

1987-88 INTERIM

TASK FORCE
ON
METROPOLITAN REGIONAL GOVERNMENT

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PREFACE

The Task Force on Metropolitan Regional Government was established to examine a wide range of issues relating to regional government in the tri-county metropolitan area which includes Clackamas, Multnomah and Washington Counties. As it completes its work, the Task Force has concluded that the Metropolitan Service District (Metro) has a continuing and important role in the local government community. The Task Force feels that its deliberations and legislative package will permit Metro to operate as a more stable, responsible, and effective government.

There are many issues of regional significance currently being addressed by Metro. The agency is working with the region's local governments, public and private organizations and others to develop effective regional solutions. The Task Force would encourage the 1989 Legislative Assembly to act quickly on its legislative proposals to avoid unnecessary delays or problems for Metro in resolving these issues. In addition, the Task Force would urge the assembly to reiterate legislative support for Metro's continued involvement in the resolution of issues of regional concern.

TASK FORCE ON METROPOLITAN REGIONAL GOVERNMENT FINAL REPORT

The Task Force on Metropolitan Regional Government has prepared this final report for the purpose of documenting its deliberations and presenting its legislative package and other findings and recommendations. The report is divided into five sections: 1) the history and purpose of the Task Force, 2) a description of current local government in the tri-county area, 3) the issues and policy options examined by the Task Force, 4) the Task Force's vision of future regional government options in the Portland metropolitan area, and 5) the Task Force's legislative package and other findings and recommendations.

BACKGROUND

The Task Force was authorized by the Legislative Emergency Board at its August 1987 meeting. Funding was divided equally between the legislative assembly and the Metropolitan Service District (Metro). The Task Force was charged with studying and making recommendations to the 1989 Legislative Assembly concerning regional government in the tri-county area with particular emphasis on issues relating to Metro.

The Task Force consisted of eleven members, including four legislators, three county commissioners, three public members and a Metro appointee. The contract between the legislative assembly and Metro specifically required the Task Force to examine and report on the following issues:

- 1) Metro's governing structure,
- 2) Merger of existing regional agencies with Metro, including the Portland Metropolitan Area Local Government Boundary Commission and Tri-Met,
- 3) Assumption of additional potential regional functions by Metro such as library services, parks, drainage and others currently authorized by statute,
- 4) Funding of Metro, and
- 5) Other issues including the current effectiveness of Metro in providing regional governmental services and its accountability and responsiveness to its residents.

The Task Force initiated its work in October 1987. To accomplish its work plan the task force divided into three subcommittees on: 1) Governance, 2) Existing Regional Functions, and 3) Potential Regional Functions. A total of 20 subcommittee and 8 full task force meetings were held, including public

hearings in Beaverton, Gresham, and Oregon City. In addition, the Task Force sponsored three county forums for Metro and local elected officials to aid in improving the working relationship between the two groups and gather input concerning the local elected officials perceptions of Metro.

EXISTING METROPOLITAN LOCAL GOVERNMENT STRUCTURE

The purpose of this section of the report is to briefly describe the existing local government structure in the tri-county metropolitan area. Local governments in the metropolitan area currently serve a wide range of geographic and population bases. These governments include several regional agencies, counties, cities and a variety of county and single-purpose special districts.

Regional Agencies

There are four local governmental entities that operate on a regional basis within the metropolitan area. These are Metro, the Portland Metropolitan Area Local Government Boundary Commission, Tri-Met, and the Port of Portland.

Metro. The 1977 Legislative Assembly enacted legislation authorizing the creation of Metro, subject to voter approval which was obtained in 1978. Metro's enabling act sets its boundaries, which include the urbanized portions of the region. The law also establishes Metro's governing structure, identifies potential funding options, and lists those functions that Metro shall or could perform.

Metro's current functions can be divided into four principal areas which include:

- 1) Management and operation of the Washington Park Zoo,
- 2) Development and administration of a regional solid waste disposal system including; operating or contracting for the operation of landfills, transfer stations, and other disposal facilities, waste reduction and recycling programs and system planning and facility development,
- 3) Local government services including transportation planning, data collection and analysis, technical and training assistance, data base development, and administration of the metropolitan urban growth boundary, and
- 4) Management of the construction of the new Oregon Convention Center.

Metro's enabling statute authorizes it to perform a wide range of functions and services in addition to those it currently provides. For example, on its own initiative, Metro may engage in various specified aspects of sewage disposal, drainage and control of surface water, and may takeover and operate the existing public mass transit system.

Various elements of other specified functions also may be provided by Metro, subject to voter approval. These include: water supply; human services; parks and recreation; correctional facilities and certain criminal and juvenile justice planning programs; libraries; acquisition or construction of cultural, spectator, or convention facilities; and the assumption of the duties of the local boundary commission. In addition, the law gives Metro the general authority to assume additional functions through the initiative and referendum process.

Metro's principal sources of funding are derived from its current functions. These include admission and concession revenue from the zoo, tipping fees at solid waste disposal facilities, and the proceeds from bonds sold to finance the construction of the convention center. Other revenue sources include a property tax serial levy that partially funds the zoo, state lottery funds used to fund construction of the convention center, and a per capita assessment collected from local governments to fund services provided to these governments by Metro.

Boundary Commission. The Portland Metropolitan Area Local Government Boundary Commission was established under the provisions of legislation enacted in 1969. The commission's powers and functions are outlined in ORS 199.410 to 199.534. The commission is funded through an assessment collected from the region's local governments and various filing fees.

The commission's principal purposes include: 1) preventing illogical local government boundary extensions, 2) assuring that new units of local governments can adequately provide necessary public services, and 3) resolution of boundary disputes. It is responsible for reviewing and approving or denying city and special district annexations, territorial withdrawals, and the creation, dissolution, merger, or consolidation of local governmental units within Clackamas, Multnomah, and Washington Counties. The commission also reviews certain water and sewer line extensions, and the creation of private water and sewer systems.

Since July 1988 commission members have been appointed by the Metro Executive Officer from lists of names submitted by members of the Metro Council. The size of the commission also was increased by the 1987 Legislative Assembly from 11 to 12.

Tri-Met. Tri-Met is organized under the provisions of ORS Chapter 267 which authorizes the creation of mass transit districts and sets forth their powers and functions. Tri-Met's boundaries include all of Clackamas, Multnomah, and Washington Counties, but it provides public transportation services only within the urban areas of these counties and to certain cities in outlying areas. Tri-Met is governed by a seven-member board appointed by the governor.

Tri-Met receives its funding from three principal sources. These include passenger fares, a general payroll tax on employers within the district's service area and from various federal and state subsidies which fluctuate from year to year.

Port of Portland. The Port of Portland was created by the legislative assembly in 1891. In recent years, the port's authority has expanded with the absorption of the City of Portland Dock Commission and extension of its geographic boundaries to include all of Clackamas, Multnomah, and Washington Counties. The port is responsible for managing air and water transportation and industrial land development on port land. It operates or manages five marine terminals, three airport facilities, a ship repair yard and dry dock facility, a dredge, and three industrial parks.

Funding of the port is primarily provided by revenue from various use and service fees which are supplemented by a small property tax levy collected from within the district.

COUNTIES

The three counties within the Portland metropolitan area, Clackamas, Multnomah and Washington, each contain large urbanized areas, as well as substantial rural areas. The state constitution permits counties to exercise significant control over matters of local concern by adopting home rule charters. Multnomah and Washington Counties have adopted such charters. Clackamas County operates as a "general law" county under statutory provisions that grant control over local affairs similar to those obtainable through a home rule charter.

There are many similarities among the general types of services provided by the three counties. For example, each operate correctional facilities, provide law enforcement services, maintain local parks systems, provide library services, and offer a variety of human service programs. In addition, there are several ongoing cooperative efforts among the counties including a regional library access program and joint use of a juvenile detention facility. Various professional associations also provide a forum for information exchange and cooperative discussions.

There also are differences among the counties. In a recent study which catalogued and compared services offered by Clackamas and Multnomah Counties, county officials noted that future consolidation of services could be impeded by differences in the nature of the problems facing the counties, management philosophy and governmental organization. However, the study did note several areas in which greater future cooperation or consolidation could occur. These included district attorney functions, road maintenance, animal control, and certain data processing functions. In addition, a general need to improve regional planning also was noted.

CITIES

There are 32 cities in the tri-county metropolitan area, including 24 that lie within Metro's boundaries. Each of these cities has its own charter which provide substantial flexibility in addressing issues within the city's boundaries.

SPECIAL DISTRICTS

There are over 100 special districts in the tri-county metropolitan area. Most of these districts are single purpose and were created under provisions of state law authorizing districts to provide specific government services. Such services include water, fire, sewer, sanitary, park and recreation, and road maintenance.

ISSUES AND POLICY OPTIONS

The following discussion summarizes the major issues, policy questions, and options examined by the Task Force within each of the five subject areas assigned to it for study..

GOVERNANCE

Background. Metro is governed by a 12-member council whose members are elected from individual districts, and an executive officer who is elected districtwide. This governing structure is similar to the separation of powers model used by the state and federal governments. Under this model, the Metro Council acts as the legislative policymaking body, while the Executive Officer serves as the chief administrative and enforcement officer for the agency.

Metro's use of the separation of powers model is unique among local government jurisdictions in Oregon, and possibly nationwide. In addition, the direct election of a governing body and administrative officer is unique among regional governments similar to Metro in other states.

Following several disputes between the executive officer and the council concerning their relative authority and relationship within this governing structure, the 1987 Legislative Assembly enacted legislation to clarify their roles. The purpose of the Task Force's examination of Metro's governing structure has been to determine if the unique use of the separation of powers model by a unit of local government is appropriate and effective and whether the recently enacted legislation has permitted Metro to operate more efficiently.

The Governance subcommittee has examined several issues relating to Metro's governing structure. These include:

- 1) the most appropriate governance model for Metro,
- 2) an elected vs. appointive executive officer,
- 3) the size of the council and whether the councilors should be full or part-time, and
- 4) the extent to which Metro should control its own governing structure and the setting and administration of its own work plan.

Governance model. A number of governance options were suggested in testimony before the subcommittee and by local elected officials at the county forums sponsored by the Task Force. These include:

1) Retaining the present model. The separation of powers model provides direct accountability of both the council and the executive officer to the public through the elections process. In addition, the Metro Executive Officer and Council Presiding Officer contend that the recent legislation which more clearly outlines the legislative and executive functions has improved the working relationship between the council and executive officer and should be given an opportunity to succeed. It should be noted that few local elected officials favor the current model.

2) Traditional Local Government Model. Most local elected officials argued that Metro should use a more traditional local government governance model. The model most frequently suggested was the council/manager structure. Under this model, the council would continue to be elected, but the executive officer would be replaced by a manager or administrative officer appointed by the council. The council presiding officer could be selected by the council or elected on a districtwide basis. The nature of the presiding officer's powers could be determined by state law or in the Metro Code or charter.

3) Local Representatives on Metro Council. In addition to modifying the basic governance model, some local officials have suggested that the task force consider adding a number of local elected officials to the Metro Council. It is argued that having such representation would improve the working relationship between Metro and the region's local governments and give local officials greater input into Metro's decisionmaking process. A resolution offered to the task force by Washington County local governments recommended that one member of each of the Board of County Commissioners be placed on the Metro Council.

4) Traditional Council of Government. A minority of local officials have suggested that the Metro governing structure be replaced by a governing council made up entirely of local elected officials. Such a council is the traditional governing structure for councils of government in Oregon. These officials argue the governing structure of Metro's predecessor, the Columbia Region Association of Governments (CRAG) operated more smoothly than the Metro Council.

Size of the Metro Council. A number of options for the optimum size of the Metro Council were discussed. These included: a much larger council, a smaller council, a council with an odd-number of councilors, and retaining the present size.

1) Larger council. Those arguing in favor of a larger council contended that current councilor districts are too large to be effectively represented by a part-time counselor. A larger

number of councilors would allow the creation of smaller districts. In addition, a larger number of councilors would allow a stronger council committee system with councilors having to serve on fewer committees.

2) Smaller council. Those supporting a smaller council note that the current council has had difficulty in developing the consensus needed to move the agency forward. They argue that a seven or nine member council would make it easier to develop consensus on important issues and would elevate the stature of the councilor position within the local community. Most local officials attending the county forums actively supported a smaller council.

3) Odd-Number Council. Regardless of the size of the council, it was generally agreed that the council should have an odd-number of members. Such a change would eliminate the potential for tie-votes that have occasionally plagued the council in the past. This could be accomplished by changing the present 12-member council to 11 or 13, or as part of a more significant change in the size of the council.

Legislative vs. Local Control. Metro is presently subject to a significant level of control and direction by the legislative assembly. It's governing structure, functions, funding, boundaries, and various other operational procedures are set forth very specifically in its enabling statute. The Task Force has received testimony supporting the need to transfer much of Metro's control back to the local level.

Supporters contended that the legislative assembly should retain authority to give general direction to Metro or assign specific new functions to the agency, but that greater local influence and flexibility should be granted in areas such as the governing structure, boundaries, funding, and determination of functional responsibilities. In addition, they argue that local governments and the public should have direct influence on the role of Metro within region without having to go through the legislative assembly.

Several options for obtaining greater local self-determination for Metro were examined. These included: 1) a home rule charter for Metro, 2) statutory ordinance authority, and 3) amending the existing enabling statute to give greater local control in specific areas.

1) Home Rule Charter. The state constitution permits counties to have home rule charter which gives them authority over all matters of county concern. A process for drafting a charter and obtaining subsequent voter approval is set by statute.

The task force received testimony from the Metro Executive Officer urging creation of a home rule charter for Metro. Because the county home rule authority is vested in the constitution, a constitutional amendment would have to be approved by voters of the entire state authorizing a Metro home rule charter. The charter then would have to be drafted and approved by the voters within Metro.

Supporters contend that, as a unit of local government, Metro and the voters within its boundaries should have the same flexibility to modify its operations that state law grants to cities and counties. They argue that a charter would provide the greatest flexibility while giving the region's voters more direct access to Metro through the charter approval and amendment process. Potential difficulties with a home rule charter include the need to obtain statewide passage of a constitutional amendment authorizing a charter and the potential for conflicts between a Metro home rule charter and the existing home rule charters of Multnomah and Washington Counties.

2) Statutory Ordinance Authority. State law currently gives non-home rule counties broad authority to enact ordinances that give them authority over matters of local control similar to the authority granted under a home rule charter. Amending this statute to give Metro similar ordinance authority would be simpler than the process for approving a home rule charter. But the degree to which Metro and its voters could exercise local control would still be subject to significant future legislative control through the amendment process. For example, the legislature could completely repeal or reduce Metro's ordinance authority. In addition, potential conflicts between a Metro ordinance and local charters or ordinances could be resolved at the legislative rather than the local level.

3) Amend Existing Enabling Statute. Greater local control of Metro's affairs also could be provided by amending the existing enabling statute to give such authority. Such authority would be more limited than the options discussed above, because it would apply only to those specific areas approved by the legislature. In addition, the legislature could repeal or amend this authority at any time.

Legislation. The Task Force will be proposing legislation relating to Metro's governing structure and the local control issue. The specific provisions of this legislation and the rationale for its introduction are included in the section of the report dealing with the Task Force's legislative package.

EXISTING REGIONAL AGENCIES

The Existing Regional Functions subcommittee examined Metro's relationship with two other regional agencies, the boundary

commission and Tri-Met. State law permits Metro to assume the functions of the boundary commission, subject to voter approval and absorb Tri-Met by order of the Metro Council. The subcommittee reviewed the desirability of merging either of these agencies into Metro and other issues related to their relationship with Metro.

Boundary Commission. The subcommittee identified several arguments in favor and against a potential merger of the boundary commission with Metro. In addition, several statutory and policy issues related to a merger were identified. These arguments and issues are noted below.

Arguments in favor of a merger include:

- 1) begin the process of consolidating regional agencies into a single regional government,
- 2) address the issue of proliferating units of governments by eliminating an existing autonomous unit through merger,
- 3) continue the evolution of the boundary commission from a state agency to a unit of local government,
- 4) provide accountability of the commission to an elected body, particularly in the area of budget review,
- 5) provide better coordination of the boundary and government service determinations made by the commission and the urban growth boundary functions now performed separately by Metro, and
- 6) insulate the commission from continual attack at the legislature.

Arguments against a merger include:

- 1) potential threat to the commission's independence and its quasi-judicial, apolitical procedures and functions,
- 2) advisability of combining two agencies with controversial histories that have had difficulty in building credibility and support in the community,
- 3) potentially higher cost,

- 4) advisability of extending Metro's authority relating to boundary commission functions to areas beyond its current boundaries, and
- 5) opposition from those opposed to the existence of either the boundary commission or Metro.

After considering these arguments, the subcommittee decided not to recommend a legislatively-mandated merger of the boundary commission and Metro. The principal justification for this decision was that a closer tie between the agencies could jeopardize the commission's independence and subject its decisions to political influence. It also was noted that the issue of commission accountability had been successfully addressed by 1987 legislation which transferred the authority to appoint commission members to Metro. In addition, subcommittee were concerned over the uncertainty of the financial impact of a merger. And finally, members noted that if a merger were to be considered appropriate at some future date, Metro has statutory authority to seek a merger, subject to voter approval.

In addition to a merger, the subcommittee examined two other issues relating to the boundary commission-Metro relationship. First, the subcommittee considered a proposal to change the manner in which the members of the commission's budget advisory committee are appointed. These members presently are appointed by the commission. Some task force members expressed concern that the committee should be appointed by an outside agency, such as the Metro Council, to provide greater independence from the commission. After receiving testimony that the advisory committee has functioned well in the past and has provided valuable technical assistance to the commission, the subcommittee determined that no change in the appointment authority was needed at this time.

The second issue concerned the desirability of transferring the administration of the urban growth boundary from Metro to the boundary commission if the two agencies remained separate. Among the questions examined concerning this issue were: 1) whether the commission's current procedures for handling boundary changes would be applicable to the urban growth boundary, 2) Metro's existing staff expertise relating to the urban growth boundary, 3) separating the urban growth boundary from Metro's other land use responsibilities, and 4) the nature of the appeals process. In examining this issue, the subcommittee found that neither Metro or the boundary commission supported a transfer and that there were no current financial, administrative, or procedural reasons or benefits that would result from a transfer of the amendment function.

The subcommittee did identify several areas in which the existing Metro procedure for handling proposed UGB amendments was unclear and proposed that a resolution be directed to Metro from the task force which would address these concerns. This resolution was approved by the full Task Force and is discussed further in a later section of the report dealing with the Task Force's legislative package.

Tri-Met. The possibility of merging Tri-Met and Metro has been recognized by the legislative assembly for almost 20 years. Both the Tri-Met and Metro enabling statutes permit such a merger and address issues, such as employee rights, that relate to it.

Arguments in favor of a merger are similar to those noted earlier with regard to the boundary commission. Briefly, these include:

- 1) elimination of an autonomous unit of government,
- 2) consolidation of regional units of governments,
- 3) providing for the accountability of the public transit function to an elected body rather than an appointed board, and
- 4) joint purchasing and reduction of administrative costs

Arguments against a merger include:

- 1) a possible financial liability related to Tri-Met's underfunded pension plan,
- 2) administrative, taxation, and elections issues concerning extending Metro's boundaries for mass transit purposes beyond its current boundaries,
- 3) potential lack of cost savings due to pension liabilities and statutory employee rights, and
- 4) the relatively unstable revenue sources currently funding both Metro and Tri-Met

The Task Force determined that a legislatively-mandated merger of Tri-Met and Metro was not necessary at this time. The decision was based on concerns regarding: 1) potential financial liabilities relating to Tri-Met's pension plan and the retirement of Tri-Met's outstanding debt, 2) lack of economic justification in terms of providing cost savings or improvement of service, 3) instability of Tri-Met funding sources, 4) the need for Metro to prove itself before assuming any new functions, and 5) the effect the additional Tri-Met-related workload on the part-time Metro Council.

Legislation. While not recommending an immediate merger, the task force identified several problems with the present statute that permits Metro to takeover Tri-Met by its own action. The task force decided that, if the financial and other merger-related problems noted above could be resolved in the future, these statutory problems would unnecessarily complicate any future combination of the agencies. Proposed legislation to remove all statutory impediments within this takeover is outlined in a later section of this report dealing with the Task Force's legislative package.

Assumption of New Functions

The Task Force was charged with examining whether Metro should assume any additional potential regional functions. As noted earlier, Metro's enabling statute authorizes it to assume the metropolitan aspects of certain functions on its own initiative, while the assumption of other functions requires prior voter approval. Metro also may assume services or functions through intergovernmental agreements or by delegation from the legislative assembly.

The Task Force received testimony dealing with the question of Metro assuming new functions within two different time scenarios; the present (2 to 4 years) and the future (10 to 15 years). Local government officials and the general public testified emphatically against Metro assuming any new functions at the present time. This argument was based on several concerns:

- 1) the perceived friction between the Metro Council and the Metro Executive Officer and its adverse effect on Metro's ability to function as an effective government,
- 2) past Metro failures, particularly in the siting of solid waste disposal facilities,
- 3) the need to assess how well Metro is performing its present functions, and
- 4) the need for Metro to "prove" itself.

In response, Metro has recognized its image problems within the community and the need to decisively address issues within its current program areas, such as the development of a comprehensive solid waste disposal system and the timely and cost-efficient construction of the Oregon Convention Center. Metro did not seek authority from the Task Force to assume any new direct service functions.

Metro may obtain some additional responsibility as a result of its management of the construction of the convention center. Many of those who supported the need for a convention center

argued that, eventually all of the region's major spectator and exposition facilities should be managed and operated by a single agency or commission. Metro has attempted to structure the Metropolitan Exposition and Recreation Commission (MERC), created to operate the convention center, so that it could assume the management of other major facilities. The commission operates relatively independently, though it is subject to budgetary and general administrative review by the Metro Council.

Since the creation of the MERC, Metro has engaged in negotiations with the City of Portland and Multnomah County concerning the potential for consolidated management of facilities such as Civic Stadium, the Memorial Coliseum, and the Expo Center. The Task Force supports Metro's efforts to develop unified and cost-effective operation of these facilities.

At the Task Force-sponsored forums for local government officials, participants were asked to identify those functions that conceivably could be performed by a regional government in the year 2001. The responses focused on the need for a regional government to act as a facilitator or coordinator in developing regional consensus on how to address regional issues. In addition, a regional government could provide a broad range of regional planning services and act as a lobbyist for the region. It was noted that these functions must be provided in consultation with other local governments.

The participants also recognized that a regional government could provide additional direct services. Among the suggested regional services were joint purchasing, the boundary commission, mass transit, correctional facilities, and the management and operation of major spectator and sport facilities.

Based on the testimony it received, the Task Force is recommending that the legislative assembly not mandate that Metro provide any new direct service functions at this time. The Task Force did adopt two resolutions supporting current Metro efforts to provide coordination in addressing regional parks issues and regional aspects of local government finance. The Task Force would encourage Metro to continue to work with the region's local governments to identify other areas in which Metro could serve as a convenor or facilitator to address regional issues.

Funding

Funding for Metro's various direct service programs is largely provided by revenue generated directly from these programs, such as landfill tipping fees and zoo admissions and concession fees. But Metro's general government functions such as the Metro Council, Executive Officer, and support service staff, have no direct revenue source. These functions are funded through a complex system of interfund transfers from Metro's direct service programs.

The system for funding Metro general government costs was criticized in testimony before the Task Force. It was noted that the system is confusing and does not give a clear picture as to how funding for specific services or offices. In addition, it was argued that the system has permitted to fund large increases in general government expenses without any direct accountability.

Legislation. The Task Force will be proposing two bills relating to Metro's funding sources. The first proposal would permit Metro to collect excise taxes to, in part, aid in funding its general government costs, and the second proposal would continue Metro's ability to collect per capita dues from local governments. These measures are discussed more fully in the later section of the report dealing with the Task Force's legislative package.

Metro Effectiveness, Accountability, Responsiveness

At the county forums sponsored by the Task Force, participants were asked to assess Metro's effectiveness in providing its existing services. Generally, participants were supportive of Metro's operation of the zoo, transportation planning services, data resource and technical assistance programs, the passport license program, and the management of construction of the convention center. Programs associated with solid waste disposal, in particularly facility siting, were criticized.

In addition, the Task Force received testimony which indicated that the continuing disagreements between the Metro Council and the Executive Officer had adversely affected Metro's credibility within the community and damaged the agency's effectiveness and responsiveness. Local government officials also complained about the lack of communication between Metro and local governments and in particular the lack of contact between Metro councilors and their local counterparts.

Metro has responded to these criticisms with several efforts designed to improve communication with local government and involve local government officials with Metro. For example, Metro's local government coordinator is now responsible for providing staff assistance for regular meetings of the region's city managers and Metro has actively solicited local input in the development of a regional solid waste plan.

The Task Force believes that many of the bills that it is proposing will improve Metro's effectiveness, accountability, and responsiveness to the region. Among the specific proposals addressing these issues are a proposed constitutional amendment to permit Metro to have a home rule charter, and bills which would lower initiative and referendum signature requirements for Metro and give greater access to the voters' pamphlet for Metro ballot

measures. In addition, the Task Force fully supports Metro's current effort to establish a performance audit program for its current functions.

FUTURE OF REGIONAL GOVERNMENT

The tri-county metropolitan area has a long history of regional coordination and cooperation among its local governments that stretches over 30 years. Examples of such cooperation have included the Portland-Vancouver Metropolitan Transportation Study, the Metropolitan Planning Commission, the Columbia Region Association of Governments, and the Metropolitan Service District. In 1978, Metro was created to fulfill the need for a single regional agency capable of directly providing government services as well as providing regional coordination and planning services.

The task force believes that there will be a continuing need for a regional government to identify, provide, coordinate, and plan for governmental services that can best be provided on a regional basis. There are a number of potential long-term scenarios for the future development of regional government in the tri-county area. These include continuation of the status quo, a growing role as a "super" special districts, gradual emergence as a general purpose government, and gradually superceding and replacing existing county governments. Each of these alternative are briefly discussed below.

1. Status Quo. Under a status quo scenario, regional government would continue to provide a limited number of programs such as solid waste and management of the zoo. It also would continue to provide various coordination and planning services. But it would acquire few, if any, new functions and would continue to be funded by revenue sources directly tied to the specific functions or services being provided. The cities and counties would remain the primary providers of governmental services.

2. "Super" Special District. Under this scenario, regional government would expand as more functions were transferred from local governments. But its role would be limited to those specific functions given to it by the legislative assembly or transferred by local governments. It would not have the freedom to establish or assume new programs that are associated with a general purpose government, such as a city or a county.

At the task force's local forums, many elected officials expressed concern over Metro assuming any new functions over the short term. But these officials did identify many potential functions that eventually could be performed by a well-functioning regional government. These included Tri-Met, the boundary commission, management of sports and cultural facilities, development of regional correctional facilities, regional aspects of parks and libraries, and expanded coordination and planning functions. Regional government could be responsible for providing an entire function or be limited to providing only the regional aspects of such services.

If regional government were to operate as a super special district its funding sources would likely continue to be based on the types of functions that it provides.

3) Emergence as a general purpose government. Some contend that as regional government continues to acquire new functions and services it will eventually attain the stature of a general purpose government, similar to a county or city. Under such a scenario, there will be a need for a high degree of cooperation and planning between regional, county, and city governments to insure that governmental services are properly allocated among them. In addition, regional government would likely need access to the more traditional sources of local government funding such as property taxes, license fees and a share of various state taxes (eg. cigarette and liquor taxes) now distributed to cities and counties.

4) Single Regional Government. Some feel that Metro should serve as a transitional regional government with the ultimate goal being the creation of a single regional government that would replace the three metropolitan counties. Under this scenario, Metro gradually would continue to acquire or be assigned additional functions with regional implications. Its purpose would be to demonstrate that a regional government can be organized and operated in such a manner as to effectively and efficiently provide governmental services without sacrificing local input and direct public involvement in the governmental decision-making process.

Factors Affecting the Development of Regional Government

A variety of factors will affect the future development of regional government and help determine the scenario under which it will operate. The most important of the factors will be the ability of the legislative assembly, Metro, and the region's local governments to communicate and successfully work together to achieve a regional consensus on how governmental functions can be politically and effectively divided among regional, county, city, and special district governments. Each of these entities may make valuable contributions to this consensus-building process. Some of these are outlined below.

- State Legislature--
- 1) Reduce the legislative role in determining the structure, funding, and functions of regional government
 - 2) Encourage greater local involvement and input in the evolution of regional government

- 3) Facilitate development of regional consensus on the role of regional government
- 4) Provide regional government with access to a wide range of funding sources to maximize flexibility in the development of its role
- 5) Act to resolve regional issues that local governments are not able to resolve

Metro--

- 1) Develop an identifiable constituency within the metropolitan community
- 2) Develop adequate and appropriate funding sources
- 3) Develop improved and visible leadership
- 4) Develop a "track record" of successful cost effective administration of its assigned functions
- 5) Demonstrate that its governing structure is capable of addressing issues of regional concern
- 6) Willingness to act as a convenor, facilitator, or mediator in development of regional consensus on various metropolitan issues
- 7) Acceptance that its role with regard to certain functions may be limited to providing coordination or planning services
- 8) Improvement of existing poor working relationship and communication with local governments

Local Government--

- 1) Acceptance of the need for regional government within the structure of metropolitan urban government
- 2) Active local leadership and participation in developing regional consensus on the role of regional, county, and city government

- 3) Willingness to set aside "turf" considerations to achieve regional consensus on the most effective division of government services
- 4) Willingness to accept that many government functions have regional aspects that may be better provided on a regional basis

In addition to the ability to develop and implement a regional consensus relating to government functions, a number of other factors may affect the future development of regional government. These include: 1) funding crises affecting the ability of local governments to provide certain services, 2) the ability of local governments to coordinate the providing of services through the use of intergovernmental agreements rather than relying on a regional government, 3) public acceptance and voter approval of significant restructuring and changes in funding of local government functions, 4) interest on the part of individual local governments in transferring certain functions to a regional government through intergovernmental agreement, and 5) citizen and media demand for change.

LEGISLATIVE PACKAGE

The Task Force will be introducing a total of 11 bills and one joint resolution for consideration by the 1989 Legislative Assembly. In addition, the Task Force has adopted 6 resolutions concerning a wide range of issues that will be forwarded to Metro. Each of the bills and resolutions adopted by the Task Force are reviewed in this section of the report including a description of each proposal, discussion of the justification for its adoption, and the vote by which it was approved. (Note: legislative bill numbers had not been assigned to the task force's proposals at the time this report was prepared. Therefore each legislative proposal is identified by its "LC Draft" number.)

Explanation. LC 596 would decrease the size of the Metro Council from 12 to 11. This change would become effective upon the reapportionment of these districts after the 1990 census. All members of the new eleven-member council would be elected in 1992 and would take office in January 1993. Those elected in 1992 would serve staggered terms, with six serving four-year terms and five serving two-year terms. Determination of the length of each councilor's term of office would be made by drawing lots. The bill also provides that councilors would receive an annual salary of \$6,000 and the presiding officer of the council an annual salary of \$9,000, effective in January 1993. The council could change these salaries, and would be authorized to use a salary commission to examine such proposed revisions.

Discussion. This legislation addresses three of the major issues considered by the Task Force; the Metro governance model, the appropriate size of the Metro council, and councilor compensation. As noted earlier, the Task Force examined a number of possible governance models for Metro including the present separation of powers model, a city manager model, placing local government officials on the Metro Council, and returning to a COG-type governing body.

The Task Force determined that the current separation of powers model should be retained. This decision was based on the following perceived benefits provided by such a governing structure:

- 1) Direct election of the Metro Executive Officer and the Metro Council provides a higher level of accountability to the general public,
- 2) 1987 legislation designed to more clearly define the nature of the separation of powers model has improved the working relationship between the executive officer and the council and should be given a chance to evolve,
- 3) Council effectiveness has improved through the implementation of a committee system in 1988; this system should be allowed to continue to mature,
- 4) An elected executive officer gives Metro a political identity and focal point within the community, and
- 5) Electors can significantly affect a change in the administration of Metro through their ability to elect the executive officer.

The Task Force considered a number of alternatives relating to the size of the council. Most of these would have decreased the size of the council to seven, with a variety of proposed relationships between the council and the executive officer. The concept of a significantly smaller council finally was rejected by a majority of the task force based on concern that serving on such a smaller council would place an unacceptable work burden on part-time councilors and that it would be very difficult for councilors to represent and communicate with their constituents when serving from significantly larger districts on a part-time basis. The Task Force did agree that the number of councilors should be changed to an odd-number to avoid the periodic problems that have resulted from tie votes on the council.

Metro councilors currently receive up to \$2,880 annually in per diem compensation (\$4,080 for the presiding officer) for meetings they attend and up to \$1,500 in actual expense compensation. The Task Force found that the increases in the amount of time needed to serve on the council justified the councilor's receiving a small annual salary. The proposed salary would be approximately double the amount that currently could be received in per diem by most councilors.

Vote. The vote to introduce LC 596-1 was eight ayes with Sen. Hamby, Lindquist, and Whelan, excused.

Explanation. LC 597 is a joint resolution which would propose that, upon statewide voter approval at the 1990 general election, the state constitution be amended to allow Metro to have its own home rule charter. If approved, the amendment would require the legislative assembly to provide a procedure whereby a proposed charter could be prepared and voted upon by the electors of Metro. The amendment would require that a charter provide a governing structure for Metro and may provide for the exercise of certain powers specified in the amendment. In addition, the legislative assembly would have the authority to give Metro additional functions and Metro could perform such additional functions as might be approved by its electors. Finally, the amendment attempts to avoid potential conflict with existing county home rule charters by prohibiting Metro from exercising its powers so as to restrict the exercise of the authority of a county over matters of county concern.

Discussion. LC 597 addresses the issue of legislative vs. local control of Metro. Historically Metro has been viewed as a creature of the legislature, and that the legislative assembly has retained a significant level of control over Metro though its enabling statute. The Task Force received testimony expressing concern that Metro must return to the legislature every two years to obtain often minor changes in its governing statute. Legislative members of the task force noted that few legislators have any interest in such issues, which most other local governments have the authority to handle locally.

In considering several proposals for providing greater local control for Metro, the Task Force chose the home rule charter option. In the opinion of the Task Force, this option provides the greatest potential for public involvement in establishing Metro's governing structure, boundaries, and funding sources as well as in establishing Metro's future role in the local government community. The debate over the creation and adoption of a charter also would offer a healthy referendum on the types of services that Metro should or could perform.

Vote. The vote to introduce LC 597 was nine ayes, with Commissioners Hays and Lindquist excused.

Explanation. LC 598-B would require the Secretary of State to place Metro district measures and related ballot titles, explanatory statements, and arguments in the voters' pamphlet. Such information would be printed in the same manner as county measures.

Discussion. Current law gives candidates for Metro office access to the voters' pamphlet but does not permit information relating to district measures to be included. Many past Metro measures have included tax base or levy requests for which information of the type included in the voters' pamphlet would be valuable to voters. The Task Force found no justification for not giving the voters access to such material.

Vote. The vote to introduce LC 598-B was nine ayes with Commissioners Hays and Lindquist excused

Explanation. LC 599 would transfer the authority to reapportion Metro Council districts from the Secretary of State to the Metro Council. Any challenge of a council reapportionment plan would be considered by the state Supreme Court. The bill also would establish clear procedures for handling recalls or the filling of vacancies on the Metro council after a reapportionment. And the bill clarifies that one-half of the Metro councilors shall be elected at each biennial election.

Discussion. All local governments that have their governing bodies elected from districts, except Metro, currently have the authority to reapportion such districts after each census. The Secretary of State was given the authority to reapportion Metro council districts in 1980 because Metro was only two years old and it was felt that the new council should be spared the political turmoil that often accompanies a reapportionment process. The Task Force determined that, since Metro is now a mature government it should be treated no differently than other local governments concerning reapportionment.

The bill also clarifies that, when a councilor is assigned to a subdistrict following reapportionment, any recall or filling of a vacancy shall occur from the subdistrict to which the councilor is assigned, not the subdistrict as it existed prior to reapportionment.

Language requiring that one-half of the Metro Council be elected at each biennial election was inadvertently repealed when other temporary statutory language relating was sunsetted. Such language is needed to avoid confusion when a council vacancy occurs and an election is held to fill the remainder of an unexpired term.

Vote. The vote to introduce LC 599 was six ayes (Senator Otto, Senator Hamby, Commissioner Kafoury, Mr. Look, Mr. Steinfeld, and Mr. Williams), three nays (Representative Cease, Representative Hammerstad, and Commissioner Hays), with Commissioner Lindquist and Mr. Whelan excused.

LC 1302 makes numerous substantive, technical, and housekeeping changes to the statutes governing boundary commissions. Among the substantive changes are:

- 1) a clearer statement that the role of the commission is to simplify the structure of local government,
- 2) placing certain types of special districts, including road and library districts under the jurisdiction of the commission, and
- 3) eliminating certain types of non-controversial water and sewer line extensions from commission review.

Technical amendments include:

- 1) changing certain definitions and procedures to reflect problems raised in successful court cases involving commission decisions, and
- 2) clarification of the commission's process and criteria for collecting assessments from local governments

Discussion. This bill was developed by the two existing boundary commissions and their staffs. The bill is being introduced by the Task Force at the request of the Portland Metropolitan Area Local Government Boundary Commission and the Task Force has taken no official position on any of the individual amendments proposed in the bill.

Vote. The vote to introduce LC 1302 was nine ayes with Commissioners Hays and Lindquist excused.

Explanation. LC 1465 would replace the existing statutory provision under which Metro could takeover Tri-Met by order of the Metro Council with a clearer process designed to address issues and omissions not fully dealt with in the prior statute. The bill would do the following:

- 1) Clarify that Tri-Met ordinances would continue until superceded or repealed by Metro,
- 2) Allow Metro to continue to collect the same taxes and other charges collected by Tri-Met,
- 3) Allow Metro to issue refunding bonds to retire outstanding Tri-Met bonded indebtedness,
- 4) Allow Metro to use revenue raised through sources dedicated to mass transit for policy and administrative expenses related to mass transit,
- 5) Require that boundary changes affecting the mass transit boundaries of the district be reviewed by the boundary commission, and
- 6) Require that, in the event of a takeover, that Metro would appoint a commission to operate the transit system.

Discussion. Though the Task Force decided not to recommend an immediate merger of Tri-Met with Metro, it did determine that the existing statute permitting Metro to takeover Tri-Met was clearly defective. Early in the Task Force's deliberations, Tri-Met counsel noted that several of these defects could result in legal challenges or severe financial or administrative problems related to a proposed takeover.

While the Task Force is not recommending that Metro make use of this takeover statute at this time, it determined that if the takeover process were initiated in the future, the takeover statute should resolve as many of the potential outstanding issues as possible. Many issues will still require intense negotiations at the time a takeover, such as the refinancing of outstanding Tri-Met debt, conflicting boundaries and various employee rights issues.

Vote. The vote to introduce LC 1465 was four ayes (Representative Cease, Representative Hammerstad, Mr. Look and Mr. Whelan), three nays (Senator Otto, Senator Hamby, and Mr. Steinfeld), one abstention due to possible conflict of interest (Mr. Williams), and Commissioners Hays, Kafoury, and Lindquist excused.

Explanation. LC 1546 establishes the Metro Council's authority relating to Metro's public contracts by permitting the council to require that certain contracts or classes of contracts receive prior council approval before taking effect.

Discussion. Throughout the existence of the Task Force, the Metro Executive Officer and the Metro Council have been attempting to clarify their roles relative to public contracts. This debate resulted from an opinion by Metro's general counsel that contracting was an administrative function and that under the separation of powers model, council involvement in the contracting process was limited to the budget review process and acting as Metro's contract review board.

The executive officer has contended that: 1) there is no reason to assign an administrative function to a legislative body, 2) prior contract approval would slow down the contracting process, and 3) the council should not become involved in the day-to-day administrative operation of Metro. The council has argued that it should have contract approval because: 1) it has exercised such authority over the past six years, 2) the large amount of contracting done by Metro makes effect review through the budget process impossible, and 3) contract approval is necessary for it to carry out its policy making, program and administrative oversight functions.

The Task Force determined that it was important to have legislative oversight of the contracting process, that large contracts relating to the construction of the convention center and various solid waste facilities should include council involvement and there was no evidence of abuse of the existing council contract approval process.

Vote. The vote to introduce LC 1546 was six ayes (Senator Hamby, Representative Cease, Representative Hammerstad, Mr. Look, Mr. Steinfeld, and Mr. Williams), two nays (Senator Otto and Mr. Whelan) with Commissioners Hays, Kafoury, and Lindquist excused.

Explanation. LC 1547 would amend a 1987 law relating to the issuance of "passport" licenses to residential building contractors by Metro. The bill clearly defines a licensee's principal place of business, provides that the program apply only to cities, and provides that the licensing program will apply to only residential contractors.

Discussion. LC 1547 corrects certain "glitches" found by Metro when it implemented the passport licensing program. Under this program a residential building contractor must obtain a license from the jurisdiction in which his or her business is located. The contractor may then obtain a passport license from Metro that is valid in other city jurisdictions within Metro's boundaries.

The original law requires the contractor to obtain a license from the jurisdiction in which his or her "office" is located, but the term office is not defined. To clarify this provision, LC 1547 defines a "principal place of business" and requires that a license be obtained from the jurisdiction in which it is located. Since none of the three counties in the metropolitan area have business license programs subject to the law, LC 1547 limits the law's application to cities within Metro. The original law defined those subject to the law in such a way that certain commercial building contractors could qualify for a passport license. Since the legislative intent of the law was clearly limited to residential contractors, LC 1547 removes this definitional problem.

Vote. The vote to introduce LC 1547 was eight ayes with Commissioners Hays, Kafoury, and Lindquist excused.

Explanation. LC 1549 would permit Metro to levy an excise tax on persons using district facilities. Any ordinance establishing such a tax could not become effective for 90 days, thus giving opponents the opportunity to exercise their right of referendum.

Discussion. As noted earlier, Metro currently funds its general government costs, such as the council and the executive officer staffs, using a complex system of interfund transfers. This funding mechanism was criticized by the Tax Supervising and Conservation Commission, local government officials, and others in testimony before the Task Force.

The Task Force determined that an excise tax would give Metro the ability to fund its general government with a clearly identifiable revenue source that would be tied to the use of Metro facilities and would not place an additional property or income tax burden on local taxpayers.

Vote. The vote to introduce LC 1549 was eight ayes (Senator Hamby, Senator Otto, Representative Cease, Representative Hammerstad, Commissioner Kafoury, Commissioner Lindquist, Mr. Look, and Mr. Williams), two nays (Commissioner Hays and Mr. Steinfeld) and Mr Whelan, excused.

Explanation. LC 1550 would permit Metro to continue to collect a per capita assessment from local governments within its boundaries to fund certain planning and local government data resource services provided by Metro. The bill also would continue the four-year sunset clause that has traditionally been attached to the collection of these dues and would allow an annual adjustment in the assessment based on inflation.

Discussion. The Task Force found that the planning, data resource, and other technical assistance programs provided to local governments by Metro are valuable and important. But these services do not generate any revenue and since Metro has no tax base or other general revenue source, another source of funding for these services is needed. The Task Force determined that the current per capita assessment provides funding directly from those who benefit from Metro's planning and technical services programs. The sunset clause was included to insure that the continuing need for an assessment fee would be examined, and that Metro should not view the assessment as a permanent revenue source.

Vote. The vote to introduce LC 1550 was seven ayes (Senator Otto, Representative Cease, Representative Hammerstad, Commissioner Kafoury, Commissioner Lindquist, Mr. Look, and Mr. Williams), three nays (Senator Hamby, Commissioner Hays, and Mr. Steinfeld), Mr. Whelan excused.

Explanation. LC 1719 would reduce the number of signatures required on initiative and referendum petitions relating to issues concerning Metro, Tri-Met and the Port of Portland. The current requirement for initiative petitions is 15 percent of those voting for governor at the most recent gubernatorial election and, for referendum petitions, 10 percent of those voting for governor. The bill would reduce these percentages to the same percentages that apply to statewide or county measures, 6 and 4 percent, respectively. The bill also would establish a single filing period of 90 days for for referendum petitions.

Discussion. The percentage of signatures that must be gathered for initiative and referendum petitions for Metro, Tri-Met, and the Port of Portland are the same as those that apply to all other types of special districts. For a majority of such districts that have small population bases, a high percentage may be needed to avoid having a large number of measures initiated or referred by a very small number of voters. But for Metro, Tri-Met, and the Port of Portland with very large population bases, these requirements result in petitioners having to gather as many or more actual signatures than are required for statewide measures.

The Task Force determined that such high signature requirements impair the use of the initiative and referendum for Metro, Tri-Met and the Port of Portland. In addition, the Task Force found that the existing 30 day filing period for referendum petitions for Tri-Met and the Port of Portland severely limit the ability of petitioners to obtain an adequate number of signatures.

Vote. The vote to introduce LC 1719 was ten ayes with Mr. Whelan excused.

Explanation. LC 1720 would allow public agencies eligible to join the public employee retirement system (PERS) to have more than one retirement or pension plan.

Discussion. In examining issues related to a possible Metro-Tri-Met merger, the Task Force found that Tri-Met's current pension plan provides benefits that are significantly lower than those provided by Metro or PERS. At meetings with representatives from Tri-Met, its principal union, and PERS, the Task Force Chair urged Tri-Met to explore options for bringing Tri-Met into PERS.

Due to the prohibitive cost of bringing all Tri-Met employees under PERS at the same time, the union and Tri-Met were asked to consider options under which the shift to PERS could be phased-in, or applicable to only a portion of the employees. PERS responded that under current law, any agency seeking to join PERS may operate only one pension plan.

The purpose of LC 1720 is to give Tri-Met flexibility in examining as wide a range of options as possible relating to joining PERS.

Resolution #1--Library Study

Explanation. The purpose of this resolution is to encourage Metro to establish a special study commission to examine regional library needs and services.

Discussion. The Task Force Subcommittee on Potential Regional Functions examined issues relating to the provision of library services in the metropolitan area. Based on this examination, the subcommittee developed several findings. These include:

- 1) local governments have a significant concern over the need to protect local control of library services,
- 2) there is a desire to have an improved level of intergovernmental cooperation among the region's libraries,
- 3) there is a need to provide for regionwide payment for regional library services provided by the Multnomah County central library, and
- 4) there is a need to provide stable, adequate, and equitable funding of the region's library services.

Based on these findings the subcommittee has recommended that the task force encourage Metro to work with the region's county governments to convene a special commission to study and make recommendations relating to library services of regional concern. The commission would be responsible for: 1) developing a comprehensive library services plan, 2) making appropriate legislative recommendations, and 3) placing proposals requiring voter approval on the appropriate 1990 ballot.

Vote. The vote to approve Resolution #1 was nine ayes, one nay (Commissioner Hays), with Mr. Whelan excused.

Resolution #2--UGB Amendment Process

Explanation. The purpose of this resolution is to encourage Metro to examine and clarify its current urban growth boundary amendment process.

Discussion. Metro currently is responsible for the administration of the metropolitan urban growth boundary (UGB) including the processing of any proposed boundary changes. The Existing Regional Functions Subcommittee examined the present process for handling UGB amendments and found that, while legislation was not needed at the present time, there are a number of administrative changes that Metro should consider to clarify and streamline this process. This resolution addresses several elements of the current amendment process that the Task Force feels should be considered by Metro as part of its current state-mandated periodic review of the UGB. These include:

- 1) Development of clearer and more concise criteria by which proposed UGB amendments are to be judged. Such criteria would give applicants, opponents, hearings officers, and the council a better understanding of the types of information that must be submitted and considered as part of the amendment process,
- 2) Develop a contested case process solely for the UGB amendment process,
- 3) Reevaluate the original economic and other assumptions used to draw the original UGB,
- 4) Codify the existing ordinance governing large amendments to the UGB, and
- 5) Examine the justification for separate procedures for handling small and large changes to the UGB

Vote. The vote to approve Resolution # 2 was ten ayes with Mr. Whelan excused.

Resolution #3--Performance Audit

Explanation. The purpose of this resolution is to support the creation of a performance audit program for Metro.

Discussion. The Metro Council recently contracted for the development of a performance auditing program for Metro. Testimony presented to the Task Force by local government officials and the general public supported the need for a review or audit of Metro's performance of its existing functions before any new functions were transferred to the agency. This resolution indicates Task Force support for the creation of a performance audit program. In addition, the Task Force would encourage Metro to use outside or independent contractors to perform such audits to gain a more objective analysis of its program and that the views of local government officials be actively solicited as part of the audit process.

Vote. The vote to approve Resolution # 3 was ten ayes with Mr. Whelan excused.

Resolution #4--Parks Resource Data and Coordination

Explanation. The purpose of this resolution is to express Task Force support for Metro's continuing to provide a resource data base for the region's park and promote discussion of regional parks issues.

Discussion. During the past year Metro has contracted for the development of a regional park inventory, facility data base, and directory for use by the region's parks agencies and the general public. In addition, Metro has sought to facilitate an improved exchange of information and discussion of regional parks issues by sponsoring a continuing series of informal forums for local and state agency parks professionals.

The task force received testimony urging Metro to act as a facilitator or coordinator of efforts to develop regional consensus and information exchange on issues affecting the metropolitan area. The purpose of this resolution is to provide Task Force support for Metro's efforts to develop a useful and expanded data base concerning park facilities and improve communication among the region's parks programs.

Vote. The vote to approve Resolution # 4 was ten ayes with Mr. Whelan excused.

Resolution #5--Regional Finance Advisory Committee

Explanation. The purpose of this resolution is to express Task Force support for the creation of a regional local government finance advisory committee.

Discussion. For the past year, Metro has convened several meetings with local government officials in an effort to assess the need for, and interest in, the creation of a metropolitan government finance advisory committee. Metro's role with regard to the committee would be limited to acting as a facilitator or coordinator of the committee's activities. The committee would include appointees from governmental jurisdictions throughout the region and would operate in an advisory capacity to address issues relating to the overall local tax burden and competition among local governments for increasingly scarce tax dollars. A draft "objective" statement for the proposed committee establishes the following goals:

- 1) developing long term public funding priorities requiring voter approval,
- 2) inventory long term funding needs and problems,
- 3) explore alternative funding mechanisms and sources, and
- 4) analyze whether economies of scale can be achieved by consolidating certain overlapping functions.

The purpose of this resolution is to express Task Force support for Metro's continuing efforts to facilitate the creation of a finance advisory committee.

Vote. The vote to approve Resolution # 5 was ten ayes with Mr. Whelan excused.

Resolution #6--Metro Council/Executive Officer Relationship

Explanation. The purpose of this resolution is to express the concern of the Task Force that the Metro Council and Executive Officer begin to develop a more cooperative and productive working relationship. Such a relationship must include a clearer definition of their respective administrative and legislative functions and confining their actions within their agreed upon areas of responsibility.

Discussion. The nature of administrative and legislative functions at the local level of government is less clearly defined than at the state or federal level. Thus, Metro's use of a separation of powers governing model, which is relatively rare among local governments, requires a more diligent effort on the part of the executive and legislative branches to establish their respective roles.

In Metro's case, implementation of the separation of powers model has resulted in several personality, procedural, and policy conflicts between the council and the executive officer that have caused the general public to question Metro's ability to complete its assigned functions. The Task Force believes that the council and the executive officer should recognize that they must resolve their differences and define their roles through a process of political negotiation and compromise. In addition, the process should be handled at the local level rather than by asking the legislative assembly to intervene.

Vote. This resolution was approved in concept by the Task Force, but no formal vote of approval was taken.