

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

*Certified a True Copy of the Original Thereof*  
*Pauline Miller*  
Clerk of the Council

FOR THE PURPOSE OF DETERMINING ) RESOLUTION NO. 92-1660  
THAT THE CHARTER PROPOSED BY THE )  
METRO CHARTER COMMITTEE BE ) Introduced by the  
INCLUDED IN THE STATE VOTERS' ) Governmental Affairs Committee  
PAMPHLET )

WHEREAS, ORS 251.285 requires that the determination to include any district measure, ballot title, an explanatory statement, and arguments in the state Voters' Pamphlet for any district measure other than a measure referred or initiated by the voters shall be made by the Council of the Metropolitan Service District; and

WHEREAS, The Metro Charter Committee intends to place a district measure on the November 3, 1992, ballot; and

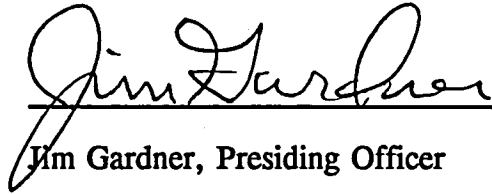
WHEREAS, The Chair of the Committee has requested that the measure, ballot title, an explanatory statement, and arguments be included in the state Voters' Pamphlet; now, therefore,

BE IT RESOLVED,

1. That the Metro Council determines that the measure, ballot title, an explanatory statement, and arguments regarding a charter placed on the November 3, 1992, ballot by the Metro Charter Committee should be included in the state Voters' Pamphlet.

2. That the Executive Officer and General Counsel shall take all actions required by Metro Code Chapter 2.10 and ORS 251.285 to ensure that the purpose of this Resolution is accomplished.

ADOPTED by the Council of the Metropolitan Service District this 23<sup>rd</sup> day of July, 1992.

  
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Jim Gardner, Presiding Officer

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GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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RESOLUTION NO. 92-1660, DETERMINING THAT THE CHARTER PROPOSED BY THE METRO CHARTER COMMITTEE BE INCLUDED IN THE STATE VOTERS' PAMPHLET

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Date: July 22, 1992

Presented by: Councilor Devlin

**COMMITTEE RECOMMENDATION:** At its July 21, 1992 meeting the Governmental Affairs Committee voted 3-0 to recommend Council adoption of Resolution No. 92-1660. Voting were Councilors Collier, Devlin, and Gronke. Councilors Bauer and Wyers were absent.

**COMMITTEE DISCUSSION/ISSUES:** General Counsel Dan Cooper distributed copies of Resolution 92-1660. Chair Collier summarized the resolution as she understood it, saying that it came to the committee at the request of the Charter Committee. The Charter Committee's deadlines for having the Charter - and arguments for and against it - included in the Voter's Pamphlet require Council approval of the resolution at the July 23 Council meeting. Chair Collier asked whether the Governmental Affairs Committee was empowered to consider the resolution and pass it to the Council without referral from the Presiding Officer. Mr. Cooper said the committee could do so under the Council's rules, provided it was introduced by the committee rather than by a single Councilor or the Executive Officer. The Presiding Officer then has the discretion to determine when the matter would be placed on a Council agenda.

Councilor Devlin asked Mr. Cooper to explain what was meant by the term "arguments" in the first point under "Be It Resolved." Mr. Cooper replied that this refers to statements in support or opposition to the measure which may be included in the Voter's Pamphlet, following payment of the prescribed fee and in accordance with the Secretary of State's procedures for filing such statements; any statement which conforms with the procedures is included in the Voter's Pamphlet without any change. There is no circumstance in which either the explanatory statement or arguments could be included in the Voter's Pamphlet without providing for inclusion of the other.

Councilor Devlin asked if it was the responsibility of the Charter Committee to provide the explanatory statement. Mr. Cooper replied that it is not the Charter Committee's responsibility to do so. It is the responsibility of Metro's General Counsel to provide an explanatory statement for all District measures. Councilor Devlin asked who will approve the statement Mr. Cooper writes. Mr. Cooper said the Metro Code procedures require his office to prepare the statement and file it with the Executive Officer, who then publishes notice. If nobody objects, the statement stands as written; if someone objects, the Multnomah County Circuit Court decides the final language.

Councilor Van Bergen asked if the legislature, in creating the Charter Committee, mandated that Metro be the vehicle for ensuring the Charter measure be included in the Voter's Pamphlet. Mr. Cooper said the legislature mandated the Charter measure be a measure of the Metropolitan Service District, and that there is no provision in state law for it to get into the Voter's Pamphlet other than through the method prescribed in Resolution 92-1660.

Council Analyst Casey Short asked whether the committee was authorized to take action without having provided public notice that the resolution was to be considered. Mr. Cooper said that Oregon's public meeting law specifically allows for a public body to consider at a meeting for which legal notice has been given, any matter that is not on the agenda.