perhaps should ask 1993 legislature to make changes, then submit to voters.
6. in alternative, provide that any charter provision in conflict with state law is nullity unless and until legislature amends law to remove conflict.
7. Section 6; prefer statutory list, including regional libraries
8. Section 7; seems to duplicate Oregon land use law
9. OPPOSE SECTION 7 provision:

"It is the intent of this charter that the Future Vision not have any legal effect which would allow it to be reviewed by a court or agency of this state."

10. I support judicial review, particularly because the Future Vision will have some effect on local public bodies
11. OPPOSE SECTION 7(2) regional framework plan because state already has land use laws.
12. I oppose provision that Metro instead of LCDC will pass on local government comprehensive plans; that is state function
13. Oppose (2) assumption of functions of mass transit district; that is, and should remain a matter of state law.

*Ba No salary - see ORS 268.16*



Metro Charter Committee  
June 26, 1992  
Page Two

14. Boundary Commission assumption requires statutory authorization
15. Oppose subsection (5) assumption of other functions; voters should list functions in Charter to avoid runaway district
16. Section 10 is objectionable because it is open ended
17. Oppose Section 11 taxing powers
18. Charter should contain provision for tax base or other tax to finance Metro under Charter
19. I oppose a payroll/income tax (Section 11)
20. How does Metro propose to send \$12.6 million for fiscal year 1994 and what are the sources of that revenue?
21. I strongly oppose Section 13 provision that Metro prevails over an inconsistent regulation of a city, county or district
22. Section 14 apportionment should require nearly equal population as practicable.
23. Page 11 - conviction of a felony "and pertaining to his or her office."
24. Section 46 - take effect January 1, 1994 after legislature meets

**Testimony of Steve Stolze, Mayor, City of Tualatin**

**June 25, 1992**

**On behalf of the Regional Governance Committee**

Thank you very much for the opportunity to meet with you again this evening. I am Steve Stolze, Mayor of Tualatin and the Chair of the Regional Governance Committee. Joining me tonight are Gussie McRobert, Mayor of Gresham and also one of the three executive officers of RGC, Rob Mitchell, the Chair of the Tualatin Valley Water District Board of Directors, and a past Board member of the Tualatin Hills Parks and Recreation District, and Jeff Condit, who is the city attorney for Lake Oswego. RGC has divided its testimony between this evening and your Monday hearing due to accomodate some scheduling conflicts. The four of us this evening will be discussing two topic areas in the Charter: the functions of the Regional government, and the process for executing those functions and adding new functions. On Monday evening, our representatives will talk to you about the finance and government structure sections.

I would like to make some brief general remarks to you regarding the work of your committee, the work of our organization, and how we can successfully reach the finish line of this project together by early August. Gussie, Rob, and Jeff will cover, in a general way, our remaining ideas regarding the functions and process sections.

We have recently had the opportunity to review your June 17 draft with our full Steering Committee. We are still fine-tuning our analysis of the Charter and will have more detailed comments handed out to you next Monday evening. It is our hope that perhaps by your Tuesday hearing that you will have had time to read this document and we have asked our staff to attend your Tuesday hearing to be available to answer any questions about that document which you may have.

RGC would like to compliment the Charter Committee both for the perseverance you have shown in working on this critical regional issue and for the product which you have produced. Your volunteer efforts on behalf of your community are greatly appreciated. Yes, we would like to suggest some minor amendments made to the document; but, we believe that you do have time to make some adjustments before your August deadline. We strongly urge you to work towards meeting your goal of a November election and do not support any delay.

RGC, from the first day of our existence, has promised to deal with the numerous issues involved in creating a charter on their merits first rather than from a political basis. We believe that we have



been true to our word and we very much hope that you will review our final round of comments on their merits. As you know, we have very purposely avoided defining hard and fast bottom lines. We think that this approach not only makes your job easier, but has also helped us to continue to think critically and originally about these issues from the start to the finish of this project. The document which we will give you Monday is in this same spirit. It sets forth our comments of your current document. It does not identify bottom lines or say if we don't get this or that you can forget about having our support at the polls in November. We do not expect that you will agree with everything in our commentary, but we do ask you, as we have done, to make one more open-minded, objective analysis of the issues before taking your final vote.

We do know that the time is nearing when this product must be put to bed. All of our thirty nine members have passed resolutions identifying the general principles that they believe need to be in this charter. I am handing out to you this evening a sample of the resolutions which were passed. The full RGC has now empowered the three executive officers, myself, Gussie McRobert, and Judy Hammerstad to work with you in whatever forum you choose between now and early August to arrive at a document which can be supported. So long as we are operating within the general principles stated in our adopted resolution, I pledge to you that we will try to be as flexible as possible to meet the objectives and purposes of your committee.

**Testimony of Gussie McRobert, Mayor, City of Gresham**

**June 25, 1992**

**On behalf of the Regional Governance Committee**

I would like to speak to you briefly about the planning provisions in and the process for adding new planning functions in the future. First the process for adding additional planning functions. We very much appreciate the establishment of a permanent METRO Policy Advisory Committee comprised as you have defined it. We, however, believe that the establishment of such a committee will cure the long standing need to institutionalize the essential partnership between local governments and our regional government.

We believe, however, that your current process for expanding Metro's planning powers into new areas in the future needs to be amended to increase Metro's authority in this area. Your current draft has two methods for adding a new planning function. The first is by a vote of the people, the second is through concurrence between a simple majority of the Metro Council and a simple majority of MPAC. We believe that both of these methods are viable and worthwhile, but we would propose that you add a third method. The third method would allow Metro to expand into a new planning area in the following manner: If less than a simple majority of MPAC agrees that it is a good idea for Metro to start a new planning function, the Metro Council could still enter that area so long as they could secure the votes of two thirds of their members. This method allows the Metro Council to enter a new planning area short of a direct vote of the people or the agreement of MPAC. We think that this added flexibility still provides adequate checks and balances for diverse interests while giving to Metro more power to execute the important growth management role that this region needs it to perform.

We also recommend that you reduce the amount of detail which is included in this draft for Metro's current planning functions. We support Metro's continued current planning activities. We support Metro creating a future vision document for the region. Deleting some of the details in your current draft will help to give this document the timeless flavor that a charter document should have. Our specific recommendations in this area will be set forth in the document you receive Monday.



**Testimony of Rob Mitchell, Chair, Tualatin Valley Water District**

**June 25, 1992**

**On behalf of the Regional Governance Committee**

There is one specific area in your list of approved functions for Metro which we believe is important to change. That is the requirement that Metro hold a separate vote of the people in order to acquire the authority to maintain regional green spaces. Metro should be provided the authority to maintain as well as acquire green spaces. As a policy matter it is important to address maintenance issues before making acquisition decisions. This will help to ensure that sound acquisition decisions are made. Limiting Metro's maintenance role could result in local governments becoming responsible for maintaining facilities they do not own and may not have the funds to maintain. It would also make it impossible for Metro to contract with local governments or any other entity for maintenance.

## Process for Adding Planning Functions

	<u>MPAC</u>	<u>Metro Council</u>	<u>Voter</u>
Charter Committee Option 1			simple majority
Charter Committee Option 2	simple majority	simple majority	
RGC Proposal Option 3	less than simple majority	super majority	

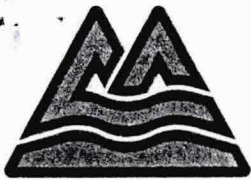


**Testimony of Jeff Condit,  
Lake Oswego City Attorney  
On Behalf of the Regional Governance Committee  
June 25, 1992  
Before the Metro Charter Committee**

We do have a few issues of concern of a legal nature which we would like the opportunity to discuss with your legal counsel and members of the Committee. I will just briefly outline the nature of those issues for you tonight.

First, we want to make sure that the Regional Framework Plan is not interpreted to be a Comprehensive Plan. We understand that you share our concern for this issue but would like to explore some possible language to further reduce this risk. Second, we want to be sure that the manner in which local plans and land use actions are brought into conformance with the regional planning documents works as efficiently and painlessly as possible. We support the intent of the Committee to establish consistency between the Local and Regional Plans and simply want to be sure that we not inadvertently create opportunities for unnecessary legal challenges or delays in the land use process. Third, we share some of the concerns of your legal counsel regarding the advisability of including a Boundary Commission takeover as a part of this charter.

And finally, we have a general concern about the relationship of the needed changes to State law and the effective date of the Charter. Passage of the Charter obviously cannot bind the legislature to pass all of the needed legislation. In the most extreme case, if the legislature passed none of the legislation, the Charter could have the effect of establishing a government with two sets of enabling powers. One possible solution is to change the effective date of the Charter to be after the next legislative session, and to condition the implementation of the charter on passage of the needed conforming State legislation. Most of the needed conforming legislation can be achieved by simply eliminating any ties between ORS Charter 268 and METRO. It may also be useful for political purposes to add a sentence to the Charter which states that its passage should be seen as a mandate from the voters of this region for the legislature to pass the needed conforming legislation.



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

TO: Metro Charter Committee

FROM: Chair Gladys McCoy  
Commissioner Pauline Anderson  
Commissioner Gary Hansen  
Commissioner Rick Bauman  
Commissioner Sharron Kelley

RE: Comments on Draft Charter of June 17

DATE: June 25, 1992

Dear Members of the Charter Committee:

In addition to the Resolution adopted by Multnomah County, there are two areas of concern to Multnomah County Commissioners. These two issues are not in our Resolution because they would not impact the working relationship between METRO and Multnomah County. However, these issues are troublesome because they are simply bad government.

First, we recommend that the charter not contain any provisions that interfere with the process of collective bargaining. Second, we recommend that the charter place all executive and administrative authority under an elected official who is not a member of the legislative council, as with the current structure. The voters prefer electing the Chief Executive Officer, and as a relatively new government, METRO needs the visibility of having this position elected.

Sincerely,

*Gladys McCoy*  
Chair Gladys McCoy

*Pauline Anderson*

Commissioner Pauline Anderson

*Gary Hansen*  
Commissioner Gary Hansen

*Rick Bauman*  
Commissioner Rick Bauman

*Sharron Kelley*  
Commissioner Sharron Kelley



BEFORE THE BOARD OF COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the matter of communicating )  
the views of the Board of )  
Commissioners to the Metro )  
Charter Committee )

RESOLUTION  
92 - 116

WHEREAS, in Resolution 91-147, the Board of Commissioners identified the Metropolitan Service District ("Metro") as "the most logical public agency to provide services that have regional usage or require regional coordination"; and

WHEREAS, the Metro Charter Committee has circulated a draft charter dated June 17, 1992; and

WHEREAS, the Board of Commissioners holds the view that substantial changes should be made in the draft charter so that Metro is properly authorized to address issues of regional significance.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS RESOLVES:

1. The Board of Commissioners requests that the Metro Charter Committee forward a charter to the voters which will promote a strong regional government. The Charter should not limit but instead should enhance the ability of Metro to respond quickly and directly to matters of regional significance.
2. The Board of Commissioners supports a simply-worded charter which embodies easily understood concepts of government structure.
3. The Board of Commissioners supports the principles of democratic rule and proportional representation, and opposes any methods designed to give certain voters or local government officials disproportionate influence.
4. The Board of Commissioners considers the proposed role of the Metro Policy Advisory Committee to be inconsistent with the principle of proportional representation and its authority should only be advisory.
5. The Board of Commissioners recommends that the Metro Charter provide Metro with the same broad grant of authority to provide services and raise revenue as is possessed by other home rule governments.

attachment A

6. The Board of Commissioners recommends that the charter maintain the current authority that Metro has to takeover Tri-Met without placing additional restrictions on this authority.

7. The Board of Commissioners recommends that the charter not institute a sum certain limitation on the ability of Metro to raise revenue to pay for its provision of services.

8. The Board of Commissioners recommends that the charter not proscribe the ability of Metro to deliver services effectively on a regional basis, including its assuming roles currently played by local governments.

ADOPTED this 25th day of June, 1992.



By

Gladys McCoy  
Gladys McCoy, Chair  
Multnomah County, Oregon

Laurence Kressel  
Laurence Kressel, County Counsel  
of Multnomah County, Oregon



Comments on Metro Charter dated 6/17/92  
delivered on June 25th, 1992

First I want to complement the individuals on the committee who assisted with the preparation of this bold charter. There are very few urban areas that can point to a metropolitan development plan that looks fifty years into the future.

My comments will cover the following topics:

- 1) Residency requirement for commission members,
- 2) Taxation without vote of the people,
- 3) Potential conflict of interest,
- 4) Improvements to the Future Vision's objectives.

1) RESIDENCY REQUIREMENT - Section 7(1) states "One or more commission members must reside outside the boundaries of METRO." I wonder how this could help? Wouldn't this permit all members to live outside of the boundaries thus potentially adding to suburban development? The residents of METRO would be best served by a provision that requires the commission members to live within the boundaries thereby subjecting their homes and properties to the same regulations that they pass on the other residents. Commission members from outside of the boundary of METRO may feel detached from the results of their decisions.

2) PRIOR CONSULTATION FOR TAX IMPOSITION - Section 11(1) permits the council to impose a new tax without a vote of the people and so it should be deleted or changed to require a vote of the people. The imposition of a TAX without a vote of the people in today's political climate is a good way to attract voter anger.

3) POTENTIAL CONFLICT OF INTEREST - Section 32, which describes the oath of office, lacks a provision to prevent a conflict of interest and so it should be amended to assure that officers will avoid even the appearance of having a conflict of interest. With the S & L debacle fresh in the minds of most voters, METRO's charter would serve the people better if it clearly requires officers to certify that they do not have an interest. In other words, if they or any of their business or family associates would profit from contract, decisions, etc. passed on them while in office, they will either refuse to accept the office, or abstain from participating in any decision(s) that may benefit these associates. Awarding contracts and jobs to relatives and friends without competitive bidding or selection process is prohibited. Voting on a decision to expand the urban growth boundary to include property of a friend, relative, etc. would also be prohibited.

Now that the little comments are out of the way, lets move on the main item on my agenda.

4) Future Vision's Objectives - First of all, the objectives are good, as far as they go. I certainly don't oppose economic growth that ... "achieves a desired quality of life." I want to challenge the committed to expand their vision beyond the next 50 years and to try to imagine what the quality of life will be like in this region 100 years into the future, and then think about 500 years into the future. Will 500,000 new residents by the year 2040 translate into 1,000,000 by the year 2090? Will we have 5,000,000 by the year 2490? Probably not! Long before we reach 5,000,000 in the current region, we will have become so overcrowded, and the air will have become so polluted, that new residents will look elsewhere and growth will be self limiting just as it is in the Los Angeles region where severe restrictions on industries is forcing many to look elsewhere to relocate. Cities and regions stop growing when industries, and therefore people, decide to move elsewhere. A region without employment opportunities will not attract workers.

What worries me about section 7 on Regional Planning Functions, is the absence of limiting factors to guide future decisions to assure that the desired quality of life is achieved. One key indicator of the quality of life is air quality, and in recent days we have had an air pollution alert. Our airshed is already at capacity on some days, and with the growing use of automobiles that burn conventional gasoline, it is bound to get worse. As an Engineer who graduated from OSU, I have been watching development in transportation with interest and I think that many of us will see the day when nonpolluting vehicles will be readily available. These vehicles will either be electric or hybrid electric and their impact on the environment will be minimal, however, they may not be able to share roads with conventional vehicles, especially trucks. So I would like to see a provision that restricts the further use of conventional automobiles for commuting in regions where the airshed can't absorb any additional pollution. New developments in these regions would have to rely upon mass transit, bicycle, and walking for commuting. This means that continued construction of freeways with the intent of using it for commuting in an airshed that is already at capacity would be discouraged and alternatives would have to be found. One might be the no net gain standard that California has adopted which requires that a new polluter take out a dirty source somewhere else. There are many other alternatives that I would be happy to discuss in further detail at another time if you like.

Implementing the above recommendation would effectively place a lid on the population growth within the current boundary



Comments on Metro Charter dated 6/17/92  
delivered on June 25th, 1992

of METRO at least until the conventional gasoline burning automobile is replaced with a more environmentally benign substitute. During this period of limited growth, many will say "We must plan for growth because we can't prevent people from moving here..." They are right as far as they go, and I am aware that efforts of cities to limit growth have met with failure. However, to the best of my knowledge, a regional approach to regulating growth has not been attempted.

At the recent Future Focus participants were asked to fit 500,000 people within the current UGB and most found this to be a very difficult task which suggests that the UGB will have to be expanded at some point. I challenge you to take an intraregional vision and imagine locating some or most of the future industrial and residential growth within a narrow ten mile wide band along existing transportation corridors such as I-5 stretching from Vancouver BC to Eugene. Believe me, there is much more room and the airshed problem goes away because the usually prevailing westerly wind will carry away the polluted air. Now I realize that some consider the farmland south of Portland to be sacred and unsuitable for development, and so I ask these people the following question: If farmland must be developed, isn't it better to develop farmland that is close to a freeway (say five miles max.) then it is to develop farmland that is near a city like Hillsboro where it will contribute to congestion and air pollution?

Accommodating large amounts of growth within our current METRO boundary will place significant burdens on the airshed not to mention the crowding of our streets and infrastructure. Therefore METRO should have a provision in its charter to cooperate with other planning agencies throughout the Pacific Northwest to assure that growth is encouraged in regions that can best afford and tolerate it. This megaregional approach would permit Oregon to participate in large projects that would make development along natural mass transit corridors such as I-5 a reality. For example, the state of Washington is currently participating in a study to investigate the feasibility of a maglev (i.e. magnetically levitated) train that may one day travel from Vancouver BC to Vancouver Washington at over 300 MPH, but there, if current plans are implemented, it would stop because the state of Oregon is not participating! A supertrain is a regional project that all agencies that may benefit from should participate in because one day a maglev train could carry commuters from Eugene to Portland in 30 minutes! I am sure that those of you with vision can see where I am challenging you to look. Imagine a series of satellite cities developing around mass transit depots that are served by local mass transit options such as electric cars, bicycles and walking. By limiting development to within a reasonable distance to the depot, say five, surrounding farmland would be protected.

The I-5 corridor could be developed in stages with high speed conventional trains being used at first, and then, as

population density expands, elevated railways could be constructed down the middle of the current right-of-way to permit two or more maglev trains to carry commuters. There isn't time to go into the details of how this would be accomplished now, but it is important to make a provision for this option so that appropriate avenues for growth will be selected in the future. In other words, development along current and future mass transit corridors will take precedence over development of land that is not within close proximity to current or planned mass transit depots.

Evenly dispersing growth near mass transit depots along natural transportation corridors would permit planning for growth without over populating the Portland Metropolitan area.

Lastly, I hope that METRO will realize that we should promote economic growth that benefits local residents. Employers that attract people from depressed areas such as Texas and New England, where roads, bridges, sewers, etc. are already built don't help our Country because these new residents rightly demand new roads, bridges, sewers, etc. that we all end up paying for. This contributes to S & L and Bank failures in the regions these people leave which in turn boosts the federal deficit which hurts our pocket book again. Then the local residents that could have been trained and/or hired are on unemployment, welfare, or in jail which adds a third cost to local residents. Please realize that we all win with preference if given to employers who meet the needs of local residents for a living wage job. I think that we already have our fair share of employers who only offer minimum wage jobs.

In summary, I feel that commission members should reside within the METRO boundary, the people should be given an opportunity to vote on any new taxes, conflicts of interests should be prevented, and that the future vision should be expanded by looking into the more distant future and providing limits of growth so that we can achieve sustainable growth without over populating the region and without degrading air quality. Implementing the future vision should be coordinated on a megaregional basis so that growth can be evenly apportioned.

Thankyou for your thoughtful consideration of the above comments.

I would be happy to offer additional assistance with any of the above.

Tom Tucker  
8812 NW Springville Ct.  
Portland, OR 97231  
778 6519 (w)  
286-1536 (h)



**Audubon Society of Portland**

5151 N.W. Cornell Road  
Portland, Oregon 97210  
503-292-6855



**Testimony of Paul Ketcham, Conservation Director  
to the  
Metro Charter Committee  
June 25, 1992**

I am here on behalf of the Portland Audubon Society. Our organization has over 7000 local members and has promoted the enjoyment, understanding, and protection of natural resources within the metro area for the past 90 years. We appreciate the opportunity to be here tonight to present our views and concerns regarding the draft Metro Charter.

**First**, we appreciate the difficult role of the Charter Committee. The diversity of views regarding how regional government should be involved in managing the region's growth does not make your job easy. There appears, however, to be a growing awareness of the need for Metro to play a **significant role** in managing the region's growth. The work of the Regional Policy and Technical Advisory Committees over the past several years has been instrumental in forging the new Regional Growth Goals and Objectives. The Greenspaces Program has been likewise successful in encouraging cooperation among the region's governments at all levels.

**Second**, we question the charter's call for Metro to adopt a Future Vision which is to provide a "50-year, visionary outlook" for the region. The relationship of the "Future Vision" to Region 2040 is not described. The "Future Vision" appears to duplicate both the process and substance of Region 2040 which is already substantially underway. There is no mention of the relationship between the "Future Vision" as a conceptual statement and the newly revised Regional Urban Growth Goals and Objectives (RUGGOs).

**Third**, Section 6 of the draft charter limits Metro's authority to "acquisition of regional greenspaces" and omits Metro's current authority to not only acquire, but also to **"develop, maintain and operate a system of parks, open space and recreational facilities of metropolitan significance"** (ORS 268.312(1), emphasis added. Charter language which limits Metro's authority solely to planning and acquisition of greenspaces is antithetical to the greenspaces philosophy which rests upon consolidation, cooperation, and clearly defined regional/local roles and responsibilities. I am specifically referring to the draft Greenspaces Master Plan which is based on extensive citizen and local government involvement over the past several years. The draft Master Plan is predicated on Metro's

Attachment C

ability to maintain and operate a regional park system.

Accordingly, we recommend Section 6 (4) be amended to authorize Metro to:

**(4) Acquire, develop, maintain and operate a system of parks, open space and recreational facilities of metropolitan significance.**

Fourth, we are concerned with the draft charter's priority for regional planning for greenspaces. Under Section 7 (2), which establishes components of the Regional Framework Plan, planning for greenspaces is made a secondary priority compared to planning for transportation, the urban growth boundary and urban reserves, and state and federal mandated planning functions.

If there are to be parks and open space in the future, we must act now to make that potential a reality. That means redefining our planning and funding priorities to reflect the importance of preserving greenspaces in the urban environment. This is only possible if protection of greenspaces is placed on an equal footing with planning for highways, transit, water and sewer lines and other basic public services.

Accordingly, we recommend Section 7 (2) be amended to add the following to the mandated components of the Regional Framework Plan:

**(2) (e). Parks, open space, and recreational facilities of metropolitan significance.**

Fifth, we are very concerned with the omission of any reference to the RUGGOs in Section 7 (2) which describes the development and components of the Regional Framework Plan. The Regional Framework Plan should not only comply with statewide planning goals but must also be fully consistent with the RUGGOs.

Sixth, while we are not opposed to the formation of a Policy Advisory Committee to help guide actions of the Metro Council, we are opposed to language in Section 8. This section allows the Policy Advisory Committee to veto any action by Metro Council to enlarge the scope of the Regional Framework Plan beyond the matters listed in the Charter. It is inappropriate to delegate this kind authority to an advisory committee. It caters to parochial interests.

In conclusion, the region faces a myriad of challenges as we approach the 21st century. Greatest among these is gaining cooperation at all levels of government to carry out effective growth management programs. We need a strong regional government which is equipped with the necessary authority and tools to meet the challenges before us.

Thank you for the opportunity to present our views.



sent



the  
CHAMBER.

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THE GREATER HILLSBORO AREA CHAMBER OF COMMERCE

RESOLUTION R-007-92

WHEREAS, The Greater Hillsboro Area Chamber of Commerce feels there is not sufficient time to adequately present the proposed Metro Charter to the community and,

WHEREAS, The public has not been sufficiently informed on the issues it contains and,

WHEREAS, The Greater Hillsboro Area Chamber of Commerce feels there should be adequate time allowed for study and understanding of this proposal,

THEREFORE, The Greater Hillsboro Area Chamber of Commerce requests that a vote on the new Metro Charter be postponed until May of 1993.