

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-106

Submitting To The Voters Charter Amendments Proposed By The County Charter Review Committee

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Home Rule Charter (Charter) creates a Charter Review Committee (Committee) and directs it to review the Charter and any issues relating thereto.
- b. The Charter requires the Committee to report to the people and the Board its findings, conclusions, and recommendations including any amendments proposed to the county charter.
- c. The Committee has concluded its review and submitted its report to the Board. The Committee recommends six separate measures amending the Charter for submission to the people of Multnomah County at the 2010 general election.
- d. The Charter requires all amendments proposed by the Committee to be submitted to the people of Multnomah County at the primary or general election.
- e. Under MCC 5.107(B), measures referred by the Board will be designated on the ballot as referred to the people by the Board.
- f. The Board wants to clearly inform voters that the Committee recommended these six measures.

The Multnomah County Board of Commissioners Resolves:

1. The six measures proposing amendments to the Charter recommended by the Committee shall be submitted to the people of Multnomah County at the November 2, 2010, general election.
2. The ballot titles, explanatory statements and changes to the language of the Charter for the six measures are attached as Exhibits A, B, C, D, E, and F.
3. The words "as recommended by the Multnomah County Charter Review Committee" shall be added to the ballot designations required by MCC 5.107(B). The designation for each measure shall read as follows:

"Referred to the People by the Board of County Commissioners as recommended by the Multnomah County Charter Review Committee."

4. The six measures, designations, ballot titles, explanatory statements and Charter text are certified to the Director of the Multnomah County Division of Elections (Director).
5. The Director shall publish these designations and include them in the county voters' pamphlet.
6. All measures approved by a majority of voters at the November 2, 2010, election shall take effect November 3, 2010.

ADOPTED this 8th day of July, 2010



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

Agnes Sowle, County Attorney

BALLOT MEASURE A

CAPTION: County Term Limits.

QUESTION: Shall County Charter limit on voters' right to elect a person to more than two four-year terms be repealed?

STATEMENT: The Charter limits public service in county elective offices. No person can serve more than two consecutive four-year terms. Voters do not have the right to keep a person in office. The measure repeals Charter Section 4.20(2). It takes effect on November 3, 2010.

EXPLANATORY STATEMENT

This measure amends the Charter. It now limits a person to two full four-year terms in any one elective office in any 12-year period. Currently voters cannot decide to keep a county elected official in office beyond the two full terms.

The Charter Review Committee concluded that term limits cost the public experienced elected officials. Most other counties and cities do not have term limits.

The Charter Review Committee recommends this measure. It will repeal the county term limits.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure A – Repealing County Term Limits

(Language stricken is deleted; double underlined language is new.)

4.20. Terms Of Office; ~~Successive Terms~~; Running For Office in Midterm.

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following his or her election to the office and

(b) Shall continue four years.

~~— (2) — Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.~~

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(32) No elected official of Multnomah County may run for another office in midterm. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

BALLOT MEASURE B

- CAPTION:** Multnomah County Official Running for Office Midterm.
- QUESTION:** Shall County elected officials be allowed to run for another elective office in midterm?
- STATEMENT:** The measure amends the Charter. It allows county elected officials to file for another office without ending their current term of office. The Charter now treats filing as a resignation resulting in ending county elected terms, creating office vacancies and causing more elections to fill offices. The measure takes effect on November 3, 2010.

EXPLANATORY STATEMENT

The county Charter does not allow running for another elective office in midterm. If a county official files for another office, it is the same as a resignation. Only in the last year of the term may the official file for another office while continuing to serve in his or her current office. This limits public service in county elected offices, creates office vacancies and results in the cost of conducting more elections to fill offices.

The measure amends the Charter. This measure repeals the midterm ban and allows elected officials to file for another office without ending their current term. This measure will reduce the number of elections to fill offices.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure B - Repealing Running for Office in Midterm

(Language ~~stricken~~ is deleted; double underlined language is new.)

4.20. Terms Of Office; Successive Terms; ~~Running For Office in Midterm.~~

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following his or her election to the office and

(b) Shall continue four years.

(2) Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.

~~———— (3) ——— No elected official of Multnomah County may run for another office in midterm. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.~~

BALLOT MEASURE C

CAPTION: Salary Commission

QUESTION: Should the Salary Commission set Sheriff's salary and District Attorney supplemental salary?

STATEMENT: The Charter now requires that the Board fix the Sheriff's salary and the Salary Commission set the chair and commissioner salaries. The auditor appoints the five-member Salary Commission. This measure amends the Charter to require the Salary Commission to set the county Sheriff and DA supplemental salary. It takes effect on November 3, 2010.

EXPLANATORY STATEMENT

This measure amends the salary sections of the Charter. The provisions now require that the Salary Commission set the chair and commissioner salaries, and the Board set the Sheriff's salary. The District Attorney is paid by the state, but the county may supplement the DA's salary. In the past, the Salary Commission included the Sheriff and DA in its studies and recommendations at the request of the Board of Commissioners.

The five-member salary commission is appointed by the auditor by January 1 of each even year. The Charter Review Committee believes it is appropriate for the Salary Commission to set the salary of the Sheriff and the county paid supplemental salary of the DA.

This measure will remove the authority of the Board to set the Sheriff's salary from the Charter. It will require the Salary Commission to set Sheriff and DA's salaries.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure C - Salary Commission

(Language stricken is deleted; double underlined language is new.)

4.30. Compensation Of The Chair~~And~~, Commissioners, Sheriff and District Attorney.

The auditor shall appoint a five-member salary commission, composed of qualified human resource professionals with compensation experience, by January 1 of each even year. ~~The salary commission shall set the salaries for the chair of the board of county commissioners~~~~and the~~ county commissioners, sheriff and the county paid supplemental salary of the district attorney, documenting the basis of its decisions. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

6.50. Sheriff.

The people of Multnomah County shall elect:

~~(1)~~ A a county sheriff for the function of said office as prescribed by state law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.

~~(2) Notwithstanding any other charter provision to the contrary, the salary for the sheriff shall be fixed by the board of county commissioners in an amount which is not less than that for any member of the sheriff's office.~~

BALLOT MEASURE D

CAPTION: Vacancy in Office

QUESTION: Should ceasing to reside in the district cause a vacancy in the office of county commissioner?

STATEMENT: The Charter now requires that candidates or appointees to a county commissioner position reside in the district for a year and a half immediately before becoming such a commissioner. A vacancy occurs in an elective office when the incumbent ceases to reside within Multnomah County. This measure amends the Charter to cause a vacancy in a county commissioner position upon the incumbent's ceasing to reside in the commissioner's district. It takes effect on November 3, 2010.

EXPLANATORY STATEMENT

This measure amends the cause of vacancy section of the Multnomah County Charter. It now causes an elective office to become vacant upon an incumbent's ceasing to reside within Multnomah County. Candidates or appointees to a county commissioner position must reside in the district for a year and a half before taking office.

The Charter Review Committee believes it is appropriate for county commissioners to remain residents of their district during their term of office and that ceasing to reside in their district should cause a vacancy in office.

This measure will add ceasing to reside within the district as a cause for vacancy of a county commissioner position.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure D - Vacancy in Office

(Language ~~stricken~~ is deleted; double underlined language is new.)

4.40. Vacancies -- Causes.

An elective office of the county shall become vacant:

- (1) Upon the incumbent's
 - (a) Death,
 - (b) Adjudicated incompetence,
 - (c) Conviction of a felony, other offense pertinent to his or her office, or unlawful destruction of public records,
 - (d) Resignation from the office,
 - (e) Recall from the office, ~~or~~
 - (f) Ceasing to reside within Multnomah County or, if a commissioner, within the commissioner district, or ~~inability~~
 - (g) Inability to obtain a corporate surety bond as required by section 4.10(2).
- (2) Upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for his or her term of office to commence; or
- (3) In the case of a member of the board of county commissioners, upon his or her absence
 - (a) From the county for 30 consecutive days without the consent of the board or
 - (b) From board meetings for 60 consecutive days without like consent.
- (4) In the case of the chair of the board of commissioners, upon his or her absence from the county for 30 consecutive days without the consent of the board.

BALLOT MEASURE E

- CAPTION:** Multnomah County Election to Fill Vacancies.
- QUESTION:** Shall election dates for vacancies be limited to the May and November elections?
- STATEMENT:** The measure amends the Charter. Currently an election must be held at the next available election date to fill a vacancy of a year or more in a county elective office. If no candidate receives a majority of the votes cast, the Board must call a special runoff election. The primary and general election dates in even-numbered years normally have multiple issues and jurisdictions that share the cost of the election. If the Board calls for an election on a date when no other matters are on the ballot, it must pay the entire cost of the election. This measure amends the Charter to limit the election dates for vacancies to the May or November elections. The measure takes effect on November 3, 2010.

EXPLANATORY STATEMENT

Oregon statutes allow that a local government may hold elections on four dates:

1. second Tuesday in March;
2. third Tuesday in May;
3. third Tuesday in September; or
4. first Tuesday after the first Monday in November.

The Charter now requires the Board to call an election to fill a vacancy on the next available election date, and if no candidate receives a majority of the votes cast, the Board must call a special runoff election.

Normally, other local governments share the cost of primary and general elections in even-numbered years. If the Board must call an election for a date when there are no other matters on the ballot, the county must pay the entire cost of the election.

This measure amends the Charter. It limits elections to fill vacancies to the May and November election dates. This measure may reduce County election costs.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure E - Election to Fill Vacancies

(Language ~~stricken~~ is deleted; double underlined language is new.)

4.50. Vacancies -- Filling.

(1) If a vacancy occurs in an elective office of the county and the term of office expires:

(a) One year or more after the vacancy occurs, then a person shall be elected at the next ~~available~~ May or November election date to fill the vacancy for the remainder of the term of office. If no candidate receives a majority of votes cast at that election, the board of county commissioners shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.

(b) Less than one year but 90 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.

(c) Less than 90 days after the vacancy occurs, the vacancy shall not be filled.

(2) For purposes of this section 4.50, "term of office" means the term of office of the last person elected to the office which is vacant.

(3) In the event of a vacancy in an elective office, the board shall by ordinance prescribe procedures to designate an interim occupant of the office. The person so designated shall serve as acting chair, commissioner, sheriff or auditor, as the case may be, until the office is filled by election or appointment, as appropriate under section 4.50(1).

BALLOT MEASURE F

CAPTION: Multnomah County Library District

QUESTION: Should the County Charter allow the Board of County Commissioners to form a county library district by voter approval?

STATEMENT: This measure amends the Charter to allow the County to form a library district with requirements specific to the County. The library district would have the powers granted to districts and public libraries by state law and by the Charter, including imposing ad valorem property taxes to support its services. The Board of County Commissioners would be the governing body of the library district. The amendment would provide the method of forming the library district, its organization and management, and the process for giving voters notice and hearing. A separate election would be required to form the district. This district would be different from those formed by the two methods available under state law. It takes effect on November 3, 2010.

EXPLANATORY STATEMENT

The Library is a County Department funded by the general fund and a five year serial levy that expires in 2012. A serial levy is not a stable source of library funding. It requires voter approval every five years for the majority of the funding. In fiscal year 2009-2010, the levy provided 62% of the library's budgeted funding. A library district with a permanent tax rate would be a more stable funding source, but it would cause some revenue loss to other jurisdictions within the County. Under state law, the two methods to form a county library district require consent of other jurisdictions in the district before the Board may place the measure before voters. This measure would add a section to the Charter allowing the Board to set a county-specific method of library district formation.

Multnomah County library provides:

24/7 online access to information, learning resources, and the library catalog

- Each day more than 14,000 people visit the 19 libraries and there are more than 15,000 website visits.
- An average of 29.9 books are checked out every year for every man, woman, and child in the county.
- Library staff answers 1.9 million questions a year.

Programs for school age children, story hours for babies and toddlers, summer reading, literacy services for children in child care, homework help, programs for teens

- 62,000 kids participated in the Library's Summer Reading program in 2009, which includes over half of the county's elementary school children
- More than 300,000 people attend library programs and events for children and teens each year.

Book delivery to homebound seniors and nursing home residents

Library services for jobseekers, small business owners, and English language learners

Among US libraries serving fewer than 1 million residents, Multnomah County Library ranks No. 1 in annual circulation of books and materials, according to the 2009 Public Library Data Service Statistical Report.

The Charter Review Committee found that the Library provides important services to county residents and should have a stable funding source, and that the question of forming a Multnomah County Library District with a permanent tax rate should be decided by all voters within the County, without prior restriction or consent.

This measure would provide the County with another method of forming a Multnomah County Library District as determined by the Board of County Commissioners.

The measure will take effect November 3, 2010.

Text of Charter Amendment Adding New Chapter for Ballot Measure F - Multnomah County Library District

CHAPTER IX. LIBRARY DISTRICT

9.10 Formation.

(1) Upon the approval of a majority of the voters in Multnomah County, the Board of County Commissioners may establish a Multnomah County Library District. The Library District will be established as a municipal corporation. The Library District has the powers granted by this Charter, and those granted by state law to library districts and public libraries.

(2) The Board of County Commissioners will be the governing body of the Library District. The Board will appoint a district librarian.

(3) A majority of the Board of County Commissioners may initiate the formation of the district, to be located entirely within the county, by an order setting forth (a) the intention of the Board to initiate the formation of the Library District in accordance with this Charter provision, (b) the name and boundaries of the proposed Library District, and (c) the date, time and place of a public hearing on the proposal. The hearing may not be held less than 30 days or more than 50 days after the Board's proposal to establish the Library District. Notice of the hearing will be posted in at least three public places and published by two insertions in a newspaper.

9.20 Financing.

(1) The Library District may impose ad valorem property taxes sufficient to support its functions and services with a permanent rate limit for operating taxes approved by county voters

(2) The operating property, employees and debt associated with the Multnomah County Library may be transferred to the Library District pursuant to intergovernmental agreements. During the period of negotiation of the agreements, the Library District may be subsidized by the County. It will become financially independent from the County on a date no later than eighteen months following the voters' approval.

9.30 Advisory Board.

There will be a Library Advisory Board of 17 members, including two youth members. The members will be appointed by the Chair subject to approval by the Board of County Commissioners. The term of office for each Library Advisory Board member will be four years and begin on July 1 with the exception of the initial members. The initial members and their terms will be the members of the then current Library Board and their respective terms. No Library Advisory Board member may serve more than a total of two consecutive terms.