

ORIGINAL

Report

## INTRODUCTION

The Multnomah County Home Rule Charter (hereafter, "the Charter") mandates the convening of a Charter Review Committee (hereafter, "the Committee") (Section 12.30). The Committee's charge is to " \*\*\* commence study of the Charter by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses." (Subsection 12.50 (1)).

The Committee was convened on May 25, 1983. Since then the Committee has held 5 full committee and 2 subcommittee organizational meetings, and 10 full committee and 2 subcommittee public hearings. Included in these hearings were three general public hearings. The Committee has met in Troutdale, in North, West, and Southeast Portland and in The Portland Building.

On July 27, the Committee adopted a Preliminary Work Plan calling for public hearings through December 1983, followed by a staff report identifying the issues presented in the testimony before the Committee.

The following staff report identifies the issues presented in oral and written testimony to the Committee through December 7, 1983. The report identifies 19 issue areas discussed before the Committee. Some issue areas overlap with others; some contain multiple issues for the Committee's deliberations.

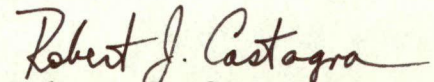
In preparing this report, the staff has reviewed the Committee's minutes, identified issues discussed, gathered the issue references in the minutes into "References" sections, provided "References' Summary" sections for the multiple issue areas (the numbers refer to the references that follow in the issue area), and briefly overviewed the references in the "Discussion" sections. The dates and pages contained in the "References" sections refer to the location in the Committee's minutes and correspondence where the references may be found.

The intent of this report is primarily to identify issues that have been brought to the Committee's attention.



The report's format is intended to serve as an issue-index to the testimony received by the Committee as reflected in its minutes. While in any report of this length unintended omissions may occur, the Committee's minutes contain the most complete reflection of the testimony presented.

Finally, the staff has prepared this report mindful of the Committee's final report due on August 3, 1984, in which the Committee must set forth its "\*\*\*findings, conclusions and recommendations\*\*\*" as required by the Charter (Section 12.60). As the Committee prioritizes the issues it wants to address and conducts the issue-focused hearings in the months ahead, it is the staff's hope that the committee members and the public will find this report a useful tool.



Robert J. Castagna  
Project Manager  
Portland, Oregon  
January 2, 1984

## TABLE OF CONTENTS

Issue	Page
Introduction . . . . .	i
WITNESSES . . . . .	1-2
ASSESSOR . . . . .	3-5
Discussion . . . . .	3
References . . . . .	5
AUDITOR . . . . .	6-19
Discussion . . . . .	6
References' Summary . . . . .	11
References . . . . .	12
BOARD OF COUNTY COMMISSIONERS . . . . .	20-38
Discussion . . . . .	20
References' Summary . . . . .	27
References . . . . .	28
BUDGET . . . . .	39-40
Discussion . . . . .	39
References . . . . .	40
CHARTER REVIEW COMMITTEE AND INITIATIVE PETITIONS . . . . .	41-45
Discussion . . . . .	41
References . . . . .	44
CONSOLIDATION/"SUPER COUNTY"/ ANNEXATION . . . . .	46-53
Discussion . . . . .	46
References . . . . .	47



# TABLE OF CONTENTS

Issue	Page
COUNTY CLERK . . . . .	54-56
Discussion . . . . .	54
References . . . . .	55
COUNTY COUNSEL . . . . .	57-59
Discussion . . . . .	57
References . . . . .	58
COUNTY EXECUTIVE . . . . .	60-76
Discussion . . . . .	60
References' Summary . . . . .	67
References . . . . .	68
DISTRICT ATTORNEY . . . . .	77-78
Discussion . . . . .	77
References . . . . .	78
DISTRICT COURT CLERK . . . . .	79-81
Discussion . . . . .	79
References . . . . .	80
ELECTIONS . . . . .	82-106
Discussion . . . . .	82
References' Summary . . . . .	91
References . . . . .	92
HOME RULE . . . . .	107-109
Discussion . . . . .	107
References . . . . .	108
LOBBYIST . . . . .	110-118
Discussion . . . . .	110
References . . . . .	111
REVENUE BONDS . . . . .	119-120
Discussion . . . . .	119
References . . . . .	120

# TABLE OF CONTENTS

Issue	Page
SALARIES OF ELECTED OFFICIALS . . . . .	121-124
Discussion . . . . .	121
References . . . . .	122
SERVICES AND TAXES . . . . .	125-136
Discussion . . . . .	125
References . . . . .	126
SHERIFF . . . . .	137-144
Discussion . . . . .	137
References . . . . .	139
STABILITY IN COUNTY GOVERNMENT . . . . .	145-150
Discussion . . . . .	145
References . . . . .	146



# WITNESSES

- |                          |                           |
|--------------------------|---------------------------|
| 1. Ken Bassett           | 22. William Grenfell      |
| 2. Comm. Arnold Biskar   | 23. Rick Gustafson        |
| 3. Comm. Earl Blumenauer | 24. Ross Hall             |
| 4. Herb Brown            | 25. Tom Higgins           |
| 5. Clyde Brummell        | 26. Patricia Hoffert      |
| 6. Dennis Buchanan       | 27. Eunice Jensen         |
| 7. Ken Bunker            | 28. Henry Kane            |
| 8. Kathy Busse           | 29. Sharron Kelley        |
| 9. Dr. Ronald Cease      | 30. Harrison King         |
| 10. Don Clark            | 31. Jewell Lansing        |
| 11. Arnold Cogan         | 32. John Leahy            |
| 12. Elaine Cogan         | 33. Rep. Ed Leek          |
| 13. Tom Dennehy          | 34. Ned Look              |
| 14. Bruce Dunlop         | 35. E. Kimbark MacColl    |
| 15. Joan English         | 36. Rep. Tom Mason        |
| 16. Bruce Etlinger       | 37. Walt Meyer            |
| 17. Orval Etter          | 38. Hank Miggins          |
| 18. Rep. Annette Farmer  | 39. Comm. Caroline Miller |
| 19. John Faust           | 40. Comm. Gladys McCoy    |
| 20. Anne Kelly Feeney    | 41. Sen. Rod Monroe       |
| 21. Bob Goldstein        | 42. Dan Mosee             |

- |                            |                             |
|----------------------------|-----------------------------|
| 43. Gerry Newhall          | 55. Jim Spinks              |
| 44. Deke Olmstead          | 56. John Stelzenmueller     |
| 45. Rep. Glenn Otto        | 57. Comm. Margaret Strachan |
| 46. Jean Orcutt            | 58. Elise Swan              |
| 47. Fred Pearce            | 59. Louis Turnidge          |
| 48. Dr. Lillian Pereyea    | 60. Wilma Wehmeier          |
| 49. Ray Phillips           | 61. James Wilcox            |
| 50. William Radakovich     | 62. Dan Wood                |
| 51. Sen. Nancy Ryles       | 63. Jim Worthington         |
| 52. Steven Schell          | 64. Paul Yarborough         |
| 53. Mike Schrunk           | 65. Georgiana Yee           |
| 54. Comm. Gordon Shadburne | 66. Kenneth Yee             |



## ASSESSOR DISCUSSION

Subsection 6.50 (2), adopted by the people in 1982 as part of Ballot Measure #6, provides:

6.50 The people of Multnomah County shall elect:

- (2) A County Clerk, a District Court Clerk, and a County Assessor, as prescribed by State law.

The issue before the Committee is whether the position of county assessor should be elected or appointed.

Those in favor of keeping an elected assessor have urged the Committee to recommend no change in the Charter for the reasons of making sure assessments and valuations are carried out and that there be an elected voice to speak to the legislature and to the Department of Revenue. The Committee also has heard that the assessor should be elected if the people feel better having it so.

Those urging a return to an appointed assessor have spoken of the managerial and administrative nature of a highly objective position. The Committee has heard testimony that what is needed in the office is a technical manager since the position is administrative and not policy-making.

A problem with the current language of the Charter provision creating an elected assessor has been brought to the Committee's attention. Subsection 6.50 (2) does not provide performance requirements for the assessor. There is no provision addressing what the role of the assessor is within county government. The assessor is assigned tasks by ordinance passed by the board. If the Committee decides not to recommend a change in the election of the assessor, the Committee has received a recommendation with two options: (a) the county assessor be elected and the office be operated according to state law, or (b) provide for what the office of assessor should do in the Charter.

Another argument presented to the Committee for the assessor's appointment is that the electoral process should

be used for the selection of officials with a broad policy-making responsibility and authority. The Committee has heard that the number of elected officials should be kept to a minimum to prevent the problem of voters going to the polls with the duty to vote on a large number of minor officials without the information on which to form a valid judgment.



213

Erased Bond

25% COTASSER

ASSESSOR

1. 8/31/83, Brummell Letter: The Assessor the same (an elective position) for reasons of making sure assessments and valuations are carried out and an elected voice of the people to speak to the legislature and the State Department of Revenue.
2. 9/7/83, P. 2, Swan: Assessor shall be appointed.
3. 10/5/83, P. 9, Pearce: See COUNTY CLERK #4.
4. 10/5/83, P. 15, Wilcox: . . . the Assessor should be an appointed position : (1) It is cheaper -- bringing in more service for the money. A technical manager is needed, also needed are short- and long-term goals on a management basis. This managerial position is an administrative one, not a policy-making position. It is unusual for a good manager to run for an elected position. Wilcox noted that the Assessor position is a dead-end political job. (2) There is an issue of integrity. It is possible for a good Assessor to be run out of town. The Assessor, as one of twelve (12) elected officials, gets lost in the election process: no volunteers and no political exposure.
5. 10/17/83, P. 3, Cease: . . . the Assessor and the Supervisor of Elections should not be elected because these positions are really performing (and need to perform) a highly objective job.
6. 10/17/83, Ex. B, P. 5, Look: The same is true (should be appointed) for the same reasons. (See COUNTY CLERK #6.)
7. 10/26/83, Ex. B, P. 1, Dennehy: The assessor . . . should be elected if the people feel better having it so.
8. 10/26/83, Ex. C, Pereyea: That the position of Assessor be appointive.

## AUDITOR DISCUSSION

Subsection 12.50 (2) of the Charter specifically directs this Committee to review the role of the county auditor:

The Committee shall review the county charter and any issues relating thereto, including the role of the county auditor.

Section 8.10 of the Charter provides for the county auditor:

- (1) The office of county auditor is hereby established.
- (2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected.
- (3) The auditor shall
  - (a) maintain a continuous audit of the financial affairs of the county,
  - (b) maintain a continuous internal audit of each administrative office and department of the county,
  - (c) report to the board of county commissioners all irregularities that he or she finds in the financial affairs of the county, and
  - (d) affix responsibility for the irregularities.
- (4) The board shall retain each report of the auditor as a public record for at least three years after receiving the report.

1. Budget: The auditor's budget has been raised as an issue in



testimony. Witnesses have testified in favor of making the auditor's budget independent of the board of county commissioners by writing budgetary requirements into the Charter. The Committee has heard that the auditor's office should be adequately funded to be an independent entity. The suggestion has been made to have the state legislature set the upper budgetary limit of the auditor's office similar to the procedure for the Tax Supervising and Conservation Commission.

The Committee also has heard that the incumbent auditor does not mind the challenge of checks and balances and is willing to go to the board of county commissioners and argue for her budget like anyone else.

2. Election or Appointment of Auditor and Qualifications:

Currently the auditor is an elected county official who need not have any specific credentials or qualifications before seeking the office.

Issues have been raised before the Committee and its Subcommittee on the Auditor's Office regarding both the elected or appointed nature of the position and whether there should be qualification requirements in the Charter for the office.

(A) Those in favor of continuing to elect the auditor have spoken to the need for independence of the office. Testimony has been presented that the people's perception is that elected auditors are effective and have true independence. The Committee has heard that an independent auditor performs a watchdog function and what happens in government is subject to public accountability.

In favor of appointing the auditor, testimony has been presented that the auditor's job is a professional one and the auditor ought to have the skills, talent and experience to do the job. The Committee has heard that when an auditor is elected, the best campaigner and not necessarily the best qualified person may be elected.

(B) Testimony has been heard on both sides regarding required qualifications for the auditor's office.

Those in favor of requiring the auditor to be either a Certified Public Accountant (CPA) or a Certified Internal Auditor (CIA) have testified that the position is a professional one and the person should have a professional background. With the certification requirements, it has been argued that more certified people would be interested in running for office and they probably would not be running against someone with a familiar name since few CPA's have run for office.



Those speaking against certification requirements have questioned the constitutionality of the requirement or have suggested that if the auditor does not have the credentials, then the Charter should mandate the auditor to appoint at least one staff member who is a CPA or CIA.

3. Independence and Other Offices:

The Committee has received testimony in support of the independence of the auditor's office and has been urged to leave it independent. The Committee also has received the suggestion to create a new chapter in the Charter on the Auditor's Office and to remove it from Chapter VIII, "Finance."

Some witnesses, on the other hand, have raised questions about the auditor's office in view of current county government structure and possible changes in the future. It has been suggested that since the county now has a separation of powers, it may not be necessary to have an independent auditor's office as a check and balance, but rather have the auditor's office function as a management tool. The Committee also has heard the opinion that if the county had an appointed executive, an elected auditor would not be needed. The opinion was expressed that having an elected person second-guess the executive and the board is not productive.

4. Responsibilities:

Subsection 8.10 (3) (above) addresses the auditor's responsibilities. Witnesses have testified that these responsibilities need to be clarified and broadened in the Charter language.

The Committee has received the recommendation to require the auditor to conduct internal audits of all county operations and financial affairs and to make reports to the board. The Committee has heard either the auditor's responsibilities need to be clarified along these recommended lines, or the office be abolished, since the financial affairs of the county are audited annually. Witnesses have testified that performance or broad-scope auditing, based on General Accounting Office (GAO) standards, should be the centerpiece of what an auditor should be doing. Testimony also has been presented that information systems auditing is a necessary component of modern auditing practices.

An additional responsibility for the auditor has been recommended, namely, the ability to introduce ordinances.



5. Audit Reports and Responses:

The present charter language of subsection 8.10 (4) (above) requires the board to retain audit reports as a public record for at least three years after receiving the report. There is no language in the Charter requiring standards to be followed in preparing the report or any mandated response to a report.

The Committee has received recommendations that the reports be performed in accordance with "Generally Accepted Government Audit Standards," to prevent the power of the office from being misused and to maintain professional standards.

Witnesses also have recommended that language be included in the Charter requiring the County Executive or a responsible elected official to make a written response to all internal audit reports. There is currently no requirement for anyone to do anything with an audit report. The caution was expressed that the auditor should not be in control of the response system; the responses should be separate from the report itself.

The recommendation was also made that the Charter should require audit reports to be made public to avoid the chance of an auditor's being politically motivated. A question was raised whether the management report, intended as guidance to internal management, should be made public.

6. Reapportionment: Section 3.15 of the Charter provides for the apportionment of commissioner districts. In part section 3.15 provides:

Within thirty days after the official release of each federal decennial census for Multnomah County, the auditor shall determine the population distribution among the commissioner districts specified by this charter. \*\*\*

The Committee has received the recommendation from the previous and incumbent auditors to change the allowable time from thirty to seventy-five days for the auditor to reapportion the commissioner districts.

7. The Committee also received the report of the previous county auditor recommending five Charter changes (which are not included in the enumerated references section following this discussion overview):

- (a) Require that the County Executive (or designee) respond in writing to the Board and the Auditor



to all recommendations in reports of the County Auditor within six months to report on action taken.

- (b) Require the County Auditor to report to the Board of County Commissioners ALL irregularities found as a result of audits, rather than limiting required reporting to financial irregularities.
- (c) Require that all reports of the County Auditor be made public.
- (d) Require that the elected Auditor appoint a Deputy Auditor who is a Certified Public Accountant or a Certified Internal Auditor, if the elected Auditor is not a CPA or CIA.
- (e) Extend the time allowed to the County Auditor from 30 to 75 days to prepare a reapportionment plan after each decennial census.

One final note, the Charter contains an additional provision on the auditor, section 13.30, which the Committee may want to repeal. Section 13.30 of the Charter provides:

A candidate for election to the office of auditor in 1966 may be nominated by a petition signed by 250 or more legal voters of the county and filed with the county clerk on or before September 1, 1966.



## AUDITOR REFERENCES' SUMMARY

1. Budget: 1, 5, 26, 27
2. Election or Appointment of Auditor and Qualifications:  
2, 4 (2) (a), 11, 13, 16, 18, 19, 22, 24
3. Independence and Other Offices:  
3, 4 (1), 7, 8, 10, 12, 13, 14, 16, 21, 24
4. Responsibilities: 4 (2) (b), 6, 9, 13, 14, 18, 19, 24
5. Audit Reports and Responses:  
4 (2) (c), 10, 15, 17, 18, 19, 20, 21, 23, 24, 25
6. Reapportionment: 4 (3)

## AUDITOR

1. 8/31/83, Brummell Letter: . . . this office should function on the basis of its budget independent of the Commissioners and be required by direction of the people by Charter Amendment, so that budget needs are not chopped off by the Commissioners to prevent effective audit and review of county expenditures. Thus by continuing and electing County Auditor fiscal review will be assured the voting public.
2. 9/7/83, P. 5, Worthington: The Auditor should have certain qualifications in order to be elected.
3. 9/7/83, P. 5, Mosee: The Auditor is to be completely independent.
4. 10/5/83, Ex. A, Feeney:
  - (1) Create a new chapter entitled "Auditor". Delete all references to Auditor function from Chapter 8 "Finance".
  - (2) Change the Home Rule Charter language describing the County Auditor's responsibilities . . .
    - a. If the elected Auditor is not a Certified Public Accountant or a Certified Internal Auditor, then the elected Auditor shall appoint at least one staff member who is a CPA or CIA.
    - b. The Auditor shall conduct internal audits of all county operations and financial affairs and make reports thereof to the Board of County Commissioners
    - c. The County Executive or the responsible elected official shall make written response to all internal audit reports stating what actions have been taken to correct deficient conditions contained in the audit in the manner and at the time frame requested by the Auditor.
  - (3) Adopt Recommendation #5 from "Proposals to the 1983



4. (continued)
- (3) -84 Charter Review Committee" (Jewel Lansing, October 1981) regarding reapportionment plans.
5. 10/5/83, P. 2, Feeney: . . . does not mind the challenge of check and balance on her and will go to the Board of County Commissioners once a year and argue for her budget like anyone else.
6. 10/17/83, Ex. B, P. 6, Look: State law requires that the financial affairs of the county be audited annually. This is accomplished in Multnomah County by the employment of a professional, private, certified public accounting firm. The elected County Auditor is given vague responsibilities concerning financial affairs and "audit" of the administrative offices of the county. Anne Feeney, the current County Auditor, has made recommendations to you concerning the clarification of those responsibilities and authorities. Those responsibilities should either be clarified or the office abolished. It simply makes no sense to have an elected County Auditor, which the public reasonably assumes is keeping track of the financial affairs of the county, when state law requires that the financial affairs of the county be audited, pursuant to state law, by an outside auditor.
7. 10/17/83, P. 8, English: If there is an appointed County Executive, an elected Auditor is not needed. Having an elected person second-guess the County Executive and the Board of County Commissioners is not productive.
8. 10/17/83, P. 9, English: Responding to Kirchner's question regarding a county-appointed Administrator and no elected Auditor, English said that each official is appointed to administer that government as well as possible in terms of efficiency and effectiveness. She would prefer to have the resources herself -- as an administrator -- to look into the county department which is not doing a good job. If the Administrator is held accountable, he/she should have those resources to make (county) government look as good as possible.
9. 10/26/83, Ex. B, P. 1, Dennehy: Review closely the proper role for the Auditor.
10. 10/26/83, P. 2, Dennehy: . . . Multnomah County had an Auditor because originally there was no separation of powers. The Auditor was put there as a checks and balance. Now that there is a separation of powers -- it may not be necessary to have this checks and balance, but rather have a management tool. Dennehy said that this office (Auditor's) is to function independent of financial pressures and should have sufficient financial tools to do the job. Dennehy feels there should be a mandated response



10. (continued) of some kind to the Auditor's Report.

11. 11/2/83, P. 8, McCoy: . . . it should be an appointed position because it is a professional job that needs to be done and the Auditor ought to have the skills, talent, and experience to do that job. McCoy feels that when you elect a person you run the risk of electing the best campaigner and not necessarily the best qualified person to do that job. McCoy thinks that the fewer elected people we have the greater the sense of accountability because we have fewer people who must be accountable. Having eleven (11) elected officials is spread so thin it is hard to know who is responsible, according to McCoy. The Auditor ought to be an appointed position from the standpoint of professionalism.

If there is strong sentiment to have the Auditor an elected position, then, McCoy feels, there ought to be some requirement to have certified people in the Auditor's Office.

12. 11/2/83, P. 12, Miller: . . . she likes the independent Auditor's Office and would leave it there. It has been a valuable independent tool which Miller has used for making budget recommendations. She feels the Auditor's Office is independent and reliable.

13. 11/22/83, P. 2, Schell: (1) The benefits of an elected and independent (City) Auditor includes:

- Concept of "watchdog" function: Providing a different point of access from the politicians who are directly responsible either with decision-making or the administration. "Watchdog" is important because what happens in government is subject to public accountability.

(2) Performance auditing, based on General Accounting Office (GAO) standards and experiences at the federal level, is the centerpiece of what an auditor should be doing:

- Effectiveness in performance requires sensitivity to a rapidly changing environment.
- Performance auditing likewise requires objectives -- (What are the goals of a department or of a function?)
- Performance auditing enables the Auditor to look at the broad scope of legislative authority and apply that specifically to a particular function and to bring in factors from outside agencies.

(3) Information Systems auditing (data processing) is a necessary component of modern auditing practices and makes sure that those who write the changes to the accounting programs leave "audit trails" which constitute ways of access into what is being done with all numbers; these trails should be



adequate so that the auditors may review the information being produced.

- (4) The Auditor should be a professional: i.e., A CPA or CIA, as the professional standard requirement.

14. 11/22/83, P. 3, Schell: . . . the Auditor's function needs to stop before the Management Consultant function takes over. He noted that the Auditor's function is to raise the issue and it is not to get involved with the Management Consultant role because then the Auditor is "sucked into" the operations of day-to-day government and the public will lose its Auditor in the "watchdog" and balancing functions. . . . the public gains the most by having a strong performance auditing function in that a program can be examined effectively. Schell urged this subcommittee to make specific revisions for this independence in its suggestions for the Charter.
15. 11/22/83, P. 4, Schell: Schell mentioned the city problem of getting agency heads to respond within a proper time frame. He stated that a set of guidelines was negotiated over a period of time with council members and as a condition preceding the getting of money for performance auditing. . . .

He cited an area of concern -- the management report which is a guidance to internal management; the question is whether this report should be made public. The thought underlying the question is that if the county agency heads are to perform effectively they should not be disparaged publicly thus undermining their credibility and their responsiveness. The publishing of all kinds of information that may be a minor personnel matter is not appropriate, according to Schell, in terms of obtaining credibility and sufficient "esprit de corps" to function effectively. Basically, Schell feels that it is appropriate that all reports be made public.

16. 11/22/83, P. 5, Miggins: In the state of Oregon, which requires that a financial audit be done by an outside CPA firm, the bulk of the performance evaluation-type auditing is left to the internal auditors. We do have the financial fiscal compliance-type auditing, but not to the degree that we would have if it were not done by this firm. . . . most of the items in Jewell Lansing's proposals to this Committee pertaining to the operational auditing function are being implemented and should be put in the Charter. . . .

Regarding professional standards, Miggins reiterated his desire that it be a requirement that the Auditor be elected and independent. Miggins believes that there should be criteria for some professional standards the best of which are published by the GAO.



17. 11/22/83, P. 6, Miggins: Castagna asked if there exists any standard-type language with respect to the audit reports . . . . Miggins answered by citing the Generally Accepted Government Audit Standards (GAGAS). He added that the AO has been following these standards and our concern is how to keep those standards.
18. 11/22/83, P. 7, Lansing: Lansing advised that this Committee not get bogged down in the nomenclature of performance auditing because different people use different terminology. Performance auditing in the broad sense covers (per the "yellow book") economy and efficiency, which sometimes is operational, and program results. . . .

Lansing commented that another way of referring to audits that go beyond financial compliance is simply to call them broad-scope auditing: The "yellow book" talks about having audits that touch all of the different parts of the spectrum. It is true that in Oregon the state law does require an annual certified audit of every municipality. But the materiality level in those audits is so large that there are enormous numbers of financial areas that are not touched. The chances of the auditors' looking at anything under \$500,000 are very small, unless they see it as a major area that they have identified as a system problem. They do not look at all at that which does not affect their financial statement. . . .

Lansing stated that the major thing that is lacking in the Multnomah County Charter, in her opinion, is that there is nothing that requires anybody to do anything with an audit report. It is important to Lansing to protect the audit functions of the future. Lansing strongly recommended that this Committee's number one agenda item be a requirement that there be responses to audits. (The GAO, for example, reports to the U.S. Congress.) Lansing said that the public is actually the clout for the County Auditor. The fact that the elected Auditor has access to the media is the only kind of clout that is there. That the audit be made public is protection for the Auditor.

Lansing stated that she thinks it would be a good idea for this Committee to somehow include in the Charter something that gets away from that purely financial focus.

Lansing emphasized that in this Committee's deliberations it should discuss the question of whether or not the Auditor should be elected or appointed. Lansing informed this Subcommittee that the state of Oregon is unique nationwide in having elected Auditors who do anything other than financial auditing. Oregon is a national role-model. According to Lansing, there is a lot of interest nationally to see whether an elected Auditor in a commission-form of government, like the city of Portland, can successfully do performance audits.



19. 11/22/83, P. 8, Lansing: Lansing warned that the power of the AO could be misused. She strongly recommended that audits be performed in accordance with GAGAS, or that the person be certified; and if the Auditor is not certified, there be a deputy who is. But, she emphasized that an auditor's being certified is not enough, and that the Charter should also say "in accordance with GAGAS." . . .

. . . if there were a certification requirement there would be more certified people interested in running for Auditor. In the long run, the danger of having an Auditor who does not know nor care anything about professional standards and would misuse the position would seem likely. On the other hand, a CPA could have his/her license taken away by the State Board of Accountancy if he/she were to misuse the Auditor's position.

If the Charter does say that the Auditor's position must be in accordance with standards, that is one kind of protection. Another one is to require certification. Lansing noted that too few CPA's have ever run for public office. More CPA's/CIA's would run, according to Lansing, if they knew that they were not running against someone with a well-known name.

20. 11/22/83, P. 8 - 9, Lansing: In response to Kennedy's question, Lansing stated that GAGAS addresses:

- financial and compliance,
- economy and efficiency, and
- program results,

and that there are specific standards for each of them.

21. 11/22/83, P. 9, Lansing: Lansing said that her motive for having this (audit reports be made public) in the Charter is a kind of protection for the elected Auditor to avoid the chance of being politically motivated.

Frank Shields asked about an oversight committee, to which Lansing replied that the County Executive or the responsible official should be required to respond in writing, and that this response should be published with the report when it is issued. According to Lansing, it is an important process to get management to address its opinions regarding the report. The oversight committee is used in many jurisdictions: it receives reports from the legislative auditor and makes recommendations for audit areas; it "runs hurdles" for the AO. Lansing noted that at one time there was thought of having an audit committee, but it was rejected because, if there were elected council members or commissioners on the committee, these people would assume an elevated status over the others; if there were a commissioner who was against the audit function, access



21. (continued) would be cut off to the rest of the Board.  
(Lansing mentioned that an audit committee seems to work better with an appointed Auditor.)
22. 11/22/83, P. 10, Hall: . . . he has two recommendations:
- (1) Keep the Auditor elected.
    - People's perception is that elected auditors are effective.
    - Elected auditors have true independence
  - (2) Require certification of CPA or CIA.
    - There is less risk that an Auditor's expenditures are a waste of the taxpayers' money.
    - A certified Auditor has a greater chance of maintaining professional standards because there are pre-review and other requirements. . . .

Hall believes that with an elected Auditor there is a sense of assurance by the public that somebody besides the Board is taking a look at operations, and this gives credibility to county government.

23. 11/22/83, P. 11, Hall: Florence Bancroft asked if there is anything that this Committee can do that would help insure that recommendations are implemented.

Hall stated that, if an audit report is a public document and there is a problem and the County Executive or Board wants to ignore this report and not implement any recommendations, then the Auditor has the public to turn to. Hall further stated that an auditor is not a manager and that a manager may do nothing with an audit report; an auditor is not necessarily an expert; management also has its problems to deal with. Hall stated that he would not make it a requirement that management respond to an audit report. He feels that there is recourse -- particularly if there is a flagrant problem.

24. 11/22/83, P. 11 - 12, Elaine Cogan: Mrs. Cogan proposed a challenge to this Committee in its review of the Charter: To ask what powers an auditor does, in fact, have. She stated that if that auditor does not have political ability to carry out the functions of the office, the position can be an appointed one. This would be the "cutting edge" of her criteria.

Cogan sees two issues relating to the Auditor:

- (1) Independence -- the Auditor must have the ability to effect change and to be responsive.



Cogan suggested that this Committee look at a responsive system and build into the Charter a response time, 30 or 60 days, that the Auditor's Report require some sort of response -- not necessarily positive.

- (2) Ability to introduce ordinances which require a great deal of politicking.

Cogan questions the need to elect the Auditor. . . .

Kirchner asked about the Auditor's being a CPA/CIA and, if not, having a deputy who is so certified.

Cogan stated that this is probably unconstitutional and her guess is that this Committee could not recommend such qualifications for the Auditor's position. She advised this Committee to obtain legal advice in the matter. If this Committee could include this recommendation, Cogan noted that she would be in favor of it because the Auditor's position is a political office and, as such, she thinks a different kind of person is being elected. Cogan emphasized that she is treating the Auditor's position as a political office and that if the qualifications are included, it should be an appointed office.

Cogan, in response to a Kirchner question, stated that she does not think that an auditor should be in control of the response system. She would separate this response system from the Auditor's Report. Cogan noted that an auditor does his/her job and lays it out to the public and then the County Executive must respond within a certain period of time -- 30 to 45 days. The response would be directed to the Auditor. Cogan questioned that if this is not enough for the Auditor to do that is politically reasonable, why elect the position?

25. 11/22/83, P. 12, Feeney: Feeney recommended that, at the very least, the audit reports should be produced according to GAGAS.
26. 11/29/83, P. 3 - 4, Yee: The Auditor's Office should be adequately funded to become an independent entity, beholden to no one.
27. 12/7/83, P. 4, Otto: . . . he would like to see a role similar to what we have with Tax Supervising and Conservation Committee. TSCC goes to state every four years and asks for upper limit of their budget to be presented to the County Commission for services they perform. State legislature passes the budget. The concern Otto has is if the Auditor comes up with something that would make the Board of County Commissioners uncomfortable, the Board would cut the budget of the Auditor's Office in retaliation. He feels there should be some outside group to set upper limit on the budget for the Auditor to guarantee adequate and continued funding for the function.



## BOARD OF COUNTY COMMISSIONERS DISCUSSION

1. Number of County Commissioners: Chapter III of the Charter, Governing Body, sets forth provisions relating to the Board of County Commissioners.

Section 3.10 of the Charter begins:

The governing body shall be a board of five county commissioners, elected from districts as herein established and described \*\*\*

An issue discussed by numerous witnesses appearing before the Committee is the number of county commissioners as provided by the Charter.

The Committee has heard testimony that the present situation of five commissioners should be retained. On the other hand, the Committee also has been urged to propose a three or four member board.

In advocating retention of the present five commissioner board, witnesses have testified that three members would not be as broad based as five, an issue of special concern in an urban county; that given the Oregon Public Meeting Law (ORS 192.610 to 192.690) and its prohibition against a quorum of a governing body meeting without public notice to deliberate on public matters, county government would become government by staff and administrative bureaucracy; and that three members, besides possibly having quorum problems, might become a two versus one board or one member would serve a mediating function between the other two members.

In advocating a reduction of the board from five members to three, witnesses have testified about the reduction in county-wide responsibilities that will occur with the annexation or incorporation of Mid-County. The suggestion also has been made to phase out the number of commissioners from five to three over a two-year period.

2. Full-time or Part-time Board of County Commissioners:

(A) Testimony about the number of county commissioners has



been intertwined with suggestions about the part-time or full-time nature of the position of county commissioner.

Those advocating a part-time board have spoken to the reduction in county services provided as well as future reductions that will occur with annexation or incorporation of Mid-County. The Committee has heard testimony urging that the board consist of three part-time county commissioners "as it was in the 1950's." Additional rationales presented for a part-time board include saving money, the lack of substantive assignments for the board, and the opinion that commissioners could perform legislative duties on a half-time basis, at a decent salary level, provided they had full-time staff. The Committee also has heard support expressed for a strong county executive position and a part-time board.

In favor of retaining the present structure of full-time county commissioners, the Committee has heard witnesses offer different perspectives on the issue. Support for full-time commissioners has been described as advantageous: they work full-time as policy makers with public accessibility and accountability; they are identifiable and responsible to the people and their concerns. The Committee also has heard that while a part-time board has the advantage of saving money, there would not be the same exposure and accountability. It has been suggested that in a large urban area it is impossible to have part-time commissioners, that the present complexity of problems and size of the budget demand full-time attention, and that there is enough work for full-time commissioners and staff. The issue of possible conflict of interest of part-time commissioners also has been raised before the Committee -- if the commissioners must rely on other forms of employment for income.

(B) Touching on the issue of outside work of commissioners, the Committee has received the suggestion to examine language prohibiting full-time commissioners from engaging in any other monetary activities, similar to a provision of the Portland City Charter.

Section 2-204 of the City of Portland's Charter states:

No official appointed or elected to elective office shall, during his term of service, hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party.

3. Districts: (The issue of district elections for county



commissioners also is considered later under Elections Discussion #7, "District Elections, At-Large Elections, District Residency Requirement and At-Large Elections.")

In addition to the recommendations discussed in the Elections Discussion of this report, an argument advanced in favor of district elections, is that district elections allow for greater grass roots involvement -- both in campaigns and in the government process.

The Committee also received testimony urging a three commissioner board: on one hand, without a district system of elections; on the other hand, with a residency requirement, with three districts, but with county-wide elections.

4. Presiding Officer: Section 3.60 of the Charter provides for the board's presiding officer:

At its first meeting after the effective date of this section and at the first meeting of each calendar year thereafter, the board shall choose a presiding officer and vice-presiding officer from its members. The presiding officer shall preside at board meetings. The vice-presiding officer shall preside whenever the presiding officer is absent or is incapacitated from serving.

The issues involved in the discussion of the position of the Presiding Officer or the Chair of the Board of County Commissioners, depending on one's views, overlap with the discussion of the separation of powers between the executive and legislative branches of county government.

The Committee has received testimony in support of the present structure of county government with separation of powers and a five member board.

The Committee also has received testimony urging a restructuring of county government with a return to the previous form of government wherein the Chair of the Board served as the administrator of county government.

In addition, the Committee has been urged to have a three member board, elected at-large, with the commissioner receiving the largest number of votes serving as Chair the first year; and the other two commissioners serving one year individual terms as Chair in the succeeding two years.

Support has been expressed for rotating the Chair whether three or five commissioners constitute the board.



5. Separation of Powers:

(A) Section 2.20 of the Charter provides for the legislative power of the county:

Except as this charter or a state constitutional or statutory provision regarding the initiative and referendum provides to the contrary, the legislative power of the county shall be vested in and exercisable only by the board of county commissioners. Any other power of the county not vested by the charter elsewhere shall be vested in the board but may be delegated by it.

Section 6.10 of the Charter provides for the county executive;

The county executive

- (1) shall be the chief executive officer and personnel officer of the county;
- (2) may attend and be heard at meetings of the board but shall have no vote;
- (3) shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, except for the personal staff, employees or agents of the commissioners, auditor, judges and district attorney. Appointment of department heads shall be subject to consent of the board of county commissioners;
- (4) shall execute the policies of the board and the ordinances of the county;
- (5) shall sign all contracts, bonds, and other instruments requiring county consent;
- (6) shall prepare the county budget for submission to the board; and
- (7) may delegate his or her administrative powers but shall retain full responsibility for the acts of his or her subordinates.

A threshold question presented to the Committee in the testimony of many witnesses is the relationship between the executive and legislative branches of government.



The Committee has heard testimony in support of the present separation of administrative and legislative functions. In keeping with this doctrine of the separation of powers, the Committee has heard that the legislative branch, the board, must be given a structure in which it can make decisions. It has been expressed that it would be a serious mistake to put the board in a competitive position where the commissioners have responsibility directly over departments and that there ought to be a clear-cut separation of powers. The Committee has been urged to propose that the board be structured to give the commissioners oversight responsibilities collectively for the policies of the county as a whole, and individual responsibility for a specific sector of county government for each commissioner. In testimony presented, the Committee has been urged not to confuse the roles and responsibilities of administrators and legislators since there is basically an inherent conflict of interest. The Committee also has heard that the most efficient, most effective form of local government is separate branches.

Witnesses also have testified before the Committee in favor of a blending of administrative and legislative responsibilities.

There has been testimony presented urging that the Chair of the board serve in both administrative and legislative capacities. There also has been support expressed for the City of Portland form of government with individual commissioners having administrative responsibilities over various government bureaus. The Committee has heard that for Portland city commissioners there is no dichotomy between their functioning as a legislative group and as a group with administrative responsibilities. It also has been suggested that if the county commissioners were in charge of various departments, they would have a closer working knowledge of what is being done in the departments.

(B) Section 3.70 of the Charter provides for advisory boards and commissions:

- (1) The board may by ordinance create such advisory county boards and commissions as in its judgment the interests of the county require.
- (2) Members of the boards and commissions shall be appointed by the county executive with the approval of the board.

Testimony has been presented to the Committee urging that the board be able to select members of boards and commissions.



The current provision provides for county executive appointment with board approval.

6. Vacancies: (The issue of filling vacancies on the board of county commissioners also is considered later in this report under Elections Discussion #6, "Appointment to Office, Special Elections.")

One approach to filling commissioner vacancy suggested to the Committee, not discussed elsewhere in this report, is that the President of the Board would select five candidates from the vacant district. The remaining three commissioners then would select the new commissioner from among the five candidates. The new commissioner would serve in office until the next general election.

7. Actions of the Board:

(A) Sections 3.30 and 3.40 of the Charter speak to an issue raised in testimony before the Committee concerning actions of the board.

Section 3.30 provides the quorum rule for the board:

A majority of the board shall constitute a quorum for the transaction of board business, but a lesser number may meet and, in a manner prescribed by the rules of the board, compel the attendance of absent members.

Section 3.40 provides for the concurrence of commissioners required for action:

Except as this charter provides to the contrary, the board may act only with the affirmative concurrence of a majority of its members present at a meeting.

The Committee has been urged to propose to the voters a charter requirement for three affirmative votes for actions by the board. The combination of sections 3.30 and 3.40 now permit two affirmative votes to approve board actions when there are only three commissioners present at a meeting.

(B) Subsections 5.30 (3) and 5.50 (2) provide for emergency ordinances.

Subsection 5.30 (3) states:



An ordinance to meet an emergency may be introduced, read once, and put on its final passage at a single board meeting by unanimous consent of all the board members present.

Subsection 5.50 (2) states:

An emergency ordinance may take effect immediately upon being signed by the county executive.

The Committee has heard testimony that the nature of an "emergency" should be clearly stated rather than the standard "for the preservation of the health and peace of the community."

8. Limitation on Terms: The issue of limitations on terms of office is considered later in this report under Elections Discussion #5, "Eight-Year Term Limit, Two Full Four-Year Consecutive Terms, No Limit on Terms of Office."



BOARD OF COUNTY COMMISSIONERS  
REFERENCES' SUMMARY

1. Number of County Commissioners: 1, 2, 6, 8, 12, 13, 14, 15,  
16, 17, 18, 19, 20, 22, 29, 30, 32, 40, 41, 43, 45, 52
2. Full-time or Part-time Board of County Commissioners: 2, 3,  
17, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, 35, 36,  
40, 41, 42, 43, 44, 45, 49, 51, 52, 53, 54
3. Districts: 4, 8, 9, 12, 15, 22, 31, 32, 34, 38, 39, 43
4. Presiding Officer: 5, 8, 16, 18, 23, 32, 47
5. Separation of Powers: 7, 9, 23, 24, 25, 27, 29, 34, 37, 42,  
46, 49, 50
6. Vacancies: 10, 11, 13, 32, 34, 38, 53
7. Actions of the Board: 33, 55
8. Limitation on Terms: 1, 48



## BOARD OF COUNTY COMMISSIONERS

1. 8/31/83, P. 2, Phillips: Only have three (3) County Commissioners elected on a county-wide vote, serve an eight (8) year term maximum (two 4-year terms), and have one assistant who would not be paid more than a commissioner.
2. 8/31/83, P. 2, Kane: . . . proposed that it would be simpler and less expensive to return to the three part-time commissioners as it was in the 1950's.
3. 8/31/83, P. 4 - 5, Clark: . . . stated that he now favors a full-time Executive and a part-time Board. . . . he is for a strong county executive and a part-time board.
4. 8/31/83, P. 4 - 5, Clark: . . . he is against that current form of government, in which the county commissioners are elected by districts. He referred to this as being "parochial".
5. 8/31/83, P. 2, Phillips: The commissioner receiving the most votes would serve as Chair the first year; after that each of the other two commissioners would serve a one-year term.
6. 8/31/83, P. 5, Clark: Debnam asked about going back to three (3) commissioners. Clark replied that three to five would be okay.
7. 8/31/83, P. 5, Clark: Castagna asked about having bureaus under the commissioners. Clark stated that this would not be good. The structure of government and the people governed are important. He commented that city government works.
8. 8/31/83, Brummell Letter: . . . we would constitutionally need three County Commissioners, all elected county-wide, not from districts, and they in turn appoint one of the three as Chairman for a year, or the one receiving the highest vote, county-wide, in turn being selected Chairman.
9. 9/7/83, P. 2, Swan, League of Women Voters: The League of Women Voters of Portland and East Multnomah County support the separation of administrative and legislative functions. The Commissioners should continue to be elected from single member districts.



10. 9/7/83, P. 2, Swan: Vacancies on the Board of County Commissioners should continue to be filled by appointment, with the appointee free to run for re-election.
11. 9/7/83, P. 2, Spinks: . . . expressed a concern regarding an east county Commissioner who might not be able to fulfill a full four-year term. He would like to have the Charter changed so that an incumbent Commissioner could serve a second four-year full term.
12. 9/7/83, P. 3, Orcutt: Cut the number on the Board of County Commissioners to three instead of five. Divide Multnomah County into three districts. Require that a Commissioner representing that district reside within that district, but the Commissioner be elected by a county-wide vote of the people.
13. 9/7/83, P. 3, Wehmeier: . . . is very much against anybody's being appointed. . . . A new city will mean a cut in the number on the Board of County Commissioners.
14. 9/7/83, P. 4, Brown: Reduce the number on the Board of County Commissioners to three, particularly with consolidation and the incorporation of a new city in mid-county. However, they should not be eliminated at the same time: first, the County Executive then phase out the number of Commissioners from five to three over a two year period.
15. 9/7/83, P. 4, Stelzenmueller: Should there be a new city, perhaps there should be a reduction in the number on the Board of County Commissioners. He agrees to the rearranging of districts and with county-wide elections. He believes in the continuation of the elections of the Commissioners who come in the middle of a term.
16. 9/7/83, P. 4, Worthington: The Chair of the Commission position should be rotated whether the number of Commissioners is three or five.
17. 9/7/83, P. 4, Worthington: . . . favors five part-time Board of County Commissioners.
18. 9/7/83, P. 5, Mosee: . . . have three on the Board of County Commissioners. The Commissioner with the most votes would be the Chair.
19. 9/7/83, P. 6, Jensen: Three members on the Board of County Commissioners are all that is needed.
20. 9/22/83, P. 3, Buchanan: 1). The present model of five full-time Commissioners is advantageous in that the Commissioners work full-time as policy-makers, they have public accessibility and accountability, and they are identifiable and responsible to the people and their concerns. 2). Five part-time Commissioners has the advantage of saving money, but there would not be the same



20. (continued) exposure and accountability. 3). Three (3) member full-time Board presents the problem that one member may ruin a quorum.
21. 10/5/83, P. 4, Feeney: . . . eventually we should get to the point where the Board of County Commissioners would serve part-time, or, of course in the super county, commissioners would serve full-time, which would become a very desirable job -- and every other community job on the way up would be part-time, so that the full-time positions are only in the super regional government. . . . in terms of the Board of County Commissioners, the only thing this Committee can do is hold the line until these other visions come into place. Feeney recommended that this Committee go real slow about making major changes in county government.
22. 10/5/83, Ex. B, P. 2, Pearce: The districts have created fractionalized representation, and have introduced an element of parochialism into Commission concerns. A five-member Board elected at-large has a view of the entire county, a step removed from district-level issues. The Board could be either part-time or full-time. While other counties function with a three-member Board, the size of Multnomah County would best be served by five Commissioners. They are responsible for legislative activities, which might be accomplished on a part-time basis, especially if the mid-county area is incorporated.
23. 10/5/83, Ex. B. P. 2, Pearce: The Board Chairman, elected by the citizenry, would serve in both administrative and legislative capacities. The separation of powers that has developed in the present system creates an adversarial relationship without a cooperative effort in evidence during the period when the Chairman of the Board was the County's Administrator.
24. 10/5/83, P. 13, Schrunk: . . . the Board of County Commissioners' responsibilities are ill-defined. He does not find that much wrong with a city form of government. Schrunk suggested this Committee look at what this Committee wants the Board of County Commissioners to do -- full-time or part-time.
25. 1/17/83, P. 2, Cease: . . . Commissioners are not interested in nor do they spend time on long-term policy. The Board of County Commissioners is interested in day-to-day matters that are presumably administrative and are of concern to people, which means the Commissioners are interested in the same things as the County Executive. Regarding full-time/part-time of the members of the Board of County Commissioners, not the County Executive, questions are raised: 1). What do these Commissioners do? 2). How much does it cost -- both in terms of salary to each Commissioner and the staff that each one has? 3). What really is their function and how do they relate to the County Executive and to the larger affairs of the county?



26. 10/17/83, P. 3, Cease: . . . the issue of part-time Board of County Commissioners may not be worth the effort, but this Committee should agree to look into it.
27. 10/17/83, P. 4, Cease: . . . for a county this size, full-time (Commissioners) is appropriate. However, considering what the Commissioners do, what their activity involvement is, and how they relate to the County Executive, some questions are raised. He feels that the Commissioners should spend more time than they do on long-term issues. The Commissioners seem to spend more time on short-term issues or administrative problems which to a great extent, ought to be handled by the County Executive and by the departments that are on the executive side of the county. Cease commented on the cost to run the Board of County Commissioners: About \$500,000 (that may be high). He suggested that this Committee look into the cost of running the Commission. . . . having five "executives" who share administrative responsibility is a poor form because no one is really in charge. The real questions are -- how do you make that Executive accountable, what are the controls on the Executive, and what relationship do you try to build into the system in terms of the Executive and the legislature, in this case the Board of County Commissioners?
28. 10/17/83, Ex. A, P. 4, Cogan: I suggest further that we reconsider the functions of full-time County Commissioners. We either should make the positions part-time or give them substantive assignments.
29. 10/17/83, P. 5 - 6, Cogan: . . . the original idea was that the Board of County Commissioners' concern was long-term policy. If the strict model of a legislative commission and an executive department (lead by the County Executive) were followed, it should be able to work if that legislative body is given a structure in which it can make decisions. . . . He agrees with Multnomah County's having full-time Commissioners -- providing they have substantive assignments. Maybe for major sectors of concern, one Commissioner could have Human Services, for example; another could have Public Works. Cogan does not think they should be involved in the administration of those departments -- as it would be a serious mistake to mix the legislature and executive functions. Cogan feels that the Commissioners should continue in their legislative capacity and the difference between full-time and part-time ought to depend on how large a workload and what kind of substantive assignments they have been given. . . . it would be a serious mistake to put the Board of County Commissioners in a competitive position where they have responsibility directly over departments. He thinks there ought to be a clear-cut separation. Cogan further stated that the Board of County Commissioners could be structured so that they have oversight responsibilities collectively for the policies of the county as a whole and individually have responsibility for a specific



29. (continued) sector of county government, Public Works, Human Services, and so forth.

Paul Thalhofer asked if the city of Portland Commissioners' being in charge of bureaus is working.

Cogan replied by stating that he does not favor it as a form of government. He thinks it confuses the roles and responsibilities of those members of the City Council -- one day legislators are making policy and are passing budgets, and another day they are administering departments. Cogan stated that it is basically an inherent conflict of interest. He feels that the public ultimately is short-changed in that type of government structure. In Cogan's judgment the most efficient, most effective form of local government is separate branches. The principle is that the Commissioners -- full-time or part-time -- ought to be separate from the County Executive. In the long run that will produce fewer conflicts, better decisions, and better management of the government than the type of structure in the city of Portland.

. . . Cogan noted that part-time Commissioners is difficult -- there is a "lot of" part-time. In a county of this magnitude, there should be full-time Commissioners with substantive assignments. He would not be opposed to a three-person Commission.

30. 10/17/83, P. 8, English: Five-member Board of County Commissioners is better than three:

- Three-member Board is not as broad-based in representation,
- There is either a 2 to 1 coalition or one in the middle arbitrating, and
- Sometimes there is a quorum problem.

Regarding full-time versus part-time: If possible, have part-time but, in fact, Commissioners are not working part-time. In a large urban area it is impossible to have part-time Commissioners.

31. 10/17/83, P. 9, English: Thalhofer asked about electing County Commissioners county-wide and requiring them to live in districts, to which she stated she has no strong objections. In her response to Thalhofer's question regarding whether the Commissioners in Washington County have prescribed duties, for example, over-seeing departments, English said there is no particular liaison to each of the departments.
32. 10/17/83, Ex. C, P. 3 - 4, King: The Board of County Commissioners should number five. County Commissioners should be elected on a district basis and they should be required to live in the district they would represent. County Commissioners should be elected for a term of four years with terms staggered.



32. (continued) The position of County Commissioner should be full-time. The Board of County Commissioners each year should elect one of their members to serve as President of the Board. If a vacancy on the Board should occur, the President of the Board shall select five candidates from the vacant district, from which the remaining three Commissioners shall select the Commissioner to fill the vacancy until the next general election at which a Commissioner can be elected to fill the vacancy.
33. 10/26/83, Ex. B, P. 1, Dennehy: Actions of the Board should require three affirmative votes. The language on emergency ordinances allows for at least two interpretations. The nature of an "emergency" should be clearly stated rather than the standard "for the preservation of the health and peace of the community" kind of gibberish.
34. 10/26/83, Ex. C, Pereyca: The League continues to support separation of administrative and legislative functions in county government. It also agrees that county Commissioners continue to be elected from single-member districts, and that vacancies on the Board of County Commissioners continue to be filled by appointment.
35. 11/2/83, Ex. A, P. 6, Biskar: . . . I think it would be a mistake to recommend part-time service by Commissioners. I earlier mentioned my perceptions had changed during my ten months on the Board. One change of perception involves a Commissioner's workload. I can honestly say that I have never worked as hard as I have as a county Commissioner. The present complexity of problems and the size of the budget demand full-time attention.
36. 11/2/83, P. 2, Biskar: Ann Porter requested Biskar to be more specific about the workload of a Commissioner. Biskar replied by commenting on the vast amount of reading material which must be read in order for a Commissioner to understand and be fluid in what he/she is doing. He also commented that the complexity for being fair makes it difficult to decide which is the right side. The lobbying which is done with the other Commissioners takes a great deal of time. When there is an amendment resolution for mid-county, Biskar feels that the Commissioners should go out there and see what they are voting for.
37. 11/2/83, P. 3, Biskar: Thalhofer asked about whether he (Biskar) would recommend the form of government the city of Portland has. Biskar said that he is in favor of that form. He would prefer that as a Commissioner he be the administrator of a department rather than just being a liaison to a department.
38. 11/2/83, P. 4, McCoy: . . . the Board has tried to consider the entire county and the impact of its decisions on all the county rather than on just its districts. One compromise which has merit and may be considered is that districts are retained and that people live in a district but are elected



38. (continued) county-wide.

Commissioners' four-year term: McCoy said that this makes sense as it does take a period of four (4) years to be effective in this position.

Appointed person who fills a vacancy: McCoy feels that this should continue as it is outlined in the Charter. "Shall not be a candidate," however, should be repealed, according to McCoy. If it were contested in the courts it probably would be struck down as being unconstitutional. She recommends that this Committee either obtain counsel regarding it or just on its own volition, recommend its being repealed.

39. 11/2/83, P. 6, McCoy: County Commissioners living in districts, but voted in on a county-wide basis could be compromised for districting if there are strong feelings about it.
40. 11/2/83, P. 7, McCoy: The fact that the county structurally will be so much smaller might indicate fewer Commissioners. McCoy emphasized that with the present structure five full-time Commissioners are needed. . . . a part of mid-county is not going to be in the County. She continues to believe that the size of the county is going to be different and, therefore, the legislative needs may be altered. Until the structure changes appreciably she thinks five Commissioners are needed since there is a great deal to do.
41. 11/2/83, Ex. C-1. P. 2, Blumenauer: If the county is to phase out at least 50 percent of the municipal responsibilities that it currently must exercise within the next two years, then the Board of County Commissioners could become a five-person part-time position, structurally similar in terms of staff, district size and time commitment to a current State Senator. The transition could be made effective January 1, 1986, and certainly no later than January 1, 1987. The only impediment to making it effective earlier is that you may, in fact, not encounter those changes. You would continue to have a great deal of upheaval, substantial change in the number of county-wide responsibilities and zoning, planning and constituent pressures that occupy virtually everyone. You may, however, wish to force the issue by making an earlier effective date. This may discourage competent candidates, because of the uncertainty of the nature of the office, from making a commitment to a year-long campaign. You can probably verify for yourselves that some people in the political process have already modified their electoral behavior because of uncertainty regarding the county structure.
42. 11/2/83, P. 11, Miller: As far as Board representation to boards and commissions, Miller feels there should be something in the Charter that says they shall be selected by the board



42. (continued) themselves. . . . She disagrees with the idea of the Board's being part-time. Miller said that under the current provision of the Charter there is only one branch through which all the elected officials pass -- the legislative branch, which reviews all policies in all fiscal management. All budgets and policies that control the Sheriff, County Executive, District Attorney, and Auditor come through the legislative branch. It is the only "hinge pin" that holds this government together, according to Miller.
43. 11/2/83, Ex. D, P. 3, Shadburne: It is my recommendation that the current Charter provisions for five (5) full-time Commissioners, elected by district, be maintained. Speaking from my own experience in office, there is more than enough work for a full-time Commissioner and staff. Preparation for the weekly board meetings involves reading all agenda material, research into background and impact (particularly of a budgetary nature), contacting appropriate interested parties, and if a matter is very involved, meetings with involved individuals. During the county's budgetary process, months are spent in review, research and evaluation, in addition to the month of almost daily budget hearings. Additionally, we serve as liaison to county departments (which involves many meetings and constant follow-ups); respond to citizen concerns; serve on many advisory committees; . . . establish and track task forces and advisory committees; speak to groups on issues of concern to them; draft resolutions and ordinances; and meet with citizens.

A potential problem with a three-member Board is lack of a quorum if for any reason a Board member is absent. Additionally, if two Commissioners wished to discuss any county business, it would require a public meeting or it would have to be accomplished through staff. This is not a very efficient manner in which to conduct the business of such an urban government. You could wind up having government by staff and administrative bureaucracy, not by the people.

Through election by the district system, there is greater grass roots involvement, both in campaigns and in the government process. The district system promotes easier and greater accessibility to each Commissioner. With a change to three Commissioners, there would be larger districts, making it harder for citizens to be involved or to access their Commissioner.

44. 11/8/83, P. 2, Miller Letter: . . . look at language similar to the City Charter, which prohibits full-time Commissioners from engaging in any other monetary activities. The Board, in the past, has received severe criticism from members of the public because they are perceived to be holding down more than one job, or taking care of their other business interests, albeit they are part-time business interests, at the cost of their



44. (continued) responsibility to the taxpayers. The City Charter has such language and, I believe that the Board of County Commissioners is to be full-time; that it is not the intent of the taxpayers that Commissioners be "moonlighting."
45. 11/15/83, Ex. A, P. 3, Strachan: I believe that there is a sufficient work load to justify five full-time County Commissioners. I believe that five is the right number of commissioners in that context.
46. 11/15/83, P. 5, Strachan: . . . there is no dichotomy between the City Commissioners as a legislative group and as a group with administrative responsibilities. When a City Commissioner is directly in charge administratively, there are better lines to see things through. On the negative side: . . . She noted that it is very difficult, unlikely, and discourteous to muddle in someone else's bureau.
47. 11/15/83, P. 8, Gustafson: . . . the districts should be maintained. He stated that districts are not simply to provide east Multnomah County with representation, but are clearly recognized as substantially supportive throughout the state and the metropolitan area. Gustafson said that the idea of an elected Chairman elected county-wide, and four County Commissioners -- or whatever number is established -- similar to what Washington County has now, makes sense to him. It provides for a tighter policy leadership.
48. 11/15/83, P. 14, Etlinger: In answering Thalhofer's question regarding Etlinger's favoring two terms for County Commissioners, Etlinger stated that he would want to modify it to the extent that the Commissioners would not be prevented from running for another office. He feels there is ambiguity as to whether it forecloses that option. Etlinger said that he favors the eight-year limitation in any local government simply because a better sense of ethicacy by citizens can be established. Etlinger thinks that something must be done about voter participation. He stated that perhaps one of the reasons this area is having difficulty attracting new young candidates who are not just one-issue oriented but are interested in a political career, is that they sense that government is run by a small group of people who represent the "downtown interests."
49. 11/29/83, P. 3, Yee: Rather than the proposal to reduce County Commissioners to part-time, it would be beneficial to see the county departments parceled out to the various Commissioners and put under their control with correspondingly adequate staffing.
50. 11/29/83, P. 4, Kenneth Yee: . . . when the Commissioners voted on the budget presented by the County Executive, they often did



50. (continued) not know what they were voting on. He felt that if each Commissioner were in charge of various departments, he/she would have a closer working knowledge of what is being done in the departments and not just give rubber stamp approval.
51. 11/29/83, P. 5, E. Kimbark MacColl: . . . if one surveys the county since 1924, the performance record appears uneven, at least until Home Rule was approved in 1966. For years the part-time Board was largely dominated by real estate and savings & loan interests, which made part-time Commissioners suspect. The '66 reforms brought the county into the 20th century. But for over 40 years various reforms had been suggested -- some of the same things being discussed here were talked about in the 20's.
52. 11/29/83, P. 6, E. Kimbark MacColl: (He suggested) a commission with 3, 4, or 5 -- but they must be full-time. If they must rely on other forms of employment for income, there is a possibility of conflict of interest.
53. 12/7/83, P. 5 - 6, Mason: Regarding the issue of part-time vs. full-time Commissioners, Mason indicated he is in favor of part-time Commissioners at a good salary (i.e., \$18,000) for half-time work. However, necessary in this arrangement is that the Commissioner maintain personal staffing levels as they are now. He feels half-time is sufficient for a Commissioner to perform legislative duties, with full-time staff carrying on the other responsibilities. Representative Mason indicated he does not feel real strongly about this, but he would rather see part-time Commissioners at a good salary than full-time Commissioners at the current salary. He feels the salary level is too low.

Mason feels that elections should be partisan. He stated that nonpartisan tends to be advocated by the minority party, i.e., Republicans. . . .

Roger Parsons raised again the issue of part-time Commissioners.

In response, Mason stated he thinks there is not enough for full-time Commissioners to do. He thinks Commissioners are a lot less busy with good staff. However, if Commissioners continue full-time, they should be paid more money.

Paul Thalhofer inquired as to the Representative's position on how to fill a vacancy on the Board of County Commissioners.

Mason stated that the vacancy should not be filled by appointment and that an appointed Commissioner should not be allowed to run for re-election to that position.

54. 12/7/83, P. 6, Leek: . . . he is opposed to part-time



54. (continued) Commissioners. He feels it is "government on the cheap."
55. 12/7/83, P. 7, Farmer: . . . In addition to the County Commission, she put forward the idea of representatives from the county on a tri-county commission.

. . . she emphasized that County Commissioners should be held accountable for their actions; that people she has talked to feel the Commissioners have made their decisions in advance and do not listen to the people.



## BUDGET DISCUSSION

The Committee has received testimony that having numerous elected officials has led to some confusion concerning budgetary control and authority to enter into contracts on behalf of the county. Subsection 6.10 (5), adopted prior to the 1982 charter amendments contained in Ballot Measure #6, provides:

6.10 The county executive

- (5) shall sign all contracts, bonds, and other instruments requiring county consent.

Testimony has been presented that the final authority for many of the actions now rests with the Board of County Commissioners. The Committee has been urged to review the traditional split between the administrative and legislative branches of government.

The Committee also has received a recommendation to delete the spending limitation provision of the Charter since it is outdated. Section 13.25 of the Charter provides:

Total appropriations for the board of county commissioners and the county executive for the 1979-80 fiscal year shall not exceed the total of appropriations for the board of county commissioners and the county chairman for the 1978-79 fiscal year, and annual increases thereafter shall be only such as are necessary and consistent with economical management.



## BUDGET

1. 6/22/83, App., P. 6 - 7, Etter: . . . the presence of numerous elected officials leads to "county governments". Although the budget process is seen as unifying control of the county under the Board of County Commissioners, the elected officials themselves being directly responsible to the electorate become a government unto themselves.
2. 9/22/83, P. 3, Buchanan: Section 13.25 (Spending Limitation) is outdated and should be deleted: This deals with spending limitations.
3. 11/2/83, P. 11, Miller: . . . a definition of "county" is needed with regard to implementing the budget, signing contracts, and pursuing lawsuits.
4. 11/8/83, P. 1, Miller Letter: The County Charter needs to be reviewed, in terms of some definition of what is meant by "county", since much of the Charter language talks about the "authority" of the county to enter into contract and engage in other legal actions. That authority is now somewhat confused by the fact that the Sheriff, the Tax Assessor and the Elections Officer (Clerk) are now separate, independent entities, whose authority rests outside the County Executive. The final authority for many of the actions now rests with the Board of County Commissioners, and so a review of the traditional split between Administrative and Legislative branches, as it is defined in the current Charter, needs to be revised.



CHARTER REVIEW COMMITTEE AND  
INITIATIVE PETITIONS DISCUSSION

1. Charter Review Committee:

Sections 12.30 through and including 12.70 provide for the Charter Review Committee:

12.30 CHARTER REVIEW COMMITTEE. There shall be convened a Charter Review Committee for the purpose of making a comprehensive study of the Multnomah County Home Rule Charter and, if the Committee chooses, submitting to the people of Multnomah County amendments to the Charter.

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have two members appointed from each senatorial district having the majority of its voters within Multnomah County, who will choose their chairperson from among themselves and who shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state Senate district located in Multnomah County shall appoint two electors, who reside in Multnomah County, to the Committee. If the three appointers from any Senate district cannot agree on either or both of the two persons they are to appoint, any two of the three appointers may choose one or both of the persons to be appointed.
- (3) The two electors appointed from each Senate district shall not be registered in the same political party.



- (4) The following persons are not eligible for appointment to the Committee: The state senators and representatives who represent districts located in Multnomah County, the Members of the Multnomah County Board of Commissioners, and the county executive, if any, serving at the time of appointment.
- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the Senate district from which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than June 30, 1983.

12.50 SCOPE OF COMMITTEE REVIEW.

- (1) The Committee shall commence study of the Charter by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses.
- (2) The Committee shall review the county charter and any issues relating thereto, including the role of the county auditor.

12.60 REPORT OF COMMITTEE. Ninety-five days prior to the general election of 1984, the Committee shall report to the people and to the Board of County Commissioners their findings, conclusions and recommendations including any amendments they propose to the Charter.

12.70 SUBMISSION OF AMENDMENTS TO THE PEOPLE. All amendments proposed by the Committee shall be submitted to the people of Multnomah County at the 1984 general election.

The combination of the 1981 reapportionment of legislative districts and the language of subsection 12.40 (1) of the Charter ("The Committee shall have two members appointed from each senatorial district having the majority of its voters within Multnomah County" \*\*\*) has created the situation where the Committee does not have a voting representative from Senate District #3. Since a majority of the voters within Senate



District #3 reside in Washington County after reapportionment, the language of 12.40 (1) bars Senate District #3 from voting representation on the Committee.

In response to this situation, the Committee has received testimony to devise a means other than Senate districts to establish voting membership on the next Charter Review Committee.

The Committee also has heard testimony that there should be a Charter Review Committee every four years, and that this Committee should encourage all the charters in the region to be reviewed.

2. Initiative Petitions:

Subsection 11.50 (2) provides for an initiative petition to submit a charter amendment or repeal to the voters:

An initiative petition to submit a charter amendment or repeal to the voters shall be filed with the department of records and elections at least 90 days before the election at which the measure is to come before the voters.

In reaction to Ballot Measure #6, the Committee has heard testimony that the ballot measure appeared not to have been drafted with the aid of legal counsel and that expensive litigation was growing out of those difficulties.

The Committee has received the recommendation that sponsors of initiative petitions be required to clear their petitions with an office similar to legislative counsel to insure correct wording and constitutional application.



Erased Bond  
25% COTTON FIBER

CHARTER REVIEW COMMITTEE AND INITIATIVE PETITIONS

1. 5/25/83, P. 2, Vogl: . . . Committee should give the Senate District #3 representative voting privileges.
2. 6/22/83, P. 2, Leahy: . . . the largest problems (with the Charter) were associated with interpreting Ballot Measure Six language, which appeared to not have been drafted with the aid of legal counsel experienced in legislative drafting. Expensive litigation was also growing out of those difficulties.
3. 9/7/83, P. 2, Swan: . Sponsors of initiative petitions should be required to clear their petitions with an office similar to legislative counsel to insure correct wording and constitution application.
4. 9/7/83, P. 5, Mosee: . . . there should be a Charter Review Committee every four years.
5. 9/22/83, P. 2, Buchanan: . . . the job of this Committee is to clean up the 1982 Charter amendments.
6. 11/2/83, P. 5, McCoy: This Charter Review Committee should be retained and scheduled systematically -- so that it is not piecemealed.
7. 11/2/83, P. 6, McCoy: . . . hopes that this Committee makes recommendations re: how the Charter Committee members are appointed. She cited the lack of representation in Committee member Leeanne MacColl's district. McCoy thinks that a good portion of the county has been disenfranchised.
8. 11/15/83, P. 7, Gustafson: . . . Multnomah County is unique in that changes in the form of government are taking place without crisis. He urged this Committee to recognize that the county is going to change -- and it should -- and to build a system that makes it possible for it to change. One of the mechanisms is to maintain the commitment to the Charter review on a regular basis -- knowing full well that the job in four years will be substantially different.
9. 11/15/83, P. 9, Gustafson: Thalhofer asked for Gustafson's comment concerning a biennial review of the Charter. Gustafson replied by stating that a biennial review of our governmental



9. (continued) system makes sense -- to the extent that Multnomah County is the only focal point. He agrees that the Charter should be reviewed at least every four years -- if not every two years -- focusing on the county's needs. There is the inner-relationship, Gustafson hopes this Committee also addresses, concerning the changes in other government units. He suggested that this Committee expand its thinking in terms of how this review is conducted.
10. 11/15/83, P. 12, Etlinger: . . . urges this Committee, as part of its recommendations, to encourage that all charters in this region be reviewed. In looking at the public sector, Etlinger mentioned organizing a government streamline commission, with the state's help because the state created the county structure.
11. 11/15/83, Ex. C, P. 3, Kelley: . . . consider as one recommendation an option to reconvene the Committee perhaps even annually until a final reconciliation of services is reached.
12. 12/7/83, Ex. A-4, P. 2, Ryles: . . . as a result of re-apportionment in 1982 when Senate District 3 was created, half in Multnomah County and half in Washington County, the situation now exists that disenfranchises a major portion of Multnomah County residents from being represented on the Committee.

Just as in 1977 the people could not have known what kind of population changes would take place and consequently what new legislative districts would be created by re-apportionment in 1982, we here in 1983 can not know what kind of population changes will take place and consequently what new legislative districts will be created by re-apportionment in 1992.

Therefore, I would encourage this Committee to devise another means of establishing voting memberships on the next Charter Review Committee that will review the Charter in another five to ten year period.

Hopefully a better way of achieving equal representation on the next Charter Review Commission can be found, so that all the citizens of the County can participate fully in constructing the Charter document that all will be governed by.



CONSOLIDATION/"SUPER COUNTY"/ANNEXATION  
DISCUSSION

During the Committee's hearings, much has been said by witnesses on the issues of city-county consolidation, the creation of a "super county," and the annexation or incorporation of the Mid-County region.

While each of these issue areas would have an impact on the county, much of the discussion in these areas is beyond the authority of the Committee.

The Committee, however, has received the recommendation that it may be worthwhile to explore changes in the Charter that might help resolve issues of annexation, consolidation, and incorporation in east Multnomah County. The Committee also has heard that changes in boundaries by charter have a low success rate. The opinion was expressed that the central problem of consolidation in Multnomah County is that the metropolitan area does not fit within delineated county boundaries and these boundaries have a sacrosanct status.

The Committee has heard support expressed for a super-county consisting of the three metropolitan area counties (Multnomah, Washington and Clackamas) and for changing the county boundaries to move the rural areas to Columbia and Hood River Counties. Both concepts would require state legislation. If the Committee wanted to explore these issues, it would do so knowing that its authority would be limited to making recommendations to the legislature.



CONSOLIDATION/"SUPER COUNTY"/ANNEXATION

1. 6/22/83, P. 3, Etter: The issue is raised -- "home rule and consolidation"; -- potential of a "super county" is developing.
2. 6/22/83, App., P. 2, Etter: Consolidation or a federal structure had once been proposed for Multnomah County. It was delayed to allow the legislature to make changes in law required for it to occur. By the time municipal laws were liberalized to permit the federalized structure, the Metropolitan Service District idea had surfaced and supplanted the former idea.
3. 6/22/83, App., P. 5, Etter: . . . consolidation is an issue which keeps appearing largely because of recurring policy questions and that any move toward "super county" status would promote consolidation considerations. The central problem of consolidation in Multnomah County is that the metropolitan area which has developed does not fit within delineated county boundaries, and that those boundaries have a sacrosanct status making it extremely difficult to change them. In any case, changes in boundaries by charter have shown a low success rate.
4. 8/31/83, P. 3, Kane: . . . this (city-county merger) may be discussed in a footnote regarding a "horseback" figure of money to be saved.
5. 8/31/83, P. 3, Phillips: The voters are to decide regarding annexation.
6. 8/31/83 P. 4, Clark: . . . recommended that the three counties become one, have a regional government.
7. 8/31/83, Brummell Letter: There are several annexation proposals flowing from the city of Portland and the city of Gresham about taking over mid east-county. My consensus of public opinion is that mid-county is not interested in annexation, but rather in forming its own city.
8. 8/31/83, Brummell Letter: It is a known fact that county consolidation would save tremendous tax dollars in elected city and county commissioner salaries. We have discussed this in Portland, mid-county, Fairview, Troutdale, and Gresham with a good cross section of people and it is our opinion that such a



8. (continued) proposal would never fly at this time. It is a matter of time, as the economy and tax dollars (inclusive) become harder and harder to get, this subject may be timely to refer. If such were referred to the people it should include no more than five elected Commissioners, the five being elected by district and the others (elected officials) county-wide.
9. 9/7/83, P. 3, Brown: There should always be a county government overseeing activities of the various cities within it (unincorporated or not).
10. 9/7/83, P. 6, Jensen: There should be no regional government assuming the responsibility of Commissioners or other parts of government.
11. 9/22/83, P. 6, Olmstead: . . . favors city-county consolidation.
12. 10/5/83, P. 4, Feeney: . . . the legislature should take up a new vision of government in Portland and would personally like to see the idea resurrected of a 3-county super county, and that would be the provider of human services, transportation, roads, and all of the other law enforcement types of services contracted out to the smaller community.
13. 10/17/83, P. 3, Cease: If there is a new city, the county's role in planning will change because either the new city will do that or the new city will contract it to the county. Over the long haul, it is conceivable that there could be a regional government, which would include Multnomah, Washington, and Clackamas Counties, doing some things. Whether the county (Multnomah County) will change in overwhelming ways in reference to any sort of regional process is unknown.
14. 10/17/83, Ex. A, P. 3, Cogan: In making your judgements, I think you should be aware that a recent poll of residents in the metropolitan region showed that 54% favored consolidation of local governments in Multnomah County. In other words, they favor fewer special districts and fewer cities.
15. 10/17/83, P. 5, Cogan: . . . it may be worthwhile to explore changes in the Charter that might help "resolve" issues of annexation/consolidation/incorporation in east Multnomah County. This Committee might be able to facilitate the resolution of them.
16. 10/17/83, Ex. B, P. 3, Look: The need for improvement in the structure designed for delivery of government services in the Portland urban area is obvious and imperative. This Commission cannot accomplish all of the things that need to be accomplished. The need for incorporation or annexation of the mid-county urbanized area is obvious, but beyond the responsibility and authority of this Commission. The expansion and funding for



16. (continued) regional metropolitan government are also obvious and also beyond the authority and responsibility of this Commission. It is your responsibility to improve the Multnomah County Home Rule Charter, but I would caution you not to take your eye off the ultimate goal of regional metropolitan government for the urban Portland area.
17. 10/17/83, Ex. B, P. 4, Look: Although not a proposed change in the Multnomah County Home Rule Charter, I urge this Commission to include in its report the recommendation to the political leadership of the county that a study be made of changing the county boundaries by state legislation which would move the agricultural, rural areas in the west (Sauvie Island) to Columbia County and the rural, agricultural areas in the east (Corbett area) to Hood River County. These areas are essentially agricultural and rural and require and need county government which would be most efficiently provided by the adjoining counties. It is unlikely that the areas will in the foreseeable future, become urban areas. The balance of the county, principally urbanized areas, probably should be the responsibility of a single metropolitan area government.
18. 10/17/83, Ex. B, P. 10, Look: . . . a single, regional, metropolitan general service government is the long-range solution to local government in the urbanized metropolitan area. I urge you not to propose changes in the existing county government that would frustrate that long-range goal.
19. 10/17/83, P. 7, Look: . . . He would like to see county lines redrawn, but he is not sure where these lines should be. (Counties are Multnomah, Washington, Clackamas.) Look went on to say that with more efficient regional government, the voters/citizens would have more direct access to it than they have to the present form of local government. They do not know who is really governing them now. Look mentioned that Don Clark's three-tier government has a lot of potential.

In response to Kirchner's question regarding city/county consolidation, Look said that it is a good first step which should be updated during the next two years and the recommendations of this Committee can be a catalyst.

20. 10/26/83, P. 3, Dennehy: . . . there should be an urban boundary which would also be coterminous with the boundaries of an urban county. There should be inside wall-to-wall cities (emphasis on the plural) and the county then will become the regional government. Dennehy sees this ten to twenty years down the road.
21. 11/2/83, P. 6, McCoy: . . . advised this Committee to be sensitive to the fact that change is occurring in this county and annexation or a new city is going to have a serious impact on



21. (continued) Multnomah County and its structure, and to perhaps have some recommendations about how this Committee sees Multnomah County providing services if in fact much of the territory is annexed or becomes a new city.
22. 11/2/83, Ex.C-1, P. 2, Blumenauer: If that resolution occurs and we have either a new city or dramatic expansion of Gresham and Portland and perhaps the mini-cities, then the nature of the governance of the county will substantially change. Certainly within three years you will no longer need 11 full-time elected officials.
23. 11/2/83, Ex. D, P. 6, Shadburne: I would like to conclude by stating that I do not support city/county consolidation or powerful regional government. I do support city/county specialization. The citizens have stated many times that they want government that is more accessible and is citizen-oriented. Neither city/county consolidation nor "big" regional government allowsthat; in fact, it is a move in the opposite direction.
24. 11/15/83, P. 4, Strachan: . . . perhaps there should be city/county consolidation. Per Shields' request, she commented that while we are presently dealing with the whole urban services issue and what happens to the unincorporated areas which are really urbanized, we can not totally address them; but perhaps we might want to begin to look at the near future -- five years. Strachan believes that some of the issues in east county may be resolved in less than five years and that we should begin to look at how we provide those best services. She cited Seattle (which is somewhat similar in size) as an example of city/county consolidation. Perhaps we ought to look at why city/county consolidation has failed here in Multnomah County, what does it mean, where are we now on that whole issue?

Strachan stated that her view has been -- on a daily basis -- that she tries to figure out what services make sense to be integrated more closely: on the city side or on the county side. If there is already city/county consolidation, whole numbers of services have already been integrated.

. . . instead of full-time city and part-time county, then perhaps we ought to integrate or consolidate the whole thing.

25. 11/15/83, P. 6 - 7, Gustafson: . . . the concept of county merger is sound. (He commented on the history of this concept.) He cited that (pursuant to his 1977 findings) there will be no county merger because the tax rates are substantially different in each of the three counties in the Portland region. Until those tax rates are more comparable, Gustafson pointed out, there will be no county merger. (In 1977, the tax rate in Multnomah County was six times greater than that of Clackamas County for support of the county services.)



25. (continued)

Gustafson stated that we are still subscribing to the concept that there are things which need to be dealt with on a regional basis: Public transportation, airports, docks, solid wastes, zoo, and the boundary review.

Gustafson feels that we have consciously recognized that cities serve a very important function as the fundamental contact for citizens for services in urbanized areas.

Gustafson said that the question of annexation needs to be addressed. Cities represent a significant part of this concept and a movement toward some type of regionalism is occurring -- it has occurred in that there has been a lot of successful initiatives and efforts to do that.

26. 11/15/83, P. 10, Gustafson: In answering Porter's question regarding any role for city/county consolidation, Gustafson's reply was no. He added that the city/county consolidation issue makes sense for the city of Portland. The difficulty really is whether the surrounding cities are going to remain. There is benefit for these cities to have a local interest. That is really the main issue in city/county consolidation -- how much will the city of Portland provide services outside the city boundaries? It already provides a service outside the city boundaries -- the water system.

Gustafson thinks that while city/county consolidation is a good idea, we have moved beyond that. The annexation proposals are going to resolve some of the problems.

27. 11/15/83, P. 11, Gustafson: Porter asked if Gustafson recommends annexation, to which he replied that he does not want to be in a position of supporting annexation. He feels that all areas within the urban development should be required to be incorporated in a full-service city. He emphasized that there should not be areas being developed for urban purposes that do not have full-service cities -- as long as the city is of a reasonable size, 20,000 to 30,000 people. That is a sufficient size, according to Gustafson, to be able to run an effective city with local services. While there are some problems with this, Gustafson pointed out that the smallness, the closeness to citizens, the maintenance of the neighborhood interest and involvement are valuable.

Gustafson, in his answer to a Porter question, stated that he is indifferent as to whether the Columbia Ridge proposal passes or the city of Portland annexes the Columbia Ridge area -- it has to be incorporated within a city. In the long run, 20 to 30 years, either proposal ultimately will provide the necessary city services in a reasonable way for which those citizens then have a direct choice in how those services will be provided. The logical



27. (continued) form for governmental structure is needed: The city as the basic service provider and the metropolitan area as the provider of regional services.
28. 11/15/83, P. 12, Etlinger: . . . we ought to view this government in a broader perspective -- not one function at a time -- i.e., sewers, parks, library commission, or one geographical area. He recommends talking about a system of government for the metropolitan area.
29. 11/15/83, Ex. B-2, P. 1, Etlinger: Borrowing from the recommendations of local government reform efforts over the last 20 years -- as well as the experience of other areas of the country -- I would propose serious consideration of an integrated three-tier structure. The three tiers would consist of:
- Upper Tier -- -- Metropolitan County to handle area-wide responsibilities;
  - Middle Tier -- -- Six to twelve federated municipalities or cities ranging in size from 75,000 to 150,000; and
  - Lower Tier -- -- General purpose community associations with formal authority delegated by each municipality.

Dividing responsibility for policy-making funding, planning and service delivery would be subject to periodic review and revision. While the initial legal authority of the Metropolitan County in each federated municipality would be defined when their respective charters were adopted by voters, a significant degree of flexibility would be reserved between the municipal and community level. This will allow each municipality to match the delegation of both a decision-making and service provision role to community associations that reflect their diverse capacities, needs and local interest.

30. 11/29/83, P. 6, E. Kimbark MacColl: He stated that he favors the creation of an urban county from within the tri-county region, or a borough system. Such a reform would undoubtedly happen in the distant future unless there is a major catastrophe or scandal -- two elements which bring about great reforms in city and county governments; people lose confidence.

MacColl indicated that there is a very high percentage of owner-occupied homes. Historically, the higher percentage of owner-occupied homes the less chance of any major reform in the governmental structure, other than tax revolts. He continued to state that a larger governmental body does not necessarily provide better service. The number of units in the tri-county area with overlapping authority raises serious questions of cost effectiveness, service efficiency and accountability.



31. 12/7/83, P. 4 - 5, Otto: John Vogl inquired as to whether Representative Otto feels the county's role is diminishing.

Otto responded that the role of the county is changing, If annexation of the east county area occurs, there will be a period where the responsibility of the county will continue because of negotiations on contracts, etc.

32. 12/7/83, Ex. A-3, P. 1 - 2, Farmer: A large county government is not necessarily better government. Annexation procedures have been started by Portland and Gresham toward areas in East County. The unincorporated part in East Multnomah County is urbanized and a smaller county commission will be sufficient, perhaps just three commissioners.

What has amazed me is how County Commissioners and the County Executive work on problems, hear testimonies and come to conclusions to make decisions. I certainly hope that the Charter Review Committee members would study the possibilities for or against maintaining the position of County Executive. Because of the changes which will occur in East Multnomah County, perhaps the body of the County Commission should be dramatically reorganized.



## COUNTY CLERK DISCUSSION

Subsection 6.50 (2), adopted by the people in 1982 as part of Ballot Measure #6, provides:

6.50 The people of Multnomah County shall elect:

- (2) A County Clerk, a District Court Clerk, and a County Assessor, as prescribed by State Law.

The issue before the Committee is whether the position of county clerk should be elected or appointed. (Before Ballot Measure #6, the now elected County Clerk was appointed to the position of Director of Elections.)

Those in favor of retaining an elected county clerk have argued for the elective office to make sure the voting laws and regulations have public account to the voter. The Committee also has heard the opinion expressed that the chief elections officer should be elected if the people feel better having it so.

On the other hand, the Committee has heard from witnesses urging a return to an appointed elections officer. As in the case of the county assessor, witnesses have testified about the need for performing a highly objective job and having a good manager in the position. The Committee also has received the recommendation that Elections should not be cast into the political arena. The Committee also has heard that it will be difficult to attract a good manager who is willing to run for office given the limitation on terms in office, voter approved salary, the prohibition on running for another office in mid-term and the fact that the office is not a policy-making office.



## COUNTY CLERK

1. 8/31/83, Brummell Letter: (an elected position) . . . because we want to make sure our voting laws and regulations have public account to the voter.
2. 9/7/83, P. 2, Swan: County Court Clerk should be appointed.
3. 10/5/83, P. 5, Radakovich: . . . his job of County Clerk should be appointed, not elected.
4. 10/5/83, P. 9, Pearce: Ballot Measure #6 did not set any requirements on either the County Clerk or the County Assessor as (to) what their roles in county government would be. In fact, they are assigned tasks by ordinance by the Board of County Commissioners. The Sheriff personally feels that if this is the situation, then the offices should not be elected because the County Commissioners could assign them as dog catcher or to run the dump, etc. . . . if the Committee feels that these two offices should remain elected, then one of two things should be done:

- Assign that the County Clerk and County Assessor be elected, as the Sheriff's position is, to be operated according to state law, or
- Set down in the Charter under the Home Rule aspects, what those offices should in fact do.

. . . he has no personal feelings about either of those offices as far as whether they should or should not be elected, but just the way they are is not a proper situation nor is it one that lends itself to any responsibility by the officeholder because he is not required to abide by any specific task.

5. 10/17/83, P. 3, Cease: . . . the Assessor and the Supervisor of Elections should not be elected because these positions are really performing (and need to perform) a highly objective job.
6. 10/17/83, Ex. B, P. 5, Look: The electoral process should be used for the selection of officials with a broad policy-making responsibility and authority. The number of elected officials should be kept to a minimum to prevent the problem of voters going to the polls with the duty to vote on a large number of minor officials, without the information on which to form a



6. (continued) valid judgment. A large number of elected officials diffuses the responsibility, confuses the voters at election time, and does not add significantly to the responsiveness of government to its citizens. The County Clerk or Elections Director, should be appointed.
7. 10/26/83, Ex. B, P. 1, Dennehy: . . . the chief elections officer should be elected if the people feel better having it so.
8. 10/26/83, Ex. B, P. 2, Dennehy: The duties of the Clerk and Assessor should be spelled out in the Charter (if only by reference to state law).
9. 10/26/83, Ex. C, Pereyea: That the position of County Clerk be appointive.



## COUNTY COUNSEL DISCUSSION

The County Counsel Section is located within the Department of General Services according to the present county organization chart. There is no reference in the Charter to the County Counsel Section.

The Committee has heard various proposals regarding this office. The Committee has heard witnesses testify that the county counsel should report directly to the county executive and not to the Director of the Department of General Services. The Committee also has heard witnesses testify that the county counsel should be the Civil Division of the District Attorney's Office.

The Committee has heard testimony that the services of the county counsel must be available to the board of county commissioners. The recommendation has been received by the Committee either to return to a general counsel in the District Attorney's Office or in the Charter to allow the board of county commissioners to contract for its own counsel. On this issue the Committee also has heard testimony that additional funding for the county counsel's office has been appropriated to provide one attorney to have liaison with the board of county commissioners.

In view of the annexation or incorporation of Mid-County, the Committee also has heard the suggestion that the number of county counsel administering to those east of the Sandy River be cut in half.

Finally, the Committee also has heard that county counsel has responded whenever the board has made requests and is available to board members when they need him.



COUNTY COUNSEL

1. 8/31/83, P. 2, Phillips: Have the number of County Counsel administering to those east of the Sandy River cut in half.
2. 9/22/83, P. 6, Dunlop: . . . the County Counsel should report to the County Executive and not to the Director of General Services.
3. 10/26/83, Ex. B, P. 2, Dennehy: County Counsel should be the "Civil Division of the District Attorney's Office".
4. 11/2/83, P, 2 - 3, Biskar: Paul Thalhofer posed the question regarding the Board of County Commissioners having access to the County Counsel as the County Executive does.

Biskar stated that whenever the Board of County Commissioners (the Board) has made requests of the County Counsel's Office, County Counsel John Leahy has responded. The Board has recently introduced an ordinance where the County Counsel will receive additional funding so that he can hire people and, therefore, be more responsive to the Board. Biskar cited that one of the conditions of the funding is that there be one attorney from the County Counsel's Office that will do nothing but have liaison with the Board. Biskar stated that he does not know how much the County Executive uses the County Counsel, but the County Counsel is available to the Board members when they need him.

5. 11/2/83, P. 11, Miller: . . . the County Counsel is the backbone of wise decisions made by the Board. The County Counsel needs to be available to the Board when needed and not as a lower agenda item for someone who is hired and fired by the County Executive.

Miller recommends a return to either the old system where there was a general counsel in the DA's Office or that something be put in the Charter that requires the Board to contract out for its own counsel. . . . she recommends having the County Counsel come from the DA's Office. Miller stated that other elected officials need the services of a legal county counsel.

6. 11/8/83, Miller Letter: Some means should be dealt with for providing for counsel for the legislative branch of this government, as well as the other newly elected officials, Sheriff,



6. (continued) Clerk and Tax Assessor. In my own view, the simplest move would be to return that office of General Counsel to the District Attorney's Office.



## COUNTY EXECUTIVE DISCUSSION

### 1. County Executive, County Manager:

(A) Section 6.10 of the Charter provides for the county executive.

The county executive

- (1) shall be the chief executive officer and personnel officer of the county;
- (2) may attend and be heard at meetings of the board but shall have no vote;
- (3) shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, except for the personal staff, employees or agents of the commissioners, auditor, judges and district attorney. Appointment of department heads shall be subject to consent of the board of commissioners;
- (4) shall execute the policies of the board and the ordinances of the county;
- (5) shall sign all contracts, bonds, and other instruments requiring county consent;
- (6) shall prepare the county budget for submission to the board; and
- (7) may delegate his or her administrative powers but shall retain full responsibility for the acts of his or her subordinates.

The Committee has heard much about the position of county executive. Testimony has supported and opposed the present county government structure and the position of county executive.



Testimony in support of the position of county executive has stressed that an elected county executive has a greater level of accountability and invites more public responsiveness than an appointed administrator. The Committee also has heard that in order for the county executive to comply with the public's perception of the office's responsibilities, the county executive should have authority over all administrative departments of government in the county. It has been suggested that the county executive participate in the board of county commissioners' discussion and debate. The Committee also has received testimony in support of a strong county executive or an executive who is politically visible in making political decisions.

In opposition to the present governmental structure and the position of county executive, the Committee has heard testimony in support of an appointed county administrator or manager, and testimony advocating a return to the previous form of county government wherein the chair of the board served as the executive authority in the county.

Those advocating an appointed county administrator have spoken to the need for a professional person who brings professional skills as an administrator to implement policies.

Those advocating the chair of the board serving as the county's executive authority have spoken to the adversarial relationship promoted by the present system's separation of administrative and legislative responsibilities. The opinions that the county chair model was far superior to the current system and that the public was better served when the county executive served on the board as chair have been expressed to the Committee.

Those seeking to abolish the position of county executive have also spoken to the potential cost savings involved.

(B) Subsection 4.50 (1) of the Charter provides:

The board of county commissioners shall promptly fill any vacancy in an elective office of the county.

The Committee received testimony regarding a vacancy in the office of county executive with the recommendation that a vacancy in the office should be filled by special election as soon as feasible.

(C) Checks and Balances: This issue revolves around the position of county executive and the separation of executive and legislative authority and responsibility as contained in



the present structure of county government.

Those in favor of the checks and balances system with a separation of powers have testified that such separation provides an openness and debate, and that debate between the executive and the board is healthy.

A criticism of the checks and balances system heard by the Committee is that reaching consensus is difficult with so many fragmented groups and that checks and balances become unproductive and diffuse responsibility and accountability.

2. Line Item Veto: Section 5.40 of the Charter provides for the county executive's veto authority:

An ordinance adopted by the board shall, within three days of its adoption, be signed or vetoed by the county executive. A veto shall be accompanied by a statement of objections and filed with the presiding officer of the board of commissioners. The board may override a veto by a vote of four members of the board no later than the next regular meeting of the board. The veto power shall extend only to legislative ordinances, and shall not apply to adoption of the county budget.

The Committee has been urged to recommend granting the county executive line-item budget veto authority. The Committee has heard that line-item budget veto authority would promote public debate.

In opposition to granting the executive line-item budget veto authority, the Committee has heard that this form of veto power would give legislative authority to the executive.

3. Boards and Commissions: Section 3.70 of the Charter provides:

- (1) The board may by ordinance create such advisory county boards and commissions as in its judgment the interests of the county require.
- (2) Members of the boards and commissions shall be appointed by the county executive with the approval of the board.



The Committee has heard testimony that the Charter is not clear regarding appointments to state-mandated boards. Clarification has been requested regarding boards and commissions created by state law and those created by county ordinance.

The Committee also has received testimony requesting authority for the legislative branch to be able to make appointments to boards and commissions reporting only to the legislative branch. Legislative appointment authority also has been requested for appointments of board members representing the legislative branch on boards and commissions, instead of having the county executive make those appointments.

4. Administration: Chapter VI of the Charter provides for the administration of county government.

Section 6.10 has been stated previously in this discussion section.

Sections 6.20, 6.30, and 6.40 provide:

6.20 ADMINISTRATIVE DEPARTMENTS.

- (1) For purposes of county services and the administration of county affairs the following administrative departments are hereby established:
  - (a) A department of judicial administration.
  - (b) A department of public safety.
  - (c) A department of finance.
  - (d) A department of records and elections.
  - (e) A department of medical services.
  - (f) A department of public works.
  - (g) A department of public services.
  - (h) A department of administrative services.
- (2) The board of county commissioners shall set these departments in operation by January 1, 1968.

6.30 DEPARTMENTAL FUNCTIONS.

- (1) Except as this article provides to the contrary, the board of county commissioners



- (a) shall prescribe the functions of each administrative department of the county and
  - (b) may change the functions of any of the departments from time to time.
- (2) For the first two years that the county operates under this charter
  - (a) the department of judicial administration shall have the clerical and ministerial functions prescribed by state law for the county clerk, district court clerk, sheriff, and constable with reference to administration of the courts, except the service and execution of court orders in criminal and quasi-criminal cases;
  - (b) the department of public safety shall have
    - (i) the functions of county officers under state law concerning law enforcement, except the service and execution of court orders in civil cases,
    - (ii) custody of persons charged with, or convicted of, violating law, and
    - (iii) protection against disaster; and
  - (c) the department of finance shall have, exclusive of the functions of the auditor prescribed by this charter, the functions prescribed by state law for the auditor, the treasurer, the assessor, and the sheriff as tax collector, as well as the functions of the county concerning management of its property.

6.40 DEPARTMENTAL CHANGES. With the affirmative concurrence of four or more commissioners, the board of county commissioners may

- (1) establish additional administrative departments,
- (2) abolish any such department,



(3) combine two or more such departments into one, and

(4) separate departments so combined,

except that for two years after this charter takes effect the board may not abolish or make any change in the functions of

(1) the department of judicial administration,

(2) the department of public safety, or

(3) the department of finance.

Subsections 6.50 (1) and (2), adopted by the people as part of Ballot Measure #6 in 1982, provide:

6.50 The people of Multnomah County shall elect:

(1) A County Sheriff for the function of said office as prescribed by State Law and he shall have sole administration of all county jails and correctional institutions located in Multnomah County.

(2) A County Clerk, a District Court Clerk, and a County Assessor, as prescribed by State Law.

The Committee has received testimony that sections 6.10 through and including 6.40 should be deleted since these sections, or parts of them, deal with board approval requirements. It has been suggested that administrative reorganization should not be listed in the Charter, rather the county executive should be charged with the responsibility of organizing administrative services in the most efficient, economical way to achieve the policies and services set by the board.

The Committee has also heard that the Chief Executive is perceived by the public as the elected county manager, yet the executive has no authority over police and corrections and very limited policy-making authority. It has been suggested to the Committee that the county executive have authority over all administrative departments of government in the county.

Subsections 6.50 (1) and (2) substantially altered the administrative responsibilities in county government with the elections of the county sheriff, county clerk, district court clerk and the county assessor. The Committee has heard testimony on both sides regarding the elected nature of these



positions. One of the arguments presented, related to this discussion section, deals with the administration of government. The Committee has heard testimony in support of restoring these positions to appointments by the executive. On the other hand, the Committee has been warned about a concentration of power in the office of the county executive.

The Committee also has been urged to look at the City of Portland's structure for administration. It has been suggested that each county commissioner be in charge of one of the county's four departments, leaving the presiding officer of the board of county commissioners in charge of the board's agenda matters. This approach would eliminate the office of county executive.

Another suggestion included in this section was that the county should provide a standing invitation for public comment and input. The suggestion was expanded to urge that policy-makers hear the public's grievances every two or three months.



COUNTY EXECUTIVE REFERENCES' SUMMARY

1. County Executive, County Manager: 1, 2, 3, 4, 5, 6, 7, 8, 9,  
10, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27,  
28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42,  
43, 44, 45, 46, 47, 48
2. Line-Item Veto: 16, 21, 32, 38
3. Boards and Commissions: 11, 34
4. Administration: 12, 14, 21, 25, 28, 32



COUNTY EXECUTIVE

1. 8/31/83, P. 2, Phillips: Have no Executive Officer.
2. 8/31/83, P. 4 - 5, Clark: He now favors a full-time Executive . . . he is for a strong County Executive.
3. 8/31/83, P. 3, Phillips: . . . Multnomah County does not represent checks and balances. He cited that county government does what it wants. Now that there is an elected Sheriff who can be recalled -- this is checks and balances. Elected officials are to answer to the people.
4. 9/7/83, P. 3, Orcutt: Eliminate the County Executive position.
5. 9/7/83. P. 3, Myer: County Executive is not needed.
6. 9/7/83, P. 3, Wehmeier: She would like to see the office of County Executive eliminated.
7. 9/7/83, P. 4, Brown: Eliminate the County Executive office to save at least \$200,000 per year.
8. 9/7/83, P. 4, Stelzenmueller: Eliminate the County Executive which would give way to a rotating of the Chairmanship on the Board of County Commissioners.
9. 9/7/83, P. 5, Mosee: Eliminate the County Executive.
10. 9/7/83, P. 5, Jensen: The County Executive is to be eliminated. He has too much power and has the ability to dictate policy within the governmental structure.
11. 9/22/83, P. 2, Buchanan: There is a technical problem in the appointment to county boards and commissions in that the Charter is not clear regarding state-mandated boards. Now the County Executive has the power to appoint members to boards and commissions created by ordinance. There needs to be some clarification regarding state law and county ordinance. Buchanan recommended an appropriate way would be that an appointment to boards and commissions be made by the County Executive and confirmed by the Board.
12. 9/22/83, P. 3, Buchanan: (Charter) Sections 6.10, 6.20, 6.30,



12. (continued) and 6.40 should be deleted. These deal with Board approval requirements.
13. 9/22/83, P. 3, Buchanan: Separation of power provides an openness and debate. Checks and balances are very important. Political balance between the Executive and the Board means similar powers.
14. 9/22/83, P. 3, Buchanan: . . . administrative reorganization should not be listed in the Charter; rather the County Executive should be charged with the responsibility of organizing administrative services in the most sufficient, economical way to achieve the policies and services set by the Board.
15. 9/22/83, P. 4, Buchanan: . . . an elected County Executive has a greater level of accountability. The County Executive is a symbol or target that the electors look at every four years. An elected County Executive invites more public responsiveness than an appointed administrator.
16. 9/22/83, P. 4, Buchanan: Standard provision of the county manager system is the participation in discussion/debate, which is constructive. Line-item veto by the County Executive promotes public debate.
17. 9/22/83, P. 5, Higgins: . . . recommends the three-tier system of government and agrees with the County Executive regarding the election of the County Executive and the item budget veto.
18. 10/5/83, P. 8, Pearce: Pearce recommends the abolishment of the office of County Executive.
19. 10/17/83, P. 4, Cease: Having a strong County Executive and somewhat of a centralized system may be desirable (although this runs counter to what a lot of people want ).
20. 10/17/83, P. 5, Cease: The action of electing a Sheriff and the other officials reduced somewhat the significance of the County Executive. The elected Sheriff does not only reduce the role, but the responsibility of the County Executive.
21. 10/17/83, Ex. B, P. 6 - 7, Look: The County Executive is perceived by the public as the elected county manager. As a matter of law, he presently has no authority over police and corrections and very limited policy-making authority. He recommends the budget only and does not have a line-item veto. He can veto only ordinances. In order for the County Executive to comply with the public's perception of his responsibilities, he should have authority over all administrative departments of government in the county, as well as line-item budget veto authority. If this Commission is unwilling to present that concept to the voters, then the office should be made appointive



21. (continued) so that the Board of County Commissioners could employ a professional administrator to carry out policies adopted by the Board pursuant to the Board's adopted budget.
22. 10/17/83, P. 8, English: Having an appointed administrator clearly separates what is policy and what is administration.
23. 10/17/83, P. 9, English: In response to a Kirchner question regarding an elected County Executive, English commented that whether the Executive is elected or appointed -- he is to do his job.
24. 10/17/83, Ex. C, P. 3, King: The executive and legislative functions of Multnomah County should be separated. The Chief Executive Officer should be elected at-large and represent the county as its chief political officer. The Chief Executive Officer should be elected for a term of four years. The number of terms he may serve should not be limited. The Chief Executive Officer should be given the veto power over County Board of Commissioners' action subject to a 4/5 override by the Board of Commissioners. If the office of Chief Executive Officer should become vacant, the vacancy should be filled by special election as soon as feasible. The President of the Board of Commissioners would serve in the capacity of the Chief Executive until the election has filled the vacancy.
25. 10/26/83, P. 1, Turnidge: Mr. Turnidge's testimony focused on the citizens' participation in policy and administration details. He believes that there should be a standing invitation for public comment and input. He suggested that policy makers hear the public's grievances at public hearings every two or three months.
26. 11/2/83, Ex. A, P. 5 - 6, Biskar: I believe the public was better served by the system prior to the 1978 amendments, when the county executive served on the board as chairperson. His performance was more visible as one of five commissioners, routinely making decisions in a public forum; the board/chairman relationship also forced better cooperation. Too often, I think, the present system promotes an adversarial relationship between the executive and the board. . . .

My second choice would be the retention of the current system of five district commissioners, except I would favor an appointed rather than an elected county executive. This is no reflection on the incumbent executive; I think he's doing a good job, and he's trying hard to work with the board, rather than against them or around them.

But the county executive is actually the county's manager. Future executives will probably not possess Mr. Buchanan's unique background and training for the job. The public interest



26. (continued) would be better served by a professional, appointed by the board, to manage and operate the county.
27. 11/2/83, P. 5, McCoy: . . . this position might be better served by a professional person who brings professional skills as an administrator. The County Executive is the administrator for the county. When it is an elected position, the fear is that it may become more political than pragmatic and that the person is not necessarily the best administrator for the county, but really the best campaigner. For this reason she would like it securely in the Charter that the County Executive is an appointed official, appointed by the Commissioners who are elected, and, therefore, are accountable.
28. 11/2/83, Ex. C-1, P. 3, Blumenauer: The Sheriff, Assessor and Clerk should be made administrative positions under the direction of a County Administrator and the County Executive should either be designated as the County Administrator or the Board should be delegated to hire a professional manager. . . . The issue is how the government of the future may be more economically and efficiently managed. There will be less politics and policy-related controversy surrounding the County Executive's role within two or three years. These decisions will have been made. If the developments that I have mentioned do occur, then there should be a transition of the County Executive's position at that time. Until then, administrative responsibility should revert to the County Executive and all three of those talented professions, Pearce, Wilcox, and Radakovich, should be retained in their positions as appointed managers.
29. 11/2/83, P. 9, Blumenauer: . . . the County Executive's position is also in a state of transition -- from a chairman of a three-member Board to a strong chairman of a five-member one, with a separation of powers between the County Executive and the administration positions. It may well be that if the extent of county services changes then that may be an appropriate time to have either an appointed Administrator or an elected one or hire a county manager. This may be the time to trigger that, Blumenauer emphasized.
- . . . this transition should be of significant duration -- two or three years -- so that people will know what they are easing into, rather than having abrupt changes. He thinks that the "lead-time" is important to allow a smooth transition. Blumenauer would concentrate on the notion of fragmentation of Executive power at the county.
30. 11/2/83, P. 12, Miller: . . . it (County Executive position) should be left alone. She stated that for efficiency in government spend as little money as possible, then have a Manager and eliminate the County Executive position. Miller stressed that she is not advocating this. She feels the debate between the



30. (continued) County Executive and the legislative branch is healthy. She hopes that this internal debate generates external debate so the public is aware of what is happening.
31. 11/2/83, Ex. D, P. 2, Shadburne: Consistent with our county's political tradition, there should be a limit on a powerful executive office, but not the legislative body, similar to our state and federal governments. Thus, if the office of County Executive is centralized and given more power, there should be a two-term limitation.
32. 11/2/83, Ex. D, P. 4 - 5, Shadburne: . . . the responsibilities of the office were reduced by passage of Ballot Measure #6, mandating the creation of four new elected offices. What I am suggesting to you now is what I was suggesting while running for County Executive, following the passage of Measure 6.

The County Executive serves only as manager of the county, at the cost of \$300,000+ per year. That position could be deleted, and with no additional money, department heads could be assigned to the offices of Commissioners, similar to the City of Portland structure. With five Commissioners and four departments, each of the four Commissioners would then be responsible for a department, leaving the presiding officer in charge of the Board's agenda matters. The policy makers who have to make budget decisions would have a better day-to-day working knowledge of the departments.

Budget cuts and decisions would be more responsive. The end result would be:

- a) Savings to the county by cutting the Executive's office budget;
- b) More responsive administration because the department heads are directly responsible to the elected Commissioners; and
- c) A better-informed Board. Under the existing structure, by its very nature, the Board is at a disadvantage to the executive office because of its lack of detailed knowledge of the inside workings of the departments.

If the executive office is maintained, it should not be given line-item veto authority. This gives legislative authority to the Executive, the county manager.

The Commissioners are elected by the citizens to set policy for the county. The position of a strong County Executive, through the budget, frustrates the will of the people in the policy-making procedure. We've seen examples of this in the Board's vote for a restitution center, which the County Executive did not implement. The funds allocated for that center



32. (continued) were later rebudgeted. Similar problems have occurred in the areas of indigent defense and the community corrections contract.

I am opposed to the use of an appointed administrator. The position becomes very political, and it makes the bureaucracy less responsive to the public, and to the policy makers who are elected..

33. 11/2/83, P. 13, Shadburne: In responding to Thalsofer's question regarding an appointed administrator, Shadburne replied by stating that the departments do not answer to an elected official, they answer to an appointed official. He stated that there comes a point where the elected individual must find out what is happening. If one of the Commissioners has a problem with management, one of the tools used is the press. . . . the County Executive must be concerned about this because he faces election. There is pressure on the administration because the overseer is elected in accordance with our present system. But in an appointed system -- as long as he has 3 or 2 votes -- the Administrator does not have to worry about the general population. Shadburne recommended that this Committee look at Washington County or Gresham regarding their managers.

34. 11/8/83, P. 1, Miller Letter: There should be some provision in the Charter that clarifies that the County Executive has the authority to appoint members to Boards and Commissions which effect overall policy. Those Boards and Commissions, which specifically report only to the Legislative Branch (as for example, the Board of Equalization) should be Board appointments only.

I would also recommend that some language be placed in the Charter so that appointments of Board members representing the legislative branch on Boards and Commissions should be made by that legislative branch and not by the County Executive.

35. 11/15/83, Ex. A, P. 3, Strachan: I also think it is appropriate to continue the elected executive model, even though we have the commission form in city government. I believe that county government profits from a central point of accountability for administrative matters, and I believe that citizens strongly prefer that that individual be accountable directly to them -- and thus be an elected official.

36. 11/15/83, P. 6, Strachan: Thalsofer asked if an elected County Executive would better serve the county than an appointed Executive. Strachan replied by commenting that as long as there are five County Commissioners elected by districts, these Commissioners would not agree on whom to appoint as Executive. Given the five districts and the nature of the electorate, Strachan went on to say that an "appointed bureaucrat" may not work.



37. 11/15/83, P. 8, Gustafson: . . . the County Chairman model that existed for a short period of time, was far superior to the current system. . . .

Gustafson noted that Washington County has chosen now to hire a County Executive to assist in the management affairs. In the case of the Chairman of Multnomah County, the County Executive was not directly hired: There was an Office of County Management which provided more budget/financial services and was clearly the recognized leadership, but there was not a directly appointed executive. These models, particularly government units that have direct services to provide, make more sense, according to Gustafson, than the separation of the Executive and the policy functions that are found traditionally in the legislature and uniquely in Multnomah County and METRO.

38. 11/15/83, P. 13, Etlinger: . . . what is needed is either a strong executive who has, for example, line-item veto power, or an executive who is politically visible in making political decisions. . . . he is in favor of shifting to a part-time council and elevating the authority of the Executive. Having an elected Chairman, who is part of the policy-making board, also has merit, according to Etlinger. He indicated that per his experience a two-headed hierarchy brings confusion and invites political infighting both internally and externally, which is not helpful.
39. 11/15/83, P. 13, Etlinger: . . . if there is accountability over policy he would probably favor the proposal of a county-wide elected, full-time Chairman. Perhaps the rest of the Commissioners could be part-time and have an appointed manager. Etlinger expressed the preference for having the people who are accountable in one body, rather than two bodies of government. He feels that most people would not hold administration as accountable as a person geographically based. If the County Chairman were in charge of administration, that would be just as clear and gain the advantages of accountability, there would not be the confusion of a split/rivalry between the Executive and the Board positions.
40. 11/15/83, P. 15, Kelley: In response to a Thalhoffer question concerning an elected County Executive, Kelley stated that she has no strong opinions about Multnomah County because this county does not have as many representatives as METRO does. METRO has 13 policy-makers. She said that her preference would be to hire an executive officer and to have a strong board.
41. 11/29/83, P. 3, Yee: In view of these experiences, I must agree with Commissioner Shadburne in seeking abolishment of the office of the County Executive. It seems to serve no purpose for the estimated \$300,000 it costs to maintain. There is no response to legitimate citizen complaints, no response to in-house rank



41. (continued) and file complaints, no proper control of management personnel to prevent excesses, and mismanagement of county funds and property. The structure as it now stands seems to be too much of a load for one man or one office to handle. The issue is not merely one of personality, but one of too much power vested in one office.
42. 11/29/83, P. 4, Yee: Carol Kirchner asked if she saw someone's being the Chair, someone in charge. Yee stated that the County Executive's job could be taken over by the Presiding Officer once these departments had been parceled out to the different Commissioners.
43. 11/29/83, P. 5, E. Kimbark MacColl: MacColl indicated that a feature of county government that concerned him, excluding the changes of last year which he did not favor, is the adversarial relationship that is built into the system: The Board of County Commissioners on one hand and the County Executive on the other, each in his own world. This kind of separation of power goes far back in history. While it has some merit, reaching consensus is difficult with so many diverse fragmented groups, and can become unproductive and diffuse responsibility and accountability.
44. 11/29/83, P. 6, E. Kimbark MacColl: The Washington County model with a strong Chairman as a member of the Commission is appealing, though this type does not necessarily ensure effective administration. The County Executive needs to exert creative and imaginative leadership, qualities which cannot be guaranteed by charter.
45. 11/29/83, P. 7 - 8, E. Kimbark MacColl: Frank Shields asked if MacColl felt that the city commission structure was more accountable. MacColl stated he felt the city should stay with a commission form of government; however, he felt he would like to see the Washington County model of government for Multnomah County. He further stated that he did not like the split with the County Executive in his tower and the five Commissioners in theirs with rare meetings. He felt it would be better if he/she had to defend the policies in front of the people who would be charged with their approval.

Kirchner asked how it works in Washington County. MacColl said that the Chief Executive sits in with the Commission, and they have an appointed County Administrator.

Kirchner asked how the County Administrator in Washington County was held accountable. MacColl indicated that he/she was held accountable through the vote -- if 2 - 3 people do not like the person, he/she goes out.

46. 12/7/83, P. 2, Monroe: Paul Thalhofer raised the issue of



46. (continued) whether we should retain the current structure with a County Executive or go to a county manager. The Senator stated that we could go either way and it would depend on political realities. However, he personally does not like the county manager structure.

47. Tanya Collier asked whether there should be a separation of the executive and legislative branches.

In response, Representative Otto indicated he would do away with the County Executive and have a Chairman of the Board elected by the Board itself rather than a rotating Chair.

48. 12/7/83, P. 7, Farmer: In regard to the relationship of the County Executive and the Commissioners, Representative Farmer supports doing away with the County Executive, moving to the structure of a Chairman of the Board.



## DISTRICT ATTORNEY DISCUSSION

A district attorney is a state elected official as provided by ORS 8.610:

A district attorney for each county shall be elected by the qualified electors of the county, at the general election next preceding the expiration of the term of the then incumbent. He shall hold office for the term of four years and until his successor is elected and qualified.

As a state elected official, the Multnomah County District Attorney is not subject to the same eight year limitation on terms of office as the county elected officials.

A provision of the Charter impacting the District Attorney's Office is the section on compensation.

The Multnomah County District Attorney, while paid by the State of Oregon, receives a county supplement. This county supplement is subject to voter approval as a result of the passage of Ballot Measure #6 which contained a provision on compensation, now section 4.30 of the Charter:

The compensation of all elected officers of Multnomah County shall be fixed by the registered voters of Multnomah County at either a Primary or General Election only.



DISTRICT ATTORNEY

1. 9/7/83, P. 5, Mosee: A system of restitution is needed.
2. 10/5/83, P. 12 - 13, Schrunk: Schrunk feels the DA's Office should be elected. . . . as a state elected official, he is not under the same eight year provision as the county elected officials.



## DISTRICT COURT CLERK DISCUSSION

Subsection 6.50 (2) of the Charter, adopted by the people in 1982 as part of Ballot Measure #6, provides for the District Court Clerk:

6.50 The people of Multnomah County shall elect:

- (2) A County Clerk, a District Court Clerk, and a County Assessor, as prescribed by State Law.

If there is any area of agreement in testimony before the Committee, it is that the position of District Court Clerk be abolished. With the reorganization of the state court system, the district court is under the administration of the State Court Administrator, appointed by the Chief Justice of the Oregon Supreme Court.

In the face of the Charter provision creating a District Court Clerk position and the state court system's reorganization, litigation has developed between the County Executive and the incumbent District Court Clerk concerning the salary for the position. The District Court Clerk, in testimony before the Committee, agreed that the position should be eliminated. He also offered suggestions about the offices of county executive and county counsel in their relations with other county officials.



E-197

Endurable Bond

25% COTTON TIGHT

DISTRICT COURT CLERK

1. 8/31/83, P. 2, Phillips: Eliminate the District Court Clerk.
2. 8/31/83, Brummell Letter: While the District Court Clerk position has been taken over by the State of Oregon on a purported statement of better management of the court system, we felt then and still feel, and state law provides, that this position can be contracted to the State of Oregon, and if such had been our current court system would be better managed for the interest of the people, not the court system.
3. 9/7/83, P. 2, Swan: The office of District Court Clerk should be abolished.
4. 9/7/83, P. 5, Mosee: Eliminate the District Court Clerk.
5. 10/5/83, P. 15 - 16, Wood: Wood recommends that the position of County District (Court) Clerk be eliminated. . . .

Wood made the following suggestions:

- (a) That this Committee define the authority of the County Executive vis-a-vis the other county officials. Section 6.10 of the Charter needs to be clarified.
  - (b) That the Charter impose sanctions against any elected official who does not carry out a mandate of the people.
  - (c) That the Charter require the county to provide outside legal representation when County Counsel has a conflict and the matter is one of purely county concern.
  - (d) That this Committee consider recommending that the County Counsel be an elected position, or short of that, that County Counsel be provided a measure of autonomy.
6. 10/17/83, Ex. B, P. 4 - 5, Look: The District Court Clerk has no responsibilities, but does have an assigned, voter-approved salary. That salary is presently the subject of litigation in the Circuit Court. That office clearly should be abolished. The responsibility for clerical support of the State court system



6. (continued) was transferred to the State of Oregon by the 1981 Legislative Assembly. It is absurd to have an elected District Court Clerk with no duties in the county.
7. 10/26/83, Ex. B, P. 1, Dennehy: Everyone agrees the office of District Court Clerk should be abolished.
8. 10/26/83, Ex. C, Pereyea: That the office of District Court Clerk be abolished.
9. 11/2/83, Ex. D, P. 1, Shadburne: . . . the District Court Clerk position should be abolished and the other two offices appointed. The jobs are primarily administrative and require individuals who are professionally trained and experienced and have a technical knowledge. The positions should not become political.
10. 12/7/83, Ex. A-3, P. 1, Farmer: Now that the court function was transferred to the State it seems unnecessary to have a District Court Clerk in the county charter provision. . . .



## ELECTIONS DISCUSSION

1. Ballot Slogans: Chapter 7, 1983 Oregon Laws, eliminated the reference to what are commonly called "ballot slogans" in Oregon.

Subsection 11.15 (3) of the Charter provides in part:

\*\*\* The petition or declaration may contain a statement of twelve words or less of any measure or principles the candidate advocates or of the candidate's qualifications for office and such statement shall appear on the election ballot.

According to his letter of May 29, 1983, to Frank Shields, William Radakovich, County Clerk, stated : "This provision, to the best of my knowledge, will leave Multnomah County as the only jurisdiction in the state with ballot slogans."

He continued: "Ballot slogans are costly, often irrelevant or misleading and amount to campaigning in the voting booth. Multnomah County fully supported their elimination before the Legislature and will appear at least foolish if they are not eliminated from Chapter XI of the Charter."

2. Resign to Run for Another Office: Subsection 6.50 (5) of the Charter provides:

No elected official of Multnomah County may run for another office in mid-term. Filing for another office shall be the same as a resignation, effective as of the date of filing.

This subsection was a part of Ballot Measure #6 adopted in 1982.

The Committee has received testimony that prohibition against mid-term filing has a crippling effect on attracting qualified, competent career political candidates and should be repealed. It has also been suggested that this provision is unconstitutional and that it merits a legal opinion.



The Committee heard testimony that the language should be modified to limit its scope only to filings outside the county. Additional testimony has been presented that this provision stifles the development of leadership and encourages officeholders to resign in the middle of terms.

3. Primary Election Victory:

Subsections 11.15 (4) and (5) of the Charter provide:

- (4) When there are two or fewer candidates for a position, there shall be no primary election for that position. The name or names shall appear on the general election ballot.
- (5) When there are more than two candidates for a position, all names shall appear on the primary election ballot. The two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot.

Concerning subsection 11.15 (4) the Committee heard testimony that it is confusing to the voters for a candidate to appear on the ballot in November without having appeared in the primary election.

Concerning the mandatory runoff provisions of subsection 11.15 (5), the testimony has been mixed, although most witnesses have opposed the mandatory runoff.

Generally those opposing subsection 11.15 (5) have argued that if a candidate receives more than 50% of the vote in the primary election, the candidate should be declared the winner. The Committee has heard that mandating a runoff prolongs the electoral process; whereas without a general election contest for a candidate receiving more than 50% of the vote in the primary, the ballot is simplified and campaign costs reduced. It has also been argued that the Charter should be amended so that it is similar to Portland's City Charter which has no mandatory runoff for a candidate receiving more than 50% of the votes in the primary election.

On the other hand, the Committee received testimony that more people vote in the general election than in the primary and that the Charter should retain the mandatory runoff provision.



It has been argued that the mandatory runoff gets more people involved in the election process and that there is nothing wrong in reconsidering the vote of the primary election.

4. Limitation on Campaign Expenditures: The Committee has been urged to limit campaign expenditures to the amount of salaries officeholders are to be paid.
5. Eight-Year Term Limit, Two Full Four-Year Consecutive Terms, No Limit on Terms of Office: Adopted as part of Ballot Measure #6 in 1982, subsection 6.50 (4) of the Charter provides:

That no elected official of Multnomah County may serve more than eight years.  
This amendment to be retroactive to 1976.

(A) Generally testimony both in support of and in opposition to a limitation on terms of office has been presented to the Committee urging clarification of subsection 6.50 (4) of the Charter. Does the provision apply to a single office or to any and all elected county offices? If the Committee does not recommend repeal of this subsection, the Committee has been urged to clarify its intent.

(B) Testimony in support of a limitation on terms of office has suggested that it is better to have more people with leadership experience and that a limitation encourages new leadership in local government.

Testimony in opposition to a limitation on terms of office has included the opinions that such a limitation discourages qualified candidates from running for office, does not give the public credit to "throw the rascals out," is career-stifling, serves as a disincentive to good people desiring a career in public service, and fails to provide for experience.

The opinion was also expressed that those who have long-term professional careers are an advantage to the community.

(C) The Committee also has received testimony that the limitation on terms of office should be a limit of two full four-year consecutive terms, rather than the "eight year" language of subsection 6.50 (4). Additional testimony has suggested a limitation only on terms served by the County Executive, and that the limitation should be 10 or 12 years in office.



(D) Testimony also has been presented to the Committee in opposition to the clause "retroactive to 1976." The opinion was expressed that this was presented to the voters to remove specific people from office, was probably challengeable as an "ex post facto" law and changed the rules in the middle of the game for county officeholders.

6. Appointment to Office, Special Elections:

The Charter section and subsections at issue in the discussion of "Appointment to Office, Special Elections" are section 4.50, subsection 6.10 (3), and subsection 6.50 (1) and (2).

(A) Section 4.50 of the Charter provides:

- (1) The board of county commissioners shall promptly fill any vacancy in an elective office of the county.
- (2) If the office becomes vacant less than 21 months after the beginning of the term of office of the last person elected to the office
  - (a) the term of the appointee shall run until the beginning of the first odd-numbered year after the vacancy occurs and
  - (b) at the first general November election after the vacancy occurs, a person shall be elected to fill the vacancy for two years.

The board of county commissioners shall by ordinance prescribe one or more procedures by which candidates to fill such a vacancy may be nominated and elected for the two-year term.

- (3) If the office becomes vacant 21 months or more after the beginning of the term of office of the person last elected to the office, the term of office of the appointee shall be the remainder of the term of the office of the electee.
- (4) Persons appointed to fill a vacancy as county commissioner shall not be a candidate for election to that position at the next election following the term of appointment.

Testimony has been presented to the Committee on both



sides of the issue whether to appoint or elect persons to fill vacancies in county elective offices.

Concerning county commissioners, subsection 4.50 (4) prohibits a person filling a vacancy as county commissioner from being a candidate for election to that position at the next election following the appointment. The Committee has heard that this prohibition has a negative effect on attracting qualified persons who may wish to serve for a longer period than the balance of a term. The prohibition, it also has been argued, automatically excludes retention of the person who has learned the job, just as the job ends. It also should be noted that the prohibition against an appointee being a candidate for election applies only to county commissioners, not to any other county elective office.

(B) Section 6.10 of the Charter concerns the County Executive. Subsection 6.10 (3) provides the county executive:

shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, except for the personal staff, employees or agents of the commissioners, auditor, judges and district attorney. Appointment of department heads shall be subject to consent of the board of commissioners.

In view of the Charter amendments adopted in 1982 creating four new elected county officials, the provisions of 6.10 (3) are not adequate to address the present situation. The Committee has been urged to amend appropriately this subsection of the Charter.

(C) Section 6.50 of the Charter was adopted by the people in 1982 as part of Ballot Measure #6. Subsections 6.50 (1) and (2) provide the people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he shall have sole administration of all county jails and correctional institutions located in Multnomah County.
- (2) A County Clerk, a District Court Clerk, and a County Assessor, as prescribed by State Law.

In addition to references contained under each of the four positions as separate issue areas (Sheriff, County Clerk, District Court Clerk, and County Assessor), some of the testimony has been included as general references to elective vs.



appointive offices. Again, the Committee has heard testimony on both sides. In support of elected officials, it has been argued before the Committee that officials responsible to the community at large should be elected and that the people have spoken and feel these should be elected positions.

On the other hand, some of the arguments in favor of appointing these officials include: there is no gain in having those positions elective as often the best people for those tasks do not run for office; purely administrative functions should be left to professional management and technical expertise; and local elective control is no guarantee of cost effective, efficient services because those who run for office are not necessarily the best administrators.

7. District Elections, At-Large Elections, District Residency Requirement and At-Large Elections:

(A) Sections 3.10, 3.15, and 3.20 of the Charter provide for the district elections of the Board of County Commissioners. Section 3.10 sets forth the actual boundaries of each of the five districts. Before setting forth the specific district boundaries, section 3.10 provides:

The governing body shall be a board of five county commissioners, elected from districts as herein established and described. Descriptions for each district are based on block groups and census tracts as employed by the United States Department of Commerce, Bureau of the Census, in compiling the 1980 decennial census.

- (1) Position No. 1 shall be occupied by that Commissioner elected from or appointed to the West District, the boundaries of which are as follows: \*\*\*

Section 3.10 continues with introductory language of each of the remaining four positions located in the North, Central, South, and East districts, followed by the boundary description of each.

Section 3.20 of the Charter provides for the election of county commissioners:

Except as this charter provides to the contrary,

- (1) each member of the board shall be nominated and elected from a district,



by position;

- (2) commissioner terms shall be four years and;
- (3) at each election, of the candidates for position on the board, the one who receives the highest number of votes cast for any candidate for that position shall be the one elected or nominated to it.

As the Committee has heard during its hearings, the issue of district elections for county commissioners contains a number of variations: district elections with or without a residency requirement, at-large elections and district residency requirement with at-large elections.

In favor of district elections generally, the Committee has heard that district elections allow for public accessibility to individual commissioners, make the individual commissioner more accountable, maximize the return on personal effort and minimize the impact of money on elections.

In support of at-large elections, it has been argued that the Board sets policy for everyone, commissioners would have a larger view of the county, and there would be less parochialism and less opportunity for "single issue politics."

As one variation of district elections, the Committee has heard testimony from a number of witnesses urging the retention of districts but having the candidates face at-large elections to gain a county-wide perspective.

(B) Section 3.15 of the Charter provides for the reapportionment of commissioner districts:

Within thirty days after the official release of each federal decennial census for Multnomah County, the auditor shall determine the population distribution among the commissioner districts specified by this charter. If the population of any commissioner district is more than 115 percent of the population of any other commissioner district, the auditor, in consultation with the Multnomah County Elections Division, shall prepare and present to the board of county commissioners, within that thirty-day period, a plan for modifying the boundaries of the districts



so that the population of no commissioner district will be more than 110 percent of the population of any other commissioner district, notwithstanding the delineation of commissioner districts by this charter. The board of county commissioners shall, within 45 days of the submission of the report, alter the boundaries of the commissioner districts as necessary by ordinance to provide for an approximately equal population distribution. Change in boundaries of the districts shall not affect taking of office of a commissioner-elect with respect to the term of office for which elected prior to the adoption of the reapportionment. The auditor shall, as nearly as possible, retain the general geographic characteristics of districts established by this charter.

The Committee has received testimony urging that the reapportionment of district boundary lines be done by the Secretary of State.

8. Partisan, Nonpartisan Elections:

Subsection 11.15 (1) of the Charter provides:

All elective county offices shall be nonpartisan.

In support of the Charter's provision on nonpartisan elections, the Committee has heard testimony that it is good to deal with issues in the elections and not with party loyalties. Since Portland city government is nonpartisan, it has been argued that nonpartisan elections would serve the county well in the future if some form of merger of city and county government were to take place.

Those urging partisan elections before the Committee have emphasized fixing responsibility for the actions of elected officials, as well as generating more interest in the elections from a partisan standpoint.

9. May 1984 Election:

Section 12.70 of the Charter provides:

All amendments proposed by the Committee



shall be submitted to the people of Multnomah County at the 1984 general election.

The Committee has received suggestions that some amendments to the Charter be considered for submission to the people at the 1984 primary election. Section 12.70 of the Charter mandates that amendments proposed by the Committee be submitted to the people at the 1984 general election. In a legal opinion dated December 7, 1983, Richard D. Roberts, Committee Legal Counsel, addressed the hypothetical situation of the Committee's suggesting amendments to the Board of County Commissioners: "It may be argued that the Committee could suggest amendments to the Board and that the Board would have the discretion to submit certain amendments at the May primary. I suggest, however, in that such a procedure would be subject to judicial challenge, the more conservative approach would be to submit all proposed amendments at the general election."

10. Initiative Petitions:

Section 11.30 of the Charter provides:

- (1) Except as this charter or the ordinances of the county provide to the contrary, the voters of the county may exercise the initiative and referendum with reference to county propositions in the manner prescribed by state law.
- (2) In no event may more than 10 percent of the legal voters of the county be required to order the referendum or more than 15 percent be required to propose a measure by the initiative.

The Committee has been urged to require sponsors of initiative petitions to clear their petitions with an office similar to the legislative counsel to ensure correct wording and constitutional application.



## ELECTIONS REFERENCES' SUMMARY

1. Ballot Slogans: 1
2. Resign to Run for Another Office: 2, 12, 16, 26, 30, 42, 46, 49, 50, 56, 59, 61, 67, 80
3. Primary Election Victory: 3, 13, 18, 37, 41, 42, 43, 47, 49, 69
4. Limitation of Campaign Expenditures: 4
5. Eight-Year Limit, Two Four-Year Consecutive Terms, No Limit on Terms of Office: 5, 6, 7, 10, 11, 13, 15, 16, 18, 26, 30, 33, 38, 46, 49, 50, 53, 55, 59, 60, 61, 62, 66, 67, 68, 76, 77, 78, 80
6. Appointment to Office, Special Elections: 8, 9, 14, 17, 19, 23, 27, 29, 37, 39, 40, 42, 44, 46, 51, 58, 63, 64, 66, 71, 74, 76, 77, 79, 80
7. District Elections, At-Large Elections, District Residency Requirement and At-Large Elections: 15, 19, 20, 21, 22, 24, 28, 32, 33, 34, 36, 37, 45, 46, 52, 54, 59, 65, 68, 72, 73, 76, 77, 79, 80
8. Partisan, Nonpartisan Elections: 25, 31, 48, 57, 70, 71, 76, 80
9. May 1984 Election: 35, 75
10. Initiative Petitions: 42



## ELECTIONS

1. 6/13/83, P. 1, Radakovich: Letter suggests the Committee take action to remove ballot slogans from the election form.
2. 9/7/83, P. 2, Swan: Elected officials should not have to resign to run for another office.
3. 9/7/83, P. 2, Swan: The Charter should be changed so that a candidate who receives more than 50 percent of the vote in the primary election be declared the winner.
4. 9/7/83, P. 3, Bassett: He would like to see campaign expenditures limited to the amount of salaries officeholders are to be paid.
5. 9/7/83, P. 3, Bassett: He would like to see the eight (8) year term limit stay -- as cited in Ballot Measure #6.
6. 9/7/83, P. 3, Brown: It would be more appropriate to have no more than two full consecutive terms rather than eight years.
7. 9/7/83, P. 4, Stelzenmueller: The eight-year term should be written in the Charter to say two full four-year terms, not retroactive to 1976.
8. 9/7/83, P. 4, Stelzenmueller: . . . he does not believe in the appointments of any commissioner or sheriff or any other official who is responsible to the community at large.
9. 9/7/83, P. 5, Worthington: . . . the vacancy of any term of office with over two years remaining should be filled by an election.
10. 9/7/83, P. 5, Mosee: Elected officials are to be elected to two full four-year consecutive terms, . . . there should be no appointees. Rather, call a special election which may cost more money but there would be no entrenched machine.
11. 9/7/83, P. 5, Jensen: Elected officials should have two full four-year terms.
12. 9/22/83, P. 2, Buchanan: The provision for an officeholder to resign in order to run for office is detrimental to good



12. (continued) government and simply has not worked. Those seeking political careers will be discouraged from running for county office.
13. 9/22/83, P. 2, Buchanan: The term-of-office limitation discourages qualified candidates from running (especially the last term). . . . The county should amend the Charter so that it is similar to the Portland City Charter in that a candidate receiving 50 percent of the votes in the primary election should not be required to participate in the general election run-off. Presently, the campaigns are longer and more expensive.
14. 9/22/83, P. 2, Buchanan: Vacancies on the Board of County Commissioners should be appointed -- not elected.
15. 9/22/83, P. 3, Buchanan: The terms-of-office should be four years, no limit. Let the voters decide that (limit). Since the Board of County Commissioners is setting policies for everyone, there should be an election at-large (as opposed to district elections). Because the county is operating in a relatively small geographical area, this would be a more representative form.
16. 10/5/83, P. 7, Radakovich: . . . the way the Charter is currently written and (if it) stays the way it is, you will not find anyone who is a good manager who will be willing to run for office. He cited the following reasons:
- Term is limited for eight (8) years;
  - Salary is frozen -- people will not vote for an increase in salary;
  - The elected official can not run for office in mid-term; and
  - It is not a policy-making office. . . . it is a dead-end job politically, the way the Charter currently stands.
17. 10/5/83, P. 5, Radakovich: . . . his job of County Clerk should be appointed, not elected.
18. 10/5/83, Ex. B, P. 3, Pearce: I don't believe that Ballot Measure #6 proponents gave the public enough credit to "throw the rascals out." If an elected official does not satisfy a majority of the voters, they have the obvious recourse to turn that fellow out of office. I would like to make a distinction between administrative and legislative officials, as well. If responsibilities are defined for the Assessor and County Clerk, they would fall into the administrative category, which I think should be considered separate from legislative offices.

A qualified administrator should not necessarily be prohibited from running after two terms merely on the principle that two terms is enough time in that office. Whether the two-



18. (continued) term limit is retained or not is of no personal concern to me as it is my intention not (to) seek more than two terms, and perhaps, not even a second term.

If a candidate receives over 50 percent of the votes in a primary, that candidate should win the seat. It shouldn't be necessary for a candidate who has received a clear majority to also conduct a general election campaign. This simplifies the ballot, reduces some of the campaign din in October, and reduces some of the costs of candidates seeking office.

19. 10/17/83, P. 2, Cease: Such issues as an elected or appointed Sheriff and district-elected or at-large elected Board of County Commissioners are of major importance. Commenting further on the election of the Board of County Commissioners, Cease stated that there is no real answer to the problem. Going the district route would mean that each Commissioner would be closer to the public, while the at-large route would mean the people would have a larger view of the county and its affairs and not just the local area. Cease said that the current district election process is better because each Commissioner does not lose track of the public as he/she would if elected at-large. Cease indicated that a district election process is not without its problems.
20. 10/17/83, P. 4, Cease: . . . as long as the Board of County Commissioners is elected by district, there is easier accessibility to each Commissioner than there is to the County Executive, who is elected at-large.
21. 10/17/83, P. 4, Cease: Occasionally, one will find counties or other parts of government where part of their officials are elected at-large and part elected by districts. The difficulty with that, according to Cease, is that two classes of citizens are created: One elected at-large is "better" than the one elected by district because of the larger constituency of the one elected at-large. Each has a different frame of reference.
22. 10/17/83, P. 5, Cease: Thalhoffer inquired about electing Commissioners county-wide, but requiring them to come from districts. Cease stated that it is a possible compromise, which this Committee may want to review.
23. 10/17/83, Ex. A, P. 3, Cogan: Return to their appointed level the recently created elected positions of County Clerk, District Court Clerk, Assessor, and Sheriff. All but the Sheriff are purely administrative functions, as you know.
24. 10/17/83. Ex. B, P. 7, Look: The Board of County Commissioners, since 1979, has been elected in single-member districts. Each Commissioner is presumably more responsive to the views expressed by the citizens in his or her district than he or she is to the views of citizens of the county expressed by residents in other



24. (continued) districts. The political reality is that east county has one representative, and the rest of the county has four. It requires a majority of three to adopt policy or budgets in the county. It is my view that it is in the best interests of the county to revert to the at-large election of County Commissioners. This would have the effect of minimizing the opportunity for "single issue" politics, requiring all Commissioners to be responsible to and represent the whole county. Also, it would facilitate the future restructuring of city-county government in that both governments would have the same form of representation.
25. 10/17/83, Ex. B, P. 7, Look: All of the Multnomah County elected officials are presently elected on a nonpartisan basis. I have heard valid arguments on both sides of this issue. I personally prefer nonpartisan officials in county government. My reasons are twofold: First, I would prefer to see persons become candidates for county offices who are committed to serve in local government as a part of their professional career rather than candidates who may wish to use county office as a stepping stone to higher state or federal office. Second, I see in the future some form of merger of city and county government. City government is now nonpartisan. Partisan county government might very well hinder or even prevent that necessary merger.
26. 10/17/83, Ex. B, P. 8, Look: The same 1982 amendments placed an eight-year limitation on all elected officials in Multnomah County. The question continues to be unresolved whether that limitation applies to a single office or applies to any office. That ambiguity needs clarification if that provision is to remain in the Charter. However, I urge its repeal. It is difficult enough to attract qualified, experienced people into local politics in Oregon today without such a career-stifling limitation. In addition, the second one-half of the eight-year term would be spent with the full knowledge that votes and actions taken would not be the subject of a political campaign and election decision at the next general election. The prohibition against mid-term filing has the same crippling effect on attracting qualified, competent career political candidates and should be repealed.
27. 10/17/83, Ex. B, P. 9, Look: The prohibition against persons appointed to fill vacancies in elected office has a negative effect on attracting qualified persons who may wish to serve for a longer period than the balance of the term to which they were appointed. That prohibition should likewise be repealed.
28. 10/17/83, P. 8, English: At-large election of Commissioners is better than district because there is less parochialism and disagreements.
29. 10/17/83, P. 8, English: The county government should not



- 25% COTTON FIBER
29. (continued) have any other elected officials. Looking at public safety issues, most of the decisions are budget ones made by the Board of County Commissioners, not by an elected Sheriff or District Attorney.
  30. 10/17/83, Ex. C. P. 2, King: Limiting an elected official to eight years and precluding the official from running for higher office, do not reward the person who has done a good job. These requirements serve as a disincentive to good people who desire a career in public service, and who may wish to try for higher office.
  31. 10/17/83, Ex. C, P. 3, King: County elective offices should be nonpartisan.
  32. 10/17/83, Ex. C, P. 4, King: The boundaries of commissioner districts should be set by the Secretary of State.
  33. 10/17/83, P. 9 - 10, King: Frank Shields asked about the (Charter) retroactive (date) element. King replied by stating that the citizens wanted it. He said to at least take it from the first day forward and that this retroactive provision is not a good idea. The quality of the job is important and King does not agree to having an eight-year term limit. King, in response to Tanya Collier's question regarding the boundaries of commissioner districts being set by the Secretary of State, stated that he proposes having an independent, outside official. According to King, there is the possibility of gerrymandering. It is the job of an outside source like the Secretary of State to set boundaries.
  34. 10/17/83, P. 10. King: Florence Bancroft posed a question regarding the Commissioners' living in a district and being elected at-large. King stated that the Chamber of Commerce supported it in an attempt to answer the public's cry for more responsive government at the time. He thinks that if the Commissioners are elected at-large it is pretty hard for them to be defeated -- there is a much better chance of staying in office when a Commissioner is elected at-large rather than by district. People are more cognizant of what their representative does.
  35. 10/17/83, P. 10, King: Shields asked about having ballot measures in a May election. King stated that it would be a good idea not to have so many issues on one ballot and to spread ballot measures out a little bit. King noted that if there is to be an election in May, various interest groups should be given adequate time to look at the issues.
  36. 10/26/83, P. 1, Hoffert: Ms. Hoffert emphasized the importance of area representation of elected officials. In response to Bancroft's question about districting with at-large elections, Hoffert stated that she is not in favor of at-large elections.



37. 10/26/83, Ex. B, P. 1, Dennehy: Clarify the lines of authority between elective offices. Don't change the districting. Fill vacancies under the current system or with a "winner take all" election -- do not return to the old system. Keep the mandatory run-off.
38. 10/26/83, Ex. B, P. 1, Dennehy: The language on limitation of terms may need clarification.
39. 10/26/83, Ex. B, P. 2, Dennehy: Sec. 6.10 (3) should be amended to reflect the new elective offices under Measure #6.
40. 10/26/83, P. 2, Dennehy: Responding to another Debnam question which referred to Ballot Measure #6's being readdressed at some point -- taking each item independently, Dennehy said no. The Board of County Commissioners had refused to do this and he feels that the opponents of Ballot Measure #6 should invoke the initiative process. The role of this Committee (and future ones), according to Dennehy, is not to give people an easy way to amend the Charter. There is a way available at all times to amend the Charter. Dennehy wants to think in terms of trust of government. If people are told to vote on this (Ballot Measure #6 readdressed issues) for a third time Dennehy thinks that this Committee's credibility is at stake. He feels that good proposals could be damaged if people have to vote on Ballot Measure #6 again.
41. 10/26/83, P. 3, Dennehy: Dennehy responded to Ann Porter's comment regarding an official who wins more than 50 percent of the vote in a nonpartisan election in May having to run again in November -- by citing that (as an issue in 1978) the election takes place in November when more people turn out to vote. It gives that dissatisfied person a way of expressing that dissatisfaction by voting for the opponent even though the opponent does not have a chance; it gets more people involved in the election process rather than leaving the ballot blank. Dennehy has not heard any substantive reason against it. He sees nothing wrong with having the electorate reconsider that vote (for a candidate who won 51 - 52% of the vote) in November -- and it may get different results. Dennehy thinks of this as trying to get to the will of the people. He cited one election in which up to 80% more people voted in November than in May.
42. 10/26/83, Ex. C, Pereyea: That County Commissioners not have to resign in order to run for another office, and that a Commissioner who has been appointed to fill a vacancy on the Board be permitted to run for election to that position. . . . (this refers to any elected office, 10/26/83, P. 4)

That a candidate for an elective position who receives more than 50 percent of the vote in a primary election be declared the winner.



42. (continued)

That sponsors of initiative petitions be required to clear their petitions with an officer similar to the legislative counsel to ensure correct wording and constitutional application.

43. 10/26/83, P. 4, Pereyea: . . . a candidate with less than 50 percent of the vote would be in a runoff election.

44. 10/26/83, P. 5, Pereyea: Responding to Debnam's question regarding an advantage an appointed incumbent may have over a challenger in an election, Pereyea stated that an appointed incumbent would not have an advantage and he should not be disqualified simply because he had been appointed. According to Pereyea, there is always the assumption that voters will judge on performance, not promises.

45. 10/26/83, P. 5, Goldstein: . . . recommends that this Committee look at who does the redistricting and who does the reapportioning if there is no change in the number of districts. He questions the Auditor's expertise in drawing lines for redistricting/reapportioning and feels this Committee should question this. Goldstein feels it might be more appropriately in the hands of those at County Elections.

46. 11/2/83, Ex. A, P. 3 - 5, Biskar: Realistic limitation on the terms of elected officials seems an idea whose time has come. I support an eight-year limitation, but I think the intent should be made clear: The limit should be on each elective office, not on total county service. I also think it would be appropriate to put the limit on consecutive terms; to permit a person to run again for the same office after the person has been out of that office for at least the length of the term.

I would strongly urge your recommendation to repeal the 1982 amendment which prohibits county officials from running for another office in mid-term. I simply don't think the public interest is served by placing a near-impossible hurdle before qualified officials who may wish to run for higher office. The prohibition also gives pause to qualified persons in the private sector who might consider running for county office.

The 1978 amendment, which prohibits a person appointed to a commission vacancy from running in a subsequent election for that position, is the one I have the most difficulty in viewing objectively. I was aware of the restriction when I sought and accepted the appointment, and I have to abide by it. But I think it's a mistake, because it automatically excludes retention of a person who has learned the job, just as the job ends. . . .

Although special elections are expensive, the Committee might also consider the elective process for filling vacancies, particularly if the district system is retained. I'm told the



46. (continued) cost for a county-wide election is currently about \$120,000, so the cost for a district special election would be about \$30,000.00.
47. 11/2/83, Ex. A, P. 6, Biskar: You should also recommend the repeal of the unique runoff election requirement passed in 1978. It unreasonably prolongs the electoral process and, in reality, is probably more beneficial to an incumbent than to a challenger.
48. 11/2/83, P. 5, McCoy: Partisan/Nonpartisan offices: . . . it should be partisan; there would be more interest generated and more people interested from a partisan standpoint. Since the city is nonpartisan, there is also some merit in having both these jurisdictions have the same requirements.
49. 11/2/83, P. 6, McCoy: The eight-year limitation has merit not in terms of one's full-term service throughout the county, but in terms of each position.

(That) no elected official of Multnomah County may run for another office in mid-term is an unconstitutional issue on which a legal opinion should be obtained. McCoy feels that it does not limit the potential leadership of people who see for themselves the possibility of a different office and of making a contribution.

For a candidate to appear only on the ballot in November (election) is confusing to people and needs to be clarified, according to McCoy. She stated that also a person who wins 51 percent of the primary vote should not have to campaign in the (November) general election.

50. 11/2/83, P. 7 - 8, McCoy: Thalhofer commented on the eight-year term limit for the Commissioners and that there are those who feel that the 1982 amendments were aimed more at personalities than at structure.

McCoy said it is a matter of personal choice -- as long as citizens approve of those who are elected, the elected officials should continue to serve. McCoy commented that the eight-year limit has some merit because in that time a great deal of changes occur. The needs continue to escalate, especially in an urban area, and resources continue to dwindle from both the federal and state levels. To have all these proliferations of jurisdictions means, McCoy believes, that we are spending more money than necessary on administration, and that we could redeploy those funds if we did not have so many levels of government. When it is considered that 68 percent of Multnomah County consists of the city of Portland, McCoy noted that there is a lot of duplicating of services which could be more cost-effectively implemented if there were not all those layers of administration to deal with. In terms of what that has to do with a person running for office, McCoy commented that if there



50. (continued) is that much change there is also a number of people who have different perceptions which allows them an opportunity to run. McCoy thinks that in a democratic society people have a choice of choosing whom to elect.

John Vogl asked for clarification of point #5 (mid-term run for another office) on the Charter changes of 1982.

McCoy emphasized that people should feel free and be free to run whenever and however the law allows and the electorate should have the opportunity to vote for or against an incumbent or a new person in any position.

Shields asked McCoy to interpret point #4 re: Ballot Measure #6: Eight years in office or eight years in terms of county service ?

McCoy stated that it is not for her to interpret. She feels that those who initiated that measure (eight-year term limit) were not clear. She believes this was more in terms of personality than structure of county government. McCoy suggested repealing this eight-year limitation, then this Committee would not have to consider it.

51. 11/2/83. Ex. C-1, P. 6, Blumenauer: In recent years in order to deal with changing county priorities and budgets, Public Safety and Assessment and Taxation have absorbed staff reductions. These have been reductions that have been crafted, in large, by the managers because they were responsible for their job to a higher elected official in job performance, budget and support for a county-wide scheme. I will state flatly that the reducing of positions on the part of A & T and the converting of command positions to patrol deputies probably never would have taken place if elected officials had been in charge.
52. 11/2/83, P. 10 - 11, Blumenauer: . . . as long as we have our present system it is better to have the district representation. He thinks it allows for accessibility. He admitted that there are lots of problems with district representation in terms of getting people to run and the potential for log-rolling. Blumenauer thinks that in the short term, the accessibility is probably more important because of the local concerns of the people. As long as we have the mixture of services, Blumenauer would urge continuation of individual districts which makes the individual Commissioner more accountable and accessible. Blumenauer commented that if the county goes over that mechanism where the urbanized unincorporated area is taken care of by cities (via a new city or annexation) then at-large representation may be considered.
53. 11/2/83, P. 11, Miller: . . . supports the limitation of office and feels that it is better to have more people who have leadership experience. Miller thinks there needs to be clarification of retroactivity.



54. 11/2/83, P. 12, Miller: . . . she thinks districting is a good thing in that it gives her a sense of ownership. Running county-wide would be an onerous task. She commented on the bad points of districting, such as an opportunity to be parochial.
55. 11/2/83, Ex. D, P. 2, Shadburne: I am opposed to the eight-year limitation for Commissioners and other elected officials of the county for the reason that it is harder to encourage and keep candidates in office that represent the general welfare. It is easier for special interests to recruit candidates for elective office, where candidates change but policies don't. It is my understanding that the sponsors of this limitation changed the Charter to remove specific people from office. I disagree with that process for making change; I feel that is the people's responsibility through the electoral process.

Each Commissioner, including myself, is affected by the retroactivity clause. While some legal experts have stated to me that this clause is probably challengeable in a court of law as an "ex post facto" law, I would instead challenge Multnomah County citizens on their sense of fair play. What this amounts to is changing the rules in the middle of the game.

An additional effect has been that because East County pushed for a district representative, a special election was held in 1979 for an 18-month term. Now District 5 is the only district being penalized by this limitation.

56. 11/2/83, Ex. D, P. 2, Shadburne: This section (6.50 (5) -- running for office in mid-term) should be modified to limit only filings for offices outside the county. Prudence would suggest that if you have an individual with a background in county service, it is to the county residents' advantage to utilize that experience by allowing him to file for another office within the county. Additionally, it is of benefit to the public to encourage more candidates in a race, allowing a greater choice. The limitation decreases the likelihood of qualified officeholders running for other office.
57. 11/2/83, P. 14, Shadburne: . . . he prefers nonpartisan elections: It is good to deal with issues -- not with party loyalties.
58. 11/15/83, Ex. A, P. 3, Strachan: I would recommend a minimum number of elected officials. While it may be appropriate to have an elected sheriff in county government, I do not believe that you should have an elected district court clerk, elected county clerk or elected tax assessor. Those are purely administrative functions that should be left to professional management and technical expertise. The public gains nothing by having these officials elected, because they have little, if any, political latitude: Their jobs are dictated by local law,



58. (continued) state law and federal law.

59. 11/15/83, Ex. A, P. 4, Strachan: I believe that some citizens in the county lost when county commissioners were elected by sub-districts. That is, instead of all five commissioners representing all constituents, each represents only a 20% piece of the total constituency. I believe that east Multnomah County lost in this bargain, even though it appeared that east County fought hardest for its own district. The result, however, has been that east County has one vote, not the potential for five.

My recommendation to you would be to find a happy compromise. And it would be to require that all commissioners run on a county-wide basis, but that they live in one of the five sub-districts. In other words, have a residency requirement, but elect your commissioners county-wide. This approach would result in broad representation on the board of commissioners, yet also would recognize that most of what county government does is of county-wide concern and importance.

Finally, I think it might well be appropriate to have a two-term, or eight-year, limit on service in any one elective capacity, but I certainly would not recommend that you limit an individual to eight years of total elective service in county government. I think the community would lose a great deal if experienced and successful commissioners were prevented from running for county executive, or for county auditor, or vice versa.

I also believe that it is very short-sighted to prevent an officeholder from seeking another office while still serving in one position or another. Again, I believe that thwarts the natural and proper tendency for good elected officials to progress up the ladder to more responsible public positions. I believe we would stifle the development of our leadership with such a poorly conceived proposition. We all know that the public is perfectly able to determine whether a person has paid his dues in his current position, or earned the trust to graduate to another position.

60. 11/15/83, P. 3, Strachan: Paul Thalsofer asked about the structure/personality factor -- why would Strachan favor limiting the County Commissioners to two terms? Strachan cited the fact that twice the people have voted to have two terms; therefore, let that be. However, she is amenable to compromise solutions.

61. 11/15/83, P. 8, Gustafson: Regarding the limitation of office, Gustafson cited two aspects: (1) He feels that while it is fine, he does not support it. He believes that those who have long-term professional careers are an advantage to the community. (2) More important is the prohibition from running for another office, which in fact encourages an officeholder to resign. He mentioned the County Commissioner's office as the



61. (continued) potential training ground for the County Executive's office.
62. 11/15/83, P. 13, Etlinger: . . . there ought to be a limitation of office term to encourage new leadership in local government: Maybe two terms in the same jurisdiction so that if an officeholder performs commendably in the eyes of the voters, these voters should have the option of promoting the officeholder to another jurisdiction. Etlinger noted that this eight-year limit ought to be legally clarified.
63. 11/29/83, P. 5, E. Kimbark MacColl: . . . in observing the operation of governmental bodies over a period of time, he has become less concerned with the details of structure per se. His concern is with the quality of people who serve and their reasons for serving. He indicated that the important feature of structure was the degree of accountability built into the system. He stated that any person holding office, elected or appointed, must be clearly accountable to the public for actions taken or not taken.
64. 11/29/83, P. 6, E. Kimbark MacColl: MacColl stated that local elective control was no guarantee of cost effective, efficient services because those who run for office are not necessarily the best administrators.
65. 11/29/83, P. 6, E. Kimbark MacColl: (He suggested) district representation, where a Commissioner represents a district but is elected county-wide.
66. 11/29/83, P. 7, E. Kimbark MacColl: (He is) opposed to limits on terms of elected office. If there were a limit, it should not prevent an incumbent from seeking another county office. Present restriction is ridiculous and simplistic and fails to provide for experience, which is important.

Return to appointive officials, except for the District Attorney, judges, Auditor and Commissioners. . . .

. . . the Charter could put positions made elective by the people a year ago back as appointive. There is no gain in having those positions elective as often the best people for those tasks do not run for office. One of the problems is that people have to go out and raise their own money and in the process create a great deal of personal debt. Money is the name of the game. Another problem is one of name familiarity: Voters have mistakenly voted in candidates whose name was the same as someone else with whom they were familiar. So, some positions are better filled by appointment. Those who do the appointing must be held accountable. There must be a way by which concerns channel on up, i.e., an ombudsman or troubleshooter.



67. 12/7/83, Ex. A-1, Monroe: On the State level the top three executive positions are limited to two four-year terms but there is no such limit on the legislative terms. I would recommend following that precedent in Multnomah County: Limit the County Executive to two four-year terms, but do not limit the other county officials.

I believe we need to encourage the best candidates to run. The present prohibition acts as a deterrent; therefore, I recommend removing the requirement that an officeholder resign before filing for another office.

68. 12/7/83, P. 3, Otto: . . . he feels districting is good. In regard to the eight-year limitation, Otto feels if districting is done away with, the two-term limitation should be kept. However, if the district system is continued, forget the two-term limitation. Otto expressed opposition to the residency requirement. He feels if you end up with a residency requirement, every ten years you have to redistrict the area. Additionally, the only reason the residency requirement is in the Charter is to protect the incumbents.
69. 12/7/83, P. 3, Otto: As regards the voting procedure, Otto stated that despite the fact that a person may receive a majority in the primary, he would still prefer seeing the runoff because the majority that person may receive may not be that large of a majority and conditions can change in the November election. (Otto emphasized that he supports a runoff.)
70. 12/7/83, P. 3, Otto: . . . he would like to see the elections changed to partisan elections. This issue failed by one vote in the last Charter review period. Otto supports partisan elections because he feels it does fix responsibility, (party responsibility) and it makes the elected official a little more responsible, especially in the Oregon State Legislature, and it could be true in Multnomah County also.
71. 12/7/83, P. 4, Otto: . . . Assessor, County Clerk, should not necessarily be elected because their positions are administrative. State law mandates what they have to do; therefore, they have very little latitude. However, if people feel they want to elect those positions that is fine. He stated that he feels, however, that the County would probably end up with more qualified people if those positions were appointed rather than elected. If elected, those positions should be nonpartisan.
72. 12/7/83, P. 4, Otto: Carol Kirchner raised the question of keeping districts. One thing that comes to mind, she feels, is it does pinpoint responsibility. However, you need three votes on the Board of County Commissioners to get something passed. Even though the Commissioner representing a district can go back to his constituents saying he had their



72. (continued) interests at heart and did try to represent them, he may not be able to do so. Therefore, does it actually serve to get something done? For example, East County -- how much more has gotten accomplished since it has had its own Commissioner?

Otto responded by saying that he does not feel that anything less has been done. Additionally, even though a Commissioner is elected from a district, that Commissioner is a County Commissioner serving all of Multnomah County. Commissioners should have a broad view of the county.

73. 12/7/83, P. 5, Mason: Representative Mason ... feels that representation by districts is good. Districts maximize the return on personal effort and minimize the impact of money on elections.
74. 11/7/83, P. 5, Mason: ... we should make other positions (Assessor, Clerk, District Court Clerk) appointed rather than elected. . . .

Speaking to the limit on terms and resigning when filing for another position, Mason opposes 8-year limitation and feels that elected officials should not have to resign to run for another office.

75. 12/7/83, Ex. A-2, Leek: #2. I feel it is appropriate to have any vote on proposed changes at the November election, when the public will have had a full chance to study them, and they will not be clouded with the primary campaign or the sales tax special election.
76. 12/7/83, P. 6, Leek: Leek supports partisan races. He feels that this Committee should not get involved with the limitation on terms.

Paul Thalhofer raised the question of how to fill vacancies on the Board.

Leek responded by stating that they should be filled by appointment.

Florence Bancroft questioned Leek's position on the residency issue.

Leek supports residency within districts.

77. 12/7/83, Ex. A-3, P. 1, Farmer: . . . As to whether the sheriff, county clerk and assessor should be elected or appointed, the people have spoken -- they feel these should be elected positions. People were upset -- the feeling was that elected officials would be held accountable while people appointed to the



77. (continued) positions could care less. Politicizing the positions was yet another concern.

I have the feeling a mistake was made in requesting county officials to serve eight years. Situations arise where this provision could be damaging. A more proper way would be two full terms. . . . I do like commissioners to be elected from districts rather than at-large. People resent being without representation -- someone from across town deciding issues of importance, for example, to East County.

78. 12/7/83, P. 7. Farmer: Frank Shields asked Farmer to clarify her statement on the issue of two full terms.

In response, Farmer stated that you could have a position where a Commissioner is elected for a partial term to begin with (i.e., two years), then is re-elected for a full four-year term. This limitation would then hurt that individual's chances for election to another term as that term would be limited to two years. She feels a clarification is needed to indicate two full terms in fairness to an individual who is elected for a partial term initially.

Paul Thalhofer questioned the Representative on her position in relation to the issue of retroactivity to 1976.

Farmer indicated she has spoken to her constituents on this question; her personal opinion is that she does not support retroactivity.

79. 12/7/83, P. 8, Mosee: Mosee testified in support of abolishing districts, going to three Commissioners, establishing criteria of CPA or four years accounting experience for Auditor, keeping the Sheriff elected, and making County Counsel part of the District Attorney's Office.
80. 12/7/83, P. 8, Grenfell: . . . he opposes districts, feels compensation for elected officials should not be fixed, thinks the Sheriff should be elected (partisan election) with functions possibly being separated, opposes election of Clerks, Assessor, and Auditor. Additionally, he feels eight years is too severe; limitation should be 10 - 12 years. He is unsure about resigning when filing for another office, feels residency complicates the issue, supports lobbyists, and feels Commissioner Biskar went in knowing he could not run for that position at the end of his term -- and should go out knowing it.



## HOME RULE DISCUSSION

The Committee had an initial presentation by Orval Etter discussing home rule for counties. Mr. Etter served as the general counsel to the Home Rule Charter Committee of Multnomah County when that Committee proposed the Charter to the voters in 1966.

No witnesses have appeared before the Committee recommending that Multnomah County repeal its home rule charter.



## HOME RULE

1. 6/22/83, P. 3, Etter: . . . home rule grants a county self-determination based on provisions of its charter. Statutory home rule appeared in 1973 when the legislature granted ordinance authority powers to general law counties. He stressed that, without a charter, that authority can be withdrawn by the legislature at any time.
2. 6/22/83, App., P. 3 - 4, Etter: . . . at the same time counties were established, home-rule-like provisions were allowed. Tradition has allowed the counties to elect their own officers and determine the location and size of their courthouses, both decisions which would be left to the central authority under English conventions. . . .

Urban problems developed outside city boundaries and while cities had been shown to be an effective way to handle such problems, state law did not allow cities to annex newly developed urban areas at their discretion. By the 1950's, the success of municipal home rule suggested that similar provisions for counties may pose a solution to the unincorporated urban area situation in the state. The subsequent apparent link between urban issues and county home rule can be seen in the absence of any home rule counties east of the Cascades.

3. 6/22/83, P. 3, Etter: Issue is raised: The economy and implications on home rule.
4. 6/22/83, App., P. 4, Etter: . . . although the economy's impact on collected taxes and how they were administered was dramatic, . . . home rule was flexible enough to address the challenge.
5. 6/22/83, App., P. 6, Etter: . . . Porter asked if home rule would be necessary as the county withdrew from its municipal services delivery role. Mr. Etter responded that home rule had been sought before urban service questions arose. It was pursued because people wanted a more flexible county government and improved local administrative structure. Historically, the commission form of government and the managerial form appeared at the same time, and both wanted home rule. As improvements in city government appeared through municipal home rule, it became attractive to seek similar flexibility for counties.



6. 9/7/83, P. 5, Jensen: She is not in favor of the fact that the Home Rule Charter gives the county the right to approve new taxes without the vote of the people.
7. 9/22/83, P. 4, Buchanan: . . . Home Rule for the county retains autonomy -- as opposed to General Law counties. Home Rule works effectively within its context.
8. 10/5/83, P. 6, Radakovich: Radakovich believes in Home Rule form of government.



## LOBBYIST DISCUSSION

Subsection 6.50 (3), adopted by the people in 1982 as part of Ballot Measure #6, provides:

Multnomah County shall not employ  
or hire a paid lobbyist.

The Committee has heard testimony in support of this provision on the basis that a lobbyist is not needed; and since the position was voted down, it is not to be rewritten in the Charter. Support was expressed for having the county commissioners monitor the legislature and then pass on the information to individuals to lobby.

On the other hand, a large number of witnesses have appeared before the Committee urging the Committee to recommend repeal of this provision. Witnesses have testified that lobbyists are a resource providing information to legislators and that Multnomah County is restricted more than any other government in the state, if not the country, by virtue of the lobbyist prohibition.

The Committee also has heard that not having a lobbyist drastically reduces the county's ability to represent local interests in the state legislature; without a lobbyist the county's citizens have a very limited ability to influence state fiscal and statutory changes which may increase costs and reduce the effectiveness of their local government.

The Committee also has received testimony that the lobbyist prohibition severely limits the county in arguing its needs before the legislature.

Witnesses have also testified that the lobbyist prohibition is one of the most pernicious changes in the Charter, and that the Charter language should cite the county's intent in having a lobbyist.

Other suggestions to the Committee include changing the reference in the Charter from lobbyist to another description, (although state statute would still refer to the function as a "lobbyist"), and having the county join a regional association for lobbying.



## LOBBYIST

1. 9/7/83, P. 2, Swan: A paid lobbyist should represent the county's interest.
2. 9/7/83, P. 3, Meyer: County lobbyist is not needed.
3. 9/7/83, P. 4, Stelzenmueller: Having no lobbyist is here to stay since it was voted down, not to be rewritten in the Charter. He is not opposed to having the Board of County Commissioners represent the county at the state level with regard to special interests. He clarified that he would like to see monitoring, not lobbying, by the Board of County Commissioners and have the Board pass on the information to individuals to lobby.
4. 9/7/83, P. 6, Swan: . . . it takes full-time monitoring of the legislature and that lobbyists are monitors as well. Lobbyists are a resource.
5. 9/22/83, P. 2, Buchanan: Lobby restriction should be appealed. Why should the county be restricted more than any other government in the state from not being able to represent its vote in the legislature?
6. 10/5/83, Ex. B, P. 3, Pearce: The elimination of the lobbyist position drastically reduces Multnomah County's ability to represent local interests in the state legislature. Without a lobbyist, county citizens have a very limited ability to influence state fiscal and statutory changes which may increase costs and reduce the effectiveness of their local government.
7. 10/5/83, P. 9, Pearce: He recommends that the provision of having a position of County Lobbyist be offered to the voters. Also perhaps having language in the Charter citing the intent of the lobbyist.
8. 10/17/83, P. 3, Cease: . . . prohibition against the use of a lobbyist does not make any sense and that this Committee may easily recommend to change this.
9. 10/17/83, Ex. A, P. 4, Cogan: . . . I suggest you eliminate the ridiculous prohibition on employing a paid lobbyist which was another charter change approved last year. Multnomah County needs strong representation at the legislature and this restriction



9. (continued) shortchanged us all.
10. 10/17/83, Ex. B, P. 8, Look: Approximately one-third of the total operating funds of the county government come from state and federal sources. The conduct of the Oregon State Legislature dramatically affects the county government each legislative session. Prohibition against a paid lobbyist makes no sense whatsoever in the world of real politics. It should be repealed.
11. 10/17/83, P. 9, English: Precluding a paid lobbyist is essentially wrong.
12. 10/17/83, Ex. C, P. 2, King: The prohibition of the county's hiring a paid lobbyist should be lifted. The County Executive and the County Commissioners simply do not have the time to handle this function.
13. 10/17/83, P. 10, King: In response to Thalhoffer's question regarding the Commissioners' lobbying in the legislature to fill up their spare time during the legislative session, King stated that part of a lobbyist's job is to get to know the legislature -- and this takes years. He does not think a Commissioner would be effective as a lobbyist.
14. 10/26/83, P. 4, Dennehy: In answering a question from Parsons regarding the lobbyist, Dennehy stated that there ought to be 19½ lobbyists from Multnomah County -- 6½ Senators and 13 Representatives in the legislature. Dennehy mentioned that Multnomah County pays a fee to the AOC (Association of Oregon Counties) who has a lobbyist looking at county as county. Multnomah County has five Commissioners and an Executive who should free themselves, according to Dennehy, when there is a big issue to go personally to the legislature to lobby the big issues (along with the Department Chairpeople). While Multnomah County does have its representation, a monitor is needed. Dennehy recommends that this Committee talk and listen to the citizens and try to get what motivated that part (prohibition of the lobbyist) of Ballot Measure #6 and address that issue -- thus meeting the needs of Multnomah County. Dennehy proposes that there be compromise language regarding the lobbyist in the Charter.

Dennehy, responding to Debnam's question, stated that indeed the main functions of a lobbyist are to provide information to the legislature and to be a watchdog for the elected officials. There is no assurance that a good job was done this past year without a lobbyist in the legislature. Dennehy feels that a general-purpose lobbyist is not as knowledgeable as a specialist (for example, with regard to Project Health.) He also feels that this Committee must look for compromise and give people the impression that the lobbyists are not working against the people.



15. 10/26/83, Ex. B, P. 1, Dennehy: Seek compromise language on the lobbyist.
16. 10/26/83, Ex. C, Pereyea: That the county have a paid lobbyist to represent its interests.
17. 11/2/83, Ex. A, P. 3, Biskar: This (Lobbyist Prohibition) was one of the most ill-advised amendments. The prohibition severely limits the county in arguing its needs, particularly before the Oregon Legislature. It should be repealed.
18. 11/2/83, P. 2, Biskar: Chad Debnam referred to the prohibition of a lobbyist issue -- what has been hurt by not having a lobbyist for Multnomah County?

Biskar answered by citing that the Board of County Commissioners is considering a Bancrofting process for a part of the expense for putting in the sewers in mid-county. The Bancrofting is available to the citizens of mid-county up to the property line. From the property line up to the house the citizen must pay for it in cash. Biskar stated he will introduce a resolution to the legislature that they consider Bancrofting. If the Board of County Commissioners were allowed to have a lobbyist who has technical knowledge that goes along with presenting a Bancrofting issue before the legislature, it would be very helpful. . . .

19. 11/2/83, P. 6, McCoy: Not to have a paid lobbyist is one of the greatest errors made and should be repealed. McCoy stated that in this particular legislative session there was a loss by the county's not having a lobbyist. . . . the lobbyists are people who are knowledgeable about the issues and take the time to share with the legislators so that their decisions are based on the best available information. McCoy emphasized that Multnomah County ought to have a paid lobbyist.
20. 11/2/83, Ex. C-1, P. 6 - 7, Blumenauer: Let me conclude by sharing my feelings about one of the most pernicious changes, the prohibition of a paid lobbyist for Multnomah County. It is a distinct disservice to the people of Multnomah County. The provisions of the charter amendment literally forbid anyone who is in the hire of Multnomah County from doing any sustained legislative contact. To the best of my knowledge, Multnomah County is the only jurisdiction in the United States that is disenfranchised before not just the legislature but Congress, state agencies, and other local government jurisdictions. Why are we the only governmental or private group that is unable to have professional coordinated representation? I have a suspicion as to why and it has nothing to do with the merits of lobbying per se.

. . . a single legislative voice is essential. The last



20. (continued) legislative session could be described as "damage mitigation," pure and simple. We survived simply because so many of our legislative friends went out of their way to help us and because we had an extraordinary coordinator who went out of her way to do her job.

It was achieved at tremendous cost. Things that could have been better coordinated at the county, information that could have been more effectively communicated and work that could have been done on more fronts was curtailed because of the requirement to so carefully record hours and because it was so much harder to assemble a position.

If you do nothing else other than clarify ambiguities in the existing structure and give the voters a chance along with your strong recommendation to delete this pernicious charter provision, you will have made your tenure worthwhile.

21. 11/2/83, P. 11, Miller: . . . she feels strongly about the loss of the lobbyist for Multnomah County and encourages this Committee to recommend to repeal it.
22. 11/15/83, Ex. A, P. 5, Strachan: . . . For Heaven's Sake be sure the county can protect its interests in Salem and in Washington, D.C.: Approve a lobbyist function -- however you may wish to limit or structure it -- in county government.
23. 11/15/83, P. 8, Gustafson: . . . the lobbying issue is one which this Committee should take seriously. He cited the effort to gain \$5.6 million for sewer funds for the force main at Inverness to provide for south shore sewer capacity. It cost \$15,000 to lobby -- Multnomah County was not a participant in that contract -- METRO paid about \$5,000. He stated that it is important to communicate effectively with the legislature for whatever programs there are.
24. 11/15/83, P. 11, Gustafson: . . . a lobbyist in the public sector already is controlled by public law sufficiently to assure that there is no excess money being spent for whatever reason people might oppose. Gustafson stated that the key to county government is that a good portion --  $\frac{1}{2}$  of the cost or more -- of Multnomah County is cost by the state law and by state-mandated services. The inability of the county to effectively communicate those costs to the major counties in Oregon is a significant loss and causes some problems for the jurisdictions. As long as we charge the legislature with writing the laws, etc., it is important for the county and its interests to be represented effectively.
25. 11/15/83, P. 13, Etlinger: . . . in the Twin Cities, the cities and counties have formed regional associations for lobbying, rather than doing so strictly through their state associations.



25. (continued) Etlinger feels that this region may want to produce some cost savings and shared agendas prior to legislative sessions so that the cities and counties of this region begin to take a collective voice. Although the county should still have the option of having a lobbyist, there may be some areas where lobbying expenses can be shared between the jurisdictions. . .
26. 11/29/83, P. 7, E. Kimbark MacColl: County needs a lobbyist in Salem (perhaps with another title) because half of the cost of county government is related to services mandated by the state.
27. 11/29/83, P. 9, Busse: Busse asked, "What is lobbying?" For the public sector lobbying is the conveying of information. The kind of information is of a managerial/public policy nature, which legislators depend on. People ask how we have suffered by not having a lobbyist this year. Laws are made through a participatory process with many people involved. Therefore, it is difficult to determine how different the outcome on an issue is as a result of one person's not being involved. What can be said is that the county has a diminished role this year. Lobbying is the education of your legislators, making them conscious of and sensitive to what local government problems there are. With a probable 40 percent turnover in the legislature next year the need for a lobbyist is greater. With the large number of issues to be addressed, legislators' staff depend upon lobbyists for information. In conclusion, public sector lobbyists provide a key function; in the short-term they provide information on bills that the legislative Assembly doesn't have the capacity to do, and we may lose influence over some bills. In the long-term we have uneducated legislators, and approximately one-third of the bills introduced affect Multnomah County government. Busse stated that lobbyists are the only ones who can analyze and bring the point of view of the only really major urban county in the state into the legislative process. Public sector lobbyists do not spend money entertaining officials, and this should be made public.

Roger Parsons stated that the term "lobbyist" itself is problematic. Should this Committee change the title of the position, i.e., Legistative Liaison. Perhaps also the job description should be more precise (as in Busse's statement) so that people don't have fears of the lobbyist's using county money to entertain.

Busse stated that Parson's concerns have merit; however, changing the name does not change the game. The lobbyist would still have to register as a lobbyist with the Ethics Commission and it would be a less direct approach. If the name were changed there would have to be statutory changes to ensure that the Legislative Liaison complied with the lobbying requirements of the Ethics Commission.



28. 11/29/83, P. 9, Busse: Porter asked why the position had been eliminated.

Busse stated that in her opinion there were two reasons:

- (1) It was part of a larger ballot measure and a number of people voted for it for other reasons;
- (2) The initiators of the charter amendment said they put it in because the county was lobbying a bill in Salem of which they did not approve.

Her response to the latter was that bills which have been initiated or sponsored by Multnomah County have always gone through the public hearing process.

29. 11/29/83, P. 10, Busse: Debnam asked Busse to describe her experience this year in intergovernmental relations without a full-time lobbyist.

. . . last year she (Busse) registered as a lobbyist, coordinated the effort, was available and conducted unimpeded conveying of information. This year a considerable amount of time was spent documenting the number of minutes people actually talked with legislators, trying to get the elected officials down to Salem and basically keeping people under 16 hours -- it was a policing role.

Debnam asked if Busse felt this was a good use of taxpayers' money. Busse replied in the negative.

30. 11/29/83, Ex. A, P. 1 - 2, Busse: . . .

When the amendment passed in 1982 the County adopted an ordinance establishing legal guidelines for county employee communication on legislative matters. There were no clarifying definitions in the amendment, and because it passed by initiative, there was no history of testimony or legislative intent. There was no similar prohibition attached to any local government in this state nor to our knowledge, upon a local government anywhere in the United States. Since the ballot language was our only legal guidance and it was open to various interpretations, we turned to state statutes governing registered lobbyists. We presumed that if no employee exceeded the threshold spending of 16 hours or \$50.00 per quarter on legislative matters, (and met the other criteria) we would be excluded from registration requirements, and therefore not considered an employer of a lobbyist. Subsequent procedures were drawn to monitor all county employees' communications on legislative matters, and to keep each employee within the 16 hour per quarter allowance.



30. (continued)

PROCEDURE NARRATIVE:

1. Any employee wishing to communicate with a State or Federal elected official or his/her staff on a legislative matter will direct the request to the IGR division for approval.
2. The IGR division will determine the appropriate course of action in consultation with the originating department.
3. If the originating department employee initiates the contact, he/she will report back to the IGR division the substance of the communication and the time, date, and cost of the communication for compliance with charter provisions.
4. If the IGR division director initiates contact, he/she will document the required information for charter compliance and report back all relevant information to the originating department employee.
5. All subsequent communication verbal or written on the same matter is subject to steps (3) and (4).
6. All communication written or verbal received by a County employee on a legislative matter must be reported to the IGR division within 5 working days.

EFFECT:

There is a great diversity of interest groups active before the legislature. When lobbying is properly conducted those various points of view come together much like presentation of evidence in court and ultimately new laws reflect the balance of those interests. When one or more interests are not represented, the risk of poorly drawn legislation increases.

It is difficult to pinpoint in any participatory process where the exclusion of one point of view may have altered the outcome. The effect will be cumulative, as less information is transmitted, fewer legislators will be familiar with our specific concerns. In 1981 we participated in over 400 bills under consideration, in 1983 we participated in approximately 200 bills. If the ballot amendment stands, Multnomah County will become a minor participant in the legislative process, cautious and selective in the information it conveys to legislators when the issues dealing with state-local governments are becoming increasingly complex.

31. 12/7/83, Ex. A-1, Monroe: Multnomah County needs a full-time lobbyist in Salem. Counties are creations of the State. Many county services are mandated by the State and subject to State



31. (continued) regulations and funding. Multnomah County can not rely on the Association of Oregon Counties for lobbying because the interests are not always or even usually the same. The people of this county will be short-changed if a strong voice is not present in Salem.
32. 12/7/83, P. 2, Monroe: Roger Parsons asked Monroe the question of whether changing the title of the lobbyist to something else might make the position more palatable. Monroe responded by saying that the term could be changed, and it might make some people more comfortable with the position; however, people will probably continue to call the person a lobbyist.

Frank Shields posed a question concerning whether the Senator has seen any abuses by lobbyists.

In response, Senator Monroe stated that he has worked with public lobbyists in the past, i.e., League of Oregon Cities, Association of Oregon Counties, etc. The public lobbyists have been very professional and at least as competent as private lobbyists, if not more so.

33. 12/7/83, P. 3, Otto: Representative Otto feels very, very strongly that we should have a lobbyist for Multnomah County in the Oregon State Legislature for several reasons. First, a lobbyist provides valuable information to committees and individual legislators. When individuals presented information to his committee on behalf of the County, he assumed that person was reflecting Board policy. Additionally, individuals have commented to him that it is the responsibility of the state legislators to call the County Commissioners seeking their opinions. Otto indicated he has more important things to do than to poll five commissioners and get five different answers. The role of the lobbyist is to provide information to the state legislature, individually and in committee; and to provide information to the Board of County Commissioners. In response to the issue of "freebies," i.e., meals, drinks for legislators paid for by lobbyists, Otto indicated that he has never received even a free cup of coffee from a lobbyist; usually, it is the other way -- with his providing refreshments for the lobbyists. In summary, Representative Otto feels Multnomah County is being shortchanged by not having a lobbyist. As a closing example, he cited that last session his committee repealed over 500 ORS's relating to county government with no direct input from Multnomah County.
34. 12/7/83, P. 5, Mason: With regard to the lobbyist, Representative Mason feels that a lobbyist for Multnomah is absolutely essential.
35. 12/7/83, Ex. A-2, Leek: #3. I feel it is imperative to remove the ban on a paid lobbyist.



## REVENUE BONDS DISCUSSION

Subsection 8.20 (2) of the Charter provides for revenue bonds:

The board may issue and sell revenue bonds only for purposes and in amounts authorized by the voters of the county.

In 1978 the voters turned down a proposed amendment recommended by the previous Charter Review Committee to repeal the above provision. The 1978 Committee proposed substitute language on revenue bonds which would have permitted the board, by ordinance subject to referendum, to authorize the issuance and sale of revenue bonds.

The Committee has received testimony both in favor of and opposed to resubmitting to the voters the question of allowing revenue bonds without the bonds' being authorized by the voters. In favor of issuing the bonds without voter authorization, the Committee has heard that the City of Portland and the Port of Portland possess this financing tool and the county should have it as well. Opposed to this approach, testimony has been offered not only recommending that the Committee not resubmit the question to the voters, but also suggesting that the language be tightened to prohibit creative debt instruments such as lease-back arrangements entered into by the county.

The Committee also has heard testimony that new legislation passed on revenue bonds would have an impact on whether this Charter provision should be retained.



## REVENUE BONDS

1. 10/17/83, P. 8, English: The provision regarding revenue bonds requiring a vote of the people makes them not quite revenue bonds and is not the way to do it if one wants revenue bonds.
2. 10/26/83, Ex. B, P. 1, Dennehy: Do not resubmit the question of revenue bonds without a vote of the people; rather tighten the language to prohibit "creative" debt instruments.
3. 10/26/83, P. 3, Dennehy: Responding to Thalhofer's comment on lease-back instead of revenue bonds, Dennehy referred to the county's \$1½ million commitment with which the county had to pay for a computer and furniture. He cited that while the county was reviewing its budget in March of 1983, it (the county) then wished it had the money to spend on other things.
4. 11/2/83, Ex. A, P. 6, Biskar: I believe you should resubmit the bonding issue to the voters. The board should have the flexibility to move without undue delay, where public financing is necessary to serve a public need. The city of Portland and the Port Authority possess this tool; so should the county.
5. 11/2/83, P. 5, McCoy: . . . there is new legislation that would have an impact on whether that should be continued or not.



SALARIES OF ELECTED OFFICIALS  
DISCUSSION

Section 4.30 of the Charter, adopted by the people in 1982 as part of Ballot Measure #6, provides for the compensation of the county's elected officials:

The compensation of all elected officers of Multnomah County shall be fixed by the registered voters of Multnomah County at either a Primary or General Election only.

Testimony before the Committee has focused on three options: (1) retaining the present language, (2) having the board of county commissioners set salary levels, and (3) having an independent commission recommend salary levels to the board for action.

Testimony in support of the present provision spoke to allowing the people to vote on salary raises for elected officials. The opinion was expressed that the voters should continue to approve compensation until they show they are too irresponsible to handle the task.

The Committee also has heard testimony urging that salary-setting should be done by the board in an open, public process.

Additional testimony recommended the establishment of an independent salary commission. This commission would gather data and make recommendations to the board of county commissioners for board action. The opinion was expressed that the commission could serve several jurisdictions with pooled resources and joint appointments.



## SALARIES OF ELECTED OFFICIALS

1. 8/31/83, P. 2, Phillips: . . . the salaries (raises) were to be voted on by the people. This would keep the people voting on salary raises for elected officials. Mr. Phillips commented that a raise in salaries is not warranted because the assistants do all the work.
2. 9/7/83, P. 2, Swan: The salaries of elected officials should be recommended by outside professional consultants, with final approval by the Board of County Commissioners.
3. 9/7/83, P. 4, Worthington: . . . the county could get by with five (5) unpaid or drastically reduced salaries of the Board of County Commissioners.
4. 9/22/83, P. 2, Buchanan: Salary-setting should be set by the County Board of Commissioners in an open, public process.
5. 10/5/83, Ex. B, P. 2, Pearce: The present mechanism puts an undue burden upon elected officials in determining equitable salaries. An appointed Salary Review Commission with the ability to study salary equity, conduct public hearings, and make recommendations to the Board of County Commissioners would reduce the politics of salaries.
6. 10/5/83, P. 13, Schrunk: . . . salary-setting ought to be done by a Citizens' Committee, not by the voters.
7. 10/17/83, Ex. B, P. 9, Look: Ballot Measure 6 required that the compensation of all elected officials in the county be fixed by registered voters at a primary or general election only. While this provision may discourage the expenditure of monies for what might be considered excessive salaries, it is more likely to result over the years in inadequate salaries being paid to political officeholders in the county. The objection to the previous method of fixing the compensation of elected officials by the Board of County Commissioners in the budget process may very well have been valid. I would recommend that an independent salary commission be established for the purpose of recommending, at budget time, salaries for all elected officials and possibly some of the high-ranking appointed officials. Paying inadequate wages is not a way to save money.



8. 10/17/83, P. 8, English: Having the Board of County Commissioners' salaries approved by voters is not good. A politically astute county administrator would appoint wisely for the Board approval.
9. 10/17/83, Ex. C, P. 2, King: The requirement that salaries be set by a vote of the people can be very disruptive. What happens when the people vote the proposed salary down? Is it reasonable to expect that the elected officials will wait for the next primary or general election to then see if they are to be paid? We believe salaries should be set by the Board of County Commissioners.
10. 10/17/83, Ex. C, P. 4, King: The Board of County Commissioners should set the salaries of all county elected officials.
11. 10/17/83, P. 10, King: . . . he does not think the Portland Chamber of Commerce would oppose a salary commission to set the salaries of the Board of County Commissioners.
12. 10/26/83, Ex. B, P. 1, Dennehy: Compensation for elected officials should continue to be approved by the voters, at least until they show they are too irresponsible to handle this delicate chore!
13. 10/26/83, Ex. C, Pereyea: That outside professional consultants be used to determine the salaries of elected officials, with final approval by the Board of County Commissioners.
14. 10/26/83, P. 4 - 5, Pereyea: . . . regarding professional consultants to determine the salaries of elected officials, Castagna asked: Who appoints what members to any panel of professional consultants or to a blue ribbon panel? In her response, Pereyea stated that the Portland League of Women Voters did solicit the opinions of various individuals in local government, but the type of expert was not discussed, although one of the articles presented dealt with possibly using a union scale (officials within the union) as a guide.
15. 11/2/83, Ex. A, P. 2 - 3, Biskar: Compensation is probably the most controversial issue. But I think the 1982 ammendment, which requires salary levels be approved by the voters, unfairly impacts public officials. At best, it means their compensation will always suffer from a considerable time lag. I would prefer a return to the prior system, where officials set their own salaries but had to answer to the voters for any abuses. However, I doubt if the voters will be willing to support a straight repeal. But they might support a repeal tied to the establishment of a salary review board or commission.
16. 11/2/83, P. 5, McCoy: . . . on the surface it (1982 amendment on salaries) sounds like a good idea, but it really is not. . . . people know less about their county government than about



16. (continued) other levels of government, and, therefore, are in less of a position to know what these positions are worth. The idea of having an impartial panel review the comparability of this county's Commissioners and those in other jurisdictions of similar size makes a lot of sense. McCoy thinks that it is one that ought to be pursued so that there is some basis on which some salaries are established -- and not by popular vote. McCoy stated that she has no problem with the fact that after the panel makes a recommendation that people have an opportunity to approve or not to approve it. To have someone arbitrarily determine the salaries of elected officials is not desirable.

17. 11/2/83, P. 8, McCoy: Robert Castagna posed a question regarding who would comprise a blue ribbon panel which would suggest a salary ordinance to the Board. McCoy answered by stating that there had been a proposal regarding this blue ribbon panel: Several jurisdictions, who would be concerned about the same kind of thing, would get together, pool their resources, and appoint the committee jointly so that the research would be available to all of the Commissioners.

McCoy said that this panel would need CPA's, an economist, a former elected person -- not necessarily from Multnomah County, a current elected official from the state, someone from higher education. The panel would consist of 5 to 9 members (sufficient). McCoy stated that she hopes one of this Committee's members would serve.

18. 11/2/83, P. 13, Shadburne: Vogl asked for a recommendation of how compensation of county officials would be done. Shadburne mentioned an independent board or commission and getting neighborhood groups involved. The concern is to get as close to the people as possible.

19. 12/7/83, P. 6, Mason: Paul Thalsofer wondered by whom Mason thinks salaries should be set for the county's elected officials.

In reply, Representative Mason recommended some type of separate commission to determine salaries; salaries can be repealed by the voters if they do not like the levels set.



## SERVICES AND TAXES DISCUSSION

The concept of form following function has been mentioned at a number of committee hearings during the past four months. The question before the Committee in this issue area is how do the services provided by Multnomah County affect its structure and its Charter.

(A) The Committee has heard testimony on the issue of the "urban services subsidy." On one hand, the concept of the subsidy has been attacked as a "red herring"; on the other hand, the subsidy issue has led to budget reductions in urban services such as police protection. This reduction in services has sparked the circulation of an initiative petition amending the Charter to provide a minimum level of police protection in unincorporated sections of the county. The Committee has heard testimony, however, urging the Committee to reject any proposal to establish minimum policing levels in the county. The Committee also has received testimony that the Charter should provide that essential basic services can not be cut without a vote of the people.

Another suggestion presented to the Committee is that perhaps some language calling for consolidation of services as the preferred method of service delivery be inserted in the Charter.

(B) The issue of citizen involvement and its possible inclusion in the Charter has been discussed before the Committee. Support was expressed for inclusion of such a provision so that citizen involvement would be out of the purview of any official who could use it for political purposes. The suggestion was made that a charter provision for an ombudsman might be satisfying for citizens prone to initiative petitions. A cautionary note was expressed that if an ombudsman position were created, the Charter should set forth the role and responsibility of the position.



## SERVICES AND TAXES

1. 6/22/83, P. 3, Etter: Issues raised -- tax policies and urban subsidy actions; home rule and urban subsidy actions.
2. 6/22/83, App., P. 1 - 2, Etter: . . . Thalsofer raised the point of Multnomah County's decision to divest itself of an urban service role. Mr. Etter stated that this reflects a political decision and represents the county's decision not to exercise its full range of powers. When this discussion arises, the county role is examined first in terms of functions and then in terms of aspects of functions. As an example, he cited police services delivered by a county as being a function with numerous aspects. Distinguishing between municipal and county divisions with respect to those aspects is largely arbitrary and subject to political decisions. As attempts to make these distinctions become a public process, the topic of city-county consolidation generally arises.
3. 6/22/83, App., P. 3, Etter: As developed in the United States, the county was closer to the state than was any other agency. . . . That status still prevails, and is reenforced by the state home rule charter provision enacted in 1958. That amendment states that counties have all the duties and powers called for by state law, a provision not applied to municipalities under home rule. . . . Counties were largely established to administer the ad valorem property tax for the state. The state requires a list of property, someone to assess the value of that property, and someone to portion the land on the basis of its value. This administrative role still exists.
4. 6/22/83, App., P. 5, Etter: Shields asked if by providing differential tax rates, the urban subsidy questions could be resolved and pressure to create a new city would fade. Mr. Etter saw this as an attractive solution, but a difficult one. The complexity of setting values on the differing tax rates and then convincing the public to vote for them has generally been overpowering.
5. 8/31/83, P. 3, Phillips: . . . the county should eliminate all services except roads and park maintenance and police and fire protection . . . roads could be contracted to city due to the small population. If annexation, Fire District #10 would be a different system. . . . Corrections may be covered by the



5. (continued) cities involved. Each city should have its own corrections program (jail system). If the county has the jail then the taxpayers are paying.
6. 8/31/83, P. 3, Phillips: . . . Parsons inquired about East County's being subsidized by the city of Portland. Phillips cited that this is a "red herring" political issue. If the services are used, then pay; if not, do not pay.
7. 8/31/83, P. 4, Clark: . . . government has the ability and the responsibility to mitigate the system for those who can not pay and who are excluded from the mainstream of life. He stressed that society is to be educated and must have health care. . . . the system is responsible to keep all people well and it is appropriate for the government to intervene.
8. 8/31/83, P. 4, Clark: . . . cuts in the Sheriff's Office are atrocious. The Sheriff's Office is a police agency which is to protect the people and solve their problems. The Sheriff does not assume a crime, which is a different policy from that of the Police Bureau. This is the difference between a "Volmerian" philosophy of law enforcement as used by the Sheriff's Office and the "Parkeran" theory used by the city and articulated in its leadership. Clark emphasized that the county is in the health care business and has been since 1854. He said that the state should be the only one to control the sentencing of criminals and the jails.
9. 9/7/83, P. 3, Orcutt: . . . Charter should provide that essential basic services (e.g., fire and sheriff protection) can not be cut without a vote of the people.
10. 9/7/83, P. 3, Orcutt: Such essential services as libraries, elections, and sheriff should be kept within the county. Human services should also be kept within the county. Parks, undecided, perhaps have a user fee.
11. 9/7/83, P. 4, Worthington: The Committee should not only consider urban and rural services but also a third level, suburban, which is Mid-County.
12. 9/7/83, P. 5, Worthington: He suggested area-wide service districts with elected officials for each. These special districts would include the libraries, fire, police, zoo, and transportation. Have the people decide on the level of services rendered.
13. 9/7/83, P. 5, Mosee: Department of Justice Services is not needed.
14. 9/22/83, P. 2, Buchanan: . . . municipal services are primarily neighborhood police patrol, neighborhood parks, planning, permits, and zoning. Resolution A would phase out municipal services over a three (3) year period.



15. 9/22/83, P. 3, Buchanan: He emphasized the need for the county to get out of municipal services and to provide sewerage.
16. 9/22/83, P. 4, Buchanan: . . . there is a problem with regard to the jails: There is not a clear definition of their role between the state and county. He recommends the Committee's looking at the state take-over of sentenced prisoners. . . . High on Buchanan's agenda is reviewing the roles of the state and county in the area of criminal justice.
17. 9/22/83, P. 5, Higgins: The nature of Human Services is best designed and controlled and executed at the local level. The county knows best how to serve its citizens. . . . Finance should be national and delivery should be at the local level. There should not be federally-operated health care clinics.
18. 9/22/83, P. 6, Yarborough: In answer to a question about city take-over of Environmental Services when annexation happens, Yarborough commented that spheres of influence must be worked out. The county should continue to have Planning and Permit. Animal Control is a county-wide service due to taxing structure. The county should keep the Trade Center/Expo.
19. 9/22/83, P. 6, Olmstead: . . . prefers city-county regional management of corrections system because it is more accountable.
20. 10/5/83, P. 10, Pearce: . . . the county government is required to deal first with mandated services and then with non-mandated services. Until there are at least minimally funded mandated services required by this county, such as Elections, Assessment, law enforcement (the level is questionable), and the jails, then anything else the county does must take a back seat. . . . he is aware of the need for Human Services in this community. We see it as a law enforcement agency, as keeper of the jails, then people end up in the Sheriff's Office facilities. And, according to Pearce, the Sheriff's Office is not able to successfully deal with this. The Sheriff noted that many people with mental problems -- instead of using the resources of the mental health community -- are using up the law enforcement resources.
21. 10/17/83, P. 3, Cease: The county is trying to divest itself of much of its urban function. Whether there is a new city or annexation (within the next couple of years) -- in reference to a number of functions -- the county will either be out of the urban function business or will be performing differently.
22. 10/17/83, P. 3, Cease: There is a concern about what the long-term situation is for the Library, the Parks, Project Health, the whole arena of health, and some Human Services activities. If the difficult financial situation continues, there will be some substantial shifts in those functions. Cease would like to see some aspects of the Library and Parks be operated on a regional basis.



23. 10/17/83, P. 5, Cogan: Cogan cited the gas tax distribution by Multnomah County for maintenance of county roads as an example: How should the county distribute money is an issue the Charter does not deal with directly. The county, in its relationship with the incorporated places and special districts, could be improved by the kinds of changes that could occur in the Charter.
24. 10/17/83, P. 10, Turnidge: Turnidge commented on Ballot Measure #3 and the fact that responsible government officials will lower taxes. He stated that taxes in the unincorporated area are up 6% per year. Turnidge feels that the public does not have needed information on administrators' names and that they do not have resumes on these administrators.
25. 10/26/83, P. 3, Dennehy: . . . if the people of a municipality want a higher level of police protection, they simply pay the incremental/marginal cost for that higher level. Dennehy suggests, rather than having two police forces crossing paths, there is a second option: people tell the county they do not want to have a police force. For example, if the city of Portland says it would enforce all state statutes and city of Portland statutes, and any applicable county ordinances, then the city of Portland may pay 100% of the cost of the Sheriff's protection inside the city limits. Dennehy summarized: There is government service available, but the choice is to go the private route. The problem, according to Dennehy, would be phasing this in over a number of years. Dennehy commented that there are some areas (cities) which are too small to support an independent police force and they should be able to buy police service from Multnomah County.
26. 10/26/83, P. 4, Dennehy: Responding to Roger Parsons' inquiry, Dennehy explained that if a city finds that providing police protection is too expensive, then that city should be able to turn to Multnomah County. However, good government, according to Dennehy, requires that the city give adequate notification to Multnomah County. Dennehy emphasized that this offers an alternative to the current system, it does not guarantee a number of sheriff deputies. Perhaps there could be a form of reimbursement which would mean a shift in the tax rate (Portland's down, Multnomah County's up) to make that adjustment.
27. 11/2/83, Ex. A, P. 6, Biskar: I would also hope you reject any proposal to establish minimum policing levels in the county. The cuts in policing levels to date have been hard but fair. The residents of the incorporated areas can no longer be expected to subsidize municipal services delivered solely in the unincorporated areas.
28. 11/2/83, P. 3, Biskar: . . . he does not want to see anything as an amendment to a Charter establishing either 1.3, 1.7, or



28. (continued) how many officers per 1000 population. He does not feel that it is a healthy situation as far as the county is concerned the way it is presently structured because, if they establish it too high, he thinks the people of the incorporated city areas would be paying far too much for police service for which they do not receive the benefits. When the Board passed Measure A this year, Biskar said that he had effected a compromise that would allow the Sheriff's Office to remain at very near its present level while informing them that this would be for one year only -- that by then either Columbia Ridge would be a city or annexed to the city of Portland -- but some method had to be worked out. While the unincorporated areas should not be without police protection, Biskar does not think the county can continue to stay in the business of providing an urban police service to an unincorporated county area.

Parsons asked about what assurances will the people in the unincorporated area have that their basic needs will be provided. Biskar answered by saying that if they are an incorporated area or become Columbia Ridge, then they will probably have to contract with Multnomah County (or someone) in order to have police protection. Biskar further stated that he assumes that the Sheriff's Department will stay reasonably intact. However, if this unincorporated area is annexed to either the cities of Portland or Gresham, then the city police force would be the provider of the police service. Biskar assured this Committee that these areas would not be left unprotected.

29. 11/2/83, P. 4, Biskar: . . . if mid-county becomes a part of a city, the same services are to be delivered, probably to the same numbers of people. If it becomes Columbia Ridge, the people may want to contract out to the county's Human Services Department to continue to deliver those services. He does not think the county's responsibility will diminish because those people will continue to have to be serviced by the Human Services, police, etc. If however, the citizens of the new city want to set up their own services, then the county will have fewer citizens to service. If they become a part of the city of Portland, some mutual service plans will have to be worked out.
30. 11/2/83, P. 4, Biskar: Frank Shields asked if police protection districts in the unincorporated areas could contract out for additional services and Biskar answered yes, it would be possible.
31. 11/2/83, P. 6 - 7, McCoy: . . . there are still mandated services for the county to provide which are not provided by any other jurisdiction. Regardless of what happens, comprehensive annexation or a new city, there will be roles for the county to perform.



32. 11/2/83, Ex. C-1, P. 1, Blumenauer: We have passed the time when Multnomah County can be all things to all people. It can not. Very few people today, whether or not they are in cities, live in an urbanized unincorporated area or a rural community (and) feel that the county can or should continue to provide municipal services. That is better handled by a city.
33. 11/2/83, P. 10, Blumenauer: . . . the county should be dealing exclusively with county-wide services -- those which are provided to everyone in the county -- and there should be a regional government for those things which are regional in scope: administration of the zoo, transit decisions. . . . the people of Multnomah County have more government than they want, need, can afford, and deserve. With this Committee's help to streamline the county government and its functions, it can help move in this direction.
34. 11/2/83, P. 12, Miller: Porter asked for a comment on the role and the results of the Citizens' Congress. Miller said that the staff discussed a need to get back to what the people perceive as the role of the county. The Congress felt it could focus on the mission of the county if it had a greater feeling of what the people would be willing to endorse and perhaps a consensus could be built. Miller sees the mission of the county coming out of this Congress. Once this mission statement is crafted, Miller hopes it will help this Committee.
35. 11/2/83, Ex. D, P. 4, Shadburne: I have heard individuals state that if the East County area is incorporated to form a new city or is annexed to Gresham or Portland, the County would no longer be responsible for services, and thus could be greatly reduced or even eliminated. This is not true. The State mandates the County to act as provider of certain services, such as Sheriff, correction, roads and human services. If a new city were formed and such services as police protection and planning were contracted for, it would take several years for such contracts to be finalized, still leaving the County as the provider of those services. Even when contracted, the County would still provide the service and manage the budget for those services. Most of the services are county-wide, and our present budget of \$200 million would be reduced only minimally by such action. If annexation were to occur, most probably the limited money that would be freed by the city -- assuming such services as police and land use planning -- would be absorbed in unmet areas of need, such as juvenile delinquency.
36. 11/5/83, P. 3, Strachan: Ann Porter asked if Strachan thought that if municipal services were resolved there would be greater stability in county government. Strachan answered no and made a philosophical point: The people of the city of Portland are angry with the individual Commissioner, not with the City Charter.



36. (continued) It is the political personality versus the institution of government.
37. 11/15/83, P. 3 - 4, Strachan: . . . the more urban the county becomes, the more people there are to serve, and the more conflicting kinds of services that may be necessary to deal with -- reducing staff (to deal with more people and more conflicting issues) does not make sense, according to Strachan.
38. 11/15/83, P. 7, Gustafson: Gustafson feels that it is unrealistic that counties will go out of existence. There are services that the counties provide and counties are in the process of unloading a good portion of those services to the state, to the local government through incorporation, and to other metropolitan agencies -- or of eliminating them entirely.....  
... it is very important for this Committee to allow for change -- to recognize that the way the county delivers services is going to change, and the county's role in the community is also going to change. Gustafson believes that this should be a very conscientious part of this Committee's structure. He also believes that this Committee should be able to communicate its thoughts, and report its long-term views to people outside this county. He thinks that Washington and Clackamas Counties can benefit from this Committee's work in reviewing the future of the county and reviewing how this Committee can structure an organization to handle the kinds of changes that are occurring.
39. 11/15/83, P. 10, Gustafson: ... he perceives counties as state administered districts. They carry out functions that are independent of urban or rural needs, but are "people needs" -- health, assessment and taxation, and justice systems. These types of services are appropriately provided by counties if the citizens want some local control and influence on how these services are provided, but need to be assured on a state-wide basis. According to Gustafson, that is the foundation for counties. The difficulty is allowing counties to be urban service districts. While there are state administrative districts, they happen to be different from county boundaries. . .
40. 11/15/83, P. 12, Etlinger: He would like to see a sorting out of (governmental) functions in terms of a metropolitan level, of how the services are going to be structured. He said that this region is just beginning "first five year steps" of a regional government.
41. 11/15/83, Ex. C, P. 1 - 2, Kelley: You must recommend to the taxpayers an organization structure for Multnomah County at a time when Multnomah County is in a state of flux. Clearly the services should dictate the structure rather than the reverse as a most efficient administrative structure may become cumbersome or impractical until a final reconciliation of services can be reached. . . .



41. (continued)

Multnomah County has delivered human services for many years but is currently spinning off to private nonprofit organizations many of those services. This system allows for broader services to be provided at a local level because of an expanded eligibility for funds as well as local community-based support. Governmental agencies would be administrators rather than direct service providers under this system, and would only be a direct service provider when no other agency could provide an essential service. This method may not only be valid but will assure our fragile population of an uninterrupted flow of services without revenue shortfall constraints.

. . . the County Sheriff's Department has generated loyalty and support from mid-county for their manner of doing business. They have a "how can we help" posture. They have built strength through tradition and are a textbook touted police force nationwide. It would be foolish indeed for the region to phase out such a service. A possible restructuring should be considered; perhaps a division of responsibility would be a viable option. The County Sheriff's Department has inter-jurisdictional authority -- they could perhaps assume the responsibility of all interjurisdictional crimes such as scams, etc., as well as crime prevention.

The local jurisdiction could then provide street patrols, etc.

. . . there is considerable support for Multnomah County to be the prime provider of many services.

42. 11/15/83, P. 15 - 16, Kelley: . . . it is a good scenario on which to operate human services. If the government acts as an overseer and provider of those services, Kelley thinks there will be a more comprehensive, stable system.

MacColl asked if the government could step in if it did not like the way some thing was being operated, even though the funds are coming from a private source?

Kelley explained that the government can always set criteria for the funds it is giving to a private, nonprofit organization, but she does not think the government can dictate for any other services for funds that were acquired from somewhere else. Kelley emphasized that community-based people are dictating the policies and directing where the services should be assigned.

43. 11/15/83, P. 16, Kelley: . . . the Sheriff's Department has a high level of professionalism. In Kelley's opinion, it is in nobody's best interest to shrink those in the Sheriff's Department to process servers -- considering the expertise and experience they have. The Sheriff's Department has what the



43. (continued) Portland Police Bureau does not have -- all that jurisdictional power, which is more efficient, according to Kelley. She believes that the Multnomah County Sheriff's Department provides the highest level of crime prevention programs she has ever seen. She also noted that the Sheriff's Department is very cooperative and is there when needed.
44. 11/29/83, P. 4 - 5, Turnidge: I appear before you today for a definition of an ideal. The former manager of Washington County said you should present an ideal charter for the people to vote on. There are being brought before you several different kinds of ideals. Two I can point out are:
- (1) The ideal of service delivery for government, which is fine because the whole populace is properly engaged in management of that kind of activity;
  - (2) Another one which is sometimes opposed to this one, is the ideal of human development. People themselves should be delivering services. In addition to themselves, they should be teaching their kids how to have values that would prevent crime. Provision of government services takes away from that human development. . .
45. 11/29/83, P. 10, Busse: Shields asked Busse to comment on citizen involvement. Busse stated that the Citizens' Involvement Task Force was funded out of her division, but she is unsure of what advice to give this Committee. Shields stated his concern that citizens feel they are not heard. He asked Busse if the Charter could address the issue of citizen involvement.

Busse stated that she has not considered instigating some requirement for citizen involvement in the Charter. She feels that citizen involvement structures are as good as the commitment of public officials to keep them going. Citizen involvement in continuing activities and policies of decision making, responsiveness to individual complaints are clearly ombudsman functions.

Porter asked Busse to explain the reason why in the past there had been area advisory boards and now there is only an advisory board for one area.

Busse stated that the area advisory board concept was a formal proposal by the committee that was chaired by Summer Sharpe, the Citizen Involvement Task Force. After thorough study of other citizen involvement groups across the country, they prepared a comprehensive citizen involvement proposal for Multnomah County. The proposal was never adopted. A group of people, primarily from unincorporated Multnomah County,



45. (continued) continued to be interested in a pared down version of the program.

Porter indicated that she had been referring to the Quadrant Boards.

Busse stated that five years ago the county experienced very serious budget problems. The area advisory boards were oriented toward human services and there did not seem to be a way to transition them into total area advisory boards to deal with all the services in those neighborhoods, so they were cut.

46. 11/29/83, P. 12, Newhall: . . . she feels strongly that such a program (Community Coordinators Quadrant Advisory Board) should be included in the Charter, out of the purview of any official who can use it or not use it for political purposes. It is an information and citizen activity. Such a program is as good as the people who run it; as good as the citizens who are interested in the quality and stability and function of county government. Putting it in the Charter is the only way to have a citizen involvement program that is ongoing and educational.

Shields stated that this Committee is a form of citizen involvement. It is mandated by the Charter and is not answerable to the Commission. Shields asked if there is a way to write this into the Charter such that it is not destructive or counter productive.

Newhall said that she does not know how one would word it legally. Citizens often call the Board of County Commissioners when they are frustrated and upset. She feels that an ombudsman would be very satisfying for citizens who are prone to the initiative petition.

Leeanne MacColl asked if all Commissioners assign an ombudsman.

Newhall is uncertain. She stated that the certain districts have more needful people than others.

47. 11/29/83, P. 12, Busse: Busse stated that citizen involvement is a hefty idea. She suggested that if this Committee were to recommend including an ombudsman in the Charter, it should also consider the role and responsibilities so that these and the reporting authority are clear.
48. 12/7/83, Ex. A-2, Leek: #4. I believe we should look toward some way to prohibit long-standing "urban subsidies", to require that every class of county residents pay its fair share of county costs.



48. (continued) #5. I believe you should look at every way to facilitate consolidation of services, perhaps inserting some language that would call for consolidation as the preferred method of service delivery.
49. 12/7/83, Ex. A-6, P. 1, Etlinger: . . . we would be remiss (both Multnomah County and the region) if we fail to consider the merits of planning and funding our library service on an area-wide basis. A regional funding base would provide the enhanced and stable funding needed (some 60% - 100% higher than current level of support by Multnomah County taxpayers, as recommended by Don Barney & Associates) without placing this burden entirely on Multnomah County. In light of Resolutions A & B, and the phase out of urban service subsidy within the County, it would appear to be a fair proposition that all current and future users of this service should share in its funding. . . .



## SHERIFF DISCUSSION

Subsection 6.50 (1) of the Charter, adopted by the people in 1982 as part of Ballot Measure #6, provides for the election of the county sheriff.

6.50 The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he shall have sole administration of all county jails and correctional institutions located in Multnomah County.

In support of retaining an elected sheriff, the Committee has heard that the people supported an elected sheriff at the polls and that the restoration of the position of elected sheriff, with responsibility for the jails, was one of the more significant Charter revisions. Additional arguments advanced in support of this charter provision are that an elected sheriff can be an advocate for law enforcement needs to the board of commissioners and the public, and that an elected sheriff helps to decentralize and broaden responsibility.

Witnesses also have testified against the election of the sheriff and in favor of returning the position to an appointment by the county executive. The Committee has heard that with the changes taking place under Resolution A, the sheriff will become primarily a corrections supervisor. The Committee has also heard that there are problems having numerous elected executives, each being able to establish independent positions on issues as they arise. Witnesses also have questioned the need for an elected sheriff in view of the fact that city police chiefs are not elected even though they oversee similar functions.

The Committee also has heard testimony in support of the Sheriff's Office becoming the law enforcement center for the whole county. Testimony has been presented as well recommending a separation of corrections from the policing function of the Sheriff's Office.



Finally, the Committee has received the recommendation to state explicitly in the Charter the sheriff's duties.



## SHERIFF

1. 8/31/83, Brummell letter: We originally asked for just the Sheriff to be elected and when turned down, asked that the Assessor, County Clerk (Elections) and District Court Clerk be elected instead of being appointed. The consensus still is among the people of Multnomah County, including residences in the cities of Portland, Gresham, Fairview and Troutdale, that these people be elected. . . .

Some would say the Sheriff should be phased out, the answer to which is no. With the current criminal system and jails what it is, this must remain an elective position.

2. 9/7/83, P. 2, Swan: Sheriff should be appointed.
3. 9/22/83, P. 4, Buchanan: . . . the Sheriff . . . should be appointed, not elected. With the changes which are taking place under Resolution A, the Sheriff will become primarily a corrections supervisor. The role of the Sheriff is still prescribed by state law, that is, a law enforcement overseer of the county.
4. 9/22/83, P. 6, Olmstead: . . . the election of the Sheriff is not for the public good. He is in favor of an appointed Sheriff.
5. 10/5/83, P. 4, Feeney: . . . would like to see the Sheriff become the law enforcement center for the whole county.
6. 10/5/83, Ex. B, P. 4, Pearce: . . . the restoration of the position of elected Sheriff, with responsibility for the jails, was one of the more significant Charter revisions. I believe that voters intentionally supported the elected Sheriff position, and that it didn't get swept in among all the other issues. I did not support the change then, but I do support the public's interests, and I believe that the voters have twice expressed their wishes.
7. 10/5/83, P. 10, Pearce: Pearce recommends that the office of Sheriff be an elected office and remain in the Charter and also that it remain as operating according to state law. . . . operating corrections should remain under the elected Sheriff.
8. 10/5/83, P. 11, Pearce: . . . there will never be a time when



8. (continued) there will not be someone qualified to run for Sheriff, particularly in a community this size.
9. 10/5/83, P. 12, Pearce: Regarding Chapter 6.10 of the Charter, Subsection 3: There was some discussion about its content. Pearce would like to have language added concerning the Sheriff.

. . . in fact, there are two County Executives: The Sheriff and the County Executive, Buchanan. The Sheriff is responsible because he is a state law sheriff and is responsible to manage his agency. Pearce noted that he is the Personnel Officer for his agency as Buchanan is for the rest of the county. Sheriff must abide all ordinances of the county and all state law. He does not have to abide by executive orders of the County Executive, however. The Sheriff stated that he does follow the Personnel Rules and he has agreed to follow the County Administrative Code.
10. 10/5/83, P. 14, Schrunk: . . . this Committee should re-establish the Charter, restating that the Sheriff's Office is the dominant law enforcement agency and put in strong language that the city's contracted services should be explored.
11. 10/17/83, P. 3, Cease: . . . there is substantial public support for an elected sheriff. Electing a sheriff is a traditional part of the American experience. Cease feels that this Committee needs to wrestle very strongly with whether to elect a sheriff or not. Cease added that if a change (from an elected sheriff) is proposed, this Committee might "torpedo" the whole process. This is a political issue and a trade-off problem.
12. 10/17/83, P. 3, Cease: In two or three years the Sheriff's position, the people who work for the Sheriff, and the role the Sheriff plays will be somewhat different.
13. 10/17/83, Ex. A, P. 3, Cease: . . . I think we have to ask ourselves why it is important to elect our sheriff and not the police chief of the City of Portland, who oversees similar functions.
14. 10/17/83, P. 6, Cogan: . . . the question is do we have a proficient manager of police activities or a proficient manager of police activities who also happens to be a politician? Sometimes these may be in conflict. Putting the election of the Sheriff aside, Cogan sees the Sheriff in the same light as he sees the Director of Human Services or the Director of Public Works or other functions at the top level of administration in Multnomah County.
15. 10/17/83, P. 7, Cogan: . . . it would not be a bad move to have a sheriff who is not elected report directly to the County Executive.



16. 10/17/83, Ex. 16, P. 5, Look: The Sheriff should be an experienced, qualified police commander. No one has ever, to my knowledge, seriously suggested city police chiefs be elected. The Sheriff has some limited policy-making authority, but the real policy of the county must be, and is, exercised by the Board of County Commissioners. The Sheriff should be an appointed official.
17. 10/17/83, P. 9, English: Thalhofer commented about the elected Sheriff's campaign contributions being favors and, therefore, a problem -- and asked if every elected official has that same problem. English's response was that a public safety official has that problem more than other officials do.
18. 10/26/83, Ex. B, P. 1, Dennehy: The Sheriff should most definitely be elected.
19. 10/26/83, Ex. B, P. 2, Dennehy: The duties of the Sheriff should be explicitly stated in the Charter (not by reference to state law) and this job description should make clear that the sheriff:
  - a) Is responsible for the jail(s);
  - b) Is responsible for the public safety in the entire county, including territory inside incorporated cities;
  - c) Must offer to provide a level of service throughout the entire county sufficient to ensure the enforcement of state statutes and county ordinances;
  - d) Will also assume responsibility for a higher level of service inside cities (including enforcement of city ordinances) if the cities are willing to pay the increased costs;
  - e) May delegate even the base level of service to other authorized police agencies within the county (e.g., city police or transit police) on a mutually agreed basis, but the responsibility for public safety cannot be delegation.
20. 10/26/83, Ex. C, Pereyea: That the position of sheriff be appointive.
21. 11/2/83, P. 5, McCoy: . . . the Sheriff's position should be clearly defined as found in state law, The election of a sheriff should be adhered to if there is strong feeling for this. McCoy feels that the sheriff should be a professional person whose office is not politicized.
22. 11/2/83, Ex. C-1, P. 4 - 6, Blumenauer: There is a very real problem with having four elected executives. I will just use the Sheriff as an example because his is the largest sub-



22. (continued) budget within the General Fund, because his powers are the functional equivalent to the County Executive, and because there have been a number of the illustrations of the problems that I foresaw in campaigning against the Charter changes making the position elected.
- Increasingly, decisions are made that have political orientation. That is entirely appropriate because the Charter has made the Sheriff a political creature. Obviously, he is going to take politics into account much more strongly. For instance, we had a liquor license recommended for denial, not on law enforcement grounds but on political grounds. . . .
  - Last year (and currently) the county as a whole had a surplus of available space. . . . An elected sheriff chose to change his budget and create additional space and locate it adjacent to him. Additional space never could have been justified on the basis of county-wide priorities, but easy to do if all you are looking at is your own operation.
  - Similarly, the county did not have a unified position on the issue of engineering entrances and exits from I-205. The County Engineer, who is professionally trained in traffic circulation and has always been the lead agent, had a different recommendation from the Sheriff, whose orientation is a more narrow one and who was faced with strong public, political pressure. Previously, the county would have had a single position, probably coordinated by the County Engineer, balancing all safety and traffic circulation, and leaving to the County Executive and the Board the matter of dealing with the politics.
23. 11/2/83, Ex. D, P. 1, Shadburne: I agree with the election of the Sheriff for the following reasons:
- a) The large budget that office has to administer;
  - b) The Sheriff can be a free advocate for law enforcement needs to the Board of County Commissioners and the public. He can address needs without being muzzled.
  - c) It helps decentralize and broaden the responsibility.
24. 11/5/83, Ex A, P. 3, Strachan: I also have some concerns about the Charter as it relates to the criminal justice system. I do not think that the Sheriff should oversee the jails, just as I don't think that the District Attorney should oversee them. The state has taken a major step for reorganizing the system by assuming full responsibility for the courts, and I think the county would be well advised to maintain a clear separation between policing and corrections. In other words, I think the system will be clearer, more efficient and more just if the police were not the jailers.



25. 11/5/83, P. 6, Strachan: Without questioning the present elected Sheriff, Strachan made it clear that over time she does not favor an elected Sheriff. Her own personal experience has shown that the elected Sheriff's Office has been a "hot bed" for less than honest activity. Strachan inquired: At what point do we have a politico sheriff rather than a truly professional person in the Sheriff's position? As long as there is an elected Sheriff, Strachan expressed doubt as to the feasibility of integrating the city services under the county Sheriff's Office.
26. 11/15/83, P. 8, Gustafson: Gustafson feels that it does not make any sense to elect a sheriff -- particularly when more people are assigned to report to the Sheriff than are to report to the County Executive. He believes that there is a proper place for elected leadership and a place for professional management in the governmental sector. Gustafson thinks this is so in the case of the Sheriff.
27. 11/29/83, P. 7, E. Kimbark MacColl: Sheriff should not be elected. Corrections should be separated from policing.
28. 11/29/83, P. 8, E. Kimbark MacColl: Frank Shields stated that in the 3,000 + counties in the country, only 11 appoint their sheriffs, the remaining elect them. This makes dealing with that issue difficult. It might be easier to deal with an eight-year restriction.

MacColl indicated that you could make a distinction between corrections and policing. He believes the county Sheriff's system is very effective. Again, they've had some good people which make it thus. This is what clouds the issue: The people versus the structure. The structure doesn't guarantee good people. It may be that many sheriffs are performing ceremonial roles these days.

29. 12/7/83, Ex. A, Monroe: Personally, I do not believe that the top law enforcement office in the county should be a political office. But it is my assessment that most county residents would object to losing their "right" to elect the Sheriff. Therefore, I would recommend that you accept the status quo on this issue.
30. 12/7/83, P. 4, Otto: The Sheriff should be elected according to Representative Otto: every county elects its Sheriff.
31. 12/7/83, P. 5, Mason: . . . we should keep the Sheriff elected; that appears to be what the people want.
32. 12/7/83, P. 6, Mason: Carol Kirchner raised the question that if we keep the Sheriff elected, should we separate policing and correction functions?



# Eraserable Bond

32. (continued)

Responding to that question, Mason said that he thinks it is not a bad idea; there is separation on the state level.

33. 12/7/83 Ex. A-2, Leek: #6. I support the elective nature of the sheriff's office.

12/7/83, P. 6, Leek: . . . His concern is that it involves money (for elections) in the judicial and enforcement process.



## STABILITY IN COUNTY GOVERNMENT DISCUSSION

In the midst of numerous suggestions and recommendations for changes in the Charter, the Committee has heard witnesses testify to the need for stability in county government. Witnesses have spoken to the numerous changes that have occurred in county government in less than twenty years, particularly in the last six years. The Committee has received testimony that continuity is equally important for policy-makers, management and line staff. The Committee also has heard that there is not any radical need to overhaul the board of county commissioners and the county executive, and that the legislative branch may need an opportunity to mature.



## STABILITY IN COUNTY GOVERNMENT

1. 6/22/83, P. 2, Leahy: . . . five revisions of the county Charter had occurred in the last six years. The result, in his opinion, had been the unsettling of county government. This effect was contrary to the original ideas and goals of county home rule.
2. 9/22/83, P. 3, Buchanan: Buchanan does not feel that there is any radical need to overhaul the Board of County Commissioners and the County Executive.
3. 10/5/83, P. 13, Schrunk: He would like to see stability and order in all county functions, He thinks there is a lot of unrest in this county -- after a smooth transition (e.g., an elected Sheriff).
4. 10/17/83, P. 7, Cogan: in order to attract good people -- whatever the department -- we must have the following: . . .
  - stable government
  - a public that is supportive
  - sufficient funds to go with the requirements of the job
  - authority and responsibility
  - spirit of fair play between the Board of County Commissioners and the County Executive and the Department Head (e.g., the Sheriff).
5. 10/17/83, P. 9, English: . . . this Committee, in its review of the Charter, should give the county Charter more stability.
6. 10/17/83, Ex. C, P. 2, King: First, we would urge that the changes made in 1982 be reversed. The elective offices of Sheriff, County Clerk, District Court Clerk, and County Assessor are primarily administrative positions. The administrative qualification is more important to a good functioning government than the political ability to get elected.
7. 10/26/83, Ex. B, P. 1, Dennehy: Two General "Dont's: Don't tinker with the basic structure. Tread very softly around Measure 6.
8. 11/2/83, Ex. A, P. 3, Biskar: The requirement of four additional



8. (continued) county officials should be repealed. These additional positions are unnecessary and expensive. I believe these added fiefdoms dilute authority and accountability to effectively operate county government.
9. 11/2/83, P. 4, Biskar: . . . All the officials on Ballot Measure #6 should be appointed.
10. 11/2/83, Ex. B, P. 1, McCoy: . . . I would remind you the form of county government we presently enjoy is still quite new and I would wish that your recommendations for change, if that occurs, would at least allow some discussion about the potential value of the structure we presently have.
11. 11/2/83, P. 5, McCoy: Electing the Sheriff, County Clerk, District Court Clerk, and the County Assessor should all be repealed. . . . The other (other than Sheriff) mentioned positions are strictly administrative functions which can be best performed by those who have the skills, talent, and experience.
12. 11/2/83, Ex. C-2, P. 1 - 2, Blumenauer: A major consideration for you should be the continuity and stability of local services provided by the county. In less than 20 years, nine different votes have affected the structure of county government; half have been successful. These successful votes (1966, 76, 78 and 82) have had a significant impact on how this government delivers services. They also have diverted efforts away from substance to organization. The extent to which the form and structure of county government can be stabilized, even for a period of five years, will have had a serious impact on how we deliver services to our citizens. Our community needs the security of a known organizational structure in order to utilize the various services the county offers.

Continuity is equally important for our policymakers, management and line staff. Long range planning cannot be effective if the various structures of the government keep changing. During the last 20 years, Multnomah County has been in the forefront of urban counties and municipal agencies. A number of national awards and significant attention have been directed towards our innovative programs. From Planning to Human Services, Corrections and the Sheriff's Office to management innovation, the Assessor's Office to Elections, Multnomah County has done a good job. Our roads are perhaps the highest quality in the state of Oregon. Financial planning has been jealously maintained despite no tax base increase for almost 30 years. The energy and efforts of all county employees should be directed towards better serving the community rather continually redefining the structure by which it delivers those services. . . . For three successive budget years, the number of positions available to serve the public has declined. The Charter Review Committee needs to understand the troubled nature of what the County has faced as well as the nature and quality of



12. (continued) the County's programs. Any recommendations on your part should attempt to maintain the quality and minimize the disruption to our services for the sake of both our community and our employees.
13. 11/2/83, P. 12, Miller: Miller commented that she is making an appeal to change government as little as possible because she believes that the legislative branch may need an opportunity to mature. She thinks there is not a total balance in the legislative branch. She would like to see less change and more opportunity to grow.
14. 11/15/83, Ex. A, P. 1, Strachan: I'm sorry to say that I do not have all of the answers for you. But I hope that I can help you put your task into perspective. Because I believe that, when all is said and done, there are numerous models for a major urban county government that could be successful here. What is most important is that the Multnomah County government that comes out of this process be a stable, reliable government. By stable I mean that its charter -- its basic form of governance -- will be fashioned in such a way that it will withstand the various tests of time that most certainly will arise.

Multnomah County government cannot continue to be a tinker toy for public officials, or citizens, or special interests. It cannot, every so many months or years, have its basic constitution changed. Quality in government, consistency in public policy, rational planning, efficiency in government, effective intergovernmental relations -- none of these characteristics can be achieved if the government itself is not stable. The way to measure your success is not simply by how your charter proposals compare with other modern forms of government, but how long they will endure. . . .

Your final determination must be: Will it last? Not so much how it will work, but will it give the citizens of this county good, long service? . . .

I should note that my portfolio of administrative responsibilities ties me closely to the county government. Within my purview are two city-county commissions, our human resources and health care activities, and other city-county activities. It does not serve the city's interest, nor the county's, if the political and administrative dynamics of county government change on a regular basis.

15. 11/15/83, Ex. A, P. 5, Strachan: I believe that your real charge here is to develop a new charter that will give county government its legitimate role in local affairs, but with the greatest likelihood for long service and stability. We all know what sort of anarchy would result if every government -- federal, state, and local -- has to undergo fundamental structural



15. (continued) changes every few years. We owe it to ourselves to make sure it doesn't continue to happen here.
16. 11/15/83, P. 5, Strachan: Penny Kennedy asked about what criteria this Committee might have for the Charter that would withstand the test of time.

Strachan stated that the city may have some transitional areas with regard to a new central city plan and with providing good services to neighborhoods. According to Strachan, there are some areas that are transitional in geographic sectors and some areas problematically that are transitional. She emphasized that the entire city is not in a transition and that part of the problem in trying to provide stability in government is that the entire county seems to be in some kind of transition. She concluded that on one hand this Committee is trying to provide stability, and on the other hand, it is trying to provide enough flexibility to keep moving and accomplish the task at hand.

17. 11/15/83, P. 14, Etlinger: Debnam asked about structural changes in the Charter in terms of governmental stability. Etlinger answered by saying that the major problems are those related to the perceived inequities and how things are funded, the lack of funding overall in the tax situation. He is not so sure that the people are really upset in particular with the structure: They are really upset with the tax system, but have their best shot at the school districts. Etlinger said that he does not see any major structural changes. He believes that reducing citizen hostility will come about if citizens become involved in the reassigning of services and the streamlining of government. He believes that there are more functional issues than there are structural ones.
18. 11/29/83, P. 5, E. Kimbark MacColl: MacColl indicated that he did not favor making any major changes in the system at this time, except for reversing the actions taken last year. He stated that too much was still up in the air regarding the future of the mid-county region. If Portland and Gresham can fill in the unincorporated sections through annexation or if a new city is created, many of the current operative responsibilities of the county would be diminished except those mandated to the county by the state.
19. 11/29/83, P. 8, E. Kimbark MacColl: MacColl stated that "politics is the art of the possible." The voters are not in the mood for great change; it is a matter of tinkering with the machinery, but in the process trying to increase the degree of openness, accountability and efficiency and not excluding the values that are important.



20. 12/7/83, Ex. A-2, Leek: #1. I support the basic structure of the current Charter, including election of Commissioners by zone and the County Executive model.