

# Measure No. 26-3 METROPOLITAN SERVICE DISTRICT

A measure proposing a charter submitted to the electorate of the Metropolitan Service District by the Metropolitan Service District Charter Committee.

## BALLOT TITLE

### 26-3 CHARTER FOR METROPOLITAN SERVICE DISTRICT (METRO).

**QUESTION**—Should people adopt Charter to limit Metro powers, reform its structure, and give local voters control of Metro?

YES ☐

NO ☐

**SUMMARY**—Charter drafted by citizen committee transfers control of Metro from legislature to local voters. Prohibits general sales, income, property and other broadly based taxes without voter approval. Limits spending from taxes levied without voter approval. Continues council elected by districts, executive officer elected by region. Reduces council size from 13 to 7. Creates elected auditor, citizen involvement committee, local government advisory committee. Requires, as primary function, growth management planning to preserve region quality of life. Assigns other functions. Makes other provisions. Effective January 1, 1993.

#### PREAMBLE

We, the people of the Portland area metropolitan service district, in order to establish an elected, visible and accountable regional government that is responsive to the citizens of the region and works cooperatively with our local governments; that undertakes, as its most important service, planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations; and that provides regional services needed and desired by the citizens in an efficient and effective manner, do ordain this charter for the Portland area metropolitan service district, to be known as Metro.

#### CHAPTER I

##### NAMES AND BOUNDARIES

**Section 1. Title of Charter.** The title of this charter is the 1992 Metro Charter.

**Section 2. Name of Regional Government.** The Portland area metropolitan service district, referred to in this charter as the "Metropolitan Service District", continues under this charter as a metropolitan service district with the name "Metro."

**Section 3. Boundaries.** The Metro area of governance includes all territory within the boundaries of the Metropolitan Service District on the effective date of this charter and any territory later annexed or subjected to Metro governance under state law. This charter refers to that area as the "Metro area". Changes of Metro boundaries are not effective unless approved by ordinance. No change of Metro boundaries requires approval by a local government boundary commission or any other state agency unless required by law. The custodian of Metro records shall keep an accurate description of Metro boundaries and make it available for public inspection.

#### CHAPTER II

##### FUNCTIONS AND POWERS

**Section 4. Jurisdiction of Metro.** Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include the powers granted to and duties imposed on Metro by current and future state law and those matters the council by ordinance determines to be of metropolitan concern. The council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern.

##### Section 5. Regional Planning Functions.

(1) **Future Vision.** (a) **Adoption.** The council shall adopt a

Future Vision for the region between January 15, 1995 and July 1, 1995. The Future Vision is a conceptual statement that indicates population levels and settlement patterns that the region can accommodate within the carrying capacity of the land, water and air resources of the region, and its educational and economic resources, and that achieves a desired quality of life. The Future Vision is a long-term, visionary outlook for at least a 50-year period. As used in this section, "region" means the Metro area and adjacent areas.

(b) **Matters addressed.** The matters addressed by the Future Vision include but are not limited to: (1) use, restoration and preservation of regional land and natural resources for the benefit of present and future generations, (2) how and where to accommodate the population growth for the region while maintaining a desired quality of life for its residents, and (3) how to develop new communities and additions to the existing urban areas in well-planned ways.

(c) **Development.** The council shall appoint a commission to develop and recommend a proposed Future Vision by a date the council sets. The commission shall be broadly representative of both public and private sectors, including the academic community, in the region. At least one member must reside outside the Metro area. The commission has authority to seek any necessary information and shall consider all relevant information and public comment in developing the proposed Future Vision. The commission serves without compensation.

(d) **Review and amendment.** The Future Vision may be reviewed and amended as provided by ordinance. The Future Vision shall be completely reviewed and revised at least every fifteen years in the manner specified in subsection (1)(c) of this section.

(e) **Effect.** The Future Vision is not a regulatory document. It is the intent of this charter that the Future Vision have no effect that would allow court or agency review of it.

(2) **Regional Framework Plan.** (a) **Adoption.** The council shall adopt a regional framework plan by December 31, 1997 with the consultation and advice of the Metro Policy Advisory Committee (MPAC) created under section 27 of this charter. The council may adopt the regional framework plan in components.

(b) **Matters addressed.** The regional framework plan shall address: (1) regional transportation and mass transit systems, (2) management and amendment of the urban growth boundary, (3) protection of lands outside the urban growth boundary for natural resource, future urban or other uses, (4) housing densities, (5) urban design and settlement patterns, (6) parks, open spaces and recreational facilities, (7) water sources and storage, (8) coordination, to the extent feasible, of Metro growth management and land use planning policies with those of Clark County, Washington, and (9) planning responsibilities mandated by state law. The regional framework plan shall also address other growth management and land use planning matters which the council, with the consultation and advice of the MPAC, determines are of metropolitan concern and will benefit from regional planning. To encourage regional uniformity, the regional framework plan shall also contain model terminology, standards and procedures for local land use decision making that may be adopted by local governments. As used in this section, "local" refers only to the cities and counties within the jurisdiction of Metro.

(c) **Effect.** The regional framework plan shall: (1) describe its relationship to the Future Vision, (2) comply with applicable statewide planning goals, (3) be subject to compliance acknowledgment by the Land Conservation and Development Commission or its successor, and (4) be the basis for coordination of local comprehensive plans and implementing regulations.

(d) **Amendment.** The council may amend the regional framework plan after seeking the consultation and advice of the MPAC.



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(e) Implementation. To the maximum extent allowed by law, the council shall adopt ordinances: (1) requiring local comprehensive plans and implementing regulations to comply with the regional framework plan within three years after adoption of the entire regional framework plan. If the regional framework plan is subject to compliance acknowledgment, local plans and implementing regulations shall be required to comply with the regional framework plan within two years of compliance acknowledgment; (2) requiring the council to adjudicate and determine the consistency of local comprehensive plans with the regional framework plan; (3) requiring each city and county within the jurisdiction of Metro to make local land use decisions consistent with the regional framework plan until its comprehensive plan has been determined to be consistent with the regional framework plan. The obligation to apply the regional framework plan to local land use decisions shall not begin until one year after adoption and compliance acknowledgment of the regional framework plan; and (4) allowing the council to require changes in local land use standards and procedures if the council determines changes are necessary to remedy a pattern or practice of decision making inconsistent with the regional framework plan.

(3) Priority and funding of regional planning activities. The regional planning functions under this section are the primary functions of Metro. The council shall appropriate funds sufficient to assure timely completion of those functions.

**Section 6. Other Assigned Functions.** Metro is also authorized to exercise the following functions: (1) Acquisition, development, maintenance and operation of: (a) a metropolitan zoo, (b) public cultural, trade, convention, exhibition, sports, entertainment, and spectator facilities, (c) facilities for the disposal of solid and liquid wastes, and (d) a system of parks, open spaces and recreational facilities of metropolitan concern; (2) Disposal of solid and liquid wastes; (3) Metropolitan aspects of natural disaster planning and response coordination; (4) Development and marketing of data; and (5) Any other function required by state law or assigned to the Metropolitan Service District or Metro by the voters.

### **Section 7. Assumption of Additional Functions.**

(1) Assumption ordinance. The council shall approve by ordinance the undertaking by Metro of any function not authorized by sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it.

(2) Assumption of local government service function. (a) An ordinance authorizing provision or regulation by Metro of a local government service is not effective unless the ordinance is approved by the voters of Metro or a majority of the members of the MPAC. Voter approval may occur by approval of a referred measure (1) authorizing the function or (2) relating to finances and authorizing financing or identifying funds to be used for exercise of the function. As used in this section, "local government service" is a service provided to constituents by one or more cities, counties or special districts within the jurisdiction of Metro at the time a Metro ordinance on assumption of the service is first introduced.

(b) An ordinance submitted to the MPAC for approval is deemed approved unless disapproved within 60 days after submission.

(c) No approval under this subsection is required for the compensated provision of services by Metro to or on behalf of a local government under an agreement with that government.

(3) Assumption of other service functions. The council shall seek the advice of the MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service which is not a local government service.

(4) Assumption of functions and operations of mass transit district. Notwithstanding subsection (2) of this section, Metro may at any time assume the duties, functions, powers and operations of a mass transit district by ordinance. Before adoption of

this ordinance the council shall seek the advice of the Joint Policy Advisory Committee on Transportation or its successor. After assuming the functions and operations of a mass transit district, the council shall establish a mass transit commission of not fewer than seven members and determine its duties in administering mass transit functions for Metro. The members of the governing body of the mass transit district at the time of its assumption by Metro are members of the initial Metro mass transit commission for the remainder of their respective terms of office.

(5) Boundary commission functions. The council shall undertake and complete a study of the Portland Metropolitan Area Local Government Boundary Commission, with advice of the MPAC, by September 1, 1995. The council shall implement the results of the study and shall seek any legislative action needed for implementation.

**Section 8. Preservation of Authority to Contract.** All Metro officers shall preserve, to the greatest extent possible, the ability of Metro to contract for all services with persons or entities who are not Metro employees.

**Section 9. General Grant of Powers to Carry Out Functions: Construction of Specified Powers.** When carrying out the functions authorized or assumed under this charter: (1) Metro has all powers that the laws of the United States and this state now or in the future could allow Metro just as if this charter specifically set out each of those powers, (2) the powers specified in this charter are not exclusive, (3) any specification of power in this charter is not intended to limit authority, and (4) the powers specified in this charter shall be construed liberally.

## CHAPTER III

### FINANCE

**Section 10. General Authority.** Except as prohibited by law or restricted by this charter, Metro may impose, levy and collect taxes and may issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations. The authority provided under this section supplements any authority otherwise granted by law.

**Section 11. Voter Approval of Certain Taxes.** Any ordinance of the council imposing broadly based taxes of general applicability on the personal income, business income, payroll, property, or sales of goods or services of all, or a number of classes of, persons or entities in the region requires approval of the voters of Metro before taking effect. This approval is not required (1) to continue property taxes imposed by the Metropolitan Service District, (2) for the rate or amount of any payroll tax imposed by a mass transit district as of June 1, 1992, if the functions of that district are assumed by Metro, or (3) for additional payroll tax revenues for mass transit imposed to replace revenues lost by withdrawal of any locality from the service area of the mass transit district after June 1, 1992. For purposes of sections 11, 13 and 14 of this charter, "taxes" do not include any user charge, service fee, franchise fee, charge for the issuance of any franchise, license, permit or approval, or any benefit assessment against property.

**Section 12. Voter Approval of General Obligation Bonds.** Issuance of general obligation bonds payable from ad valorem property taxes requires the approval of the voters of Metro.

**Section 13. Prior Consultation for Tax Imposition.** Before imposing any new tax for which voter approval is not required, the council shall establish and seek the advice of a tax study committee that includes members appointed from the general population, and from among businesses and the governments of cities, counties, special districts and school districts, of the Metro area.

### **Section 14. Limitations on Expenditures of Certain Tax Revenues.**

(1) Generally. Except as provided in this section, for the first fiscal year after this charter takes effect Metro may make no



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more than \$12,500,000 in expenditures on a cash basis from taxes imposed and received by Metro and interest and other earnings on those taxes. This expenditure limitation increases in each subsequent fiscal year by a percentage equal to (a) the rate of increase in the Consumer Price Index, All Items, for Portland-Vancouver (All Urban Consumers) as determined by the appropriate federal agency or (b) the most nearly equivalent index as determined by the council if the index described in (a) is discontinued.

(2) **Exclusions from limitation.** This section does not apply to (a) taxes approved by the voters of Metro or the Metropolitan Service District and interest and other earnings on those taxes, (b) payroll taxes specified in section 11 of this charter, and (c) tax increment financing charges on property.

**Section 15. Limitations on Amount of User Charges.** Except to the extent receipts in excess of costs from food and beverage sales, parking and other concessions are dedicated to reducing charges for the provision of goods or services to which the concession directly relates, charges for the provision of goods or services by Metro may not exceed the costs of providing the goods or services. These costs include, but are not limited to, costs of personal services, materials, capital outlay, debt service, operating expenses, overhead expenses, and capital and operational reserves attributable to the good or service.

### CHAPTER IV

#### FORM OF GOVERNMENT

##### Section 16. Metro Council.

(1) **Creation and Powers.** The Metro council is created as the governing body of Metro. Except as this charter provides otherwise, and except for initiative and referendum powers reserved to the voters of Metro, all Metro powers are vested in the council.

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

(3) **Apportionment of council districts.** (a) **Creation and appointment of apportionment commission.** A Metro apportionment commission of seven commissioners is created. To appoint the commission the council shall divide itself into five pairs of councilors and one group of three councilors. Each pair and group of councilors shall be from contiguous districts and appoints one commissioner. The presiding officer appoints one commissioner and the commission chair. At least two commissioners must be appointed from each of the three counties within the Metro area, and each commissioner appointed by a pair or group of councilors shall reside in one of the districts from which the councilors making the appointment are elected or appointed. All appointments to the commission shall be made by February 1, 1993.

(b) **Appointment by executive officer.** If all appointments to the commission are not made by February 1, 1993, the executive officer shall appoint all commissioners and designate its chair by March 1, 1993. The executive officer shall appoint at least two commissioners from each of the three counties within the Metro area and may not appoint more than one commissioner from a single council district.

(c) **Disqualifications from commission membership.** No commissioner, or his or her spouse, children, or stepchildren may (1) be a Metro councilor, executive officer or employee, (2) be an elected officer or employee of any city, county or special district, (3) have an economic interest which is distinct from that of the general public in any policy or legislation adopted by Metro or the Metropolitan Service District within the previous two years or which is being considered for adoption, or (4) be engaged, directly or indirectly, in any business with Metro which is

inconsistent with the conscientious performance of the duties of commissioner. No commissioner may be a candidate for the office of councilor or executive officer in the first primary and general elections after adoption of this charter. Any challenge of the qualifications of a commissioner shall be made by May 1, 1993.

(d) **Commission vacancies.** A vacancy on the commission is filled by action of the authority that appointed the commissioner whose position is vacant.

(e) **Filing of apportionment plan.** Not later than July 1, 1993, the commission shall adopt and file with the council an apportionment plan dividing the Metro area into seven council districts. Councilors from those districts are first elected in the first statewide primary and general elections after adoption of this charter for a term of office beginning January 2, 1995. The affirmative vote of four commissioners is required to adopt the apportionment plan.

(f) **Appointment of apportionment referee.** If the commission fails to file an apportionment plan by July 1, 1993, the council shall appoint an apportionment referee by July 15, 1993. The provisions of subsection (3)(c) of this section apply to appointment of the referee. The referee shall prepare and file with the council an apportionment plan within 60 days after his or her appointment.

(g) **Effective date of apportionment plan.** An apportionment plan filed under this subsection becomes effective on the 30th day after filing unless a voter of Metro petitions for judicial review of the plan as provided by law.

(h) **Criteria for districts.** As nearly as practicable, all council districts shall be of equal population and each shall be contiguous and geographically compact. The council may by ordinance prescribe additional criteria for districts that are consistent with the requirements of this subsection.

(i) **Appropriation of funds.** The council shall appropriate sufficient funds to enable the commission and referee to perform their duties under this section.

(j) **Abolition of commission.** The commission is abolished upon filing the apportionment plan required by this section or on July 2, 1993, whichever is earlier.

(k) **Repeal of subsection.** Subsection (3) of this section is repealed January 1, 1994. Upon repeal its provisions shall be stricken from this charter and the other subsections of this section renumbered.

(4) **Initial terms of office.** The terms of office of the four councilors receiving the highest number of votes among the seven councilors elected in 1994 end January 4, 1999. The terms of office of the other three councilors end January 6, 1997. Thereafter the term of office of councilor is four years.

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

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

(7) **Quorum.** A majority of councilors in office is a quorum for council business, but fewer councilors may compel absent councilors to attend.

(8) **Record of proceedings.** The council shall keep and authenticate a record of council proceedings.

##### Section 17. Metro Executive Officer.

(1) **Creation.** The office of Metro executive officer is created. The executive officer is elected from the Metro area at large for a term of four years. The executive officer serves full time and may not be employed by any other person or entity while serving as executive officer.

(2) **Duties.** The primary duty of the executive officer is to enforce Metro ordinances and otherwise to execute the policies



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of the council. The executive officer shall also: (a) administer Metro except for the council and the auditor, (b) make appointments to Metro offices, boards, commissions and committees when required to do so by this charter or by ordinance, (c) propose for council adoption measures deemed necessary to enforce or carry out powers and duties of Metro, (d) prepare and submit a recommended annual Metro budget to the council for approval, and (e) keep the council fully advised about Metro operations.

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

(4) **Veto.** (a) Except as provided in this subsection, the executive officer may veto the following legislative acts of the council within five business days after enactment: (1) any annual or supplemental Metro budget, (2) any ordinance imposing, or providing an exception from, a tax, and (3) any ordinance imposing a charge for provision of goods, services or property by Metro, franchise fees or any assessment. (b) The council, not later than 30 days after a veto, may override a veto by the affirmative vote of (1) nine councilors while the council consists of 13 positions and (2) five councilors after the council consists of seven positions as provided by section 16(2) of this charter. (c) A legislative act referred to the voters of Metro by the council is not subject to veto.

## Section 18. Metro Auditor.

(1) **Creation.** The office of Metro auditor is created. The auditor is elected from the Metro area at large for a term of four years. The auditor serves full time and may not be employed by any other person or entity while serving as auditor.

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

(3) **Duties.** The auditor shall: (a) make continuous investigations of the operations of Metro including financial and performance auditing and review of financial transactions, personnel, equipment, facilities, and all other aspects of those operations, and (b) make reports to the Metro council and executive officer of the results of any investigation with any recommendations for remedial action. Except as provided in this section, the auditor may not be given responsibility to perform any executive function.

**Section 19. Term of Office.** The term of office of an officer elected at a primary or general election begins the first Monday of the year following election and continues until a successor assumes the office.

## CHAPTER V

### OFFICERS, COMMISSIONS AND EMPLOYEES

#### Section 20. Qualifications of Elected Officers.

(1) **Councilor.** A councilor shall be a qualified elector under the constitution of this state when his or her term of office begins and shall have resided during the preceding 12 months in the district from which elected or appointed. When the boundaries of that district have been apportioned or reapportioned during that period, residency in that district for purposes of this subsection includes residency in any former district with area in the district from which the councilor is elected or appointed if residency is established in the apportioned or reapportioned district within 60 days after the apportionment or reapportionment is effective.

(2) **Executive officer and auditor.** The executive officer and auditor shall each be a qualified elector under the constitution

of this state when his or her term of office begins and shall have resided during the preceding 12 months within the boundaries of Metro as they exist when the term of office begins. At the time of election or appointment the auditor shall also hold the designation of certified public accountant or certified internal auditor.

(3) **Multiple elected offices.** A Metro elected officer may not be an elected officer of the state, or a city, county or special district during his or her term of office. As used in this charter, special district does not include school districts.

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

#### Section 21. Compensation of Elected Officers.

(1) **Council.** The salary of the council presiding officer is two-thirds the salary of a district court judge of this state. The salary of every other councilor is one-third the salary of a district court judge of this state. A councilor may waive a salary.

(2) **Executive officer.** The salary of the executive officer is the salary of a district court judge of this state.

(3) **Auditor.** The salary of the auditor is eighty percent of the salary of a district court judge of this state.

(4) **Reimbursements.** The council may authorize reimbursement of Metro elected and other officers for necessary meals, travel and other expenses incurred in serving Metro.

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

#### Section 23. Vacancies in Office.

(1) **Councilor.** The office of councilor becomes vacant upon the incumbent's: (a) death, (b) adjudicated incompetency, (c) recall from office, (d) failure following election or appointment to qualify for the office within 10 days after the time for his or her term of office to begin, (e) absence from all meetings of the council within a 60 day period without the council's consent, (f) ceasing to reside in the district from which elected or appointed, except when district boundaries are reapportioned and a councilor is assigned to a district where the councilor does not reside and the councilor becomes a resident of the reapportioned district within 60 days after the reapportionment is effective, (g) ceasing to be a qualified elector under state law, (h) conviction of a felony or conviction of a federal or state offense punishable by loss of liberty and pertaining to his or her office, (i) resignation from office, or (j) becoming an elected officer of the state or a city, county or special district.

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

(3) **Vacancy after reapportionment.** If a councilor vacancy occurs after the councilor has been assigned to a reapportioned district under section 32 of this charter, the vacancy is in the district to which that councilor was assigned.

(4) **Determination of vacancy.** The council is the final judge of the existence of a vacancy.

**Section 24. Filling Vacancies.** A majority of councilors holding office shall fill a vacancy by appointment within 90 days after it occurs. The term of office of the appointee runs from the time he or she qualifies for the office after appointment until a successor is duly elected and qualifies for the office. If the vacancy occurs more than 20 days before the first general election after the beginning of the term for that office, the term of office of the appointee runs only until the first council meeting in the year immediately after that election. A person shall be elected for the remainder of the term at the first prima-



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ry or general election after the beginning of the term.

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

### **Section 26. Appointive Offices and Commissions.**

(1) **Appointments and confirmation.** The executive officer appoints all employees in the office of the executive officer, all department directors, and all other positions this charter or ordinance requires the executive officer to appoint. Appointments of department directors are subject to council confirmation. The council by ordinance may require confirmation of other positions.

(2) **Removal.** Employees in the office of the executive officer and department directors serve at the pleasure of the executive officer. Staff employed by the council serve at the pleasure of the council. The executive officer may remove his or her other appointees as provided by ordinance.

### **Section 27. Metro Policy Advisory Committee.**

(1) **Creation and composition.** The Metro Policy Advisory Committee (MPAC) is created. The initial members of the MPAC are:

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

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

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

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

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

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

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

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

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

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

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

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

(m) Three persons appointed by the executive officer and confirmed by the council. No person appointed under this part of subsection (1) may be an elected officer of or employed by Metro, the state, or a city, county or special district. Each person appointed under this part of subsection (1) shall reside in the Metro area during the person's tenure on the MPAC.

(2) **Change of composition.** A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of the MPAC at any time.

(3) **Duties.** The MPAC shall perform the duties assigned to it by this charter and any other duties the council prescribes.

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

### **Section 28. Metro Office of Citizen Involvement.**

(1) **Creation and purpose.** The Metro office of citizen involvement is created to develop and maintain programs and procedures to aid communication between citizens and the council and executive officer.

(2) **Citizens' committee in office of citizen involvement.** The council shall establish by ordinance (a) a citizens' committee in the office of citizen involvement and (b) a citizen involvement process. The council shall appropriate sufficient funds to operate the office and committee.

## CHAPTER VI

### ELECTIONS AND REAPPORTIONMENT

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

### **Section 30. Elections of Metro Officers.**

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

(2) **Nonpartisan offices.** All elections of Metro officers are nonpartisan. Election ballots shall list the names of candidates for Metro offices without political party designations.

**Section 31. Multiple Candidacies.** No person may be a candidate at a single election for more than one Metro elected office.

### **Section 32. Reapportionment of Council Districts After Census.**

(1) **General requirements.** Within three months after an official census indicates that the boundaries of council districts deny equal protection of the law, the council shall change the boundaries to accord equal protection of the law and shall assign councilors to the reapportioned districts. As nearly as practicable, all council districts shall be of equal population and each shall be contiguous and geographically compact. The council may by ordinance specify additional criteria for districts that are consistent with this section.

(2) **Failure to reapportion.** If the council fails to establish council district boundaries as provided by this section, the executive officer shall establish the boundaries within 60 days.

### **Section 33. Recall.**

(1) **Generally.** An elected officer of Metro may be recalled in the manner and with the effect described by the constitution



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and laws of this state.

(2) **Effect of reapportionment.** Upon the effective date of a council reapportionment under section 32 of this charter, a councilor is subject to recall by the voters of the district to which the councilor is assigned and not by the voters of the district of that councilor existing before the reapportionment.

**Section 34. Initiative and Referendum.** The voters of Metro reserve to themselves the powers of initiative and referendum. The council may provide for the exercise of those powers in a manner consistent with law.

**Section 35. Amendment and Revision of Charter.** The council may refer, and voters of Metro may initiate, amendments to this charter. A proposed charter amendment may embrace only one subject and matters properly connected with it. The council shall provide by ordinance for a procedure to revise this charter.

## CHAPTER VII ORDINANCES

**Section 36. Ordaining Clause.** The ordaining clause of an ordinance adopted by the council is: "The Metro Council ordains as follows:". The ordaining clause of an initiated or referred ordinance is: "The People of Metro ordain as follows:".

### Section 37. Adoption by Council.

(1) **General requirements.** The council shall adopt all legislation of Metro by ordinance. Except as this charter otherwise provides, the council may not adopt any ordinance at a meeting unless: (a) the ordinance is introduced at a previous meeting of the council, (b) the title of the ordinance is included in a written agenda of the meeting at which the ordinance is adopted, (c) the agenda of that meeting is publicized not less than three business days nor more than ten days before the meeting, and (d) copies of the ordinance are available for public inspection at least three business days before that meeting. The text of an ordinance may be amended, but not substantially revised, at the meeting at which it is adopted.

(2) **Immediate adoption.** The provisions of this section do not apply to an ordinance adopted by unanimous consent of the council and containing findings on the need for immediate adoption.

(3) **Vote required.** Adoption of an ordinance requires the affirmative votes of (a) seven councilors while the council consists of 13 positions, and (b) four councilors after the council consists of seven positions as provided by section 16(2) of this charter.

**Section 38. Endorsement.** The person presiding over the council when an ordinance is adopted shall endorse the ordinance unless the council prescribes a different procedure by general ordinance.

### Section 39. Effective Date of Ordinances.

(1) **Generally.** An ordinance takes effect 90 days after its adoption unless the ordinance states a different effective date. An ordinance may state an earlier effective date if (a) an earlier date is necessary for the health, safety or welfare of the Metro area, (b) the reasons why this is so are stated in an emergency clause of the ordinance, and (c) the ordinance is approved by the affirmative vote of two-thirds of all councilors. An ordinance imposing or changing a tax or charge, changing the boundaries of Metro, or assuming a function may not contain an emergency clause.

(2) **Vetoed and referred ordinances.** If the executive officer vetoes an ordinance and the council overrides the veto, the date of adoption is the date on which the veto is overridden. If the council refers an ordinance to the voters of Metro, the ordinance effective date is the 30th day after its approval by a majority of the voters voting on the measure unless the ordinance specifies a later date. If a referendum petition is filed with the filing officer not later than the 90th day after adoption of an ordinance, the ordinance effective date is suspended. An ordinance is not subject to the referendum after it is effective. An ordinance referred by a referendum petition (a) does not take effect if a

majority of the voters voting on the measure reject it and (b) takes effect, unless the ordinance specifies a later date, on the date the results of the election are certified if a majority of the voters voting on the measure approve it.

**Section 40. Content of Ordinances.** Each ordinance may embrace only one subject and all matters properly connected with it. The council shall plainly word each ordinance and avoid technical terms as far as practicable.

**Section 41. Public Improvements and Special Assessments.** General ordinances govern the procedures for making, altering, vacating or abandoning a public improvement and for fixing, levying and collecting special assessments against real property for public improvements or services. State law governs these procedures to the extent not governed by general ordinances.

## CHAPTER VIII MISCELLANEOUS PROVISIONS

**Section 42. Transition Provisions.** All legislation, orders, rules and regulations of the Metropolitan Service District in force when this charter takes effect remain in force after that time to the extent consistent with this charter and until amended or repealed by the council. All rights, claims, causes of action, duties, contracts, and legal and administrative proceedings of the Metropolitan Service District that exist when this charter takes effect continue and are unimpaired by the charter. Each is in the charge of the officer or agency designated by this charter or by its authority to have charge of it. The unexpired terms of elected officers of the Metropolitan Service District continue as provided by this charter. Upon the effective date of this charter, the assets and liabilities of the Metropolitan Service District are the assets and liabilities of Metro.

**Section 43. Effective Date.** This charter takes effect January 1, 1993.

**Section 44. Severability.** The terms of this charter are severable. If a part of this charter is held invalid, that invalidity does not affect any other part of this charter unless required by the logical relation between the parts.

**Section 45. State Legislation.** By adopting this charter the voters of Metro direct the council to seek, and request the Legislative Assembly of the state to enact, any legislation needed to make all parts of this charter operative.



# Measure No. 26-3

METROPOLITAN  
SERVICE DISTRICT

## EXPLANATORY STATEMENT

This ballot measure is a home rule charter for the Portland area metropolitan service district (MSD) named "Metro." If approved, it will be effective January 1, 1993.

The State Constitution gives Metro jurisdiction over matters of metropolitan concern. The charter assigns Metro certain functions within that authority and sets forth the way Metro can assume additional functions.

The charter says the primary function of Metro is regional planning. Metro must adopt a Future Vision with citizen commission help and then a regional framework plan (RFP). The Future Vision indicates population levels and settlement patterns the region can handle within its natural and other resources over at least 50 years. The RFP addresses regional transportation/mass transit, urban growth boundary management, housing densities, urban design, parks, water, interstate coordination, state-mandated responsibilities, and others Metro may add. To the extent the law allows, Metro must require city and county comprehensive plans and land use decisions to be consistent with the RFP.

The charter also assigns Metro other functions: a metropolitan zoo; public convention, sports, entertainment, and spectator facilities; disposing of solid and liquid wastes; greenspaces; natural disaster planning; data services; and state-mandated functions. To assume other functions, Metro by ordinance must find the function is of metropolitan concern and state why Metro should perform it. If a new function provides or regulates a service provided by any local government, the ordinance must also be approved by Metro voters or a committee of fifteen local government officials and three public members.

Metro may levy taxes and incur debt, subject to state law and the charter. General obligation bonds and, with certain exceptions, broadly-based generally applied taxes require voter approval. Metro must form and seek the advice of a tax study committee before levying a tax not requiring voter approval. Metro may also impose user and other fees/charges.

Subject to certain exceptions, the charter limits Metro spending from taxes levied without voter approval to \$12,500,000 in the first fiscal year of the charter. That limitation is subject to annual adjustment based on the consumer price index.

The Metro structure is a council elected by districts, and a full-time executive officer and full-time auditor elected at large, for nonpartisan terms of four years. The executive officer is limited to two consecutive terms and councilors to three. There is no term limit for the auditor. Until 1995 the thirteen MSD councilors are the Metro council and the MSD executive officer holds that Metro office. The council has seven members starting in 1995, with new districts apportioned for 1994 election by a commission or, if necessary, a referee. The charter sets the salary for the executive officer at \$69,700; the auditor, \$55,760; the council presiding officer, \$46,466.67; and the councilors, \$23,233.33. Salary levels will change with changes in salary of District Court judges.

Other charter provisions address matters like officer qualifications, elections, vacancies, appointments, charter amendment, and initiative, referendum, and recall.

*(This explanatory statement was prepared by the General Counsel of the Metropolitan Service District.)*

## ARGUMENT IN FAVOR

### Argument of Local Government Representatives In Support Of Metro Home Rule Charter

Vote "Yes" on 26-3 for An Open And Accountable Regional Government (Metro).

#### Accountable Government

Requires Metro to cooperate and communicate with citizens and local governments on regional issues by establishing a citizen involvement committee, a local government committee, and a tax review committee.

#### Quality of Life

Requires Metro to be a leader in protecting our region's quality of life as this region grows.

#### Trust

Enables voters to directly control taxing and spending by their regional government.

#### Efficient & Effective Government Services

Creates a way for providing governmental services at the most appropriate level, regional or local, given the type of the service and the costs and efficiency.

Bonnie L. Hays, Chair, Washington County  
Board of Commissioners and Unified Sewerage Agency  
Larry Cole, Mayor of Beaverton  
Shirley Huffman, Mayor of Hillsboro  
Steve Stolze, Mayor of Tualatin  
Robert Mitchell, President of Board for  
Tualatin Valley Water District

J.E. (Bud) Clark, Mayor of Portland  
Fred Carlson, Mayor of Fairview  
Gussie McRobert, Mayor of Gresham  
Paul Johnson, Mayor of Maywood Park  
Sam K. Cox, Mayor of Troutdale  
Derald Ulmer, Mayor of Wood Village

Judie Hammerstad, Chair, Clackamas County  
Board of Commissioners  
Wade Byers, Mayor of Gladstone  
Alice Schlenker, Mayor of Lake Oswego  
Craig Lomnicki, Mayor of Milwaukie  
Robert Liddell, Mayor of West Linn

*(This information furnished by Frank Josselson, Committee For Good Regional Government.)*

*(This space purchased for \$300 in accordance with ORS 251.255.)*

*The printing of this argument does not constitute an endorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.*



**Measure No. 26-3**METROPOLITAN  
SERVICE DISTRICT**ARGUMENT IN FAVOR****Argument in Support of Metro Home Rule Charter**

Vote "Yes" on 26-3 for a Metro Home Rule Charter which creates the reforms in government demanded by voters in the 1990's.

- Local Control:** Provides local control of Metro by shifting power from state legislature to local voters.
- Clear Responsibilities:** Assigns protection of our quality of life (keeping us from becoming like Los Angeles) as Metro's number one job—and sets deadlines for Metro to meet in carrying out this responsibility.
- Open Government:** Creates permanent Citizens Involvement Committee to advise Metro.
- Fiscal Accountability:** Creates elected independent auditor to be a watchdog to ensure tax dollars are spent efficiently.
- Cooperative Government:** Requires Metro to communicate and work with local governments to ensure efficiency and avoid duplication.
- Checks on Government Growth:** Allows Metro to grow when VOTERS decide they want new services or local governments transfer services to Metro; strict limits placed on Metro's ability to grow through other means.
- Voters Hands on the Pocketbook:** Voter approval required before Metro can levy any property, sales or income tax.
- Government Spending Lid:** Establishes spending cap for first time in Metro's history, which can be raised only through voter approval.
- No Hidden Taxes:** Requires that any fees charged for government services only be used to cover the actual costs of delivering those services.
- Another First for Oregon:** Metro will be Country's only directly elected, home-rule regional government.

The following citizen members of the Metropolitan Service District Charter Committee endorse and request your vote in favor of Ballot Measure 26-3:

Hardy Myers	Jon Egge
Judy Carnahan	Charlie Hales
Mimi Urbigkeit Chitty	Senator Bob Shoemaker
Larry Derr	Frank Josselson
Tom Brian	Ned Look
Vern D. Shahan	

(This information furnished by Jon Egge, Committee For Good Regional Government.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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**ARGUMENT IN FAVOR****Argument in Support of Metro Home Rule Charter by Chambers of Commerce**

Vote "Yes" for 26-3 for **LOCAL VOTER CONTROL**

- Gives local voters control over METRO
- Takes control of METRO away from state legislature

Vote "Yes" for 26-3 for **LOCAL VOTER CONTROL**

- Sets firm spending limit on Metro
- Requires local voter approval to exceed spending limit
- Requires fees collected from the zoo, garbage and other METRO services to be spent only on those services
- Local voters will know where their dollars are spent

Vote "Yes" for 26-3 for **LOCAL VOTER CONTROL**

- Strengthens cooperation between METRO and our local governments
- Gives local voters power to consolidate local government services

Vote "Yes" for 26-3 for **LOCAL VOTER CONTROL**

- Provides METRO with leadership responsibility for regional planning
- Gives tools to preserve our precious quality of life

The following Chambers of Commerce endorse this statement and request your vote in favor of Ballot Measure 26-3:

Portland Metropolitan Chamber of Commerce  
Public Affairs Council, Gresham Chamber of Commerce  
Tualatin Valley Economic Development Corporation  
The Greater Hillsboro Area Chamber of Commerce

(This information furnished by Michael R. McKeever, McKeever/Morris PAC.)

(This space purchased for \$300 in accordance with ORS 251.255.)

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### ARGUMENT IN OPPOSITION

With the passage of Ballot Measure 5 in 1990, Oregonians challenged our state and local governments to be more accountable and responsive in spending the people's money. At the same election, the voters approved home rule authority for Metro. The message was clear, **there are regional tasks for Metro to perform but these tasks must be completed as effectively and efficiently as possible. The proposed charter fails to meet this crucial test.**

As members of the committee that drafted the charter, we saw our task as writing a charter that would respond to the region's needs and equally represent the views of all of the region's citizens. **The proposed charter fails to meet this crucial test.**

More specifically, as members of the charter committee we voted no on the proposed charter because:

**-Enactment of the charter would force Metro to immediately raise taxes.** Metro will be mandated to fully fund an extensive and expensive urban growth planning process that may be more restrictive than current state law.

**-In 1995, the size of the Metro Council will be reduced from 13 to 7. Council districts will be twice as large.** This will reduce the opportunity for many citizens, including minorities, to be effectively represented. **And, Metro will be more easily influenced by special interests.**

**-Metro is the only regional government in the nation that is directly elected.** But, the proposed charter would create an 18-member committee made up mostly of local politicians. This could result in a CRAG-type regional government that the people of the region abolished in 1978. We do not believe they want it to return.

The proposed charter is not the document that will stand the test of time and changing regional needs. It requires actions that may be obsolete in a few short years. **It does not reflect the desires of the voters who authorized the creation of Metro. It is not in the spirit of what the voters mandated in passing Ballot Measure 5.**

We urge you to **vote no** on Measure 26-3.

*(This information furnished by Ray Phelps, Charter Committee Member; Matt Hennessee, Charter Committee Member; Wes Myllenbeck, Charter Committee Member.)*

*(This space purchased for \$300 in accordance with ORS 251.255.)*

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### ARGUMENT IN OPPOSITION

The proposed Metro Charter is flawed. It reduces the size of the Metro Council from 13 citizen volunteers to 7 paid Councilors. Under the proposed Charter, each Councilor will cost the public at least \$30,820 (salary and fringe benefits) and the Presiding Officer will similarly cost at least \$64,640 for part-time work. Salaries and fringe benefits paid to the Council in 1993 will total approximately \$431,480. This is a 336 percent increase over the total per diem available for reimbursement to the 13 citizen Councilors in 1993.

The reduced size of the Council will almost double the size of a Council district to approximately 150,000 persons. This will make it more difficult for Councilors to represent the interests of local citizens. It will greatly increase the cost of running for an election, thus making Council candidates more dependent on accepting money from political action committees and other special interests.

The strength of Metro and the Council lies in its relationship with citizens in this regional community. This Charter is a step away from securing that relationship. It is a step toward creating more full-time politicians who will serve special interests.

In a region of more than 1,000,000 citizens, Metro needs to retain its 13 member volunteer citizen Council. The Charter is flawed. **We urge you to VOTE NO on Measure 26-3 for the citizens' sake.**

*(This information furnished by Corky Kirkpatrick, Former Councilor, Clackamas County; Ernie Bonner, Former Councilor, Southeast Portland; Wes Myllenbeck, Candidate District 13.)*

*(This space purchased for \$300 in accordance with ORS 251.255.)*

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