

TITLE VI  
COMMISSIONS

CHAPTER	TITLE
6.01	Metropolitan Exposition Recreation-Commission

CHAPTER 6.01

METROPOLITAN EXPOSITION-RECREATION COMMISSION

SECTIONS	TITLE
6.01.010	Purpose
6.01.020	Definitions
6.01.030	Commission Created
6.01.040	Powers
6.01.050	Budget and Accounts
6.01.060	Commission Meetings
6.01.070	Delegation
6.01.080	Filing and Effective Date of Commission Resolutions
6.01.090	Initial Charge to Commission (repealed Ord. 97-677B §3)
6.01.100	Commission Business Plans
6.01.110	Commission Relationship to Metro Council

6.01.010 Purpose

(a) This chapter establishes a metropolitan commission pursuant to Section 25(4) of the Metro Charter. The purpose of the Commission is to provide oversight and direction to the Chief Operating Officer for the management and operation of convention, trade and spectator facilities owned by Metro and such other facilities as the Metro Council may determine. Facilities assigned to the Commission may include other facilities owned by Metro or facilities that Metro has agreed to manage.

(b) The Metro Council intends and directs that such facilities be operated in a cost effective, independent, entrepreneurial and accountable manner so as to provide the greatest benefit to the residents of the Metro Area.

(c) This chapter sets forth the powers and duties of the Commission. This chapter delegates to the Commission certain authority held by the Metro Council under the Metro Charter.

(d) The Metro Council retains all authority not delegated including the authority to amend or repeal this chapter.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 02-975, Sec. 1.; and Ordinance No. 09-1229, Sec. 1.)

#### 6.01.020 Definitions

As used herein:

(a) Chief Operating Officer means the Metro Chief Operating Officer;

(b) "Commission" means the Metropolitan Exposition-Recreation Commission established hereunder;

(c) "Council" means the Metro Council;

(d) "Councilor" means a member of the Council;

(e) "Council President" means the Council President of Metro;

(f) "Metro Area" means the territory within the Metro jurisdictional boundary.

(g) "Metro Auditor" means the Office of Metro Auditor created pursuant to the Metro Charter; and

(h) "MERC General Manager or General Manager" means the person designated by the Chief Operating Officer to hold such position. The Chief Operating Officer may delegate additional responsibilities to the General Manager.

(Ordinance No. 87-225, Sec. 1; Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; Ordinance No. 02-975, Sec. 1.; and Ordinance No. 09-1221C; and Ordinance No. 09-1229, Sec. 1.)

#### 6.01.030 Commission Created

There is hereby created a Metropolitan Exposition-Recreation Commission consisting of seven (7) voting members and one Metro Councilor who shall serve ex-officio in a non-voting capacity. All members shall be residents of the Metro Area.

(a) The Council President will make all appointments.

(b) The Council President may reject a nomination. Appointments of all voting members are subject to confirmation by the Metro Council.

(c) All voting members shall serve four (4) year-terms. Members may be re-appointed. Prior to December 31, 2001, a voting member may serve until the successor is confirmed;

thereafter, upon the expiration of a term, the position shall be considered vacant until a member is appointed or re-appointed and confirmed.

(d) Nomination Process for Voting Members. The Council President will accept nominations to the Commission as follows:

(1) The County Commissions of Clackamas, Multnomah and Washington counties each shall nominate one (1) candidate. The candidates must be residents of the Metro Area and nominating county.

(2) The City Council of the City of Portland shall nominate one (1) candidate for each of two (2) positions. The candidates must be residents of the Metro Area and the City of Portland.

(3) Two (2) nominees shall be at the sole discretion of the Council President. The candidates must be residents of the Metro Area.

(e) Appointment Process for Voting Members.

(1) For those positions on the Commission which are subject to nomination by a local governmental body, the Council President will receive the nominations from the relevant governing body and review the nomination prior to submitting the nomination to the Metro Council for confirmation. If the Council President fails to concur with any candidate so nominated by a local government, the Council President shall so notify the jurisdiction, which shall then nominate another candidate. This process shall continue until such time as the Council President agrees to transmit the name of the individual nominated by the local government. If an appointment submitted to the Council for confirmation as a result of this process is rejected by the Council, the Council President shall so notify the local government which shall nominate another candidate and the process shall continue until such time as a candidate nominated by a local government has been forwarded by the Council President to the Council for confirmation and has been confirmed.

(2) If the Council fails to confirm an appointment made at the sole discretion of the Council President, the Council President may submit the name of another person for confirmation by the Council.

(f) A vacancy shall occur from the death, resignation, failure to continue residency within the Metro Area and in the case of voting members nominated by a local government residency within the boundaries of the nominating government, or inability to serve of any voting member or from the removal of a voting member by the Council President, subject to approval of the removal by a majority of the members of the Council.

(g) Vacancies shall be filled pursuant to the procedure governing the initial appointment of voting members. A vacancy occurring prior to the expiration of a term shall be filled only until the end of the term.

(h) No person who is elected to a public office, or appointed to fill a vacancy in a public office, shall be eligible to serve as a voting member.

(i) The Commission may adopt its own rules of organization and procedure and may elect its own officers for such terms and with such duties and powers necessary for the performance of the functions of such offices as the Commission determines appropriate. However, the Commission may not delegate powers and duties as set out in this chapter to an individual Commissioner or a committee.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 89-325, Sec. 1; Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; Ordinance No. 02-975, Sec. 1; and Ordinance No. 09-1229, Sec. 1.)

#### 6.01.040 Powers

(a) The Commission is responsible for oversight of all facilities for which it is responsible. In exercising this oversight it has power to direct and control the authority of the Chief Operating Officer to enter into contracts; and to establish policies, including business plans, marketing plans, and strategic plans, for the Chief Operating Officer to follow regarding the operation and marketing of the facilities. The Commission establishes and approves all charges for the rent or use of the facilities and may delegate authority to the Chief Operating Officer to establish rents and charges and negotiate and enter into agreements for the rent or use of the facilities subject to policies established by the Commission. The Commission may authorize the Chief Operating Officer to purchase or lease real property that the Commission finds necessary for its purposes.

(b) The Commission shall advise the Chief Operating Officer regarding the designation and all performance reviews of the General Manager. The General Manager shall provide support to the Commission and shall be responsible for acting on behalf of the Chief Operating Officer on all matters entrusted to the General Manager. The Commission advises the Chief Operating Officer and the General Manager regarding the preparation of the annual budget for the Commission prior to the adoption of a proposed budget by the Commission as set forth in Section 6.01.050 as well as on proposals to acquire or dispose of real property.

(c) The Commission advises the Metro Council on the adoption of the annual budget and on the Metro Council's adoption of policies, goals or objectives for the facilities or the Commission.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec 1; Ordinance No. 02-975, Sec. 1; and Ordinance No. 09-1221C; and Ordinance No. 09-1229, Sec. 1.)

#### 6.01.050 Budget and Accounts

(a) General Requirements. The Commission accounts shall be kept in conformity with generally accepted accounting practices and in accordance with the local budget law, provided that the local budget law shall control in the event of a conflict with generally accepted accounting practices, and the accounts shall be audited yearly at the same time and by the same auditor as are Metro's accounts.

(b) Procedure for Commission Approval of Proposed Budget. The Commission annually shall prepare a proposed budget and shall approve the proposed budget by duly adopted resolution. The Commission's deliberations and actions on its budget, including any work sessions or subcommittee sessions, shall be conducted as public meetings as required by the Oregon statutes governing public meetings. Prior to approving any proposed budget, the Commission shall provide a reasonable opportunity for interested persons to testify and make their views known with respect to the proposed budget. The Commission shall include in its budget necessary cost allocations for services provided by Metro as recommended by the Chief Operating Officer.

(c) Procedure for Submission of Commission Budget to Metro. The Commission shall transmit its proposed budget to the Metro Chief Operating Officer at the same time that Metro departments do so. The Chief Operating Officer shall review the

submitted budget and submit the Commission's proposed budget to the Council with the Chief Operating Officer's general budget submission to the Council, together with any recommendations the Chief Operating Officer may have for changes in the Commission's proposed budget. The Chief Operating Officer shall include in the submitted budget the necessary cost allocation for providing services to the Commission. The Commission's budget shall be subject to review and approval by the Council. The Council shall make the final determination of cost allocations for services provided by Metro.

(d) Content of Commission's Budget. To the maximum extent permitted by law, the Commission's budget shall consist of one Commission-wide series of appropriations in those categories which are required by local budget law, applicable to all buildings, facilities, and programs managed by the Commission. Once the Commission's budget has been adopted by the Council, any changes in the adopted appropriations not previously approved by the Council must be ratified in advance by the Council.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; Ordinance No. 02-975, Sec. 1; Ordinance No. 07-1164A, Sec. 5; and Ordinance No. 09-1229, Sec. 1.)

#### 6.01.060 Commission Meetings

All meetings of the Commission shall be conducted as public meetings as required by Oregon law, except where executive sessions are permitted by law. The Commission shall provide adequate notice of its meetings as required by law. All Metro elected officials shall receive notice of all meetings in the same form, manner and substance given to all Commission members.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; and Ordinance No. 09-1229, Sec. 1.)

#### 6.01.070 Delegation

The Commission may delegate to the Chief Operating Officer any of the power and authority of the Commission subject to those limitations the Commission deems appropriate. Any delegation shall be by resolution of the Commission.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 09-1229, Sec. 1.)

#### 6.01.080 Filing and Effective Date of Commission Resolutions

(a) Within five (5) days after the passage of any resolution, the Commission shall file a copy of the resolution with the Chief Operating Officer, or such other officer as the Council may designate, who shall maintain a special record of the Commission's resolutions which shall be accessible to the public under like terms as the ordinances of Metro. The Chief Operating Officer shall immediately notify the Council of the receipt of the resolution.

(b) Resolutions of the Commission shall be effective upon adoption or at such other time as specified by the Commission.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 02-975, Sec. 1; Ordinance No. 09-1229, Sec. 1; and Ordinance No. 11-1251.)

#### 6.01.100 Commission Business Plans

(a) The Commission shall prepare business plans for each of its facilities and shall update those plans as needed. The Commission shall provide all Metro elected officials with copies of its business plans.

(b) The Commission regularly shall report to the Council. Such reports shall occur as directed by the Council, but in no event less than quarterly.

(c) The Commission shall, on an annual basis, set goals and benchmarks for the performance of the buildings, facilities and services managed by the Commission. Such goals and benchmarks shall be discussed in public meetings with reasonable opportunity for public input and shall be adopted by duly adopted resolutions of the Commission. Copies of proposed goals and benchmarks shall be provided to all Metro elected officials no later than ten (10) working days prior to formal adoption by the Commission. The Commission shall include in its quarterly reports to the Council progress reports on the Commission's progress towards meeting its adopted goals and benchmarks.

(Ordinance No. 87-225, Sec. 1. Amended by Ordinance No. 97-677B, Sec. 3; Ordinance No. 01-888B, Sec. 1; Ordinance No. 02-975, Sec. 1; and Ordinance No. 09-1229, Sec. 1.)

#### 6.01.110 Commission Relationship to Metro Council

(a) The Commission shall meet at least once annually in a joint meeting with the Council to recommend policies and to



consult on the operations of the facilities. The Commission shall adopt policies consistent with the policies adopted by the Council.

(b) The Metro Councilor member who serves as the ex-officio member, with the General Manager and the Chief Operating Officer shall regularly report to the Council the activities of the Commission.

(c) The Metro Council President and Metro Council shall consult with the Commission regarding the employment of the Chief Operating Officer, including but not limited to, any review of the Chief Operating Officer's performance.

(Ordinance No. 09-1229, Sec. 1.)

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