

Testimony

MEETING TITLE Water Committee Public Meeting

DATE July 9, 1991 Washington County

NAME

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Washington County Commission

9 July 1991

COMMENTS TO THE METRO CHARTER COMMITTEE

We appreciate the openness of your process to date and your willingness to begin early in your deliberations to listen to local government officials and to citizens generally.

We have the following suggestions as you begin to focus your thoughts on the substance of alternative charter provisions.

1. Clarity. The charter should be as clear as possible. If you decide that Metro should have the power to act on a particular issue, say so. No one will benefit if the charter needs constant interpretation by the courts. And the campaign for the charter will suffer if the document is unnecessarily complex and confusing.

Particularly important in this regard is that you make a clear delineation between the authority of the council and that of the executive.

2. Specific authority. Give Metro specific authority in particular issue areas, not general authority. Metro needs to grow one issue at a time, taking on a task, doing it well, and showing the community that it can handle the work it is given. As Metro succeeds with the responsibilities it is given in the initial charter, it can go back to the voters for authority in additional areas, if necessary.

3. Limited authority. Metro should only be given duties which require action on a regional basis. Determining exactly what these duties are will not be easy. But this is a necessary task if people in the region are to have any confidence that Metro will not just duplicate the responsibilities of cities and counties. As Metro gains the confidence of residents, they may develop a consensus that there are some additional responsibilities which Metro should take on even though they do not require regional action.

In essence, Metro should work with citizens and local governments on a cooperative basis to deal with the region's problems.

For example, library services are struggling to keep up with demand at this time. That does not, however, mean that Metro should automatically step in. If citizens, cities and counties agree that Metro should operate libraries as a regional service, that would be acceptable. But you should not give Metro the authority to take over libraries in the region by the council's own action.

4. Accountability to entire region. The charter should contain some mechanism for electing some of Metro's officials from the region as a whole. This might take the form of election of some councilors at-large, election of the council chairperson at-large, or election of the chief executive.

The point of this suggestion is to have at least one Metro official who is accountable to the entire Metro electorate. Such officials are more likely to pay attention to the needs of the whole region. They are also more likely to pay attention to elected officials from cities and counties, and these are the folks who will end up implementing many of Metro's programs.

5. Appropriate financing. Do not rely on the property tax to finance Metro's general government activities. In the Measure 5 era, that will only serve to depress property tax revenues for cities and counties, and reduce their ability to pay for police, fire, parks, library and other services.

6. Fiscal accountability. Make sure that the system used to finance Metro's general government activities allows citizens to easily hold Metro councilors accountable for their financial decisions. Metro's current financing "system", including "dues" assessed to local governments, taxes on Metro charges and a variety of interfund transfers, is confusing even to people who are familiar with local government financing.

7. Local government representation. Consider some mechanism for having local government officials as voting members on the council, as well as members who are directly elected. These are people who are familiar with citizens and their problems. They know that governments need to respond to specific concerns rather than to abstract problem statements.

As an example of the ability of local governments to work together, we would cite JPACT. The authority which governs transit activities in the San Diego area is another example; local government officials are formal members of the boards and sub-boards which have developed that transit system.

In summary, try to set up Metro's charter so that it both allows and encourages local governments in the region, including Metro, to work together to solve problems. Do not set it up so that it encourages the council to centralize responsibilities with Metro. When local governments work together, a solution usually "bubbles up". This may take longer than top-down direction from the center, but the solutions usually work better, because they are more acceptable to citizens.

We know you have a difficult task. We would note that local elected officials have much experience dealing directly with citizens on difficult problems. Some of that experience may be useful to you, and we would urge you to call on us as you proceed.

Testimony of Bonnie Hays, July 9, 1991

The Metropolitan Service District is a special service district. Metro is lauded for success when having performed or delivered a specific service. Metro has not been successful when it has been promoted as a regional government ... a layer of government ... or a government without partners. They say that form should follow function. I do not believe that Metro's form follows or best serves the current or potential functions of Metro.

The current form of Metro's governmental structure is patterned after our federal model, to some extent. Separation of powers is critical to our national structure when the very existence of our nation, our lives, and our rights are at stake. But every unit of separation or checks and balance comes at the expense of efficiency. For example, is it efficient to have an executive branch Office of Management and Budget and a Congressional Budget Office? We have experts countering experts. The separation of powers may also be vital to state government. The question remains: is separation vital to a regional service district, when that separation may actually be a burden to the efficiency of the service delivery?

I think that the answer is 'no', and would promote a Council-Manager form as most appropriate to Metro. With the Council directing a professional staff, I believe that we would see not only a more efficient and less costly structure, we might also see a Metro relieved of some of its internal strife, and with more energy to devote to developing consensus among other governments. We might find a pro-active partner.

The other point that I would raise tonight is on conflicting roles. If Metro is to fully flourish as an effective regional service district, I believe it is key that we recognize that we have already designed a serious conflict in its mission. We expect Metro to be a facilitator, a planner, a coordinator of services; essentially the function of a COG, or Council of Governments. And, we expect Metro to perform as a service district, a direct provider of services. We can point to historic examples where conflict has retarded the development of Metro, but let's talk about some real future possibilities of conflict. How well will the JPACT model of cooperation work if Metro assumes Tri-Met responsibilities? The staff from Metro will be asked to assist in the designation of transit priorities. Perhaps a regional planning authority for water resources would be desirable. Who is going to develop a water resource strategy for the region? Who will construct and administer new facilities? It occurs to me that two separate functions are required and must be clearly distinguished from one another. Perhaps we need Metro as a service provider, and a COG to determine what services that Metro should provide. I have not had an opportunity to seek out jurisdictions where this might be the solution, but I do believe this fundamental issue will have to be addressed if we are to create a region that will flourish, with governments that are successful.

SELECTED LARGER CITIES/COUNTIES WITH COUNCIL-MANAGER

FORM OF GOVERNMENT

Cities

Population

Phoenix, AZ	853,266
Tuscon, AZ	358,850
Sacramento, CA	323,550
San Diego, CA	1,015,190
Long Beach, CA	396,280
San Jose, CA	712,080
Miami, FL	373,940
Kansas City, MO	441,170
Cincinnati, OH	369,750
Oklahoma City, OK	446,120
Austin, TX	466,550
Dallas, TX	1,003,520
San Antonio, TX	842,779

Counties

Population

Maricopa (Phoenix) AZ	1,885,400
Pima (Tuscon) AZ	594,100
Alameda (Oakland) CA	1,208,700
Contra Costa (Martinez) CA	725,100
Fresno (Fresno) CA	587,600
Orange (Santa Anna) CA	2,116,800
Santa Clara (San Jose) CA	1,401,600
Broward (Ft. Lauderdale) FL	1,142,400
Dade (Miami) FL	1,269,500
Hillsborough (Tampa) FL	775,900
Hennepin (Minneapolis) MN	987,900
Fairfax (Fairfax) VA	710,500

CHARTER
WASHINGTON COUNTY, OREGON



ADOPTED

NOVEMBER 6, 1962

AMENDED

NOVEMBER 8, 1966

MAY 16, 1970

NOVEMBER 7, 1972

NOVEMBER 2, 1976

NOVEMBER 7, 1978

MAY 20, 1980

NOVEMBER 4, 1986

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PREAMBLE

We, the people of Washington County, Oregon, in recognition of the dual role of the county as an agency of the state and as a unit of local government, and in order to avail ourselves of self determination in county affairs to the full extent permissible under the constitution and laws of the state, by this charter confer upon the county the following powers, subject it to the following restrictions and prescribe for it the following procedures and governmental structures:

CHAPTER I

PRELIMINARIES

Section 10. **NAME.** The name of the county as it operates under this charter shall continue to be Washington County.

Section 11. **NATURE AND LEGAL CAPACITY.** From the time that this charter takes effect the county shall continue to be an agency of the state and a body politic and corporate.

Section 12. **BOUNDARIES.** The boundaries of the county as it operates under this charter shall be the boundaries now or hereafter prescribed for the county by the laws of the state.

Section 13. **COUNTY SEAT.** The seat of government of the county as it operates under this charter shall continue to be in the city of Hillsboro.

CHAPTER II

POWERS

Section 20. **GENERAL GRANT OF POWERS.** The county shall have authority over matters of county concern, to the full extent granted or allowed by the constitution and laws of the State of Oregon, as fully as if each power comprised in that general authority were specifically granted by this charter. Such power shall include, but shall not be limited to:

(a) Levying and collecting of taxes for general and special county purposes. An ordinance creating or imposing a new tax or increasing an existing tax shall not be implemented or collected until referred to the voters. In addition any portion of a taxing ordinance requiring the

automatic termination of a tax shall not be repealed by the board of commissioners unless such repeal is earlier referred to the voters. Any measure to be referred to the voters as provided herein, which is not earlier referred, shall be referred to the voters at the next general election in November for their approval; (Amended 11/7/78, 11/4/78)

(b) Issuing bonds for general county purposes when authorized by the legal voters of the county and issuing bonds for service districts or areas operated by the county when authorized by the legal voters of such service districts or areas;

(c) Creating county service districts or areas by the vote of the people in the area affected with the procedure for calling and holding the election to be established by ordinance enacted by the board of county commissioners;

(1) Creating county special service districts by resolution and order when by petition bearing signatures of 60 percent or more of the assessed valuation of property within the proposed district; in the event assessments are to be made on a front foot basis, in addition to the above, the petitioners must also represent more than 60 percent of the total front footage. (Amended 11/8/66)

(d) Creating local improvement districts by ordinance enacted by the board in conformity with state statutes governing assessments for local improvements;

(e) Prescribing by ordinance for assessment for benefits from local improvements upon property benefited thereby, and prescribing by ordinance for bonding improvement assessments and for sale of improvement bonds, all in conformity with applicable state statutes;

(f) Enacting and enforcing planning and zoning ordinances and regulations in any part or all of the county outside cities;

(g) Enacting and enforcing building, plumbing and electrical codes and regulations applicable to all construction in any part or all of the county outside cities. The board of county commissioners is empowered to incorporate by reference any standard published code of technical regulations as adopted by the state or as otherwise established;

(h) Enacting and enforcing traffic regulations in any part or all of the county outside cities provided that such regulations not be inconsistent with the laws of the state.

Section 21. CONSTRUCTION OF POWERS. The failure to mention a particular power or to enumerate similar powers in this charter shall not be construed to exclude such powers or to restrict the authority that the county would have if the particular power were not mentioned or the similar powers not enumerated. The charter shall be liberally construed, to the end that, within the limits imposed by the charter and by the constitution and laws of the state, the county shall have all powers necessary and convenient for the conduct of its affairs including all powers that counties may assume under the constitution and laws of the state concerning county home rule.

Section 22. VESTED POWERS. All powers, both legislative and administrative, of the county shall be vested in the board of county commissioners as prescribed by this charter subject to the initiative and referendum powers reserved to the voters of the county. All legislative powers not exercised by the voters shall be exercised by the board of county commissioners and executed as provided for by this charter, or if this charter makes no provision, as provided by ordinance or resolution of the board of county commissioners. The administrative powers shall be exercised by the board of county commissioners or by persons under its authority.

Section 23. COUNTY POWERS INSIDE INCORPORATED CITIES. It is expressly declared that city governments within Washington County are empowered by charter and by the constitution and laws of the state to provide all services and regulatory measures necessary to the general welfare of the people within the city, and it is not the intention of the charter to provide that county government be permitted to take away or encroach upon any power vested in the cities under the constitution and laws of the state. Nothing in this section is intended to prevent county government from entering into contractual arrangements for the performance of special services within any city in Washington County.

CHAPTER III

PRIMARY ORGANIZATION

BOARD OF COUNTY COMMISSIONERS

Section 30. COMPOSITION, TERMS, QUALIFICATIONS, VACANCIES AND COMPENSATION.

(a) The board of county commissioners shall consist of five commissioners, one of whom shall be elected at large and designated chairman of the board and four who shall be elected from districts as provided in Chapter VIII of this charter. (Amended 5/20/80)

(b) Members of the board shall be elected, as provided for in Chapter VIII of this charter, for four year terms with those members from districts 1 and 3 chosen in the same year as the presidential election and the members from district 2 and 4 and the at-large member chosen in the alternate biennial election year. (Amended 5/20/80)

(c) No person shall be eligible to be nominated and elected to the office of county commissioner unless he shall be a resident of the district to be represented and a qualified voter of the county. The office of any member of the board of county commissioners shall become vacant when he ceases to be a qualified voter of the county, or for any other cause as provided by this charter or by the constitution and laws of the state. (Amended 5/20/80)

Duties and functions shall be distributed among such departments, offices and agencies as the board or this charter may establish. The departments, offices and agencies shall exercise their functions under the direction and the supervision of the board of county commissioners. Mention in this charter of particular departments, offices and agencies shall not restrict the board of county commissioners from their discontinuance or consolidation, and establishment of other administrative structures, except as provided to the contrary by state law. (Amended 11/7/78)

Section 41. ADMINISTRATIVE DEPARTMENT. For the purpose of carrying out the policies of the county and administering its affairs the board may establish administrative departments, offices and agencies including but not limited to:

(a) The Department of Public Safety. The department of public safety shall be under the administration of the county sheriff and shall be responsible for the enforcement of the laws of the state and the county, shall render service to the courts and shall have custody of county prisoners. (Amended 11/4/86)

Section 42. BOARDS AND COMMISSIONS. The board of county commissioners shall establish such appointive boards and commissions as are prescribed by the laws of the state or as the board finds necessary for the proper administration of county affairs.

Section 43. ELECTIVE ADMINISTRATIVE OFFICERS.

(a) To qualify for an elective administrative office of the county a person shall be a legal voter of the state and a resident of the county in which elected for a minimum of two years immediately preceding the beginning of his term in office.

(b) Upon vacancy in an elective administrative office by reason of change of residence or status as a legal voter of the state or the county or by reason of death, resignation, or incapacity to act, the board of county commissioners shall appoint a qualified person to fill the vacancy until the next general election when the position shall be filled by election for the remainder of the term. (Amended 11/4/86)

(c) The elective requirements for specific administrative officers are fixed by this charter and can be altered only by amendment of the charter.

(d) The county sheriff shall fulfill qualifications set forth in the constitution and laws of the state and be qualified for certification by the Oregon State Board on Police Standards and Training. His term of office shall be four years. (Amended 5/26/70)

Section 44. ADMINISTRATIVE OFFICERS AND EMPLOYEES: LOCATION AND FUNCTION. Except as the charter provides to the contrary, each administrative department of the county shall include such offices and positions as the board of county commissioners may establish.

All non-elective administrative officers and employees of the county shall be appointed by the board. The function of elective and non-elective administrative officers and employees shall be those prescribed by the board of county commissioners.

Section 45. CHANGES IN ADMINISTRATIVE DEPARTMENTS. The board of county commissioners may from time to time establish additional administrative departments, combine any two or more administrative departments into a single such department, separate departments thus combined, abolish any administrative department and prescribe the duties and functions of any administrative department. A function of a county officer or agency prescribed by the laws of the state but not allocated to any county officer or agency by this charter shall be allocated to such department of the county as the board of county commissioners may determine.

Section 46. COUNTY AUDITOR.

(a) There shall be an elected, non-partisan county auditor. At the time of election the auditor shall hold the designation of certified public accountant or be a certified internal auditor. His term of office shall be four years and be concurrent with the chairman of the board. Compensation for the county auditor shall be eighty percent of the salary of a District Court Judge.

(b) The county auditor shall be responsible to the people. The auditor shall:

(1) Make continuous inspections of the business affairs of the county including any and all financial transactions, personnel, equipment and facilities utilization and matters relating thereto.

(2) Make reports to the county commissioners disclosing details of any investigation including recommendations for any remedial action.

CHAPTER V

BASIC PROCEDURES

Section 50. ORDINANCES.

(a) The enacting clause for all ordinances enacted by the board of county commissioners shall be: "The Board of County Commissioners of Washington County, Oregon, ordains: . . ." The enacting clause for an ordinance referred to or initiated by the voters of the county shall be: "The People of Washington County, Oregon, ordain: . . ."

(d) Upon any vacancy in the board of county commissioners by reason of circumstances stated in subsection (c) above or by reason of death, resignation or incapacity to act, the board shall appoint a qualified person within 60 days to fill the vacancy until the next general election when the position shall be filled by election for the remainder of the term. (Amended 5/20/80, 11/4/86)

(e) Compensation for the chairman shall be established by the Washington County budget committee, who shall initially establish compensation at no less than \$27,000 per year and no more than \$31,514 per year. The compensation for commissioners elected by district shall be established by the budget committee who shall initially establish compensation at no less than \$6,000 per year and no more than \$10,800 per year. Commissioners' compensation shall be reviewed annually by the budget committee who may adjust the commissioners' compensation, but in no event would any adjustment exceed the current Consumer Price Index established for the Portland Standard Metropolitan Statistical Area. (Amended 5/20/80)

(f) Commissioners' compensation, as established by the budget committee, shall be the commissioner's full and exclusive compensation for their duties as commissioner or for any duties or responsibilities resulting from their position as commissioner. This Section does not preclude commissioners from receiving ordinary county employee fringe benefits or being reimbursed for any actual and reasonable expenses incurred by a commissioner in the course of performing his official duties. (Amended 5/20/80)

Section 31. **POWERS OF THE COMMISSION.** The board of county commissioners shall be the policy determining body of the county. Except as otherwise provided by the constitution of the State of Oregon or by this charter the board of county commissioners may exercise all powers granted to the county by this charter and by the constitution and laws of the state.

Section 32. **ORGANIZATION: BOARD CHAIRMAN, OFFICERS AND CLERKS.** The commissioner elected at large shall be the chairman of the board for the term of his office. At the annual organizational meeting of the board of county commissioners, which shall be held at the first regular meeting of the board in January of each year, the board shall elect from its members a vice-chairman to serve as such at its pleasure.

Section 33. **PROCEDURE: RULES, MEETINGS, VOTING AND JOURNAL.**

(a) The board of county commissioners shall adopt and publish rules for the government of its meetings. The board shall provide for a journal of its proceedings and assure the public availability of the journal.

(b) Attendance of three of the five commissioners shall be necessary to transact business. Approval of at least three commissioners in attendance is required for any action. (Amended 5/20/80)

(c) Rules may be established to provide for the means of compelling attendance of commissioners at prescribed regular meetings.

(d) Notice stating the time and place of all meetings and containing an agenda of all scheduled actions to be considered must be posted at least 96 hours prior to the hour of the meeting in a conspicuous place in the county courthouse with copies available to interested persons. Notice of special meetings shall be mailed or delivered to each commissioner or to his residence at least 96 hours before the hour of the meeting.

(e) Actions of the board at special meetings on matters not included in the notice of the meeting shall not be effective until approved at a regular meeting or at a special meeting for which the action was included in the notice. At regular meetings actions need not be limited to the posted agenda.

(f) The board of county commissioners shall meet with such regularity as is necessary to transact county business and fulfill its obligations to the public. Meetings shall be held regularly and publicly in the county courthouse with regular meetings scheduled for at least one evening and one day during business hours each month. Regular meetings shall be scheduled by board action. Changes in the schedule of regular meetings must be made at least 20 days before the date of such rescheduled meeting.

(g) Meetings of the board other than those regularly scheduled may be called by the chairman or any two commissioners upon proper notice.

(Section 34. **PERFORMANCE REVIEW.** Repealed 5/20/80)

(Section 35. **COUNTY ADMINISTRATOR.** Repealed 11/7/78)

Section 36. **COUNTY ADMINSTRATOR.** The board shall appoint a County Administrator who shall be responsible to the board for the continuous administration of the affairs of county government. The County Administrator's duties and responsibilities shall be more specifically set fourth in an ordinance adopted by the board.

CHAPTER IV

ADMINISTRATION

Section 40. **GENERAL PROVISIONS.** All functions and duties required of the county or county officials by Oregon constitution and laws and permitted by this charter shall be the responsibility of the board of county commissioners.

(b) A proposed ordinance shall be filed in the office of the department of records and elections and public notice given of its pendency by inclusion in the posted agenda for the regular or properly called special meeting of the board of county commissioners at which the proposed ordinance will be introduced. Upon its introduction, copies of the proposed ordinance shall be available to members of the board and to all persons who so desire. At the meeting at which it is introduced, the proposed ordinance shall be available to members of the board and to all persons who so desire. At the meeting at which it is introduced, the proposed ordinance shall be publicly read. At each of the next two regularly scheduled meetings, it shall be read a second and third time. By unanimous consent of the board, the proposed ordinance may be ready by title only.

Immediately after the third reading of the proposed ordinance, the agenda shall provide for a public hearing. After the public hearing is concluded, the board shall either schedule a fourth reading and second public hearing or it shall dispose of the proposed ordinance by adopting or rejecting it. After each public hearing of the ordinance at a regular meeting of the board, the board shall either schedule an additional public hearing or it shall dispose of the proposed ordinance by adopting or rejecting it.

The adoption of any amendment affecting the substance of the proposed ordinance shall require an additional public reading and hearing of the ordinance as amended prior to enactment. No ordinance shall be enacted prior to the fourteenth day after its introduction and all ordinances must be enacted in a regular meeting of the board by a roll call vote.

(c) An ordinance enacted by the board of county commissioners in the exercise of its police powers and for the purpose of meeting an emergency may take effect immediately upon being enacted when an emergency is specified in the title and described in a section of the ordinance. Any other ordinance adopted by the board shall take effect on the thirtieth day after being enacted. (Amended 11/7/72)

(d) Upon enactment of an ordinance by the board, the chairman of the board and the person who serves as recording secretary of the board at the session at which the board finally approves the ordinance, shall sign the ordinance and indicate the date of its enactment. If a motion to adopt a proposed ordinance fails to achieve a majority of three, the ordinance shall be considered as rejected. A proposed ordinance that has been rejected, tabled, or postponed indefinitely by the board shall not be eligible for reconsideration by the board unless the procedure prescribed in subsection (b) of the section shall be re-initiated and followed. (Amended 5/20/80)

(e) No provision of this charter shall abrogate the right of the citizens of Washington County to exercise the initiative and referendum with respect to any ordinance. If a proper referral petition containing the appropriate number of

valid signatures is filed within ninety days after the adoption of any ordinance by the board of commissioners, the ordinance shall become inoperative and the effective date shall be suspended. An ordinance referred by action of the voters shall become effective when approved by a majority of the voters.

(f) The number of votes cast in Washington County for Governor at the regular election last preceding the filing of any petition for the referendum or the initiative shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. The number of legal voters required to order the referendum and the number required to initiate any ordinance shall be that amount set fourth in the Oregon Constitution. This subsection of this section of the Charter shall be deemed to be automatically amended to comply with any change in the state constitution or Oregon law with which it may conflict in the future. (Amended 11/4/86)

(g) An ordinance initiated by the people shall be completed and filed with the Director of Elections at least ninety days prior to the date of the election. (Amended 11/8/66)

Section 51. AMENDING OF THE CHARTER.

(a) Any amendment, revision or repeal of the charter which the board of county commissioners intends to propose, shall be filed with the department of records and elections, and public notice of its pendency given by inclusion in the posted agenda for the regular or properly called special meeting of the board of county commissioners at which the proposed amendment, revision or repeal will be introduced. Upon introduction copies of the proposed amendment, revision or proposal to repeal shall be available to the members of the board and to all persons who so desire. After the introduction of the proposal the board shall set a date for a public hearing upon the issue to be held no earlier than 20 days after the date of introduction. At the regular meeting of the board following the public hearing the board may proceed to adopt the proposal and to order it placed on the ballot unless the amendment, revision or proposal to repeal is amended in its form or substance. Such amendment shall require an additional seven days prior to final approval being given by the board. Final action to place the proposed amendment, revision or proposal to repeal on the ballot shall take place at least 90 days prior to the date of election.

(b) Proposed amendments, revisions or proposals to repeal the county charter may be initiated by popular action of the citizens of Washington County. The number of legal voters necessary to initiate an amendment, revision or proposal to repeal the charter shall be that percentage, as set forth in the Oregon Constitution of the number of votes cast in Washington County for Governor at the regular election last preceding the filing of the initiative petition. The completed petition proposing any such change must be filed at least ninety days prior to the date of election. (Amended 11/8/66, 11/4/86)

(c) Within six months after the adoption of any amendment to or revision of this charter, the charter shall be reissued in the corrected form and made available to all officials of the county and to citizens of the county and other interested parties.

(d) A proposed amendment to the charter shall embrace one subject only and matters properly connected therewith. (Amended 5/20/80)

Section 52. RECORDING, CODIFICATION, PRINTING.

(a) Each ordinance and resolution after adoption shall be given a serial number and together with the date of adoption and the designation of the adopting authority, shall be entered in a properly indexed book kept for that purpose and made available to the public. (Amended 11/7/72)

CHAPTER VI

FINANCE

Section 60. GENERAL PROVISIONS. The board of county commissioners is responsible for the preparation and presentation of the proposed annual operating budget and capital program for compliance with the requirements of the Local Budget Law as provided by the constitution and laws of the State of Oregon. The board of county commissioners shall adopt and enforce procedures for the management of county finances including but not limited to centralized purchasing, uniform accounting, pre and post audits regularly reported and running and annual inventories of county supplies, equipment and assets.

Section 61. OPERATING BUDGET AND CAPITAL PROGRAM PROJECTIONS. The board of county commissioners shall be responsible for the preparation and presentation of a five year projection of the operating budget and capital program to accompany the proposed annual budget in its presentation to the county budget committee. This projection and the proposed budget shall be presented in a form which compares them to such projections made in the five years immediately preceding the year of submission. The projections shall be considered as informational and not binding upon the future actions of the board.

Section 62. CAPITAL ASSET INVENTORY. The board of county commissioners shall prepare an inventory of the capital assets of the county as of the beginning of the current fiscal year for presentation to the county budget committee with the proposed budget.

CHAPTER VII

PERSONNEL ADMINISTRATION

Section 70. GENERAL. The civil service system, as adopted by the citizens of the county prior to the adoption of this charter shall continue to apply to all non-elective officers and personnel of the county as specified in the legislation with the exception of such major administrative positions as may be individually and specifically declared exempt by the board of county commissioners, provided however that the board of county commissioners or the people of Washington County may amend that system by ordinance. (Amended 11/7/78)

Section 71. QUALIFICATIONS. To qualify for a designated appointive office or position of the county not under civil service a person shall have whatever qualifications the board of county commissioners prescribes for the office or position and shall serve at the pleasure of the board.

Section 72. COMPENSATION. The compensation of non-elective officers or employees not under civil service shall be determined by the board of county commissioners.

CHAPTER VIII

ELECTION PROCEDURES AND CONTROLS

Section 80. NOMINATION AND ELECTION OF COUNTY OFFICERS. Except as this charter provides to the contrary, the manner of nominating and electing county officers shall be the manner now or hereafter prescribed by the laws of the state for nominating and electing county officers in general.

(Section 81. PARTISAN ELECTIONS. Repealed 11/7/78)

Section 81. RECALL. An elective officer of the county may be recalled in the manner, and with the effect, now or hereafter prescribed by the constitution and laws of the state.

Section 82. ELECTIONS ON COUNTY PROPOSITIONS. Except as this charter or legislation enacted pursuant to it provides to the contrary, the manner of conducting an election on a proposition concerning the county shall be the manner prescribed by the laws of the state for an election in the county on the proposition.

Section 83. THE BOARD OF COUNTY COMMISSIONERS.

(a) The members of the board of county commissioners shall be non-partisan, elected officers.

(b) The candidate or candidates receiving the highest number of votes at the general election shall be elected to the position or positions to be filled. Each qualified voter may cast votes equal in number to the number of positions to be filled, but no voter may cast more than one vote for each candidate.

(c) The board of county commissioners may supplement the procedures of this charter and state law regarding election of county commissioners as necessary to carry out the intent of this charter. (Amended 11/7/78)

Section 84. COMMISSIONER DISTRICTS.

(a) The county shall be divided into four numbered commissioner districts.

(b) Commissioner districts shall be reapportioned, concurrent with the decennial reapportionment of state representative and senate district boundaries. At such time the board of county commissioners shall direct the appropriate county official to determine the population distribution among the commissioner districts. Within sixty days from the date of direction by the board, the official shall report the findings to the board and publish a legal notice of the district population in a newspaper of general circulation in the county. If the population of any commissioner district is more than 115 percent of the population of any other commissioner district the department shall prepare and present to the board of county commissioners a plan for modifying the boundaries of the districts so that the population of no commissioner district will be more than 110 percent of the population of any other commissioner district. The board of county commissioners shall within 45 days of the submission of the report alter the boundaries of the commissioner districts as necessary by ordinance to provide for an approximately equal population distribution. Notwithstanding any other provisions found in this charter, no change in boundaries of the districts shall affect the continuance in office of a commissioner or taking office of a commissioner-elect with respect to the term of office for which elected prior to the adoption of the reapportionment.

Section 85. NON-PARTISAN ELECTED OFFICIALS. The board of county commissioners shall provide by ordinance, consistent with comparable state law, a primary and general election procedure for the election of non-partisan officials. (Amended 5/20/80)

CHAPTER IX

GENERAL PROVISIONS

Section 90. EFFECTIVE DATE. This charter shall be and become effective on and after the first Monday in January 1963.

Section 91. EXISTING LEGISLATION CONTINUED. All legislation, rules and regulations of the county or its governmental instrumentalities consistent with the provisions in this charter and in force at the time this charter becomes effective, shall remain in effect until amended or repealed.

Section 92. EFFECTIVE DATE FOR TERMS OF OFFICE. The terms of office for all persons elected under this charter shall begin on the first Monday in January next following upon election.

Section 93. CHARTER REVIEW: DEPARTMENTAL CONSOLIDATION. The board of county commissioners shall immediately appoint a Charter Review Committee consisting of no fewer than ten county citizens and shall name the chairperson. The Committee shall review the entire charter, including the amendments enacted by this measure, and submit its recommendations for charter amendments and related ordinances to the board of county commissioners no later than one year after the date of this section. The Committee shall make quarterly progress reports to the board. The Committee shall consider the combination of the functions of existing departments, offices and service districts, and shall make recommendations for changes designed to promote economy and efficiency of county operations. The board of county commissioners shall take the necessary action to place charter amendments recommended by the Committee on the ballot at the May, 1980, primary election. (Adopted 11/7/78; accomplished with Charter Review Committee Report submitted 11/15/79 and election of 5/20/80)

(Section 94. APPOINTMENT OF ADDITIONAL COMMISSIONERS.
Repealed 11/7/78)

Section 94. CONTINUATION OF TERM OF OFFICE OF SHERIFF. The term of office of the sheriff incumbent at the time this charter becomes effective shall be the term for which he was elected.

Section 95. CONTINUATION OF OTHER ELECTIVE ADMINISTRATIVE OFFICERS. The term of office of the county clerk, county assessor, county treasurer and county surveyor who are in office at the time this charter takes effect, shall be for a period not to exceed one year from the first Monday in January 1963, within which time the board of county commissioners shall, by ordinance, reorganize the government of Washington County in conformity with this charter.

Section 96. COUNTY SERVICE DISTRICTS. The board of county commissioners may be the governing body of each county service district that the board establishes for the purpose of providing a county service of special

benefit to persons and property in a particular area. The board shall fix the boundaries of each such district on the basis of the territorial extent of the special benefit derived from the service. A county service of special benefit to persons or property in the area established as a county service district of the county shall be financed by special taxes and charges in the area benefited or by funds specially allocated by the state or United States for one or more purposes of the district.

Section 97. INTERGOVERNMENTAL COOPERATION. From time to time the board of county commissioners may arrange by contract for one or more functions or duties of the county to be performed in cooperation with or by one or more other governmental units and for the county to perform functions or duties for other governmental units.

Section 98. PUBLIC IMPROVEMENTS. Subject to the requirements of this section, the procedure for making, altering, vacating or abandoning a public improvement of the county shall be governed by general ordinance of the county or to the extent not so governed, by the applicable laws of the state. To the extent that the board of county commissioners finds that a public improvement specially benefits property, in the vicinity of the improvement, the cost of the improvement shall be defrayed by special assessment levied on the property, and to the extent that the board finds that a public improvement is of benefit to the county generally, the cost of the improvement may be defrayed by revenue derived from other sources. An order or action regarding public improvements of the county shall indicate the extent to which the cost of the action is to be defrayed by revenues of the county derived from other sources. Action by the board of county commissioners on a proposed public improvement to be financed in whole or in part by county revenues not derived from special assessment and not declared by all members of the board to be needed at once to meet an emergency shall be subject to the referendum in the same manner as ordinances of the board. Action by the board of county commissioners on a proposed public improvement to be financed in whole or in part by special assessment and not declared by all members of the board to be needed at once to meet an emergency shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed for the improvement, provided written notice of the remonstrance is delivered to the board within thirty days after the action is ordered. The word "owner" here means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner. The procedure for levying, collecting and enforcing the payment of a special assessment to be levied against real property on account of public improvements or other services shall be governed by general ordinance.

CHAPTER X LAND USE ORDINANCES

Section 100. DEFINITIONS.

(a) "Annual land use notice" means a notice annually mailed to each

property owner of record as shown in the current assessment roll and to each officially recognized citizen involvement organization. This notice may be mailed with the ad valorem property tax statements. It also includes a display advertisement published at least twice per year in a newspaper of general circulation in Washington County. The notices shall contain a general description of the process for adoption of land use ordinances. The notices shall explain that only those persons who request in writing to be placed on the "general notification list" will be entitled to individual notice of public hearing as provided in this Chapter.

(b) "Individual notice" means written notice mailed by first class mail to those persons who have requested notice as provided in this Chapter and to each officially recognized citizen involvement organization.

(c) "General notification list" means a list of each officially recognized citizen involvement organization and those persons who have requested in writing individual notice of public hearings on all land use ordinances. A fee may be charged to cover the estimated costs for mailing individual notices to persons on the general notification list.

(d) "Land use ordinance" means one which adopts, amends or repeals a comprehensive plan, development or zoning code and related maps or otherwise directly governs the use of land. It does not include such subjects as: financing public improvements, road engineering and utility standards, building code, development fees, sewer or septic regulations or nuisance control.

Section 101. GENERAL.

(a) This Chapter governs the adoption of legislative land use ordinances. It applies in conjunction with Chapter V but shall govern in the event of conflict.

(b) Within 90 days of the effective date of this Chapter, the board shall adopt one or more ordinances setting forth such provisions as are necessary to implement this Chapter. These ordinances may be adopted and amended pursuant to Chapter V only but the terms of these ordinances shall not conflict with this Chapter.

(c) Notwithstanding any other provision, no land use ordinance shall be invalidated on the basis of inadequacy of the wording of notices required herein unless the inadequacy is shown to be willful and to have prejudiced the substantial rights of the complaining party.

(d) No emergency clause shall be attached to any land use ordinance.

Section 102. SUBJECT AREAS.

(a) No land use ordinance shall be introduced which includes provisions applicable to more than one of the following:

- (1) The Comprehensive Framework Plan for the Rural/Natural Resource Area;
- (2) The Comprehensive Framework Plan for the Urban Area;
- (3) Each community plan designated as such;

(4) Development or Zoning Code regulations governing only lands subject to the Rural/Natural Resource Comprehensive Framework Plan;

(5) Development or Zoning Code regulations governing only lands subject to the Urban Comprehensive Framework Plan;

(6) All other Development or Zoning Code regulations, including generally applicable procedures.

(b) Notwithstanding paragraph (a) land use maps may be included in the plan ordinances listed in Section 102(a)(1), (2) and (3), adopted as a separate mapping ordinance for the entire unincorporated area or as a separate ordinance for any geographic area specified.

Section 103. NUMBER AND TIMING OF LAND USE ORDINANCES.

(a) No more than one land use ordinance relating to each of the Rural or Urban Comprehensive Framework Plan, rural or urban community plans and rural or urban maps shall be introduced in any calendar year.

(b) There shall be no limit on the number of Development or Zoning Code ordinances which may be introduced in any calendar year.

(c) The first public hearing on a land use ordinance shall be held no earlier than March 1 of any calendar year.

(d) No proposed land use ordinance shall be adopted on or after November 1 of each calendar year through the final day of February of each subsequent calendar year. If a final decision on a land use ordinance has not been reached by October 31, the ordinance shall be deemed rejected unless the board, by affirmative act, continues the ordinance to a time and date certain on or after March 1 of the subsequent year.

Section 104. PROCEDURES.

(a) Upon filing of a land use ordinance, it shall be forwarded to the planning commission for at least one public hearing. A copy promptly shall be mailed to each officially recognized citizen involvement organization and to each member of the Land Use Ordinance Advisory Commission.

(b) At least 14 days prior to the initial planning commission public hearing, notice shall be provided by publication of a display newspaper advertisement in at least one newspaper of general circulation in the County and individual notice shall be provided to all those on the current general notification list. At a minimum, the notice shall state the subject area, list each topic or section proposed to be affected and provide a description of the content of the ordinance as introduced. It shall list the date, time and place of the initial planning commission hearing and of the initial board of county commissioners hearing.

(c) The planning commission shall make its recommendation to the board within the timeframe established by the board. The planning commission may continue its hearings to times and dates certain and recommend amendments beyond the scope of the notice without further mailed or newspaper notice. Failure of the planning commission to act within the timeframe set by the board shall mean that the board may take final action without a recommendation.

(d) The ordinance as introduced and planning commission recommendations shall be placed on the board agenda for first reading and public hearing. The board may continue its public hearing for further input or deliberation to times and dates certain without additional individual or published notice. The board, however, may amend and engross the proposed ordinance as provided in Chapter V without additional notice only if the amendment was described in the previous individual notice or does not affect the substance of the ordinance. If a substantive amendment is approved for engrossment which was not described in the notice, at least two public hearings shall be held on the ordinance as engrossed, one of which shall be held in the evening. The first of these hearings shall be preceded by at least 10 days individual notice to all persons on the notification list. The notice shall indicate the time and place for each hearing and that the ordinance, as introduced, will be considered together with a description of the proposed changes. This notice may be drafted by the board or its designee.

Section 105. LAND USE ORDINANCE ADVISORY COMMISSION.

(a) Within 90 days of the effective date of this Chapter, the board shall establish by ordinance a Land Use Advisory Commission of five members. Such ordinance, and amendments thereto, shall be adopted pursuant to Chapter V and shall deal with the specific responsibilities and functions of the commission.

(b) No member of the commission shall be an employee of Washington County whose regular duties involve application of any land use ordinance or a member of the planning commission or board of county commissioners.

(c) Members of the commission shall serve for two (2) year staggered terms and shall be removable only for cause.

(d) Members of the commission shall not be compensated, but may be reimbursed for duly authorized expenditures.

(e) In addition to any other duties specified by the ordinance or by Resolution and Order of the board, the commission shall:

(1) Read all proposed land use ordinances and have the sole authority to draft the annual land use notice and the initial individual notice of the planning commission hearing as provided in Section 104.

(2) Make recommendations to the board regarding the timing and scope of proposed land use ordinances, and the size and format of the initial newspaper display notice.

Section 106. CITIZEN INVOLVEMENT ORDINANCE. The board of county commissioners, with citizen assistance, shall by ordinance or resolution and order establish a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. Any ordinance shall be adopted or amended pursuant to Chapter V only. (Original Chapter X (Original Chapter X adopted 11/2/76; repealed and replaced by new Chapter X 11/4/86)

CHAPTER XI

TRANSITION PROVISIONS; EFFECTIVE DATES

Section 110.

(a) Sections 30(d) and 85 shall be effective upon approval by the voters.

(b) Sections 100(c), 103(c), 102(a), and 103(b) shall be effective upon approval by the voters.

(c) Section 34 is repealed and sections 41 and 43 shall be effective from the first Monday of January, 1981. Notwithstanding the provisions of this charter and this measure for the election of the county auditor this subsection shall govern the initial election and term of office of the auditor to the extent specifically provided herein:

(1) The board of county commissioners shall call a special primary election, to be held on September 16, 1980, for the purpose of determining nominees for the office of county auditor. The two candidates receiving the highest number of votes in said special primary election shall be placed on the ballot for the general election in November 1980, for the position of county auditor. If a candidate for county auditor in the special primary election receives 50 percent or more of the votes cast, that candidate's name alone shall be placed on the ballot for the election of auditor in the general election.

(2) The initial term of office of the county auditor shall be from the first Monday in January, 1981 to the first Monday in January, 1983.

(d) Section 51(d) shall be effective upon approval by the voters.

(e) Sections 30, 32, 33(b), 50(d) and 84 shall be effective on the first Monday of January, 1981.

(1) Notwithstanding the provisions in this charter for the initial election and terms of office of county commissioner, this subsection shall govern to the extent specifically provided herein:

(a) Within 45 days of approval of this measure by the voters, the Director of Records and Elections shall determine the size and area of each commissioner district, in a manner providing for substantially equal population in each district based on the most recent state census. Area within each district shall be contiguous. In apportioning the districts the Director of Records and Elections shall give consideration to existent precincts and maintaining historic and traditional communities.

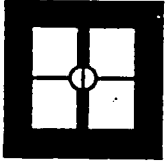
(b) Concurrent with the establishment of districts, the Director of Records and Elections shall determine by lot a designated number, one through four, for each commissioner district.

(c) At the first election of commissioners in November, 1980, those commissioners representing districts 2 and 4 shall be elected for two year terms and those commissioners representing districts 1 and 3 shall be elected for four year terms.

(d) The commissioner presently on the board who received the highest number of votes at the special commissioner election of January 9, 1979, shall remain on the board, as commissioner at-large for the duration of his term of office.

(e) In the event commissioner positions are non-partisan, an initial primary election for purpose of determining nominees for district commissioner positions shall be held on September 6, 1980. The two candidates receiving the highest number of votes in each district primary election shall be placed on the ballot for the general election in November, 1980 for their respective district positions. If a candidate for a district commissioner position receives 50 percent or more of the votes cast for that position, that candidate's name alone shall be placed on the ballot for district commissioner in the general election. (Adopted 5/20/80; applied to 1980-1981 transition.)

CITY OF HILLSBORO



MR. CHAIRMAN AND MEMBERS OF THE CHARTER COMMITTEE:

I AM SHIRLEY HUFFMAN, MAYOR OF THE CITY OF HILLSBORO. THANK YOU FOR THE OPPORTUNITY TO OFFER COMMENTS FOR YOUR CONSIDERATION AS YOU BEGIN DRAFTING A PROPOSED CHARTER FOR METRO. IT IS ESPECIALLY GRATIFYING THAT YOU HAVE CHOSEN TO RECEIVE COMMENTS FROM LOCAL ELECTED OFFICIALS EARLY IN THE PROCESS, SINCE I BELIEVE OUR COMMENTS ARE VERY IMPORTANT AND CAN BE OF GREAT ASSISTANCE TO YOUR TASK.

YOU HAVE RECEIVED WRITTEN TESTIMONY TONIGHT FROM THE CITY OF BEAVERTON. IN ORDER TO AVOID BEING REPETITIVE AND IN THE INTEREST OF YOUR TIME HERE TONIGHT, I WILL REFER TO THAT WRITTEN TESTIMONY IN THESE REMARKS. THE CITY OF HILLSBORO AGREES WITH ITEMS 1, 2, 3, 5, 6 AND 7 OF BEAVERTON'S PREPARED STATEMENT. REFERRING TO ITEM 4, THE CITY OF HILLSBORO SUPPORTS THE ELECTION OF ONE COUNCILOR AT LARGE AND BELIEVES THAT COUNCILOR SHOULD BE THE PRESIDING OFFICER OF THE COUNCIL. THIS IS SIMILAR TO THE GOVERNMENT OF WASHINGTON COUNTY WHERE THE CHAIR OF THE COMMISSION IS ELECTED FROM THE COUNTY AT LARGE AND COMMISSIONERS ARE ELECTED FROM SPECIFIC REGIONS; ALSO, TO THE CITY OF HILLSBORO WHERE THE MAYOR IS ELECTED FROM THE CITY AT LARGE AND COUNCILORS ARE ELECTED FROM SPECIFIC WARDS.

ADDITIONALLY, THE CITY OF HILLSBORO TAKES THE POSITION THAT THE METRO EXECUTIVE OFFICER SHOULD BE APPOINTED, NOT ELECTED. HAVING A CHIEF ADMINISTRATIVE OFFICER WHO IS AN EXPERIENCED PROFESSIONAL MANAGER IS ESSENTIAL FOR AN ORGANIZATION WHICH MUST

HANDLE REGIONAL ISSUES. HAVING A CHIEF ADMINISTRATIVE OFFICER WHO IS ELECTED LEAVES OPEN THE POSSIBILITY OR EVEN PROBABILITY THAT A GOOD POLITICAL CAMPAIGNER WHO IS NOT AN EXPERIENCED PROFESSIONAL MANAGER CAN BE ELECTED TO THIS POSITION. HAVING A POLITICIAN RATHER THAN A MANAGER IN THIS POSITION WILL INCREASE THE RISK THAT THIS PERSON WILL ATTEMPT TO SET HIS/HER OWN "AGENDA", RATHER THAN CARRYING OUT THE POLICIES OF THE COUNCIL. THE COUNCIL-MANAGER (ELECTED POLICY BOARD WITH A PROFESSIONAL CHIEF ADMINISTRATIVE OFFICER) FORM IS BY FAR THE MOST COMMON FORM OF LOCAL GOVERNMENT THROUGHOUT THE UNITED STATES, AND HAS PROVEN TO BE EXTREMELY EFFECTIVE.

THE CITIES OF CORNELIUS, DURHAM AND TUALATIN JOIN WITH THE CITY OF HILLSBORO IN EMPHASIZING THE IMPORTANCE OF THIS PARTICULAR ISSUE.

THE CITY OF HILLSBORO LOOKS FORWARD TO WORKING WITH YOU THROUGHOUT THE CHARTER DRAFTING PROCESS. THE VARIOUS ELECTED OFFICIALS AND ADMINISTRATORS IN THE REGION REPRESENT COUNTLESS YEARS OF EXPERIENCE AND I URGE YOU TO DRAW FROM THAT EXPERIENCE AS YOU GO FORWARD WITH YOUR TASK.