

APPROVED
Date 11-4-93

MINUTES OF THE METRO COUNCIL GOVERNMENTAL AFFAIRS COMMITTEE

October 21, 1993

Council Chamber

Committee Members Present Mike Gates (Chair), Jim Gardner (Vice Chair), Sandi Hansen, Terry Moore, Judy Wyers

Councilors Also Present Susan McLain, Ed Washington

1. Consideration of October 7, 1993 Governmental Affairs Committee Meeting Minutes

Motion. Councilor Gardner moved to approve the October 7, 1993 Governmental Affairs Committee meeting minutes as submitted

Vote: Councilors Hansen, Moore, Wyers, Gardner and Gates voted aye

The vote was unanimous and the motion passed

2. Communications from Local Governments

No communications

3. Ordinance No. 93-516. An Ordinance Amending Ordinance No. 93-487A Revising the FY 1993-94 Budget and Appropriations Schedule for the Purpose of Appropriating Funds to Consult with Business and Civic Leaders and Develop Recommendations Regarding Greenspaces Acquisition Capital Improvement and Operations Funding Options

This agenda item was not considered at this time

4. Ordinance No. 93-517. An Ordinance for the Purpose of Adopting a New Chapter to the Metro Code Pertaining to Elections

Daniel B. Cooper, General Counsel, presented the staff report, and said the ordinance introduced at this time should be considered in draft form with the intent to deal with questions and develop language accordingly Mr Cooper went on to highlight the Chapters of the proposed ordinance. He noted the state legislature previously passed a law to allow Metro measures to appear in the Voters' Pamphlet with ballot title, explanatory statement as well as statements in support and opposition, and said the Council adopted an ordinance that carried out that authority. He said the proposed action would move the current Metro ordinance, Ordinance No. 90-330A, to the new chapter

Mr Cooper said the state legislature adopted a law in the current session that said no local measures, city, county or Metro, could appear in the State Voters' Pamphlets nor could any candidates appear other than state office candidates He noted the law would sunset January 1997 and would thus affect the next two statewide elections cycles in 1994 and 1996. He said each county had the option of publishing a county-wide voters' pamphlet in which Metro measures could appear He noted both Multnomah and Clackamas Counties had indicated they would continue to publish a county voters' pamphlet and would publish Metro measures therein. He said he was uncertain regarding Washington County's intent.

Councilor McLain noted the newspaper had said Washington County agreed to fund a voters' pamphlet in the county but intended to negotiate with the state for a separate county section in the state voters' pamphlet Mr Cooper believed the Secretary of State could authorize such an action, and said Multnomah County intended to do so as well

Mr. Cooper said he had been informed by the Multnomah County Elections Office that there would be a Multnomah County Voters' Pamphlet and a Clackamas County Voters' Pamphlet. He indicated he would seek further information regarding Washington County.

Mr. Cooper said the Multnomah County Elections Officer, Vicki Ervin, would continue to be Metro's elections officer, and said she would coordinate and provide such information.

Councilor Wyers asked that Metro Staff request to be informed regarding rule changes from the level of Secretary of State, and asked that the Multnomah County Elections Officer keep Metro informed and updated, especially regarding Washington County. Councilor Wyers asked who paid the filing fee for a measure or candidate to appear in the Voter's Pamphlet. Mr. Cooper explained the process, and noted Metro would pay certain expenses.

Mr. Cooper noted that the current ordinance in the Metro Code, Ordinance No. 90-330 A, established that all challenges would need to be resolved 75 days before the election. He believed the deadline should be revised to the printing deadline, giving the Council more flexibility in scheduling decisions. He noted the language changes had not yet been made in the proposed ordinance.

In response to Councilor Wyers, Mr. Cooper said Metro would be responsible for a share of the bill for the pamphlet, which would come from the Elections Office.

The Committee and Staff discussed language in Chapter 9 02.020 concerning vacancies in office, whether or not Committee absences as well as the full Council would be included as Councilor absences, and how the minutes should reflect a Councilor's absence. In response to Councilor Gardner, Mr. Cooper said he recommended language in the ordinance be clear on the matter of absences. The Committee concurred.

Mr. Cooper discussed the section of the proposed ordinance dealing with Ballots Measures, Initiative and Referendum. He said state law governed the majority of issues related to ballot measures, initiatives and referendum. He said the Secretary of State was the State Elections Officer and ran elections, and that which was provided for in a Secretary of State rule would take precedence over any Metro provision, either in the Charter or the Metro Code. Mr. Cooper defined three kinds of measures that could go on the ballot, legislation, propositions, and questions. He said the proposed ordinance would define those terms for Metro purposes. Mr. Cooper said, concerning whether bond measures could be placed on the ballot by initiative rather than being referred by the Council, it was his belief under existing law a direct proposition to authorize a bond measure was not legislation and was not subject to the referendum. He said a Charter amendment to add a section to the Charter that directly authorized and directed the issuance of bonds was legislation and was probably the vehicle that could be followed to initiate either a tax or a bond measure by initiative. He said the proposed ordinance reflected this position.

Mr. Cooper said a "question" would include a voluntary referral by the Council of the Tri-Met takeover issue to the voters, and he said a question need not be legally binding. He clarified that a question to give Metro authority to assume a function would grant that authority, and indicated initiative and referendum issues should be utilized for Charter amendments only. In response to Councilor Moore, Mr. Cooper said the Charter had a restriction stating that Charter amendments, those proposed by initiative or those proposed by the Council, needed to relate to a single subject matter only, the Council however, he added, had the authority to provide a process for the revision of the Charter, by which, if followed, the Council could submit to the voters a Charter revision that did not need to be confined to a single subject matter. He noted the legislature did not have that same authority over the state constitution, and indicated it was an issue now being decided under the ballot measure related to the sales tax. Mr. Cooper said if two hearings were held at least 30 days apart on a Charter revision, it could be submitted on the ballot to the voters, without mandating the use of a Committee or any other further provisions. He said other detailed provisions could be added, and noted he offered the issue for identification and consideration purposes.

Burton Weast, Western Advocates, addressed the Committee, and said the Supreme Court had ruled two hours previously that Ballot Measure 1 pertaining to the sales tax would be allowed on the November 9, 1993 ballot. He noted the Court did not rule on the challenge of multiple issues in the ballot title, but decided the appeal that had been

filed had not been filed in a timely manner. He said a question was raised that if the sales tax were to pass, could there be a challenge on the same issue in as much as the Court had not ruled.

In response to Councilor Gardner, Mr. Cooper said a question of assumption of a function by Metro, on which the voters voted in favor, would not necessarily mandate that Metro take over that function, but would rather make such a matter permissive. He said Section 5 of the Charter on regional growth management planning effort was as close to a mandate as was contained in the Charter, and said discretion by the Council was allowed nevertheless.

Mr. Cooper said the ordinance called for any matter initiated or referred would be placed on the ballot at the first available primary or general election unless the Council moved the matter up to a special election. He said a matter referred directly by the Council would go to the election specified by the Council, not necessarily the next available election. He said a point in the law governing special districts, which currently governed Metro elections, allowed for that possibility.

He said a limitation on petitions was written into the draft ordinance which would require petitioners to complete the process within 6 months from the time it was begun. He felt it was helpful to have a limitation in the language, but said 6 months was a suggestion only.

Casey Short, Council Analyst, referenced Section 9 02.030(b), page 8 of the draft ordinance, concerning filling a vacancy in the office of Executive Officer or Auditor. Mr. Short noted the language did not provide for a notification process, and asked the Committee to consider the matter.

In response to Councilor Wyers, Mr. Cooper said the statute in effect before the Charter was adopted provided that the Council would fill any vacancies in the office of Executive Officer, and said the Charter Committee carried that forward and added the Auditor. He added that the constitution provided that if a vacancy occurred more than 20 days before the next general election, a special election at the general election would be held to fill the vacancy for the remainder of the term.

Councilor Hansen expressed concern regarding the costs of a special region wide election in order to fill a potential vacant office.

The Committee and Staff discussed further the potentials for length of term for an appointment to a vacant office and the potential costs of a special election.

Mr. Cooper indicated he would prepare further language to deal with possible vacancies, length of terms and special elections and would review filing deadlines.

Chair Gates opened a public hearing. No citizens appeared to testify. Chair Gates closed the public hearing.

Chair Gates continued the matter for consideration at a later date following preparation of revisions to the language of the proposed ordinance were developed for review.

5. Presentation of Recent Activities by the Public Affairs Department

Vickie Rocker, Public Affairs Director, presented the staff report and displayed for the Committee a number of products and prototypes developed by the Department to assist in educational promotions. Among the materials were table top displays, new brochures and holders, folders, Speakers Bureau post cards, and discussed a slide show presentation which had been developed.

Ms. Rocker indicated the products were available for use, and suggested the prototypes could be made available as well.

The Committee and Staff discussed costs of producing the various items and potentials for use. Councilor McLain noted interest among her constituency in transportation planning, and suggested reducing a table top display to 8 1/2 x 11 in order to fit into folders. Chair Gates noted children loved to hear about the zoo, the budget and the Convention Center, and he noted the slide presentation ran about 20 minutes.

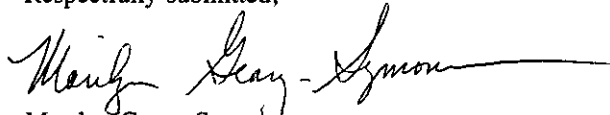
The Committee expressed interest in the slide shows, and requested additional slide shows be made available for Councilor speaking engagements.

6. Recognition of Guests

Chair Gates acknowledge other members of the Public Affairs Department, Graphics Division, were in attendance.

There being no further business, the meeting adjourned at 5.40 p m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marilyn Geary-Symons", followed by a long horizontal line extending to the right.

Marilyn Geary-Symons
Committee Recorder