

Summary - Difference Between Proposed 1992 Metro Charter and Current Structure, Functions and Finance under O.R.S. 268

**STRUCTURE - Council**

- o Proposed 1992 Metro Charter:
  - States the Metro council is the governing body of Metro. Except for initiative and referendum powers, all Metro powers are vested in the council.
  - Creates a 7 member council effective January 2, 1995, each nominated and selected from a single district. A councilor must be a qualified elector and have resided in the district from which elected during the preceding 12 months.
  - Terms of office are four years, staggered for the first four year terms based on the highest number of votes received at the first election in 1994. (Terms of office of the four councilors receiving the highest votes end January 4, 1999; the terms of office of the other three councilors end January 6, 1997).
  - Council elects a presiding officer at its first meeting each year.
  - A councilor may not be an elected officer of the state, or a city, county or special district during his or her term of office; special district does not include school districts.
  - A councilor receives a salary of one-third the salary of a district court judge of this state. The presiding officer receives a salary of two-thirds the salary of a district court judge. A councilor may waive a salary. The council may authorize reimbursement of Metro elected and other officers for necessary meals, travel and other expenses incurred in serving Metro.
  - Beginning with terms of office on or after January 2, 1992, no person may be elected councilor for more than three consecutive full terms.
  
- o O.R.S. 268.150 Councilors; Qualifications; Terms; Election.
  - (1) States that the governing body of the district shall be a council consisting of 12 part-time councilors, each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body.
  - The term of office for a councilor shall be four years..
  - The 1989 state legislative assembly amended ORS 268.150 (2) to create 13 council districts effective January 1, 1993. This was a recommendation from a 1988 Interim Committee chaired by Senator Glenn Otto, the Task Force

on Metropolitan Regional Government. The recommendation to increase the council from 12 to 13 was based on the desire to have an uneven number of council positions.

- At its first meeting after January 1 of each year, one councilor shall be elected by the council to serve as its presiding officer for the ensuing year...Notwithstanding the provisions of ORS 198.190, councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the council. (268.160)

o Major Differences between Proposed 1992 Metro Charter and ORS 268:

- Reduces the size of council from 13 to 7;
- Adds a salary for councilors and the presiding officer; Does not allow a "per diem" but does allow for expense reimbursement;
- Adds term limitations of three consecutive full terms;
- Allows council members to also hold elected office of school districts.
- Charter calls for the creation of an apportionment commission of seven commissioners appointed by the council to file an apportionment plan by July 1, 1993 to divide the Metro area into seven council districts. ORS 268.150 (2) calls for the council, by legislative enactment, to reapportion the subdistricts after the data from each United States decennial census are compiled and released.

**STRUCTURE - Executive Officer**

o Proposed 1992 Metro Charter

- Elected at-large for a term of four years.
- Primary duty is to enforce Metro ordinances and execute policies of the council.
- Other duties include administer Metro except for council and auditor; make appointments to metro offices, boards, commissions and committees when required to do so by the charter or ordinances; propose for council adoption measures deemed necessary; prepare and submit a recommended annual budget to the council for approval; keep the council fully advised about Metro operations.
- Executive Officer may veto within five business days (1) any annual or supplemental budget; (2) any ordinance imposing or providing an exception from, a tax; (3) any ordinance imposing a charge for provision of goods, services or property by Metro, franchise fees or any assessment. The council may override a veto within 30 days. A legislative act referred to the voters of Metro by the council is not subject to veto.
- The executive officer shall be a qualified elector, reside during the preceding 12 months within the

boundaries of Metro; may not hold another elected office of the state, city, county or a special district, except a school district.

- Salary of the executive officer is that of a district court judge of this state.

o ORS 268.180 Executive Officer

- (1) District business shall be administered, and district rule and ordinances shall be enforced, by a executive officer.
- (2) The executive officer shall be elected in the same manner provided under ORS 268.150 but ...shall be elected from the district at-large on a non-partisan basis.
- (3) Executive officer serves full-time and not employed by any other person or governmental body...and shall not serve as a member of the council.
- (4) Salary and benefits 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.
- (5) May employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council.

Relationship between council and executive officer (268.190)

- (1) Council is responsible for the legislative function...
- (2) Executive officer presents the council plans, studies and reports prepared for district purposes and may propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers and duties of the district, or to the efficient administration of the affairs of the district.
- (3) Executive keeps council fully advised as to its financial condition and submits annual budget to the council.
- (4) Executive officer administers districts and enforces ordinances enacted by the council.
- (5) Any legislative enactment may be vetoed by the executive within five working days; the veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

o Major Differences between Proposed 1992 Metro Charter and ORS 268.180 and 268.190

- Charter specifies that the executive officer makes appointments to Metro offices, boards, commissions and committees when required to do so by charter or ordinance;
- Charter limits executive officer veto to budget; ordinance imposing or providing an exception from a tax

or imposing a charge from provision of goods, services or property by Metro, franchise fees or any assessment. ORS 268.190 gives executive veto over "any legislative enactment."

- Charter adds term limitation of two consecutive full terms.

**STRUCTURE - Future Vision Commission, Apportionment Commission, Tax Study Committee, Auditor, Metro Policy Advisory Committee, Metro Office of Citizen Involvement**

o **Proposed 1992 Metro Charter:**

The Charter creates:

- The office of Metro auditor. Elected at-large, four year term, serves full time, reimbursed at 80% of the salary of a district court judge to perform financial and performance auditing. (No term limitation.)

Financial and performance auditing are currently council responsibilities performed through contract with an external agency.

- The Metro Apportionment Commission. Seven members, appointed by the council to adopt and file with the council an apportionment plan (by July 1, 1993) dividing the Metro area into seven council districts.
- The Future Vision Commission. Appointed by the council, by date council sets, to develop and recommend a proposed Future Vision, to be completely reviewed and revised at least every fifteen years. Council shall adopt Future Vision for the region between January 15, 1995 and July 1, 1995.
- The Tax Study Committee. Appointed from the general population, businesses, governments of cities, counties, special districts and school districts of the Metro area. Council must seek advise before imposing any new tax for which voter approval is not required.
- The Metro Office of Citizen Involvement and Citizens' Committee. The charter creates the office and committee and instructs the council to appropriate sufficient funds to operate both, including a process for citizen involvement.
- The Metro Policy Advisory Committee. Eighteen members appointed by the three counties, City of Portland, largest cities in Washington and Clackamas counties, second largest city in Multnomah County, cities of Multnomah, Washington and Clackamas counties, special districts within Multnomah, Washington and Clackamas

counties, Tri-Met and three appointments by the executive officer and confirmed by the council of Metro. The MPAC gives advise and consultation on the "regional framework plan", is consulted before the council adopts an ordinance providing or regulating a service not currently performed by local governments and if Metro wants to provide or regulate a local government service an ordinance must be approved by MPAC or the voters of Metro. An ordinance submitted to MPAC for approval is deemed approved unless disapproved within 60 days after submission.

## FUNCTIONS

### o Proposed 1992 Charter:

- States Metro has jurisdiction over matters of metropolitan concern...including the powers granted to and duties imposed on Metro by current and future state law and those matters the council by ordinance determines to be matters of metropolitan concern.(Section 4)
- Specifies "regional planning functions" (Section 5) including the adoption of a 50-year "future vision" by July 1, 1995 and the adoption of a "regional framework plan" by December 31, 1997.
  - The "future vision" addresses: (1) use, restoration and preservation of regional land and natural resources for the benefit of present and future generations, (2) how and where to accommodate the population growth for the region while maintaining a desired quality of life..and (3) how to develop new communities and additions to the existing urban areas in well-planned ways.
  - The "regional framework plan" addresses: (1) regional transportation and mass transit systems, (2) management and amendment of the u.g.b. (3) protection of lands outside the boundary; (4) housing densities; (5) urban design and settlement patterns; (6) parks, open spaces and recreational facilities; (7) water sources and storage; (8) coordination with Clark County, Wa.; (9) planning responsibilities mandated by state law.

The R.F.P. describes its relationship to the future vision, complies with statewide planning goals, is subject to compliance acknowledgment with LCDC and is the basis for coordination of local comprehensive plans and implementing regulations.
- Other assigned functions (Section 6) include (1) Acquisition, development, maintenance and operation of: (a) metropolitan zoo; (b) public cultural, trade, convention, exhibition, sports, entertainment, and spectator facilities; (c) facilities for the disposal of

solid and liquid waste; (d) system of parks, open spaces and recreational facilities of metro concern; (2) Disposal of solid and liquid wastes; (3) Metropolitan aspects of natural disaster planning and response coordination; (4) Development and marketing of data; and (5) Any other function required by state law or assigned to the Metropolitan Service District or Metro by the voters.

- Additional functions (Section 7) include: assumption of functions and operations of mass transit district; assumption of a study on the Boundary Commission with instructions to implement the results; a process for the assumption of local government service functions and other service functions which are not a local government service.

o O.R.S. 268.310 268.312 268.317 268.318 268.380 268.390

- ORS 268.310 Powers of the District specifies seven areas: (1) acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations for treatment and disposal of sewage; (2) dispose and provide facilities for disposal of solid and liquid waste (subject to other named ORS sections); (3) control the flow and provide for the drainage of surface water..(4) provide for public transportation and its facilities; (5) acquire, construct, alter, maintain, administer and operate metropolitan zoo; (6) acquire, construct, alter, maintain, administer and operate major cultural, convention, exhibition, sports and entertainment facilities (excluding construct new facilities or acquire existing facilities unless through voter approval of financing or through intergovernmental agreements; (7) planning for metropolitan and local aspects of criminal and juvenile justice.
- ORS 268.312 Additional powers of the District subject to prior approval by the electors(1)acquire, develop,construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems; (2) plan, coordinate and evaluate the providing of human services; (3) acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of metropolitan significance; (4) provide facilities and programs for metropolitan aspects of criminal and juvenile detention and by agreement local aspects of jails, corrections programs and juvenile justice; (5) metropolitan aspects of library activities including book acquisition and technical assistance.
- ORS 268.317 Solid and liquid waste disposal powers.
- ORS 268.318 Council approval required for disposal, transfer or resource recovery sit or facility.

- ORS 268.380 Land-use planning goals and activities; coordination; review of local plans. In four subsections this specifies that the district shall (1) adopt land-use planning goals and objectives; (2) review the comprehensive plans of cities and counties and recommend or require cities and counties...to make changes in any plan to assure that the plan conforms to the district's metropolitan area goals and objectives and the state-wide goals; (3) coordinate the land-use planning activities of that portion of the cities and counties within the district and (4) coordinate its activities and the activities of the cities and counties within the district with the land-use planning development activities of the Federal Government, other local governments and agencies within this state or other states.
- ORS 268.385 specifies the district as the regional planning coordinator.
- ORS 268.390 specifies a planning process for activities with metropolitan impact including, but not limited to, air quality, water quality and transportation; specifies the preparation and adoption of functional plans for air quality, water quality and transportation and "other aspects of metropolitan area development the council may identify"; adoption of an urban growth boundary; review of the comprehensive plans of cities and counties to "recommend or require" changes to conform to the districts functional plans and the urban growth boundary.
- 268.395 Allows for the creation of commissions for all powers or functions of a metropolitan service district.

o Major Differences between Proposed 1992 Metro Charter and ORS 268

- The charter declares that planning and policy making related to growth management and land use, to preserve and enhance regional quality of life, are Metro's primary functions. It organizes Metro's functions around this concept requiring adoption of a Future Vision and Regional Framework Plan.

These authorities are consistent with what Metro currently can do under ORS 268 but they are organized differently to emphasize that the primary function of Metro is regional planning.

The charter assigns Metro other functions consistent with its current operations and sets up a process for the addition of new functions which includes a finding of metropolitan concern and a statement of why Metro should perform it. If Metro wants to add functions currently performed by a local government in the region, it must get approval from MPAC or the regions voter.

Under current authority, Metro has to go to a vote of the people of the district to add certain functions; under the Charter, Metro can get MPAC approval as an alternative to a regional vote.

## FINANCE

- o Proposed 1992 Metro Charter
  - The charter limits Metro spending from taxes levied without voter approval to \$12,500,000 in the first fiscal year of the charter. The limitation is subject to annual adjustment based on the consumer price index.
  - With voter approval, Metro may impose broad based taxes on personal income, business income, payroll, property, or a sales tax and general obligation bonds.
  - Taxes imposed without voter approval require the advice of a tax study committee including general representation from business and government.
  - Metro may impose user and other fees and charges subject to some limitations.
  - Local government dues sunset.
  - Establish that planning is a funding priority.
  
- o ORS 268.500
  - Excise tax on Metro services.
  - Other taxes which require a vote; property, income, vehicle registration fee.
  - Local government dues.
  - Enterprise funds.
  
- o Major Differences between Propose 1992 Metro Charter and ORS
  - Charter gives Metro authority to seek voter approval for more types of taxes, including a sales tax, for the first time.
  - Charter establishes a process (tax study committee) and a funding priority (planning) and a limit on spending (\$12.5 million) with provision for increase.