

2/28/78 - FAUST MEMO

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JOHN R. FAUST, JR.
1408 STANDARD PLAZA
PORTLAND, OREGON 97204

February 28, 1978

TO: Home Rule Charter Review Committee
Multnomah County

Dear Fellow Committee Members:

I have done a great deal of thinking on this subject while on vacation, and have talked to Julie Gottlieb about the hearings held in my absence. I have some thoughts for the future which I will bring up at the meeting, but wanted to write you in advance to give you some time to think about this before Thursday night's meeting. My thoughts relate to how we should go about our job and where we should go from here.

First, I believe we should let the voters decide--point by point--how they want their charter amended. Legal counsel advises that we can submit several amendments to be voted upon separately, instead of a take-it-or-leave-it "package." That makes a lot of sense to me. In the past, voters have always had to vote yes or no on packages embodying several concepts. They may have voted against ideas they like because the package was on balance unacceptable, and vice versa. I think we should give them a chance to resolve some of these questions one by one. If we do, at least some of these problems may be put to rest for some time to come, instead of coming back again every election.

Second, I don't think we as a committee have to make the decision ourselves on these questions as to what is best for the county. I don't think there is any clear-cut right or wrong on these questions, no clear-cut good or evil. Arguments--not unreasonable--can be made either way. The real issue behind this controversy, behind the last two amended elections and behind the creation of our committee is a question of confidence in government, confidence in the system. Despite the evidence of general apathy over these questions, there is considerable evidence that a lot of concerned people do not feel they are adequately represented in the present system. I think the best thing we could do is to give the people confidence that the system is their system, and the best way to do that is to let the

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voters, not a select group, shape that system in clear, separate choices, issue by issue.

For example, take the question of two-year terms. There is obviously some sentiment for two-year terms. I see no reason for us to try to decide by hearings, study, and "advisory" election in May, etc., if two-year terms are a good idea or if that is what the people want. I believe that is a direct question which the voters can and should decide for themselves. I suggest that we simply propose an amendment for two-year terms, without any recommendation, and let the voters decide.

As to the method for filling vacancies, I think we could simply submit, again without recommendation, a proposed separate amendment to that effect unless legal counsel advises either that it is illegal or that compliance with legal requirements would be unreasonably burdensome. However, barring compelling evidence that this is either illegal or intolerably difficult, I would let the voters decide that question.

The third issue we have to consider is the question of single member districts. Legal counsel advises that we cannot submit alternative proposals, that is, a choice of several methods. We have to submit a single measure on that issue with a yes or no choice. It appears to me that the real controversy in the past over districting has been not so much a controversy over the concept itself, but a controversy as to how the districting was done. The concept of districting has become blurred by personal conflicts and correlary disputes. I believe we should do our best to submit a districting proposal which we believe is fair and workable, and again let the voters decide if they want districting. I believe that we can come up with a plan that would not be centered on personalities, that would not place any incumbent or potential challenger under an undue handicap, that would give adequate representation to East county (where the question of representation has been most strongly pressed), and that would not artificially favor or prejudice any particular group or area. If we do that, then the voters can decide for themselves whether they want districting, without being unduly distracted by side issues.

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The above is not an easy job, and I am not naive enough to believe that we can avoid charges that we are favoring this neighborhood over that neighborhood or this candidate over that candidate. However, I believe we can do a good enough job that the great majority of reasonable people will feel that they are being given a fair choice, and will make the choice on the basis of how they want their government to work, not who they like or dislike at the moment. If, given that choice, the voters reject districting, then so be it. Our position would not be, "This is the way you ought to do it." Our position would be, "If you want districting, we think this is a good way to do it."

As to the method of electing the chairman, I do not believe we can separate that from a districting proposal. Perhaps we can, and I would welcome any suggestions you may have, but it seems difficult to me to separate the two concepts. However, I am again optimistic on what we can do. I feel that we can include in a districting proposal a method for selection of the chairman that reasonable people would recognize as neither an effort to hurt or help the incumbent, but a legitimate effort to give the voters a fair choice as to what system they prefer.

As to our "open assignment," that is, our power to submit other amendments, I think we got good advice from a voter who wrote us urging us to "take small steps." In other words, I believe that we and the voters will have a major job in trying to resolve the major problems above without spreading our attention too thin. I believe we should submit relatively few measures to the voters this fall, those being the "mandatory" issues and only such other questions as we consider equally urgent. I have no particular preference as to what--if any--other issues we may want to submit, only a feeling that we may prejudice the whole effort if we make the "shopping list" too long. Perhaps a good way to take care of some of the problems which are important but not as urgent as the districting and other problems would be to submit a proposal for a new charter review committee in the future to review further issues.

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If we follow the above approach, that is, submitting all these questions to the voters, then it is unnecessary to submit the county to the expense and difficulty of an "advisory" election this Spring. Instead of asking the voters what we should submit to them, we will simply submit all the questions to them for their final decision in the Fall.

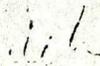
Some may say that this approach is "emasculating" the committee or "abdicating our responsibility." I disagree. I do not believe the purpose of this committee is to provide us with an ego trip or a power exercise, or to vest in us the wisdom to decide what is best for the county. As I said before, I think the real problem here is one of confidence of the people in the system, a feeling many voters have that "they" are not representing "us." I sincerely believe the best answer to that is to bring the people into the decision-making process on all these points, so that everyone can feel that the charter is "our" charter, not the work of some "blue ribbon" group. Insofar as the committee's function is concerned, I think we will have plenty to do in developing proposals on districting and selection of the chairman that will give the voters a fair choice of methods, as free as possible from distracting side issues.

Please think about this approach. I don't think we necessarily have to decide this Thursday night, but I do believe that before too long we are going to have to determine in general how we are going to approach our task. I offer these ideas hoping to help.

Now at least all of you know that I did not spend all my time on the beach just getting sunburned.

Best personal regards to all,

Very truly yours,



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