

MASTER -
FINAL REVISIONS
ADOPTED VERSION

proposed by: Larry Derr and Frank Josselson

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} ~~to~~ our local governments; that will undertake, 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 ~~will~~ provide 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 Metropolitan Service District continues under this charter as a ~~metropolitan service district~~ ~~municipal corporation~~ with the name "Metro."

Section 3. Boundaries. The area of governance of Metro includes all territory within the boundaries of the Metropolitan Service District of the Portland metropolitan region on the effective date of this charter and any territory later annexed or subjected to its governance under state law. This charter refers to this area as the "Metro area". Changes to the boundaries of Metro ~~shall~~ are not be effective unless approved by ordinance. No change to the boundaries of Metro ~~shall~~ requires ~~the~~ approval ~~of~~ by a local government boundary commission or any other state agency unless ~~otherwise provided~~ ~~required~~ by law. The custodian of the records of Metro ^{shall} keep an accurate description of the boundaries of Metro ~~which shall be~~ 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. ~~Matters of metropolitan concern also include~~ and those matters the council by ordinance determines to be of metropolitan concern by ~~ordinance of the council.~~ The council shall specify by ordinance the extent to which Metro exercises jurisdiction over matters of metropolitan concern. ~~The ordinances required by this section are subject to the particular adoption procedures specified in this charter.~~

Section 5. Regional Planning Functions.

(1) [The] Future Vision. (a) Adoption. The council shall adopt a Future Vision for the region ~~by May 1, 1994 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 ~~and adjacent areas~~ 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 ~~shall include,~~ but are not limited to: (i) the use, restoration and preservation of regional land and natural resources for the benefit of present and future generations; (ii) how and where to accommodate the population growth for the region while maintaining a desired quality of life for its residents; and (iii) 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 ~~set by the council sets.~~ The commission shall be broadly representative of both public and private sectors, including the academic ~~sector~~ community, in the region. At least one or more ~~members shall~~ must reside outside of the Metro area. The commission ~~shall have~~ has authority to seek any necessary information and shall consider all relevant information and public comment in developing the proposed Future Vision. The commission ~~shall~~ serves without compensation.

(d) Review and amendment. The Future Vision may be reviewed and amended ~~in the manner as~~ 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 ~~not~~ have any no effect which would allow ~~it to be reviewed~~ by a court or agency to review it.

(2) Regional Framework Plan. (a) Adoption. The council shall adopt a regional framework plan by ~~July 1, 1996~~ ~~December 31, 1997~~ with the consultation and advice of the Metro Policy Advisory Committee (MPAC) created under section 28 of this charter. The council may adopt the regional framework plan ~~may be adopted~~ in components.

(b) Matters addressed. The regional framework plan shall address: (i) regional transportation and mass transit systems; (ii) management and amendment of the urban growth boundary; (iii) protection of lands outside the urban growth boundary for natural resource, future urban or other uses; (iv) housing densities; (v) urban design and settlement patterns; (vi) parks, open spaces and recreational facilities; (vii) water sources and storage; (viii) coordination, to the extent feasible, of growth management and ~~land use~~ planning policies of Metro with those of Clark County, Washington; and (ix) 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 ~~Metro Planning Advisory Committee~~, ^{MPAC} determines are of metropolitan concern and will benefit from regional planning. ~~In order 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 section 5 "local" refers only to the cities and counties within the jurisdiction of Metro in Metro's jurisdiction.

(c) Effect. The regional framework plan shall: (i) describe its relationship to the Future Vision; (ii) comply with applicable statewide planning goals; (iii) be subject to compliance acknowledgement by the Land Conservation and Development Commission or its successor; and (iv) be the basis for coordination of local comprehensive plans and implementing regulations. ~~of cities and counties within the jurisdiction of Metro. provide the basis for coordination of comprehensive plans and implementing regulations of cities and counties within the jurisdiction of Metro. The regional framework plan must shall be consistent with state standards applicable to local land use comprehensive plans and shall describe its relationship to the Future Vision. To encourage and promote 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. Compliance with state law shall occur as determined by the state reviewing agency or by law.~~

~~The council shall adopt the regional framework plan by May 1, 1994 with the consultation and advice of the Metro Policy Advisory Committee.~~

(d) Amendment. ^{The council may amend} The regional framework plan ^{may be} amended by the council. ^{after seeking the consultation and advice of the MPAC.}

(e) Implementation. To the maximum extent allowed by law, the council shall adopt ordinances: (i) requiring local comprehensive plans and implementing regulations of cities and counties within Metro's the jurisdiction of Metro to comply with the regional framework plan within three years of after adoption of the entire regional framework plan. If the regional framework plan is subject to state review, consistency compliance acknowledgement, local plans and implementing regulations will shall be required to comply with the regional framework plan within two years of compliance acknowledgement state approval of the regional framework plan; (ii) requiring the council to adjudicate and determine the consistency of local comprehensive plans with the regional framework plan; (iii) 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 of the regional framework plan and the obtaining of any necessary state approval compliance acknowledgement of the regional framework plan; and (iv) allowing the council to require changes in local land use standards and procedures if determined by the council determines changes are to be necessary to remedy a pattern or practice of decision-making that is 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 ~~of the region~~; and (d) a system of parks, open spaces and recreational facilities of metropolitan concern;

(2) Disposal of solid and liquid wastes ~~of the region~~;

(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 or Termination of Additional Functions.

(1) Assumption ordinance. ^{shall approve} ~~The council by ordinance shall~~ ^{may} ~~authorize~~ ^{authorize} ~~Before undertaking~~ ^{of any} ~~any additional~~ functions beyond these not authorized ~~under~~ by sections 5 and 6 of this charter; ~~the council shall authorize the function by ordinance.~~ The

the undertaking by Metro

which are matters of metropolitan concern

ordinance shall contain a findings that the function is of metropolitan concern and ~~shall set forth~~ the reasons why it is appropriate for Metro to ~~take on~~ undertake it the function.

(2) Assumption of Local Government Service ~~Function~~. (a) An ordinance authorizing provision or regulation by Metro of a local government service ~~shall~~ is not be effective unless the ordinance is approved by the voters of Metro or a majority of the members of the ~~Metro Policy Advisory Committee~~ MPAC ~~holding that office~~. This approval may occur either ~~through~~ by adoption of a referred measure authorizing the function or by approval of a measure relating to finances which authorizes financing or identifies funds to be used for the exercise of the function. ~~As used in subsections (2) and (4) of this section~~ As used in subsections (2) and (4) of this section "Local government services" ~~are those which are~~ is a service provided to constituents by one or more ~~local governments~~ cities, counties or special service 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 ~~Metro Policy Advisory Committee~~ MPAC for approval ~~will be~~ is deemed approved unless ~~the ordinance is~~ disapproved within 60 days after its submission.

(c) No approval under this subsection ~~shall be~~ 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)

(3) Assumption of Functions and Operations of Mass Transit District. Notwithstanding subsection (2), 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.

(4) Assumption of Boundary Commission Functions. The council shall undertake and complete a study of the Portland Metropolitan Area Local Government Boundary Commission, with ~~the~~ Metro Policy Advisory Committee MPAC 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.

(5) Assumption of Other Functions. ^{Service} The council may assume by ordinance any other function ^{not specifically enumerated by this charter} relating to a matter of metropolitan concern, ^{which relates} and which function assumption is not specifically regulated by this charter. The council shall seek the advice of the ~~Metro Policy Advisory Committee~~ MPAC before adopting an ordinance authorizing provision or regulation by

Metro of a service which is not a local government service as defined in subsection (2) of this section.

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

Section 9. Effect of Metro Regulations. Regulations of Metro have full force and effect throughout its area of governance. A regulation of Metro shall be construed, to the extent feasible, in a manner consistent with regulations of a city, county or district in the same subject area. No regulation of Metro affects the structure of a city, county or district unless that effect is required by state or federal law. A regulation of Metro addressed primarily to substantive social, economic or regulatory objectives of Metro prevails over an inconsistent regulation of a city, county or district if it clearly intends to do so and if the area of regulation pertains to a matter of metropolitan concern and an authorized function of Metro.

*—RENUMBER sections—after this point
<check all cross-references.>*

Section 10. General Grant of Powers to Carry Out Functions; Construction of Specified Powers. When carrying out the functions [allowed] ^{authorized} or assumed under this charter: (1) Metro has all powers that the laws of the United States and the State

~~of Oregon~~ this state now or in the future could allow Metro, and 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 11. General Authority. Except as prohibited by law or restricted by this charter, Metro may impose, levy and collect taxes and is authorized to issue revenue bonds, general ^{and} or special obligation bonds, certificates of participation and other obligations. The authority provided under this section supplements any authority otherwise granted by law.

Section 12. 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 the approval of the voters of Metro before taking effect. This approval is not required to continue property taxes imposed by the Metropolitan Service District; 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

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 10, ¹² 12, ¹⁴ 14 and ¹⁵ 15 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 13. 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 14. 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, ~~and special districts~~ ^{and school districts} within the Metro area.

Section 15. Limitations on Expenditures of Certain Tax Revenues.

(1) Generally. ~~Except as provided in this section, all taxes imposed and received by Metro, after providing for the costs of administration and any refunds or credits authorized by law, shall be placed into a single fund.~~ Except as provided in

this section, for the first fiscal year after this charter takes effect, Metro may make no 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 (i) taxes approved by the voters of Metro or the Metropolitan Service District, ^{and interest and other earnings on those taxes} (ii) payroll taxes specified in section ¹² 10 of this charter, and (iii) tax increment financing charges on property, and (iv) taxes imposed by Metro pursuant to an intergovernmental agreement ^{and to the extent} and ~~when~~ the proceeds are paid to another government for its exclusive use. ^{rejected amendment}

Section 16. Limitations on Amount of User Charges.

~~(1) Except as provided in this section,~~ charges for the provision of goods or services 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 17. Metro Council.

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

(2) Composition. (a) 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) First reapportionment of council under charter. (a) There is hereby created a Metro ~~reapportionment~~ ^{Commissioners} commission composed of seven ~~members~~. To appoint the commission the council shall divide itself into five pairs and one group of three councilors ~~designated by district number~~. Each pair or group of councilors shall ~~appoint one commission member~~ ^{be from contiguous} ~~districts~~. The presiding officer shall appoint one ~~member~~ ^{Commissioner} and shall appoint a chair of the commission from ~~its members~~ ^{the Commissioners}. At least two commission ~~members~~ ^{ex} must be appointed from each of the three counties within the Metro area, and each commission ~~member~~ ^{or} appointed by a pair or group of councilors must reside in one of

and shall app and shall appoint one Commissioner

Proposed amendment
Section 16

Hardy Myers

from a concessionaire

to which the concession directly relates

Section 16. Limitations on Amount of User Charges.

~~(1) Except as provided in this section,~~ Except to the extent receipts in excess of costs are dedicated to reducing charges for the provision of directly related goods or services, charges for the provision of goods or services may not exceed the costs of providing the goods 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.

Except for food, ~~beverage~~ ^{other} parking and other concessions

food and beverage sales, parking and other concessions

the districts from which the councilors making the appointment are elected or appointed. ~~The council shall make all~~

~~appointments to the commission by February 1, 1993.~~ ^{shall be made} If the council fails to appoint a commission by February 1, 1993 the executive officer will make the appointments by February 15, 1993.

^{are not made} (b) If ~~the council fails to make all appointments to the~~ commission ^{Feb 1, 1993,} by ~~that date,~~ the executive officer shall appoint all commission ^{ers} members, and designate its chair by March 1, 1993. At least two commission ^{ers} members must be appointed from each of the three counties within the Metro area, and not more than one ^{Commissioner} member may be appointed from a single council district.

(c) No ~~member of the reapportionment~~ ^{er} commission or the spouse or children of that ~~member~~ ^{Commissioner} or of the ~~member's spouse~~ ^{Commissioner of that Commissioner} shall

(i) be a Metro councilor, executive officer or employee ~~during the time of that person's membership on the commission;~~ (ii) be an elected officer or employee of any city, county or special service district; (iii) 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 ~~at the time of the appointment;~~ or (iv) be engaged, directly or indirectly, in any business with Metro which is inconsistent with the conscientious performance of duties as a commission ^{er} member. No ~~member of the reapportionment committee~~ ^{Commissioner} shall ~~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 commission ^{or} member shall be made by May 1, 1993.

(d) A vacancy on the commission is filled by action of the authority that appointed the ^{commissioner} member whose position is vacant.

(e) Not later than July 1, 1993, the commission shall adopt and file with the council a ~~reapportionment~~ ^{reapportionment} plan dividing the Metro area into seven council districts ^{considered from those districts} which shall first ^{shall first be} elect ^{ed} candidates in the first statewide primary and general elections after adoption of this charter for a term of office beginning January 2, 1995. ^{commissioners} The affirmative vote of four ~~members~~ ^{commissioners} of the commission is required to adopt the ~~reapportionment~~ ^{reapportionment} plan. ~~The filed plan becomes effective on the 30th day after filing unless a voter of Metro petitions for judicial review of the plan as provided by law.~~

(f) If the commission fails to file a ~~reapportionment~~ ^{reapportionment} plan by July 1, 1993, the council shall appoint a ~~reapportionment~~ ^{reapportionment} 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 a ~~reapportionment~~ ^{reapportionment} plan within sixty days of his or her appointment. ~~The reapportionment plan becomes effective on the 30th day after filing unless a voter of Metro petitions for judicial review of the plan as provided by law. The provisions of subsection (3)(c) of this section apply to the appointment of the referee.~~

(g) A ~~reapportionment~~ plan filed under this section becomes effective on the 30th day after filing unless a voter of Metro petitions for judicial review of the plan as provided by law.

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

(i) The council shall appropriate sufficient funds to enable the ~~reapportionment~~ commission and ~~reapportionment~~ office ~~referee~~ to perform their duties under this section.

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

(k) 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.

Initial
A
(4) Terms of office. The ~~terms of office of~~ *the* four councilors receiving the highest number of votes among the seven councilors elected in 1994, ~~have terms of office ending~~ January 4, 1999. The ~~terms of office of the~~ other three councilors ~~have terms of office ending~~ January 6, 1997. Thereafter the term of office of a 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) Meetings of the council. 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 18. Metro Executive Officer.

(1) Creation. There shall be a Metro executive officer 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) ~~Powers and~~ Duties. The primary duty of the executive officer is to enforce Metro ordinances and ~~otherwise~~ to execute the policies 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

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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 budget of Metro to the council for approval; and (e) keep the council fully advised about the operations of Metro.

(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 shall be first 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 ~~working~~ business days after enactment: (i) any annual or supplemental Metro budget; (ii) any ordinance imposing, or providing an exception from, a tax; and (iii) any ordinance imposing a charge for provision of goods, services or property by Metro, franchise fees or any assessment. The [affirmative vote of ^{five} ~~five~~ two-thirds of all councilors] may override, a veto not later than 30 days after the veto. (b) A legislative act referred to the voters of Metro by the council is not subject to veto.

*attached
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amendment
adopted*

Proposed Amendment
Section 18 (c)(4)

Hardy Myers

(4) Veto. (a) Except as provided in this subsection the executive officer may veto the following legislative acts of the council within five working business days after enactment: (i) any annual or supplemental Metro budget; (ii) any ordinance imposing, or providing an exception from, a tax; and (iii) any ordinance imposing a charge for provision of goods, services or property by Metro, franchise fees or any assessment. The ~~affirmative vote of five councilors~~ council, not later than thirty days after a veto, may override a veto by the affirmative vote of ~~not later than 30 days after the veto~~ (i) nine councilors while the council consists of thirteen positions and (ii) five councilors after the council consists of seven positions as provided by section 17 (2) of this charter.

Section 19. Metro Auditor.

(1) Creation. There shall be a Metro auditor 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 shall be 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 ~~be a candidate for election 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 20. ~~Terms~~ 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 21. Qualifications of Elected Officers.

(1) Councilor. A councilor must be a qualified elector under the constitution of this state when his or her term of office begins and must have resided during the preceding twelve 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 ~~sixty~~ ⁶⁰ days after the *apportionment or* reapportionment is effective.

(2) Executive officer and auditor. The executive officer and auditor must each be a qualified elector under the constitution of this state when his or her term of office begins and must have resided during the preceding ~~twelve~~ 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 must 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 ~~service~~ district during his or her term of office. ~~As~~
used in this charter, ~~special service district does not include~~
~~school districts, or community college districts.~~

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

Section 22. 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 elected and other officers for necessary meals, travel and other expenses incurred in serving Metro.

Section 23. 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 24. 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 ten days after the time for his or her term of office to begin,

(e) Absence from all meetings of the council within a sixty day period without the council's consent,

(f) Ceasing to reside in the district from which elected or appointed, except when district boundaries are ~~apportioned~~ or 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 sixty 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 ~~service~~ 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 ~~or newly apportioned~~ district under section ³³ 14 of this charter, the vacancy ^{is} ~~shall be deemed to have occurred~~ 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 25. Filling Vacancies.

(1) Generally. A majority of councilors holding office shall fill a vacancy by appointment within ⁹⁰ ~~ninety~~ 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 ~~to the office~~ 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 ~~appointee's~~ term of office of the appointee runs only until the first council meeting in the year immediately after that election. ~~At that general election or at the primary election of that year, a~~ A person shall be elected for the remainder of the

primary or general
term at the first ~~general election or primary election~~ after the beginning of the term.

~~(2) Interim appointment. During a councilor's disability to serve, a majority of the other councilors may fill the vacancy by appointment on an interim basis.~~

Section 26. 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 27. Appointive Offices and Commissions.

~~(1) Deputy executive officer. The council shall establish by ordinance. There is established the position of deputy executive officer in the office of the executive officer, and shall prescribe. The executive officer shall determine qualifications for and duties of the position.~~

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

confirmation. The council by ordinance may require confirmation of other positions.

(3) Removal. The ~~deputy executive officer, other~~ 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 other appointments ^{his or her} ~~by him or her~~ ^{ees} as provided by ordinance.

Section 28. Metro Policy Advisory Committee.

(1) Creation and composition. There is hereby created the Metro Policy Advisory Committee (MPAC). 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 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 ~~service~~ district with territory in the Metro area in Multnomah County appointed jointly by the governing bodies of special

~~service~~ districts with territory in the Metro area in Multnomah County;

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

(k) One member from the governing body of a special ~~service~~ district with territory in the Metro area in Clackamas County appointed jointly by the governing bodies of special ~~service~~ 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 subsection may be an elected officer of or employed by Metro, the state, or a city, county or a special ~~service~~ district. Each person appointed under this subsection shall reside in the Metro area during the person's tenure on MPAC.

~~Notwithstanding the above provisions, the composition of MPAC may be changed at any time by vote of both a majority of the members of the MPAC and a majority of all councillors.~~

(2) Change of composition. The composition of the MPAC may be changed at any time by vote of both a majority of the members of the MPAC and a majority of all councilors.

(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 29. Metro Office of Citizen Involvement.

(1) Creation. There is created the Metro office of citizen involvement 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 citizens' committee and a citizen involvement process, and shall appropriate sufficient funds to operate the office and committee. ~~The committee shall have authority to hire and fire its staff.~~

CHAPTER VI

ELECTIONS AND REAPPORTIONMENT

Section 30. 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 31. 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 vote 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 greatest number of the votes cast at the general election for that office is elected.

underline
(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 32. Multiple Candidacies. No person may be a candidate at a single election for more than one Metro elected office.

Section 33. Reapportionment of Council After Census. (1) General requirements. Within three months after an official census ~~or official census estimate~~ indicates that the boundaries

Districts

of council districts deny equal protection of the law, the council shall respecify the boundaries to accord equal protection of the law and shall assign councilors to the reapportioned districts. ~~In reapportioning the districts the council shall follow the criteria specified in section 17 of this charter.~~

As nearly as practicable
all
Each council district, ~~as nearly as practicable,~~ shall be of equal population, ~~contiguous~~ *and each shall be* and geographically compact. The council may by ordinance specify additional criteria for districts that are consistent with this section 17.

(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 ~~shall be established as provided by law by the executive officer~~ within ~~sixty~~ *60* days.

Section 34. Recall.

(1) Generally. An elected officer of Metro may be recalled ~~as provided~~ in the manner and with the effect described by the constitution and laws of this state.

(2) Effect of reapportionment. Upon the effective date of a council reapportionment under section ~~30~~ *33* 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 35. 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 36. 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 37. Ordaining Clause. The ordaining clause of an ordinance adopted by the council shall be: "The Metro Council ordains as follows:". The ordaining clause of an initiated or referred ordinance shall be: "The People of Metro ordain as follows:".

Section 38. 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

Proposed amendment
Section 38 (3)

Hardy Myers

(3) Vote required. Adoption of an ordinance requires the affirmative votes of ~~a majority of all councilors in a public meeting~~ (a) seven councilors while the council consists of thirteen positions and (b) four councilors after the council consists of seven positions as provided by section 17 (2) of this charter.

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 majority of all councilors in a public meeting~~ (a) ~~seven councilors while the council consists of thirteen positions~~ and (b) ~~four councilors when the council consists of seven positions.~~ *no provided by the*

Section 39. Endorsement. The person presiding over the council when an ordinance is adopted shall endorse ~~the an~~ ordinance unless the council prescribes a different procedure by general ordinance.

Section 40. Effective Date of Ordinances. *(1) Generally.* An ordinance takes effect ~~ninety~~ *90* days after its adoption unless the ordinance states a different effective date. An ordinance may state an

earlier effective date if an earlier date is necessary for the health, safety or welfare of the Metro area; the reasons why this is so are stated in an emergency clause of the ordinance; and the ordinance is approved by the affirmative vote of two-thirds of all councilors. An ordinance imposing, ~~or~~ changing a tax or charge, ~~or~~ changing the boundaries of Metro, or assuming ^a ~~the~~ functions of a mass transit district, 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 is effective on the 30th day after its approval by a majority of the voters voting on the measure ~~or on unless the ordinance specifies a later date.~~ ~~is specified in the ordinance.~~ If a referendum petition is filed with the filing officer not later than the 90th day after adoption of an ordinance ~~and before the ordinance takes effect,~~ the effective date of the ordinance is suspended. An ordinance is not subject to the referendum after it is effective. An ordinance referred by a proper referendum petition ~~becomes inoperative and~~ does not take effect if a majority of the voters voting on the measure reject it ~~and takes effect on the date the results of the election are certified if a majority of the voters voting on the measure approve it.~~ unless the ordinance specifies a later date.

Section 41. 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 42. Public Improvements and Special Assessments.
~~General ordinances shall govern the~~ ~~The council may by general ordinance establish~~ 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 ordinance.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

Section 43. 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 shall be 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 the 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 44. Effective Date. This charter takes effect January 1, 1993.

Section 45. Severability ~~Headings~~ 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 46. State Legislation. The council shall seek enactment by the sixty-seventh Legislative Assembly of this state, and thereafter if necessary, of any legislation needed to make all parts of this charter operative.

By adopting this charter, the votes of Metro direct the council to seek and request.

to enact