

## BALLOT TITLE FOR BALLOT MEASURE NO. 26-3

**CAPTION:** Charter for Metropolitan Service District (METRO)

**QUESTION:** Should people adopt Charter to limit Metro powers, reform its structure, and give local voters control of Metro?

**SUMMARY:** Charter drafted by citizen committee transfers control of metro from legislature to local voters. Prohibits general sales, income, property and other broadly based taxes without voter approval. Limits spending from taxes levied without voter approval. Continues council elected by districts, executive officer elected by region. Reduces council size from 13 to 7. Creates elected auditor, citizen involvement committee, local government advisory committee. Requires, as primary function, growth management planning to preserve region quality of life. Assigns other functions. Makes other provisions. Effective January 1, 1993.

# The Oregonian

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MONDAY, OCTOBER 19, 1992

## Yes on Metro charter

*Proposed home-rule charter would give Metro the tools to manage growth, put regional voters in charge*

**V**oters should approve the Metro home-rule charter because it moves control of Metro from legislators in Salem to the voters of this region.

As a directly elected regional government, Metro can override narrow local concerns to pursue the best interests of the region as a whole. To do that well, Metro needs a home-rule charter. This charter deserves passage because it would:

- Give Metro the duty and power to manage regional growth issues. The charter puts teeth into the principles outlined in the Regional Urban Growth Goals and Objectives. That is essential if the region is going to get its money's worth from light rail and profit from, rather than be hurt by, population growth.

- Give Metro the same taxing authority as other local governments. Broadly based taxes — such as income or property taxes — would require voter approval. Other, narrower taxes could be instituted by the Metro council, subject to referral by voters. The ability to impose taxes to pay for needed services is essential to effective government.

- Provide a process for voters to regionalize local services. Residents now have no way to override local officials and force consolidation of services, even if that would save money or enhance service.

- Establish an independent auditor for Metro. We need this watchdog over regional spending.



- Keep a checks-and-balances arrangement intact with a regionally elected executive and council members elected by districts.

Those strengths outweigh the charter's shortcomings. Among those shortcomings is a change in council size from 13 to seven people. Individual districts will have 150,000 residents rather than 80,000, making communication with constituents more difficult. Council members will receive salaries instead of per-diem compensation. The net effect is a council costing about \$43,000 a year more than it does now.

The charter's \$12.5 million revenue cap might limit Metro's ability to deal with unforeseen future challenges, but voters can change that when they feel the need.

The charter establishes a standing committee of local elected officials who will decide what new issues Metro can tackle. That's more power than local officials should have. Still, Metro can go directly to voters to overrule that committee. That keeps this provision from being a fatal flaw.

This charter — even with its flaws — takes a giant step in the right direction.

For the first time, it puts the region's voters in the driver's seat. Vote yes on Measure 26-3, the Metro home-rule charter.

## PAIGN

# Metro charter a puzzle even for those in know

■ The ballot title says it limits regional government, but it doesn't, and longtime foes are among those who support 26-3

By JAMES MAYER  
of The Oregonian staff

If Ken Gervais can't make up his mind how to vote on the Metro charter, how can the average voter expect to figure out what to do?

Gervais, an aide to Metro Executive Officer Rena Cusma, said the charter seems to help and hurt the regional government in equal measure.

A vote against Measure 26-3 will not get rid of Metro. It merely retains the status quo.

A vote for the charter will neither grant Metro sweeping new powers nor stunt its growth.

Metro, the nation's only elected regional government, now operates under state laws. It disposes of the region's garbage, operates the Washington Park Zoo, manages regional complexes such as the Portland Center for the Performing Arts and the Oregon Convention Center, and plans transportation.

The proposed charter would expand Metro's taxing powers, establish a paid seven-member council, change the agency's rules, give voters a more direct say in what issues should be dealt with regionally, and add another layer of oversight through an 18-member appointed advisory committee.

Some local government politicians who have waged a guerrilla war against Metro for the last 10 years have endorsed the charter proposal, looking forward to serving on a panel that gives them some real power.

A home rule charter would give Metro additional legal authority for action, but the agency would still be subject to state law on issues of statewide concern.

"If the state stays out of it, we could conceivably stretch the government under this charter to do anything we want over the next 50 years," Gervais said.

The charter gives Metro a way to solve its financial problems, at least for the next few years. Under the charter Metro could impose any tax with voter approval and many taxes by ordinance alone.

On the other hand, the main reason for going after a charter in the first place — getting a clear mandate from the voters for regional government — may be clouded by the ballot wording.

The measure says the charter would "limit Metro powers," which is misleading at best, Gervais said.

In nearly all respects, the charter expands Metro's powers over current state law.

"If this passes, most voters will think they have struck a blow to limit regional government, which is exactly the opposite of what it does," Gervais said.

Gervais also worries that the charter will spawn lawsuits to clarify its meaning.

Cusma doesn't like the charter, but she's willing to live with it.

"I just don't think it's a good piece of work, but it isn't deadly," she said.

Cusma doesn't like the Metro Policy Advisory Committee, an 18-member group consisting mostly of local government officials who will be appointed. The committee could veto Metro proposals to take over functions or regulate services

already performed by other governments. Metro could go directly to the voters with such plans, however, as it must do now.

Cusma said the local government committee would slow down decisions and foster conflict.

"I don't think it will be helpful," she said, "but it's not going to cause the agency to self-destruct."

On the other hand, local elected officials, many of them historic foes of Metro, support the charter, even though it increases the agency's power to raise taxes and take on new missions.

For Bonnie Hayes, chairwoman of the Washington County Board of Commissioners, the seat at the table is worth the price.

"Governments in the region will have a process for solving prob-

lems," Hayes said, referring to the policy committee.

"This is the new, improved Metro," said Gresham Mayor Gussie McRobert.

Supporters also stress the charter's focus on planning.

"The home rule charter clearly identifies growth management as job one for Metro," said Ned Look, a longtime civic leader and a member of the charter committee.

But opponents point to the potential for raising taxes and costs.

Councilors would be paid \$23,233 a year, with the presiding officer paid \$46,466. Including benefits, this will cost \$344,000 in fiscal year 1993-94, the first full year of the charter. The cost will go down when the council drops from 13 to seven members in 1995, but the need to reapportion the district will carry an unknown cost.

Another wild card is the cost of complying with a provision requiring Metro to fully pay for an extensive new planning program. No one is predicting how much that will be.

No major campaign, one way or another, has yet surfaced, but the Tri-County Lodging Association may mount a full-scale effort to defeat the charter in the last two weeks, said Phil Peach, executive director.

The association opposes the charter because it permits Metro to impose a hotel-motel tax in the region.

"This charter really scares us and we're going to oppose it any way we can," Peach said.

And Corky Kirkpatrick, a former Metro councilor and former Lake Oswego Council member, worries that all the upheaval the charter will create won't be worth the effort.

"I hate to see change just for the sake of change, when it's not going to improve the way the organization operates or gets things done," Kirkpatrick said.

She said that shrinking the council from 13 to seven members will nearly double the number of each councilor's constituents, making it harder for councilors to represent their districts and leaving them more open to pressure from special interests.

But Charlie Hales, a candidate for the Portland City Council who served on the charter committee, thinks the new council would be more visible and accountable.

"We need a strong council that spends time on the real issues rather than what kind of stemware to buy for the convention center," Hales said.

## RE-IMAGINING METRO

A home rule charter for the Metropolitan Service District will be on the Nov. 3 ballot. If approved, the charter will work like a constitution, governing the basic structure, function and finances of the regional government. The charter puts the voters in control of Metro, not the Legislature, although like all home rule cities and counties, Metro still will be subject to state law. The charter was written by a 16-member committee appointed by legislators, local governments and Metro. This chart describes the charter's major provisions and how they differ from the status quo.









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STRUCTURE	CHARTER	CURRENT LAW	COMMENT
	Seven member council. Councilors paid \$23,233; the presiding officer, elected annually by the council, will get \$46,466. Three-term limit for councilors.	Thirteen member council. Councilors get a per diem but no salary. No term limit.	The committee hopes a smaller council will create visibility and attract better candidates, but critics argue that districts will be too large. The new seven member council structure doesn't take effect until 1995, but the salary starts in January 1993.
	Executive officer will have veto limited to budget, new taxes or fees. Two-term limit. An elected full-time auditor, with a salary of \$55,680.	No veto limits, no term limits. Metro contracts with private auditor.	The separation of powers between the council and executive was retained. The role of the executive was hotly debated, with some committee members favoring a council-manager form of government, but no substantial change in status quo received majority support.
	Creates 18-member Metro Policy Advisory Committee, consisting mostly of local government officials, to advise council on service and planning issues. Either voter or advisory committee approval required for Metro to add a function or regulate a service currently provided by local governments.	Local officials serve on advisory committees but have no actual power over Metro affairs.	One of the most controversial issues in the charter. Critics say it undermines Metro sovereignty, making actions accountable to local politicians, not voters. Supporters argue it institutionalizes cooperation among governments and will make Metro more acceptable to the public.
	Declares planning for growth the most important function, requiring a nonbinding 50-year Future Vision, and a "framework plan" with which local comprehensive plans must comply.	Current law requires Metro to have regional urban growth goals and objectives and allows regional planning for specific functions. Metro may require local governments to comply, but so far it hasn't.	The insertion of Metro between local governments and the state on land-use planning issues would require a change in state law.
	Allows any tax. Broad-based taxes (sales, property and income tax) with voter approval, and other "niche taxes" (hotel tax or real-estate transfer tax) by Council action, with advice of a tax study committee. Metro limited to spending \$12.5 million of taxes levied annually without voter approval. Amount increases with consumer price index.	Current law only permits Metro to levy excise tax on its own services, and, with voter approval, impose a property and income tax. Excise tax is limited to 6 percent of gross revenue.	Tri-County Lodging Association opposes charter because of the potential for hotel-motel tax.
	Metro required to preserve ability to contract for services instead hiring of employees.	No such requirement exists.	Metro's lawyers believe this section violates labor laws by limiting good faith collective bargaining on contract issues.

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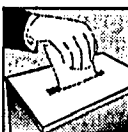
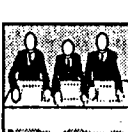



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Measure 26-3

Adopt Metro charter

**NO**

We oppose the Metropolitan Service District's proposed charter because it strips away Metro's very reason for existence: serving as an independent, elected regional government to manage growth. The document is reactive, not pro-active. We encourage voters to reject it.

A little background is in order. In 1977 the state Legislature created Metro to be responsible for the coordination of land-use planning, transportation and solid waste disposal management in the tri-county area.

A charter committee was formed in 1991 to transfer governing power from the state Legislature to Metro. During the last two years, the committee wrote a charter proposal and voted 11-5 last July to put it on the ballot. It is this document that will go before voters Nov. 3.

There are several problems with the charter. The biggest drawback would be a newly created Metro Policy Advisory Committee that has the fingerprints of local elected officials all over it.

The group would comprise 15 tri-county area politicians and three citizens appointed by Metro's executive officer. The idea is to make Metro more responsive to the needs and wishes of local governments. Unfortunately, efficiency was lost in the process. It creates a new layer of government, hamstringing the council's workings and would, we predict, severely limit its effectiveness.

The charter also proposes to restructure the form of the council. Metro is currently a 13-member part-time volunteer council led by a full-time executive officer elected at large. The number of councilors would be reduced to seven. The proposed charter doesn't let Metro govern. Many of its current functions, such as the authority to raise the fee garbage haulers pay to dump their trash in the district's landfill, would have to be placed on the ballot.

Metro would continue to function as it currently does if the proposed charter is not adopted. A new committee would be appointed to propose another one.

A home rule charter should be a wonderful opportunity to create a clearly articulated vision of what Metro is, where it is going and how it plans to get there. Send this one back to the drawing board. Vote no on Ballot Measure 26-3.