

## Regional Government Charter Outline

### Preamble

#### I. Chapter One: Names and Boundaries.

A. Title of Charter - 1992 Portland Metropolitan Regional Government Charter

B. Name of Regional Government - Portland Metropolitan Regional Government

C. Legal Capacity of Regional Government - municipal corporation with perpetual succession

D. Boundaries of Regional Government - present boundaries of Metropolitan Service District (MSD) (definition?) and such other territory as may be added pursuant to state law.

#### II. Chapter Two: Authority of Regional Government.

A. Authority of Regional Government Over Matters of Metropolitan Concern.

1. Definition of Metropolitan Concern

2. Matters of Metropolitan Concern Include but are not Limited to:

a. Adoption of regional plans and policies, including those for: the management of growth; uses of land; environmental quality; provision of government, utility and information services; transportation; public facilities; and, criminal and juvenile justice;

b. Ownership and operation of regional public facilities such as cultural, trade, convention, sports, entertainment, and other spectator facilities, zoos, libraries, regional utility or transportation systems, and open space areas;

c. Coordination of regional plans and policies with the plans and policies of federal, state and local governments, including those functions set out in Chapter VIII of the charter;

d. Provision of services to local governments and public utilities, including solid and liquid waste disposal on a regional basis;

d. Provision of governmental services to area residents when it is beneficial to provide those services on a regional basis; and,

e. Financing the activities of regional governance on an equitable basis.

3. Performance of Functions of Metropolitan Concern

a. The regional government may continue or assume the following functions of metropolitan concern: delivery of solid and liquid waste disposal services on a regional basis; operation of a metropolitan zoo, operation of public, cultural, trade, convention, sports, entertainment and other spectator facilities, acquisition of regional greenspaces, regional land use planning, performance of regional functions required by federal law or regulation which are not otherwise assigned to particular local governments in the region, and any other services or functions performed by Metropolitan Service District at the time of adoption of this charter.

b. The assumption of any additional planning or service function, except where the charter imposes a special process, requires an amendment to the charter or the following processes:

1) Adoption of an assumption ordinance by the council containing a determination that the function has metropolitan significance and setting forth the rationale for the assumption of the function by regional government;

2) Either: a) prior approval of the assumption ordinance by majority vote of the members of the Regional Policy Advisory Committee; or, b) subsequent approval of the assumption ordinance by the electors of the region if the function is a service function provided by a general purpose local government in the region or if the activity is a new regional planning function; and,

3) Prior consultation with the Regional Policy Advisory Committee before adoption of assumption ordinance if the function is a service function not presently provided by a local government in the region.

c. The prior approval of majority of Regional Policy Advisory Committee or subsequent approval by electors of region of an assumption ordinance is required for adoption of an ordinance to discontinue a regional planning program currently provided by MSD. The failure of the electorate to approve a specific funding request for a regional planning program shall constitute approval of the discontinuance of that program.

d. Special Processes for Assumption of Entire Functions of Particular Governmental Units

1) Portland Metropolitan Area Local Government Boundary Commission

a) Prior to the assumption of the entire functions of the Portland Metropolitan Area Local Government Boundary Commission, the council shall consult with the Regional Policy Advisory Committee and review and coordinate needed changes to boundary change laws.

b) To the extent otherwise allowed by law, the regional government is authorized to transfer boundary commission functions to the regional government by ordinance.

2) Tri-Met

a) Prior to the assumption of the entire functions of Tri-Met, the council shall consult with JPACT.

b) After merger, Tri-Met Board will serve as advisory body to council (?).

c) The assumption of the entire functions of Tri-Met shall occur by adoption of an ordinance by the council. That ordinance shall not contain an emergency clause.

B. Powers of Regional Government.

1. General Powers Grant When Exercising Authority Over Matters of Metropolitan Concern:

a. When exercising authority over matters of metropolitan concern, the regional government has all powers that the constitutions, statutes, and common law of the United States and the State of Oregon now or hereafter expressly or impliedly grant or allow the regional government, as fully as though this charter specifically enumerated each of those powers.

b. In this charter, no specification of a power is exclusive or restricts authority that the regional government would have if the power were not specified. This charter shall be liberally construed, so that the regional government may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

2. Contractual Powers.

a. Provision of services to local governments

b. Commitments for the future payment of funds

3. Extraterritorial Powers.

4. Regulatory Powers.

a. Effect of exercise of regulatory powers over same subject by local government.

5. Determination of Exclusivity in the Provision of Service or Exercise of Function by Regional Government.

C. Limitations on Powers of Regional Government.

1. Limitations on Taxing Powers.

a. Popular Approval for Certain Taxes and Charges:

1) Any ordinance or part of an ordinance imposing the rate or amount of a tax on the income, payroll, property, sales, or gross receipts of persons or entities shall be approved by the electors of the regional government before the tax is imposed.

2) No popular approval required for continuation of current taxes imposed by MSD or Tri-Met.

3) Definition of tax.

b. Before imposing any new tax, council shall obtain the recommendation of an ad hoc tax study committee that includes representatives from the general population, businesses and local governments.

c. Tax Base Limitations for Certain Taxes and Charges

1) Except for revenues from taxes approved by voters and a payroll tax in the amount of \$\_\_\_\_\_, revenues from taxation may not exceed a tax base specified in the charter.

2) The initial tax base is \$12.6 million for fiscal year 1994. This tax base shall increase, without 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 shall be the rate determined by the appropriate federal agency for increases in the cost of goods and services in cities in the western United States or the most equivalent rate.

3) Revenues from charges to individuals or governments for the provision of goods or services or the issuance of permits or approvals, ad valorem property taxes authorized by the voters (including the current ad valorem property tax for zoo and convention center purposes), benefit assessments against property and tax increment financing charges on property are excluded from this limitation.

4) The tax base for any fiscal year shall be reduced in a supplemental budget effective in that fiscal year by an amount equal to any tax revenue collected in the previous fiscal year in excess of the tax base for that previous fiscal year. In the event this tax base reduction results in an adjusted tax base of less than 80% of the amount otherwise allowed for that fiscal year, the tax base shall be further reduced by the amount of the inflation increase in that tax base which was previously budgeted.

2. Limitations on Debt.

3. Limits on Contracting (cannot contract away ability to contract for services).

III. Chapter III: Form of Government.

A. Regional Council is composed initially of chief elected officer and thirteen councilors. Councilors nominated and elected from districts.

B. Term of office of councilor elected before charter continues. At each general election after adoption of charter six or seven councilors elected for four year term.

C. Chief elected officer term continues after adoption of Charter until January, 1995. Elected for four year term beginning with November, 1994 election.

D. Appointive Offices. In addition to those created by charter, majority of council may create, abolish and combine appointive regional government offices. May fill such offices by appointment and vacate them by removal.

IV. Chapter IV: Governing Body.

A. Regional Council Powers.

1. Exercises all legislative authority.

2. Exercises all power of regional Government not otherwise vested by charter.

3. Limitations on Power to Delegate Authority.

a. Cannot delegate final action, except by referendum, on adoption of regional land use plans, annual budget, approval of performance or financial audits, and appointment of members of boards or commissions created by charter or ordinance.

B. Composition of Regional Council.

1. Members of Regional Council are a Chief Elected Officer, elected district-wide, and thirteen councilors, each elected from a single district. Number of councilors and districts to increase to fourteen on January 1, 2002.

a. Initial location of districts.



4. Quorum of Council required to take action. Express concurrence of majority of members of council present necessary to decide affirmatively question before council.

F. Vacancies.

1. Vacancy exists upon death, adjudicated incompetency, recall, failure to qualify for office, ceasing to reside in district, conviction of federal or state offense punishable by loss of liberty, resignation, removal from office or failure to attend more than half of the council meetings during any six month period without consent of the council.

2. Vacancy filled by appointment made by majority of members of council. Appointee fills remaining term unless the vacancy is filled more than 90 days before the next general election. In that case the appointee's term runs only until the first council meeting in the year immediately following the election. At the election, the candidate receiving the most votes shall take office at the first council meeting following certification of the results of the election and shall fill the remaining term.

3. During council member's disability or during the council member's absence from the region for longer than 30 days, a majority of the council may by appointment fill the vacancy pro tem.

V. Chapter V: Chief Elected Officer.

A. Powers and Duties.

1. Chairs Council Meetings, Preserves Order at Meeting, Enforces Rules of Council, and Performs Any Additional Functions the Council Prescribes.

2. Member of Regional Council.

3. Reports Annually to Council on State of the Region.

4. Proposes Budget (?).

5. Appoints Regional Manager, subject to consent of council.

B. Qualification.



1. Initial Chief Elected Officer is Rena Cusma until January, 1995.

2. Thereafter, elected at large from region for four-year term. Non-partisan office. Elected at general election. If receive majority of votes at primary election, run unopposed at general election. Otherwise two candidates receiving greatest number of votes at primary election run at the general election.

3. Term limitations of chief elected officer.

a. No more than two continuous terms for terms commencing on or after January, 1995.

4. Qualifications for office (elector of state, at least one year continuous residence in region prior to commencing term of office).

a. Meaning of residency.

b. Effect of reapportionment on requirement of continuous residency.

c. Council as sole judge of qualification of chief elected officer.

5. Vacancy in office filled in same manner as vacancy in office of councilor.

6. Compensation. Limitation on other employment.

## VI. Chapter VI: Officers and Commissions.

### A. Region Manager.

1. Appointed by Chief Elected Officer, with consent of council. Appointment for definite or indefinite term. Appointment made without regard to political considerations and solely on basis of administrative qualifications. Need not be resident of region when appointed. Subject to termination by order of the Chief Elected Officer.

2. Duties (subject to ordinance or direction of the council):

a. Attend council meetings unless excused by council or chief elected officer;

b. Advise the council and chief elected officer on the affairs and needs of region;

- c. Administer the provisions of all ordinances and the directions of the council;
  - d. Administer and supervise all franchises, leases, deeds, contracts, permits, and other agreements and sign any written conveyance, agreement or application of the regional government;
  - e. Organize and reorganize the departmental structure of the regional government;
  - f. Appoint, discipline and remove appointive personnel, except appointees of the chief elective officer or council;
  - g. Supervise and control the manager's appointees in their service to the regional government;
  - h. Prepare and transmit to the chief elected officer an annual budget;
  - i. Supervise operation, acquisition and disposition of the public utilities and property of the regional government; and,
  - j. Perform such other duties as the council prescribes consistent with this charter.
3. Manager as participant in council discussions.
  4. Appointment and duties of manager pro tem.
  5. Except in the council meeting, or in immediate response to solicitation of advice by the manager, no member of the council may directly or indirectly, by suggestion or otherwise, attempt to influence the manager or a candidate for the office of manager in the appointment, discipline, or removal of personnel or in decisions regarding the property or contracts of the regional government. A violator of this prohibition shall be removed from office by a court of competent jurisdiction upon suit by the manager, member of the council, or elector of the regional government. In council meeting, members of the council may discuss with, or suggest to, the manager anything pertinent to regional government affairs.

B. Regional Policy Advisory Committee.

1. Composition.
  - a. Appointments by Regional Council.  
Solicitations of nominations for council appointments.
  - b. Appointments by other governmental units.
  - c. Terms for appointments.
  - d. Qualification of members or particular positions.
  - e. Composition may be determined by ordinance after four years from enactment of charter.

2. Duties.

- a. Advise the council on matters of metropolitan concern.
- b. Approve new functions of regional government that are presently being performed by one or more local governments in the region.
- c. Approve the undertaking or deletion of any planning function by the regional government.
- d. Such other the duties as the council may prescribe.

- C. Municipal Court and Judge.

1. Describe powers if council creates office of municipal judge.
2. Jurisdiction of court.
3. Proceedings to conform to ordinances adopted by council.

- D. Miscellaneous Provisions on Officers and Employees.

1. Limitation on being candidate at single election for more than one elective region office.
2. Limitation on elected officer of regional government holding more than one elective office.
3. Qualifications of appointive employees to be set by \_\_\_\_\_.

4. Compensation of regional government officers.
5. Oath of regional government officers
6. Personnel system/Merit system. Council to approve all collective bargaining agreements. Region manager to prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of regional government employees.

VII. Chapter VII: Elections.

A. Applicability of State Law Unless Ordinance Prescribes to Contrary. Prohibition on nomination petition, election notice, ballot, or other election document from indicating the party affiliation or preference of a regional government officer or candidate for regional government office.

B. Nomination of candidates in manner prescribed by ordinance.

C. Reapportionment. Character of districts.

VIII. Chapter VII: Ordinances.

A. Ordaining Clause.

B. Only Single Reading Necessary for Ordinance (?).

C. Ordinances to be Signed by Presiding Officer of Adopting Council.

D. Effective Date of Ordinances.

1. 90 day effective date or later unless majority of voting members of council declare an emergency.

2. Limitation on use of emergency clause for taxation matters or ordinances imposing charges.

3. Effective date of referred ordinances.

E. When action must be taken through adoption of ordinance.

F. Prior voter approval required for certain tax measures.

G. General ordinance required for assessment procedures.

H. Single subject limitation (?)

IX. Growth Management.

A. Adoption of General Growth Management Guidelines

1. Council shall adopt general growth management guidelines for the region no later than May 3, 1994. The time for adoption of these guidelines may be extended by a vote of two-thirds of the members of the council.

2. The guidelines shall establish conceptual goals for at least a fifty year period for the use of land in the region for accommodating increases in population, preserving natural resources, developing urban land, and preserving the liveability of the area in light of the carrying capacity of its land, water and air resources.

3. The Council shall obtain the advice of a commission representing private, public, academic and extraterritorial interests before adoption or revision of the general growth management guidelines.

4. The guidelines shall be revised and the planning period extended at least every fifteen years.

B. Regional Framework Plan

1. The council shall adopt a regional framework plan. The regional framework plan shall include policies and functional plans addressing regional transportation issues, urban growth boundary amendment and management, management and use of lands outside the urban growth boundary, and federal and state mandated planning functions. The regional framework plan may address other matters of metropolitan concern and the respective planning roles of regional and local governments regarding the matters addressed.

2. The Council shall obtain the recommendation of the Regional Policy Advisory Committee before adopting or amending the regional framework plan.

3. The regional framework plan shall be consistent with the general growth management guidelines adopted by the council.

4. The council shall adopt ordinances, and, if necessary, seek authority to establish the following program:

- a. Requiring comprehensive plans of local governments to be consistent with the regional framework plan within a particular period of time;
- b. Requiring the council to adjudicate and determine the consistency of local comprehensive plans with the regional framework plan;
- c. Requiring local governments to make local land use decisions consistent with the regional framework plan prior to the determination of consistency of the local plan with the regional framework plan;
- d. Allow the council to review local government land use decisions for consistency with the regional framework plan and to require changes in local government standards and procedures to remedy a pattern of decision making inconsistent with the regional framework plan.

X. Miscellaneous Provisions.

- A. Relationship to Metropolitan Service District.
  1. Dissolution of form of district upon effective date of charter.
  2. Transfer of assets and liabilities to regional government.
  3. Continuation of ordinances, resolution, orders, actions, obligations, taxes, charges, rights and duties of Metropolitan Service District.
  4. Continuation of term of office for councilors and executive officer.
- B. Time of Effect of Charter.
- C. Severability of Charter Provisions.
- D. Procedures for Charter Amendment and Revision.