



METRO

# Memorandum

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Date: September 23, 1991  
To: Metro Council, Executive, Interested Parties  
From: Betsy Bergstein<sup>JB</sup>  
Regarding: Charter Committee Meeting - September 19, 1991

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The Committee held this meeting at Tigard City Hall. The meeting was chaired by Senator Ron Cease in the absence of Chair Hardy Myers, who was out of town on business. Also absent was Representative John Meek and Isaac Regenstreif.

After a welcome from Gerald Edwards, the mayor of Tigard, which included a description of the newly formed Regional Governance Committee, the Committee began a discussion of their Saturday retreat.

There was some sentiment expressed that members did not get as far as they hoped they would at their retreat :

"Discussion shows we are not all pulling in the same direction."  
(Urbigkeit)

"Got a long way to go" (Myllenbeck)

"More frustrated than expected." Work to do on big picture items; agree on definition of terms before microscopic look; very frustrated about progress made. (Egge)

Hung up on certain points; only half way through laundry list.

Will we discuss rest of laundry list? (Look)

Would have benefitted more from real discussion on regional government (rather than functions). (Tobias)

Issue of values relates to functions. Police is a regional function in Toronto. Need to look at Metro functions it performs today; how it got there and why; eg. Zoo, Convention Center, solid waste (Cease).

We are trying to make a decision that really belongs to the voters. Voters acting regionally would be better "testers."

Would rather see us give voters maximum opportunity. (Phelps)

The discussion turned to one focused on how the Charter should be placed on the ballot:

Statue now lists functions in two separate areas:

- Old MSD and CRAG functions (includes Zoo and solid waste);
- Those functions subject to approval of the voters -- "metropolitan aspects or significance..." (Cease)

(Phelps)...political desire but lack of political will to move forward; put list to vote, ie. voters could vote yes on functions a.b.c.; no on functions d.e.f. Serve as a conduit to form broadest-possible forum for people to speak. Never done it; created a forum, opportunity for people to speak.

(Shoemaker) Speak to the other side: Commission chosen carefully to make a recommendation on what Metro ought to be doing, constituted and financed. A laundry list will give Committee advise that will not be thought through. One big issue - OK; 10-12 choices, no. Voters not interested enough to be informed on all those issues.

(Cease) Why has Metro not taken over functions or put things on the ballot? Political will and its a new government. Stepchild of this community; never made to feel comfortable.

(Egge) Fear of a vote of no confidence from the voters?

(Cease) What do you need to do a function?

- Money
- Mandate
- Authority
- Public Discussion

(Phelps) Create a work plan and framework; show regional government developing over time...ie. in next 10 years...these events will occur.

(Hales) We are getting ahead of ourselves. Ballot Measure #1, SB 298 put us here to create a charter. Let's start step by step. Basic principles first. Ignore functions.

Re new functions for Metro; is this the same vote as on the charter or a subsequent vote?

(Cease) Metropolitan aspects of new functions, if the voters want to approve it.

(Phelps) Ask the people what they want. "Shall MSD by charter do this....?"

(Tobias) No to menu idea. Don't have a lot of faith...sales tax issue...got garbage. Need to decide:

- What is a regional government?
- What is a charter; what does it do?

Different than writing a statue. Do we have consensus/unanimity that we want a regional government?

(Cease) Metro already has a charter. A charter is a basic law by which government operates --- changed by voters, not by legislature.

Question is should charter be very basic or voluminous.

(Derr) There is no single place you can look and understand what Metro's authority is.

(Myllenbeck) Charter gives us a chance to control our own destiny. An initiative and referendum, the state votes on it; the legislature is 90 people.

(Tobias) Need a definition of regional government in the charter. (Called for question on regional government.)

(Cease) Is there anyone here who feels we should not have a regional government?

(No one responded.)

(Dan Cooper) Amendments of ORS 268 by initiative referendum require a statewide vote but 268 allows for a district wide vote in specific areas specified by statute --- eg. size of council, executive appointed or elected, assumption of metropolitan aspects of unspecified functions.

The legislature has preempted the voter from taking away Metro's authority in solid waste disposal (Chapter 459) and land use planning (197).

The clearest area is U.G.B. management.

The Committee had a general discussion on their retreat agenda.

(Tobias) The closest unit of government is the best.

(Hales) The principle varies with function. Some services have a local flavor; others are generic, ie. solid waste.

(Tobias) Need to establish linkages.

(Josselson) Structure of government in this country reflects the principle that for certain issues we want government closest to the people and for others you don't. It is the "appropriate" level.

(Josselson) Essential function of regional government is to design systems and programs to maintain liveability and quality of life in this region knowing the growth we will sustain. Capability to plan for that growth does not exist at the city and county level. The facilities and the zoo corrupt the planning function.

(Phelps) Why do you say that the regional government doing functions other than planning is corrupt?

(Josselson) Solid waste generates over 1/3 of Metro's revenue from its tipping fees.

(Hales) Metro's statute reads "may do" in solid waste but "shall do" in planning.

(Derr) Tri-Met operated by Metro as a commission? Should Metro/regional government be the planning authority? Does that guide our discussion?

(Phelps) When you get into function you will drift into structure.

(Cease) Must have an agenda which is more structure (in reference to this meeting of the Committee).

(Egge) Need basic concepts agreed upon to get out of the "swamp."

(Josselson) Moved that next week meeting begins with discussion on separation of planning and service delivery functions.

(Hennessee) Add to criteria (1) accessible; (2) accountable.

#### Election of Officers

(Hennessee) Move by acclamation Mary Tobias for Vice-Chair.  
PASSED

(Egge) Move by acclamation Ray Phelps for Treasurer.  
PASSED

Janet Whitfield handed out a comparison of regional governments based on functions (attached). Some discussion of a Harvard study (Tobias) and where the Committee could get information on population projections.

# Metro Charter Committee

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Betsy Bergstein  
Sr. Management Analyst

## AGENDA

**DATE:** September 19, 1991  
**MEETING:** Full Committee  
**DAY:** Thursday  
**TIME:** 6:00 p.m.  
**PLACE:** Tigard City Hall, 13125 SW Hall Blvd., Tigard \*

- 6:00 Call meeting to order
- Correct and adopt minutes from previous meetings.
- 6:15 Election of Charter Committee Vice Chair and Treasurer.
- 6:30 Discussion and adoption of basic principle for allocation of governmental functions regionally, sub-regionally and locally.
- Discussion and adoption of criteria to be used in applying basic principle to specific functions.
- Initial consideration (time permitting) of regional responsibilities regarding growth management.
- 8:15 Adoption of amended work plan.
- 8:30 Adjourn meeting.

\* Directions: From Hwy 217 take 99W and go west. Turn left immediately at Hall Blvd. (Russ Chevrolet is on the left). Go 3/4 mile over railroad tracks and through an S-shaped curve. Just after Burnham Street turn right into Civic Center.

RETREAT SUMMARY  
Metro Charter Committee

Full Committee conclusions of regional government criteria

Group 1

Regional if no other way to  
do it or fund it

Costs & benefit impact determine  
levels of government for  
assignment

Group 2

Regional decisions at regional  
level

Effectiveness, responsiveness  
& cost (scale included) as  
criteria for allocation of  
functions between local &  
regional government

## REGIONAL GOVERNMENT COMPARISONS

### Arts

Minneapolis/St.Paul--Until recently, the Council could determine how state and federal grants to the arts should be spent in the region. Responsibility was taken away in an effort to make the Council more efficient.

### Aging

Atlanta--planning  
Minneapolis/St.Paul (planning)  
Toronto

### Airports

Minneapolis/St.Paul--Metropolitan Council has little control over but develops a policy plan for the Metropolitan Airports Commission, appointed by the Governor. Council has approval power over major airport capital expenditures, but airport operations are independent.

### Air quality

San Diego  
Minneapolis/St.Paul (planning)

### Ambulance

Toronto--Department transports ill and injured, and provides disaster planning in cooperation with allied emergency services and Ontario Ministry of Health.

### Area

Metro--Portions of three counties. The Urban Growth Boundary covers approximately the same area.  
Minneapolis/St.Paul--seven contiguous counties. The urban services area covers only about 1/3 of the entire area within the Council's borders.  
Toronto--Covers six area municipalities, 2.2 million residents.

### Authority source

Minneapolis/St.Paul--legislature & federal laws. Regulatory powers are extremely narrow and focused. Legislature has given it independence for research and policy development.  
Florida--Legislature. Regional Planning Councils created by the Growth Management Act of 1985.

### Budget

Metro--\$227 million with 1,200 employees.  
Toronto--\$3.2 billion with close to 30,000 employees.

### Business licensing

#### Metro

Toronto--Licensing Commission regulates business in Metro region. Commission monitors to ensure conformance to licensing by-laws.

### Child care

#### Toronto

### Citizen involvement

Minneapolis/St.Paul--Standing advisory committees for transportation, water quality, solid waste and other issues.

### Council make-up

Atlanta--32 commissioners, made up of 17 local elected officials and 15 private members. An executive committee provides administrative direction for activities and 4 standing committees advise the board.

Florida--11 Regional Planning Councils made up of local government representatives (2/3) and governor appointees (1/3).

Maine--11 Regional Planning Councils made up of local elected officials (1/2) and the rest town appointees.

Metro--13 members, starting in 1993, all elected. Chair is chosen among the members. Executive officer is elected to administrate, and has veto authority over the Council

Minneapolis/St.Paul--17 members, including a chair, appointed by the Governor, who, by statute, must consult with a panel of local officials in making appointments to the Council. As a result, new Council members tend to identify closely with legislators and local officials in their districts.

Toronto--34 councillors elected by residents of metropolitan wards. Chairman chosen from within the Councilor by members.

### Economic Development

#### Enforcement ability

San Diego--none

Metro--

#### Environment

Atlanta--planning agency for environmental services.

#### Greenbelts

Great Britain--1948 British government created belts of farm and park land around the major cities.

#### Health services

Minneapolis/St.Paul (planning)



### Housing

Baltimore--Regional Council created the Baltimore Regional Community Development Corporation to deal with housing and community development issues. Administers certificates for low-income families in acquiring housing in the region. Provides loans in production of low-cost housing. Established a task force to examine affordable housing problems, and which concluded that there is a fragmentation of resources. From Regional Reporter, 9/91.

Minneapolis/St. Paul--Council serves as the Metropolitan Housing and Redevelopment Authority (HRA) with the help of an advisory board. Reviews federal grants to cities. Allowed more resources for low-cost housing to be diverted to the suburbs, however, this didn't attract center-city residents. Instead, lower-income suburban residents shifted to lower cost housing. Since HRA was created subsidized housing in the suburbs has risen from 10% to 40% of entire region's housing supply.

Toronto

### Human services

Atlanta--

Minneapolis/St. Paul--Planning has been targeted in health, housing and aging. The Council has provided analysis of the impact of changing demographics on the demand for human services of all kinds.

Toronto

### Land use

Florida--11 Regional Planning Councils (RGCs) review local comprehensive plans for compliance with Comprehensive Regional Policy Plans. Don't have final say on consistency with regional goals, however. Provide informal conflict mediation between plans at the city and county levels. RGCs often contract with small communities in preparing local comprehensive plans.

Maine--11 Regional Planning Councils (RPCs). Municipalities are not required to be part of a region but most are. RGCs give technical assistance in preparing local comprehensive plans. RGCs review proposed comprehensive plans for identifying regional needs and whether they are consistent with other municipalities. A regional coordination program seeks to manage shared resources and facilities such as rivers, aquifers and transportation.

Metro

Minneapolis/St. Paul--1976 Metropolitan Land Planning Act. Gave council limited control over local planning. Under law, cities required to develop comprehensive plans which have to be approved by the Council. Council can't require changes in plans unless it can demonstrate adverse impact on sewers, highways & transit, parks or airports.

### Law enforcement

Toronto

### Libraries

Toronto--Library Board operates reference library.

### Liquid waste

Atlanta--Planning.

Minneapolis/St.Paul--Mostly planning. Partly responsible for the Metropolitan Waste Control Commission, which has 8 members (appointed by the council) from equal population districts and a chair appointed by the Governor. Provides sewer service in Metro urban service area and where high population caused overburdened septic systems. Metro Council develops regional policy plan and goals to be implemented by the Commission. Commission charges communities the costs of providing interceptors and treatment plants. Communities provide connections and bill the users. Something of a wholesaler/retailer relationship between the Commission and the communities.

Toronto

### Mass transit

Minneapolis/St.Paul--Encompasses a 3-tiered system. The Metro Council has appointing authority over the Regional Transit Board (RTB), with the chair selected by the Governor. The RTB provides transit planning and contracts with private bus companies and other vendors. The RTB, in turn, appoints the Metropolitan Transit Commission (MTC), which is the public bus company that provides most transit service. In the scheme of things, the Metro Council develops a transit policy--part of its metropolitan transportation plan--which is developed into an implementation plan by the RTB. The Council has asked the legislature, but has been denied the authority to build a light rail system. The 1991 session of the legislature assigned the Council, state Department of Transportation and RTB to develop a

Toronto

### Names

Atlanta--Atlanta Regional Commission, created in 1971

Baltimore--Baltimore Regional Council of Governments

Minneapolis/St.Paul--Metropolitan Council

San Diego--San Diego Association of Governments (SanDAG)

Toronto--Metropolitan Toronto Council

### Parks

Atlanta--Planning.

Metro (planning)

Minneapolis/St.Paul--Members and chair of the Metropolitan Parks and Open Space Commission are appointed by the Council.

Commission serves more as advisory body to the Council. Council policy plan is developed with advice from the Commission.

Toronto

### Public opinion

Garden State, NJ--50% of the public says controls on development should be extreme, 25% says regulation should be very strict. From WQ Winter 1990, "America's New City."

### Regional growth

Atlanta--Prepares comprehensive "Development Guides" or regional plans that consist of policy statements, goals, standards programs and maps. Take into account future developments in land use (not zoning), water and sewerage, storm drainage, parks and open spaces, as well as needs and locations for airports, highways and public buildings.

San Diego

Metro

Minneapolis/St.Paul--Under the Metropolitan Land Planning Act of 1976, Council can conclude an adverse impact of "metropolitan significance" and stop a development for up to one year. Council has never used this authority to delay a development, even though it's been asked to review 15 or 16 times. Compromises have always been worked out.

### Revenue sharing

Louisville--Jefferson County Compact

Minneapolis/St.Paul--Metropolitan Revenue Distribution Act of 1971 provides that 60% of new industrial-commercial development tax base accrues to the local jurisdiction where the development occurs. The other 40% goes into a general pool which is shared regionally. Uses a formula that takes into account population and other tax bases. Development decisions therefore based on considerations of infrastructure capacity and proximity to appropriate markets. Also, local development strategies are more diverse and infrastructure support can go to communities that incur costs of dense traffic.

### Sales tax

San Diego--1/2 cent sales tax distributed to 4 transportation functions. Source: Background Memo: Metropolitan Governance in the 1990s.

### Solid waste

San Diego

Metro

Minneapolis/St.Paul--The Council has a region policy plan for managing solid waste. The 7 counties, though, each have their own system of handling waste, which has resulted in the treatment of waste in a particular county determined by the type of facility it has, rather than the type of facility most appropriate for the type of waste. A more regional system is being considered, that would share waste and capacity.

### Tourism

Toronto--Metropolitan Toronto Convention & Visitors Association markets area for tourists, conventions and conferences.

### Transportation

San Diego

Metro (planning)

Minneapolis/St. Paul--The Council develops a surface transportation plan for the area. Communities and citizens are involved in the process. Also, the Council has veto power over the state's Department of Transportation plans for controlled-access highways in the region. The Council appoints a Transportation Advisory Board which provides recommendations on highway priorities.

Toronto

### Urban Growth Boundary

Great Britain--1938, British government prohibited large cities from expanding beyond existing boundaries, in fear of losing farm land, and to restrict decentralization.

Metro

Minneapolis/St. Paul--monitors an metropolitan urban service area (MUSA). Treated as a single urbanized area, but extensions are granted on a city-by-city basis. Involved negotiation between the council and each city. To go outside, a city has to demonstrate that it has less than a 5-year excess of developable land. Metro area is 3 times as large as the MUSA.

### Water

Atlanta--Planning.

Metro (planning)

Minneapolis/St. Paul--In the process of producing a water supply plan. Center cities' water supply primarily dependent on the Mississippi River. Suburbs draw their water from wells. Individual watershed management organizations develop plans which the Council comments on, but are approved by the State Board of Water and Soil Resources. The 1990 legislature charged the Council with developing a regional surface water quality plan, to be enforced by the Board of Water and Soil Resources.

### Zoning

Minneapolis/St. Paul--done at local level