

DRAFT

1992

METRO CHARTER

PROVISIONS PASSED BY COMMITTEE

ENGROSSED TO JUNE 17 DRAFT

Reflecting specific wording changes made up to July 21

NOTE:

Language that has been added by the committee since June 17 is underlined and in italics.

The date a provision was passed, with a short explanation, is in italics only.

~~Strike outs are used to indicate language that has been deleted.~~

Submitted by:

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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 municipal corporation with the name "METRO."

Section 3. Boundaries. The area of governance of METRO includes all territory within November 3, 1992 boundaries of the Metropolitan Service District of the Portland metropolitan region, together with any territory thereafter annexed or subjected to its governance under state law. Changes to the boundaries of METRO shall not be effective unless approved by a non-emergency ordinance. No change to the boundaries of METRO shall require the approval of a local government boundary commission or any other state agency. The custodian of METRO's records shall keep a current and accurate description of METRO's boundaries, which shall be available for public inspection.

CHAPTER II

FUNCTIONS AND POWERS

Section 4. Jurisdiction of METRO. METRO has jurisdiction over those matters of metropolitan concern, ~~which are assigned to METRO by this charter or which are authorized under the procedures of this charter for assuming functions.~~ METRO has jurisdiction over and shall exercise those powers and duties imposed upon it by the constitution and laws of this state. METRO has jurisdiction over and may exercise those powers and duties granted to it by the constitution and laws of this state. The METRO council shall determine by ordinance whether a subject area is a matter of metropolitan concern and to what extent METRO should exercise its jurisdiction over such matters, subject to the additional requirements of this charter. The METRO council shall determine by ordinance to what extent METRO should exercise its jurisdiction over powers and duties granted to it by the constitution and laws of this state, subject to the additional requirements of this charter. (7/9 change, subject to refinement by Sercombe)

~~**Section 5.** Growth Management Functions. METRO is authorized to exercise those functions related to the management of growth in the region specified by section 7 of this charter or as permitted under the procedures specified in section 8 of this charter. (7/9, deleted entire section from charter)~~

(7/9, provisions in Section 6 moved to behind Section 7)

Section 7.

Regional Planning Functions.

(1) **The Future Vision.** The council shall adopt a regional Future Vision by May 1, 1994. 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, *its educational resources and economic resources (7/14, provision moved from below)* and that achieves a desired quality of life. The Future Vision is a long-term, at least 50-year, visionary outlook. The matters addressed by the Future Vision will include, but are not limited to:

- a. Use, restoration and preservation of regional land and natural resources for the benefit of present and future generations;
- b. How and where to accommodate the population growth for the region while sustaining and maintaining its livability and quality of life; *and*
- c. Means of developing new communities and additions to the existing urban area in well-planned ways; *and,*
- d. ~~Economic growth and educational resources. (7/14, provision moved to above)~~

The council shall appoint *(7/14, notation to make provision consistent with later vote that could allow the president to make commission appointments subsequent to council approval)* a broad-gauged commission representing the public, private and academic sectors to develop and recommend a proposed Future Vision to the council within a timetable established by the council. The commission shall consider available data and public comment and seek any additional information necessary to develop the proposed Future Vision. One or more commission members must reside outside the boundaries of METRO. The commission shall serve without compensation.

The Future Vision may be reviewed and amended at such times and in such manner as the council shall determine and shall be completely reviewed and revised in the manner of its original development and adoption not less frequently than once every fifteen years.

The Future Vision is not a regulatory document. It is the intent of this charter that the Future Vision not have any legal effect which would allow it to be reviewed by a court or agency of this state. ~~The Future Vision affects the regional framework plan in the manner described below. (7/14, sentence deletion)~~

(2) **Regional Framework Plan.** The council shall adopt a regional framework plan ~~establishing regional goals, objectives and policies, functional plans and benchmarks for performance (7/14, wording deletion)~~ addressing:

- a. Regional transportation and mass transit systems;
- b. Management and amendment of the urban growth boundary;
- c. Protection of lands outside the urban growth boundary for natural resource, future urban or other uses;
- d. Housing densities;
- e. Urban design and settlement patterns;

f. Parks, open spaces and recreational facilities;

g. Coordination, to the extent feasible, of growth management and planning policies of METRO with those of Clark County, Washington; (7/14, provisions addition)

h.d. Federal and State mandated planning functions; and (7/14, wording deletion)

i. Water sources and storage. (7/14, provision moved from deleted list below)

The regional framework plan shall also address other growth management ~~those aspects of the following matters which the council, with the consultation and advice of the METRO Planning Advisory Committee, determines are of metropolitan concern and will benefit from regional planning.~~

~~a. Water sources and storage;~~

~~b. Housing densities;~~

~~c. Greenspaces;~~

~~d. Sighting of significant land use developments;~~

~~e. Solid waste disposal, reuse and recycling;~~

~~f. Siting and operation of public exposition, recreation, cultural and convention facilities; and~~

~~g. Regional disasters. (7/14, wording change in above paragraph and deletion of list)~~

~~The foregoing determinations by the council shall include prioritizing matters as necessary in relation to available funding and recognition of completed and ongoing planning activities. The determinations shall also describe respective planning roles of regional and local governments and management of the planning process with respect to various elements of each matter. (7/14, paragraph deletion)~~

The regional framework plan shall provide the basis for coordination of local comprehensive plans and implementing regulations (7/14, wording change) of cities and counties within the boundaries jurisdiction (7/14, word change) of METRO. The regional framework plan must 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~~ (7/14, wording addition) regional framework plan shall also contain model terminology (7/14, word addition) standards and procedures for local land use decision-making that may be adopted by local governments. ~~Review of the regional framework plan for~~ Compliance (7/14, wording deletion) 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. The regional framework plan may be adopted in components. The regional framework plan may be amended by a process and on a schedule determined by the council.

To the maximum extent allowed by law, the council shall adopt ordinances:

a. Requiring comprehensive plans and implementing regulations of local governments cities and counties within METRO's jurisdiction to be consistent comply with the regional framework plan within three years of adoption of the entire (7/14, word addition by separate vote) regional framework plan. If the regional framework plan is subject to, or by the time of the next state general review, consistency will be required within two years of approval of the regional framework plan of the comprehensive plan, whichever is longer; (7/14, language change for rest of subsection)

b. Requiring the council to adjudicate and determine the consistency of local comprehensive plans with the regional framework plan;

c. Requiring local governments cities and counties within METRO's jurisdiction to make local land use decisions consistent with the regional framework plan before the local comprehensive plan has been determined to be consistent with the regional framework plan beginning one year after the determination of consistency of 'a' above and until a determination of 'b' above; (7/14, rewording)

d. Allowing the council to review local government land use decisions for consistency with the regional framework plan and to require changes in local government standards and procedures to remedy a pattern or practice of decision-making inconsistent with the regional framework plan; and,

~~e. Allowing the council to directly report to the Land Conservation and Development Commission or its successor on the consistency of local comprehensive plans with the regional framework plan. (7/16, deletion)~~

Section 6. Other Assigned Functions. METRO is authorized to continue to exercise the following functions of the Metropolitan Service District and such other functions as provided in this charter. (7/2, wording change)

(1) The ownership and operation of a metropolitan zoo;

(2) Ownership and operation of public cultural, trade, convention, exhibition, sports, entertainment, and spectator facilities;

(3) Provision of facilities for, and disposal of, solid and liquid wastes of the region;

(4) Acquisition, development, maintenance and operation of a system of parks, open spaces and recreational facilities of metropolitan concern of regional greenspaces; (7/2, language replacement) and,

(5) Development and marketing of geographic data.

(6) Any other functions imposed by the constitution or state law assigned to the Metropolitan Service District by the voters, or action of the state or federal government. (7/9, addition)

~~Section 8. Addition of Other Matters to Regional Framework Plan. Except for the matters listed in section 7, no other matter may be included in the regional framework plan unless the question of its inclusion is approved by the majority of the members of the METRO Policy Advisory Committee or by a majority of the votes cast by the voters of METRO in an election on the proposition. This approval may occur either through adoption of a referred measure authorizing the regional planning function or by approval of a measure relating to METRO finances which authorizes financing or identifies funds to be used for the exercise of that regional planning function. (7/16, deletion)~~

~~Section 9. Assumption or Termination of Additional Functions. (1) Adoption of Assumption Ordinance. (7/16, reorganization of entire section) Before undertaking any additional functions beyond those authorized under sections 6, and 7 and 8 (7/16, understood because of Section 8 deletion) of this charter, the council shall authorize the function by ordinance. The ordinance shall contain findings establishing (7/16, word deletion in separate vote) that the function is of metropolitan concern and setting shall set (7/16, wording change) forth the reasons why it is appropriate for METRO to take on the function. The ordinance may also be subject to particular approval requirements of this section. (7/16, sentence deletion)~~

~~(1)(2) Assumption of Local Government Services Function. An ordinance assuming functions relating to the provision of local governmental services shall not be effective unless the assumption of the function is approved contemporaneously by the voters of METRO or a majority of the members of the METRO Policy Advisory Committee. An ordinance authorizing provision or regulation by Metro of a service being provided by one or more local governments within the jurisdiction of METRO shall not be effective unless the ordinance is approved contemporaneously by the voters of METRO or a majority of the members of the METRO Policy Advisory Committee. (7/16, sentence deletion & replacement, & later vote to delete word within new language) This approval may occur either through 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. "Local governmental services" are those which are provided to constituents by one or more local governments in the region at the time a METRO ordinance on assumption of the service is first introduced.~~

~~(a) An ordinance submitted to the METRO Policy Advisory Committee for approval will be deemed approved unless acted upon within 60 days. (7/16, subsection addition)~~

~~(b) No approval under this subsection shall be required for the compensated provision of services by METRO to or on behalf of a local government under an agreement with that government. (7/16, subsection addition)~~

~~(2)(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 obtain, if possible, seek (7/16, wording change) 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 commission of not less 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 shall be members of as the initial mass transit commission for METRO for the length of their terms of office. (7/16, wording changes)~~

~~(3)(4) Assumption of Boundary Commission Functions. The council is directed to undertake a study of the Local Government Boundary Commission, with METRO Policy Advisory Committee advice. The study shall be completed by September 1, 1994. (7/16, previous sentence added in separate vote) The~~

council is directed, if necessary, to ask for legislative authority to implement results of the study. The study shall be completed by The council will implement the results of the study. Before assuming the duties, functions and powers of a boundary commission, the council shall:

- a. ~~Obtain the advice of the METRO Policy Advisory Commission;~~
- b. ~~Review the procedures for approving boundary changes and resolving boundary disputes within the region; and,~~
- e. ~~Consider relevant state policies and rules and applicable provisions of the regional framework plan.~~

~~To the extent allowed by law, the approval of this charter shall constitute voter approval of the authority of the council to assume the duties, functions and powers of the Portland Metropolitan Area Local Government Boundary Commission by ordinance. (7/16, section rewritten with new language above)~~

~~(4)(5) Assumption of Other Functions. The council may assume by ordinance any other function relating to a matter of metropolitan concern, which function assumption is not specifically regulated by this charter. The assumption or termination of regional planning functions is subject to the procedures and limitations of sections 7 and 8 (7/16, understood because of section deletion) of this charter. The council shall obtain seek (7/16, word change) the advice of the METRO Policy Advisory Committee before adopting an ordinance undertaking a service function that is not a local government service authorizing provision or regulation by METRO of a service not being provided by one or more local governments within the jurisdiction of METRO. (7/16, wording change)~~

Section 10. General Grant of Powers to Carry Out Functions; Construction of Specified Powers. When exercising authority over functions allowed or assumed under this charter, METRO has all powers that the laws of the United States and the State of Oregon now or in the future could allow METRO, just as if this charter specifically set out each of those powers. The powers specified in this charter are not exclusive. Any specification of power in this charter is not intended to limit authority. The powers specified in this charter shall be construed liberally. All powers continue unless the charter clearly indicates the contrary.

Section 11. Limitations on Taxing Powers. METRO may impose, levy and collect any tax except as prohibited by law or restricted by this charter and is authorized to issue revenue bonds, certificates of participation and other obligations. (7/21, wording addition)

(1) Referral of certain taxation ordinances. Any ordinance of the council imposing, or providing an exception from, taxes on all or part of the income, payroll, property, sales, or gross receipts of a class of persons or entities in the region shall receive the approval of the voters of METRO before taking effect. This approval is not required for the continuation of 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 needed to replace revenues lost by withdrawal of any locality from mass transit services. For purposes of this subsection, "taxes" shall not include any charge for the provision of goods, services or property by METRO, franchise fees or any assessment.

(2) Prior Consultation for Tax Imposition. Before imposing any new tax not requiring voter approval, the council shall obtain the recommendation of a tax study committee that includes representatives from the general population, businesses and local governments.

~~(3) Limitations on Certain Tax Revenues. Except for revenues from taxes approved by METRO voters and a payroll tax in the amount of six tenths of one percent of the wages paid with respect to the employment of individuals, revenues from taxation may not exceed the limitations specified in this subsection.~~

~~a. The initial tax revenue limitation is \$12.6 million for fiscal year 1994. This tax revenue limitation shall increase, without voter approval, in each subsequent fiscal year in an amount equal to the rate of inflation for the previous calendar year. The rate of inflation shall be the rate determined by the appropriate federal agency for increases in the consumer price index for goods and services in major cities in the western United States or the most equivalent rate.~~

~~b. The tax revenue limitation for any fiscal year shall be reduced in a supplemental budget effective in that fiscal year by an amount equal to any tax revenue collected in the previous fiscal year in excess of the tax revenue limitation for that previous fiscal year. In the event this reduction results in an adjusted tax revenue limitation of less than 80% of the amount otherwise budgeted for that fiscal year, the tax revenue limitation shall be further reduced by the amount of the inflation increase for that tax revenue limitation which was previously budgeted.~~

~~c. Revenues from charges to individuals or governments for the provision of goods, services or property or for the issuance of permits or approvals, benefit assessments against property, franchise fees and tax-increment financing charges on property are excluded from this limitation. (7/2, subsection deleted)~~

Section 12. Limitations on Authority to Contract. All officers of METRO shall preserve, to the greatest extent possible, the ability of METRO to contract for services with persons or entities who are not employees of METRO.

Section 13. Regulatory Powers. Regulations of METRO shall 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 shall affect 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 shall prevail 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 any authorized function of METRO.

CHAPTER III

FORM OF GOVERNMENT

Section 14. Council. The governing body of METRO is the council. The council consists of a METRO president, nominated and elected from the METRO area at large, and thirteen

councilors, each nominated and elected from a single district within the METRO area. Vacancies in the council shall be filled as provided in section 26 of this charter.

Except as provided below, the boundaries of councilor districts shall be fixed by ordinance. Within three months after an official census or official census estimate indicates that the boundaries deny equal protection of the laws, the council shall respecify the boundaries so as to accord equal protection of the laws and assign councilors to the reapportioned districts. In reapportioning the district, the council shall consider the factors on setting district boundaries set out in section 22 of this charter. In the event the council does not respecify the boundaries within three months, the boundaries shall be set as provided by law.

Section 15. **Councilors.** The initial council shall consist of members of the governing body of the Metropolitan Service District whose term of office continues or begins in January, 1993. The term of office of these councilors shall be the term of office for which they were elected or appointed as members of the governing body of the Metropolitan Service District. At each general election after the adoption of this charter, one-half, or as nearly as possible, of the number of councilors shall be elected, each for a four year term.

Section 16. **METRO President.** The initial METRO president shall be the executive officer for the Metropolitan Service District in office when this charter takes effect. The term of that president shall continue until the first meeting of the council in January, 1995. At the first primary or general election after the adoption of this charter and every fourth year thereafter, a president shall be elected for a four year term.

Section 17. **Terms of Office.** The term of office of an elective officer who is elected at a primary or general election begins at the first council meeting of the year immediately following the election and continues until the successor to the office assumes the office.

Section 18. **Appointive Offices and Commissions.** Except as this charter provides to the contrary: a majority of the members of the council may create, abolish and combine appointive METRO offices and commissions by ordinance; and, the president may appoint and remove officers and members of commissions, subject to appointment confirmation and removal approval of the council. As used in this charter, "majority of the members of the council" means eight members.

CHAPTER IV

COUNCIL

Section 19. **Distribution of Powers.** Except as this charter prescribes otherwise, and except for initiative and referendum powers reserved to the voters of METRO, all powers of METRO are vested in the council. Only the council may adopt regional plans and legislation, adopt an annual budget, and oversee and approve performance and financial audits of METRO.

Section 20. **Meetings of the Council.** The council shall meet in the METRO area regularly at a time and place it designates. The council shall, by ordinance, prescribe the rules to govern the conduct and record of its meetings. Except as this charter provides to the contrary, the express concurrence of a majority of the members of the council present and constituting a quorum is necessary to decide affirmatively a question before the council.

Section 21. **Quorum.** A majority of the members of the council in office constitutes a quorum for its business. A quorum or a lesser number of council members may meet and compel the attendance of absent members.

Section 22. **Increase in Membership.** The number of councilors shall increase from thirteen to fourteen on January 1, 2003. Not later than the 250th day before the date of the primary election in May, 2002, the council shall divide the METRO area into fourteen councilor districts. The area within each district shall be contiguous.

In apportioning districts the council shall give consideration to the current districts and historical and traditional communities and counties. The council need not give consideration to city or special district boundaries or the boundaries of election districts for state officers except when those political boundaries coincide with natural boundaries.

Any councilor whose term continues beyond January, 2003 shall be specifically assigned to a district described by the council for that portion of the councilor's term that extends beyond January, 2003. The description of the fourteen districts and the assignment of councilors to districts shall be accomplished in a single ordinance adopted by the council. Candidates for the office of councilor at the primary and general elections in 2002 shall be nominated and elected from the apportioned districts. Except for a candidate seeking election for the unexpired term of a councilor who vacated the office, each candidate for the office of councilor who is elected to that office at the November, 2002 general election shall hold office for a term of four years beginning at the first council meeting of January, 2003.

Section 23. **METRO President.** The METRO president is a voting member of the council. When present at council meetings, the president shall preside over deliberations of the council, preserve order, enforce the rules of the council, and determine the order of business and agenda of council meetings. Each year, the president shall prepare a proposed budget for METRO for consideration by the appropriate body. The president shall appoint a METRO manager, who shall be confirmed by the council. The president shall perform such other duties as the council may prescribe. The president shall serve full time and shall not be employed by any other person or entity while serving as the president.

Section 24. **Council Vice-Chair.** At its first meeting each year, the council shall elect a vice-chair from its councilors. The council vice-chair shall preside over meetings of the council when the president is absent or unable to participate.

Section 25. **Qualifications.**

(1) A councilor shall be a resident of the district from which the councilor is elected or appointed during the entire twelve months before the councilor's term of office begins. When the boundaries of that district have been apportioned or reapportioned during that period, residency in that

district shall include residency in any former district with area in the district from which the councilor is elected or appointed.

The president shall be a resident of the METRO area during the entire twelve months before the president's term of office begins. For purposes of this subsection, "METRO area" means the area of METRO at the time the term of office begins. For purposes of this charter, a person is a "resident" of an area where the person maintains a residence used a majority of time any residence is occupied by that person.

(2) A councilor or president shall be a qualified elector under the state constitution at the time that person's term of office begins.

(3) No person shall be a candidate at a single election for more than one elective office of METRO. An elected officer of METRO shall not be an elected officer of a city, county or special service district during his or her term of office.

(4) The council is the final judge of the election and qualification of its members.

Section 26. **Vacancies in Office.** The office of councilor or president becomes vacant upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetency,
- (3) Recall from office,
- (4) Failure, following election or appointment to the office to qualify for the office within ten days after the time for his or her office to begin,
- (5) Absence from all meetings of the council within a 60 day period without the council's consent,
- (6) Ceasing to reside in the area from which the council member is 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;
- (7) Ceasing to be a qualified elector under state law,
- (8) Conviction of a felony or conviction of a federal or state offense punishable by loss of liberty and pertaining to his or her office,
- (9) Resignation from office, or
- (10) Becoming an elective officer of a city, county or special service district.

The council shall be the final judge of whether a vacancy in office exists.

Section 27. **Filling Vacancies.** Within ninety days after the vacancy occurs, a vacancy in the council shall be filled by appointment of a majority of the members of the council holding office. The

appointee's term of office runs from the time of his or her qualifying for the office after the appointment until the 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 following the beginning of the term for that office, the appointee's term of office runs only until the first council meeting in the year immediately following that election. At that general election or at the primary election that year, a person shall be elected as councilor or president for the remainder of the term.

During a council member's disability to serve on the council or during a member's absence from the METRO area, a majority of the other council members may by appointment fill the vacancy on an interim basis.

If a vacancy in the office of councilor occurs after the councilor has been assigned to a reapportioned or newly apportioned district under sections 14 or 22 of this charter, the vacancy shall be deemed to have occurred in the district to which that councilor was assigned.

Section 28. Limitations of Terms of Office. No person shall be elected to the office of councilor for more than three consecutive full terms. No person shall be elected to the office of president for more than two consecutive full terms. The limitations of this section apply only to terms of office beginning in or after January, 1995.

CHAPTER V

OFFICERS, COMMISSIONS AND EMPLOYEES

Section 29. METRO Manager.

(1) The METRO manager is the administrative head of METRO. The manager shall be appointed without regard for political considerations and solely on the basis of administrative qualifications. The manager shall be appointed for a definite or indefinite term and may be removed by the president with or without cause. Within six months after a vacancy occurs in the office of manager, the president and council shall fill the vacancy. A person need not be a resident of the METRO area when appointed as manager.

(2) The manager shall:

- a. Attend region council meetings unless excused by the council or president;
- b. Administer the provisions of all ordinances and the directions of the council;
- c. Appoint, discipline, remove, and prescribe the duties of appointive personnel, except appointees of the president or council; and
- d. Prepare and transmit to the president a draft annual budget.

(3) The manager may not control any appointed judge or hearings officer in the exercise of adjudicative functions by that person or, unless authorized by the council, appointive personnel of METRO whom the manager does not appoint.

(4) When the manager is absent from the METRO area or disabled from acting as manager, or when the office of manager becomes vacant, the president shall appoint an interim manager. The appointee shall have the powers and duties of the manager, except that the interim manager may appoint or remove personnel only with the approval of the president. No person shall be interim METRO manager for more than six consecutive months.

(5) Except in a council meeting, or in immediate response to solicitation of advice by the manager, no councilor may directly or indirectly, by suggestion or otherwise, attempt to influence the manager or a candidate for the office of manager in the appointment, discipline, or removal of personnel appointed by or under the manager or in decisions regarding the property or contracts of METRO. A substantial violation of this prohibition may subject the councilor to removal from office by a court of competent jurisdiction upon suit by the manager, member of the council, or elector of METRO. In a council meeting, members of the council may discuss with, or suggest to, the manager anything pertinent to METRO affairs.

Section 30.

METRO Policy Advisory Committee.

(1) Creation and Composition. There is hereby created a METRO Policy Advisory Committee (MPAC). The initial members of MPAC shall be appointed within ninety days of the effective date of this charter. MPAC shall consist of the following members:

- a. One member of each of the boards of county commissioners of Washington, Clackamas, and Multnomah Counties, appointed by the board from which the member is chosen;
- b. Two city commissioners of the City of Portland, appointed by the Portland City Council;
- 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 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 president and confirmed by the council. No such person shall be an elected officer of or employed by METRO, a city, a county or a special service district. Each such person 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 a contemporaneous vote of both a majority of the members of MPAC and a majority of the members of the council.

(2) Bylaws. MPAC shall, by resolution, adopt bylaws to prescribe the rules governing the conduct and record of its meetings and the terms of its members.

(3) Vote Required for Taking Action. Whenever this charter requires approval of a majority of the members of MPAC, the approval shall require the affirmative vote of a majority of the members of MPAC holding that office.

(4) Duties. The MPAC shall perform the duties assigned to it by this charter and such other duties as the council may prescribe.

Section 31. Compensation. No councilor shall receive compensation for serving in that capacity. The council may, however, prescribe a plan for reimbursing councilors for necessary meals, travel and other expenses incurred in serving METRO and allowing a per diem payment for meetings. The salary and employment benefits of the president shall be set by the council upon the recommendation of a salary commission to be appointed by the council, but shall not be less than that of a district court judge of this state. The council shall determine the compensation of other officers of METRO.

Section 32. Oath. Before assuming office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitutions and laws of the United States and the State of Oregon and the charter and laws of METRO.

CHAPTER VI

ELECTIONS

Section 33. State Law. Except as this charter or a METRO ordinance prescribes to the contrary, a METRO election shall conform to state law applicable to the election.

Section 34. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of METRO.

Section 35. Election of METRO Officers. The first voting for councilor or president, except for certain elections to fill a vacancy in a term of office, shall take place at an election held at the same time and places in the METRO area as the statewide primary election that year. If at the primary election one candidate for a METRO office receives a majority of the votes cast for all candidates for that office, that candidate is elected and is entitled to a certificate of election. If at the primary election no such candidate receives a majority vote, the two candidates receiving the two highest numbers of votes cast for the office shall be the only ones whose names appear on the ballot for the general election that year as candidates for that particular office. The candidate who receives the greatest number of the votes cast at the general election for that office is elected to that office and is entitled to a certificate of election.

All elections for METRO officers shall be nonpartisan. The names of candidates for METRO offices shall be listed on election ballots without political party designations.

Section 36. Recall. An elective officer of METRO may be recalled in the manner, and with the effect, now and hereafter prescribed by the constitution and laws of the state.

Section 37. Initiative and Referendum. The initiative and referendum powers reserved to the voters of METRO under Oregon Constitution, Article XI, section 14(5) are subject to the provisions of state law and ordinances of the council.

Section 38. Amendment and Revision of Charter. The council may refer, and voters of METRO may initiate, amendments to this charter. A proposed amendment to the charter shall embrace one subject only and matters properly connected therewith. The shall provide by ordinance for a procedure to revise this charter.

CHAPTER VII

ORDINANCES

Section 39. Ordaining Clause. The ordaining clause of an ordinance adopted by the region 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 40. Adoption by Council. The council shall adopt all legislation of METRO by ordinance. Except as provided below, no ordinance may be adopted by the council at a meeting unless: the ordinance is introduced at a previous meeting of the council; the title of the ordinance is included in a written agenda of the meeting at which the ordinance is adopted; the agenda of that meeting is publicized not less than three nor more than ten days before the meeting and, copies of the ordinance are available for public inspection at least three business days prior to the time of that meeting. The text of an ordinance may be amended, but shall not be substantially revised, at the meeting at which it is adopted. The preceding 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. No ordinance shall be adopted unless it receives the affirmative votes of a majority of the members of the council in a public meeting.

Section 41. Endorsement. Unless a different procedure is prescribed by general ordinance, an ordinance shall be endorsed by the person presiding over the council at the time of its adoption.

Section 42. Effective Date of Ordinances. Unless a different time is stated in an ordinance, an ordinance shall take effect ninety days after its adoption by the council. An ordinance may state an earlier effective date if an earlier effect is necessary for the health, safety or welfare of the region, 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 the members of the council. An ordinance imposing or changing a tax or charge or changing the boundary of METRO shall not contain an emergency clause.

Section 43. Content of Ordinances. Each ordinance shall embrace one subject and all matters properly connected therewith. Each ordinance shall be plainly worded, avoiding as far as practicable the use of technical terms.

Section 44. Procedures by General Ordinances. The procedures for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance. The procedures for fixing, levying, and collecting special assessments against real property for public improvements or services shall be governed by general ordinance. To the extent these procedures are not governed by general ordinance, they shall be governed by state law.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

Section 45. Transition Provisions. All legislation, orders, rules and regulations of the Metropolitan Service District in force just before this charter takes effect remain in force after that time insofar as they are consistent with this charter. All enactments of the Metropolitan Service District affecting the content of local land use comprehensive plans or regulations or the provision of governmental or utility services which are in effect at the time this charter takes effect shall remain in effect until changed or repealed by ordinance adopted under section 7 of this charter. All rights, claims, causes of action, duties, contracts, and legal and administrative proceedings of the Metropolitan Service District that exist just before this charter takes effect continue and are unimpaired by the charter. Each then 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 elective 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 become the assets and liabilities of METRO.

Section 46. **Time of Effect.** This charter takes effect January 1, 1993.

Section 47. **Severability, Headings.** The terms of this charter are severable. If a part of this charter is held invalid, that invalidity shall not affect any other part of this charter, except as the logical relation between the two parts requires. The chapter and section titles used herein are not part of the charter.

Section 48. **State Legislation.** The council shall seek in the sixty-seventh Legislative Assembly and thereafter, that legislation necessary for all parts of this charter to have operative effect.