

REGIONAL GOVERNANCE COMMITTEE OUTLINE FOR A HOME RULE CHARTER FOR A METROPOLITAN SERVICE DISTRICT

The following outline is a summary compilation of the current thinking of the Regional Governance Committee regarding appropriate governance structure, functions and financing for a regional government. This entire document is still being analyzed by RGC; in some sections a commentary has been added to indicate issues needing further study. RGC intends this document to be a tool to help describe and focus its thinking. It is not intended to represent a final position statement of the organization on the charter.

I. PURPOSE OF REGIONAL GOVERNMENT

- A. Study, coordinate and plan for matters of metropolitan concern
- B. Deliver services in certain cases for matters of metropolitan concern
- C. Initial functions to include metropolitan aspects of planning for growth management and existing service delivery functions of Metropolitan Service District
- D. New planning, coordination and service delivery functions may be added using criteria and decision-making process specified in Charter
- E. Shall not be involved in local aspects of any function

II. INITIAL FUNCTIONS OF REGIONAL GOVERNMENT

A. Planning and Coordination

1. Powers

a. Regional government may utilize planning and coordination powers as necessary to provide for effective execution of those aspects of growth management which are matters of metropolitan concern

b. Planning tools and activities which may be used include, but are not limited to:

- i. regional long-range vision;
- ii. regional goals and objectives;
- iii. regional performance standards;
- iv. regional functional plans; and
- v. coordination of local plans.

2. Relationship of regional planning documents to powers of local governments

Regional government may require local government planning documents to be consistent with regional planning documents when:

- a. Regional government has adopted goals and objectives, performance

standards and a plan for a specific topic area; and

b. These regional planning documents have been acknowledged by the State of Oregon as being consistent with statewide planning goals; and

c. Amending a local government planning document to bring it into compliance with the regional planning document would be consistent with state planning goals; and

d. Local governments have been given ____ period of time after adoption of the regional planning documents to amend their planning documents for consistency. Existing local plans shall remain in effect until they are updated for regional consistency.

3. Status of pre-existing regional planning documents

All existing regional planning documents shall remain in effect at the time of Charter passage. These documents must be reviewed and updated as appropriate within five years. These documents include at least the following:

a. Urban growth boundary

b. Solid waste functional plan

c. Regional transportation plan

d. Regional urban growth goals and objectives

e. Existing agreements regarding open space planning

*housing
water*

[Note: It is probably possible to draft language which addresses all of these existing documents without listing them.]

B. Service Delivery

1. Powers

a. All existing service delivery functions shall continue. They must be reviewed and updated as appropriate within five years. These services include:

i. Solid waste collection

ii. Solid waste recycling information and education

iii. Existing regional facilities (e.g. zoo, Convention Center)

[Note: It is probably possible to draft language which addresses all of these existing functions without listing them.]

III. ADDITIONAL FUNCTIONS OF REGIONAL GOVERNMENT

A. Creation of Advisory Bodies

1. Regional Policy Advisory Committee (RPAC) shall be established

[Note: It may be possible and advisable to reduce the detail provided below if this can be done while ensuring sufficiently certain checks and balances over time. The detail is included at this time to make it clear the kind of RPAC which RGC recommends.]

a. Initial voting membership as follows

- i. 1 each from the Counties
- ii. 2 from City of Portland
- iii. 1 each from largest city (excluding Portland) in each County
- iv. 1 each from other cities in each County
- v. ³2 from special districts
- vi. 1 from State of Oregon
- vii. 1 from Tri-met (so long as it is not operated by METRO)
- viii. 1 private citizen from each County

b. All members except private citizens and the representatives from Tri-Met and the State of Oregon to be elected officials.

c. Appointment of voting members: All representatives except citizens appointed by groups they are representing. Private citizens appointed by METRO Council.

d. Non-voting membership. The METRO Council shall appoint two non-voting members to serve as liaisons to RPAC

e. Three-year staggered terms for members

f. RPAC composition reviewed every five years and changed through two-thirds vote of all members of RPAC and METRO Council

g. Staff to be provided by the regional government

2. Joint Policy Advisory Committee for Transportation *[NOTE: Details on whether to provide a similar level of detail for J-PACT as for RPAC need to be examined. J-PACT composition also to be reviewed and amended as needed every five years]*

3. METRO Council may appoint any other advisory bodies which it determines are appropriate or which federal or state law requires

B. Decision-Making Process to Add A New Function to the Regional Government

The following process shall be followed before the regional government may perform a new function not expressly authorized in the Charter.

1. Determination of "matter of metropolitan concern"

a. Findings of fact must be developed addressing each of the following criteria:

Performance by the regional government:

- i. Is required in order to conduct the function at all;
- ii. Can be documented to be the most effective way to execute a function;
- iii. Can be documented to result in reductions in the costs of performing a function;
- iv. Is needed to equitably distribute the costs and/or benefits of a function;
- v. Can be provided while being responsive to the diversity of the region's population.
- vi. Can be provided while maintaining or enhancing the accessibility and accountability of government.

[NOTE: These concepts are preliminary and are in the process of further refinement. Exact wording for the criteria and the logic of applying the criteria are being further analyzed.]

b. The roles of regional, local and any other affected governments must be described

c. How the function will be funded must be described

d. How the function will be managed must be described

2. Decision-making process

a. For planning or coordination functions, either:

- i. At least two-thirds of RPAC members and a majority of all METRO Council members vote to add a new function based on the information developed in Section III.B.1; or
- ii. Less than two-thirds of all RPAC members and at least two-thirds of all METRO Council members vote to add a new function based on the information developed in Section III.B.1 .

b. For service delivery functions, either:

- i. At least two-thirds of all RPAC members and two-thirds of all METRO Council members vote to add a new function based on the information developed in Section III.B.1 ; or

- ii. The electors of the district vote affirmatively.

IV. OVERSIGHT FOR EXECUTION OF REGIONAL GOVERNMENT FUNCTIONS

A. Planning and coordination functions

1. RPAC shall advise METRO Council
2. METRO Council may adopt, amend or reject RPAC recommendations

B. Service delivery functions

1. Oversight and management to be determined on a case-by-case basis consistent with provisions of Section III.

C. Amendments

[Note: A process for making amendments has not yet been developed.]

V. ORGANIZATION

A. Legislative Body (METRO Council).

1. The following alternatives for organizing and compensating members of the legislative body are suggested for consideration at this time.

- a. Seven full-time paid members by district, select own chair; or
- b. Seven part-time paid members by district, select own chair; or
- c. Six to eight volunteer members (*per diem* reimbursement only) by district, 1 full-time Chair elected at large; or
- d. Seven to nine volunteer members (*per diem* reimbursement only) by district, select own chair

2. Non-partisan positions

3. Four-year, staggered terms

4. Provisions for succession (filling vacancies)

5. Must be resident of the district for one year prior to election

6. Re-district every 10 years

7. Provisions for recall

B. Staff

1. Council shall hire a professional manager for the government and oversee manager's work

2. Other staff to be hired by manager as needed to perform authorized functions

VI. FINANCE

A. Funding Sources

1. Excise tax on functions of regional government

- a. Initially rate set at ____ %
- b. Total revenues may not grow by more than 6% annually
- c. Rate may not exceed 6% without approval of electors
- d. May be used to fund planning and coordination functions and limited overhead expenses

[NOTE: RGC is exploring the merits of sunseting the excise tax in 5 years in hopes that a more suitable, permanent funding source could be identified by then. RGC is analyzing whether such a sunset clause would be consistent with how local governments operate and whether it would be appropriate to replace some or all of the revenues from the excise tax with increases in the per capita tax on local governments.]

2. Property tax

- a. May not expand beyond currently authorized taxes for use as operating expenses
- b. May be used for general obligation bonds upon approval of the voters

3. Other funding capabilities to be the same as local governments (e.g. sales, income, revenue and general obligation bonds). New taxes must be approved by vote of the electors.

4. Tax on local governments according to current provisions in present state statute

5. User fees may be allowed for services regional the government performs

6. May receive grants, accept contributions and enter into contracts to perform functions of metropolitan concern as allowed by Charter

B. Use of Funds

1. Planning and coordination to be funded through some combination of:

- a. Excise tax on functions of the regional government
- b. Local government tax
- c. Other taxes approved by voters
- d. User fees for planning and coordination of a regionally provided service (i.e. solid waste user fees may be used only for solid waste planning)

2. Service delivery to be funded through some combination of:

- a. User fees
- b. Taxes approved by the electors

3. General overhead and support services to be funded through:

- a. Cost allocations reasonably proportionate to functions of the regional government
- b. Excise tax on functions of regional government

C. Oversight mechanisms

1. Citizen budget committee to be required

2. RPAC to have oversight function according to provisions of Section III for certain financial issues

- a. Rate plans for all user fees which must be collected by local governments (e.g. solid waste)
- b. Cost plan to allocate overhead costs

3. Independent financial audits to be required annually and performance audits to be required on a regular basis

VII. OTHER ISSUES

A. Police powers (i.e. power to enforce ordinances)

B. Power to contract

C. Power to sue or be sued

D. All existing plans, agreements, contracts, franchises, programs, etc. are carried forward to newly constituted regional government

E. Power to enter into intergovernmental agreements

F. Power to acquire real and personal property

G. Initiative and referendum

H. Boundaries of regional government to be same as currently

I. Name of government same as currently