



# TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244

PORTLAND, OREGON 97201

(503) 229-3576

January 28, 1977

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

## MEMORANDUM

TO: HOUSE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS  
FROM: TRI-COUNTY LOCAL GOVERNMENT COMMISSION  
RE: H.B. 2070; TRI-COUNTY AREA-WIDE GOVERNMENT REORGANIZATION PROPOSAL

John BAILEY  
Herb BALLIN  
Marlene BAYLESS  
Mary-Elizabeth BLUNT  
Philip B. BOGUE  
Ho 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. MATTERSdorff  
Wanda MAYS  
Marta 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 Fayo THORGERSON  
Jerry TIPPENS  
William B. WEBBER  
Julie WILLIAMSON  
Roger W. YOST

The Tri-County Local Government Commission's study this past year of local government patterns and problems in Clackamas, Multnomah and Washington counties uncovered few new, unique issues.

The laundry list of problems and situations yielded by the study is disturbing, in that they are common to most other U.S. metropolitan areas. And, most of these other metropolitan areas are now in serious trouble. What normally has happened, and the Tri-County area is no exception, is that when one piece of the puzzle goes awry and people complain, we attend to patching up the system as best we can.

This piece-meal, band-aid approach has produced uncoordinated transportation and road systems, led to conflicting land use patterns, wasted immense amounts of tax-raised funds for illogically timed and placed public services and contributed to the decay of the inner cities whose plight has also affected the suburbs. The leap-frogging growth in metropolitan areas has placed a heavy financial burden on both urban and suburban residents alike.

Many of these symptoms have been identified in the Tri-County area. If these warning signs go unheeded, it will become increasingly difficult for us to avoid the governmental disasters seen in other metropolitan areas across the nation.

We believe H.B. 2070 addresses real problems in the Tri-County area and that the concepts embodied in the bill will provide the foundation for a better Tri-County government. The combination of several of the existing special-purpose area-wide agencies into a multi-purpose unit with directly-elected officials and a Tri-County constituency will enhance our capability and opportunity to shape the future of our larger community. And, it will involve, in a more realistic and direct way, the citizens of the entire Tri-County area in making decisions about their public problems.

The attached report is divided into three sections: (1) a brief description of the Commission and its endeavors; (2) highlights of the Commission's findings; and (3) an explanation of its recommendations as embodied in H.B. 2070.

## THE TRI-COUNTY LOCAL GOVERNMENT COMMISSION

The Tri-County Local Government Commission was formed in December 1975, after winning a nation-wide competition to become a test center for local government reorganization. The National Academy of Public Administration provides two-thirds of the funding for the 18-month project through a contract with the U. S. Department of Housing and Urban Development. The remaining \$50,000 comes from local public and private sources including contributions from various municipal and county governments in the Tri-County area.

The 61-member Commission includes elected and appointed state, regional, county, municipal and special district officials and citizens from the business and professional world, labor unions, civic and community organizations. The members represent a broad spectrum of both geographic and political views.

At its first organizational meeting in December 1975, the Commission adopted the following statement of purpose:

"The Tri-County Local Government Commission will examine the existing structures of local government in the Portland metropolitan area, the services provided, and the needs of its people, and then will pursue whatever improvements the Commission may identify. In fulfilling its responsibility, the Commission will endeavor to advance equity, efficiency, economy, responsiveness, visibility, accountability, citizen participation, political feasibility and actual service needs."

The work of the Commission was divided into three phases. The first concentrated on "Organization, Orientation and Problem Identification" and concluded with a two-day conference on April 10-11. At that time, the Commission adopted guidelines which outlined the general focus and direction that it would follow in developing alternatives and solutions during the second phase of its work program.

Since the April conference, the Commission has concentrated its efforts on designing a system of regional governance that will attend to the common needs of the entire Tri-County community. This emphasis was in large part due to the Commission's perception that of all the problems identified, regional governance was receiving little serious consideration from other organized groups, community organizations and governmental entities. Thus, the Commission believed it could make its most significant contribution in this area and focused its effort on area-wide problems and alternatives so that final recommendations, which would likely require legislative action, could be submitted to the 1977 Legislative Assembly.

During both the "problem identification" and "development of alternatives" phases, the Commission was divided into five subcommittees; each meeting weekly with non-Commission resource people, including citizens, public officials, administrators and representatives from community organizations.

The Commission put together its final recommendations on restructuring regional governance at a two-day public conference in October.

The last phase of the Commission is devoted to implementing these recommendations which are contained in H. B. 2070 and to studying further city-county relationships, special districts, the neighborhood movement and long-range alternatives. The Commission will make final recommendations on these matters before the conclusion of its project in May 1977.

THE COMMISSION'S FINDINGS: A STATEMENT OF THE PROBLEM

The prerequisites for area-wide governance appear embedded in the trends -- an aggregate of people in this area have developed various economic, social, cultural, and educational interdependencies, common mores and customs exist, and there appears to be a growing consensus about values, such as environment. The citizen who sits in his car on a clogged street at rush hour identifies with the aggregate in the need for a better public transportation system regardless of where he started the trip.

It is difficult for the citizen to identify himself or his self-interests with the mosaic of diverse neighborhoods and governmental entities in the 3,080 square miles of the Tri-County area. The citizen seldom relates social and economic interdependence to governmental operations and organization and the need for coordinating public policy in matters affecting the Tri-County area as a whole.

But the reality is that there is a central city with suburban rings around it. There has been an outward movement of families, churches, industries, jobs, shopping and medical facilities which has created a growing metropolitan area with new activity centers distributed throughout. It has become clear that the effort to meet central city needs separately from suburban and rural needs is as futile as it would have been for the U.S. to have tried to continue as a nation under the Articles of Confederation. Then, had the states been unwilling to recognize the need for national solutions to national problems, the nation would not have survived.

The need for geographic unity in providing services which require area-wide action together with the growing recognition that the costs of crime, air and water pollution, traffic congestion and other problems spill over

individual local government boundaries has focused attention on the desirability and feasibility of Tri-County remedial action. The possibility of achieving economies of scale in the delivery of public services and reducing resource inequities among segments of the Tri-County area has also served as a strong incentive for studying area-wide government proposals. These proposals have been acted upon, in part, because of the failure of multiple units of local government to effectively plan and implement programs for an orderly metropolitan development.

Area-wide governance exists to some degree now in the Tri-County area. It is function by function in such areas as planning, transportation and solid waste. There are now five regional agencies; each playing a special governance role and providing a special function or set of services. It includes the Metropolitan Service District (MSD), the Columbia Region Association of Governments (CRAG), Tri-Met, the Port of Portland and the Boundary Commission, with combined 1975-76 budgets totaling \$187,153,206.

However, this proliferation of special-purpose agencies has resulted in a functional fragmentation that makes comprehensive planning and public action difficult. There is no single authority requiring these agencies to coordinate plans or to eliminate duplication. Special-purpose agencies tend to reduce political accountability in that they are free from broad political control, remote from the citizens and do not provide for any voter participation in their governance process. Important area-wide decisions are made by functional specialists without a means of establishing priorities within a broader scope of problems and needs. There is no political process through which competing demands for the tax-raised revenues are evaluated and balanced.

The band-aid approach has produced uncoordinated transportation and road

systems, led to conflicting land use patterns, wasted immense amounts of tax-raised funds for illogically timed and placed public services and contributed to the decay of the inner cities whose plight also affects the suburbs.

Mounting public frustration and concern with the problems of area-wide governance suggest that if the Tri-County area is to avoid the governmental disasters seen in other metropolitan areas, it must address the problems of proliferating government at the area-wide level and effectively provide for reducing their number and achieving better coordination of those that remain.

As long as these important area-wide functions lie outside the policy-making control of a general multi-purpose unit of area-wide governance, full solutions to the pressing problems in the Tri-County area will be more difficult, if not impossible, to achieve. A multi-purpose area-wide authority would reduce duplication and increase the coordination of area-wide services, thereby decreasing the cost of public services. Such a government would increase the community's awareness and understanding of community problems and provide a vehicle for the whole mix of area-wide needs and problems to be viewed and priorities to be set.

Equally important in the formula of democratic self-government is the principle that government should have to regularly seek the consent of the governed and be directly accountable to them. Not one of the area-wide governments is directly accountable to the people it serves. What is missing from the equation is some mechanism whereby certain officials are elected by the voters for the purpose of handling those problems that are area-wide in nature, while other officials fulfill the traditional role of local elected officials, concentrating on those problems strictly local in character.

The problem with local officials serving at the area-wide level is that these officials find themselves constantly in a dilemma, caught between finding an area-wide problem's "right" answer to that same problem from the standpoint of their local community which they are elected to represent. At best, local officials walk a tightrope between these two priorities; at worst, they retreat into a parochial shell in any such conflict and reject the area-wide answer out-of-hand, regardless of its merits.

The Commission has found that there is good reason to believe that part of the crisis of the Tri-County community is a crisis of its civic life. Too often, discussion of the problems of the metropolitan area tend to reduce these problems to matters of sewage, transportation, housing, etc. This reduction leaves out the specific political element that gives meaning to civic life. By neglecting considerations of what a shared conception of the "good life" can mean to the larger community, we omit the very idea of citizenship and leadership is omitted from consideration. A viable political philosophy for the Tri-County area is a necessity for local government.

The lack of a significant political structure for the Tri-County area has resulted in an ethic of escapism from the larger community. There being no sufficiently visible unit of government to ensure the possibility of effective action, there is no central point to rally the imagination of the populace and no stage to attract the leadership that is essential if area-wide government is to function as it should. Unless the means of electing and instrumenting such leadership can be found, area-wide government will remain the administration of people rather than the self-direction of citizens.

The Commission is concerned that recent developments and trends across

the country seem to indicate that the concept of divided political power is fast disappearing. The formation of a multi-purpose, area-wide government with directly elected officials and a Tri-County constituency would enhance the area's capability and opportunity to shape the future of our larger community. This form of governance would obviously be closer to the Tri-County citizenry than the State and national governments and yet would be properly equipped to effectively address our area-wide problems, leaving more local concerns to the cities and counties.

Unless we act soon, we can expect that the power to deal with many of our community's problems will continue to shift to Salem and Washington, D. C. Over the long haul, our inability to restructure our local government may lead to its deterioration rather than its salvation.



H.B. 2070: TRI-COUNTY AREA-WIDE GOVERNMENT REORGANIZATION PROPOSAL

H.B. 2070, as approved for introduction to the 1977 Legislative Assembly by the Interim Committee on Intergovernmental Affairs, encompasses the major features of the Tri-County Local Government Commission's area-wide government reorganization proposal. In addition, the Commission is proposing several minor amendments which are noted in the following explanation of the provisions contained in H.B. 2070.

1. Areas Affected in the State

Currently, there is only one metropolitan service district in Oregon, established in the Portland-metropolitan area/ in 1970. This proposal will only affect the Tri-County area, as Sec. 1, ss.3, restricts the establishment of a metropolitan service district to a standard metropolitan statistical area with a population greater than 750,000. Since enactment in 1969 of current law governing the formation of metropolitan service districts, no other standard metropolitan statistical areas in the state have shown any serious interest in forming such districts and none appear to be considering it at this time. If, however, in the future another area demonstrates an interest in establishing a metropolitan service district, this restriction could be modified.

2. Electing Metropolitan Service District's Governing Board

The bill makes the governing board of the Metropolitan Service District directly responsible to the people it serves by directly electing its policy-making officials.

Sec. 4, ss. 1 provides for the election of a 15-member council; each elected on a non-partisan basis from single-member apportioned districts of approximately 60,000 people. Each councilor must be a resident of the electoral

district from which elected and would be prohibited from holding simultaneously any other elected public office (a Commission amendment not currently in the bill). The Secretary of State will determine the boundaries of the electoral districts based on the most recent census data and will reapportion the districts after each federal census. In apportioning the districts, the boundaries shall not be based on existing local government or state legislative boundaries but instead consideration shall be given to historic and traditional communities, and natural boundaries shall be followed to the extent possible.

Currently, all of the regional agencies are governed by appointed officials. MSD and CRAG have governing bodies comprised primarily of city and county officials and Tri-Met, the Port of Portland and the Boundary Commission have boards appointed by the Governor.

The problem with local officials serving on MSD and CRAG is that they are torn with conflicting loyalties between the Tri-County constituency and the local government jurisdictions that now appoint them. Area-wide issues tend to be of secondary importance, and, because local issues determine the electoral outcome for these officials, area-wide issues are not often publicly articulated. In addition, the time constraints on local officials, most of whom work full-time in addition to their official duties, are usually heavy.

The problem with governor-appointed regional boards is that they, too, lack direct accountability to the residents of the Tri-County area. The public's perception of appointive governing bodies was oftentimes communicated to the Commission through angry assertions of "taxation without representation". With these appointive bodies, there is generally less discussion of area-wide issues with the general public than that which is fostered through the electoral process.

The direct election of policy-makers is the best way to secure a democratic, responsive and responsible government. The most important principle of our American experiment in democratic self-government is that government should have to seek regularly the consent of the governed and be directly accountable to them. Citizens elect representatives to direct city, county, state and federal governments, and this bill simply provides Tri-County residents with the opportunity to do the same with certain regional policy-makers. A government designed to rest on the foundation of the people themselves will be more stable and durable than if it stands solely on the pillars of other existing local government institutions. It is not reasonable to expect local government public officials on regional governing boards to barnstorm the countryside on behalf of the regional agency if, in fact, their primary loyalty lies with their local government jurisdiction and constituency.

The election process will increase the visibility of MSD and regional government and will generate greater public awareness and discussion of area-wide issues. It will involve, in a more realistic and direct way, the citizens of the entire Tri-County area in making decisions about their regional public problems.

Electing councilors from apportioned districts will enhance accountability and responsiveness as well as keep campaign costs down. It is the best way to ensure equitable representation of urban, suburban and rural interests without hobbling the councilors with the direct conflicts created when regional officials are formally representing local government jurisdictions. It should also provide greater opportunity for input from community and neighborhood groups.

The size of the council -- 15 members -- was chosen to strike a balance between the important advantages of a more representative and responsive council allowing for greater citizen participation that a larger board offers and a structure more efficient in decision-making that a smaller number provides. These districts would be approximately the same size, in terms of population, as current state Senate districts.

Sec. 4, ss. 2 provides for staggered council terms of four years, with a two-consecutive term limitation. Candidates for councilor positions shall be nominated and elected at the primary and general elections on a non-partisan basis, as prescribed in ss. 3-6 of Sec. 4. Terms of four years in length are prescribed because they allow the councilors more time to learn and perform their jobs and to develop and implement policies and programs without the disruption of campaigns every two years.

The Council would elect its presiding officer annually from among its members and councilors would receive \$25.00 per diem for meetings plus necessary meals and travel expenses, as prescribed in Sec. 5.

### 3. Separating the Legislative and Executive Powers

In keeping with the American system of distinguishing between the policy-makers who frame the laws and the chief executive who enforces the laws, the bill separates the legislative and executive powers with corresponding checks and balances.

Sec. 6 provides for the at-large election (non-partisan, four-year term and two-consecutive term limitation) of the chief executive who will execute the policies of the Council. The executive officer would serve full-time, and compensation during the initial two years would be at the same salary as a State Appeals Court Judge (approximately \$37,500); thereafter, it would be

set by the council after receiving recommendations from an independent Salary Commission. (In addition, the Commission proposes, in amendment form, that council compensation after the first two years be handled in the same manner).

The chief executive officer would not be a member of the council. He or she would head the executive branch, and duties would include supervision of administrative offices and executive departments, execution and enforcement of all ordinances and applicable state statutes. Within the budget approved by the council, the executive will employ professional administrators to handle day-to-day technical administrative matters. However, these employed personnel will not be the political leaders of MSD.

The council would have the authority to adopt motions, enact ordinances, pass resolutions, levy taxes, appropriate revenues, adopt regional development policies, adopt the budget and perform a legislative oversight function over the administration. Sec. 7 defines the responsibilities and powers of the executive officer which include proposing the budget, introducing ordinances and regional development proposals and the authority to veto or sign ordinances. The council could override any veto or partial veto by affirmative vote of ten or more councilors.

This provision follows long-accepted traditions of separation of powers and checks and balances used at the national and state levels and in an increasing number of urban counties. The chief executive would serve as the political leader for the MSD at-large as contrasted to the members of the council who would be elected from smaller electoral districts. The ballot box will enhance the responsiveness and accountability of the administration and foster broader public interest in issues both during and after election campaigns. The chief executive officer will be the focal point for MSD

leadership, and, because of his/her political base, the elected executive will be in a better position than an appointed manager to seek public support for the council's programs.

Several past city managers have stated that a hired chief administrator, lacking both a political constituency and a direct line of accountability to the citizens, simply could not survive in a unit such as the revised MSD because of the population size of the districts and the necessity of the executive to take an active leadership role. Voters have expressed their desire to have an elected chief administrator through charters adopted in cities and counties across the country, including the Tri-County area recently. Reports indicate that in counties using chief elected executives (the Commission has identified and studied over 15 of these), the system has attracted a number of able, popular political leaders who have accepted responsibility for the executive branch of county government in a way that enhances its responsiveness and provides the same strength and stability as a governor does for state government.

#### 4. Restructuring of Some Current Special-Purpose Regional Agencies

To eliminate duplication, promote coordinated planning, enhance program effectiveness, save tax dollars and lay the foundation for an orderly Tri-County development, the bill repeals the present statute providing for CRAG and transfers its regional planning and coordinating functions to MSD. MSD was selected as the base to build upon since it is the only regional agency that was established through a vote of the people. The bill maintains the present statutory authorization by which MSD can assume the public transportation function of Tri-Met. Sec. 16 unifies the boundaries of Tri-Met, CRAG and MSD by extending the boundaries of MSD to include all of Multnomah, Clackamas and Washington counties.

The Commission has found that the proliferation of special-purpose regional agencies has complicated comprehensive planning and led to uncoordinated growth of government and wasted tax dollars. As long as these various important area-wide functions lie outside the policy-making control of a general multi-purpose unit of area-wide governance, full solutions to the pressing problems of the Tri-County area will be more difficult, if not impossible, to achieve. There is currently no means of establishing priorities within a broader scope of problems and needs and no political process through which competing demands for the tax-raised revenues are evaluated and balanced.

The affect of this reorganization will be to reduce the number of regional agencies and to establish out of the hodgepodge of special-purpose agencies a directly-elected, general-purpose government at the Tri-County level. It does not create a new level of government; instead, through consolidation, it makes MSD the vehicle through which the community can weigh the whole mix of area-wide needs and set priorities. It changes Tri-County regional governments from rather invisible, insulated governments that are highly bureaucratized to a more simplified structure under the self-direction of citizens.

In transferring the land use planning functions of CRAG to MSD, Sec. 19 mandates that MSD continue to perform on-going regional land use responsibilities including adopting metropolitan area land use planning goals and guidelines, identifying and designating areas of regional significance, promulgating regulations on matters of area-wide concern, providing technical assistance, coordinating the land-use planning activities of cities and counties within the district, reviewing the comprehensive plans adopted by cities and counties and recommending changes in any plan to assure that the plan conforms with the metropolitan area goals and objectives. However, one change from the status quo is recommended

in Sec. 19, ss. 2 and 3. To reduce duplicative efforts, the Commission recommends that the regional level not be involved directly in preparing a detailed comprehensive land use plan for the region. Instead, it should prepare functional plans for major area-wide activities, such as water, sewerage and transportation that would serve as framework guidelines for local comprehensive plans. Local comprehensive plans will still have to conform with area-wide land-use policies and goals and the broader functional plans, but the duplicative detailed comprehensive planning at the regional level will be eliminated.

MSD would also fulfill the traditional function of the federal grant compliance procedure (A-95 review).

#### 5. Additional Functions and Powers

MSD is a multi-purpose government currently authorized -- not mandated -- to perform metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water, public transportation and the zoo facilities. Under this type of authorization, the district may move into a service when the governing body determines it auspicious to do so and when financing has been arranged. The district is not required by law to begin a service on a certain date.

Sec. 10 increases the number of authorized (not mandated) MSD functions to include the metropolitan aspects of water supply and treatment, regional parks and cultural facilities, regional correctional facilities and programs and coordination of human services. This would provide MSD with the opportunity and capability to perform these functions at a time when deemed appropriate by the council and when funding could be obtained (this would require voter approval, just as the voters were asked to approve funding for MSD to operate the zoo facilities in May 1976).

These particular services are recommended for authorization because



coordinated regional action within the next few years may be essential to effectively address problems that the Commission has identified as potentially acute in nature and of area-wide concern. For example, the Commission found no process for comprehensive human service planning and coordination in the Tri-County area. Overlaps of service, inefficiencies in delivery of services and imbalances of resource allocations could be corrected through a better integrated and coordinated system. This authorization does not, however, prescribe a service provider role for MSD.

In the area of water supply and treatment, the Commission catalogued a list of problems including inadequate planning and development of water sources for the area's growth in the next decade, a lack of inter-ties between systems to protect against loss of a major source because of natural or man-made disaster, inadequate storage facilities and inability of small water providers to achieve economies of scale for capital improvements and operations.

The utilization of major parks, recreational and cultural facilities by non-residents of areas financially supporting their operations and the financial difficulty some of the governmental units are facing in maintaining these facilities is only part of the Commission's rationale for inclusion as authorized services. It was also the judgement of the Commission that citizens perceive parks and cultural facilities as positive, direct services that they can personally identify with and would, therefore, be important assets to this council in developing a constituency. Most of the other services that regional governments perform or are authorized to perform are either taken for granted by the public (solid waste disposal or control of surface water), controversial in nature (public transportation) or regulatory in nature (land use planning). Parks and cultural facilities may be the plums necessary to help ensure some sort of positive identification between the public and the council,

thereby improving the council's ability to attract a constituency that will support the efforts of MSD.

Sec. 2, ss. 3 (c) and (d) permit MSD to assume local government functions if local governments wish to contract for service. Local governments would retain control of the services and MSD would perform them on a full cost recovery basis.

Sec. 13 broadens the powers of MSD to include borrowing money from the state and further defines its enforcement powers to include enjoinder by the district upon suit in a court of competent civil penalties jurisdiction and for violations of its ordinances.

#### 6. Relationship with Other Existing Regional Agencies

The bill (Sec. 11, ss. 3) provides that the Port of Portland and/or the Boundary Commission could be brought under the control of the MSD council by an affirmative vote of the people at a time when either was referred to the voters by the council. The Commission believes that this option should be maintained; but that because of the significantly different nature of these organizations, further consideration and public debate would be desirable, as opposed to integration at this time.

#### 7. Finances

Existing revenue sources of MSD and CRAG (and Tri-Met upon integration) would be continued. However, the dues assessment method currently employed by CRAG must be eliminated by June 30, 1981, as prescribed in Sec. 18, ss. 4. This will require the council to develop other revenue sources, and the Commission believes that MSD should be provided with the widest range of financing

methods available. The bill, therefore, includes in Sec. 24 authorization for an income tax (up to 1%) subject to the approval of the voters.

Sec. 23 provides for the use of service areas (similar to county service districts) subject to the approval of the people so that areas with needs can receive and pay for services while not including areas receiving no benefits.

The Commission is recommending an amendment to the bill which would require MSD to produce an accounting report at least every two years which would explain in clear, plain language what concrete progress has been achieved in improving services under its jurisdiction without increasing costs and/or maintaining services while reducing costs and recommendations for reversing the growth of governmental bureaucracy, reducing institutional obsolescence, encouraging individual responsibility and facilitating participative planning.

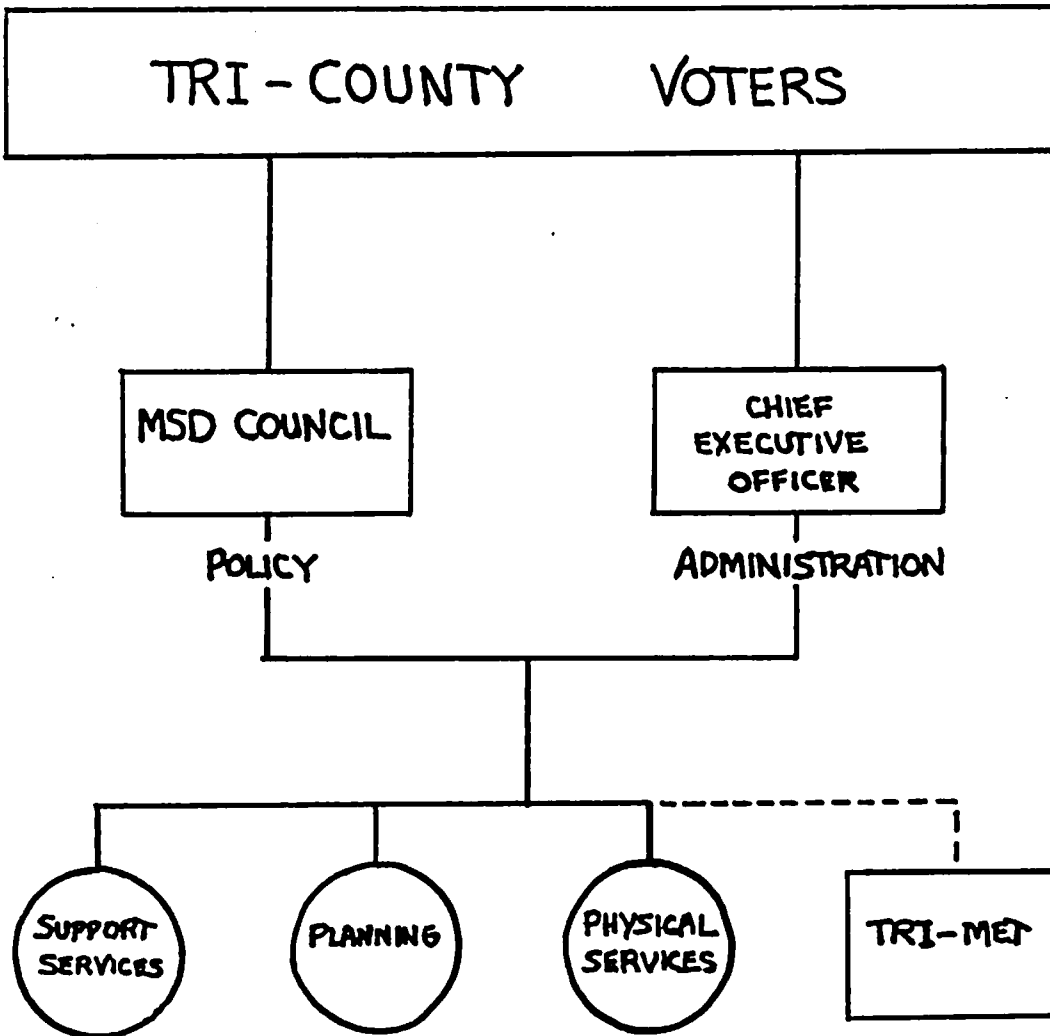
#### 8. Local Government Advisory Board

Sec. 22 establishes an advisory committee of elected city and county officials to work with the council and to facilitate communications, cooperation and coordination among all local governments. The Twin Cities Regional Council (St. Paul - Minneapolis) has no local officials on its governing board and has used an advisory committee to foster cooperation and coordination. This arrangement has proven successful for that area and would serve as the vehicle to facilitate a close working relationship with the council and local governments within the Tri-County area.

#### 9. Transition

The bill (Sec. 27-32) provides for an orderly transition with the initial council and chief executive officer elections held in 1978 and the MSD/CRAG integration effective January 1, 1979. It also stipulates that all lawfully adopted rules of CRAG and MSD in effect at that time will continue in effect until lawfully superseded or repealed by rules enacted by the elected council.

# TRI-COUNTY REORGANIZATION CHART



## KEY

○ DEPARTMENTS

----- TO BE BROUGHT UNDER MSD COUNCIL AS SOON AS POSSIBLE BY COUNCIL ACTION



# TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244

PORTLAND, OREGON 97201

(503) 229-3576

1/77

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

## SUMMARY OF THE TRI-COUNTY AREA-WIDE

### GOVERNMENT REORGANIZATION PROPOSAL

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  
Jerry TIPPENS  
William B. WEBBER  
Julie WILLIAMSON  
Roger W. YOST

The major features of H.B. 2070 include:

#### 1. Restructuring of Some Current Special-Purpose Regional Agencies

To eliminate duplication, promote coordinated planning, enhance program effectiveness, save tax dollars and lay the foundation for an orderly Tri-County development, the bill repeals the present statute providing for CRAG and mandates that its regional planning and coordinating function be performed by MSD. MSD, which is authorized to provide the metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water and zoo facilities, was selected as the base to build upon since it is the only regional agency that was established through a vote of the people. The bill maintains the present authorization by which MSD can assume the public transportation function of Tri-Met.

The affect of this reorganization will be to reduce the number of special-purpose regional agencies without creating any new layer of government.

#### 2. Electing MSD's Governing Board

The bill makes the governing body of MSD directly responsible to the people it serves by electing a 15-member Council from single-member apportioned districts of approximately 60,000 people each. Council offices would be non-partisan, and the part-time councilors would serve four-year staggered terms with a two-consecutive term limitation. The Council would elect its presiding officer annually from among its members.

Our American experiment in democratic self-government has demonstrated that the direct election of our policy-makers enhances responsive and responsible government, increases the visibility of the governmental entity, generates greater public awareness and involves the citizens more directly in the decision-making process. It will also eliminate the conflicting loyalties officials have between the Tri-County constituency and the local government jurisdictions that now appoint many of them. Electing councilors from apportioned districts is the best way to ensure equitable representation of both urban and rural interests.

### 3. Separating the Legislative and Executive Powers

In keeping with the American system of distinguishing between the policy-makers who frame the laws and the chief executive who enforces laws, the bill separates the legislative and executive powers with corresponding checks and balances. It provides for the at-large election (non-partisan, four-year term, and two-term limitation) of the chief administrator who will execute the Council's policies. The executive officer would not be a member of the Council but would serve as the political leader for MSD at-large, thereby enhancing the responsiveness of the administration.

### 4. Additional Functions

The bill increases the number of authorized (not mandated) MSD functions to include metropolitan aspects of water supply and treatment, regional parks and cultural facilities, regional correctional facilities and coordination of human services. This would provide MSD with the opportunity and capability to perform these functions at a time when deemed appropriate by the Council and when funding could be obtained (this would require voter approval just as the voters were asked to approve funding for MSD to operate the Zoo in May, 1976).

These particular services were recommended for authorization because coordinated regional action within the next few years may be essential to effectively address problems that the Commission has identified as critical in nature and of area-wide concern. In addition, it was the judgement of the Commission that citizens perceive parks and cultural facilities as positive, direct services that they can personally identify with and would, therefore, be important assets to this elected council in developing a constituency.

### 5. Relationship with Other Existing Regional Agencies

The bill provides that the Port of Portland and/or the Boundary Commission could be brought under the control of the MSD Council by an affirmative vote of the people at a time when either was referred to the voters by the Council. The Commission felt that this option should be maintained; but that because of the significantly different nature of these organizations, further consideration and public debate would be desirable as opposed to integration at this time.

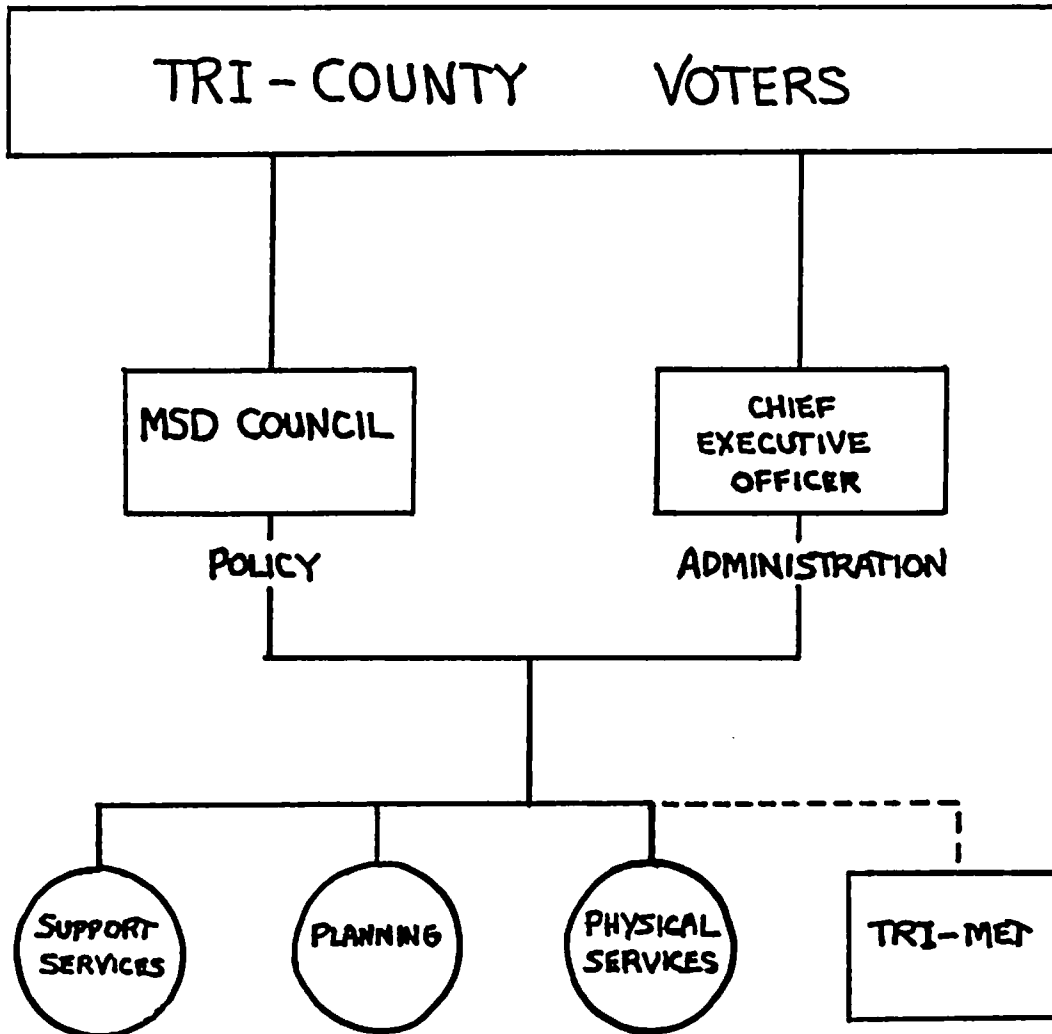
### 6. Finances

Existing revenue sources of MSD and CRAG (and Tri-Met upon integration) would be continued. However, the dues assessment method currently employed by CRAG would be eliminated by June 30, 1981, thereby requiring the Council to develop other revenue sources. In providing MSD with the widest possible range of financing methods available, the bill includes authorization for an income tax (up to 1%) subject to approval of the voters.

### 7. Transition

The bill provides for an orderly transition with the initial council and chief executive officer elections held in 1978 and the MSD/CRAG integration effective January 1, 1979. It also stipulates that all lawfully adopted rules of CRAG and MSD in effect at that time will continue in effect until lawfully superseded or repealed by rules enacted by the elected Council.

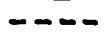
# TRI-COUNTY REORGANIZATION CHART



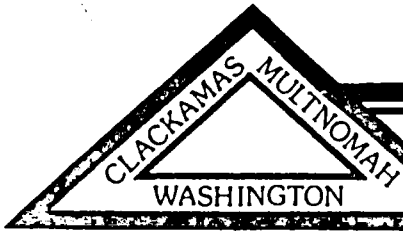
## KEY



DEPARTMENTS



TO BE BROUGHT UNDER MSD COUNCIL AS SOON AS POSSIBLE BY COUNCIL ACTION



# TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244

PORTLAND, OREGON 97201

(503) 229-3576

April 11, 1977

## M E M O

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

TO: Commission Members  
FROM: Bill Cross  
RE: Status Report on H.B. 2070

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  
Erl 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  
Lar. RECHER  
Marlene STAHL  
Ardis STEVENSON  
Donna STUHR  
Steve TELFER  
Ora THORGERSON  
Jerry TIPPENS  
William B. WEBBER  
Julie WILLIAMSON  
Roger W. YOST

On April 4, the House Committee on Intergovernmental Affairs completed its work sessions on our proposal and have asked for the bill to be re-engrossed with the new amendments conceptually approved by the Committee. The revised bill will then be the subject of a final public hearing in Salem at which time it is anticipated that the Committee will take action on it. Though not scheduled yet, that public hearing date will probably be set for sometime the week of April 18.

Though the Committee will have further opportunity to adopt amendments after the public hearing, the bill as it has been conceptually approved at this time keeps intact the basic principles and provisions embodied in our initial proposal.

The most significant change has been in the reduction of the boundaries from a tri-county jurisdiction to include the urban growth areas of the three counties. Please see the attached map which should give you a rough idea of the proposed boundaries (I apologize for my rather rudimentary attempt at cartography). The rationale for this change is that a metropolitan government that provides urban services is not needed in the rural areas and should not be financed by those in the rural areas who will receive no benefits from it. While this is true, the bill does provide for sub-regional service districts for the delivery and financing of specific metropolitan services and, by restricting the boundaries, land-use, transportation and water quality planning in the tri-county area will become fragmented. While there are certain political advantages to reducing the boundaries, it could jeopardize the important balance between urban growth and the preservation of natural resources and agricultural lands which could be better planned by a single body.

Because of the boundary change, the size of the MSD council has been reduced to 12 members. All other provisions relating to the council remain the same except that:

- 1) council will determine its own per diem expenses rather than our recommended \$25 figure;
- 2) cannot use the emergency clause when adopting rules and ordinances



though the effective date of an ordinance could be the date of adoption. But the ordinance would be suspended if an authorized referral petition (with the appropriate number of signatures) is filed. The ordinance would then be suspended until the election on the referral was held; and

- 3) conduct its business and exercise its powers in accordance with Oregon's administrative procedures act and open meetings law.

The chief administrator (whose salary was reduced to that of a District Court Judge - \$32,000) will be elected at-large as prescribed in our proposal but two changes were made with respect to the powers of that office:

- 1) the veto power was deleted; and
- 2) may hire personnel subject to MSD council guidelines.

The additional authorized functions in Section 10 were approved by the Committee which also added libraries to the list. The CRAG/MSD merger and transfer of the revised land-use planning function in Section 19 (though the language was refined) was approved but no firm decision was arrived at with regard to the Port of Portland and/or Boundary Commission integration options.

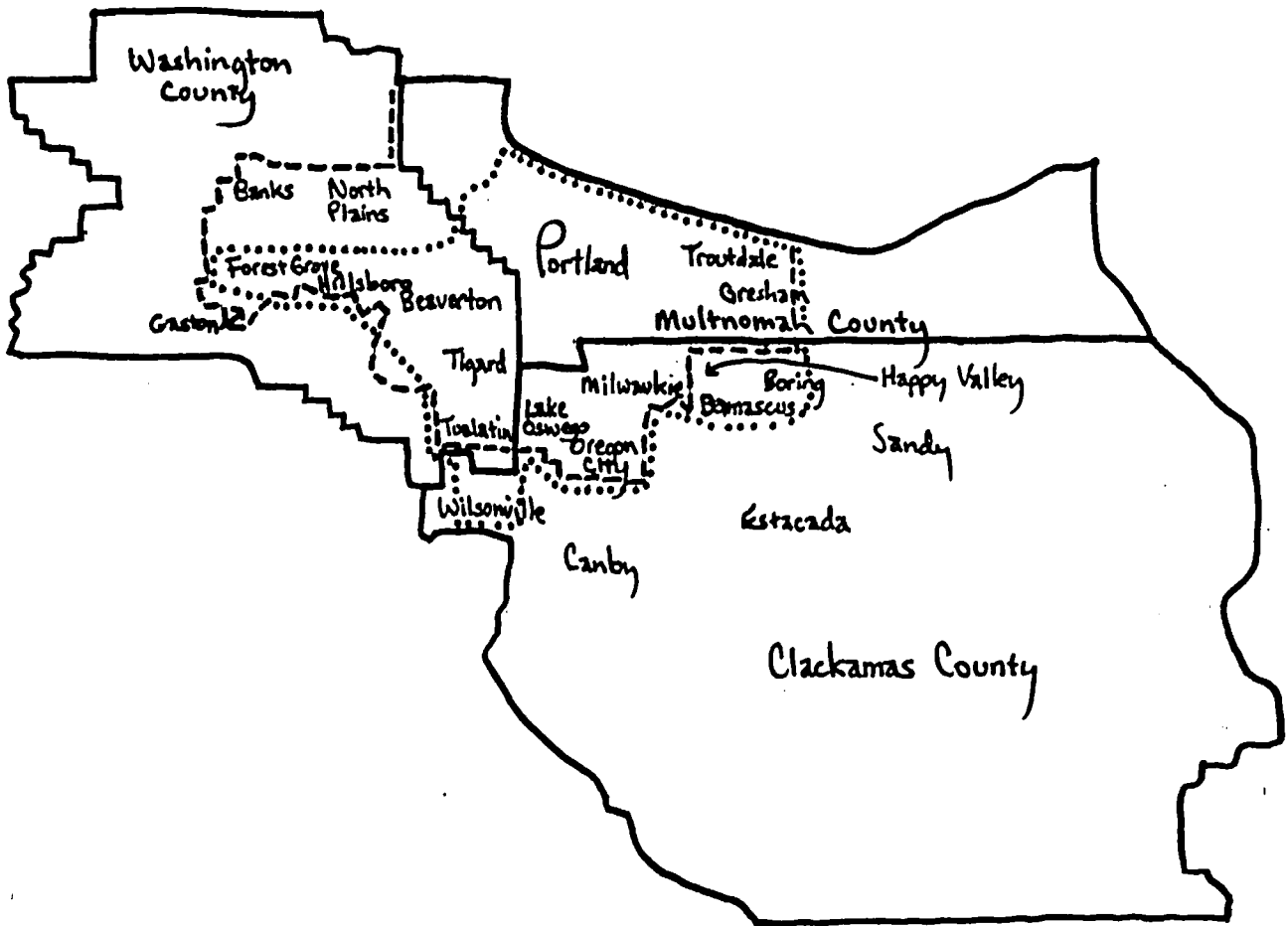
Sections 9, 12, 14 and most of 13 were deleted as they are included in MSD's solid waste disposal bill which has been approved by the House and should have no problems on the Senate side.

Though some concerns were expressed about the financing provisions, Sections 18 and 24 still remain unchanged in the bill. Our amendment requiring a biennial accounting report in plain language was approved as was the provision to prohibit elected public officials from serving on the MSD council and in their other governmental capacity simultaneously. However, the amendment to establish a mandatory citizens advisory board was not adopted as the Committee believed it was not necessary to address that aspect through the statute.

Finally, because of the boundary change and the elimination of the veto power, several Committee members questioned the need to refer the measure. In their opinion, the revised bill addresses the concerns of those who initially opposed it at the public hearings. At this time, the bill does not contain a referral provision though this will ultimately be decided after the public hearing.

BC/bjg

# Rudimentary Map Indicating Boundary Changes



## Key

- County lines
- MSD boundary
- .... Proposed MSD boundary



# TRI-COUNTY LOCAL GOVERNMENT COMMISSION

1912 S.W. SIXTH, ROOM 244

PORTLAND, OREGON 97201

(503) 229-3576

July 20, 1977

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

All Members of the Tri-County Commission:

As you all have probably heard by now, H.B. 2070 was approved by both the House and the Senate (the House concurred in Senate amendments to the bill last Friday) and was transmitted to the Governor who is expected to sign it. However, the bill does have a referral clause and the issue will be before the voters of the three counties during the May primary next spring.

Thus our job is not done. We still have to win at the polls. Victory is achievable, but the campaign will be a tough one. A campaign organization will have to be put together and funds found to support it. The Commission can serve as the nucleus for the campaign. As you will recall, the Commission at its regular May meeting voted to continue to organization as a functioning regional citizens' body. The Executive Committee will meet this week to explore what needs to be done to move ahead.

Win or lose the election (and, of course, we will work to win), the Commission achieved a significant victory in passage of H.B.2070 through the Legislature. You all deserve praise for the efforts which many thought would not succeed. Special recognition should be given to Carl Halvorson, the Commission's Vice Chairman, the Executive Committee and the various committee chairmen and Vice Chairmen. They were most diligent. And the staff (Kay Rich, Bill Cross, and Barbara Garbutt) did a beautiful job. The Commission is a good group of people. Commission members and staff worked together to provide an integrated and effective organization (no small achievement in itself). It has been a most satisfactory experience working with all of you and the staff. I hope we will have the opportunity to work together again in the months and years ahead. Certainly, you will be asked.

Please let me know any suggestions you may have concerning a campaign for voter approval of H.B.2070.

Attached for your information is a copy of H.B.2070 as adopted by the Legislature. A copy of the Commission's final report will be forwarded to each of you as soon as available.

Again, my thanks and appreciation.

Sincerely,

*Ron Cease*  
Ron Cease,  
Chairman

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  
Jerry TIPPENS  
William B. WEBBER  
Julie WILLIAMSON  
Roger W. YOST

RESOLUTION NO. R-77-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE OSWEGO OPPOSING THE TRI-COUNTY GOVERNMENT BILL-HB 2070

WHEREAS, there is pending before the Legislative Assembly HB 2070; and

WHEREAS, said bill would expand the boundaries of the Metropolitan Service District to encompass all of the geographical area of Clackamas, Washington, and Multnomah counties; and

WHEREAS, said Tri-County Metropolitan Government

would assume local municipal operations relating to water supply, sewage disposal, storm sewer projects, parks and recreation, correctional facilities, jails, juvenile facilities, and such other local public services as may be authorized by contract with existing local government agencies; and

None of these are municipal services + those units with existing water supply systems would be unaffiliated unless they wished to contract for some service

would assume only metropolitan aspects of these services when authorized by voters to fund them

Local aspects would be strictly controlled by local units. They would control contracting.

WHEREAS, such metropolitan government agency would be governed by a council whose members would be elected from districts unrelated to existing political subdivisions; and

— would have to be if properly appointed

WHEREAS, the members of said council are limited to a nominal compensation which would have the effect of rendering such body of limited effectiveness in exerting public control over the policies of the agency; and

legislature can provide for more compensation. However, this is same compensation paid CRAAG Bd. Present MSO Board receives no compensation. Most city councilmen receive no compensation.

WHEREAS, the effective power of the agency will be vested in an executive officer who shall serve full time, have a power to veto

The policy power rests with the elected board. It can override the veto. The executive can promote policy but only the board can adopt it and the executive is obligated to execute that policy.

P. 5  
line 9 & 10

Same limitation of two consecutive terms

any ordinance or any expenditure item, whose term of office is not limited as are those of the members of the governing body, and who is required to have no other qualifications for office than being a resident of the tri-county area; and

WHEREAS, said metropolitan agency shall have the power to impose and collect service or user charges; and

WHEREAS, said agency shall assume the regional planning functions now performed by CRAG, review the comprehensive plans of the local agencies, and as it considers necessary, require changes in said plans to conform to the new agency's goals and objectives and functional plan; and

CRAG has more power than this now

WHEREAS, the Tri-County agency shall have power to determine in its sole discretion, what charge it shall levy upon other local agencies for such planning function; and

politically would keep about same assessment how used by CRAG. Law privies phase out of their financing in 1981

Provision for continuity of no widespread revision of existing policies although over time modifications will occur with or without this legislation.

WHEREAS, such authority will inevitably lead to wide spread revision and postponement of adoption of local comprehensive plans with increased costs to the taxpayer which costs may be imposed by the agency on local governments without the consent of the local taxpayers; and

Same as current CRAG power & it phased out in 1981

WHEREAS, the amount to be charged to each city and county by the new agency for said planning is binding upon the cities and they are required to pay their charge on or before October 1 of the current fiscal year when their local revenues are diminished; and

No local functions can be assumed except through contract. Local units already do this. For example Portland treats Lake Oswego Sewage.

WHEREAS, the effect of such agency will be to confuse the public through the assumption of some local functions by the agency while others are left in local hands; and

All procedures are  
subject to local  
budget law and  
there would be a  
tax break  
for local  
units by 1981

WHEREAS, the transfer of local functions to the new metropolitan agency contains the power to impose fiscal costs upon local agencies without local budgetary control so that their local tax revenues may be subject to severe impairment and transfer without local control:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lake Oswego notify the Legislative Assembly of the State of Oregon of its opposition to HB 2070, and that copies of the above resolution be furnished to members of the Legislative Assembly, the Governor, other cities in the tri-county area, the governing bodies of the affected counties, the board of CRAG, the Metropolitan Service District, and other interested bodies.

PASSED AND ADOPTED this 8th day of March, 1977.

Roll call:

- Mayor William H. Gerber \_\_\_\_\_
- Walter Avery \_\_\_\_\_
- C. Herald Campbell \_\_\_\_\_
- Matthew M. Finnigan \_\_\_\_\_
- Beverly J. Henderson \_\_\_\_\_
- Corky Kirkpatrick \_\_\_\_\_
- Mary H. Neely \_\_\_\_\_