

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 478

An Ordinance relating to filling of vacancies in elected offices in Multnomah County.

Multnomah County ordains as follows:

SECTION I. Multnomah County Code Section 4.30.010 is amended to read as follows:

4.30.010. Definitions. For the purposes of this chapter, unless the context requires otherwise:

(A) "Director" means the Director of the Division of Elections of Multnomah County, or the authorized representative.

(B) "Elective office" means the:

(1) County Executive or Chair of the Board of County Commissioners;

(2) Office of Multnomah County Auditor; or

(3) Office of Multnomah County Commissioner;
or

(4) Multnomah County Sheriff.

(C) "Term of office" means the term of office of the last person elected to the office which is vacant.

SECTION II. Multnomah County Code Section 4.30.020 is amended to read as follows:

4.30.020 Vacancy in office. An elective office of the county shall become vacant:

(A) Upon the incumbent's:

(1) Death;

(2) Adjudicated incompetence;

(3) Conviction of a felony, other offense pertinent to the office, or unlawful destruction of public records;

(4) Resignation from the office;

(5) Recall from the office; or

(6) Ceasing to possess the qualifications required for the office.

(B) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence; or

(C) In the case of a member of the Board of County Commissioners, upon absence:

(1) From the county for 30 consecutive days without the consent of the board; or

(2) From board meetings for 60 consecutive days without like consent.

(D) In the case of the County Executive or Chair of the Board of County Commissioners, upon his or her absence from the county for 30 consecutive days without the consent of the board.

SECTION III. Multnomah County Code section 4.30.030 is amended to read as follows:

4.30.030. Filling of vacancy.

(A) The board, upon becoming aware of a vacancy in an elective office, shall promptly determine and declare the date of vacancy. [and appoint a qualified person. The board may make such inquiries and interviews as they consider necessary to select an appointee. The appointment shall be made at a regular or special meeting of the board.]

(B) [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.] If a vacancy occurs in an elective office of the county and the term of office expires one year or more after the vacancy occurs, then a person

shall be elected at the next available election date to fill the vacancy for the remainder of the term of office.

(C) If a vacancy occurs in an elective office of the county and the term of office expires less than one year but ninety days or more after the vacancy occurs, then the board of county commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.

(D) If a vacancy occurs in an elective office of the county and the term of office expires less than ninety days after the vacancy occurs, the vacancy shall not be filled.

SECTION IV. Appointment by Board. The Board, in filling a vacancy, may make such inquiries and interviews as they consider necessary to select the appointment. The appointment shall be made at a regular or special meeting of the Board.

SECTION V. Election to fill a vacancy. If an election is required to fill a vacancy, the Board shall call such an election on the next available election date which is not sooner than the 45th day after the date of declaration of vacancy.

SECTION VI. Nomination to fill a vacancy. Nomination for election to fill a vacancy shall be made by the petition or declaration method established by state law for the selection of candidates for nomination at a primary election. Such petition or declaration shall be filed with the Director of Elections not later than the 34th day prior to the date of the election.

SECTION VII. Notwithstanding Section V of this ordinance, if a vacancy occurs more than 20 days prior to a general election, and the declaration of the vacancy is made less than 45 days prior to the general election, the vacancy shall be filled at the general election. Nominations for such an election shall be made in accordance with state law.

SECTION VIII. Multnomah County Code sections 4.30.040, 4.30.050, 4.30.060, and 4.30.070 are repealed.

ADOPTED this 19th day of September, 1985, upon passage following its 2nd reading.

(SEAL)

BOARD OF COUNTY COMMISSIONERS

By Earl Blumenauer
Earl Blumenauer
Presiding Officer

AUTHENTICATED this 20th day of September, 1985.

By Dennis Buchanan *gmb*
Dennis Buchanan
County Executive

APPROVED AS TO FORM:

John B. Leahy
JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

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