

SUGGESTED ISSUES FOR THE  
LONG RANGE OPTIONS COMMITTEE

The Long Range Options Committee should:

1. Analyze the conceptual long range model adopted by the Commission last April to consider its strengths and weaknesses. The analysis should consider both the responsibilities that are anticipated to be placed with the consolidated county and those that are to be placed with the lower tier units. It should also consider the relationship that would exist between the tiers - particularly if counties continue to become full service municipalities.
2. The Committee might also examine the option of proposing a constitutional amendment for metropolitan areas of over a certain size that would enable the formation of charter commissions empowered to draft actual two-tier charters that could be presented to the voters of a metropolitan area and passed by a single majority of those voting in the election.
3. If some form of two-tier government is the goal the Committee might analyze the desirability of recommending to the Boundary Commission that it encourage the incorporation of medium sized cities in urbanized areas that could provide the full range of lower-tier services or propose that the Commission be empowered to initiate creation of county self-governing sub units for such purposes.
4. The Committee should develop some sort of time schedule for legislative consideration of its proposals and may want to devote some time to the desirability of creating an ongoing Tri-County Citizens group that would take responsibility for keeping these issues alive as well as taking on other duties and responsibilities.

AMR:bjg

11/9/76

CLACKAMAS  
MULTNOMAH  
WASHINGTON

TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244

PORTLAND, OREGON 97201

(503) 229-3576

November 10, 1976

Ronald C. CEASE  
Chairman  
Carl M. HALVORSON  
Vice Chairman  
A. McKay RICH  
Staff Director

M E M O

TO: COMMITTEE MEMBERS  
FROM: McKay Rich *AK*  
RE: COMMITTEE MEETING SCHEDULES

Each of the three Phase III Committees had their first meeting this week and agreed on the meeting times listed below. If you have a conflict with the time, please notify the staff.

CITY-COUNTY SPECIAL DISTRICTS - Every other Monday, 4:00 to 5:30 p.m.  
Next meeting - NOVEMBER 22

COMMUNITY & NEIGHBORHOOD ORGANIZATION - Every other Tuesday, 4:00 to 5:30 p.m.  
Next meeting - NOVEMBER 23

LONG RANGE OPTIONS - Every other Thursday, Noon to 1:30 p.m.  
EXCEPT for the next meeting which will be November 24 at Noon.

All meeting will be held in CRAG Conference Room D.

If you plan to attend a meeting and would like a sandwich, please notify the staff.

THERE WILL NOT BE A FULL COMMISSION MEETING IN NOVEMBER - THE NEXT MEETING WILL BE THURSDAY, DECEMBER 16.

AMR/ bjg

John BAILEY  
Herb BALLIN  
Marlene BAYLESS  
Mary-Elizabeth BLUNT  
Philip R. BOGUE  
Ilo BONYHADI  
Alan BRICKLEY  
Dennis BUCHANAN  
Albert BULLIER, Sr.  
Joy BURGESS  
Ted CLARNO  
Elsa COLEMAN  
John FREWING  
Dean GISVOLD  
William GREGORY  
Lloyd HAMMEL  
Hazel G. HAYS  
Stephen B. HERRELL  
Nancy HOOVER  
Barbara JAEGER  
Leland JOHNSON  
Martin JOHNSON  
Charles JORDAN  
Hugh KALANI  
Julie KELLER  
Corky KIRKPATRICK  
Loyal LANG  
Robert LANDAUER  
Ed LINDQUIST  
Harold LINSTONE  
Raymond MAIER  
Tom MARSH  
G. H. MATTERS DORFF  
Wanda MAYS  
Maria Elena Bazan  
McCRACKEN  
Hugh McGILVRA  
Douglas MONTGOMERY  
William MOSHOFSKY  
Gary NEES  
Jack NELSON  
John NIGHTINGALE  
Mary OPRAY  
Mary RIEKE  
Frank ROBERTS  
Edward ROSENBAUM  
Fred RUSSELL  
Betty SCHEDEEN  
Robert SCHUMACHER  
Mildred SCHWAB  
Virginia SEIDEL  
Mike SHEPHERD  
Robert SIMPSON  
Estes SNEDECOR  
Larry SPRECHER  
Marlene STAHL  
Ardis STEVENSON  
Donna STUHR  
Steve TELFER  
Ora Faye THORGERSON  
Mary TIPPENS  
William B. WEBBER  
Julie WILLIAMSON  
Roger W. YOST

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WASHINGTON

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November 11, 1976

Ronald C. CEASE  
Chairman  
Carl M. HALVORSON  
Vice Chairman  
A. McKay RICH  
Staff Director

M E M O

TO: LONG RANGE OPTIONS COMMITTEE  
FROM: Kay Rich *Kay Rich*  
RE: Portland Metropolitan Study Commission Charter - Feb., 1967

Enclosed for your information and study is a copy of the charter which was requested by this committee at the first meeting, November 10.

AMR/bjg

John BAILEY  
Herb BALLIN  
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PRELIMINARY DRAFT

A CHARTER

Establishing the Municipality of Greater Portland and Providing  
for Establishment of Corporate Communities Therein.

PORTLAND METROPOLITAN  
STUDY COMMISSION

February, 1967

## EXPLANATORY NOTES FOR TITLE

The title introduces the most distinctive feature of the charter--that is, its provisions for a two-level system of government for Greater Portland.

One objective of the Metropolitan Municipality Committee of the Portland Metropolitan Study Commission is the establishment of a unit of government within the urban area with territorial jurisdiction and powers adequate to provide those public services that can best be provided on a unified, metropolitan-wide basis. These services, to list a few examples, include air-pollution control, water-pollution control, water supply, certain aspects of law enforcement, regional planning, major parks, and public transportation.

The Committee also envisages that at the same time that certain public services are being provided in the metropolitan area on a unified, metropolitan-wide basis, other public services could as well or better be provided on a local basis, with variations from locality to locality. The Committee is deeply concerned that the various localities have potent voices in determining what public services should be provided there. It feels that the governmental structure of Greater Portland would be more conducive to a high degree of citizen participation than the governmental structure of the present city of Portland and of the maze of special district governments that surround it. To these ends the charter includes provisions for establishing and operating corporate communities within Greater Portland, each of which would afford its residents a means both for participating in their local government and for indirectly influencing the Greater Portland government.

## A CHARTER

Establishing the Municipality of Greater Portland, providing for establishment of corporate communities therein, and providing for the government of the municipality and the communities.

### CHAPTER I

#### INTRODUCTORY PROVISIONS

##### 1.10 Names.

- (1) This charter may be referred to as the Greater Portland Charter of 1969.
- (2) The municipality established at the election at which this charter is adopted shall be known as the Municipality of Greater Portland.
- (3) A corporate community established in accordance with this charter shall have a name approved by the voters of the community or by the Greater Portland council.

##### 1.20 Definitions. In this charter

- (1) the word "voter" means a person qualified under the Constitution of Oregon to vote at a primary or general November election, and
- (2) the word "concurrence" means affirmative vote.

1.30 Nature. The Municipality of Greater Portland shall be a city under the laws of the United States and the State of Oregon.

##### 1.40 Territory.

- (1) The Municipality of Greater Portland shall include initially the territory of each city and each unincorporated area a majority of whose voters vote to consolidate the city or area into the municipality. Thereafter the municipality shall have whatever

territory is encompassed in the boundaries of the municipality as they are changed in accordance with state law concerning the boundaries of cities.

- (2) A corporate community shall include whatever territory lies within the boundaries of the community as they are initially established or subsequently modified in accordance with this charter.
- (3) Up-to-date descriptions of the boundaries of the municipality and of all corporate communities therein shall be maintained in the headquarters of the municipality and the communities.

## Explanatory Notes for Chapter I

### 1.10(2)

In this subsection and elsewhere the charter calls Greater Portland a municipality. It does so for two reasons:

1. Greater Portland would come into existence by virtue of the state law on municipal consolidation. When two or more municipal corporations consolidate, they go out of existence and the consolidated corporation takes their place. It is a different governmental entity than any of its predecessors. Greater Portland would not be simply an enlarged City of Portland; it would be a different municipal corporation. To help make this distinction clear the charter refers to Greater Portland as a municipality rather than a city.

2. Greater Portland would differ fundamentally from the present City of Portland and from every other city in Oregon in that Greater Portland would have a two-level system of government and would have, far more than any other city in Oregon, a system of multiple boundaries. The system of boundaries would designate not only the corporate limits of Greater Portland but also the territorial limits of the corporate communities within the municipality and of the service, taxing, and assessment districts for which the charter provides. Although Greater Portland would be a city, it would be so different than other cities that it could logically be referred to as a municipality. (See explanatory note on 1.30).

### 1.20(1)

The state constitution specifies, with certain qualifications not pertinent here, that in "all elections...every citizen of the United States, of the



age of 21 years and upwards, who shall have resided in the state during the six months immediately preceding such election, and who shall be duly registered prior to such election in the manner provided by law, shall be entitled to vote, provided such citizen is able to read and write the English language." Oregon Constitution, article II, section 2 (1932).

#### 1.20(2)

In decisions by deliberative bodies, such as governing bodies of municipal corporations, questions sometimes arise about the legal implications of abstention from voting. Occasionally the courts have held that abstention constitutes a concurrence with the majority of those who do vote. The purpose of this subsection is to make clear that under the Greater Portland Charter an abstention from voting on a measure before a council can never constitute a vote in favor of the measure.

#### 1.30

Questions have sometimes arisen about the application of state law concerning cities to Greater Portland. The purpose of this section is to make clear that the municipality would be fundamentally a city and would enjoy all the rights and powers of cities under state laws applying generally to cities. Greater Portland would come into existence by virtue of the state law on consolidation of cities and would be a consolidated city within the meaning of that law. For reasons explained in the explanatory note to the title the charter refers to the consolidated city as a municipality.

## CHAPTER II

### POWERS, DUTIES, AND SERVICES

2.10 Powers--General Grant. The Municipality of Greater Portland and the corporate communities therein shall have, subject to the limitations and division of powers in this charter, all powers that the constitutions and laws of the United States and the State of Oregon grant or allow cities, as fully as though this charter specifically stated each of those powers.

2.20 Powers--Construction. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers that the municipality and the corporate communities would have if the particular power were not mentioned. The charter shall be liberally construed, to the end that the municipality and the communities have, subject to the limitations and division of powers in this charter, all powers that cities may assume pursuant to state laws and to the municipal home-rule provisions in the state constitution.

2.30 Powers--Division.

(1) A corporate community shall be a body politic and corporate with power to

- (a) sue and be sued;
- (b) enter into contracts necessary for exercise of the powers of the community; and
- (c) acquire, hold, and dispose of property in accordance with the needs and powers of the community.

- (2) Inside its boundaries a corporate community may exercise any other power granted by this charter, except as provided to the contrary in
  - (a) this charter,
  - (b) a Greater Portland ordinance applicable in or to all such communities, or
  - (c) an agreement between the community and Greater Portland.
- (3) Outside its boundaries a corporate community may exercise whatever power Greater Portland delegates to the community to so exercise.
- (4) By requisition to Greater Portland or by contract with a private or any other public agency, a corporate community may provide any service that the community has power to provide. If the community requisitions the service from the city, the city shall provide the service in accordance with the requisition, and the community shall reimburse the municipality for the reasonable cost of the service.
- (5) A corporate community shall convey to Greater Portland property the community no longer needs because of assumption by the municipality of some function of the community.
- (6) A corporate community may incur indebtedness only
  - (a) through Greater Portland,
  - (b) with the approval of the Greater Portland council, and,
  - (c) if the indebtedness is bonded, with the approval of the voters of the community.
- (7) Except as law concerning the initiative and referendum provides to the contrary,
  - (a) the legislative power of Greater Portland shall reside exclusively in the Greater Portland council and

- (b) the legislative power of a corporate community shall reside exclusively in the council of the community.
- (8) Except as this charter provides to the contrary,
- (a) all other powers of Greater Portland that are not otherwise vested by this charter shall reside in the Greater Portland council but may be delegated by the council, and
  - (b) all other powers of a corporate community that are not otherwise vested by this charter shall reside in the council of the community but may be delegated by the council.

2.40 Service and Fiscal Differentials.

- (1) For purposes of taxation, special assessment, and imposition and collection of service charges, the Greater Portland council and the council of any corporate community may classify persons and property respectively on the basis of benefits they receive from Greater Portland and the community. To this end any of the councils may establish, expand, contract, and dissolve subordinate taxing, assessment, and service districts.
- (2) Unless the Greater Portland council decides by concurrence of two-thirds of its members that the financial burden of a particular service by the municipality is to be partly or wholly equalized throughout the municipality, the council may not tax, assess, or charge persons or property in a corporate community or a subordinate taxing, assessment, or service district for a service not provided in the community or the district.

## Explanatory Notes for Chapter II

### 2.10 and 2.20

These sections are patterned on the general grants of power that appear in virtually every new city charter that has been adopted in Oregon during the last third of a century. The Oregon Supreme Court long ago held that the municipal home-rule amendments to the state constitution constitute a "continuous offer" of "the whole sum of intramural municipal authority" to the voters of cities. Robertson v. City of Portland, 77 Or. 121, 127, 149 P. 545 (1915); State ex rel. Mullins v. Port of Astoria, 79 Or. 1, 18-19, 154 P. 399 (1916). By these sections of the Greater Portland charter the voters in the municipality would accept the constitutional offer in full, except as other sections of the charter provided to the contrary.

General grants of municipal power such as the grant in these two sections appear to be legally sufficient to confer on a city all the specific powers that it needs for its government and for furnishing municipal services. Bureau of Municipal Research and Service, Model Charter for Oregon Cities Appendix A (2d rev. 1959). Considerable doubt has been expressed as to whether a general grant of power that does not mention taxation can confer taxing power, but in two cases in the late 1950's the Oregon Supreme Court held that general grants of power to the cities of Oceanlake and Pendleton conferred taxing power. Davidson Baking Co. v. Jenkins, 216 Or. 51, 337 P.2d 352 (1959); Paget v. City of Pendleton, 219 Or. 253, 346 P.2d 1111 (1959). The general grant of powers in the Greater Portland charter would encompass all the specific intramural powers listed in the present charters of the City of Portland and of whatever other cities voted to become parts of Greater Portland. The general grant would also encompass additional powers as they were needed for municipal purposes.

### 2.30

Under this section, particularly its second paragraph, cities that became corporate communities would be able, during the transitional period immediately after the Greater Portland charter took effect and while Greater Portland was getting under way, to continue carrying on the functions that they had been carrying on as cities, except that, under the third paragraph of the section, they would need an authorization from Greater Portland for extra-territorial operations. One of the first acts of the Greater Portland council would quite certainly be the enactment of a general ordinance making this authorization. As Greater Portland became organized to provide public services, provision could be made at convenient times by ordinance under 2.30(2) (b) and by agreement under 2.30 (2) (c) for transfer to Greater Portland of city functions that could best be provided on an area-wide basis.

### 2.30(1)

Under this subsection a corporate community would be a municipal corporation, a public corporation, and a political subdivision of Greater Portland. Municipal corporations are political subdivisions of states, but a corporate community in Greater Portland would also be a political subdivision of a municipality. This relationship would be one facet of the two-level system of government of the municipality.

### 2.30(2)

In a two-level system of government one of the most fundamental features is the division of power between the two levels. This subsection is the main part of the Greater Portland charter that divides power between the Municipality of Greater Portland on the one hand and the corporate communities of the municipality on the other. In working out this division of power the

Metropolitan Municipality Committee considered a number of alternatives found in various federal systems of government:

1. A division of powers based on the federal union of the United States, delegating specific powers to Greater Portland and reserving all other powers under the Greater Portland charter to the corporate communities.
2. A division of powers based on the federal system of the Dominion of Canada, delegating specific powers to the corporate communities and reserving all other powers under the Greater Portland charter to Greater Portland itself.
3. A division of powers based on the system of municipal home rule in Oregon and many other states, declaring generally that in Greater Portland the corporate communities would have power to govern local matters and the municipality would have power to govern metropolitan matters.
4. A division of powers based on a new concept of municipal home rule, empowering cities to govern themselves as they see fit, except as the state legislature provides to the contrary by laws applying to all cities in the state.

The Metropolitan Municipality Committee found that it would be difficult to work out an adequate list of specific powers under either of the first two alternatives and was apprehensive that, however adequate such a list might be at first, it would turn out to be too rigid as the circumstances of Greater Portland and its corporate communities changed. The Committee therefore rejected those alternatives.

The third alternative would have been the simplest to incorporate in the

charter. It would, however, have set the stage for the courts to decide what matters are predominantly local and what are predominantly metropolitan. Experience with municipal home rule indicates that this method of differentiating local from state or metropolitan matters is subject to much uncertainty and poses the danger that the realm of local affairs may turn out to be much more restricted than home-rule advocates have intended. The Committee therefore rejected the third alternative.

The fourth alternative impressed the Committee as being the most adaptable to changing circumstances and unforeseen problems in Greater Portland-corporate community relations. This alternative is based on a concept of municipal home rule worked out mainly by Dean Jefferson Fordham of the University of Pennsylvania Law School, endorsed first by the American Municipal Association and then by the National Municipal League, and now adopted in the state of Kansas. Under this plan the cities of a state have power to govern themselves as they see fit, except as the state legislature restricts them by laws applicable to all cities in the state. Adapting this concept to the two-level system of Greater Portland provides that a corporate community would have all the powers conferred by the general grant of powers in the Greater Portland charter, subject to limitations spelled out in the charter and subject to ordinances of Greater Portland applicable to all the corporate communities in the municipality. Greater Portland could not single out one or a few corporate communities and by ordinance limit their powers. The Committee also decided that by voluntary agreement a corporate community could provide that Greater Portland might exercise one or more powers of the community.

No part of the entire charter is more crucial than this subsection to the



acceptability of the charter in the first instance or to its operative effectiveness thereafter. The Committee has spent a great deal of time on this feature of the charter endeavoring to contrive the best possible basis for dividing power between Greater Portland and the corporate communities. The Commission is therefore especially interested in receiving comments as to the adequacy of this subsection and suggestions as to how it can be improved.

### 2.30(3)

The Metropolitan Municipality Committee envisages co-operative relationships among the corporate communities in Greater Portland, and also between the corporate communities and Greater Portland. To set the stage for this sort of co-operation this subsection makes provision for extraterritorial functions on the part of corporate communities. Because any such function would sooner or later concern more than one corporate community and would probably affect legitimate metropolitan concerns of Greater Portland, the Committee deemed that Greater Portland should have a decisive voice as to how a corporate community in the municipality operates outside the boundaries of the community.

### 2.30(4)

A major aspect of the Metropolitan Municipality Committee's concept of the corporate community is that such a community have the option of depending largely or perhaps quite exclusively on other agencies to provide the services that the community has the power to furnish. The Committee desires to avoid duplication of bureaucracy and of physical plant and equipment wherever possible. Because Greater Portland would have a great deal of organizational and physical machinery for the furnishing of public services, and because

this resource could furnish many corporate community services more efficiently and economically than some corporate communities could furnish them, the charter would empower a corporate community to require Greater Portland to furnish any service that the community had power to furnish. The community would have power, within the limitations of the charter, to determine what the service should be, and would be financially responsible for the cost of the service, but would not have to develop the administrative machinery or acquire the real and personal property necessary to furnish the service.

Subsection 2.30(4) also would allow a corporate community to turn to another public agency or to a private agency for the furnishing of a corporate community service. A corporate community that wanted to turn to a county park department for assistance with a local park program could do so. A corporate community that wanted to provide a special local bus service in the community would have power to contract with a private bus company for the service.

#### 2.30(6)

This subsection would vest in Greater Portland a decisive control over corporate community indebtedness. It is based in part on precedents in other systems of two-level metropolitan government. In the Toronto system for Example, control of borough indebtedness is vested largely in the Municipality of Metropolitan Toronto, and over a period of 13 years the control has been conducive to an orderly pattern of public debt and has made it possible for the boroughs to borrow funds at lower interest rates than would have been possible otherwise.

#### 2.40

The Metropolitan Municipality Committee has been impressed with the fact that, because of the extraordinarily large territorial expanse of Greater

Portland, the municipality would encompass many localities which would vary greatly in their needs for public services. In order to facilitate the working out of service differentials and to avoid a pattern of rigid uniformity ill-adapted to the needs of the localities, the first subsection of this section makes explicit provision for classification of persons and property for purposes of adapting the fiscal burden of various services as precisely as possible to the levels of service that persons and property variously situated receive. The subsection makes explicit provision for subordinate taxing, assessment, and service districts that could be set up to delineate differences in various types of public service and to adjust the fiscal burden of the services correspondingly.

The Committee wishes to avoid imposing on persons and property the fiscal burden for public services they do not receive. It appears, however, that the benefits of some public services run on a more or less uniform basis throughout a metropolitan area. Examples are control of air-pollution and law enforcement aimed at organized crime. Subsection two of 2.40, therefore, authorizes the Greater Portland council, by an extraordinary majority, to equalize partly or entirely throughout the municipality the cost of certain services rendered primarily in certain localities of the municipality.

CHAPTER III  
COMMUNITY DISTRICTS

3.10 Establishment.

- (1) Each city other than Portland shall constitute a corporate community immediately upon becoming a part of Greater Portland.
- (2) As soon as feasible after two years have elapsed after the establishment of Greater Portland, the Greater Portland council shall cause all territory in the municipality, including territory formerly in the City of Portland, to be included in corporate communities.
- (3) The Greater Portland council may establish a corporate community in any territory that is not in another such community and that has a population exceeding one percent but not exceeding ten percent of the population of Greater Portland.
- (4) Ten percent of the voters in any such territory may file with the Greater Portland council a petition that a corporate community be established in the territory, or the Greater Portland council may propose establishment of a corporate community in the territory.  
The petition or proposal shall
  - (a) state the name of the community;
  - (b) indicate precisely the boundaries proposed for the community; and
  - (c) specify, within the limits prescribed by this chapter, the number of members of the council of the community.
- (5) Within the boundaries indicated by the petition or proposal the

Greater Portland council shall hold one or more hearings on the petition or proposal not later than 50 days after the filing of the petition or the making of the proposal. The council shall give notice of such a hearing not earlier than 20 nor later than 10 days before the hearing.

- (6) After the hearings the Greater Portland council may
  - (a) establish the community with the boundaries indicated in the petition or proposal;
  - (b) decline so to establish the community; or
  - (c) recommend that the community be established with modified boundaries, in which event the council
    - (i) shall indicate precisely the boundaries that it recommends,
    - (ii) shall state in writing the reasons for its recommendation,
    - (iii) shall conduct a hearing on establishment of the community with the modified boundaries, giving notice of the hearing not earlier than 20 nor later than 10 days before conducting it, and
    - (iv) at the conclusion of the hearing or afterward may establish the community with the modified boundaries or decline to establish it.
- (7) Between 45 and 90 days after a corporate community is established by the Greater Portland council the council shall call an election for electing the first members of the council of the community. A resident voter of the community may be nominated as a

candidate for election to the community council by a nominating petition signed by 20 or more voters of the community and filed with the Greater Portland council 30 days or more before the election. The Greater Portland council shall give notice of the election not earlier than 20 nor later than 10 days before the election. The election shall be conducted, and its results compiled and proclaimed, in a manner consistent with this charter and with general ordinances of Greater Portland governing elections.

- (8) The number of candidates elected at the election shall be the number specified in the petition or proposal that initiates the proceedings to establish the community. The position in the council of each successful candidate shall bear a number corresponding to the rank of the number of votes he receives at the election in comparison to the numbers of votes the other successful candidates so receive. The terms of office of the successful candidates shall begin as soon as the results of the election are proclaimed. The term of office of each of the majority in the lowest numbered positions shall continue until the beginning of the second odd-numbered year after he is elected and until the successor to his office is elected and qualifies for the office, and the term of office of each of the minority in the highest numbered positions shall continue until the beginning of the first odd-numbered year after he is so elected and until the successor to his office is elected and qualifies for the office. The candidate elected to Position No. 1 shall be the chairman of the community council.

### 3.20 Boundary Changes

- (1) Proceedings to change the boundaries of an already established corporate community may be initiated by
  - (a) a proposal by the Greater Portland council,
  - (b) a proposal to that council by a community council, or
  - (c) a petition to the Greater Portland council by ten percent of the voters in the territory that would be annexed to or detached from a corporate community by the proposed change.

The proposal or petition shall indicate precisely the change proposed.

- (2) Within 30 days after such a proposal is made or petition filed, the Greater Portland council shall conduct a public hearing on the proposed change. The council shall give notice of the hearing not earlier than 20 nor later than 10 days before the hearing.
- (3) After the hearing the metropolitan council may
  - (a) change the boundaries in accordance with the proposal or petition;
  - (b) decline so to change the boundaries; or
  - (c) recommend that the boundaries be changed otherwise, in which event the council
    - (i) shall indicate precisely the boundaries that it recommends;
    - (ii) shall state in writing the reasons for its recommendation;
    - (iii) shall conduct a hearing on the recommended boundaries, giving notice of the hearing not earlier than 20 nor later than 10 days before

conducting it; and

- (iv) at the conclusion of the hearing or afterward may decline to change the boundaries of the community or change them in accordance with the recommendation.

### 3.30 Boundary Requirements.

- (1) Within the limitations of this chapter the boundaries of a corporate community shall be drawn, insofar as feasible, so as to
  - (a) further the convenience and common interests of the residents of the community and of Greater Portland,
  - (b) make the territory in the community contiguous and compact, and
  - (c) identify and preserve historical communities.
- (2) Whenever the Greater Portland council finds that a corporate community cannot function efficiently and economically as an agency of local government because of the boundaries of the community, the council shall, to the extent feasible, change the boundaries to the extent necessary to enable the community so to function.

### 3.40 Community Councils.

- (1) The governing body of a corporate community shall be a community council consisting of a chairman and councillors.
- (2) For a corporate community that is a city immediately before it becomes such a community
  - (a) the number of members of the community council shall be the authorized number of members of the governing body of the city immediately before it becomes a corporate community;



- (b) the chairman of the council shall be nominated and elected in the manner prescribed by the charter of the city for nominating and electing the mayor of the city;
  - (c) the other members of the council shall be nominated and elected in the manner prescribed by the charter of the city for nominating and electing other members of the city governing body;
  - (d) the terms of office of members of the city governing body who are in office when the city becomes a community district shall be the remainders of the terms for which they have respectively been elected to the city governing body; and
  - (e) vacancies in the community council shall be governed by the provisions of the city charter concerning vacancies in the city governing body.
- (3) For a corporate community that is not a city immediately before it becomes a community
- (a) the number of members of the community council shall be whatever odd number, not less than three nor more than nine, is prescribed
    - (i) by the petition or proposal that initiates the proceedings by which the community is established or
    - (ii) by a subsequent ordinance of the community adopted by its voters;
  - (b) the positions of councillors in the community council

shall be numbered consecutively, beginning with 1, the number of the position of the chairman;

(c) not later than 70 days before a primary election a person may become a candidate for election to the community council

(i) by filing in an office designated by an ordinance of Greater Portland a declaration of candidacy indicating the position in the council to which he seeks to be elected and

(ii) by paying whatever fee is prescribed by such an ordinance for the filing;

(d) at the election,

(i) if the candidate receives a majority of the votes cast regarding the position that he seeks, he shall be entitled to a certificate of election to the position; and

(ii) if he does not receive such a majority, he shall, if he receives the highest or next to the highest number of such votes, stand for election to the position at the immediately ensuing November election;

(e) at a November election, of the candidates for a particular position in the community council, the one who receives the highest number of votes cast regarding the position shall be entitled to a certificate of election to the position;

(f) the term of a councillor nominated and elected to a

community council in accordance with this paragraph shall begin the first of the immediately ensuing year and continue four years and until his successor is elected and qualifies for the office; and

(g) a vacancy in the community council shall be filled by appointment for a term to continue until, in accordance with this paragraph, a person is elected to the office and qualifies for it.

(4) A community councillor

(a) shall have the qualifications prescribed by this charter for elective officers in general and

(b) shall be a resident of the community of whose council he is a member.

(5) A majority of the members of a community council shall constitute a quorum for transacting the business of the council, but a lesser number may meet and compel the attendance of absent members in a manner authorized by the rules of the council.

(6) Except as this charter provides to the contrary, a community council may act only with the concurrence of a majority of a quorum.

(7) By ordinance a community council shall prescribe general rules that shall govern the times, places, and procedure for its meetings.

3.50 Corporate Communities and the Greater Portland Council.

(1) Within the meaning of this section matters of special concern to a corporate community are

(a) items placed on the agenda of the Greater Portland council by the council of the community;

- (b) proposals for action by the Greater Portland council which, if taken, would change the legal relationships of all the corporate communities of Greater Portland in essentially the same manner; and
  - (c) proposals for action by the Greater Portland council which, if taken, would affect the community, an officer or employee thereof, or persons or property therein in a manner not common to or in all other such communities.
- (2) Whenever the Greater Portland council considers a matter of special concern to a corporate community, a representative of the community designated as such by the community council may sit with the Greater Portland council and, in accordance with its rules, participate in the discussion of the matter. No community representative, however, may vote on a matter before the council.
- (3) A community council may place items on the agenda of the Greater Portland council. The Greater Portland council shall consider every such item and, in accordance with its rules, hear whatever presentation the representative of the community to the council desires to make regarding the item.
- (4) A matter before the Greater Portland council that is of special concern to a corporate community shall, except as to items placed on the agenda of the council by the council of the community and except in emergencies declared by concurrence of two-thirds of the members of the Greater Portland council, be referred to the community council. For 30 days after the referral the Greater

Portland council may take no action on the matter, other than to study it and obtain information and recommendations about it, without first considering the recommendation of the community council about it.

## Explanatory Notes for Chapter III

### 3.10(1)

A city could become a part of Greater Portland by consolidating with other cities initially to establish Greater Portland. Subsequently a city "adjoining" Greater Portland could become a corporate community by merging into the municipality.

The corporate communities are envisaged as small or medium-sized political subdivisions of Greater Portland. The present city of Portland would not become a corporate community but would be divided into a number of corporate communities in accordance with subsequent provisions of this section.

### 3.10(3)

This subsection specifies standards for the initial size of corporate communities and indicates the small-to-medium size envisaged for the communities by the Committee. The standards would not limit subsequent changes in the population of corporate communities.

### 3.10(4)

The Metropolitan Municipality Committee is concerned that the territorial arrangement of corporate communities in Greater Portland be as sound and as adaptable as possible. To this end the Greater Portland council as well as voters in territory not already in a corporate community would have power to initiate proceedings to establish a corporate community.

### 3.20(1)

For the same reason the Greater Portland council would have power under this subsection to initiate proceedings to change the boundaries of a corporate community.

### 3.30

This section states general standards for the determination of corporate community boundaries and directs a mandate to the Greater Portland council to adjust those boundaries as necessary from time to time for purposes of efficient and economical functioning by corporate communities.

### 3.40(2)

This subsection provides for a city that becomes a corporate community in Greater Portland to continue to have the same governing body that it had as a city. The transition from city to corporate community status would not affect the terms of office of the members of the governing body.

### 3.50

Under the provisions of Chapter IV of the Greater Portland charter a corporate community would not be directly represented on the Greater Portland council. Members of that council would be elected from council districts. The Metropolitan Municipality Committee desires, however, that a corporate community have a special voice in all deliberations of the council having any special bearing on the community. To this end this section would authorize a representative of a corporate community to sit with the Greater Portland council and participate in its discussion whenever the council considered a matter of special concern to the community. It would authorize a corporate community council to place items on the agenda of the Greater Portland council; and would require items on the Greater Portland council agenda that were of special concern to a corporate community to be referred to the council of the community for review and recommendation unless an emergency existed or unless the items originated with the community council.

CHAPTER IV

GREATER PORTLAND COUNCIL

4.10 Council Districts--Number. The Municipality of Greater Portland shall be divided into \_\_\_\_\_ council districts.

- (1) In the event that majorities of the voters in all the pre-existing cities and unincorporated areas that are proposed to be consolidated to form the municipality vote in favor of so consolidating them, the boundaries of the districts shall be those indicated on the attached map;
- (2) In the event that a majority of the voters in one of the cities or areas does not so vote, the boundaries shall be boundaries that the Portland Metropolitan Study Commission determines, within 60 days after the charter is adopted, in accordance with the standards prescribed below for modifying council district boundaries.

4.20 Council Districts--Boundaries.

- (1) The boundaries of the council districts shall be so drawn and from time to time modified as to accord the people of each of the districts approximately equal representation in the Greater Portland council.
- (2) To this end,
  - (a) whenever the decennial Federal census indicates that the population of one of the districts exceeds the population of another of the districts by more than five percent, or



(b) whenever at any other time an official census or census estimate indicates that the population of one of the districts exceeds the population of another of the districts by more than 20 percent, the council shall, by the beginning of the next year for electing councillors, modify the boundaries of two or more of the districts in such a manner that the population of none of the districts exceeds the population of another of the districts by more than five percent. If the metropolitan council does not so modify the boundaries by that time, the mayor shall do so within the immediately ensuing 30 days.

(3) No modification of boundaries pursuant to this section shall affect the tenure of office of a councillor.

4.30 Councillors--Election.

- (1) A councillor shall be elected to the Greater Portland council by the voters of each council district at the first election in Greater Portland after this charter takes effect and at the primary or general November election in 1970 and every fourth year thereafter.
- (2) The name of a candidate for election to the council shall be entered on the ballot for the first or a primary election if, 30 days before the first election or 70 days before the primary election at which he seeks nomination for, or election to, the council, he files with the department responsible for administering Greater Portland elections a petition signed by 250 voters resident in the council district that he seeks to represent in the council.

(3) At the first election held pursuant to this charter, of the candidates for a position in the council, the one who receives the greatest number of votes shall be deemed elected to the office and shall receive a certificate of election to it.

(4) If at a primary election

(a) one of the candidates for a position in the council receives more than 60 percent of the votes cast for the candidates for the office, he shall be deemed elected to it and shall receive a certificate of election to it; or

(b) no candidate for the office receives more than 60 percent of those votes, the two candidates for the office who receive the two highest numbers of votes shall be deemed nominated and shall receive certificates of nomination for the office, and at the immediately ensuing general November election their names shall appear on the ballot and the one who receives the greater number of votes shall be deemed elected to the office and shall receive a certificate of election to it.

4.40 Councillors--Terms of Office. The term of office of a Greater Portland councillor shall begin the first of the year immediately after he is elected to the council and shall run four years and until his successor qualifies for the office, except that the term of office of each of the first councillors elected pursuant to this charter shall end as soon as the successor to his office qualifies for it after December 31, 1970.

4.50 --Qualifications. A Greater Portland councillor

(1) shall be qualified to hold an elective office of the municipality and

(2) shall be a resident of the council district that he represents the charter except that no modification of the boundaries of the district during his term of office shall disqualify him for the office.

4.60 Quorum. A majority of the members of the Greater Portland council shall constitute a quorum for transacting the business of the council except that a lesser number may meet and compel the attendance of absent members in a manner that the rules of the council shall prescribe.

4.70 Concurrence Required for Action. Except as this charter provides to the contrary, the council may act only with the concurrence of a majority of a quorum.

4.80 Meetings.

(1) By general ordinance the council shall prescribe rules that shall govern the times, places, notice, and procedure of its meetings.

(2) A meeting of the council shall be open to the public, except as the council provides to the contrary at the time of the meeting with the concurrence of two-thirds of its members. No action by the council may have legal effect unless the motion and vote by which the action is effected take place at a meeting open to the public.

4.90 Chairman.

(1) At its first meeting each calendar year the council shall designate one of its members other than the mayor to serve

as chairman of the council for the year. The chairman shall preside at meetings of the council.

- (2) No person may be chairman of the council for two successive years.
- (3) When the mayor is absent from the city or incapacitated from serving as mayor, the chairman shall be mayor pro tem, but his acts affecting the status of administrative personnel of the municipality may have effect only if ratified by a majority of the members of the council.

## Explanatory Notes for Chapter IV

### 4.10

The charter would provide for members of the Greater Portland council to be elected by districts. One of the most difficult decisions to be made by the Metropolitan Municipality Committee is how many members the council should have and into how many districts the city should be divided for purposes of representation on the council. The committee envisages such districts as single-member districts. The number of members and districts that the committee has considered have ranged from ten to more than twenty. The committee is especially desirous of suggestions as to what the size of the council should be.

### 4.20

The provision for election of members of the Greater Portland council by districts and the evolving principle of constitutional law commonly referred to as "one man, one vote" require that the charter include a provision for periodic reapportionment of the council districts in order to avoid unconstitutional disparities among them. The first subsection of 4.20 states the principle of "one man, one vote" and the second requires the Greater Portland council or the mayor to make periodic reapportionments of the districts as required by the principle.

### 4.30

Under this section Greater Portland councillors would be elected at primary and general elections. If at a primary election a candidate polled 60 percent of the votes cast for all candidates for the position he sought, he would be elected. If he failed to poll that percentage of votes, the two candidates

who received the highest number of votes at the primary would stand for a run-off election the following November.

#### 4.40

Terms of office of the Greater Portland councillors would not be staggered. The main reason is that the charter provides for single-member council districts. If under this arrangement the councillors' terms of office were staggered, there never could be a city-wide election of members of the Greater Portland council. This section therefore provides for Greater Portland councillors to be elected only every four years, at non-presidential elections.

#### 4.50

Qualifications of elective officers of Greater Portland are prescribed in section 8.10(1).

Neither this nor any other section of the charter states whether the office of Greater Portland councillor should be part-time or full-time. The Metropolitan Municipality Committee has made no decision on this matter. Many of its deliberations, however, appear to have assumed that if the members of the council numbered more than ten, the offices in the council certainly would be part-time.

The members of the present Portland city council, five in number, are full-time officers, but in the commission form of government of the city their offices combine legislative and administrative responsibilities. The members of the present Multnomah County board of commissioners, also five in number, are full-time officers but this feature of their offices has engendered considerable criticism. If the members of the Greater Portland council numbered more than five--the Committee has generally assumed that they would--there

would be much opposition to making their offices full-time, inasmuch as the offices would be primarily legislative, with few or no administrative responsibilities.

4.90

It is traditional in Oregon cities for the mayor to serve as chairman of the city council. This responsibility in a large deliberative body, however, tends to interfere with the role of leadership that a mayor ought to be free to play. For this reason the chairmanship is sometimes vested in someone other than the principal political leader--for example, in the British House of Commons the Prime Minister is not the chairman. Because the Greater Portland council would be a larger deliberative body than other city councils in Oregon, the charter would provide for the council chairman to be a member other than the mayor.

CHAPTER V

MAYOR

5.10 Election.

- (1) A mayor shall be elected by the voters of Greater Portland
  - (a) at the first election in the municipality after this charter takes effect and
  - (b) at the primary or general November election in 1970 and every fourth year thereafter.
- (2) The name of a candidate for the office of mayor shall be entered on the ballot for the first or a primary election if 30 days before the first election or 70 days before the primary election at which he seeks nomination for, or election to, the office, he files with the department responsible for administering Greater Portland elections a petition signed by 2,500 voters of the municipality.
- (3) At the first election held pursuant to this charter, of the candidates for the office of mayor, the one who receives the greatest number of votes shall be deemed elected to the office and shall receive a certificate of election to it.
- (4) If at a primary election
  - (a) one of the candidates for the office receives more than 60 percent of the votes cast for the candidates for the office, he shall be deemed elected to it and shall receive a certificate of election to it; or
  - (b) no candidate for the office receives more than 60



percent of those votes, the two candidates for the office who receive the two highest numbers of votes shall be deemed nominated and shall receive certificates of nomination for the office, and at the immediately ensuing general November election their names shall appear on the ballot and the one who receives the greater number of votes shall be deemed elected to the office and shall receive a certificate of election to it.

5.20 Term of Office. The term of office of a mayor shall begin the first of the year immediately after he is elected to the council and shall run four years and until his successor qualifies for the office, except that the term of office of the first mayor elected pursuant to this charter shall end as soon as his successor to the office qualifies for it after December 31, 1970.

5.30 Functions. The Mayor

- (1) shall be a member of the Greater Portland council;
- (2) may, vote on each matter before the council;
- (3) may, within ten days after the council adopts an ordinance that does not take effect immediately on its adoption, file with the council written objections to the ordinance, which objections shall then be considered by the council at its next regular meeting and be deemed to repeal the ordinance if a majority of the members of the council affirmatively sustain any of the objections;
- (4) may make recommendations to the council concerning policies of Greater Portland;

- (5) shall deliver to the council an annual report on the affairs of the municipality and such other reports as the council requests;
- (6) shall be chief executive of the municipality and, as such, responsible for carrying out the policies of the council and for enforcing its ordinances;
- (7) shall appoint and remove Greater Portland administrative personnel in a manner consistent with the Greater Portland personnel system;
- (8) shall be budget officer of the municipality and execute the budgets adopted by the council; and
- (9) shall have such other powers and duties consistent with this charter as the council prescribes.

## Explanatory Notes for Chapter V

### 5.10

The mayor of Greater Portland would be elected every fourth year at the same time as members of the Greater Portland Council. At the first election under the charter, a simple plurality would be sufficient for election. Thereafter a mayor could be elected at a primary election if he received 60 percent of the total votes cast for the position of mayor. If he did not receive the required 60 percent he would be elected at a run-off election in November.

### 5.30(3)

This clause provides for a so-called suspensory veto of Greater Portland ordinances by the mayor.

### 5.30(6, 7)

These clauses would make the mayor of Greater Portland an executive mayor. He would be chief executive of the municipality and have power to appoint and remove its administrative personnel.

CHAPTER VI  
ADMINISTRATION

6.10 Chief Administrative Officer.

- (1) The office of chief administrative officer is hereby established and shall be filled by appointment by the mayor with the consent of the Greater Portland council.
- (2) The term of office of a chief administrative officer shall continue so long as his services are satisfactory to the mayor.
- (3) The chief administrative officer, in accordance with directions from the mayor, shall
  - (a) co-ordinate the functions of Greater Portland administrative personnel and agencies and
  - (b) have whatever other functions the mayor prescribes for him consistent with this charter and with the ordinances of the municipality.

6.20 Other Administrative Personnel.

- (1) Other Greater Portland administrative personnel shall be
  - (a) the heads of the departments hereinafter established or hereafter established by the Greater Portland council and
  - (b) the personnel holding other administrative offices and positions of Greater Portland established by or pursuant to this charter.
- (2) This other administrative personnel shall be appointed in

accordance with the metropolitan personnel system established and operated pursuant to this charter.

6.30 Administrative Departments.

- (1) Administrative departments with the following names are hereby established, subject to the powers of the mayor subsequently conferred by this section: safety, public works, utilities, finance, recreational and cultural resources, health, planning, and administration.
- (2) The mayor may, with the concurrence of a majority of the members of the Greater Portland council, establish additional administrative departments for the municipality, abolish any administrative department of the municipality, and combine such departments.
- (3) Each of the departments shall have an administrative head and whatever organization and functions the mayor prescribes with like concurrence of the council.

## Explanatory Notes for Chapter VI

### 6.10

The mayor would, however, have an administrative officer who would serve as his chief administrative assistant. The assistance of this officer would free the mayor of enough of his administrative responsibilities to enable him to provide the political leadership needed for the government of Greater Portland.

### 6.30

City charters sometimes spell out in great detail the structure and functions of city administrative departments. This charter would take a more general approach. It would prescribe a small number of named departments to begin with, but would allow the mayor, with the consent of the council, to spell out the details of administrative structure and function and to modify them from time to time in accordance with the needs of the municipality. This prerogative of the mayor would be one of the reasons for regarding him as an executive mayor.

CHAPTER VII  
MUNICIPAL COURT

7.10 Establishment.

- (1) The judicial branch of the government of Greater Portland and of the corporate communities therein shall be a municipal court known as the Greater Portland Court.
- (2) The court shall have whatever number of judges the Greater Portland council prescribes.
- (3) The powers and duties of the court shall be those prescribed
  - (a) by this charter,
  - (b) by ordinances of Greater Portland, and
  - (c) by applicable state and Federal law.

7.20 Jurisdiction.

- (1) The territorial jurisdiction of the municipal court shall extend throughout Greater Portland.
- (2) The court shall have original and exclusive jurisdiction of any offense defined and made punishable, and of any action brought to recover or enforce a forfeiture of penalty defined or authorized, by an ordinance of the municipality or of a corporate community therein.
- (3) Within Greater Portland the court shall have the jurisdiction of a justice court, and its judges shall ex officio have the powers and duties of justices of the peace.
- (4) The court may
  - (a) issue process for the arrest of any person accused

of an offense against the municipality or a corporate community therein;

- (b) pending trial of any such person, may commit him to jail or admit him to bail;
- (c) issue and enforce subpoenas;
- (d) punish witnesses and others for contempt of court;
- (e) issue whatever process is necessary to carry into effect the judgments of the court; and
- (f) have whatever additional powers and duties the Greater Portland council prescribes.

7.30 Procedure. Proceedings in the municipal court shall be conducted

- (1) in conformity with this charter and with ordinances of Greater Portland and,
- (2) as to particulars not governed by charter or ordinance, in conformity with applicable state law governing justices of the peace and justice courts.

7.40 Judges.

- (1) A judge in the municipal court shall be
  - (a) an attorney licensed to practice law in Oregon and
  - (b) a resident of Greater Portland.
- (2) Judges for the court shall be appointed, in whatever number the Greater Portland council prescribes, promptly after this charter takes effect. Each of the judges may serve until the first of the year immediately following the second general November election after the charter takes effect.
- (3) At that election and at each alternate general November election thereafter the name of each judge in the court shall be submitted



to the voters of the municipality for their approval or disapproval of his continuation in the court.

- (a) If they do not approve his continuation in the court, his tenure as judge shall end the first of the year immediately following the election.
  - (b) If they do approve his continuation in the court, he may continue to serve as a judge in the court for four years, beginning the first of the year immediately following the election.
- (4) Judges for the court shall be appointed by the mayor from a list of attorneys recommended by a judicial qualifications committee as qualified to serve as judges in the court. The committee shall be established and maintained by the Greater Portland council. Whenever a position in the court becomes vacant, the mayor shall promptly appoint an attorney on the list to fill the vacancy.

## Explanatory Notes for Chapter VII

This chapter would establish and provide the basic framework for a municipal court that would be the judicial branch of both Greater Portland and the corporate communities in the municipality. Judges would be selected and retained or discharged on a basis commonly known as the Missouri plan--that is, judges would in all instances be appointed, but their retention would be determined by the voters. The purpose of Section 7.20(3) is to preserve and extend the arrangement under which municipal judges in the city of Portland have the jurisdiction of justices of the peace, including power to adjudicate charges of violations of state law.

CHAPTER VIII

PERSONNEL

8.10 Qualifications.

(1) A candidate for, or a holder of, an elective office of Greater Portland or of a corporate community therein

- (a) shall be a voter,
- (b) shall reside in the municipality, and
- (c) shall have resided there for two years immediately before becoming a candidate for the office or assuming it.

(2) Appointive officers and other appointive personnel

- (a) of the municipality shall have whatever qualifications the Greater Portland council prescribes and
- (b) of a corporate community shall have whatever qualifications the community council prescribes.

8.20 Compensation. The compensation of elective officers and appointive personnel

- (1) of Greater Portland shall be fixed by the Greater Portland council and
- (2) of a corporate community shall be fixed by the community council.

8.30 Vacancies--Causes. An elective office of Greater Portland or a corporate community shall become vacant

- (1) upon the incumbent's
  - (a) death,
  - (b) adjudicated incompetence,

- (c) conviction of a felony, any offense pertaining to his office, or unlawful destruction of public records,
  - (d) resignation from the office,
  - (e) recall from the office, or
  - (f) ceasing to possess the qualifications required for the office;
- (2) upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for his term of office to begin;
- (3) in case of a member of the Greater Portland council,
- (a) upon his absence
    - (i) from the municipality for 30 consecutive days
    - (ii) from meetings of the council for a period of 60 consecutive days without like consent and
  - (b) upon declaration by the council of the vacancy; or
- (4) in case of a member of a community council,
- (a) upon his absence
    - (i) from the community for 30 consecutive days without the consent of the council or
    - (ii) from meetings of the council for a period of 60 days without like consent and
  - (b) upon declaration by the council of the vacancy.

8.40 Vacancies--Filling.

- (1) The Greater Portland council, by concurrence of a majority of its members, shall promptly fill by appointment any vacancy in

an elective office of Greater Portland, for a term to continue until, in accordance with this charter, a person is elected to the office and qualifies for it.

- (2) Vacancies in a community council shall be filled by the council in accordance with the provisions of this charter governing community councils.
- (3) During the temporary disability or absence from Greater Portland of an officer or employee of the municipality his office or position may be filled pro tem
  - (a) by the Greater Portland council, in case his office is elective, and
  - (b) by the mayor, in case his office or position is appointive.
- (4) During the temporary disability or absence from a corporate community of an officer or employee of the community, his position may be filled pro tem by the community council.

8.50 Personnel System.

- (1) Within one year after this charter is adopted the Greater Portland council shall, in a manner consistent with the charter, establish and provide by ordinance for the administration of a merit or civil service and retirement system for the personnel in the service of Greater Portland and the corporate communities therein. But personnel in the service of such a community may be included in the system only on the basis of an agreement between the community council and the Greater Portland council.
- (2) The system shall afford persons in the service of units of

government to which Greater Portland is successor, rights and privileges equivalent to the rights and privileges that those persons have in the personnel systems of the predecessor units at the time this charter is adopted.

- (3) Pending establishment and operation of the system, the personnel system of the city of Portland shall continue as the personnel system of Greater Portland except that the personnel system of each city that becomes a corporate community shall continue so long as the community council desires, with whatever modifications the council effects.
- (4) A civil service commission of three members is hereby established. Members of the commission shall be appointed by the mayor with the consent of the Greater Portland council.
- (5) Of the first three members of the commission, one shall serve for a term of one year, one for a term of two years, and one for a term of three years. The term of office of each other member of the commission shall be three years, except that the term of office of a member appointed to fill a vacancy in the commission shall be the unexpired portion of the term of his immediate predecessor.

## Explanatory Notes for Chapter VIII

### 8.50

In any transformation of governmental structure in the Portland metropolitan area there would be a widespread concern that the civil-service status of local governmental personnel not be jeopardized. To protect this personnel this section would continue the present civil-service arrangements until they could be improved and would protect the rights that the personnel had immediately before Greater Portland was established.

The Metropolitan Municipality Committee recognizes that public personnel administration is a highly important and specialized aspect of local governmental administration. The Committee accordingly intends to seek expert advice as to what provision should be made in the charter for civil service and other aspects of personnel administration. The Committee will welcome suggestions from governmental and civic leaders in the metropolitan area as to how the personnel in the service of Greater Portland and its corporate communities can be assured maximum rights consistent with the public interest.

CHAPTER IX

ORDINANCES

9.10 Ordaining Clauses.

- (1) The ordaining clause of an ordinance adopted by the voters of Greater Portland shall be, "The people of Greater Portland ordain:"
- (2) The ordaining clause of an ordinance adopted by the voters of a corporate community distrit shall be, "The people of \_\_\_\_\_ Community ordain:"
- (3) The ordaining clause of an ordinance adopted by the Greater Portland council but not by the voters of the municipality shall be, "The Greater Portland council ordains:"
- (4) The ordaining clause of an ordinance adopted by a community council but not by the voters of the community shall be, "The \_\_\_\_\_ Community council ordains:"

9.20 Reading.

- (1) Every ordinance of a council, before being adopted, shall be read in open council meeting on two different days at least six days apart, unless two-thirds of the members of the council concur that the readings may take place within a shorter period of time.
- (2) The first reading shall be by title only. The second may be by title only
  - (a) if no member of the council present at the reading requests that the ordinance be read in full or



(b) if

(i) a copy of the ordinance is supplied each member of the council a week before the reading.

(ii) five copies of it are available for public inspection at the headquarters of the council throughout that week, and

(iii) notice of their availability is published at least one week before the reading, in a newspaper of general circulation in Greater Portland, if the ordinance is a Greater Portland ordinance, or in the corporate community the council represents, if the ordinance is a community ordinance.

(3) An ordinance adopted after being read by title only but amended in substance after first being so read may have legal effect only if each section containing such an amendment is read fully and distinctly in open council meeting before being adopted by the council.

(a) unless no member of the council requests that the amendment be so read or

(b) unless

(i) a copy of the amendment is supplied each member of the council a week before the adoption,

(ii) five copies of it are available for public inspection at the headquarters of the council throughout that week, and

(iii) notice of their availability is published at least one week before the adoption, in a newspaper of general circulation in Greater Portland, if the ordinance is a Greater Portland ordinance, or in the corporate community the council represents, if the ordinance is a community ordinance.

9.30 Adoption.

- (1) Except as this charter provides to the contrary with reference to emergencies, a council may adopt an ordinance only with the concurrence of a majority of its members.
- (2) With the concurrence of two-thirds of its members, a council may declare that an ordinance is necessary to meet an emergency.
- (3) Upon the final vote on an ordinance, the ayes and nays of the council members voting on the ordinance shall be recorded in the record of the council's proceedings.
- (4) Within three days after an ordinance is adopted it shall be signed by the persons who are respectively chairman and recording secretary of the council that adopts the ordinance.

9.40 Effective Dates. An ordinance adopted by a council shall take effect 30 days after being so adopted, except that

- (1) the council may provide for the ordinance to take effect at a later date,
- (2) an ordinance declared by the council to be necessary to meet an emergency may provide that it take effect immediately upon its adoption, and
- (3) an ordinance referred to the voters for their adoption or rejection may take effect only as of the date they adopt it.

CHAPTER X

ELECTIONS

10.100 Regular Elections. Regular elections in Greater Portland and in the corporate communities therein shall be held at the same time and places as biennial general state elections.

10.20 Special Elections.

- (1) The Greater Portland council may call special elections in the municipality.
- (2) The community council may call special elections in its community.
- (3) A special election so called may not be held within 60 days after being so called.
- (4) Notice of such a special election shall be given not earlier than 20, nor later than ten days before the election.

10.30 Procedure. The Greater Portland council may prescribe by general ordinance

11.20 the procedure for conducting election, giving advance notice thereof, and compiling and proclaiming the results therefrom. To the extent that elections are not so governed, they may be conducted in accordance with applicable state election laws.

10.40 Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Greater Portland council.

10.50 Nonpartisanship. No declaration of candidacy, petition for nominating a candidate for an elective office, or ballot for nominating or electing such a candidate may, by word or other symbol, indicate his affiliation with, or preference for, a political party.

## Explanatory Notes for Chapter X

### 10.10

The state constitution requires that city officers be elected at the same elections at which county and state officers are elected. Oregon Constitution, article II, section 14a (1917).

### 10.50

After much deliberation, the Metropolitan Municipality Committee decided the charter should provide for the election of officers in Greater Portland and its corporate communities on a nonpartisan basis. This follows the practice in most Oregon cities.

## CHAPTER XI

### MISCELLANEOUS PROVISIONS

#### 11.10 Public Improvements.

- (1) The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general Greater Portland ordinance or, to the extent not so governed, by applicable general state law.
- (2) Except as to sidewalks and improvements unanimously declared by the councils having jurisdiction over them to be needed at once because of emergencies, action on a proposed public improvement to be financed in whole or in part by special assessment shall be suspended for six months upon written remonstrance thereto by the owners of two-thirds of the property to be specially assessed for the improvement.

11.20 Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments to be charged against real property for public improvements or other public services shall be governed by general Greater Portland ordinance.

11.30 Contracts. A contract by Greater Portland or a corporate community therein for a public improvement to be made by a private contractor for consideration exceeding \$2,000 may be let only to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the council letting the contract, except in an emergency declared by concurrence of two-thirds of the members of the council.

11.40 Bonded Indebtedness. The Greater Portland council may issue bonds only

- (1) with the approval of the voters of Greater Portland, except as state law provides to the contrary, and
- (2) within the limits imposed by state law on the bonded indebtedness of cities.

11.50 Torts.

- (1) Except as required by the Constitution of the United States or the Constitution of Oregon or as provided in subsection (2) of this section, neither Greater Portland nor a corporate community therein shall be liable in damages for any tort.
- (2) Greater Portland and any corporate community therein shall be liable in damages, other than punitive damages, for personal injury, wrongful death, or property damage caused by a defect or dangerous condition in a public thoroughfare, site, or facility of the municipality or community, unless it can prove that it lacked actual notice prior to the injury, death, or damage that the defect or condition existed and that it lacked reasonable time thereafter to correct the defect or condition. No legal proceeding may be maintained under this subsection unless a notice of claim, on a form prepared and furnished by the municipality, has been filed with the council of the municipality or the community within 30 days after the injury, death, or damage is discovered. The claim shall be subject to all defenses that would be available to a private person. Under this subsection liability shall not exceed \$25,000 for a wrongful death, and liability for a personal injury or for property damage shall

be limited to special damages, costs, disbursements, and attorneys' fees. Liability shall not apply where

- (a) the claimant is compensated under the Oregon Workman's Compensation Law;
  - (b) the claimant fails to comply with a reasonable request by the municipality or community for information to evaluate or verify the claim; or
  - (c) legal proceedings to recover damages for the injury, death, or damage alleged in the claim are commenced less than 30 days or more than one year after the notice of claim is filed.
- (3) Greater Portland or a corporate community may in its discretion
- (a) intervene as co-defendant in any legal action against any of its officers, employees, or agents based on alleged tort;
  - (b) pay or compromise any claim against the officer, employee, or agent for injury, death, or damage resulting from his act or omission; and
  - (c) reimburse him for whatever judgment is entered against him as a result of such a claim,

provided that

- (a) the act or omission takes place in the scope of his office or employment with the municipality or community,
- (b) the act or omission does not involve wilful or malicious conduct or gross negligence, and
- (c) within five days after service of process upon him he

tenders the attorney for the municipality the defense  
of his case.

- (4) The Greater Portland council or a community council may pay claims it finds to be fair and moral obligations for which the municipality or community is not legally liable. Notice of such a claim shall be prepared, furnished, and filed in accordance with subsection (2) of this section. The claim may be paid only to the extent that the claimant is not compensated by insurance. No payment shall be made hereunder unless the claimant accepts the amount allowed as a full settlement of all amounts that he claims against the municipality or community and its officers, employees, and agents arising from the same facts.

11.60 Notice. Notice required by this charter for any action shall be notice

- (1) published by a newspaper of general circulation in the territory that the action concerns and
- (2) sent by postage-prepaid first-class mail to each other newspaper and each radio and television station indicated by the Oregon Blue Book as being published or operating in Greater Portland at the time of the notice.



Explanatory Notes for Chapter XI

11.50  
Limitations on municipal tort liability appear in many city charters and are quite traditional in the city charters adopted by Oregon cities during the last third of a century. This section is patterned to some extent on these limitations. It has been modified considerably, however, in view of recent trends regarding governmental immunity from tort liability. The last subsection of the section would continue a plan that has worked quite satisfactorily in the city of Portland for paying moral obligations for which there is no legal liability.

## MATTERS NOT TREATED IN DETAIL IN THE GREATER PORTLAND CHARTER

### Powers

In keeping with the tradition established by new city charters adopted in Oregon during the last third of a century, but contrary to the practice in earlier city charters, the Greater Portland charter does not spell out in lengthy detail the powers of the municipality and its corporate communities.

The general grant of power stated in sections 2.10 and 2.20 encompasses the powers that could be listed in an enumeration of specific powers typical of the older charters.

### Various Procedures

It was customary in earlier charters to spell out in great detail procedural rules for council meetings, elections, public improvements, special assessments, and financial operations. In most instances the charters adopted by Oregon cities more recently have not included details of this character but have instead left them to be prescribed by ordinance. This practice has worked out quite satisfactorily. It keeps a charter much briefer than is possible otherwise and makes for flexibility in procedure. The Greater Portland charter follows the newer tradition. Section 4.80(1) would require the Greater Portland council to prescribe by general ordinance rules for the meetings of the council. Sections 7.10(3) and 7.30 would open the door for the powers, duties, and procedure of the municipal court to be prescribed in part by ordinance. Section 8.50 envisages that details of the personnel system of Greater Portland would, subject to certain limitations in the charter, be spelled out by ordinance. Section 10.30 would authorize the Greater Portland council to prescribe election procedures "by general

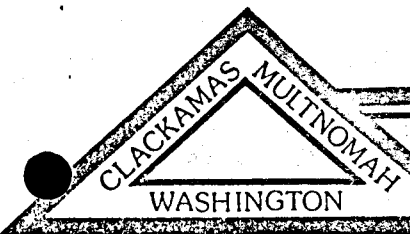
ordinance." Sections 11.10 and 11.20 would respectively require that public-improvement and special-assessment procedure be prescribed "by general Greater Portland ordinance." The specification of "general ordinance" is intended to prevent special procedures from being prescribed for special situations.

#### Conflict of Interest

Many city charters include prohibitions against city officers having financial interests in contracts with cities. This charter includes no such prohibition because by virtue of case law there appears to be such a prohibition generally applying to city officers and city contracts. There are, moreover, a number of state statutes that impose prohibitions on conflicts of interest in municipal contracts.

#### Annexation

The Greater Portland charter says nothing about annexation of territory to the municipality, because annexation is governed mainly by state statutes.



TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244

PORTLAND, OREGON 97201

(503) 229-3576

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November 17, 1976

MEMORANDUM

TO: LONG RANGE OPTIONS COMMITTEE  
FROM: LINDA MACPHERSON

Enclosed is an analysis prepared by Liz Mitchell derived from "Phase II Committee Reports" -- Long Range Options. It enumerates the responsibilities of the upper and lower tiers.

Wall charts of the major responsibilities of the two tiers for Human Services, Public Works and Public Transportation, Land Use, Recreational and Cultural Activities, Public Safety and Finance, Taxation and Administrative Services will be available at the next meeting on Wednesday, November 24, noon, in CRAG Conference Room D.

These charts could be used to highlight the relationships that could be further defined between the two tiers.

A full tri-county map, showing the cities and developed areas, will also be available at the meeting.

LLM:els  
Enclosure: LR5

November 17, 1976

LONG RANGE OPTIONS COMMITTEE

I. Human Services

The committee divided Human Services into six broad categories: aging services, children and youth services, health services, manpower programs, mental health and family services, and individual social services/community-based programs. The committee recommended that the upper tier provide the functions in Health Services and Mental Health Services and the lower tier was given designated functions in Aging Services, Manpower programs, and Children and Youth Services. The committee recommended neighborhood and community participation in all the areas, even if the charts show no formal arrangements. Sometimes it appears that two levels have been designated the same functions. This may mean that there are two levels of programs, as with Aging Services, and each level is in charge of the planning and operations of its own level. This could also mean that the committee was not certain which level would provide the functions in the end, so either level or both could, according to the charts.

You may also notice that tier charts were not prepared for Individual Social Services/Community-Based Programs, which include veterans' services, public assistance, food stamp distribution, and the four community action agencies operating in the tri-county area. These areas cover perhaps the largest categories of assistance for the disadvantaged and receive the bulk of their funding from the federal government. At present, they are handled directly, with little or no interaction with a lower tier of government. The committee did suggest such interaction might be worth looking into, as in the area of food stamp distribution.

(See Chart #1)

II. Public Works and Public Transportation

The committee examined the following four areas:

- A. Solid Waste
- B. Water
- C. Sewage
- D. Transportation

The charts are fairly self-explanatory. (See Charts #2 and #3)

III. Land Use, Recreational and Cultural Activities

A. Land Use

The committee determined that detailed comprehensive planning should remain a local function, subject to review and conformance with upper-tier requirements. The committee seems to suggest that the neighborhood function should continue to be advisory. The committee also

UPPER  
TIER

LOWER  
TIER

AGING SERVICES	MANPOWER PROGRAMS	CHILDREN AND YOUTH SERVICES
<p><u>PLANNING, FUNDING, AND OPERATION OF:</u></p> <ol style="list-style-type: none"><li>1. ACCESS SERVICES</li><li>2. DIRECT SOCIAL SERVICE</li></ol>	<p>(DATA BASE FOR FORECASTING)</p> <p><u>PLANNING AND OPERATIONS OF:</u></p> <ol style="list-style-type: none"><li>1. ADMINISTRATIVE SERVICES</li><li>2. EDUCATION and TRAINING</li><li>3. PUBLIC SERVICE EMPLOYMENT</li><li>4. JOB DEVELOPMENT</li></ol> <p><u>PLANNING OF:</u></p> <p>INTAKE / COUNSEL</p>	<p><u>PLANNING / COORDINATION and OPERATION OF:</u></p> <ol style="list-style-type: none"><li>1. PREVENTIVE SERVICES</li><li>2. CRISIS INTERVENTION</li><li>3. JUVENILE JUSTICE</li></ol> <p><u>COORDINATION OF:</u></p> <p>DAY-CARE</p>
<p><u>PLANNING AND OPERATION OF:</u></p> <ol style="list-style-type: none"><li>1. ACCESS SERVICES</li><li>2. DIRECT SOCIAL SERVICE</li></ol>	<p><u>OPERATION OF:</u></p> <p>INTAKE / COUNSEL</p>	<p><u>PLANNING AND OPERATION OF:</u></p> <ol style="list-style-type: none"><li>1. DAY-CARE</li><li>2. CRISIS INFORMATION</li></ol>

## SOLID WASTE

PLANNING, FUNDING, SETTING STANDARDS, and OPERATION

OF:

1. DISPOSAL SOLID WASTE/ RECYCLE
2. INSPECTION OF HANDLING AND DISPOSAL FACILITIES

## WATER

PLANNING, FUNDING, SETTING STANDARDS, and OPERATION

OF:

1. PROTECTION OF WATER QUALITY
2. DRINKING WATER SOURCE DEVELOPMENT
3. MAJOR TRANSMISSION SYSTEMS

## SEWAGE

PLANNING, FUNDING, SETTING STANDARDS, and OPERATION OF:

1. MAJOR TRUNKS and INTERCEPTORS
2. TREATMENT FACILITIES and EFFLUENT DISPOSAL
3. SLUDGE DISPOSAL/ RECYCLING

COLLECTION:

1. SETTING STANDARDS

PLANNING, FUNDING, SETTING STANDARDS, and OPERATION

OF:

1. COLLECTION OF SOLID WASTE

PLANNING, FUNDING, SETTING STANDARDS and OPERATION OF:

1. DISTRIBUTION SYSTEM FOR USERS
2. COLLECTION OF WATER BILLS

PLANNING, FUNDING, and OPERATION OF:

1. COLLECTION

UPPER  
TIER

LOWER  
TIER

# TRANSPORTATION

UPPER  
TIER

PLANNING, FUNDING,  
SETTING STANDARDS and  
OPERATIONS:

1. MASS TRANSIT SYSTEM
2. MARINE & AVIATION FACILITIES

PLANNING, FUNDING, and  
SETTING STANDARDS:

1. LAND GOODS MOVEMENT

DEVELOP and  
CONTROL:

1. REGIONALLY DESIGNATED ROAD SYSTEM

LOWER  
TIER

PLANNING, FUNDING, SETTING STANDARDS,  
and OPERATIONS:

1. MINOR ARTERIALS
2. COLLECTORS
3. LOCAL STREETS and ROADS
4. PUBLIC PARKING FACILITIES
5. TRAFFIC CONTROL
6. TRAFFIC SAFETY
7. REGULATING / LICENSING VEHICLES FOR HIRE
8. BIKEWAYS

PLANNING and FUNDING:

1. CITY PRINCIPAL ARTERIALS



determined that citizen and neighborhood groups should not be formalized in their relationship to the upper tier because this would be handled best by individual cities and counties.

(See Chart #4)

B. Parks and Recreation

In the long range, the committee agreed that most parks and recreation functions should be handled by the lower tier, which consists of cities, urban community districts, and rural community districts. The funding and operations of all regional parks should be handled by the upper tier while planning, funding, operation and acquisitions of community and neighborhood Leisure Activity Areas are functions best performed at the lower tier.

(See Chart #5)

C. Libraries

Planning at the lower tier refers to deciding what books should be ordered (Acquisitions - Planning), how they should be circulated and for what lengths of time (Traditional Services - Planning), and what programs should be established to serve those unable to come to the libraries (Outreach Services - Planning).

Facilities Maintenance includes maintenance of the physical plants which house library services.

Traditional services include circulation, reference, and inter-library loan.

Outreach Services include service to institutions, books by mail, and Bookmobile.

(See Chart #5)

D. Major Cultural Facilities

All major cultural facilities, with the exception of golf courses, were placed in the upper tier. The rationale reflected in this determination is that these facilities serve a regional clientele and thus should be a regional responsibility. Golf course facilities are generally self-supporting and draw their clientele from their own communities. Local control of planning, standards, and operation increases the ability of the communities to match their needs with facilities.

(See Chart #5)

IV. Public Safety

The committee looked at numerous areas within the field of Public Safety. Generally, the recommendations shifted responsibilities and authority to a higher level of government so the lower tier was not directly discussed, with the understanding that there would

# LAND USE\*

## PLANNING

- Set goals & objectives
- Define plan procedure and apply
  - ..Identify areas/activities of concern
  - ..Designate planning process
  - ..Prepare/adopt policies & standards
- Metro plan coordination
  - ..Air quality
  - ..Water quality
  - ..Transportation
  - ..Others as designated
  - ..Prepare/adopt functional plans for metro concerns.

## IMPLEMENTATION

- Compliance of local plan with Metro policy/standards & functional plans
- Review/conflict resolution
- Regulation: Matters of Metro concern
- Federal (A-95) Grant Compliance Procedures

## TECHNICAL ASSISTANCE

- Intergovernmental coordination
- Citizen involvement
- Plan. guides and train.

## PLANNING

- Adopt comprehensive plan
- Plan administration
- Local agency coordination

## IMPLEMENTATION

- Hearing process
- Planning Commission Review
- Zoning
- Subdivision
- Construction codes
- Capital improvements
- Streets & roads improvement
- Local improvement districts
- Development staging techniques

## TECHNICAL ASSISTANCE

- Citizen involvement
- Planning assistance to lower-tier units

\* The Land Use Committee did not address the LONG RANGE OPTIONS in the 9/76 Report.

PPER  
TIER

LOWER  
TIER

PARKS and RECREATION

FUNDING and OPERATIONS:

- 1. REGIONAL PARKS

PLANNING, FUNDING, and OPERATIONS:

- 1. NEIGHBORHOOD PARKS
- 2. COMMUNITY PARKS
- 3. UTILIZATION OF OTHER SITES

LIBRARIES

PLANNING, FUNDING, and OPERATIONS:

- 1. ADMINISTRATION
- 2. FACILITIES MAINTENANCE
- 3. ACQUISITIONS
- 4. TRADITIONAL SERVICES
- 5. OUTREACH SERVICES
- 6. TECHNICAL PROCESSES

PLANNING:

- 1. ACQUISITIONS
- 2. TRADITIONAL SERVICES
- 3. OUTREACH SERVICES

MAJOR CULTURAL FACILITIES

PLANNING, FUNDING, SETTING STANDARDS and OPERATIONS:

- 1. MEMORIAL COLISEUM
- 2. CIVIC STADIUM
- 3. CIVIC AUDITORIUM
- 4. PORTLAND RACEWAY
- 5. EXPOSITION CENTER
- 6. ZOO

PLANNING, FUNDING, SETTING STANDARDS, and OPERATIONS:

- 1. MUNICIPAL GOLF COURSES

UPPER TIER

LOWER TIER

have to be considerable cooperation and interaction between tiers. In several areas for example, it was determined that the funding responsibility should go to the state, while the control would remain either at the middle or upper tier as in the areas of circuit courts and the public defender's office.

In the long range, the planning, funding, operations, and mutual response arrangements of fire suppression would remain at the local level. The upper tier would have the power to plan, fund and provide operational services for planning, purchasing, communications, facilities, equipment, specialized training, and major repair and maintenance through intergovernmental contracts.

The committee encouraged a more closely integrated tri-county policy protection delivery system that would be authorized at the upper tier in the long range. This would include the authorization of all communications. The enhancement of present law enforcement data systems through the sharing of criminal records at the middle tier was also suggested.

Increased information sharing was similarly encouraged in the judicial area. It was suggested that calendaring and clerking functions be placed on one computer to eliminate parallel records. Plans to move adult corrections programs from the middle to upper tier in the long range was also suggested. This would eliminate present inequities of priorities and standards apparently brought about by the three separate county courts.

(See Charts #6, #7 and #8)

## V. Finance, Taxation, Administrative Services

### A. Administrative Services

The committee acknowledged the existing forms of neighborhood organizations and recommended that financing be on an individualized basis, determined by the controlling middle-tier governments. The middle-tier units should be encouraged to finance or help finance basic support costs of the neighborhood units.

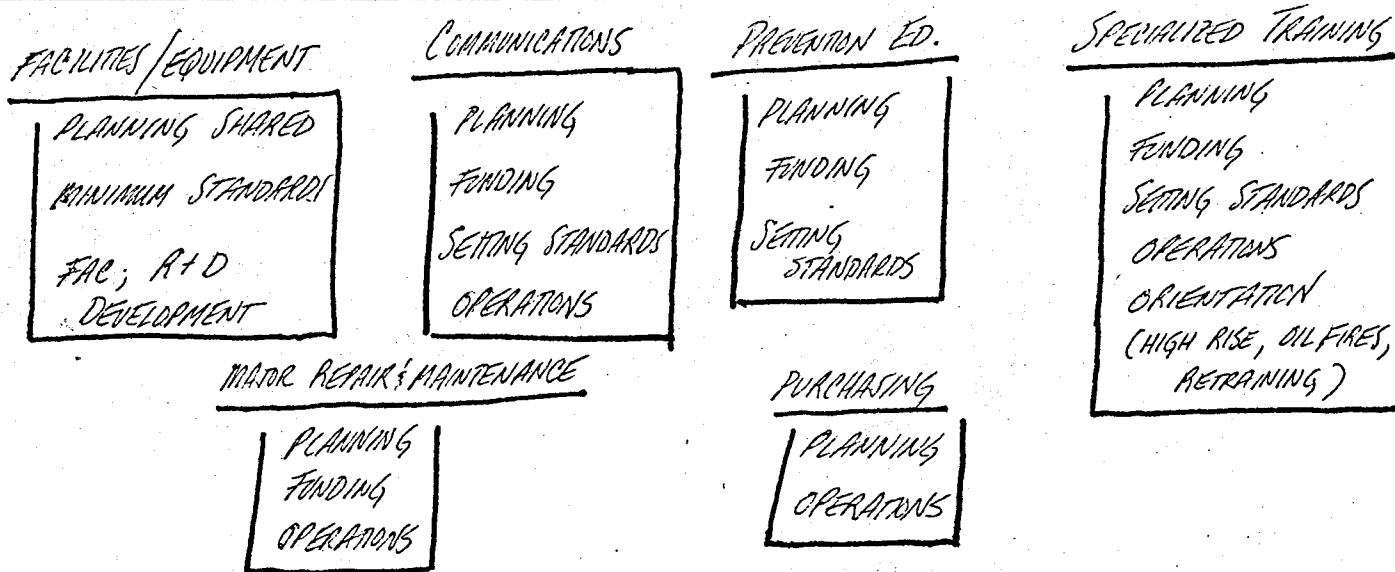
The following functions could be accomplished by the upper tier through intergovernmental agreement with the middle tier units:

1. Purchase of supplies and equipment
2. Administration of elections
3. Labor relations
4. Data processing
5. Financial administration and investment
6. Building maintenance

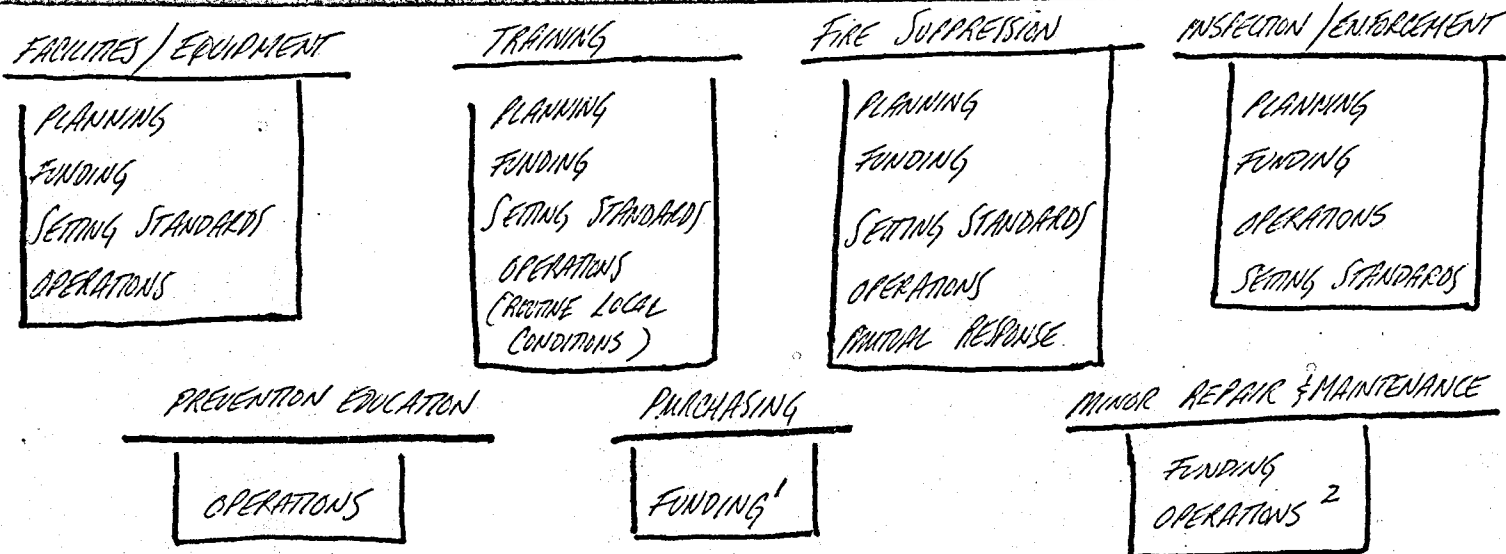
The committee has designated the upper tier with the planning, funding, and operation of the first two, while with the last three functions, planning and funding would be at the lower tier and

# FIRE PROTECTION

UPPER  
TIER



LOWER  
TIER



1. POSSIBILITY OF INTERGOVERNMENTAL CONTRACTS AT EITHER TIER FOR SPECIALIZED SERVICES

2. MOBILE REPAIR UNITS DISPATCHED TO LOCAL ENGINE HOUSE

# POLICE BASE ENFORCEMENT and POLICE SUPPORT SERVICES

UPPER  
TIER

## FUNDING and PLANNING:

1. CRIME PREVENTION  
EDUCATION

## FUNDING AND OPERATIONS:

1. POLICE SUPPORT SERVICE
2. HOLDING FACILITIES  
(JAIL)

## FUNDING, PLANNING, and OPERATIONS:

1. COMMUNICATIONS

LOWER  
TIER

## OPERATION:

1. CRIME PREVENTION  
EDUCATION

## FUNDING and OPERATIONS:

1. EQUIPMENT  
MAINTENANCE
2. TRAINING (LOCAL PROGRAMS)
3. PURCHASING
4. RECORDS

## PLANNING, FUNDING, and OPERATIONS:

1. CRIME PREVENTION
2. APPREHENSION and  
DETECTION
3. PATROL
4. COMMUNICATIONS

UPPER  
TIER

JUDICIAL - JUVENILE JUSTICE

PLANNING and FUNDING:

DETENTION FACILITIES (TEMPORARY)

ADULT CORRECTION

WORK RELEASE and SCHOOL RELEASE

JAIL PROGRAMS:

COORDINATED WITH THE COURTS

LOWER  
TIER

OPERATIONS:

DISTRICT ATTORNEY

OPERATIONS, FUNDING (MISC)  
and PLANNING:

COURT ADMINISTRATOR

OPERATIONS and PLANNING:

1. COMMUNITY DETENTION FACILITIES
2. COUNSELING SERVICES

OPERATIONS:

1. PROBATION / PAROLE
2. VICTIM ASSISTANCE RESTITUTION

FUNDING and OPERATIONS

- i. PRE-TRIAL DIVERSION

OPERATIONS and FUNDING (MISC.)

1. PROSECUTION

PLANNING, FUNDING, and OPERATIONS:

1. REHABILITATION / DIVERSION

PUBLIC DEFENDER - CONTRACT WITH METRO  
PUBLIC DEFENDER

operation at the upper tier.  
(This is illustrated in Chart #9)

B. Tax and Finance

There would be little change from the current methods of providing Finance and Taxation Services. Middle-tier functions include the funding and operations for property tax assessment and collection, borrowing money, managing debt, and registering real estate. The funding and operations of tax assessment was viewed as flexible, because the committee did foresee taking advantage of certain economies of scale and moving the function to the upper tier.

(See Chart #9 on Tax and Finance)



UPPER  
TIER

## ADMINISTRATIVE SERVICES

### PLANNING, FUNDING, and OPERATIONS:

1. PURCHASE OF SUPPLIES & EQUIPMENT
2. ADMINISTER ELECTIONS

### OPERATIONS:

1. LABOR RELATIONS
2. DATA PROCESSING
3. FINANCIAL ADMINISTRATION & INVESTMENT

### PLANNING, FUNDING, OPERATIONS, & SETTING STANDARDS:

1. BUILDING MAINTENANCE

## FINANCE AND TAXATION

### FUNDING and OPERATIONS:

1. PROPERTY TAX ASSESSMENT
2. PROPERTY TAX COLLECTION
3. BUDGET & PROPERTY TAX LEVY REVIEW

LOWER  
TIER

### PLANNING & FUNDING:

1. DATA PROCESSES
2. FINANCIAL ADMINISTRATION

### PLANNING, FUNDING & SETTING STANDARDS:

1. LEGAL COUNSEL

### OPERATIONS, FUNDING, & SETTING STANDARDS:

1. PURCHASE OF SUPPLIES and EQUIPMENT

### PLANNING, FUNDING, and OPERATIONS:

1. BUDGETING
2. ADMINISTER ELECTIONS
3. ACCOUNTING
4. AUDITING
5. LABOR RELATIONS

### PLANNING, FUNDING, OPERATIONS and SETTING STANDARDS:

1. PERSONNEL

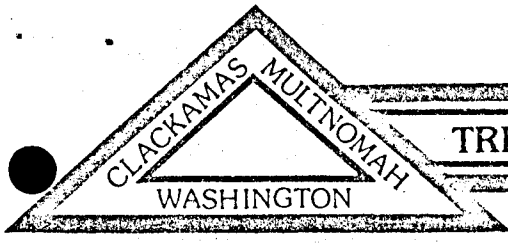
### PLANNING, FUNDING, OPERATIONS:

1. BORROW MONEY & MANAGE DEBT

### FUNDING and OPERATIONS:

1. REGISTER REAL ESTATE TRANSACTIONS

CS-8  
LR-6



TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244 PORTLAND, OREGON 97201 (503) 229-3576

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November 18, 1976

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M E M O

TO: CITY-COUNTY-SPECIAL DISTRICTS COMMITTEE  
LONG RANGE OPTIONS COMMITTEE  
FROM: A. MC KAY RICH  
RE: REVIEW OF BOUNDARY COMMISSION'S PURPOSE  
AND ACTIONS

The attached report was prepared by Bruce Etlinger and,  
in addition to background information, may suggest changes  
the committees might wish to pursue.

AMR:els  
Attached report

A Review of Boundary Commission Legislation

and Actions To Date

by Bruce Etlinger

ORIGINS AND PURPOSE

Fragmented authority for local public services, coupled with overlapping and conflicting boundaries and responsibility for various services, led the Advisory Commission on Intergovernmental Relations (ACIR), nationally, and the Portland Metropolitan Study Commission, locally, to propose the concept of boundary review agencies during the middle 1960's.

In 1969, the Oregon Legislature passed legislation enabling the formation of such agencies and creating specific agencies for the Portland, Salem and Eugene areas. Boundary Commissioners are appointed by the Governor, and they are prohibited from being elected or appointed local officials. Each of the three commissions has jurisdiction covering a Standard Metropolitan Statistical Area, as defined by the U.S. Census except Portland. The Portland area commission covers Clackamas, Columbia, Multnomah and Washington Counties. Within this area are 33 cities and 10 types of urban service districts which come under the Boundary Commission jurisdiction.

The purpose for Boundary Commissions is perhaps best stated in the opening section of the legislation:

1. In 199.410 policy, the Legislative Assembly finds that:
  - a. A fragmented approach has developed to public services provided by local government, and such an approach has limited the orderly development and growth of Oregon's urban areas.
  - b. The programs and growth of each unit of local government affect not only that particular unit, but also the activities and programs of a variety of other units within each urban area.
  - c. As local programs become increasingly intergovernmental, the state has a responsibility to insure orderly determination and adjustment of local government boundaries to best meet the needs of the people.
2. The purpose of ORS 199.410 to 199.510 (the Boundary Commission law) is to provide a method for guiding the creation and growth of cities and special service districts in Oregon, in order to prevent illogical extensions of local government boundaries and to assure adequate quality and quantity of public services and the financial integrity of each unit of local government.

The Boundary Commission statutes distinguish between major and minor boundary changes. Major changes involve formation, mergers, consolidations and dissolution of cities or districts. Minor changes include annexation, withdrawal and transfer actions from or between these units.

Initiation of major changes can be:

1. by petitions of registered voters or property owners
2. by resolution of the appropriate governing bodies
3. by a resolution of the Boundary Commission

All major changes, with the exception of consolidations or mergers of special districts, are subject to voter remonstrance.

Annexations or minor boundary changes (the bulk of Boundary Commission work) can be initiated by four basic methods:

1. Resolution of a governing body
2. Property owner petition (representing 50% of land area)
3. Voter petition (10% of voters in area)
4. Resolution of Boundary Commission

These methods are all subject to voter remonstrance by either the city or special district and/or the area being annexed.

There are three additional methods of annexation available to cities only and not subject to voter remonstrance:

1. Triple majority (changed from triple 2/3 in 1973) -- petition from a majority of property owners who own majority of land which represents a majority of the assessed value
2. Island (city ordinance can initiate change if all land is surrounded by city)
3. Health Hazard (finding of State Health Administration initiates)

#### LEGISLATIVE CHANGES:

Since enactment in 1969, there have been several changes affecting the authority of boundary commissions. Most notable is control over water and sewer extensions outside of cities and special districts and control over the establishment of community water and sewer systems and extensions therefrom. These changes reflected a desire by the Legislature to better control urban services provided outside the boundaries of local units.

Another legislative change allows for merger or consolidation of special districts without a vote of the people. This was designed to aid the reduction of governmental units.

Annexations to a city can now be effected by a triple majority instead of a triple 2/3, as a result of legislative change. Another change in the law now requires that all proposals for formation of a city or district must be accompanied by an economic feasibility statement that justifies the action on the basis of logical and efficient provision of services for the affected area.

#### ACTION TO DATE IN PORTLAND AREA

From September 1969 to February 1976, the Commission considered 927 boundary changes and water and sewer extensions. This activity can be

broken down, as follows:

ACTIVITIES

MAJOR BOUNDARY CHANGES

Formations . . . . .	23	(2%)
Consolidations & Mergers . . . . .	18	(2%)
Dissolutions . . . . .	<u>3</u>	<u>(1%)</u>
Sub-Total	44	(5%)

MINOR BOUNDARY CHANGES

Annexations . . . . .	787	(85%)
Withdrawals . . . . .	40	(4%)
Transfers . . . . .	<u>0</u>	<u>(0%)</u>
Sub-Total	827	(89%)

WATER & SEWER EXTENSIONS

Outside Water . . . . .	13	(2%)
Outside Sewer . . . . .	22	(2%)
Community Water . . . . .	<u>21</u>	<u>(2%)</u>
Sub-Total	56	(6%)

TOTAL PROPOSALS	927	(100%)
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The Boundary Commission legislation clearly identifies two facets to solving the problems outlined in the policy section of the law. One is to reduce the number of units, and the second is to rationalize local government boundaries in such a way as to promote "the orderly development and growth of Oregon's urban areas for the maximum interest of all citizens."

Observers suggest that the Portland Boundary Commission has been successful in reducing the total number of entities -- as indicated by the chart below:

REDUCTION OF NUMBER OF UNITS

	<u>1969</u>	<u>NOW</u>
Cities	39	39
Fire	46	42
Lighting	116	4
Park	4	3
Sanitary	21	3
Water	53	45
Vector	2	2
County Service		
Districts	26	19
MSD	<u>1</u>	<u>1</u>
TOTAL	308	158

By shifting the functions of many sanitary and lighting districts to county service districts, consolidating several water and county service districts and avoiding creation of new districts, some 150 less units are operating today than in 1969.

It is noteworthy that, although the reduction in fire districts has been less striking to date -- from 46 to 42, two important consolidations of fire districts have resulted from County Commission action: RDPD #10 for East Multnomah County and another consolidation of several districts into Washington County District # covering most of the communities in eastern Washington County (excepting Beaverton). Both of these resulting fire protection districts have been analyzed and found to have produced considerable increase in service, better fire insurance ratings and economies of scale. (As reported by Oregon Legislative Research report entitled "Boundary Review in the Growth Management process", page 3).

ISSUES PERTINENT TO MODIFICATIONS OF STATUTE OR POLICY OF BOUNDARY COMMISSION (for Portland Metropolitan area)

The goals to be achieved by boundary commissions as outlined in the 1969 legislation (and additional authority granted since) are ambiguous enough -- in the view of some boundary commission commissioners and observers questioned -- to suggest (at least for the CRAG region) a clarification of legislative intent and/or Boundary Commission policy. There appears to be two important issues which emerge from both the literature on boundary review and conversations with persons and agencies having interest in local government boundaries. They are:

1. The role of the Boundary Commission in implementing state, regional and local land use plans and the impact of its decisions on the timing for development and provision of public services
2. Responsibility to simplify local government structure so as to "delineate geographic areas of planning and service responsibility".

Looking first at the land use interface, LCDC Goals and Guidelines and the proposed CRAG framework plan require each city and county to design a comprehensive plan for usage of land in its jurisdiction. An urban growth boundary for the entire region will be established along with "immediate growth areas" outside city limits and "future urbanizeable areas" for land in each county that is unincorporated but planned for urban development. This regional mapping and definitions of appropriate uses, facilities and services for urban and rural land offers some broad parameters for decision-making by the Boundary Commission.

Completed plans by each jurisdiction and adopted plans that have been reviewed and judged "in compliance" by the region (through the CRAG forum) and the state (LCDC) should offer significant guidance for the regulation of boundaries, the growth of cities and where urban services are to be extended.

A report by the Oregon Legislative Research office entitled "Boundary Review in the Growth Management Process" examines the link between land use planning and boundary review. This report suggests that an alternative to the generally piecemeal control on urban service extensions now exercised

by the Boundary Commission would be "timing and sequential controls" over development. Such an approach replaces continuous market pressure to abruptly change land uses with a more orderly growth of land values and planned extension of urban services. Logical urban service areas could be designed for all current and projected urban land. If such an approach is to be effectively implemented, two prerequisites seem important:

1. Establishing ultimate urban service areas for all urban areas and projected urban areas of the region. Under CRAG's coordinating responsibility, some communities like West Linn and Lake Oswego have already done some of this work. A more aggressive effort could clarify which urban area is part of each local general-purpose unit and, thereby, foster further reduction in total number of entities and the disarray of service providers facing most citizens.
2. Better coordination of urban growth with boundary review as a key element. Planning and timing of major utility extensions should augment the region's ability to manage growth within its framework plan. To quote a well-known urban planner, Marion Clauson, "Extension of various public improvements, such as roads, water lines, sewer lines, schools and others, and even such privately provided services as electricity, gas and telephones, in coordinated fashion into suburban areas ripe for development, could be a powerful tool affecting the location and rate of such suburban development. The power to extend such services in some areas implies the power to refuse it elsewhere."

Controlling extensions of public services requires control over the agencies that provide those services.

A first step is: "...to gain, or regain, political control over many of the specialized agencies of government. As the case studies well-illustrated, in some counties the sewer authority proceeds on its own, building sewers pretty largely when and where it wishes; and other specialized agencies of local government have done the same sort of thing. Unless and until the various kinds of public improvement programs are brought under unified control, this potentially powerful tool for affecting suburban development will be largely impotent." (Clauson: Suburban Land Conversion in the U.S., John Hopkins Press, Baltimore 1971, p. 347).

Summarizing this growth management issue, we find a need to clarify and perhaps re-define the role of BC's vis-a-vis local, regional and state land use planning agencies. At a minimum, judicial proceedings should shed light on current Boundary Commission authority to enforce the (CRAG) regional framework plan and LCDC Goals and Guidelines.

The second issue pertinent to the impact of Boundary Commission activity to date in the Portland area is local government re-structuring. It would appear that the legislation has been effectively implemented to check the proliferation of new units of government, reduce many unnecessary entities and provide some economies of scale in fire district mergers.

Fragmentation refers to disorder from a unified whole as well as the sheer multiplication of numbers, though. Applying this more comprehensive yardstick for the "orderly determination and adjustment of local government boundaries" has led some to suggest a more aggressive role for Boundary Commissions in the restructuring of local government. More regular and rational boundaries could lead to better planned urban service areas having coterminus boundaries for all appropriate municipal services.

Two factors seem to block the assumption of this reorganization role by the Boundary Commission. First is the firmly ingrained standard -- both explicitly and implicitly set by the state -- for relying on local popular sentiment to determine local governmental boundaries. Along with home rule that came to all cities in 1906, authority was extended to include the right of all suburban areas and their electorates to control whether and when they should be annexed to each city. This tradition may help account for the fact that even with the three types of municipal annexations available to cities without remonstrance, the bulk of significant Boundary Commission action is subject to voter approval. Furthermore, of the few major changes initiated by the Boundary Commission through special district consolidations, better than half were withdrawn in light of overwhelming citizen opposition. It is also noteworthy that of the 33 referenda held on boundary changes to date, all but three have reversed Boundary Commission action. Hence, the political constraints to initiating major restructuring are significant and will remain so unless the remonstrance authority is changed or removed.

A second factor impeding aggressive pursuit of re-structuring is the lack of clear policy direction from the Legislature. A mandate to carry out this task and guidelines for doing it would need to be forthcoming along with expanded resources for the agency.



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MEMORANDUM

TO: LONG RANGE OPTIONS COMMITTEE  
FROM: LINDA MACPHERSON

Enclosed for your review is the Metropolitan Study Commission's draft charter establishing a municipality and providing for its corporate communities. This charter expands on the basic Portland Metropolitan Study Commission Charter which the committee discussed at its November 24th meeting. (See memo from Kay Rich, dated November 11, 1976). Although the enclosed charter is specific to the relationships between a municipality and a corporate community, the general format illustrates how the responsibilities enumerated in the Long-Term Conceptual Model of the Phase II Committee reports could be divided between the two tiers.

I would also like to draw your attention to a memo on "Assignment of Functions" from Kay Rich to the Full Commission dated June 2, 1976. A new look at examples of functional assignments in other areas may be useful in trying to define Long Range Options.

LM:els  
Enclosed: Municipal Reorganization Committee  
Committee Draft - February, 1971

A CHARTER

Establishing the Municipality of Tualatin Hills, providing for establishment of corporate communities therein, and providing for the government of the municipality and the communities.

CHAPTER I

INTRODUCTORY PROVISIONS

§1.10 Names.

- (1) This charter may be referred to as the Tualatin Hills Charter of \_\_\_\_\_.
- (2) The city established at the election at which this charter is adopted shall be known as the Municipality of Tualatin Hills.
- (3) A corporate community established in accordance with this charter shall have a name approved by the voters of the community or by the Tualatin Hills Council.

§1.20 Definitions. In this charter

- (1) the word "voter" means a person qualified under the Constitution of Oregon to vote at a primary or general November election, and
- (2) the word "concurrence" means affirmative vote.

§1.30 Nature.

The municipality of Tualatin Hills shall be a city under the laws of the United States and the State of Oregon.

§1.40 Territory.

- (1) The Municipality of Tualatin Hills shall include initially the territory of each city and unincorporated area a majority

of whose voters vote to consolidate. Thereafter the municipality shall have whatever territory is encompassed in the boundaries of the municipality as they are changed in accordance with state law.

(2) A corporate community shall include whatever territory lies within the boundaries of the community as they are initially established or subsequently modified in accordance with this charter.

(3) Up-to-date descriptions of the boundaries of the municipality and of all corporate communities therein shall be maintained in the headquarters of the municipality and of each of the communities.

## CHAPTER II

### POWERS, DUTIES, AND SERVICES

§2.10 Powers--General Grant. Except for powers that this charter grants corporate communities, the Municipality of Tualatin Hills shall have all powers that the constitutions and laws of the United States and the State of Oregon grant or allow cities, as fully as though this charter specifically stated each of those powers.

§2.20 Powers--Construction. In this charter no mention of a specific power shall be construed to be exclusive or to restrict the scope of a general power or list of specific powers. The charter shall be liberally construed, to the end that the municipality have, except for powers that the charter grants corporate communities, all powers that cities may assume pursuant to state laws and to the municipal home-rule provisions in the Constitution of Oregon.

§2.30

Powers--Division.

- (1) By requisition to the Tualatin Hills Council, a corporate community may cause that community to be provided municipal services additional to the services provided there by Tualatin Hills in its general provision of services to the municipality. Tualatin Hills shall provide the additional service in accordance with the requisition.
- (2) Tualatin Hills may finance the additional service by taxes, assessments, and charges levied specially in the corporate community and by indebtedness incurred with the consent of the council of the corporate community or, if the indebtedness is bonded, with the consent of the voters of the community.
- (3) The additional service may not be financed through a tax, assessment, or charge levied elsewhere in Tualatin Hills by that municipality.

§2.40

Power--Land Use. Legal control of land use in Tualatin Hills shall

be subject to the following restrictions:

- (1) The zoning ordinances of Washington County, insofar as applicable in Tualatin Hills upon its establishment, are hereby adopted as ordinances of the municipality, with legal effect in the areas of the county outside cities at the time the consolidation takes place; and the zoning ordinances of each city that is consolidated into Tualatin Hills are hereby adopted as ordinances of the municipality, with legal effect in the

corporate community that the city becomes upon the taking place of the consolidation; but the ordinances shall have legal force or effect until superseded by ordinances of Tualatin Hills.

- (2) The adoption, change, and carrying out of a comprehensive plan of land use in Tualatin Hills shall be a function exclusively of the Tualatin Hills Council, but the plan may apply in a corporate community only as approved by the community.
- (3) The adoption of zoning and subdivision ordinances shall be a function exclusively of the Tualatin Hills Council, but such an ordinance may apply in a corporate community only as approved by the community.
- (4) A corporate community's approval of any feature of the Tualatin Hills comprehensive plan or of the Tualatin Hills zoning and subdivision ordinances may be withdrawn only with the consent of the Tualatin Hills Council.
- (5) The
  - (a) granting under the Tualatin Hills zoning or subdivision ordinances of a conditional use permit or of a variance in a corporate community,
  - (b) approval under state law or the Tualatin Hills subdivision ordinances of a subdivision plat in a corporate community,  
or
  - (c) approval under the Tualatin Hills zoning or subdivision

ordinances of planned unit development in a corporate community

shall be a function exclusively of the community. Every such permit, variance, plat, and development shall, however, conform to the Tualatin Hills comprehensive plan as applicable at the time that the permit or variance is granted or the plat or development approved.

§2.50 Powers--Service and Fiscal Differentials.

- (1) For purposes of taxation, special assessment, and imposition and collection of service charges, the Tualatin Hills Council may classify persons and property on the basis of benefits they receive or on any other reasonable basis and may prescribe different rates for the different classes. To this end the council may establish, expand, contract, and dissolve subordinate taxing, assessment, and service districts.
- (2) Tualatin Hills may not tax, assess, or charge residents or property in a corporate community for a service not provided there unless Tualatin Hill's Council decides by a two-thirds vote of its members that the financial burden of the function on account of which the tax, assessment, or charge is imposed is to be partly or wholly equalized throughout Tualatin Hills.
- (3) For purposes of ad valorem property taxation under this section and under other terms of this charter, a corporate community shall constitute a taxing unit within the meaning of Article XI. Section 11 of the Constitution of Oregon.

§2.60

Powers--Residuary.

- (1) Except as law concerning the initiative and referendum provides to the contrary,
  - (a) the legislative power of Tualatin Hills shall reside exclusively in the Tualatin Hills Council and
  - (b) the power of a corporate community to requisition additional services, to approve and withdraw approval of comprehensive plans and zoning ordinances, to grant conditional use permits and variances, and to approve subdivision plats and planned unit development shall reside, as shall all legislative power of the community, exclusively in the corporate community's council.
- (2) All other powers of Tualatin Hills that are not otherwise vested by this charter shall reside in the Tualatin Hills Council but may be delegated by it, and all other powers of a corporate community that are not otherwise vested by this charter shall reside in the community's council but may be delegated by it.

CHAPTER III

CORPORATE COMMUNITIES

§3.10

Establishment.

- (1) Each existing city consolidated in the establishment of Tualatin Hills shall constitute a corporate community immediately upon becoming a part of Tualatin Hills.
- (2) As soon as feasible after two years have elapsed following the establishment of Tualatin Hills, the Tualatin Hills Council shall cause all territory in Tualatin Hills to be included in corporate communities.

- (3) The Tualatin Hills Council may establish a corporate community in any territory that has a population exceeding one percent of the total population of Tualatin Hills.
- (4) Ten percent of the voters in a territory not in a corporate community may file with the Tualatin Hills Council a petition that a corporate community be established in the territory. The Council may also propose establishment of a corporate community in a territory. The petition or proposal shall
  - (a) state the name of the community;
  - (b) indicate precisely the boundaries proposed for the community; and
  - (c) specify, within the limits prescribed by this chapter, the number of members of the council of the community.
- (5) Within the boundaries indicated by the petition or proposal the Tualatin Hills Council shall hold one or more hearings on the petition or proposal not later than 50 days after the filing of the petition or the making of the proposal. The Council shall give notice of such a hearing not earlier than 20 nor later than 10 days before the hearing.
- (6) After the hearings the Tualatin Hills Council may
  - (a) establish the community with the boundaries indicated in the petition or proposal;
  - (b) decline so to establish the community; or
  - (c) recommend that the community be established with modified boundaries, in which event the Council shall
    - (i) indicate precisely the boundaries that it recommends,



- (ii) state in writing the reasons for its recommendation,
  - (iii) conduct a hearing on establishment of the community with the modified boundaries, giving notice of the hearing not earlier than 20 nor later than 10 days before conducting it, and
  - (iv) at the conclusion of the hearing or afterward, establish the community with the modified boundaries or decline to establish it.
- (7) Between 45 and 90 days after a corporate community is established by the Tualatin Hills Council, the Council shall call an election for electing the first members of the council of the community. A resident voter of the community may be nominated as a candidate for election to the community council by a nominating petition signed by 20 or more voters of the community and filed with the Tualatin Hills Council 30 days or more before the election. The Council shall give notice of the election not earlier than 20 nor later than 10 days before the election. The election shall be conducted, and its results compiled and proclaimed, in a manner consistent with this charter and with the general ordinances of Tualatin Hills governing elections.
- (8) The number of candidates elected at the election shall be the number specified in the petition or proposal that initiates the proceedings to establish the community. The position in the council of each successful candidate shall bear a number corresponding to the rank of the number of votes he receives at the election in comparison to the numbers of votes the

other successful candidates receive. The terms of office of the successful candidates shall begin as soon as the results of the election are proclaimed. The term of office of each of the majority in the lowest numbered positions shall continue until the beginning of the second odd-numbered year after he is elected and until the successor to his office is elected and qualifies for the office, and the term of office of each of the minority in the highest-numbered positions shall continue until the beginning of the first odd-numbered year after he is so elected and until the successor to his office is elected and qualifies for the office.

83.20

Boundary Changes

- (1) Proceedings to change the boundaries of an already established corporate community may be initiated by
  - (a) a proposal by the Tualatin Hills Council,
  - (b) a proposal to that Council by a community council,  
or
  - (c) a petition to the Tualatin Hills Council by ten percent of the voters in the territory that would be annexed to or detached from a corporate community by the proposed change.

The proposal or petition shall indicate precisely the change proposed.

- (2) Within 30 days after such a proposal is made or petition filed, the Tualatin Hills Council shall conduct a public

hearing on the proposed change. The Council shall give notice of the hearing not earlier than 20 nor later than 10 days before the hearing.

- (3) After the hearing the Tualatin Hills Council may
  - (a) change the boundaries in accordance with the proposal or petition;
  - (b) decline so to change the boundaries; or
  - (c) recommend that the boundaries be changes otherwise, in which event the Council shall
    - (i) indicate precisely the boundaries that it recommends;
    - (ii) state in writing the reasons for its recommendation;
    - (iii) conduct a hearing on the recommended boundaries, giving notice of the hearing not earlier than 20 nor later than 10 days before conducting it; and,
    - (iv) at the conclusion of the hearing or afterward, decline to change the boundaries of the community or change them in accordance with the recommendation.
- (4) Within 30 days after change of a boundary of a corporate community in accordance with this section
  - (a) the council of the community by resolution or ten per cent of the voters by remonstrance may object to the change in which event it shall not take effect until ratified by the voters of the community at an election called for that purpose by the Tualatin Hills Council and conducted in accordance with the Tualatin Hills ordinances governing elections.

§3.30

Boundary Requirements.

- (1) Within the limitations of this chapter, the Boundaries of a corporate community shall be drawn, insofar as feasible, so as to
  - (a) further the convenience and common interests of the residents of the community and of Tualatin Hills,
  - (b) make the territory in the community contiguous and compact, and
  - (c) identify and preserve historical communities.
- (2) Whenever the Tualatin Hills Council finds that a corporate community cannot function efficiently and economically as an agency of local government because of the boundaries of the community, the Council may establish a new corporate community partly or entirely in the pre-existing community or change the boundaries of the community to the extent necessary to enable the community so to function, in accordance with, and subject to the restrictions in §3.10 and §3.20 of this charter.

§3.40

Community Councils.

- (1) The governing body of a corporate community shall be a community council consisting of a chairman and councillors.
- (2) For a corporate community that is a city immediately before it becomes such a community,
  - (a) the number of members of the community council shall be the authorized number of members of the governing body of the city immediately before it becomes a corporate community,
  - (b) the chairman of the council shall be nominated and elected

in the manner prescribed by the charter of the city for nominating and electing the mayor of the city;

(c) the other members of the council shall be nominated and elected in the manner prescribed by the charter of the city for nominating and electing other members of the city governing body;

(d) the terms of office of members of the city governing body who are in office when the city becomes a corporate community shall be the remainders of the terms for which they have respectively been elected to the city governing body; and

(e) vacancies in the community council shall be governed by the provisions of the city charter concerning vacancies in the city governing body.

(3) For a corporate community that is not a city immediately before it becomes a community

(a) the number of members of the community council shall be whatever odd number, not less than three nor more than nine, is prescribed

(i) by the petition or proposal that initiates the proceedings by which the community is established or

(ii) by a subsequent resolution of the community adopted by its voters;

(b) the positions of councillors in the community council shall be numbered consecutively, beginning with 1;

- (c) not later than 70 days before a primary election a person may become a candidate for election to the community council by filing in an office designated by Tualatin Hills a declaration of candidacy indicating the position in the council to which he seeks to be elected:
- (d) at the election,
  - (i) if the candidate receives a majority of the votes cast for the position that he seeks he shall receive a certificate of election to the position; and
  - (ii) if he does not receive such a majority, he shall, if he receives the highest or next to the highest number of such votes, stand for election to the position at the immediately ensuing November election; and
- (e) at a November election the candidate for a particular position in the community council who receives the higher number of votes cast for that position shall receive a certificate of election to that position;
- (f) the term of office for a councillor nominated and elected to a community council in accordance with this paragraph shall begin the first of the immediately ensuing year and continue four years; and
- (g) a vacancy in the community council shall be filled by appointment for a term to continue until the next regular election, when in accordance with this paragraph, a person is elected to the office and qualifies for it.

- (4) A community councillor
  - (a) shall be a voter,
  - (b) shall have resided in the community for two years immediately before becoming a candidate for his office or assuming it, and
  - (c) shall be a resident of the community.
- (5) A majority of the members of a community council shall constitute a quorum for transacting the business of the council, but a lesser number may meet and compel the attendance of absent members in a manner authorized by the rules of the council.
- (6) Except as this charter provides to the contrary, a community council may act only with the concurrence of a majority of a quorum.
- (7) By resolution a community council shall prescribe general rules that shall govern the times, places, notice, agenda and procedure for its meetings.
- (8) At its first meeting each year, the Council shall designate one of its members to serve as chairman and one to serve as vice-chairman of the council for that year.

§3.50

Corporate Communities and the Tualatin Hills Council.

- (1) Within the meaning of this section matters of special concern to a corporate community are
  - (a) items placed on the agenda of the Tualatin Hills Council by the council of the community
  - (b) proposals for action by the Tualatin Hills Council which, if taken, would change the legal relationships of all the corporate communities of Tualatin Hills in essentially

the same manner; and

(c) proposals for action by the Tualatin Hills Council which, if taken, would affect the community, or persons or property therein, in a manner not common to or in all other such communities.

(2) Whenever the Tualatin Hills Council considers a matter of special concern to a corporate community, a representative of the community designated by the community council may sit with the Tualatin Hills Council and participate in the discussion of the matter. No community representative, however, may vote on a matter before the Council.

(3) A community council may place items on the agenda of the Tualatin Hills Council. The Tualatin Hills Council shall in accordance with its rules, hear whatever presentation the representative of the community to the Council desires to make regarding the items.

(4) A matter before the Tualatin Hills Council that is of special concern to a corporate community shall, except as to items placed on the agenda of the Council by the council of the community, and except in emergencies declared by concurrence of two-thirds of the members of the Tualatin Hills Council, be referred to the community council. For 30 days after the referral the Tualatin Hills Council may take no action on the matter, other than to study it and obtain information and recommendations about it, without first considering the recommendation of the community council about it.



§3.60

Conference of Community Council. The councils of the corporate communities shall meet at least once each quarter in conference to confer about matters of mutual interest. The mayor of Tualatin Hills shall convene the first such meeting and serve as its temporary chairman. At this meeting the conference shall designate one of its members to serve as chairman and one to serve as vice-chairman of the conference for that year.

#### CHAPTER IV

##### THE MUNICIPALITY OF TUALATIN HILLS

§4.10

Electoral Districts--Number. The Municipality of Tualatin Hills shall be divided into four electoral districts with boundaries as indicated on the attached map.

§4.20

Electoral Districts--Reapportionment.

- (1) The boundaries of the electoral districts shall be modified from time to time to accord the people of each of the districts approximately equal representation in the Tualatin Hills Council.
- (2) To this end,
  - (a) whenever the decennial Federal census indicates that the population of one of the districts exceeds the population of another of the districts by more than five percent, or
  - (b) whenever at any other time an official census or census estimate indicates that the population of one of the districts exceeds the population of another of the districts by more than ten percent,

The Council shall, by the beginning of the next year for electing councillors, modify the boundaries of two or more of the districts

in such a manner that the population of none of the districts exceeds the population of another of the districts by more than three per cent. If the Council does not so modify the boundaries by that time, the mayor shall do so within the immediately ensuing 30 days.

84.30

Councillors--Election.

- (1) Two councillors shall be elected to the Tualatin Hills Council by the voters of each electoral district at the first election after this charter takes effect. A councillor shall be elected to the Council by the voters of each electoral district at each subsequent primary or general November election.
- (2) The name of a candidate for election to the Council shall be entered on the ballot for the first election if, 30 days before that election, he files with the Beaverton officer responsible for administering elections in that city, a petition signed by at least 150 voters resident in the electoral district that he seeks to represent in the council and nominating him for election to the Council.
- (3) The name of a candidate for election to the Council at a subsequent primary election shall be entered on the ballot if 70 days before the election he files with the Tualatin Hills officer responsible for administering elections in the municipality a petition signed by 150 voters resident in the electoral district that he seeks to represent in the Council and nominating him for election to the Council.
- (4) At the first election under this charter, of the candidates for election to the Council from any single district, the

two who receive the two highest numbers of votes cast for any candidate for election to the Council from that district shall receive certificates of election to the Council from that district shall receive certificates of election to the Council from that district. Of the two, the one who receives the next highest number of votes shall have a term of office continuing until the beginning of \_\_\_\_\_, and the one who receives the highest number of votes shall have a term of office continuing until the beginning of \_\_\_\_\_.

(5) If at a primary election

(a) one of the candidates for a position in the Council receives more than 50 percent of the votes cast for the candidates for the office, he shall be deemed elected to it and receive a certificate of election to it; or

(b) no candidate for the office receives more than 50 percent of those votes, the two candidates for the office who receive the two highest numbers of votes shall be deemed nominated and shall receive certificates of nomination for the office, and at the immediately ensuing general November election their names shall appear on the ballot, and the one who receives the higher number of votes shall be deemed elected to the office and shall receive a certificate of election to it.

84.40

Councillors--Terms of Office. The term of office of a councillor elected at a primary or general November election shall begin the first of the year immediately after he is elected to the council and shall continue four years.

§4.50

Councillors--Qualifications. A Tualatin Hills Councillor

- (1) shall be a voter,
- (2) shall have resided in Tualatin Hills for two years immediately before becoming a candidate for the office or before assuming it;
- (3) shall have been a resident of the electoral district from which he is elected, for at least six months immediately before being so elected;
- (4) shall remain a resident of the district during his term of office, except that no modification of the boundaries of the district during that term shall disqualify him for the office; and
- (5) may not be a community councillor.

§4.60

Quorum. A majority of the members of the Tualatin Hills Council shall constitute a quorum for transacting the business of the Council, except that a lesser number may meet and compel the attendance of absent members in a manner that the rules of the Council shall prescribe.

§4.70

Concurrence Required for Action. Except as this charter provides to the contrary, the Council may act only with the concurrence of a majority of those councillors present at the time of the action.

§4.80

Meetings.

- (1) By general ordinance the Council shall prescribe rules that shall govern the times, places, notice, agenda, and procedure for its meetings.
- (2) A meeting of the Council shall be open to the public, except as the council provides to the contrary at the time of the meeting with the concurrence of two-thirds of its members.

No action by the Council may have legal effect unless the motion and vote by which the action is effected take place at a meeting open to the public.

§4.90 Chairman.

- (1) The mayor shall be chairman of the Council and may preside at its meetings.
- (2) At its first meeting each year the council shall appoint one of its members as president of the council. When the mayor is absent from the city, is incapacitated from serving as mayor, or declines to preside at a meeting of the Council, the president may preside in his place.
- (3) The Council may appoint one of its members to serve as chairman pro tem of the Council whenever the mayor and president are absent or decline to preside at Council meetings.

CHAPTER V

MAYOR

§5.10 Election.

- (1) A mayor shall be elected by the voters of Tualatin Hills
  - (a) at the first election in the municipality after this charter takes effect and
  - (b) at the primary or general November election in 1972 and every fourth year thereafter.
- (2) The name of a candidate for the office of mayor shall be entered on the ballot for the first election under this charter if 30 days before the election he files with the Beaverton officer responsible for administering elections in that city a petition signed by 300 voters of Tualatin Hills and nominating him for

election to the office of mayor of the municipality.

- (3) The name of a candidate for the office of mayor shall be entered on the ballot for a subsequent primary election if 70 days before the election he files with the Tualatin Hills officer responsible for administering elections in the municipality a petition signed by 300 Tualatin Hills voters and nominating him for election to the office of mayor of the municipality.
- (4) At the first election held under this charter, of the candidates for the office of mayor, the one who receives the greatest number of votes shall be deemed elected to the office and shall receive a certificate of election to it.
- (5) If at a primary election in \_\_\_\_\_ or every fourth year thereafter
  - (a) one of the candidates for the office receives more than 50 percent of the votes cast for the candidates for the office, he shall be deemed elected to it and shall receive a certificate of election to it; or
  - (b) no candidate for the office receives more than 50 percent of those votes, the two candidates for the office who receive the two highest numbers of votes cast for candidates for the office shall be deemed nominated and shall receive certificates of nomination for the office, and at the immediately ensuing general November election their names shall appear on the ballot, and the one who receives the greater number of votes shall be deemed elected to the office and shall receive a certificate of election to it.

85.20

Term of Office. The term of office of the mayor first elected under this charter shall begin immediately and continue until the beginning

of \_\_\_\_\_. The term of office of a subsequently elected mayor shall begin the first of the year immediately following his election to the office and continue for four years.

85.30 Functions. The mayor

- (1) shall be a member of the Tualatin Hills Council;
- (2) may vote on each matter before the Council;
- (3) may make recommendations to the Council concerning Tualatin Hills policies;
- (4) shall have whatever other powers and duties consistent with this charter the Council prescribes for him; and
- (5) shall not be a member of a community council.

CHAPTER VI

ADMINISTRATION

86.10 Municipal Manager.

- (1) The office of municipal manager is hereby established and shall be filled by appointment by majority vote of the entire Tualatin Hills Council.
- (2) The manager shall be appointed for an indefinite term and may be removed by a majority of the members of the Council.
- (3) The manager shall be the administrative head of Tualatin Hills. As such he shall
  - (a) make recommendations to the Council concerning policies of the municipality;
  - (b) keep the Council advised of the affairs and needs of the municipality;
  - (c) make reports annually, or more frequently if requested by the Council, concerning the operations of the municipality;

- (d) carry out the policies of the Council, enforce its ordinances, and see that the provisions of all franchises, contracts, permits, and privileges granted by the municipality are observed;
- (e) subject to the personnel system established and maintained by the Council, appoint, discipline, and remove all municipal officers and employees, except as this Charter provides otherwise, and have supervision and control over them and their work;
- (f) be budget officer of Tualatin Hills and execute the budget adopted by its Council; and
- (g) have whatever other powers and duties consistent with this charter the Council prescribes for him.

## CHAPTER VII

### MUNICIPAL COURT

#### §7.10 Establishment.

- (1) The judicial branch of the government of Tualatin Hills and of the corporate communities therein shall be a municipal court known as the Tualatin Hills Municipal Court.
- (2) The court shall have whatever number of judges the Tualatin Hills Council prescribes.
- (3) The powers and duties of the court shall be those prescribed
  - (a) by this charter,
  - (b) by ordinances of Tualatin Hills, and
  - (c) by applicable state and federal law.



87.20

Jurisdiction.

- (1) The territorial jurisdiction of the Court shall extend throughout Tualatin Hills.
- (2) The Court shall have original and exclusive jurisdiction of any offense defined and made punishable, and of any action brought to recover or enforce a forfeiture or penalty defined or authorized by an ordinance of Tualatin Hills.
- (3) The court may
  - (a) issue process for the arrest of any person accused of an offense against Tualatin Hills or a corporate community therein;
  - (b) pending trial of any such person, commit him to jail or admit him to bail;
  - (c) issue and enforce subpoenas;
  - (d) punish witnesses and others for contempt of court;
  - (e) issue whatever process is necessary to carry into effect the judgments of the Court; and
  - (f) have whatever additional powers and duties the Tualatin Hills Council prescribes for the Court.

87.30

Procedure. Proceedings in the Court shall be conducted

- (1) in conformity with this charter and with ordinances of Tualatin Hills, and
- (2) as to particulars not governed by charter or ordinance, in conformity with applicable state law governing justices of the peace and justice courts.

Judges.

- (1) A judge in the municipal court shall be
  - (a) an attorney licensed to practice law in Oregon, and
  - (b) a resident of Tualatin Hills.
- (2) Judges for the Court shall be appointed promptly after this charter takes effect, in whatever number the Tualatin Hills council prescribes. Thereafter they shall be appointed in whatever numbers are needed to fill vacancies in the Court.
- (3) Each of the judges shall serve until the first of the year immediately following the second general November election after he is appointed to Court. At that election and at each alternate general November election thereafter his name shall be submitted to the Tualatin Hills voters for their approval or disapproval of his continuation in the court.
  - (a) If they do not approve his continuation in the court, his tenure as judge shall end the first of the year immediately following the election.
  - (b) If they do approve his continuation in the court, he may continue to serve as a judge in the court for four years, beginning the first of the year immediately following the election.
- (4) Judges for the court shall be appointed by the mayor from a list of attorneys recommended by a judicial qualifications committee appointed by the Tualatin Hills Council. The mayor, whenever a position in the court becomes vacant, shall promptly appoint an attorney on the list to fill the vacancy.

Compensation. The compensation of elective officers and appointive personnel shall be fixed by the Tualatin Hills Council.

§8.20

Vacancies--Causes. An elective office of Tualatin Hills or of a Corporate community shall become vacant

- (1) upon the incumbent's
  - (a) death,
  - (b) adjudicated incompetence,
  - (c) conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records,
  - (d) resignation from the office,
  - (e) recall from the office, or
  - (f) ceasing to possess the qualifications required for the office;
- (2) upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for his term of office is to begin,
- (3) in case of a member of the Tualatin Hills Council,
  - (a) upon his absence
    - (i) from Tualatin Hills for 30 consecutive days without the consent of the Council, or
    - (ii) from meetings of the Council for a period of 60 consecutive days without like consent and
  - (b) upon declaration by the Council of the vacancy; or
- (4) in case of a member of the community council,
  - (a) upon his absence
    - (i) from the community for 30 consecutive days without the consent of the council, or
    - (ii) from meetings of the council for a period of 60 days without like consent, and

(b) upon declaration by the council of the vacancy.

88.30

Vacancies--Filling.

- (1) The Tualatin Hills Council, by concurrence of a majority of its members, shall promptly fill by appointment any vacancy in an elective office of the municipality, for a term to continue until the next regular election when, in accordance with this charter, a person is elected to the office and qualifies for it.
- (2) Vacancies in a community council shall be filled by the council in accordance with the provisions of this charter governing community councils.
- (3) During the temporary disability or absence from Tualatin Hills of an officer or employee of the municipality his office or position may be filled pro tem
  - (a) by the Tualatin Hills Council, in case his office is elective, and
  - (b) by the municipal manager, in case his office or position is appointive.
- (4) During the temporary disability or absence from a corporate community of an elective officer of the community, his position may be filled pro tem by the community council.

CHAPTER IX

ORDINANCES

89.10

Ordaining Clause.

- (1) The ordaining clause of an ordinance adopted by the voters of Tualatin Hills shall be, "The people of Tualatin Hills ordain:".

- (2) The ordaining clause of an ordinance adopted by the Tualatin Hills Council but not by the voters of the municipality shall be, "The Tualatin Hills Council ordains:".

89.20

Reading.

- (1) Every ordinance of a council, before being adopted, shall be read in open council meeting on two different days at least six days apart, unless two-thirds of the members of the council concur that the reading may take place within a shorter period of time.
- (2) The first reading shall be by title only. The second may be by title only
- (a) if no member of the council present at the reading requests that the ordinance be read in full or
- (b) if
- (i) a copy of the ordinance is supplied each member of the council a week before the reading,
- (ii) five copies of it are available for public inspection during regular office hours at the headquarters of the council throughout that week, and
- (iii) notice of their availability is published at least one week before the reading, in a newspaper of general circulation in Tualatin Hills.
- (3) An ordinance adopted after being read by title only but amended in substance after first being so read may have legal effect only if each section containing such an amendment is read fully and distinctly in open council meeting before being adopted by the council,

- (a) unless no member of the council requests that the amendment be so read or
- (b) unless
  - (i) a copy of the amendment is supplied each member of the council a week before the adoption,
  - (ii) five copies of it are available for public inspection during regular office hours at the headquarters of the council throughout that week, and
  - (iii) notice of their availability is published at least one week before the adoption, in a newspaper of general circulation in Tualatin Hills.

89.30

Adoption.

- (1) Except as this charter provides to the contrary with reference to emergencies, the council may adopt an ordinance only with the concurrence of a majority of its members.
- (2) With the concurrence of two-thirds of its members the council may declare that an ordinance is necessary to meet an emergency.
- (3) Upon the final vote on an ordinance, the ayes and nays of the council members voting on the ordinance shall be recorded in the record of the council's proceedings.
- (4) Within three days after an ordinance is adopted it shall be signed by the persons who are respectively chairman and recording secretary of the council at the session at which the ordinance is adopted.

89.40

Effective Dates. An ordinance adopted by a council shall take effect

30 days after being so adopted, except that

- (1) the council may provide for the ordinance to take effect at a later date,
- (2) an ordinance declared by the council to be necessary to meet an emergency may provide that it take effect immediately upon its adoption, and
- (3) an ordinance referred to the voters for their adoption or rejection may take effect only as of the date they adopt it.

## CHAPTER X

### ELECTIONS

§10.10 Regular Elections. Regular elections in Tualatin Hills and in the corporate communities therein shall be held at the same times and places as biennial general state elections.

§10.20 Special Elections.

- (1) The Tualatin Hills Council may call special elections in the municipality.
- (2) A community council may call special elections in its community.
- (3) Notice of a special election shall be given not earlier than 20 nor later than 10 days before the election.

§10.30 Procedure. The Tualatin Hills Council may prescribe by general ordinance the procedure for conducting elections, giving advance notice thereof, and compiling and proclaiming the results therefrom. To the extent that elections are not so governed, they shall be conducted in accordance with applicable state elections laws.

§10.40 Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Tualatin Hills Council.

§10.50 Nonpartisanship. No declaration of candidacy, petition for nominating a candidate for an elective office, or ballot for nominating or electing such a candidate may, by word or other symbol, indicate his affiliation with, or preference for, a political party.

## CHAPTER XI

### MISCELLANEOUS PROVISIONS

§11.10 Public Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general Tualatin Hills ordinance or, to the extent not so governed, by applicable general state law.

§11.20 Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments to be charged against real property for public improvements or other public services shall be governed by general Tualatin Hills ordinance.

§11.30 Contracts. Except in an emergency declared by concurrence of two-thirds of the members of the Tualatin Hills Council, a contract by Tualatin Hills for a public improvement to be made by a private contractor for consideration exceeding \$2,000 may be let only to the lowest responsible bidder for the contract. The contract shall be done in accordance with plans and specifications approved by the Council.

§11.40 Bonded Indebtedness. The Tualatin Hills Council may issue bonds only

- (1) with the approval of the voters of Tualatin Hills, except as state law provides to the contrary, and
- (2) within the limits imposed by state law on the bonded indebtedness of cities.



§11.50 Notice. Notice required by this charter for any action shall be

- (1) published by a newspaper of general circulation in the territory that the action concerns and
- (2) sent by postage-prepaid first-class mail to each other newspaper and to each radio and television station indicated by the Oregon Blue Book as being published or operating in Tualatin Hills at the time of the notice.

§11.60 Continuation of terms of office. A term of office specified in this charter as running for a specified time shall continue until the successor to the incumbent in the office qualifies for it and assumes it.

CLACKAMAS  
MULTNOMAH  
WASHINGTON

TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244

PORTLAND, OREGON 97201

(503) 229-3576

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Chairman  
Carl M. HALVORSON  
Vice Chairman  
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December 28, 1976

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Julie WILLIAMSON  
Roger W. YOST

MEMORANDUM

TO: LONG RANGE OPTIONS COMMITTEE  
FROM: LINDA MACPHERSON

Enclosed is a summary and an analysis of two-tier reorganizations in England (excluding London), Toronto and Dade County, Florida.

Gus Mattersdorff has agreed to meet with the committee at the next meeting to discuss two-tier government in London. This meeting will be held January 6, 1977 in CRAG Conference Room B, at noon. Please call us if you wish a lunch.

LM:els

Enclosure: LR- 14

SELECTED SUMMARY OF TWO-TIER GOVERNMENTAL REORGANIZATIONS: This chart represents an effort to summarize some of the key points of governmental reorganization. For a more detailed analysis, consult the following monographs.

Municipality or  
Country

---

England  
(excluding London)

Toronto, Canada

Metro Dade County,  
Florida

Overall Organization - number  
and types of units - executive  
structure - size of council

---

Two types of 2-tier authorities  
due to population imbalances.  
6 Metropolitan Counties and  
36 Metropolitan Districts -  
39 Counties (lesser populated  
areas) and 296 Districts

Executive Structure & Size of Council  
Not Available

...

1 areawide unit, 6 municipalities, and  
special purpose bodies. 32 Metro  
Council members are designated  
by virtue of their election to local  
councils - The Metro Council elects  
the full-time chairman. The Council  
is representative of the area's  
population growth & distribution -  
20 members are suburban - 12  
from the City of Toronto

...

Modified Two-Tier Government  
9 Commissioners elected at  
large from 8 districts. County  
mayor elected at large

Division of Responsibilities - upper  
tier functions - shared functions - lower  
tier functions

---

Metropolitan Authority - planning, police, fire  
transportation & major development  
Metropolitan District - education, personal  
and social services, health &  
housing - and -

Counties - education, personal & social  
services, police, fire, major planning

Districts - housing, refuse collection,  
local planning, public health, rates

(In both types - many functions require cooperation)

Provision of funds and standard  
setting is upper tier with the execution  
of policy at the lower tier - Functional  
power is both centralized and decentralized

...

Functions are shared between the two levels  
of government. Variances between the  
county and the municipalities over  
functional jurisdiction.

ENGLAND

I. HISTORY

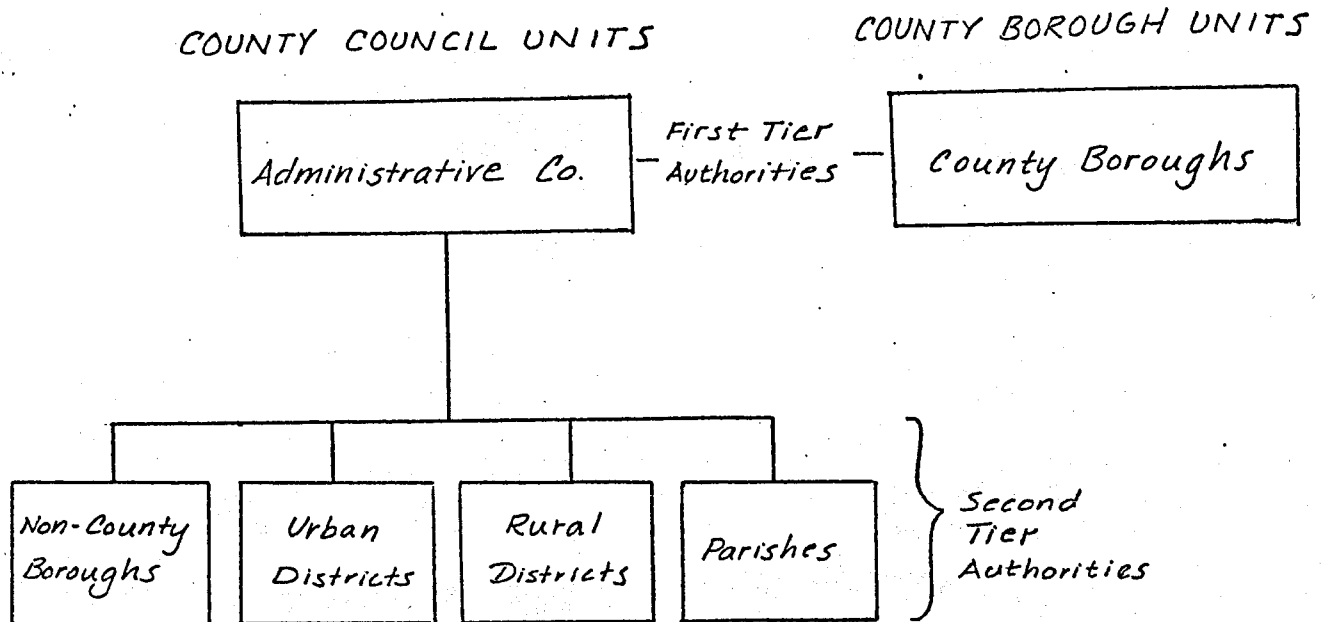
The evolution of the English local government system began with the historic Local Government Act of 1888.

The Act provided for:

1. Administrative Counties
2. County Boroughs (towns and cities of 50,000 or more in population).

Both Administrative Counties and County Boroughs were designated as "first tier" all-purpose authorities. Both functioned entirely independent of each other.

By 1894, Parliament recognized the need to create another group of smaller local authorities in Administrative Counties to administer local affairs in a more responsive manner. The Local Government Act of 1894 then created four smaller local authorities on the basis of population. This was a "two-tier" system, and it was designed to provide for a general sharing of powers.



By 1972, England had 79 County Boroughs and 45 Administrative Counties. The latter shared responsibilities with 227 non-county boroughs, 449 urban districts, 410 rural districts and 3,500 parishes.

## II. THE ROYAL COMMISSION ON LOCAL GOVERNMENT

The reorganization of the structure of government in England had been under consideration for over twenty years when, in 1966, a Royal Commission was appointed to consider and report on the structure and functions of local government excluding the greater London area. In 1969, the Report of the Royal Commission on Local Government in England was released.

England, according to the report, was to be divided into 61 new local government areas. In 58 of them, a single or unitary authority would be responsible for the provision of all services. These areas would have populations of between 250,000 and 1,000,000. In the metropolitan areas surrounding Birmingham, Liverpool and Manchester, responsibilities were to be divided between two tiers -- a metropolitan authority and metropolitan district authorities.

In metropolitan areas then, services would be divided between two tiers, as follows:

### Metropolitan Authority:

1. Planning, building regulations, transportation and intelligence
2. Housing -- set policy, building, rent policy
3. Water supply -- main sewerage, sewerage disposal, refuse disposal and clean air
4. Museums, galleries, promotion of the arts and entertainment, and recreation for whole metropolitan area
5. Police -- special case because seven police districts are currently in existence outside of London.
6. Fire and ambulances

### Metropolitan Districts:

1. Education -- to include libraries and youth employment
2. Personal social services and personal health services
3. Housing -- building and management within framework of metropolitan policy.
4. Local sewers, drains, refuse collection, enforcement of clean air studies.
5. Museums, galleries, promotion of arts, entertainment in interest of localities
6. Consumer measures -- food, drugs, weights and measures and licensing registration.

The 61 local government areas were to be grouped into eight provinces. Provincial councils would then be elected by the authorities from the unitary and metropolitan areas. The Provincial Councils' function was to set a general framework for the main authorities. Also, within the 58 single or unitary authorities, local councils were to be elected by the towns and villages. The councils would serve an advisory function on matters of local concern and interest. The local councils would have the power to spend money for some matters of purely local concern, such as village greens, theatres and community halls.

The Royal Commission's proposals were generally accepted by the Labour Party. However, in the 1970 General election, the Labour Party was defeated. The

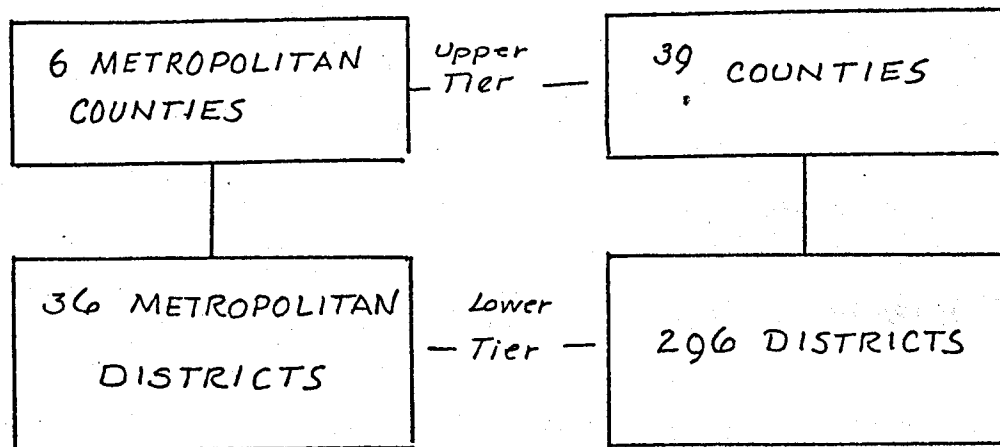
Conservative Government, although pledged to the concept of governmental reform, did not accept the recommendations of the Royal Commission.

III. LOCAL GOVERNMENT ACT OF 1972

The Conservative Government's view on the structure of government resulted in the Local Government Act of 1972 which became operative on April 1, 1974.

The Act instituted a two-level system of authorities. Because of population imbalances, the two-tier authorities vary between metropolitan and lesser-populated (rural) areas.

Consequently, the following division indicates the new structure for government in England.



The services would be divided, as follows:

Metropolitan Counties (Upper Tier):

- Police
- Fire Service
- Consumer Protection

- Planning -- structure plan )
- Acquisition and disposal of land )
- Highways traffic transport )
- Housing -- reserve powers with )
- respect to accommodation )
- Refuse disposal )
- Leisure and recreation )
- Museums, art galleries )

Requiring cooperation/coordination with districts

Metropolitan Districts (Lower Tier):

- Education
- Personal social services
- Youth employment
- Libraries
- Rent tribunals

- OR -

Counties (Upper Tier):

- Education
- Personal social services
- Youth employment
- Libraries
- Rent tribunals

- Police
- Fire Service
- Consumer Protection
- Refuse Disposal
- Planning -- Structure Plans

Districts (Lower Tier):

- Public health
- Rates
- Licenses

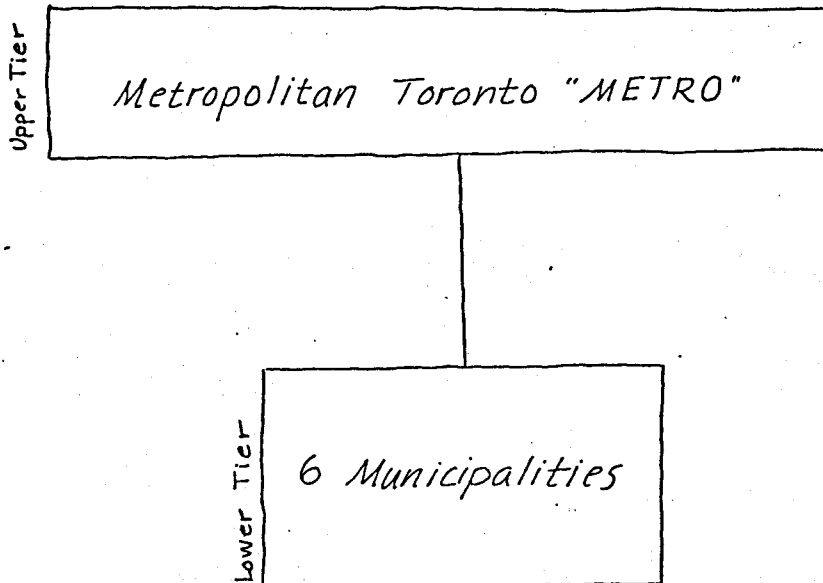
- Housing )
- Refuse collection )
- Planning -- local plan )
- Acquisition and disposal of land )
- Transport -- public service vehicles )
- Highways -- non-classified roads )
- Leisure and recreation )
- Museums, art galleries )

Requiring cooperation/coordination with counties

LM:els

TORONTO

In 1953, the Province of Ontario, Canada passed, through provincial order, the Toronto Act and, by this action, instituted the first major program in metropolitan federation in North America. The 241 square mile federation consists of Metro Toronto, six municipalities, and over 100 "special body" authorities that operate both locally and area-wide.



Functional authority between the metro, the six municipalities and the special purpose bodies is both centralized and decentralized, yet it is not shared on an equal basis. Metro Toronto, for example, exercises power over the "developmental functions" such as highway and sewer construction, while the municipalities exercise power over "maintenance functions", such as refuse collection and secondary street upkeep. Metro Toronto sets standards for many regulatory functions, such as planning and zoning, but the municipalities are given the authority of implementation within the prescribed framework. Metro government levies taxes, and the six municipalities collect them as a portion of their own taxes.

The multiplicity of special purpose bodies reflects the desire for politically neutral decision-making in technical areas. The Toronto Transit Commission is the only special purpose body with exclusive jurisdiction, however.



The following chart highlights the functional organization of the Municipality of Metropolitan Toronto:

Function	Local Jurisdiction Responsible		
	Metro	Municipality	Other
Education		X	X
Health	X		
Hospitals	X	X	
Welfare	X	X	
Police	X		X
Fire		X	
Highways	X	X	X
Mass Transit			X
Airports			
Planning	X	X	X
Zoning		X	
Housing	X	X	X
Urban Renewal	X	X	
Sanitary Sewerage	X	X	
Drainage	X	X	
Refuse Collection		X	
Refuse Disposal	X		
Water Supply	X	X	
Parks and Recreation	X	X	X
Libraries		X	X
Courts			
Jails	X		
Personnel	X	X	X
Purchasing	X	X	X
Records	X	X	X
Assessment			
Taxation	X	X	X
Borrowing	X	X	

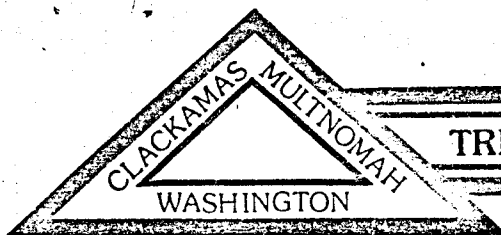
METROPOLITAN DADE COUNTY, FLORIDA

The government of Dade County, Florida -- a region of over 2,000 miles, 27 municipalities and vast unincorporated areas -- was substantially changed in 1957 when a constitutional Home Rule Charter was adopted pursuant to the Dade County Home Rule Amendment of 1956. The Charter provided for a modified two-tier government and gave the county government area-wide authority for services as described below. The county is also the only authority for the region's sizeable unincorporated areas.

The nine commissioners are elected area-wide from eight districts. A county mayor is elected at-large and presides over the commission meetings but, beyond this, has no powers other than those of a commission member. The nine commissioners then have every power needed by a major metropolitan government.

The 1957 Charter requires that the four major services of central traffic control, water, sewers and planning are provided on an area-wide basis. Also, by the terms of the Charter, property assessment is a unified function performed by the county. But the Dade County two-tier arrangement is not a rigid division of functions as described in England or Toronto, Canada. City officials have the flexibility to transfer those services which they deem costly to maintain on a local level to the area-wide (county) authority. So, although the purpose for the reorganization was "efficiency, economy and elimination of duplication," the result has not been unified consolidation at the upper-tier level. The requirement of municipal initiative preceding a transfer of functions has run headlong into the controversy over municipal autonomy.

Public library service illustrates the flexibility and conflict built into the system. There is a county-operated system which, through the device of a special taxing district, serves the unincorporated area and 17 cities. Nine cities have, at least for the present time, opted to keep their own libraries and not become part of the county-operated and "more efficient" library system. Other cities have likewise opted to remain separate from other consolidated services. In short, "who-does-what" is impossible to describe definitively between the municipalities and the Metro County.



# TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244

PORTLAND, OREGON 97201

(503) 229-3576

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Carl M. HALVORSON  
Vice Chairman  
A. McKay RICH  
Staff Director

John BAILEY  
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Steve TELFER  
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Julie WILLIAMSON  
Roger W. YOST

February 1, 1977

## MEMORANDUM

TO: LONG RANGE OPTIONS COMMITTEE

FROM: LINDA MACPHERSON

Enclosed for your final review is the committee's draft of the Long Range Options Report. Please contact the office by February tenth if you have any problems with this draft. Otherwise, it will stand approved as written.

LM:els

Enclosure

LONG RANGE OPTIONS COMMITTEEFINAL REPORT

Throughout the deliberations of the Tri-County Local Government Commission, the members recognized that there is a difference between proposals for immediate action and those which pertain to the long range. At the October 2-3 Conference, the Commission decided that a Long Range Options Committee should be formed to further study governmental reform and make long-term recommendations for the system of government for the Tri-County region.

At this point, a word of caution is appropriate. The Long Range Options Committee recommendations are based on conditions existing in early 1977 and the future conditions that would naturally flow from them. The committee fully recognized that the process of predicting future events and difficulties and describing solutions is fraught with uncertainty. Nevertheless, the Committee has formulated broad generalized guidelines toward the evolution of an efficient, effective and accountable form of government. Finally, the recommendations of the Long Range Options Committee should be viewed with the healthy skepticism appropriate to any discussion of the future.

At one of its early meetings, the committee decided it would consider the ideal form of governmental reorganization without regard for difficulties that prevailing conditions may imply for effective implementation. The committee wished to make its recommendations as general as possible. They focused on the advantages of governmental reform but fully recognized that,

vote to give up their existing home rule charters and accept a new charter.

The consolidated county could not specify in its charter the relationship between the county and its cities or special districts. Furthermore, unless there was some method of required incorporations, the consolidated county would be both city and county in unincorporated urban areas. For these reasons, the committee felt that something more than a county consolidation would be necessary.

OPTION B: Constitutional Amendment

A second possibility would be a constitutional amendment that would provide for a Charter Commission to draw up a Charter setting up a consolidated government having powers of both cities and counties, as well as detailing the relationship between upper (regional) and lower (corporate communities and cities) tiers. The amendment could provide that the Charter could be adopted by a simple majority vote within the three-county area. A further recommendation for the incorporation of medium-sized lower-tier units in urbanized areas that could provide the full-range of lower-tier services would eliminate the problem of the upper tier also serving as a lower-tier service provider in unincorporated areas.

On the basis of these considerations, the Long Range Options Committee proposed replacement of the existing ill-defined, many-tier system with a two-tier system (Option B). The committee felt that it was essential to:

- (1) identify those services needing a large area for effective planning and administration,
- (2) vest in local authorities all non-regional functions, and
- (3) provide a basis for large scale citizen participation.

The two-tier system avoids overlapping tasks and responsibilities and promotes integration of policy-making and implementation. The upper tier would be of considerable size, but the lower level would, in the main, be fairly small units. The committee analyzed the conceptual long-range model adopted by the Commission in April 1976 and made additional refinements for the delivery of services.

In order to assure that recommendations were made from the widest possible basis, the committee analyzed existing two-tier systems of government in other areas. England, Toronto and Dade County, Florida were discussed in some depth. Gus Mattersdorff, a Commission member, explained two-tier governmental reorganization in London. The committee also benefited from an analysis of two Metropolitan Study Commission Charters.

On the basis of these discussions and analyses, the following specific recommendations were formulated: (See next page)

OUTLINE OF RECOMMENDATIONS

Metropolitan Charter Commission

The Long Range Options Committee of the Tri-County Local Government Commission recommends that the Oregon Legislative Assembly consider authorizing the creation of a Charter Commission for the Portland metropolitan area, however defined, at the appropriate time to:

- enable the formulation of an effective two-tier government in Metropolitan areas with lower-tier units of sizes which will be most efficient, effective, responsive and accountable.

The Charter should provide:

- (a) a form of government which details the relationship of the upper tier with existing and potential lower-tier governmental units; and
- (b) a method to enable the incorporation of all areas of the metropolitan region into appropriate types of lower-tier communities within an appropriate time frame.

Some communities would have higher and more inclusive services than others; for example, sewers and public water.

Submission of Recommendations:

- (a) The Charter Commission should make public its findings and proposed Charter within 18 months after the date of its organization.
- (b) Public Hearings should be held on the proposed Charter.

Referendum:

A metropolitan-wide vote on whether to adopt the Charter should be held requiring only a simple majority for approval.

RECOMMENDED FUNCTIONAL RESPONSIBILITIES

The Long Range Options Committee discussed the functional responsibilities and relationships between the proposed consolidated upper-tier level and the lower-tier units. In general, the committee recommends that the Metro government deal with policy setting and service delivery on regional issues. The metropolitan government will coordinate and assist with the lower tier in the implementation of its policies and programs. In this manner, service responsibilities are both decentralized and centralized.

The following chart of Functional Assignments was developed by the committee from the Phase II Committee Reports to illustrate their thinking on the interface between upper and lower tier for the major content areas of (1) human services, (2) public works and public transportation, (3) public safety, (4) land use, recreation and cultural activities and (5) finance, taxation and administrative services.

CHART OF RECOMMENDED FUNCTIONAL ASSIGNMENTS --- LONG RANGE

HUMAN SERVICES:

Upper Tier: Comprehensive Human Service Planning and Funding for:

1. Aging services
2. Health services
3. Manpower programs
4. Mental health and family services
5. Children and youth services
6. Individual social services/community-based programs

Lower Tier: Services delivery for:

1. Aging services
2. Health services
3. Manpower programs
4. Mental health and family services
5. Children and youth services
6. Individual social services/community-based programs



PUBLIC WORKS AND PUBLIC TRANSPORTATION:

Upper Tier:

1. Provide solid waste disposal
2. Develop water supply
3. Plan and operate major interceptor sewerage systems, treatment facilities
4. Mass transit, regional roads, marine and aviation

Lower Tier:

1. Provide solid waste collection
2. Provide water distribution systems
3. Plan and operate sewerage collection systems
4. Arterials, collectors
5. Local streets
6. Roads
7. Traffic control
8. Safety

PUBLIC SAFETY:

Upper Tier:

1. Planning fire protection
2. Regional communication network and develop education programs
3. Law enforcement administration and support
4. Jails, work-release programs
5. Detention and counseling facilities

Lower Tier:

1. Fire suppression, including conducting education programs
2. Law enforcement field operations

LAND USE, RECREATION AND CULTURAL ACTIVITIES:

Upper Tier:

1. Libraries -- all facets, except as noted below
2. Regional park planning and funding
3. All regional cultural facilities
4. Land Use -- areas/activities of regional concern

Lower Tier:

1. Libraries -- acquisition and traditional services, outreach services planning
2. Neighborhood and community park planning and funding
3. Golf courses
4. Land use -- adopting and implementing plans

FINANCE, TAXATION AND ADMINISTRATIVE SERVICES:

Upper Tier:

1. Services provided by counties and regional agencies
2. Broad financial authorization

Lower Tier:

1. Local administrative services
2. Limited financial authorization

In all cases, some of the lower-tier responsibilities could be carried out by the upper tier under intergovernmental agreement.

ELECTORATE  
OF FULL METRO AREA SERVICE AGENCY

----- MEMBER COUNCIL ELECTED FROM APPORTIONED  
DISTRICTS. EXECUTIVE ELECTED AT LARGE

METRO  
STAFF

HUMAN SERVICES

Funding

-----

Services  
Delivery

PUBLIC WORKS &  
PUBLIC TRANSPORTATION

Solid Waste Disposal  
Develop Water Supply  
Plan & Develop Major  
Sewerage Facilities  
Mass Transit, Regional  
Roads

Solid Waste Collection  
Water Distribution  
Systems  
Sewerage Collection  
Arterials, Collectors  
Local Streets

FINANCE, TAXATION &  
ADMINISTRATION

Services presently  
provided by Counties  
and Regional Agencies.  
Broad Financial  
Authorization

-----

Local Administrative  
Services and  
Limited Financial  
Authorization

LAND USE, REC. &  
CULTURAL ACTIVITIES

Libraries (except as  
below)

Regional Park  
Planning & Funding  
All regional Cultural  
Facilities  
Regional Land Use  
Planning

-----

Libraries - outreach  
Neighborhood and  
Community Planning  
Land Use - adapting  
implementing  
plans

PUBLIC SAFETY

Planning Fire  
Protection

Jails  
Detention  
Counseling

-----

Fire Suppression  
Law Enforcement  
Operations

CITIES

-----

CORPORATE  
COMMUNITIES

LOCAL STAFFS

MAYORS & COUNCIL  
MEMBERS

ELECTORATE

UPPER TIER

LOWER TIER

SPECIAL PROBLEMS

During the Committee's discussion on a Long Range proposal for the Portland Metropolitan area, several problems surfaced which the Committee felt would merit special attention. The committee highlighted the following major issues which they felt should receive consideration by the Charter Commission.

Adjustment of Property and Debt

If, for example, the metropolitan regional body assumes the responsibility for the provision of water supply, what is its financial responsibility to the City of Portland or any present owner of the water supply? The committee felt that the question of an equitable adjustment would need to be addressed.

Financial implications of a two-tier reorganization will also require special research. Present bonded indebtedness could be assumed and paid from the common revenues of the region or the debt could be permitted to remain the obligation of the benefiting property owners who originally incurred them.

Existing Civil Service and Personnel Arrangements

Issues involving existing personnel practices and benefits (including pensions) will also require special consideration as functional responsibility is divided between the upper and lower tiers. Some type of personnel section will be necessary in the Charter to secure the rights, privileges and benefits of the employees of the governmental units affected.

Education

The committee did not deal with the integration of education into the

two-tier system but felt that it should be addressed in the future. The committee feels that the educational system would be enhanced by being reorganized into a two-tier system.

LM:els  
February 1, 1977

## LONG RANGE OPTIONS COMMITTEE:

OUTLINE OF POTENTIAL RECOMMENDATIONS

1. Metropolitan Charter Commission
- 2.
3. The Long Range Options Committee of the Tri-County
4. Local Government Commission recommends that
5. the 1979 Oregon Legislative Session consider
6. a Constitutional Amendment which would
7. authorize the creation of a Charter Commission
8. in metropolitan areas over 750,000 in population
9. to:
10. \* enable the formulation of an effective two-tier
11. regional and local government in
12. Metropolitan areas of that size
13. which are efficient, effective, responsive
14. and accountable;
15. \* provide that the metropolitan government
16. have all of the powers of counties, cities,
17. special districts and regional bodies within
18. the metropolitan boundaries by adopting
19. a regional home rule charter government
20. which would supersede existing county and city
21. home rule charters.
- 22.

1. The Charter should provide:
2. (a) a form of government which details the
3. relationship of the upper tier with
4. existing and potential lower-tier govern-
5. mental units;
6. (b) a method to require the incorporation of
7. all areas of the metropolitan region
8. into:
  9. (1) urban corporate communities which include
  10. existing cities, or
  11. (2) rural communities
12. within an appropriate time frame. (The
13. Boundary Commission should encourage
14. the incorporation of medium-sized cities
15. in urbanized areas that are unincorporated
16. and could provide the full range of lower-
17. tier services. The Boundary Commission
18. should further be empowered to initiate
19. the creation of the necessary units if local
20. initiative is not undertaken in an
21. appropriate time frame.)
22. An urban corporate community would
23. have higher and more inclusive
24. services than a rural community;
25. for example, sewers and public water.

1. Submission of Recommendations:
2. (a) The Charter Commission should make public
3. its findings and proposed Charter within
4. 18 months after the date of its organization.
5. (b) Public Hearings should be held on the
6. proposed Charter.

7.

8. Referendum:

9. A metropolitan-wide vote on whether
10. to adopt the Charter should be held requiring
11. only a simple majority for approval.

12.

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### FUNCTIONAL RESPONSIBILITIES

The Long Range Options Committee discussed the functional responsibilities and relationships between the proposed consolidated county and the municipalities. In general, the Committee recommends that the Metro government develop regional performance standards that are implemented at the local level. In this manner, service responsibilities are both decentralized and centralized.

The following chart of Functional Assignments was developed by the Committee to illustrate their thinking on the inter-face between upper and lower tier for the major content areas of (1) human services, (2) public works and public transportation, (3) public safety, (4) land use, recreation and cultural activities and (5) finance, taxation and administrative services.

#### CHART OF FUNCTIONAL ASSIGNMENTS: LONG RANGE

##### HUMAN SERVICES:

Upper Tier: Comprehensive Human Service Planning -- Funding

1. Aging services
2. Health services
3. Manpower programs
4. Mental health and family services
5. Children and youth services
6. Individual social services/community-based programs

Lower Tier:

1. Services delivery

##### PUBLIC WORKS AND PUBLIC TRANSPORTATION:

Upper Tier:

1. Provide solid waste disposal
2. Develop water supply
3. Plan and operate major interceptor sewerage systems, treatment facilities
4. Mass transit, regional roads, marine and aviation



Lower Tier:

1. Provide solid waste collection
2. Provide water distribution systems
3. Plan and operate sewerage collection systems
4. Arterials, collectors
5. Local streets
6. Roads
7. Traffic control
8. Safety

PUBLIC SAFETY:

Upper Tier:

1. Planning fire protection
2. Regional communication network and develop education programs
3. Tri-county police protection delivery system
4. Jails, work-release programs
5. Detention and counseling facilities

Lower Tier:

1. Fire suppression including conducting education programs
2. Law enforcement operations

LAND USE, RECREATION AND CULTURAL ACTIVITIES:

Upper Tier:

1. Libraries -- all facets, except as noted below
2. Regional park planning and funding
3. All major cultural facilities
4. Land Use -- areas/activities of regional concern

Lower Tier:

1. Libraries -- acquisition and traditional services, outreach services planning
2. Neighborhood and community park planning and funding
3. Golf courses
4. Land use -- adopting and implementing plans

FINANCE, TAXATION AND ADMINISTRATIVE SERVICES:

Upper Tier:

1. Services provided by counties and regional agencies.
2. Broad financial authorization.

Lower Tier:

1. Local administrative services
2. Limited financial authorization

In all cases, some of the lower-tier responsibilities could be carried out by the upper tier under intergovernmental agreement.

### SPECIAL PROBLEMS

During the Committee's discussions on a Long Range proposal for the Portland Metropolitan area, several problems surfaced which the Committee felt would merit special attention. The Committee highlighted the following major issues which they felt should receive consideration by the Charter Commission.

#### Adjustment of Property and Debt.

If, for example, the metropolitan regional body assumes the responsibility for the provision of water supply, what is its financial responsibility to the City of Portland or any present owner of the water supply? The Committee felt that the question of an equitable adjustment would need to be addressed.

Financial implications of a two-tier reorganization will also require special research. Present bonded indebtedness could be assumed and paid from the common revenues of the region or the debt could be permitted to remain the obligation of the benefiting property owners who originally incurred them.

#### Existing Civil Service and Personnel Arrangements.

Issues involving existing personnel practices and benefits (including pensions) will also require special consideration as functional responsibility is divided between the upper and lower tiers. Some type of personnel section will be necessary in the Charter to secure the rights, privileges and benefits of the employees of the governmental units affected.

ELECTORATE  
OF FULL METRO AREA SERVICE COUNTY

MEMBER COUNCIL ELECTED FROM  
APPORTIONED DISTRICTS. COUNTY EXECUTIVE  
ELECTED AT LARGE.

METRO  
STAFF

**HUMAN SERVICES**

*Funding*  
Aging  
Health  
Manpower  
Mental Health  
Child/Youth Ser.

---

*Services*  
Delivery

**PUBLIC WORKS AND  
PUBLIC TRANS.**

*Solid Waste Disposal*  
Develop Water Supply  
Plan & Develop Major  
Sewerage Facilities  
Mass Transit,  
Regional Roads

---

*Solid Waste Collection*  
Water Distribution  
Systems  
Sewerage Collection  
Arterials, Collectors  
Local Streets

**FINANCE, TAXATION,  
ADMINISTRATION**

*Services presently  
provided by  
Counties & Regional  
Agencies. Broad  
Financial Authorization*

---

*Local Administrative  
Services and  
Limited Financial  
Authorization*

**LAND USE, REC.,  
CULTURAL ACT.**

*Libraries (except as  
below)*  
Regional Park Plan-  
ning & Funding  
All major Cultural  
Facilities  
Land Use Planning-  
Regional  
Libraries-outreach  
Neighborhood and  
Community Park  
Planning  
Land Use- adapting  
implementing plans

**PUBLIC SAFETY**

*Planning Fire  
Protection*  
Jails  
Detention  
Counseling

---

*Fire Suppression*  
Law Enforcement  
Operations

URBAN CORPORATE COMMUNITIES  
(including existing cities) | RURAL CORPORATE  
COMMUNITIES

LOCAL STAFF

MAYORS - COUNCIL  
MEMBERS

ELECTORATE

UPPER TIER

LOWER TIER

LONG RANGE OPTIONS COMMITTEEFINAL REPORT

1. Throughout the deliberations of the Tri-County Local Government
2. Commission, the members recognized that there is a difference
3. between proposals for immediate action and those which pertain
4. to the long range. At the October 2-3 Conference, the Commission
5. decided that a Long Range Options Committee should be formed
6. to further study governmental reform and make long-term recommen-
7. dations for the system of government for the Tri-County region.
  
8. At this point, a word of caution is appropriate. The Long Range
9. Options Committee recommendations are based on conditions existing
10. in early 1977 and the future conditions that would naturally
11. flow from them. The committee fully recognized that the process
12. of predicting future events and difficulties and describing
13. solutions is fraught with uncertainty. In 1965, for example, only
14. a few foresaw the massive energy shortages which plagued the 1970's.
15. Consequently, the recommendations of the Long Range Options
16. Committee should be viewed with the healthy skepticism appropriate
17. to any discussion of the future.
  
18. At one of its early meetings, the committee decided it would
19. consider the ideal form of governmental reorganization without
20. regard for difficulties that prevailing conditions may imply for
21. effective implementation. The committee wished to make its recom-
22. mendations as general as possible. They focused on the advantages
23. of governmental reform but fully recognized that, if existing

24. conditions were to be changed, their recommendations may be  
25. different as well.

26. In analyzing the existing system of local governance, the committee  
27. stressed that the existing system of government is not as efficient  
28. or as coherent as it could be because:

29. (1) there are so many authorities with overlapping tasks  
30. and responsibilities\* and

31. (2) double burdens are being cast on rate payers in urban  
32. counties with large unincorporated areas.

33. Possibilities for reform were discussed in light of these two  
34. overriding problems.

35. County Consolidations

36. The committee initially discussed the strengths and weaknesses of  
37. a three-county consolidation. If this proposal were pursued, the  
38. County Council would become the regional governing body and the  
39. regional authorities should be consolidated with the consolidated  
40. county. There are two methods which could be utilized to achieve  
41. county consolidation:

42. OPTION A: Consolidation by Statute

43. An act of the legislature would be required to provide for the  
44. consolidation of the counties. The legislature would authorize  
45. the formation of a Charter Commission. The Charter Commission would  
46. present a Charter to the voters. A majority vote in each county

47. \* The short range proposal leaves all the cities, counties and  
48. special districts intact. Only three regional bodies are con-  
49. solidated under the proposed elected board.

50. would be required to consolidate. In any case, the voters in  
51. Washington and Multnomah counties would be required to vote to  
52. give up their existing home rule charters and accept a new charter.

53. The consolidated county could not specify in its charter the  
54. relationship between the county and its cities or special districts.  
55. Furthermore, unless there was some method of required incorpora-  
56. tions, the consolidated county would be both city and county in  
57. unincorporated urban areas. For these reasons, the committee felt  
58. that something more than a county consolidation would be necessary.

59. OPTION B: Constitutional Amendment

60. A second possibility would be a constitutional amendment that would  
61. provide for a Charter Commission to draw up a Charter setting up  
62. a consolidated government having powers of both cities and counties  
63. as well as detailing the relationship between upper (regional) and  
64. lower (corporate communities and cities) tiers. The amendment  
65. could provide that the Charter could be adopted by a simple majority  
66. vote within the three counties. A further recommendation for the  
67. incorporation of medium-sized lower-tier units in urbanized areas  
68. that could provide the full-range of lower-tier services would  
69. eliminate the problem of the upper tier also serving as a lower-  
70. tier service provider in unincorporated areas.

71. On the basis of these considerations, the Long Range Options  
72. Committee proposed replacement of the existing ill-defined, many-  
73. tier system with a two-tier system (Option B). The committee felt  
74. that it was essential to:

75. (1) identify those services needing a large area for  
76. effective planning and administration,

77. (2) vest in local authorities all non-regional functions,  
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79. (3) provide a basis for large scale citizen participation.

80. The two-tier system avoids overlapping tasks and responsibilities  
81. and promotes integration of policy-making and implementation. The  
82. upper tier would be of considerable size, but the lower level would,  
83. in the main, be fairly small units. The committee analyzed the  
84. conceptual long-range model adopted by the Commission in April 1976  
85. and made additional refinements for the delivery of services.

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87. possible basis, the committee analyzed existing two-tier systems  
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89. Florida were discussed in some depth. Gus Mattersdorff, a Commis-  
90. sion member, explained two-tier governmental reorganization in  
91. London. The committee also benefited from an analysis of two Metro-  
92. politan Study Commission Charters.

93. On the basis of these discussions and analyses, the following  
94. specific recommendations were formulated:

OUTLINE OF RECOMMENDATIONS

1. Metropolitan Charter Commission
- 2.
3. The Long Range Options Committee of the Tri-County Local
4. Government Commission recommends that the Oregon Legisla-
5. tive Assembly consider authorizing the creation of a
6. Charter Commission for the Portland metropolitan area
7. however defined at the appropriate time to:
  8. \* enable the formulation of an effective two-tier
  9. regional and local government in Metropolitan
  10. areas of that size which will be efficient, effec-
  11. tive, responsive and accountable.
12. The Charter should provide:
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  14. the upper tier with existing and potential lower-tier
  15. governmental units;
  16. (b) a method to enable the incorporation of all areas of
  17. the metropolitan region into appropriate types of
  18. lower tier communities within an appropriate time
  19. frame.
20. Some communities would have higher and more inclusive ser-
21. vices than others; for example, sewers and public water.



1. Submission of Recommendations:

2. (a) The Charter Commission should make public its findings  
3. and proposed Charter within 18 months after the date  
4. of its organization.

5. (b) Public Hearings should be held on the proposed Charter.

6.

7. Referendum:

8. A metropolitan-wide vote on whether to adopt the Charter

9. should be held requiring only a simple majority for approval.

RECOMMENDED FUNCTIONAL RESPONSIBILITIES

The Long Range Options Committee discussed the functional responsibilities and relationships between the proposed consolidated county and the municipalities. In general, the Committee recommends that the Metro government develop regional performance standards that are implemented at the local level. In this manner, service responsibilities are both decentralized and centralized.

The following chart of Functional Assignments was developed by the Committee from the Phase II Committee Reports to illustrate their thinking on the interface between upper and lower tier for the major content areas of (1) human services, (2) public works and public transportation, (3) public safety, (4) land use, recreation and cultural activities and (5) finance, taxation and administrative services.

CHART OF RECOMMENDED FUNCTIONAL ASSIGNMENTS - LONG RANGE

HUMAN SERVICES:

Upper Tier: Comprehensive Human Service Planning and Funding for:

1. Aging services
2. Health services
3. Manpower programs
4. Mental health and family services
5. Children and youth services
6. Individual social services/community-based programs

Lower Tier: Services delivery for:

1. Aging services
2. Health services
3. Manpower programs
4. Mental health and family services
5. Children and youth services
6. Individual social services/community-based programs

PUBLIC WORKS AND PUBLIC TRANSPORTATION:

Upper Tier:

1. Provide solid waste disposal
2. Develop water supply
3. Plan and operate major interceptor sewerage systems, treatment facilities
4. Mass transit, regional roads, marine and aviation

Lower Tier:

1. Provide solid waste collection
2. Provide water distribution systems
3. Plan and operate sewerage collection systems
4. Arterials, collectors
5. Local streets
6. Roads
7. Traffic control
8. Safety

PUBLIC SAFETY:

Upper Tier:

1. Planning fire protection
2. Regional communication network and develop education programs
3. Jails, work-release programs
4. Detention and counseling facilities

Lower Tier:

1. Fire suppression including conducting education programs
2. Law enforcement operations

LAND USE, RECREATION AND CULTURAL ACTIVITIES:

Upper Tier:

1. Libraries -- all facets, except as noted below
2. Regional park planning and funding
3. All regional cultural facilities
4. Land Use -- areas/activities of regional concern

Lower Tier:

1. Libraries -- acquisition and traditional services, outreach services planning
2. Neighborhood and community park planning and funding
3. Golf courses
4. Land use -- adopting and implementing plans

FINANCE, TAXATION AND ADMINISTRATIVE SERVICES:

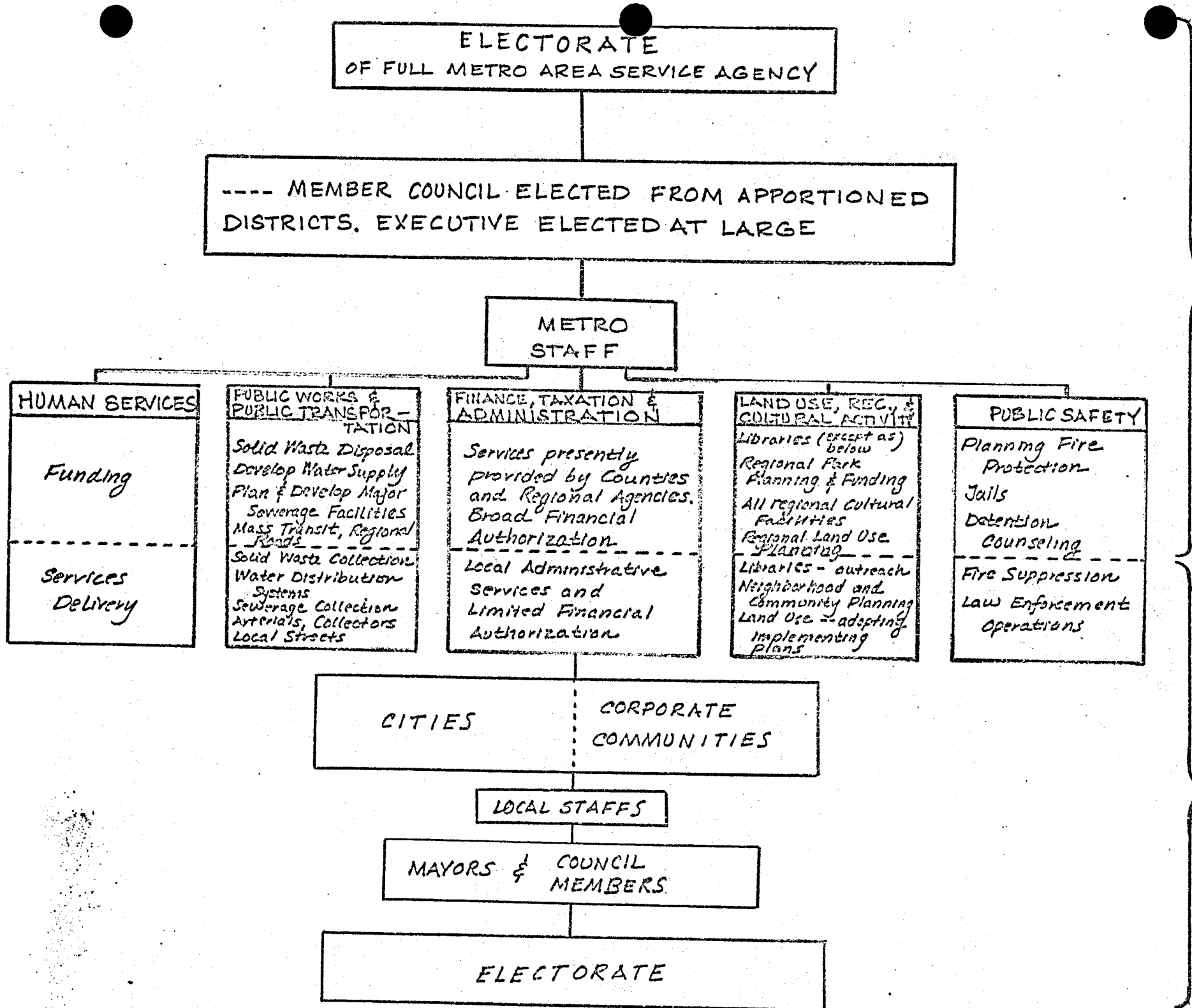
Upper Tier:

1. Services provided by counties and regional agencies
2. Broad financial authorization

Lower Tier:

1. Local administrative services
2. Limited financial authorization

In all cases, some of the lower-tier responsibilities could be carried out by the upper tier under intergovernmental agreement.



UPPER TIER

LOWER TIER

SPECIAL PROBLEMS

During the Committee's discussions on a Long Range proposal for the Portland Metropolitan area, several problems surfaced which the Committee felt would merit special attention. The Committee highlighted the following major issues which they felt should receive consideration by the Charter Commission.

Adjustment of Property and Debt.

If, for example, the metropolitan regional body assumes the responsibility for the provision of water supply, what is its financial responsibility to the City of Portland or any present owner of the water supply? The Committee felt that the question of an equitable adjustment would need to be addressed.

Financial implications of a two-tier reorganization will also require special research. Present bonded indebtedness could be assumed and paid from the common revenues of the region or the debt could be permitted to remain the obligation of the benefiting property owners who originally incurred them.

Existing Civil Service and Personnel Arrangements.

Issues involving existing personnel practices and benefits (including pensions) will also require special consideration as functional responsibility is divided between the upper and lower tiers. Some type of personnel section will be necessary in the Charter to secure the rights, privileges and benefits of the employees of the governmental units affected.

Education

The Committee did not deal with the integration of education into the Human Service delivery system. There was general consensus that the education system should be coordinated at the lower tier.