

W O R K S E S S I O N

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METRO

MEETING: METRO COUNCIL WORK SESSION
DATE: March 28, 1995
DAY: Tuesday
TIME: 2:00 PM
PLACE: Metro Council Chamber

Approx.
Time *

Presenter

Lead
Councilor

2:00 PM **CALL TO ORDER AND ROLL CALL**

(5 min.) 1. **INTRODUCTIONS**

(5 min.) 2. **CITIZEN COMMUNICATIONS**

(5 min.) 3. **EXECUTIVE OFFICER COMMUNICATIONS**

4. **OTHER BUSINESS**

2:15 PM 4.1 Discussion on Possible Council Newsletter
(15 min.)

McLain

2:30 PM 4.2 Discussion of Administrative Code Rule
(15 min.)

McLain

3:00 PM 4.3 Updated METRO slide presentation
(20 min.)

Waylett
Thomas

3:20 PM 5. **COUNCILOR COMMUNICATIONS**
(10 min)

3:30 PM 6. **LEGISLATIVE ISSUES**
(10 min.)

3:40 PM **ADJOURN**

Items scheduled at the work session may be continued for further discussion or action at the regular Thursday Council meeting.

For assistance/Services per the Americans with Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office)

* All times listed on the agenda are approximate; items may not be considered in the exact order listed.

AGENDA ITEM 4.2
Meeting Date March 28, 1995

Discussion of Administrative Code Rule

Copies of information regarding Ordinance No. 95-580A are attached. The ordinance was not adopted. This discussion item has been placed on the agenda at the request of Councilor Susan McLain.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

ORDINANCE NO. 94-580A, ADDING NEW TITLE 10 TO THE METRO CODE,
CREATING AN ADMINISTRATION CODE, AND DECLARING AN EMERGENCY

Date: October 26, 1994

Presented by: Councilor Gates

COMMITTEE RECOMMENDATION: At its October 25, 1994 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Ordinance No. 94-580A. Councilors Gates, McFarland, Van Bergen, and Wyers voted in favor. Councilor Buchanan was absent.

COMMITTEE DISCUSSION/ISSUES: Council Administrator Don Carlson presented the committee report. He said this ordinance codifies the organizational structure of Metro, and would thereby require any major restructuring to be approved by the Council. He said the adopted budget, with a schedule of appropriations, will control the structure at the appropriation unit level. He noted the distinction between departments and offices, with the latter consisting of the two administrative units that report to both Council and the Executive Officer (General Counsel and Public & Government Relations), and the Charter-mandated Offices of Auditor and Citizen Involvement. Mr. Carlson noted that this ordinance had been before the committee on two previous occasions in draft form, and he had complied with the committee's request that the ordinance be reviewed by General Counsel and the Executive Officer. General Counsel had suggested a few technical changes, which had been made in the draft ordinance, and the Deputy Executive Officer has reported that the administration did not have a problem with the ordinance.

Mr. Carlson referred to an October 25, 1994 memorandum from Finance & Management Information Director Jennifer Sims, which suggested that department's name be changed to either "Finance" or "Financial Services." Mr. Carlson recommended the department become the Finance Department, and the committee concurred.

Councilor Wyers asked for clarification of the word "Title" in the ordinance's title. Mr. Carlson said that word refers to a major section of the Metro Code, of which there are now nine. Councilor Wyers suggested amending the ordinance title, to clarify that the word "title" refers to creation of a major Code section and not be confused with a simple name change. Councilor Wyers asked for clarification of Mr. Carlson's point that the budget is controlling, and asked where in the budget that control lies. Mr. Carlson said the Schedule of Appropriations in the budget controls the organizational structure at the appropriation unit level; he cited the division structure at the Zoo as an example, where each division is a separate appropriation unit.

Councilor Wyers asked how the Office of Auditor is treated, citing the Auditor-elect's statement that she will probably need

more staff than is currently budgeted. Mr. Carlson said the budget allocates money for the Auditor's Office in the normal categories of Personal Services, Materials & Services, and Capital Outlay. If the Council decides to adjust the budget, it may do so without having to affect the organizational structure.

Councilor Van Bergen asked why the ordinance contains an emergency clause. Mr. Carlson said it is to have the new Code section in place when the new administration comes in at the start of 1995.

Council Analyst Casey Short noted an error in the section governing the Office of General Counsel, and asked for the committee's permission to make the necessary language changes to clarify that section. The committee authorized him to do so.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

ORDINANCE NO. 94-580A, ADDING NEW TITLE 10 TO THE METRO CODE, CREATING AN ADMINISTRATION CODE, 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 4-0 to recommend Council adoption of Ordinance No. 94-580A. Councilors Gates, Buchanan, Van Bergen, and Wyers voted in favor. Councilor McFarland was absent.

COMMITTEE DISCUSSION/ISSUES: Council Analyst Casey Short said Ordinance 94-580A had passed out of committee on October 25, but was referred back to Governmental Affairs at the November 10 Council meeting at the request of Executive Officer-elect Mike Burton.

Mr. Burton discussed the Administration Code ordinance with the committee. He said he has a concern about the level of detail in the ordinance, which establishes departments down to the division level. He cited a proposal expected in the 1995-96 budget from the Zoo, which would eliminate the Education Division, and he asked if this change would require a Code change. He also cited a concern with Section 10.18.030, which outlines the duties of the Executive Officer in administering the Executive Management Department. He asked if this is consistent with the Charter and if it is necessary. Mr. Burton asked why the General Counsel and Director of the Office of Public and Government Relations may be removed by either the Executive or by a vote of the majority of the Council.

Council Administrator Don Carlson said the language on the General Counsel is existing Code language, and is in the Code as an acknowledgment that this position (and the Director of Public and Government Relations) serve both the Executive and Council. The termination provisions were included as the best way to provide that these position must satisfy both. Mr. Carlson said the issue of listing the divisions is included to reflect the existing organizational structure. The annual budget ordinance appropriates money at the division level for the Zoo and Solid Waste. If organizational changes are made in the budget process, the budget ordinance will include a Code amendment to reflect the change. Mr. Carlson and General Counsel Dan Cooper said the ordinance provisions are consistent with the Charter and other provisions of the Code.

Mr. Burton asked why there is the need for this ordinance codifying the administration, when most of its provisions are covered elsewhere in the Code or in the budget. Councilor Wyers said she supports this ordinance because it strengthens the Council's authority to implement its budget decisions. She cited

an example of the Recycling Information Center, which was moved in the budget from the Public Affairs Department to Solid Waste, but the Executive did not implement the change. She was subsequently advised by counsel that the organization directed in the budget ordinance was not binding on the Executive. Establishment of the organization in the Code will require compliance by the administration.

Mr. Burton suggested that the Council's purpose might be achieved by including a clause in the budget ordinance that prohibits "disappropriation" of any funded activity. Such a clause would require the performance of functions authorized in the budget, but would not dictate the organizational structure. He said the administration code would establish the organizational structure, but would not necessarily mean the programs are carried out.

Councilors Gates and Van Bergen said the Council's authority is in the budget, but there have been cases in which the budget direction was not strictly observed. The administration code would add to the authority of the annual budget ordinance.

Councilor Van Bergen discussed the role of the General Counsel, saying his preference would be physically to separate the attorneys from the staff. He and Councilor Wyers discussed the advisability of the Council and the Executive having separate attorneys, and Mr. Burton said he would investigate that possibility.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING NEW)	ORDINANCE NO. 94-580A
TITLE 10 TO THE METRO CODE,)	
CREATING AN ADMINISTRATION CODE,)	Introduced by Governmental
AND DECLARING AN EMERGENCY)	Affairs Committee

METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. The following Title is hereby added to the
Metro Code:

TITLE 10

ADMINISTRATION CODE

CHAPTER 1

ORGANIZATION AND PURPOSE

Section 10.01.010 Purpose:

The purpose of the Administration Code is to set forth the Metro administrative organizational structure. The Code shall identify all existing Metro departments and offices, their purpose, roles and functions. The roles and functions of each department and office shall include those activities performed by administrative divisions, sections and programs.

Section 10.01.020 Budget Appropriations are Controlling

Notwithstanding the power of a department director, the auditor, general counsel and public and governmental relations officer to reorganize their respective departments or offices, no reorganization of divisions, sections or programs identified as separate appropriation units may occur without the approval of the Council. The adoption of a Schedule of Appropriations by the Council shall control the purpose for which department revenues may

be expended and such appropriations may not be expended for any purpose other than that authorized, except as the Council may from time to time approve transfers of appropriation authority.

Section 10.01.030 Definitions: For purposes of this code, the following definitions shall apply:

a) "Department" means an organizational unit administered by a director and responsible for a principal operational or support service function of the agency. Department directors, except for the Council Department, shall report to the Executive Officer.

(b) "Department Director" means a person responsible for the administration of a department or his/her designee.

(c) "Office" means an organizational unit administered by a designated official and responsible for an agency function for which there is concurrent power to terminate the designated official by the Executive Officer or the Council. The administrative heads of all offices report to both the Executive Officer and the Council. The term shall not apply to the Office of the Auditor whose administrative responsibilities are listed in the Metro Charter.

Chapter 2

Departments

SOLID WASTE

Section 10.10.010 Solid Waste Department Established:

(a) The Metro Solid Waste Department is established for the purpose of providing regional solid waste management including the development of a regional solid waste management system, increasing

regional recycling and waste reduction and the development, operation and franchising of a system of disposal and recycling facilities for the citizens of the region. The department shall carry out all solid waste functions and programs set forth in Section 6 (1)(c) and (2) of the Metro Charter and this Code.

(b) The department shall include the following divisions, sections and activities as well as all other administrative activities of Metro directly funded by the Solid Waste Revenue Fund and the Rehabilitation and Enhancement Fund.

- (i) Administration;
- (ii) Budget and Finance;
- (iii) Operations;
- (iv) Engineering and Analysis;
- (v) Waste Reduction;
- (vi) Planning and Technical Services;
- (vii) Recycling Information and Education; and
- (viii) Rehabilitation and Enhancement Programs.

Section 10.10.020 Director Solid Waste Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Solid Waste Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person

appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.10.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.10.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Solid Waste Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

PLANNING

Section 10.11.010 Planning Department Established:

(a) The Metro Planning Department is established for the purpose of providing regional land use, transportation and growth management planning functions for the local governments and citizens of the region. The Planning Department is responsible for carrying out the growth management functions of Metro as set forth in Section 5 of the Metro Charter. The department also shall provide technical assistance services including travel forecasting and data resources. The Planning Department shall carry out all regional land use, transportation and growth management planning functions set forth in the Metro Charter and this Code.

(b) The department shall include the following divisions, sections and programs funded by the Planning Fund:

- (i) Regional Transportation Planning Division;
- (ii) Technical Services Division; and
- (iii) Growth Management Division

Section 10.11.020 Director Planning Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Planning Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.11.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.11.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Planning Department, with the approval of the Executive Officer,

may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

ZOO

Section 10.12.010 Zoo Department Established:

(a) The Metro Zoo Department is established for the purpose of managing and operating the Metro Washington Park Zoo which is a regional zoo. The department shall carry out all zoo functions set forth in Section 6 (1) (a) of the Metro Charter and this Code.

(b) The department shall include the following divisions as well as all other administrative activities of Metro directly funded by the Zoo Operating Fund and Zoo Capital Fund.

- (i) Administration;
- (ii) Animal Management;
- (iii) Design Services;
- (iv) Education;
- (v) Facilities Management;
- (vi) Marketing; and
- (vii) Visitor Services

Section 10.12.020 Director Zoo Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Zoo Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person

appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.12.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.12.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Zoo Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

GENERAL SERVICES

Section 10.13.010 General Services Department Established:

(a) The Metro General Services Department is established for the purpose of managing the Metro Regional Center and parking structure, providing office services and procurement activities including facility design and construction, property acquisition, contract management and facility leasing. The department shall carry out all general services functions and programs set forth in the Metro Charter and this Code.

(b) The department shall include the following divisions funded by the Support Services and Building Management Funds:

(i) Development Services;

- (ii) Contract Services;
- (iii) Construction Services;
- (iv) Facility Services;
- (v) Office Services; and
- (vi) Graphics Services.

Section 10.13.020 Director General Services Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the General Services Department as described in the Metro Charter and in this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.13.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.13.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the General Services Department, with the approval of the Executive Officer,

may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

REGIONAL PARKS AND GREENSPACES

Section 10.14.010 Regional Parks and Greenspaces Department

Established:

(a) The Metro Regional Parks and Greenspaces Department is established for the purpose of managing and operating the regional parks, recreational facilities and pioneer cemeteries transferred by Multnomah County to Metro. The department also shall administer the Metropolitan Greenspaces program. The department shall carry out all regional parks and greenspaces programs set forth in the Metro Charter and this Code.

(b) The department shall include the following divisions funded by the Regional Parks and Expo Fund:

- (i) Administration;
- (ii) Planning and Capital Development; and
- (iii) Operations and Maintenance.

Section 10.14.020 Director Regional Parks and Greenspaces

Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Regional Parks and Greenspaces Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold

office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.14.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.14.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Regional Parks and Greenspaces Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

FINANCE

Section 10.15.010 Finance Department Established:

(a) The Metro Finance Department is established for the purpose of providing central support services including accounting and preparation of the annual financial statement, financial planning and budget preparation, information services (data processing), and risk management. The department shall carry out all finance functions set forth in the Metro Charter and this Code.

(b) The department shall include the following divisions funded by the Support Services and Risk Management Funds:

- (i) Accounting;
- (ii) Financial Planning;
- (iii) Information Services; and
- (iv) Risk Management.

Section 10.15.020 Director Finance Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Finance Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.15.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.15.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Finance Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

PERSONNEL

Section 10.16.010 Personnel Department Established:

(a) The Metro Personnel Department is established for the purpose of administering the Metro and Metropolitan Exposition and Recreation Commission personnel, employee benefits and compensation and labor relations programs. The department shall carry out all personnel functions and programs set forth in the Metro Charter and this Code.

(b) Department functions shall include the following funded by the Support Services Fund.

- (i) Administration;
- (ii) Classification and Compensation Systems;
- (iii) Employee Recruitment and Selection Processes;
- (iv) Employee Benefits Administration;
- (v) Labor Relations; and
- (vi) Enforcement of and Compliance with applicable federal and state employment and personnel law.

Section 10.16.020 Director Personnel Department:

(a) The department shall be under the supervision and control of a Director who shall be responsible for the functions of the department including all functions and duties of the Personnel Department described in the Metro Charter and this Code.

(b) The Executive Officer shall appoint the Director subject to confirmation by the Metro Council. The director shall hold office at the pleasure of the Executive Officer. The person

appointed Director shall be well qualified by training and experience to perform the functions of the office.

Section 10.16.030 Duties of the Director:

(a) The duty of the Director shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by this Code.

(b) The functions of the Department may be divided into administrative divisions, sections and programs as set forth in Section 10.16.010(b). Each division, section or program shall be under the supervision of a person designated by the Director.

(c) Subject to Section 10.01.020, the Director of the Personnel Department, with the approval of the Executive Officer, may organize and reorganize the Department in the manner the Director considers necessary to conduct the work of the Department.

COUNCIL

Section 10.17.010 Council Department Established:

(a) The Metro Council Department is established for the purpose of providing administrative support to the Council for the policy making, legislative oversight and public involvement activities of the Metro Council.

(b) The department shall assist the Council in the performance of the following activities to be funded by the General Fund:

- (i) Policy Making;
- (ii) Legislative Program Oversight;
- (iii) Citizen Outreach and Involvement; and

- (iv) such other duties, functions or powers as may be specifically delegated to the Council by state law, the Metro Charter or the Metro Code.

Section 10.17.020 Council Administrator:

(a) The department shall be under the supervision and control of a Council Administrator who shall be responsible for the functions of the department.

(b) The Metro Council Presiding Officer, in consultation with the Council, shall appoint the Council Administrator. The Council Administrator and staff shall hold office at the pleasure of the Council. The person appointed Council Administrator shall be well qualified by training and experience to perform the functions of the office.

Section 10.17.030 Duties of the Council Administrator:

(a) The duty of the Council Administrator shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by the Metro Charter and this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.17.010(b).

(c) Subject to Section 10.01.020, the Council Administrator, with the approval of the Council, may organize and reorganize the Department in the manner the Administrator considers necessary to conduct the work of the Department.

EXECUTIVE MANAGEMENT

Section 10.18.010 Executive Management Department Established:

(a) The Metro Executive Management Department is established for the purpose of providing administrative support to the Executive Officer.

(b) The department shall include activities funded by the General Fund:

- (i) Council and Citizen Liaison;
- (ii) Governmental Liaison;
- (iii) Executive administration and enforcement of the Metro Code and adopted Metro rules and policies; and
- (iv) such other duties, functions or powers as may be specifically delegated to the Executive Officer by state law, the Metro Charter and the Metro Code.

Section 10.18.020 Department Supervision:

The department shall be under the supervision and control of the Executive Officer who shall be responsible for the functions of the department.

Section 10.18.030 Duties of the Executive Officer:

(a) The duty of the Executive Officer shall be to administer the department in an efficient and effective manner and to perform all duties and acts required by the Metro Charter and this Code.

(b) The functions of the Department are divided into administrative divisions, sections and programs as set forth in Section 10.18.010(b).

(c) Subject to Section 10.01.020, the Executive Officer may organize and reorganize the Department in the manner the Executive Officer considers necessary to conduct the work of the Department.

CHAPTER 3

OFFICES

OFFICE OF GENERAL COUNSEL

Section 10.30.010 General Counsel Office Established:

(a) The Office of General Counsel is established.

(b) The Office shall have those powers and duties as set forth in Section 10.30.030 and Section 10.30.040.

Section 10.30.020 General Counsel:

(a) The Office shall be under the supervision and control of the General Counsel who shall be responsible for the functions of the Office. The functions of the Office may be divided in administrative divisions, sections or staff offices. Each division, section or office shall be under the supervision of a person appointed by the General Counsel.

(b) The General Counsel shall be appointed by the Executive Officer subject to the confirmation of a majority of the members of

the Council. The General Counsel may be removed by the Executive Officer or by a vote of a majority of the members of the Council. Subordinate attorneys shall serve at the pleasure of the General Counsel. The Office of General Counsel is not a department of Metro.

Section 10.30.030 Powers: The General Counsel shall have:

(a) General control and supervision of all civil actions and legal proceedings in which Metro may be a party or may be interested.

(b) Full charge and control of all the legal business of all Metro departments and commissions, or of any office thereof, which requires the services of an attorney or counsel in order to protect the interests of Metro. No Metro officer, board, Council, commission, or department shall employ or be represented by any other counsel or attorney at law except as may be provided for in this chapter.

Section 10.30.040 Duties of the General Counsel: The General Counsel shall have the following duties:

(a) Organize and reorganize the Office in the manner the General Counsel considers necessary to conduct the work of the Office.

(b) Give legal advice and opinions orally and in writing and prepare documents and ordinances concerning any matter in which Metro is interested when required by the Council, the Executive Officer, or any Metro commission;

(c) Review and approve as to form all written contracts, ordinances, resolutions, executive orders, bonds, or other legally binding instruments of Metro;

(d) Except as provided by any insurance policy obtained by Metro appear for, represent, and defend Metro, and its departments, officers, commissions and employees and other persons entitled to representation under the Oregon Tort Claims Act in all appropriate legal matters except legal matters involving persons who after investigation by the office of the General Counsel, are found by the General Counsel to have been acting outside the scope of their employment or duties or to have committed malfeasance in office or willful or wanton neglect of duty.

(e) Submit to the Council and Executive Officer, quarterly, a formal report of all suits or actions in which Metro is a party. The report shall state the name of each pending suit or action and a brief description of the suit or action and the status of the suit or action at the date of the report. The report shall also state the name of each suit or action closed during the preceding calendar year and a brief description of the suit or action and the disposition of the suit or action including the amount of any money paid by Metro. At any time the General Counsel shall at the request of the Council or the Executive report on the status of any or all matters being handled by the General Counsel.

(f) Appear, commence, prosecute, defend or appeal any action, suit, matter, cause or proceeding in any court or tribunal when mutually requested by the Executive Officer and the Council when,

in the discretion of the General Counsel, the same may be necessary or advisable to protect the interests of Metro. The General Counsel shall not appear on behalf of Metro, without the mutual consent of the Executive Officer and Council as appropriate in any action, suit, matter, cause or proceeding in any court or tribunal.

The Executive Officer may authorize Metro's General Counsel to commence litigation or settlement for the collection of a continuously delinquent credit account more than forty-five (45) days past due when litigation or settlement is advisable to protect the interests of Metro. General Counsel shall report all collection litigation or settlement activities to the Executive Officer and Council at the earliest opportunity.

Section 10.30.050 Records:

(a) The General Counsel shall have charge and custody of the Office of General Counsel and of all legal papers pertaining thereto, which shall be arranged and indexed in such convenient and orderly manner as to be at all times readily accessible;

(b) The General Counsel shall keep in the office a complete docket and set of pleadings of all suits, actions, or proceedings in which Metro, the Executive Officer, Council, or any Metro commission or employee thereof is a party, pending in any court or tribunal, unless the suits, actions, or proceedings are conducted by private legal counsel retained by Metro in which case the General Counsel shall keep those records as the General Counsel deems advisable;

(c) The General Counsel shall keep and record all significant written opinions furnished to Metro or to any department, the Executive Officer, Council or any Metro commission and shall keep an index thereof; and shall keep a chronological file including all opinions and correspondence of the office.

Section 10.30.060 Attorney - Client Relationship: The relationship between the Office of General Counsel and Metro shall be an attorney - client relationship, with Metro being entitled to all benefits thereof. The General Counsel shall maintain a proper attorney - client relationship with the elected officials of Metro so long as such officials are acting within the scope of their official powers, duties and responsibilities.

Section 10.30.070 Employment of Outside Legal Counsel:

(a) Whenever the General Counsel concludes that it is inappropriate and contrary to the public interest for the Office of General Counsel to concurrently represent more than one Metro public officer in a particular matter or class of matters in circumstances which would create or tend to create a conflict of interest on the part of the General Counsel, the General Counsel may authorize one or both of such officers to employ its own counsel in the particular matter or class of matters and in related matters. Such authorization may be terminated by the General Counsel whenever the General Counsel determines that separate representation is no longer appropriate;

(b) The General Counsel may, subject to budget and procedural requirements established by the Council, employ outside legal

counsel on behalf of the Council, the Executive Officer, or any Metro commission to handle such matters as the General Counsel deems advisable.

Section 10.30.080 Opinions Regarding Division of Powers:

(a) The General Counsel shall prepare written opinions regarding interpretations of Oregon Law and the Metro Charter, including but not limited to ORS Chapter 268 as provided for herein. Opinions prepared in conformance with this section shall be official guidance to Metro except as superseded by courts of law, legislative action, administrative rules, or actions of other superior tribunals or bodies.

(b) Requests for opinions regarding interpretations of Oregon Law concerning the powers, duties, and authority of the Metro Council or the Metro Executive Officer as they relate to the division of powers, duties, and authorities, or jointly held powers, duties, and authorities, shall be made only by the Executive Officer, the Presiding Officer, chairs of standing Council Committees or the Council acting by resolution.

(c) Prior to commencing preparation of any requested opinion subject to the provisions of paragraph (b) of this section, the General Counsel shall refer the request to both the Executive Officer and the Council. The issuance of an opinion shall require the concurrence of both the Council and the Executive Officer in the question to be answered. Council concurrence shall be by resolution, except where an opinion request is originally approved

by the Council and the Executive Officer concurs in the request. Executive Officer concurrence shall be in writing.

(d) In the event the Council and the Executive Officer fail to concur in a request for an opinion, either the Council or the Executive Officer may direct that the Office of General Counsel refer the question to outside legal counsel approved by the General Counsel and the requestor of the opinion subject to the provisions of Metro Code Chapter 2.04 and available budget appropriations. In the event any requested opinion is rendered by outside counsel, it shall not be official guidance to Metro but shall constitute legal advice to the requestor of the opinion only.

(e) Nothing contained herein shall restrict the Office of General Counsel from effectively advocating the legal interests of Metro in appearing before courts or tribunals. Such advocacy shall be consistent with opinions rendered pursuant to this section but the advocacy efforts of attorneys for the Metro shall not constitute official guidance to Metro.

OFFICE OF PUBLIC AND GOVERNMENT RELATIONS

Section 10.31.010 Office of Public and Government Relations Established:

(a) The Office of Public and Government Relations is established.

(b) The Office shall have those powers and duties as set forth in Section 10.31.040.

(c) All contracts authorized for Government Relations Services shall be managed through the Office of Public and Government Relations.

Section 10.31.020 Public and Government Relations-Officer: The office shall be under the supervision of the Public and Government Relations Officer appointed by the Executive Officer subject to the confirmation of a majority of the members of the Council. The Officer may be removed by the Executive Officer or by a vote of a majority of the members of the Council. The Office of Government Relations is not a department of Metro.

Section 10.31.020 Duties of the Public and Government Relations Officer:

(a) Subject to Section 10.01.020, the Public and Government Relations Officer shall organize and reorganize the Office in the manner the Officer considers necessary to conduct the work of the Office.

(b) The functions of the Office may be divided in administrative divisions, sections or staff offices. Each division, section or office shall be under the supervision of a person appointed by the Officer.

(c) The Office shall have responsibility for:

(1) Managing Metro's State Legislative Program including:

- (A) Assembling Metro's legislative program for review and approval by the Council following a process established by the Council;
- (B) Ensuring Metro representation before legislative committees, with individual legislators both during a legislative session

and in interim periods and with other interested persons;

- (C) Development and implementation of a system to monitor and inform the Council and Executive Officer of Metro-related legislation; and
- (D) Preparation of a final legislative report analyzing Metro-related legislation.

- (2) Communicating Metro programs and policies to local, state and federal governmental officials, and task forces, commissions, and rule making bodies.
- (3) Monitoring and communicating to the Council and Executive Officer programs and policies of other governments and special interest groups which affect or impact functions or activities of Metro.
- (4) Providing community, public and media relations for the Executive Officer, the Council and Metro Departments.
- (5) Coordinating agency public opinion surveys.

Section 10.31.040 Advocate for Metro Policies: In carrying out the duties of the Office, the Officer or subordinate employees shall not represent or advocate the position of any single Metro elected official or group of elected officials. The Officer or subordinate employees shall advocate only on matters which have been approved or adopted by the Executive Officer and the Metro Council or any task force or committee authorized by the Council to represent the Council on legislative matters. For any matter in which the Council or any task force or committee authorized to

represent the Council on legislative matters and the Executive Officer disagree, the Officer and subordinate employees shall not represent or advocate for either the Metro Council or the Executive Officer.

OFFICE OF CITIZEN INVOLVEMENT

Section 10.32.010 Creation and Purpose: The Office of Citizen Involvement is established. The Office of Citizen Involvement shall report to the Metro Council and is not a department of Metro. The purpose of the Office of Citizen Involvement is to develop and maintain programs and procedures to aid communication between citizens of Metro and the Council and Executive Officer.

Section 10.32.020 Establishment of Metro Committee for Citizen Involvement: There is hereby established the Metro Committee for Citizens Involvement (Metro CCI) within the Office of Citizen Involvement. The Metro CCI will be responsible for assisting with the development, implementation and evaluation of Metro's citizen involvement programs and advising the Council, Executive Officer, and appropriate Metro committees in ways to involve citizens in Metro programs. The Council shall by resolution appoint members to the Metro CCI.

Section 10.32.030 Approval of Bylaws and Appointments: The Council shall approve by resolution the Metro CCI bylaws and any amendment thereto. Bylaws shall include: The committee's name; the geographical area served; the mission and purpose of the committee; membership and terms of office; officers and duties; meetings, conduct of meetings and quorum standards; and methods for

amending the bylaws., The Council shall by resolution make reappointments to the Metro CCI from time to time, and revise the organizational structure of the Metro CCI as made necessary by changes to the Metro Code.

OFFICE OF THE AUDITOR

Section 10.33.010 Office of Auditor Established:

- (a) The Metro Office of Auditor is established.
- (b) The Office of Auditor shall include the following activities funded by the General Fund:

- (i) Administration; and
- (ii) Financial and performance auditing

Section 10.33.020 Auditor:

- (a) The Office shall be under the supervision and control of the Auditor who shall be responsible for the functions of the office.

- (b) The Auditor shall be elected under the provisions of Section 18 of the Metro Charter.

Section 10.33.030 Duties of the Auditor:

- (a) Subject to Section 10.01.020, the Auditor shall organize and reorganize the Office in the manner the Auditor considers necessary to conduct the work of the Office.

- (b) The Auditor shall perform those duties specified in Section 18 of the Metro Charter.

Section 2. Metro Code Chapters 2.08, 2.11 and 2.12 are hereby repealed.

Section 3. This ordinance being necessary for the health, safety or welfare of the Metro area for the reason that the organizational structure of Metro should be established prior to the transition of Executive Officers, an emergency is declared and this ordinance shall be effective on January 1, 1995.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council