

BEFORE THE METRO COUNCIL

RELATING TO THE PORTLAND)
METROPOLITAN AREA LOCAL)
GOVERNMENT BOUNDARY COMMISSION)
AMENDING METRO CODE SECTION)
2.01.190 AND DECLARING AN)
EMERGENCY)

ORDINANCE NO. 94-577

Introduced by
Councilor Mike Gates

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. (a) Oregon law provides that the Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of Metro Councilors.

(b) Pursuant to the adoption of the 1992 Metro Charter, the number of members of the Metro Council will decrease from 13 to seven beginning on January 2, 1995.

(c) Therefore, effective January 2, 1995, the number of members of the Boundary Commission is also decreased from 13 to seven.

(d) It is necessary for the Council to specify which Boundary Commission positions shall continue to hold office, and to assign those positions to the seven new Council districts created pursuant to the adoption of the 1992 Metro Charter.

Section 2. Section 2.01.190 of the Metro Code is amended to read as follows:

2.01.190 Appointment Process, Qualifications and Terms of Office for Boundary

Commission Members:

(1) As provided by Oregon Law;

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(a) The Portland Metropolitan Area Local Government Boundary Commission shall have a number of members that is equal to the number of Councilors of the Metropolitan Service District.

(b) The members of that Boundary Commission shall be appointed by the Executive Officer of the Metropolitan Service District. The Executive Officer shall appoint members of a Boundary Commission from a list of individuals nominated by the Councilors of the District. Each Councilor shall nominate no fewer than three nor more than five individuals for appointment to the Boundary Commission. When first appointing all the members of Boundary Commission, the Executive Officer shall appoint one individual from among those nominated by each Councilor. Thereafter, as the term of a member of a Boundary Commission expires or as a vacancy occurs, the Executive Officer shall appoint an individual nominated by the Councilor or a successor who nominated the Boundary Commission member whose term has expired or who vacated the office. The Executive Officer shall endeavor to appoint members from various cities, counties and districts so as to provide geographical diversity of representation on the Boundary Commission.

(c) To be qualified to serve as a member of a commission, a person must be a resident of the area subject to the jurisdiction of the commission. A person who is an elected or appointed officer or employee of a city, county or district may not serve as a member of a commission. No more than two members of a commission shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or receive more than one-half of their gross income as or be principally occupied as members of any partnership, or as officers or employees of any corporation, that is engaged principally in the buying,

selling or developing of real estate for profit. No more than two members of a commission shall be engaged in the same kind of business, trade, occupation or profession.

(d) A member shall be appointed to serve for a term of four years. A person shall not be eligible to serve for more than two consecutive terms, exclusive of:

- (i) Any service for the unexpired term of a predecessor in office.
- (ii) Any term less than four years served on the commission first appointed.

(2) The terms of office of members of the Boundary Commission appointed prior to 1991 shall be as follows:

(a) Members appointed from nominations made by Councilors representing Council Districts 2, 6 and 8 shall serve from July 1, 1988 to January 1, 1992;

(b) Members appointed from nominations made by Councilors representing Council Districts 1, 5 and 7 shall serve from July 1, 1988 to January 1, 1993;

(c) Members appointed from nominations made by Councilors representing Council Districts 3, 10 and 11 shall serve from January 1, 1990 to January 1, 1994; and

(d) Members appointed from nominations made by Councilors representing Council Districts 4, 9 and 12 shall serve from January 1, 1990 to January 1, 1995.

(3) Notwithstanding the provisions of subsection (2) above, effective January 2, 1995, the Boundary Commission shall consist of seven members and each shall be appointed from nominations made by Councilors. The terms of the Boundary Commission members nominated by Councilors representing districts 2, 3, 6, 7, 8, and 10 terminate effective

January 2, 1995. Whenever a vacancy exists on the Boundary Commission after January 2, 1995, the Boundary Commission member nominated by the Councilor representing former Council district number one shall be nominated by the Councilor representing new Council district number four; the Boundary Commission member nominated by the Councilor representing former Council district number four shall be nominated by the Councilor representing new Council district number three; the Boundary Commission member nominated by the Councilor representing former Council district number five shall be nominated by the Councilor representing new Council district number two; the Boundary Commission member nominated by the Councilor representing former Council district number nine shall be nominated by the Councilor representing new Council district number six; the Boundary Commission member nominated by the Councilor representing former Council district number eleven shall be nominated by the Councilor representing new Council district number five; the Boundary Commission member nominated by the Councilor representing former Council district number twelve shall be nominated by the Councilor representing new Council district number one; and the Boundary Commission member nominated by the Councilor representing former Council district number thirteen shall be nominated by the Councilor representing new Council district number seven.

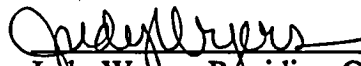
Section 3. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the number of Boundary Commission members needs

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to be reduced to seven by January 2, 1995, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council this 8th day of December, 1994.



Judy Wyers, Presiding Officer

ATTEST:



Clerk of the Council

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GOVERNMENTAL AFFAIRS COMMITTEE REPORT

ORDINANCE NO. 94-577, RELATING TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION AMENDING METRO CODE SECTION 2.01.190 AND DECLARING AN EMERGENCY

Date: November 30, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its November 29, 1994 meeting the Governmental Affairs Committee voted 5-0 to recommend Council adoption of Ordinance No. 94-577. All committee members were present and voted in favor.

COMMITTEE DISCUSSION/ISSUES: General Counsel Dan Cooper presented the staff report. He said this ordinance provides for the transition of the Boundary Commission from thirteen members to seven, as required by the reduction in the number of Councilors and the Boundary Commission statute that ties the number of commissioners to the number of Metro Councilors. The ordinance specifies which seven positions will continue and which six positions will expire, and matches the seven continuing positions with Council districts. Mr. Cooper pointed out that not all the continuing Boundary Commission members live in the Council districts to which they are assigned. This is not inconsistent with the current structure, which does not require residence in the relevant district; one continuing member, for example, lives outside the Metro area. He noted the emergency clause is added to make it effective in a timely manner.

Councilor Gates noted that the Council has approved a resolution which supports a change in the Boundary Commission structure, to be considered by the 1995 Legislature. He said MPAC also supports the change.

Councilor Buchanan asked why a member who has served two terms was continuing despite a restriction, in statute and Code, of two terms of service. Ken Martin, Executive Officer of the Boundary Commission, said the member in question had been originally appointed to fill an unexpired term. The statute allows service of two full terms, plus any time in a partial term. Mr. Martin explained the process by which the seven members proposed to continue were selected. He said the Councilors who had worked with the Boundary Commission members and staff to develop this transition plan had asked the Commission to determine which seven members they wanted to continue. The Commission polled its members, with the Chair tabulating the results, which produced the seven reflected in this ordinance. Those members tended to have the most experience.

Councilor Wyers said the member from her district could have been eligible to continue because his term would otherwise continue, but he did not wish to do so. He told her he supported the process used to determine the seven continuing members.