

**METRO
CHARTER
COMMITTEE**

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AGENDAS

DATE: July 23, 1992 *
MEETING: Full Committee
DAY: Thursday
TIME: 6:00 p.m.
PLACE: Metro, Room 440, 2000 SW 1st Avenue, Portland

6:00 Discussion and decisions on pending issues for the Charter.

10:00 Meeting adjourned.

TENTATIVE AGENDA

DATE: July 25, 1992
MEETING: Full Committee
DAY: Saturday
TIME: 8:30 p.m.
PLACE: Metro, Council Chamber, 2000 SW 1st Avenue, Portland

8:30 Discussion and decisions on pending issues for the Charter.

5:00 Meeting adjourned.

MINUTES OF THE CHARTER COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

July 23, 1992

Metro Center, Room 440

Committee Members Present: Hardy Myers (Chair), Ron Cease, Larry Derr, Jon Egge,
Charlie Hales, Matt Hennessee, Frank Josselson, Ned Look,
Vern Shahan, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers

Committee Members Absent: Tom Brian, Judy Carnahan, Wes Myllenbeck, Ray Phelps

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

1. Discussion of editorial amendments to chapters three through eight of the charter

Chair Myers distributed the an update of the charter. See Attachment A. He read section 11, *general authority*. He said that it should be amended to read: "...under this section supplements andy authority otherwise...".

Frank Josselson said that the definition of the current excise tax includes all revenues of the district collected during the year. He said that he thinks that the income from revenue bonds, general or special obligation bonds, certificates of participation and other obligations should not be subject to the excise tax.

Ron Cease asked if they are now subject to the excise tax.

Frank Josselson said that it would be a change of law.

Chair Myers made note of the issue. He read section 12, *voter approval for certain taxes* and said that the title should be amended to read: "voter approval ~~for~~ of certain taxes". He said that the sharper description of which taxes are subject to mandatory referendum was the result of discussions between Dan Cooper and Tim Sercombe.

Bob Shoemaker asked if the clause, providing that approval is not required for the continuation of taxes currently imposed by Metro, is broad enough to include excise taxes and other taxes now imposed by Metro. It only seems to include those taxes which fit within the definition of "broadly based taxes". He asked if the provision is qualified by the categories of taxes listed in the preceding sentence. He asked what taxes the provision includes.

Vern Shahan said that the provision refers to the mass transit or payroll tax.

Bob Shoemaker said that it is broader than that because it is not proposed today.

Ron Cease suggested having a second paragraph which says that approval is not required for the continuation of any taxes imposed by the service district. He said that the way it is written seems to suggest that the taxes Metro currently levies fall under the first sentence when they do not.

Bob Shoemaker said that the second sentence seems to say that voter approval is not required for the continuation of taxes now imposed by Metro which means it only deals with taxes of a type for which voter approval is required.

Janet Whitfield said that it falls under the spending limit in section 14.

Bob Shoemaker said that there should be a provision which states that all taxes now imposed by Metro may be continued.

Ron Cease suggested amending the sentence to read: "...required for the continuation of property taxes..." because the property tax is all that it is referring to. He said that, as written, it seems to imply that the taxes in the first sentence are taxes that are currently imposed by the district, but they are not.

Chair Myers agreed to the change. He read section 13, *prior consultation for tax imposition*.

Frank Josselson suggested that section 13 be amended to read: "...any new tax ~~not requiring voter approval~~ for which voter approval is not required...".

Bob Shoemaker asked if the statement in section 13 to "obtain the recommendation" implies that the recommendation must be favorable.

Chair Myers said that it is not intended to.

Bob Shoemaker suggested that it be amended to read: "...council shall ~~obtain the recommendation~~ seek the advice...". He said that they should not get stuck on the point that if the tax study committee does not make a recommendation, it cannot go forward and pass.

Chair Myers agreed to the change. He read section 14, *limitations on expenditures of certain tax revenues*.

Ron Cease asked why the section states "...taxes approved by the voters of METRO or the Metropolitan Service District...".

Chair Myers said that Tim Sercombe might have been contemplating the Greenspaces issue. He said that section 14 should be amended to read: "This expenditure limitation ~~may be~~ shall increased with ~~voter approval~~, in each subsequent fiscal year...".

Larry Derr suggested that the first sentence of section 14 be amended to read: "~~Except for This section does not apply to~~ taxes approved by the voters of METRO or the Metropolitan Service District, payroll taxes specified in section 11 of this charter, and tax increment financing charges on property...". It should also be moved to the end of the section. He said that it would be easier for the reader to find out what the section is about.

Bob Shoemaker suggested that the rest of that sentence then be amended to read: "Except as provided below, all taxes imposed and received by METRO...". He said that it is misleading to have a sentence which says "all taxes" and then say later it only applies to some taxes.

Larry Derr suggested using the Portland consumer price index rather than the consumer price index for the western United States. He said that it does not make sense to be saddled with the inflation in Los Angeles if it is different from Portland. He said that the Portland index does not come out as frequently, but it only needs to come out once a year for the purposes of this section.

Jon Egge suggested postponing that amendment until Ray Phelps has a chance to comment on the change.

Larry Derr said that regardless of which index is used, the technical name should be used.

Jon Egge said that he would like to raise the substantive issue, to be revisited later, of whether or not the inflation factor takes effect on the whole amount from day one or whether it takes effect only after the cap is hit.

Chair Myers read section 15, *limitations on amount of user charges*. He said that the second sentence should be amended to read: "These costs..."

Ron Cease asked what the sentence "this limitation shall not apply to charges for goods or services where there is significant actual or potential competition in the marketplace for the provision of the good or service" means.

Bob Shoemaker said that it means that the limitation does not apply to services where the district is in the market place, such as parking lots and the sale of data.

Jon Egge said that the provision is awfully broad.

Chair Myers read section 16, *funding of regional planning activities*.

Motion: Chair Myers moved, Matt Hennessee seconded, the following amendments to be made in chapter III of the charter:

Section 11: "...~~supplements and~~ authority otherwise..."

Section 12, title: "~~voter approval for~~ of certain taxes"

Section 12: "...required for the continuation of property taxes..."

Section 13: "...any new tax ~~not requiring voter approval for which voter approval is not required~~..."

Section 13: "...council shall ~~obtain the recommendation~~ seek the advice..."

Section 14: Begin the section with the sentence "Except as provided in this section, all taxes imposed and received by METRO..."

Section 14: "~~This expenditure limitation may be~~ shall increased ~~with voter approval, in each subsequent fiscal year~~..."

Section 14: "...major cities in the western United States..."

Section 14: Relocate the original first sentence of the section to the end of the section. Amend it to read: "~~Except for~~ This section does not apply to taxes approved by the voters of METRO or the Metropolitan Service District, payroll taxes specified in section 11 of this charter, and tax increment financing charges on property,"

Section 15: "These costs shall include..."

Section 15: "...determination by the council ~~on~~ of the amount of user charges shall not be reviewable by a court or agency".

Section 16: "...determination by the council on the sufficiency...".

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

Chair Myers moved on to Chapter IV. He read section 17, *METRO council*. He said that section 17(2), *composition*, is the issue of the transition from 13 to seven members. The Committee will return to that issue after they go through the editorial changes.

Matt Hennessee said that he would like to discuss the term of office for the presiding officer.

Chair Myers noted the issue. He read section 18, *METRO executive officer*. He said that the power of appointments under 18(2)(c) should be expanded to include boards and committees.

Ron Cease asked if the auditor would be dealt with separately.

Chair Myers said yes.

Jon Egge said that he would like to revisit the issue of whether the executive officer should appoint policy makers.

Frank Josselson said that he would like to have a provision in this section stating that it is the principle duty of the executive officer to carry out the policies of the council.

Bob Shoemaker said that it should be clear that 18(4), *veto*, deals with ordinances not requiring a vote of the people.

Chair Myers suggested adding the sentence "a legislative act referred to the voters of METRO is not subject to a veto".

Larry Derr asked if it was necessary to say anything about the mechanics of how the veto is exercised.

Chair Myers said that he does not believe so. There was nothing, beyond when the veto has to occur, in the charters he looked at. He said that the language in 18(2)(f) is too narrow and suggested it read "keep the council fully advised about the operations and financial condition of METRO". At the end of 18(4), he suggested that it include the statement "a legislative act referred to the voters of METRO is not subject to veto".

Ron Cease asked if the "legislative act" meant an ordinance or resolution or if it was broader than that.

Chair Myers said that he was staying with that usage because it appeared in the previous language.

Bob Shoemaker said that 18(4)(b) says "any ordinance imposing...a tax". The language in section 12 says any ordinance imposing broadly based taxes must go to the people. Therefore, 18(4)(b) would include all taxes referred to the people because there is not an "except as provided below" statement.

Chair Myers said that there will be other matters that might be referred and will not be subject to the veto.

Bob Shoemaker suggested saying "except as provided below in this section".

Motion: Chair Myers moved, Matt Hennessee seconded, to amend Chapter IV, Section 18, of the charter as follows:

Section 18(2)(c): "*make appointments to METRO offices, boards, commissions, and ~~commissions~~ committees as provided...*".

Section 18(2)(f): "*keep the council fully advised ~~as to the~~ about the operations and financial condition of METRO...*".

Section 18(4): "*Except as provided in this section, ~~The~~ executive officer may veto the following legislative acts...*".

Section 18(4): At the end of the provision, add "*A legislative act referred to the voters of METRO is not subject to veto*".

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

Chair Myers moved on to section 19, *auditor*.

Frank Josselson asked if the Committee has given Chair Myers the authority to review the document and make editorial changes regarding syntax.

Matt Hennessee said yes.

Frank Josselson said that, before the final copy is printed, as many sentences as possible should be simple sentences with active voices.

Jon Egge said that he would like to revisit the time period of four years for which the auditor is ineligible to be a candidate for election to METRO.

Ron Cease said that he would like to revisit the issue of qualifications for the auditor.

Chair Myers said that the qualifications are dealt with later in the charter.

Matt Hennessee suggested that the auditor also have the duty of making recommendations as required by the council.

Ron Cease suggested asking Jewel Lansing to review the provision to make sure that the Committee covered all aspects of the auditing function.

Larry Derr said that he would like the auditing section compared to Washington County's charter provision and Multnomah County's provision.

Chair Myers moved on to Chapter V and read section 20, *qualifications of elected officers*.

Frank Josselson asked why the second sentence, dealing with residency after the district has been

apportioned or reapportioned, under 20(1) is desirable.

Chair Myers said that this provision is also in the Oregon Constitutional provisions regarding the reapportionment of the legislature. It is intended to avoid any question about whether one has to start all over again if the district is not the one the person was in before. It deals with the residency requirement.

Bob Shoemaker said that this provision only says that the person must have resided during the previous 12 months in that district and the district includes areas that were formerly in that district. It does not say that when the candidates run, they must live in the district even if they have not lived there for a full year. If a councilor is redistricted out of his/her district, that person can run again in the new district, but he/she must move into it.

Chair Myers said that it would only be pertinent to the question of the 12 months because you must continue residency in order to avoid vacancy in the office.

Bob Shoemaker said that the provision does not say that, at the beginning of the term of office, the councilor must be a resident of the district.

Chair Myers said that he will note the issue to discuss later.

Jon Egge asked where the council positions are described as non-partisan.

Chair Myers said that it is in a different section because it pertains more to elections than qualifications of office.

Ron Cease asked what 20(4), *judging elections and qualifications*, means in reference to taking an action to a court. He asked if it precludes that action.

Chair Myers said that it may.

Jon Egge said that he thought the public testimony stated that it is not enough for the auditor to be a CPA and that the auditor ought to be an internal auditor. He said that he would like to revisit the issue later.

Chair Myers said that the provisions from the other local governments were either/or provisions.

Bob Shoemaker suggested the sentence regarding the qualifications of the auditor be placed under section 19, *auditor*. This section is dealing with residency requirements.

Ron Cease said that there is a separate section for qualification of elected officers so all elected officers should be under that section. If the auditor is taken out, so should the others.

Bob Shoemaker said that the auditor is the only elected official with professional qualifications. He asked if, under 20(3), *multiple elected offices*, the Committee meant to leave open the possibility that a state legislator could be a METRO councilor.

Chair Myers suggested that 20(3) read: "...may not be an elected officer of a state, city, county or special service district...".

Ron Cease asked if that provision applies to school districts.

Chair Myers said that the language "special service district" was adapted to avoid application to a school district. He said that he will ask Tim Sercombe about the issue.

Larry Derr suggested that the statute definition of service district be looked at to see what is included. He said that he doubts whether "special service district" is a term that appears in the statutes.

Ron Cease said that the phrase is used, but he does not know where.

Motion: Chair Myers moved, Matt Hennessee seconded, the following amendments in Chapter V, Section 20, of the charter:

Section 20(1): ~~"At the beginning of his or her term of office a~~ A councilor must be a qualified elector under the constitution of this state at the beginning of his or her term of office and must have...".

Section 20(2): ~~"At the beginning of his or her term of office t~~ The executive officer and auditor must each be a qualified elector under the constitution of this state at the beginning of his or her term of office and must have...".

Section 20(3): ~~"...may not be an elected officer of the state, a city, county or special service district..."~~.

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

Chair Myers read section 21, *compensation*.

Ron Cease said that he would like to revisit the amount of the compensation.

Larry Derr said that the Committee did not talk about employment benefits being included in compensation. He said that it would be the source of a lot of controversy and problems.

Chair Myers said that it would be stricken since it was not adopted by the Committee.

Bob Shoemaker said that he does not understand the phrase "receipt of" in the last sentence of 21(1) *Council Compensation*, "a councilor may waive receipt of salary and benefits". He said that it should read "a councilor may waive salary".

Frank Josselson said that he would like to add a provision enabling the council to provide itself, the executive officer, and the auditor reasonable employment benefits.

Ron Cease asked if the charter does not mention employment benefits, would the council be precluded from doing that.

Chair Myers said that he does not think so. He said that he will note the issues of employment benefits, reimbursements, and per diem.

Matt Hennessee said that the provisions for the executive officer and auditor, sections 20(2) and 20(3), both mention employment benefits.

Chair Myers said that, along with the councilors' employment benefits, he struck the benefits for the executive officer and the auditor. He said that the salary for the auditor was not decided by the Committee. He said that the 80% figure is his proposal and the issue will be noted for later discussion. He read through section 22, *oath*, and section 23, *vacancies in office*. He said that he will note there needs to be a qualifier in section 23(1)(e) because there is nothing forcing the councilor to move into the new district after reapportionment. He said that he would like the Committee to consider deleting section 23(1)(h) regarding the conviction of a crime because it is difficult to define needing a vacancy versus a recall.

Larry Derr asked, regarding 23(1)(g), what a qualified elector is.

Chair Myers said that he thought qualified elector only pertained to the age limitation of the office, but it seems to be more than that since the provision states "cease to be a qualified elector".

Frank Josselson said that the term also appears in section 20(1).

Mimi Urbigkeit said that she thinks being a qualified elector has to do with residency also.

Chair Myers said that he will ask Tim Sercombe what a qualified elector is. He said that "state" should be inserted in 23(1)(j) regarding a vacancy occurring when the councilor becomes an elective officer of another government.

Larry Derr said that, in 23(2), the first sentence should state the "executive officer or auditor" rather than the "executive officer and auditor".

Frank Josselson suggested that 23(1)(j) state "becoming an elected officer of another unit of government" instead of listing the state, a city, county or special service district.

Chair Myers said that would bring in school districts. He said that the qualification to be in office and the disqualifications once in office should be parallel. He read section 24, *filling vacancies*. He said that he would like to flag 24(2), *interim appointment*, for possible deletion.

Matt Hennessee suggested that 24(2) would be relevant at the request of the disabled councilor.

Chair Myers said that the provision is full of problems because there is no definition of disability or the length of appointment. He read section 25, *limitations of terms of office*.

Jon Egge said that the provision does not limit the auditor.

Ned Look asked that term limitation for the auditor be discussed later.

Chair Myers read section 26, *appointive offices and commissions*.

Matt Hennessee said that he would like section 26(1), *deputy executive officer*, flagged. He said that if the council is mandated to establish the position of deputy executive officer, the charter should provide for it.

Frank Josselson said that he would like the Committee to revisit whether or not the members of any commission should be appointed by the executive officer or by the council. He said that the executive officer should appoint his/her staff. He said that he would like the council to make the appointments to the policy making branches of the government. He said that he would like the charter to say that to the maximum practicable extent, the work of the council shall be done by the council and not by

council subcommittees.

Chair Myers said that Frank Josselson's subcommittee issue would be under the section 17 on the council. He read section 27, *METRO Policy Advisory Committee*.

Ron Cease suggested amending section 27(1) to read "the initial members of the MPAC shall consist of the following members".

Frank Josselson suggested that the three METRO appointments to MPAC under 27(1)(m) be appointed by the council.

Jon Egge said that there was some discussion about having citizen involvement and tying the provision under 27(1)(m) into that.

Matt Hennessee said that he would like to revisit the entire MPAC section, section 27, as a matter of policy and based on the number of elected officials of METRO.

Ron Cease said that the last phrase of section 27(4), "...of a majority of the members of MPAC holding that office" is not needed. He said that it should be a majority of the members.

Chair Myers said that this provision was carried over from the previous drafts with no change. It is a provision that is intended to make clear that the majority is to be calculated in terms of the number of people who are actually on the MPAC at that time. Vacancies are not included in calculating a majority.

Ron Cease said that it does not make sense to allow the council to change the membership of MPAC at any time. He said that there is no need to address the change if the membership number is provided for in the charter.

Chair Myers said that sentence was intended to provide flexibility for agreed modification of the structure, without a charter amendment. He read section 28, *METRO office of citizen involvement*. He said that the concept has not been voted on, but he put it in the draft as a point of departure for discussion. He said that he took the provisions out of the Multnomah County charter provision.

Frank Josselson suggested that section 28(1) be amended to read "maintain programs and procedures to help facilitate direct communication".

Ned Look asked for an explanation of what the citizens' committee will do and how big it is.

Jon Egge said that would be determined by ordinance.

Motion: Chair Myers moved, Norm Wyers seconded, the following editorial amendments in Chapter V of the charter:

Section 20(1): "~~At the beginning of his or her term of office a~~ A councilor must be a qualified elector under the constitution of this state at the beginning of his or her term of office and must have...".

Section 20(2): "~~At the beginning of his or her term of office t~~ The executive officer and auditor must each be a qualified elector under the constitution of this state at the beginning of his or her term of office and must have...".

Section 20(3): "...may not be an elected officer of the state, a city, county or special service district..."

Section 21, Title: "Compensation of Elected Officers".

Section 21(1): "The salary ~~and employment benefits~~ of the council shall be equivalent to two-thirds ~~those that~~ of a district court judge of this state for the presiding officer and one-third ~~those that~~ of a district court judge of this state for other councilors.

Section 21(2): "The salary ~~and employment benefits~~ of the executive officer shall be equivalent to ~~those that~~ of a district court judge of this state."

Section 21(3): "The salary ~~and employment benefits~~ of the auditor shall be equivalent to eighty percent of ~~those that~~ of a district court judge of this state."

Section 23(1)(j): "Becoming an elective officer of the state, a city, county or special service district".

Section 23(2): "...executive officer ~~and~~ or auditor become vacant in the circumstances described in subsection (1)(a)-(d) and (g)-(j) of this section; ~~and~~ or if the ~~executive officer or auditor~~ incumbent ceases to reside..."

Section 24: "...after it occurs. The ~~appointee's~~ term of office of the appointee runs from the time of he or she qualifies for the office after the appointment until the successor to the office is duly elected and qualifies for the office. If the vacancy occurs more than 20 days before the first general election after the beginning of the term for that office, the ~~appointee's~~ term of office of the appointee runs only until the first council meeting in the year immediately after the election. At that general election or at the primary election of that year..."

Section 26(2), Title: Appointments and confirmation.

Section 26(3): "...department directors serve at the pleasure of the executive officer, ~~and~~ Staff employed by the council..."

Section 27(1): "...of the MPAC shall consist of the following ~~members~~:"

Section 27(1)(m): "...subsection may be an elected officer of or employed by METRO, the state, a city, a county..."

Section 27(2): "...to it by this charter and ~~such~~ any other duties ~~as~~ the council ~~may~~ prescribes."

Section 27: Insert *the* before MPAC where ever it appears in the section.

Section 28(1): "...procedures to ~~help direct~~ facilitate communication between citizens..."

Section 28(2): "...by ordinance a citizens' committee and ~~the structure of the a~~ citizen involvement process..."

Bob Shoemaker said that, in Section 20(1), he would like the provision to include that the councilor must be a resident of the district from which elected as well as a qualified elector. The length of residency could be dealt with separately.

Frank Josselson said that the only residency requirement to vote can be one that is just long enough to allow the person to be put on the voter registration rolls.

Ron Cease said that, regarding section 20(3), a person could not hold a METRO office if already an elected official of another government, but that does not preclude the person from running for office.

Chair Myers said that is correct. If the terms of office overlap, the person would have to resign from the other position.

Bob Shoemaker asked, regarding section 23, if expiration of terms should be listed as a cause of office vacancy.

Chair Myers said that he does not think so because the person would be out of office anyway.

Bob Shoemaker said that, regarding section 23(1)(g), a person would vacate the office, unintentionally, if being a registered voter constitutes a qualified elector and a councilor moves and neglects to register to vote.

Chair Myers said that he will ask Tim Sercombe to advise the Committee as to what "qualified elector" embraces.

Bob Shoemaker asked, regarding section 24, what happens if a vacancy occurs less than 20 days before the first general election after the beginning of the term. He asked if that means that the appointee's term runs to the end of the original term.

Chair Myers said that he will make a note of the issue.

Bob Shoemaker asked if a primary election is a general election.

Chair Myers said that it can have that effect, as set up in the charter, but it is not designated as the same in the state.

Bob Shoemaker asked if, under section 24, the last sentence should read "at that general election or at the primary election of ~~that year~~ of the following year". The general election occurs in November and the primary occurs in May.

Chair Myers said that he will note the issue.

Bob Shoemaker asked who the statement "the executive officer may remove other appointed officers", in 26(3), refers to.

Chair Myers said that there could be other METRO personnel. He said that he will note the issue.

Bob Shoemaker asked if the charter should say something about the removal of staff of the departments.

Matt Hennessee said that it would be handled in the personnel policies.

Chair Myers said that he will note the issue.

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

Chair Myers moved to Chapter VI, section 29, *state law*. He suggested that section 29 be amended to read: "except as this charter ~~of~~ or a METRO ordinance provides...". He read section 30, *nominations*, section 31, *elections of METRO officers*, section 32, *multiple candidacies*, section 33, *reapportionment of council*, section 34, *recall*, section 35, *initiative and referendum*, and section 36, *amendment and revision of charter*.

Charlie Hales asked, regarding section 35, if the constitution provides a numerical formula which would dictate the number of signatures necessary to mount an initiative petition.

Chair Myers said that there may be some range, but there is some discretion of that amount. He said that the charter provides leeway to the council, within parameters.

Charlie Hales asked what the effect would be of the one subject rule under the provision for the amendment of the charter.

Chair Myers said that is the primary differentiation between an amendment and a revision.

Motion: Chair Myers moved, Matt Hennessee seconded, to make the following amendments in Chapter VI, *Elections and Reapportionment*, of the charter:

Section 29: "*Except as this charter ~~of~~ or a METRO ordinance provides...*".

Section 31(1): "*The first ~~voting~~ vote for councilor...*".

Section 31(1): "...*The candidate who receives the ~~greatest~~ largest number of the votes...*".

Bob Shoemaker asked why, in section 30, it states "general ordinance" rather than just "ordinance". He asked if it was customary for the nomination requirements to be by ordinance.

Larry Derr said that he is concerned about section 30 because it leaves an unknown as to what the nomination process is.

Chair Myers said that the provision is in both Dan Cooper and Tim Sercombe's versions of the charter. He said that he will note the issue.

Bob Shoemaker said that, regarding section 32, the Committee might want to consider prohibiting a person from running for both a METRO position and an elected position for another government body in the same election. He asked, regarding section 33, that the Committee consider the policy issue of whether cities, rather than counties, should be considered in a reapportionment of the council.

Vote on the motion: Ron Cease, Larry Derr, Jon Egge, Charlie Hales, Matt Hennessee, Frank Josselson, Ned Look, Vern Shahan, Bob

Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted aye. Tom Brian, Judy Carnahan, Wes Myllenbeck, and Ray Phelps were absent. All present voted aye and the motion passed.

Chair Myers moved to Chapter VII, *Ordinances*. He read Section 37, *ordaining clause*, and section 38, *adoption by council*.

Frank Josselson asked if, regarding section 38, adoption of an ordinance requires the affirmative votes of a majority of all councilors present.

Ron Cease said no.

Larry Derr said that there is also the quorum requirement. Out of seven councilors, five would be a quorum and out of five, three would be a majority.

Chair Myers said that is not the intention of the provision. He said that it would be a majority of all members of the council.

Ron Cease asked, regarding section 38 and the adoption of legislation by ordinance, how that provision applies to actions by resolution.

Matt Hennessee said that Ron Cease's question is important because if all legislation is adopted by ordinance, it gives the impression that everything the government does must require the two-thirds vote. He said that there should be a distinction between what is a resolution and what is an ordinance.

Chair Myers said that the problem comes in the word "legislation" and what that means. He said he would note the issue to ask Tim Sercombe. He read section 39, *endorsement*.

Ron Cease asked if section 38 just means that the presiding officer signs it.

Chair Myers said yes. He read section 40, *effective date of ordinances*.

Janet Whitfield said that Tri-Met's exemption from the emergency clause was adopted by the Committee, but not placed in the charter.

Bob Shoemaker said that the Committee should make sure that section 40 tracks with the language in section 12 which talks about taxes, fees, benefit assessments, and charges to make it clear that none of those could be imposed by emergency ordinances.

Chair Myers said that issue will be dealt with when the Committee deals with the substantive changes. He read section 41, *content of ordinances*, and section 42, *procedures by general ordinances*.

Larry Derr suggested that the title for section 42 be "procedures for special assessment" because the sense of the provision seems to be that procedures for assessments shall be established by ordinance.

Chair Myers said that the section covers more than special assessments.

Larry Derr suggested changing the first sentence of section 42 and having it read "The Council may by General ordinance establish ~~shall govern the~~ procedures for making...".

Chair Myers asked for Larry Derr's interpretation of the difference between general ordinance and

ordinance.

Larry Derr said that general ordinance would probably have broad applicability versus a single purpose. He said that he did not know drawing the distinction would have legal effect.

Frank Josselson said that if section 42 says that the council shall adopt ordinances, then the second sentence is unnecessary.

Matt Hennessee said that section 42 is confusing because general ordinance is used elsewhere in the charter. If the term general ordinance is used before section 42, its meaning will be confusing.

Larry Derr said that this is not a general section dealing with general ordinances.

Chair Myers suggested deleting the reference to general in section 42.

Frank Josselson asked if section 42 is an empowerment section. He asked if this section gives regional government the authority to make, alter, or vacate public improvements and levy special assessments.

Chair Myers said that may be correct. He said that there is a corresponding provision in the Cooper draft.

Frank Josselson suggested saying that the council may by ordinance establish procedures. The second sentence makes more sense.

Chair Myers suggested changing the title of section 42 to "Public Improvements".

Larry Derr suggested that the title also include "Special Assessments".

Motion:

Chair Myers moved, Matt Hennessee seconded, the following amendments in Chapter VII, *Ordinances*, of the charter:

Section 38: "...*(c) the agenda of that meeting is not publicized not less than three business days nor more than...*".

Section 38: "...*Adoption of an ordinance requires the affirmative votes of a majority of all councilors ~~in a public meeting~~*".

Section 39: "...*the council at the time of ~~its~~ the adoption of an ordinance shall endorse an ordinance unless a different procedure is prescribed by ~~general~~ ordinance.*"

Section 42, Title: ~~*Procedures by General Ordinance*~~ *Public Improvements and Special Assessments*.

Section 42: "~~*General*~~ *The council may by ordinance shall govern the establish procedures for making, altering, vacating or abandoning a public improvement and for fixing, levying and collecting special assessment against real property for public improvements or services. State law shall govern these procedures to the extent not governed by ~~general~~ ordinance.*

Ron Cease said that the sections where "general ordinance" is used are sections where it relates to process and procedure and does not relate to one issue.

Charlie Hales suggested deleting the word "general", but making a note to Tim Sercombe that if there is a substantive reason why it belongs in the charter, it can be added back in.

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

Chair Myers moved to Chapter IX, *Miscellaneous Provisions*. He read section 43, *transition provisions*.

Bob Shoemaker suggested that section 43 be amended to state that the ordinances, in force when the charter takes effect, remain in force until changed or repealed. Otherwise, there is the implication that they cannot be changed or repealed.

Frank Josselson suggested, if Bob Shoemaker's change is adopted, to delete the second sentence,

Janet Whitfield asked, if the second sentence is deleted, would METRO have to stop all land use provisions they are doing now when the charter is adopted.

Chair Myers said that the second sentence serves to describe one type of category that is part of the larger grouping described in the first sentence.

Larry Derr said that, in the last sentence of section 43, the concept of the assets and liabilities of the Metro Service District becoming the assets and liabilities of METRO suggests that a new entity is being created, but only a new charter is being created for an existing entity.

Ron Cease said that METRO is a name that the local people have given the Metro Service District.

Chair Myers said that the charter states "the Metropolitan Service District continues under this charter as a municipal corporation with the name "METRO".

Larry Derr said that the constitution says the legislative assembly shall provide by law a method whereby the legal electors of any metropolitan service district may adopt, revise, or amend a charter. It does not say that they can create a district.

Chair Myers said that he would prefer not deleting the sentence at this point. He suggested getting Tim Sercombe's advice on the issue.

Frank Josselson said that if the sentence is kept, "become" should be replaced with "remain" or "are".

Chair Myers read section 44, *time of effect*, section 45, *severability; headings*, and section 46, *state legislation*.

Janet Whitfield said that Chapter IX should be Chapter VIII.

Motion: Chair Myers moved, Norm Wyers seconded, the following amendments in charter chapter entitled *Miscellaneous Provisions*:

Change the chapter designation from IX to VIII.

Section 43: "...Service District in force ~~just before~~ when this charter takes effect remain in force after that time to the extent they are consistent with this charter and until otherwise provided by the council. ~~All enactments of the Metropolitan Service District in force when this charter takes effect and affecting the content of land use comprehensive plans or regulations of cities and counties, or the provision of governmental or utility services, shall remain in force until changed or repealed by ordinance adopted under section 7 of this charter.~~

Section 43: "...and liabilities of the Metropolitan Service District ~~become~~ are the assets and liabilities of METRO."

Section 44, title: "~~Time of Effect~~ Effective Date".

Section 46: "The council shall seek enactment by the sixty-seventh Legislative Assembly of this state, and thereafter, if necessary, of any legislation ~~necessary~~ for needed to make all parts of this charter ~~to have~~ operative effect."

Larry Derr said that he would like to discuss the policy question of the effective date of the charter.

Frank Josselson suggested that section 46 be amended to read "by enacting this charter, the people of METRO direct the council to seek enactment and request the legislative assembly of this state to enact any legislation necessary for all parts of this charter".

Chair Myers asked Frank Josselson to work on the specific language of his suggestion and the Committee will revisit the issue.

Frank Josselson said that the chapter and section titles should be considered part of the charter because the Committee has reviewed and amended them and they usually are parts of the charter.

Addition to the motion:

Chair Myers added the following amendment to his motion:

Section 45: Delete the last sentence which reads: "*The chapter and section titles used in this charter are not part of the charter*".

Vote on the motion:

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

2. Discussion of policy amendments in chapters three through eight of the charter

Chair Myers asked the Committee to discuss excluding certain kinds of proceeds from the base pertaining to the calculation of the amount of revenue that can be raised from the excise tax.

Frank Josselson said that the current excise tax statute provides that the total revenue for all excise taxes shall not exceed, in any fiscal year, 6% of the gross revenues collected or received by the district during the fiscal year. He said that debt generated revenues received by the district are gross revenues collected and received by the district which would, in any year that the council had any significant general obligation or revenue bond issue, increase its ability to levy excise taxes by the

amount of the bond issue. He said that he does not think that the Committee intended that to happen. He said that when the Committee talks about gross revenues of the district, they are talking about returns on user fees and not bonded indebtedness or bonded debt. He said that he would like to exclude bonded debt from the total the district can collect in excise taxes.

Chair Myers asked if "gross revenues" is defined by statute.

Frank Josselson said that it just says gross revenues collected or received by the district.

Janet Whitfield said that the excise tax comes under the \$12.5 million limitation so it would be covered there.

Vern Shahan said that because the charter sets it, that statute is no longer applicable to controlling the size of the excise tax.

Larry Derr said that the way the charter is drafted, it is the Committee's intention that the excise tax falls under the \$12.5 million cap. He said that Ray Phelps explained, at the last meeting that METRO's total money taken in, including bond money, would generate the \$12.5 million, if 6% is added to it. He said that another point of view is that the 6% limitation in the legislation applied to any dollars that came through the door from any source. He said that as it is limited in the charter, they cannot use that in any other ordinance adopted tax form to generate or spend more than \$12.5 million, but it could mean that they could get all the \$12.5 million from the excise tax.

Janet Whitfield said that, with a limited purpose government, METRO cannot politically collect \$12.5 million from the excise tax.

Frank Josselson said that it is less of a problem with the cap than it exists today. He said that he will not make a motion on the issue.

Chair Myers said that the next item is the question of the calculation of the inflation factor--whether it should be allowed to operate irrespective of whether the government has spent to the limit. He said that the alternative would be to have the inflation factor be operative only when METRO was at the limit of \$12.5 million.

Matt Hennessee said that it is more important to have an annual understanding of what the inflation factor is.

Jon Egge said that he would prefer that if in six years the \$12.5 million limitation is reached, the next year, and from that point on, it would go up by the CPI for that year. He said that a more likely scenario would be to go for 10 years and never come close to \$12.5 million, and then the \$12.5 million would be \$21 million. He said that he thought the Committee's policy decision was to try to get METRO to go to the voters for additional funding when there is this kind of obligation of the government.

Bob Shoemaker said that the purpose was to impose a limit that would approximate six percent of the current general revenues and to keep the government from running amuck. He said that as inflation goes up, so will the \$12.5 million figure. He said that he thought the intent was to let the \$12.5 million float with the inflation factor just as the six percent of gross revenues will float with inflation.

Jon Egge said that the cap is easier to sell if there is some reality to it.

Vern Shahan said that, assuming there is \$12.5 million cap and the government does not reach it for

five years, they can generate at least up to the \$12.5 million and put it into the fund, but they cannot spend any more money out of it. He asked if the fund continually builds and the cap continually goes up, what happens to the dollars that are sitting in the fund--is it another source of revenue and can METRO earn interest on it.

Larry Derr said that his purpose, when he suggested a spending cap versus a revenue cap, was that the spending cap carry with it a penalty or a break on levying or collecting revenues annually in excess of the spending cap. He said that there does need to be a provision to put some limitation to levy taxes in a subsequent year when there is a future carry-over.

Ron Cease said that if the six percent is divided out each year, it provides METRO with more flexibility.

Matt Hennessee said that not having the six percent inflation factor until the \$12.5 million limit is reached could create a poor public perception when METRO reaches the limit and attaches the inflation factor, increasing the spending limit from \$12.5 million to \$21 million, when the charter had provided it all along. If it moves every year, there will be a better understanding for everyone and it does not look like METRO has mysteriously increased its ability.

Jon Egge said that he would like to return to the issue when he has specific language.

Motion: Larry Derr moved, Frank Josselson seconded, that, in section 14, the reference to the Western cities consumer price index be deleted and reference be made to the Portland-Metropolitan area consumer price index.

Larry Derr said that he does not think that there will be much difference between the west coast cities consumer price index and that of the Portland area. He said that the title should be the exact language from the Bureau of Labor.

Jon Egge said that Ray Phelps' argument was that there was a lot of lag in the Portland consumer price index and the Western Cities index did not have the same kind of lag. He said that he does not completely agree with that.

Matt Hennessee said that it would have been helpful if the Committee had a comparison of the two indexes. He said that the Committee is responding to their perception of what it has been, based on the economies of Portland and other west coast cities. He said that the Committee is trying to track it at a slower pace. He said that the Committee is making a decision on something without an understanding of the facts.

Vern Shahan said that when tying something to an index, it should be tied to something that mirrors as much as an average of a large base of economy as possible. If not, Matt Hennessee's statements are true that there will be tremendous swings between cities.

Larry Derr said that the government will not be collecting taxes in the average west coast cities, they will only be collected in the Portland area.

Matt Hennessee said that the inflation factor is for the rate of inflation for the cap. He said that Metro is spending at a significantly lower level now and he assumes that the Committee does not want Metro to run the cap up at such a tremendous rate that the opportunity to spend more is great. He suggested taking the most conservative approach possible when dealing with the cap.

Mimi Urbigkeit said that people are more familiar with the Portland area consumer price index so it

would be more understandable to the average person.

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

Chair Myers said that the next issue is scope of the description of the exclusion from the restriction on limiting charges for goods and services where there is a significant actual or potential competition in the marketplace.

Jon Egge said that private enterprise will view this section of the charter as the "competition clause". There is great sensitivity about government competing directly with businesses. He said that he does not want to keep METRO from being able to sell information or anything that the government would normally generate, but he does not want METRO to be authorized to go into the hotel business, for example. He said that he is concerned that this statement is too broadly all encompassing.

Chair Myers asked Jon Egge to prepare language for the Committee.

Frank Josselson said that the last sentence of section 15 and 16, "any determination by the council of the amount of user charges shall not be reviewable by a court or agency", is probably not going to be legally effective. If the statement has the effect that it says it says, then the two provisions have no effect at all on other forces.

Motion: Frank Josselson moved, Larry Derr seconded, to delete from section 15, *limitations on amount of user charges*, and section 16, *funding of regional planning activities*, the following sentence: "any determination by the council of the amount of user charges shall not be reviewable by a court or agency".

Ned Look asked where the language originally came from.

Chair Myers said that Tim Sercombe recommended the language.

Frank Josselson said that he does not recall that the Committee agreed that the determination was not reviewable. He said that he remembers the Committee determining that it is reviewable, but the review of judicial review is extremely small. Since the Committee did not agree on the issue, it should not be in the charter.

Chair Myers said that he does not think that the Committee decided anything on the issue.

Bob Shoemaker asked how to get at the problem so that it does not invite litigation. He said that it creates an impossible situation if it says that the charges of goods and services shall not exceed the cost. It cannot be predicted in advance if the charges will equal the costs. If the door is open for litigation, regardless of the size, it creates an unfortunate situation for the council.

Frank Josselson asked if Bob Shoemaker's argument that the Committee should not create an impossible situation because there is no way to enforce it.

Bob Shoemaker said that there has to be some leeway.

Chair Myers asked if Frank Josselson believes that people should be able to take METRO to court to

challenge the level of appropriations.

Frank Josselson said yes, just like any other legislation. He said that due process requires a rational basis for any legislation, including budgetary questions.

Charlie Hales said that the Committee needs to remember the substance of the sections. He said that section 15 is a requirement that if METRO is charging for a service, the cost has to reflect the cost of the service with the qualifier that the council is the final arbiter of whether the fairness test is met. Section 16 states that the planning activities shall be fully funded and the council shall be the final arbiter of whether or not they are fully funded. He said that he would not want a city charter having a similar provision saying that the city council is the final arbiter of the building permit charges, for example. He said that he supports removing the language.

Larry Derr said that removal of the sentence would not create an invitation for litigation--it is the law. He said that the concept in section 15 is good policy and probably is the existing law. He said that section 16 is more of a governmental, political decision.

Frank Josselson said that unless someone can point to a resolution to include a prohibition on judicial review in the minutes, then a motion needs to be made to include them.

Matt Hennessee said that part of the discussion confuses him because this is the same body that agreed to an auditor position and there are functions the auditor is to carry out, relative to what the government is expected to do. He said that part of his/her responsibility is to watch what the government does on issues like this.

Charlie Hales said that since there is an auditor, there probably will not be much of a need for judicial review and, therefore, it does not have to be prohibited.

Chair Myers agreed and said that the sentences would be deleted.

Jon Egge said that section 16 is not strong enough and does not adequately reflect the minutes. He said that he thought the motion included a statement that the most important function of the government is planning. Therefore, it should be fully funded.

Chair Myers said that the next issue is the transition issue from 13 councilors to seven councilors. He said that there are two basic options--the first is reflected in the draft and the second is a more expedited procedure by which reapportionment and the conversion of the council would occur on a shorter term basis.

Larry Derr said that his concern with extending the transition starts with the Future Vision. He said that the only place where the Committee could do anything to slow up or short-circuit Metro's current efforts in the planning arena would be to have a charter process that would slow the process down. He said that the Committee originally discussed having the Future Vision commission appointed at a time after the new council was in place and then gave an extended period of time to come up with a Future Vision to be recommended to the council. He said that the draft charter seems to have dropped that out and counts 18 months from November which makes it a little less of a problem. If Metro is truly going to be on a time table where it completes phase one of 2040 before the end of 1992 and phase two by the end of 1993, the preferred alternative could be established by the end of 1993. He said that the best the Committee could do under the timing of the planning provisions, as written, would be May 1994. He said that he would like the timing to mesh. He said that he would like the new council to be the one to ultimately adopt the Future Vision. If it took two elections, the earliest conceivable election would be March 1993. Using the election requirements and working backward,

the process would begin in December of 1992 to have a council seated by mid 1993. He said that the only glitch is that there are not districts proportioned. He said that it would be difficult to ask the Metro council to, on December 1, start apportioning the seven districts and have them ready for the end of the week to have them ready for people to run. He suggested that the Committee appoint a district apportioning subcommittee to come up with the seven districts. There would be one meeting of this Committee to take action on the subcommittee work. The charter would state that the initial districts would be those established by the Charter Committee and adopted prior to the election.

Motion:

Larry Derr moved, Frank Josselson seconded, to amend section 17(2), *composition*, of the charter to provide the concept that the initial electoral seven districts will be those established by the Metro Charter Committee prior to the election date. The charter will become effective December 1, 1992. The initial election for Metro officers will be the March 23, 1993 special election date. If necessary, the second election will be the May 18, 1993 election date. The new council will take office on June 15, 1993.

Ron Cease said that there probably is nothing legally that precludes the Committee from putting the actual council districts in the charter, but there is not enough time to do that. He said that his understanding is that once the Committee submits the charter to the director of elections, the Committee is disbanded.

Larry Derr said that the Committee is in effect until the date of the election.

Ron Cease said that it is questionable as to whether the Committee could do the redistricting. He said that there would be a low voter turnout for special elections.

Matt Hennessee said that trying to rush the districting changes does the very things that governments get accused of all the time--not planning enough and being inefficient. He said that a lot of inefficient mistakes will be made if it is pushed too fast. The candidates will not have enough time to get themselves elected to the council.

Chair Myers agreed that there is a time line problem with campaigning.

Jon Egge asked, from a legal standpoint, does a group have to do the reapportionment or if the task could be assigned to the Secretary of State.

Ron Cease said that the legislature could assign it to the Secretary of State, but the Committee cannot assign it.

Chair Myers said that the reapportionment of the district will probably not be an easy task. It will require technical resources, staff resources, and public hearings.

Frank Josselson asked what would happen if the current council decided that they will not do it.

Chair Myers said that the charter will have to adequately address that. He said that he understands the desire to have the new council in place to deal with the Future Vision, but the cost of not doing that is one of the costs that has to be paid for having a transition to seven members. He said that some members of the new council will most likely be members of the current council, so there probably will be continuity between the two bodies.

Bob Shoemaker asked under which approach will there be the most sensible districts. He said that if the existing council redistricted itself, when it is reducing its number from 13 to seven, there will most

likely be some peculiar districts. If it is done by an objective body, such as the Committee, the districts will be more rational.

Chair Myers said that it is not just a question of who does it, it is a question of the whole time table. He said that the issues could be separated to some extent. If there was a strong sense that the Committee did not want to assign the council the first opportunity to do it, the Committee could provide for the creation for the reapportionment commission.

Larry Derr said that the draft proposal, for the special election approach, allows four months. He said that the motion proposes three months so it is not a significantly different program.

Chair Myers said the draft proposal is a first cut at that option. He said that he is comparing the motion to a two year transition where the primary and general elections of 1994 determine the council.

Bob Shoemaker said that there is also a concern about putting this charter into effect before there is enabling legislation. He asked if anyone has studied the difficulties if the charter goes into effect on January 1, 1993 and ORS 268 is still in effect along with other chapters.

Larry Derr said that the only conflicts that he is aware of are in the land use planning area and the boundary commission. He said the Committee basically eliminated anything that would be a conflict with the boundary commission. Nothing proposed under land use becomes effective for approximately 10 years. He said that enabling legislation would hamper anything in the charter.

Ned Look said that if the Committee eliminates the Future Vision commission, the Future Vision is not that much different than 2040.

Charlie Hales said that, based on the compression of the schedule, he cannot support the motion. He suggested, if the motion fails, changing the completion date for the Future Vision and the plan from May 1, 1994 to May 1, 1995 so that the new council will be the one to approve the Regional Framework Plan.

Larry Derr said that the dates in the draft charter are wrong. It should be May 1, 1994 for the Future Vision and November 1, 1994 for the Regional Framework Plan.

Charlie Hales said that he would propose changing the dates as a damage control for this problem as opposed to the compression of the election schedule.

Larry Derr said that change would provide that the plan would be binding on local governments into the next century.

Frank Josselson said that the most serious problem with the current scenario is the council redistricting itself. He said that the Charter Committee is the only group that the Committee can delegate this power to.

Chair Myers said that the question of how the reapportionment gets done is not the same issue of the compression issue. He said that it would be easy enough to develop a very straight forward provision about the creation of a reapportionment commission. He said that if the Committee wants to take the responsibility out of the hands of the council, he is willing to support a commission approach.

Frank Josselson said that the time for the adoption of the Regional Framework Plan conforming with local plans is a serious consideration. The sooner that is done, the better.

Chair Myers said that he opposes the motion because the timing of the adoption of the Regional Framework Plan is a cost to be excepted. It is a lesser cost than the hurry up process of trying to get the new government underway. He suggested letting the Future Vision time slip some without impacting the Regional Framework Plan.

Frank Josselson suggested segregating the parts of the motion to state that this Committee or another authority created by this Committee will redistrict the region.

Chair Myers said that he does not know if there is a practical way for the Committee to deal with redistricting in the charter, other than this Committee doing it. He said that the charter will not be voted on until November and there is no way to mandate anything to get underway before then unless the Committee does it themselves.

Ron Cease said that the charter could require the use of a redistricting commission. He said that it is not practical to have the Charter Committee do the redistricting.

Chair Myers said that, although a commission would deprive the legislative body of the redistricting opportunity, it does relieve the council of the distraction of the issue to the detriment of its other duties.

Vote on the motion: Larry Derr and Frank Josselson voted aye. Ron Cease, Jon Egge, Charlie Hales, Matt Hennessee, Ned Look, Vern Shahan, Bob Shoemaker, Mimi Urbigkeit, Norm Wyers, and Chair Myers voted nay. Tom Brian, Judy Carnahan, Wes Myllenbeck and Ray Phelps were absent. The vote was 2 ayes to 10 nays and the motion failed.

Motion: Frank Josselson moved, Jon Egge seconded, that section 17(2), *composition*, of the charter be amended to mandate the establishment of a commission to reapportion the METRO district into seven districts. The product of the Commission would become the reapportioned districts, to the extent amended within a certain period of time by the council.

Matt Hennessee suggested amending the motion to include that the commission will be representative.

Friendly amendment of the motion: Matt Hennessee suggested, Frank Josselson and Jon Egge accepted, amending the motion to read that section 17(2), *composition*, of the charter be amended to mandate the establishment of a regionally representative commission to reapportion the METRO district into seven districts. The product of the Commission would become the reapportioned districts, to the extent amended within a certain period of time by the council.

Chair Myers asked if the motion is an adjunct to the two year approach that is in the proposed draft.

Frank Josselson said that he would like to keep the two issues separate.

Charlie Hales asked if the motion is a supplement to the provision now in the charter whereby the council ultimately adopts the districts. He asked if the commission will recommend the districts or will the motion be in lieu of that provision and have the commission adopt the districts.

Frank Josselson said that it would be in lieu of anything in the current draft of the charter.

Chair Myers said that some proposals have empowered the commission to actually effect the plan and others have the commission lodging a plan that becomes effective unless, and to the extent, amended by the legislative body within so many days. He said that the burden is on the council to modify what the commission does.

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

Matt Hennessee said that he would prefer the charter to provide that the terms of office begin for all the councilors on January 2, 1995. He asked if there was a reason why the terms are staggered.

Chair Myers said that it is directed toward the longer term look of avoiding having all seven up for election at the same time. He said that it is a question of how one assesses staggering through time.

Bob Shoemaker said that the charter calls for a drawing by lot to determine who gets the four year and who gets the two year terms. He said that there is the possibility that all the councilors on the east side of the district have four year terms and all the councilors on the west side have two year terms.

Chair Myers adjourned the meeting at 10:45 pm.

Respectfully submitted,



Kimi Iboshi
Committee Clerk

Materials following this page represent
Attachments to the Public Record

CHAPTER III

FINANCE

Section 11. General Authority. Except as prohibited by law or restricted by this charter, METRO may impose, levy and collect any tax and is authorized to issue revenue bonds, general or special obligation bonds, certificates of participation and other obligations. The authority provided under this section supplements and authority otherwise granted by law.

Section 12. Voter Approval for Certain Taxes. Any ordinance of the council imposing broadly based taxes of general applicability on the personal income, business income, payroll, property, or sales of all, or a number of classes of, persons or entities in the region shall require the approval of the voters of METRO before taking effect. This approval is not required for the continuation of taxes imposed by the Metropolitan Service District; for the rate or amount of any payroll tax imposed by a mass transit district as of June 1, 1992, if the functions of that district are assumed by METRO; or for additional payroll tax revenues for mass transit imposed to replace revenues lost by withdrawal of any locality from the service area of the mass transit district after June 1, 1992. For purposes of this charter, "taxes" shall not include any user charge, service fee, franchise fee, charge for the issuance of any franchise, license, permit or approval, or any benefit assessment against property.

Section 13. Prior Consultation for Tax Imposition. Before imposing any new tax not requiring voter approval, the council shall obtain the recommendation of a tax study committee that includes representatives from the general population, businesses and local governments.

Section 14. Limitations on Expenditures of Certain Tax Revenues. Except for taxes approved by the voters of METRO or the Metropolitan Service District, payroll taxes specified in section 11 of this charter, and tax increment financing charges on property, all taxes imposed and received by METRO, after providing for the costs of administration and any refunds or credits authorized by law, shall be placed into a fund. For the first fiscal year after this charter takes effect, no more than \$12,500,000 in expenditures may be paid from this fund on a cash basis. This

expenditure limitation may be increased with voter approval, in each subsequent fiscal year in an amount equal to the rate of inflation for the previous calendar year. The "rate of inflation" means the rate determined by the appropriate federal agency for the increase in the consumer price index for goods and services in major cities in the western United States or the most equivalent rate.

Section 15. Limitations on Amount of User Charges.

Charges for the provision of goods or services shall not exceed the costs of providing the goods or services. These costs shall include, but not be limited to, the costs of personal services, materials, capital outlay, debt service, operating expenses, overhead expenses, and capital and operational reserves attributable to the good or service. This limitation shall not apply to charges for goods or services where there is significant actual or potential competition in the marketplace for the provision of the good or service. Any determination by the council on the amount of user charges shall not be reviewable by court or agency.

Section 16. Funding of Regional Planning Activities. The council shall appropriate funds sufficient to assure timely completion of the functions and activities authorized in section 7 of this charter. Any determination by the council on the sufficiency of funding for these purposes shall not be reviewable by a court or agency.

CHAPTER IV

FORM OF GOVERNMENT

Section 17. METRO Council.

(1) Creation. The governing body of METRO is the council.

(2) Composition. (a) Beginning January 2, 1995, the council shall consist of seven councilors, each nominated and elected from a single district within the METRO area. Until that date the council shall consist of the 13 members of the governing body of the Metropolitan Service District whose terms begin or continue in January 1993 and whose districts shall continue until replaced as provided in this section. the terms of those members shall expire January 2, 1995.

(b) . Not later than October 15, 1993, the council by ordinance shall establish the boundaries of seven council districts which shall first elect candidates in the first statewide primary and general elections, after adoption of this charter, for a term of office beginning January 2, 1995. By lot the council shall assign terms ending January 6, 1997 to four council positions and terms ending January 4, 1999 to three council positions. Thereafter the term of each council position shall be four years.

(c) If the council fails to establish council district boundaries as provided by this section, the boundaries shall be established as provided by law.

(2) Powers. Except as this charter provides otherwise, and except for initiative and referendum powers reserved to the voters of METRO, all powers of METRO are vested in the council.

(3) Council presiding officer. At its first meeting each year the council shall elect a presiding officer from its councilors.

(4) Meetings of the council. The council shall meet regularly in the METRO area at times and places it designates. The council shall prescribe by ordinance the rules to govern conduct of its meetings. Except as this charter provides otherwise, the express concurrence of a majority of the councilors present and constituting a quorum is necessary to decide affirmatively a question before the council.

(5) Quorum. A majority of councilors in office is a quorum for council business, but fewer councilors may compel the attendance of absent councilors.

(6) Record of proceedings. The council shall keep and authenticate a record of council proceedings in a manner the council prescribes.

Section 18. METRO Executive Officer.

(1) Creation. There shall be a METRO executive officer elected from the METRO area at large for a term of four years. The executive officer shall serve full time and not be employed by any other person or entity while serving as the executive officer.

(2) Powers and Duties. The executive officer shall: (a) administer METRO except for the council; (b) enforce METRO ordinances; (c) make appointments to METRO offices, and commissions as provided by this charter or by ordinance; (d) propose for council adoption measures deemed necessary to enforce or carry out powers and duties of METRO; (e) prepare and submit the annual budget of METRO for council approval; and (f) keep the council fully advised as to the financial condition of METRO and provide any other financial information the council requests.

(3) Transition From Metropolitan Service District. The Metropolitan Service District executive officer in office when this charter takes effect shall be the METRO executive officer until January 2, 1995 when his or her term shall expire. The METRO executive officer shall be first elected in the first statewide primary or general election after adoption of this charter for a term beginning January 2, 1995.

(4) Veto. The executive officer may veto the following legislative acts of the council within five working days after enactment: (a) any annual or supplemental METRO budget; (b) any ordinance imposing, or providing an exception from, a tax; and (c) any ordinance imposing a charge for provision of goods, services or property by METRO, franchise fees or any assessment. The affirmative vote of five councilors may override a veto not later than 30 days after the veto.

Section 19. METRO Auditor.

(1) Creation. There shall be a METRO auditor elected from the METRO area at large for a term of four years. The auditor shall serve full time and not be employed by any other person or entity while serving as auditor.

(2) First election; disqualification for other METRO elected offices. The auditor shall be first elected in the first statewide primary or general election after adoption of this charter for a term beginning January 2, 1995. During the term for which elected, and for four years thereafter, the auditor is ineligible to be a candidate for election to the offices of METRO executive officer or METRO councilor.

(3) Duties. The auditor shall: (a) conduct post-audits of all executed transactions and accounts, as defined by law, of all METRO departments and operations; (b) report to the METRO executive officer and the METRO council at least annually, and at other times as the council requires, on the performance of METRO functions in compliance with applicable standards of financial accuracy, administration and law; (c) make additional investigations and reports as required by the council; and (d) perform other functions as provided by ordinance; but, except as this charter otherwise provides, the auditor shall not be given responsibility for performance of any executive function.

CHAPTER V

OFFICERS, COMMISSIONS AND EMPLOYEES

Section 20. Qualifications of Elected Officers.

(1) Councilor. At the beginning of his or her term of office a councilor must be a qualified elector under the constitution of this state and must have resided during the preceding twelve months in the district from which elected or appointed. When the boundaries of that district have been apportioned or reapportioned during that period, residency in that district includes residency in any former district with area in the district from which the councilor is elected or appointed.

(2) Executive officer and auditor. At the beginning of his or her term of office the executive officer and auditor must each be a qualified elector under the constitution of this state and must have resided in the METRO area during the preceding twelve months. For purposes of this subsection, "METRO area" means the area within the boundaries of METRO at the time a term of office begins. At the time of election the auditor must also hold the designation of certified public accountant or certified internal auditor.

(3) Multiple elected offices. A METRO elected officer may not be an elected officer of a city, county or special service district during his or her term of office.

(4) Judging elections and qualifications. The council is the final judge of the election and qualification of its members.

Section 21. Compensation.

(1) Council. The salary and employment benefits of the council shall be equivalent to two-thirds those of a district court judge of this state for the presiding officer and one-third those of a district court judge of this state for other councilors. A councilor may waive receipt of salary and benefits.

(2) Executive officer. The salary and employment benefits of the executive officer shall be equivalent to those of a district court judge of this state.

(3) Auditor. The salary and employment benefits of the auditor shall be equivalent to eighty percent of those of a district court judge of this state.

Section 22. Oath. Before assuming office a METRO elected officer shall take an oath or affirm that he or she will faithfully perform the duties of the office and support the constitutions and laws of the United States and this state and the charter and laws of METRO.

Section 23. Vacancies in Office.

- (1) Councilor. The office of councilor becomes vacant upon the incumbent's:
- (a) Death,
 - (b) Adjudicated incompetency,
 - (c) Recall from office,
 - (d) Failure following election or appointment to qualify for the office within ten days after the time for his or her term of office to begin,
 - (e) Absence from all meetings of the council within a 60 day period without the council's consent,
 - (f) Ceasing to reside in the district from which elected or appointed, except when district boundaries are apportioned or reapportioned and a councilor is assigned to a district where the councilor does not reside;

- (g) Ceasing to be a qualified elector under state law,
- (h) Conviction of a felony or conviction of a federal or state offense punishable by loss of liberty and pertaining to his or her office,
- (i) Resignation from office, or
- (j) Becoming an elective officer of a city, county or special service district.

(2) Executive officer and auditor. The offices of executive officer and auditor become vacant in the circumstances described in (1)(a)-(d) and (g)-(j) of this section; and if the executive officer or auditor ceases to reside in the METRO area. The office of auditor also becomes vacant if the auditor ceases to hold the designation of certified public accountant or certified internal auditor.

(3) Vacancy after reapportionment. If a councilor vacancy occurs after the councilor has been assigned to a reapportioned or newly apportioned district under section 14 of this charter, the vacancy shall be deemed to have occurred in the district to which that councilor was assigned.

(4) Determination of vacancy. The council shall be the final judge of whether a vacancy in office exists.

Section 24. Filling Vacancies.

(1) Generally. A majority of councilors holding office shall fill a vacancy by appointment within ninety days after it occurs. The appointee's term of office runs from the time of he or she qualifies for the office after the appointment until the successor to the office is duly elected and qualifies for the office. If the vacancy occurs more than 20 days before the first general election after the beginning of the term for that office, the appointee's term of office runs only until the first council meeting in the year immediately after that election. At that general election or at the primary election that year, a person shall be elected for the remainder of the term.

(2) Interim appointment. During a councilor's disability to serve, a majority of the other councilors may fill the vacancy by appointment on an interim basis.

Section 25. Limitations of Terms of Office. No person may be elected councilor for more than three consecutive full terms. No person may be elected executive officer for more than two consecutive full terms. The limitations of this section apply only to terms of office beginning on or after January 2, 1995.

Section 26. Appointive Offices and Commissions.

(1) Deputy executive officer. The council shall establish by ordinance the position of deputy executive officer in the office of the executive officer and shall prescribe the qualifications for and duties of the position.

(2) Appointment and confirmation. Except as this charter provides otherwise, the executive officer shall appoint the deputy executive officer and all other employees in the office of the executive officer; all department heads; the members of all commissions created by this charter or by ordinance; and all other positions specified by ordinance for appointment. Appointments of the deputy executive officer, department directors and members of commissions shall be subject to council confirmation.

(3) Removal. The deputy executive officer, other employees in the office of the executive officer, and department directors serve at the pleasure of the executive officer, and staff employed by the council serve at the pleasure of the council. The executive officer may remove other appointed officers and members of commissions subject to council approval.

Section 27. METRO Policy Advisory Committee.

(1) Creation and composition. There is hereby created a METRO Policy Advisory Committee (MPAC). The initial members of the MPAC shall consist of the following members:

(a) One member of each of the governing bodies of Washington, Clackamas and Multnomah Counties, appointed by the body from which the member is chosen;

(b) Two members of the governing body of the City of Portland, appointed by that governing body;

(c) One member of the governing body of the second largest city in population in Multnomah County, appointed by that governing body;

(d) One member of the governing body of the largest city in population in Washington County, appointed by that governing body;

(e) One member of the governing body of the largest city in population in Clackamas County, appointed by that governing body;

(f) One member of a governing body of a city with territory in the METRO area in Multnomah County, other than the City of Portland or the second largest city in population in Multnomah County, appointed jointly by the governing bodies of cities with territory in the METRO area in Multnomah County, other than the City of Portland or the second largest city in population in Multnomah County;

(g) One member of a governing body of a city with territory in the METRO area in Washington County, other than the city in Washington County with the largest population, appointed jointly by the governing bodies of cities with territory in the METRO area in Washington County, other than the city in Washington County with the largest population;

(h) One member of a governing body of a city with territory in the METRO area in Clackamas County, other than the city in Clackamas County with the largest population, appointed jointly by the governing bodies of cities with territory in the METRO area in Clackamas County, other than the city in Clackamas County with the largest population;

(i) One member from the governing body of a special service district with territory in the METRO area in Multnomah County, appointed jointly by the governing bodies of special service districts with territory in the METRO area in Multnomah County;

(j) One member from the governing body of a special service district with territory in the METRO area in Washington County, appointed jointly by the governing bodies of special service districts with territory in the METRO area in Multnomah County;

(k) One member from the governing body of a special service district with territory in the METRO area in Clackamas County, appointed jointly by the governing bodies of special service districts with territory in the METRO area in Clackamas County;

(l) One member of the governing body of Tri-County Metropolitan Transportation District of Oregon, appointed by the governing body of that district; and,

(m) Three persons appointed by the executive officer and confirmed by the council. No person appointed under this subsection may be an elected officer of or employed by METRO, a city, a county or a special service district. Each person appointed under this subsection shall reside in the METRO area during the person's tenure on MPAC.

Notwithstanding the above provisions, the composition of MPAC may be changed at any time by vote of both a majority of the members of MPAC and a majority of all councilors.

(2) Duties. The MPAC shall perform the duties assigned to it by this charter and such other duties as the council may prescribe.

(3) Bylaws. MPAC shall adopt bylaws governing the conduct and record of its meetings and the terms of its members.

(4) Vote required for taking action. Whenever this charter requires approval of a majority of the members of MPAC, the approval shall require the affirmative vote of a majority of the members of MPAC holding that office.

Section 28. METRO Office of Citizen Involvement.

(1) Creation. There is hereby created the METRO Office of Citizen Involvement to develop and maintain programs and procedures to help direct communication between citizens and the council and executive officer.

(2) Citizens' Committee. The council shall establish by ordinance a citizens' committee and the structure of the citizen involvement process, and shall appropriate sufficient funds to operate the office and committee. The committee shall have authority to hire and fire its staff.

CHAPTER VI

ELECTIONS AND REAPPORTIONMENT

Section 29. State Law. Except as this charter of a METRO ordinance provides otherwise, a METRO election shall conform to state law applicable to the election.

Section 30. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of METRO.

Section 31. Elections of METRO Officers.

(1) Generally. The first voting for councilor, executive officer, or auditor, except for certain elections to fill a vacancy in office, shall take place at an election held at the same time and places in the METRO area as the statewide primary election that year. If at the primary election one candidate for a METRO office receives a majority of the votes cast for all candidates for that office, that candidate is elected. If at the primary election no candidate receives a majority vote, the candidates receiving the two largest numbers of votes cast for the office shall be the only names to appear on the general election ballot that year as candidates for that office. The candidate who receives the greatest number of the votes cast at the general election for that office is elected.

(2) Nonpartisan offices. All elections of METRO officers shall be nonpartisan. The names of candidates for METRO offices shall be listed on election ballots without political party designations.

Section 32. Multiple Candidacies. No person may be a candidate at a single election for more than one METRO elected office.

Section 33. Reapportionment of Council. Within three months after an official census or official census estimate indicates that the boundaries of council districts deny equal protection of the law, the council shall respecify the boundaries to accord equal protection of the law and shall assign councilors to the reapportioned districts. In reapportioning the districts, the council shall

consider current districts, historical and traditional communities, and counties. The council need not consider city or special district boundaries or the boundaries of election districts for state officers except when those political boundaries coincide with natural boundaries.

Section 34. Recall. An elective officer of METRO may be recalled as provided by the constitution and laws of this state.

Section 35. Initiative and Referendum. The initiative and referendum powers reserved to the voters of METRO under Oregon Constitution, Article XI, section 14(5) are subject to the provisions of state law and ordinances of the council.

Section 36. Amendment and Revision of Charter. The council may refer, and voters of METRO may initiate, amendments to this charter. A proposed amendment to the charter shall embrace only one subject and matters properly connected with it. The council shall provide by ordinance for a procedure to revise this charter.

CHAPTER VII

ORDINANCES

Section 37. Ordaining Clause. The ordaining clause of an ordinance adopted by the council shall be: "The METRO Council ordains as follows:". The ordaining clause of an initiated or referred ordinance shall be: "The People of METRO ordain as follows:".

Section 38. Adoption by Council. The council shall adopt all legislation of METRO by ordinance. Except as this charter otherwise provides, the council may not adopt any ordinance at a meeting unless (a) the ordinance is introduced at a previous meeting of the council; (b) the title of the ordinance is included in a written agenda of the meeting at which the ordinance is adopted; (c) the agenda of that meeting is publicized not less than three nor more than ten days before the meeting; and (d) copies of the ordinance are available for public inspection at least three business days before that meeting. The text of an ordinance may be amended, but not substantially revised, at the meeting at which it is adopted. The provisions of this section do not apply to an ordinance adopted by unanimous consent of the council and containing findings on the need for immediate

adoption. Adoption of an ordinance requires the affirmative votes of a majority of all councilors in a public meeting.

Section 39. Endorsement. The person presiding over the council at the time of its adoption shall endorse an ordinance unless a different procedure is prescribed by general ordinance.

Section 40. Effective Date of Ordinances. An ordinance shall take effect ninety days after its adoption unless a different effective date is stated in the ordinance. An ordinance may state an earlier effective date if an earlier date is necessary for the health, safety or welfare of the METRO area; the reasons why this is so are stated in an emergency clause of the ordinance; and the ordinance is approved by the affirmative vote of two-thirds of all councilors. An ordinance imposing or changing a tax or charge or changing the boundaries of METRO may not contain an emergency clause.

Section 41. Content of Ordinances. Each ordinance shall embrace one subject and all matters properly connected with it. The council shall plainly word each ordinance and avoid technical terms as far as practicable.

Section 42. Procedures by General Ordinances. General ordinance shall govern the procedures for making, altering, vacating or abandoning a public improvement and for fixing, levying and collecting special assessments against real property for public improvements or services. State law shall govern these procedures to the extent not governed by general ordinance.

CHAPTER IX

MISCELLANEOUS PROVISIONS

Section 43. Transition Provisions. All legislation, orders, rules and regulations of the Metropolitan Service District in force just before this charter takes effect remain in force after that time to the extent they are consistent with this charter. All enactments of the Metropolitan Service District in force when this charter takes effect and affecting the content of land use comprehensive plans or regulations of cities and counties, or the provision of governmental or utility services, shall remain in force until changed or repealed by ordinance adopted under section 7 of this charter. All

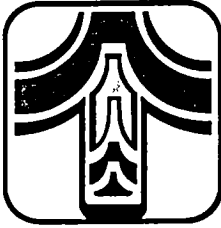
rights, claims, causes of action, duties, contracts, and legal and administrative proceedings of the Metropolitan Service District that exist just before this charter takes effect continue and are unimpaired by the charter. Each shall be in the charge of the officer or agency designated by this charter or by its authority to have charge of it. The unexpired terms of the elective officers of the Metropolitan Service District continue as provided by this charter. Upon the effective date of this charter, the assets and liabilities of the Metropolitan Service District become the assets and liabilities of METRO.

Section 44. Time of Effect. This charter takes effect January 1, 1993.

Section 45. Severability, Headings. The terms of this charter are severable. If a part of this charter is held invalid, that invalidity shall not affect any other part of this charter, except as the logical relation between the two parts requires. The chapter and section titles used in this charter are not part of the charter.

Section 46. State Legislation. The council shall seek enactment by the sixty-seventh Legislative Assembly, and thereafter, of any legislation necessary for all parts of this charter to have operative effect.

Materials following this page represent
Attachments to the Public Record



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000

MEMORANDUM

Date: July 23, 1992
To: Members of the Metro Charter Committee
From: RGC Executive Committee: Steve Stolze, Gussie McRobert and
Judie Hammerstad
Subject: RGC Support of Proposed Metro Charter

At the Regional Governance Committee Steering Committee meeting on July 22, the RGC unanimously decided to support the Charter Committee's proposed Metro Charter (as summarized in the attached document).

The RGC discussed the merits and weaknesses of the proposed charter and, on the whole, believes that the document creates a more effective, accountable regional government that will be better able to meet this metropolitan region's needs than it does now. Although the RGC did not see all of its major recommendations adopted in the charter, particularly the council/manager form of government, the RGC is pleased with many of the other major provisions, such as the institutionalized role for local governments in Metro's decision-making processes, stronger growth management powers for Metro, a cap for taxes, and a good balance of protecting local governments' role in the delivery of services and regionalizing certain aspects of those services when efficiencies or more effective delivery of services can be achieved. This is a substantial improvement over the status quo.

The RGC will continue to work with the Charter Committee to help fine-tune issues that still need to be resolved. Again, assuming no major aspects of the proposed charter are significantly altered, RGC will support the proposed charter on this November's ballot.

The RGC applauds the efforts the Charter Committee members and appreciates their willingness to work constructively with the RGC during this process. Thank you.

OUTLINE PROVISIONS SUPPORTED BY RGC

ISSUE AREA I FUNCTIONS

(outright authorities)

- **Planning**

CHARTER

- UGB/Urban Reserves
- Future Vision
- Transportation
- Siting Regional Facilities
- Solid Waste
- Regional Framework Plan
- Greenspaces
- Water sources and storage

- **Service Delivery**

- Solid Waste
- Regional Facilities (zoo, etc.)

II. PROCESS

(for adding new functions)

- **Planning**

- New growth management functions after advice of MPAC
- Planning for services delivered by local government:
required consent by MPAC or voter approval

- **Service Delivery**

- Any new service currently conducted by local government:
required consent by MPAC or voter approval
- Tri-Met assumption by Council vote after J-PACT advice:
must retain intervening Board
- Other new services by Council action after MPAC advice

III. STRUCTURE

- Separate Executive Officer
- 7 person Council
- 1/3 pay (2/3's for Chair)
- Limited Executive Officer veto
- Deputy Executive Officer
- Elected Auditor (CPA qualifications)

IV. FINANCE

- Enterprise funds (dedicated)
- Excise tax on METRO services
- Any tax by vote of the people
- Spending cap of \$12.5 million for non-voter approved
taxes, including excise tax
- Local government dues sunset
- Study committee with local government representatives for
new taxes
- Establish priority for funding planning