

# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
GLADYS McCOY •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

## CORRECTED AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

April 12 - 16, 1993

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Monday, April 12, 1993 - 2:00 PM - City/County  
Joint Meeting. . . . CANCELLED

Tuesday, April 13, 1993 - 9:00 AM - Executive Session . CANCELLED

Tuesday, April 13, 1993 - 9:30 AM - SPECIAL MEETING . . . .Page 2

Tuesday, April 13, 1993 - 9:45 AM - Agenda Review . . . CANCELLED

Tuesday, April 13, 1993 - \*11:00 AM - Board Briefings . CANCELLED

Tuesday, April 13, 1993 - 7:00 PM - Budget Public  
Hearing . . . . . CANCELLED

Wednesday, April 14, 1993 - 9:30 AM - Budget Work  
Session . . . . . CANCELLED

Wednesday, April 14, 1993 - 5:30 PM - Budget  
Public Hearing. . CANCELLED

Thursday, April 15, 1993 - 9:30 AM - Regular Meeting. . CANCELLED

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Friday, April 16, 1993 - 9:30 AM - Budget Work Session. . .Page 2

Friday, April 16, 1993 - 1:30 PM - Budget Public Hearing. .Page 2

Tuesday, April 13, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

SPECIAL MEETING

NON-DEPARTMENTAL

- R-1 RESOLUTION in the Matter of Declaring A Vacancy in the Office of the County Chair and Calling An Election to Fill the Vacancy
- 

Friday, April 16, 1993 - 9:30 to 11:30 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

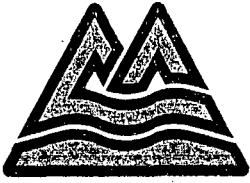
- WS-1 The Board of County Commissioners, Sitting as the Budget Committee, to Review the 1993-94 Budget. Work Sessions are Open to the Public, but Public Testimony will be Heard at Public Hearings Only.
- 

Friday, April 16, 1993 - 1:30 to 5:00 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

- PH-1 The Board of County Commissioners, Sitting as the Budget Committee, for the Purpose of Receiving Public Testimony on the 1993-94 Budget.



# MULTNOMAH COUNTY OREGON

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## BOARD OF COUNTY COMMISSIONERS

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### SPECIAL MEETING

*Tuesday, April 13, 1993 - 9:30 AM*

*Multnomah County Courthouse, Room 602*

### SWEARING IN CEREMONY

*Judge Kristena LaMar will preside over the Swearing In/  
Oath of Office for the MULTNOMAH COUNTY ACTING CHAIR OF THE  
BOARD, HENRY C. MIGGINS.*

0265C/19  
cap

Meeting Date: April 13, 1993

Agenda No.: R-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Resolution Declaring Vacancy and Calling an Election

AGENDA REVIEW/  
BOARD BRIEFING

REGULAR MEETING April 13, 1993  
(date) (date)

DEPARTMENT Non-Departmental

DIVISION County Counsel

CONTACT Laurence Kressel

TELEPHONE 248-3138

PERSON(S) MAKING PRESENTATION

Larry Kressel

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested,  
as well as personnel and fiscal/budgetary impacts, if applicable):

Resolution in the Matter of Declaring a Vacancy in the Office  
of the County Chair and Calling an Election to Fill the Vacancy

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER \_\_\_\_\_

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
1993 APR 12 PM 1:24  
MULTNOMAH COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Declaring A Vacancy in  
the Office of the County Chair and  
Calling An Election to Fill the Vacancy

RESOLUTION 93-107

WHEREAS, Multnomah County Chair Gladys McCoy has died after a  
lengthy illness; and

WHEREAS, Multnomah County Home Rule Charter Section 4.40(1)(a)  
provides that an elective office of the county becomes vacant upon  
the incumbent's death; and

WHEREAS, Multnomah County Code Section 4.30.030(A) requires  
the Board of County Commissioners promptly to determine and declare  
the date of vacancy; and

WHEREAS, Multnomah County Code Section 4.30.055 requires the  
Board of County Commissioners to call an election to fill the  
vacancy on the next available election date which is not sooner  
than the 45th day after the date of the declaration of vacancy;

NOW, THEREFORE, BE IT DECLARED that

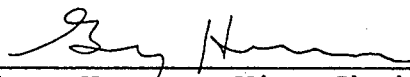
1. The date of the vacancy in the office of the County Chair is April 11, 1993; AND

2. An election to fill the vacancy shall be held June 29, 1993.

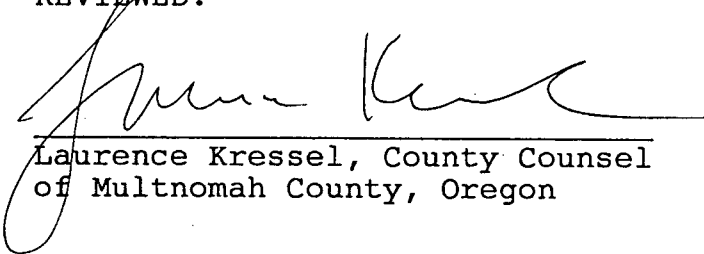
DATED this 13th, day of April, 1993.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By   
Gary Hansen, Vice-Chair  
Multnomah County, Oregon

REVIEWED:

  
Laurence Kressel, County Counsel  
of Multnomah County, Oregon

D:\WPDATA\ONE\RESOLUTI.GLA\st

04/12/93:1



# MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL  
1120 S.W. FIFTH AVENUE, SUITE 1530  
P.O. BOX 849  
PORTLAND, OREGON 97207-0849  
(503) 248-3138  
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
TANYA COLLIER  
DAN SALTZMAN  
GARY HANSEN  
SHARRON KELLEY

## MEMORANDUM

TO: Board of County Commissioners  
Tanya Collier  
Gary Hansen  
Sharron Kelley  
Dan Saltzman

FROM: Laurence Kressel (106/1530) *LK*  
County Counsel

DATE: April 12, 1993

RE: Death of Chair McCoy; Procedures to  
Fill Vacancy

COUNTY COUNSEL  
LAURENCE KRESSEL

CHIEF ASSISTANT  
JOHN L. DU BAY

ASSISTANTS  
J. MICHAEL DOYLE  
SANDRA N. DUFFY  
GERALD H. ITKIN  
H.H. LAZENBY, JR.  
STEVEN J. NEMIROW  
MATTHEW O. RYAN  
JACQUELINE A. WEBER

On April 11, 1993, Chair Gladys McCoy died after a long illness. This memorandum addresses how the vacancy created by her death is filled.

### 1. Vacancy.

When an elected official dies, Charter Section 4.40 provides the office becomes vacant. This provision is repeated in Multnomah County Code Section 4.30.020(A)(4).

Upon becoming aware of a vacancy in an elective office, the Board of County Commissioners is required to promptly determine and declare the date of the vacancy. MCC 4.30.030(A).

The Board should make this declaration as soon as possible. The declaration should be made by Resolution, adopted at a public meeting. A draft Resolution making the declaration is attached.

## 2. Filling the Vacancy.

The method for filling vacancies depends on the time remaining before the term of office expires. Charter Section 4.50(1)(a) governs when, as in this instance, the term of office expires one year or more after the vacancy occurs. (Chair McCoy's term expires December 31, 1994). In that event, an election is held to fill the vacancy.

According to the county code, the Board must call an election for the next available election date which is not sooner than the 45th day after the date of the declaration of vacancy. MCC 4.30.055. In this instance, the election must occur on June 29, 1993.

Nomination for election to fill a vacancy is made by the petition or declaration methods established by state law. The petition or declaration must be filed with the director of elections not later than the 34th day prior to the date of the election.  
MCC 4.30.065.<sup>1</sup>

## 3. Interim Occupant of Vacant Office.

Pursuant to the charter, the Board has prescribed procedures to designate an interim occupant of the office of the Chair (and certain other positions) in the event of a vacancy. Charter Section 4.50(3). The person so designated "shall serve as acting Chair." Ibid. Ordinance 716 was enacted to carry out this charter requirement. It provides that the Chair's Chief Deputy serves as acting Chair until a successor is elected.<sup>2</sup>

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<sup>1</sup> If no candidate receives a majority of votes cast at that election, the Board of County Commissioners must call a special election in which the names of the two candidates receiving the highest number of votes appear on the ballot. The candidate receiving a majority of the votes case will be deemed elected. The run-off election is held not less than 34 days nor more than 50 days after the first election. MCC 4.30.080(B),(c).

<sup>2</sup> "This ordinance carries out the charter requirement that the Board of County Commissioners prescribe procedures to designate interim occupants of the office of the Chair \* \* \*. The ordinance parallels a state law (ORS 236.220) \* \* \* by designating the Chief Deputy of the Chair \* \* \* as [her] interim successor." Ordinance 716(I)(B).

The ordinance provides that the Chair's Chief Deputy performs the administrative responsibilities of the office and serves as "Acting Chair." The latter reference confers on the Chief Deputy all the charter powers of the chair.

Board of County Commissioners  
April 12, 1993  
Page 3

4. Conclusion.

In sum: (1) the Chair's death creates a vacancy; (2) the Board should promptly declare the vacancy and call an election to fill it; (3) in the interim between the declaration of vacancy and the election, the acting chair is Hank Miggins, Chair McCoy's Chief Deputy.

Attachment

cc: Sheriff Bob Skipper  
Gary Blackmer  
Vicki Ervin



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CLERK'S OFFICE • 248-3277 • 248-5222

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

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Thursday Meetings of the Multnomah County Board of  
Commissioners are taped and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side  
subscribers

Thursday, 10:00 PM, Channel 49 for Columbia Cable  
(Vancouver) subscribers

Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah  
East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East  
County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD  
CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE  
248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Monday, April 12, 1993 - 2:00 - 4:00 PM

PORTLAND BUILDING, 1120 S.W. 5th, Portland

2ND FLOOR, CONFERENCE ROOM C

PUBLIC HEARING

- PH-1 The BOARD OF COUNTY COMMISSIONERS and the CITY COUNCIL of the CITY OF PORTLAND will hold a JOINT BUDGET HEARING to Review Impacts each Organization's Budget may have on the Other Organization.
- 

Tuesday, April 13, 1993 - 9:00 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will Meet in Executive Session for the Purpose of Discussing Collective Bargaining Pursuant to ORS 192.660 (1)(d). 45 MINUTES REQUESTED.
- 

Tuesday, April 13, 1993 - 9:45 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-1 Review of Agenda for Regular Meeting of April 15, 1993
- 

Tuesday, April 13, 1993 - 11:00 AM \*or  
Immediately Following Agenda Review

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-2 Legislative Update. Presented by Fred Neal and Howard Klink. 30 MINUTES REQUESTED.
- B-3 Briefing on Land Conservation and Development Commission (LCDC) Report on the County's Periodic Review Order for Land Outside the Metropolitan Urban Growth Boundary and Outside the Columbia River George National Scenic Area. Presented by R. Scott Pemble. 20 MINUTES REQUESTED.
- 

Tuesday, April 13, 1993 - 7:00 to 9:00 PM

Hansen Building Auditorium - 12240 NE Glisan, Portland

PUBLIC HEARING

- PH-2 The Board of County Commissioners, Sitting as the Budget Committee, for the Purpose of Receiving Public Testimony on the 1993-94 Budget.

Wednesday, April 14, 1993 - 9:30 to 11:30 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

- WS-1 The Board of County Commissioners, Sitting as the Budget Committee, to Review the 1993-94 Budget. Work Sessions are Open to the Public, but Public Testimony will be Heard at Public Hearings Only.
- 

Wednesday, April 14, 1993 - 5:30 to 8:00 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

- PH-3 The Board of County Commissioners, Sitting as the Budget Committee, for the Purpose of Receiving Public Testimony on the 1993-94 Budget.
- 

Thursday, April 15, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 In the Matter of the Appointment of Pauline Anderson as Chair of the Multnomah County Children and Youth Services Commission as per County Ordinance No. 751
- C-2 In the Matter of the Reappointments of Vivian Starbuck and Christine Lightcap to the Parks Advisory Committee, Terms Expire 12/95

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-3 In the Matter of Transferring Found/Unclaimed Property to the Sheriff's Office D.A.R.E. Program
- C-4 Ratification of an Intergovernmental Agreement, Contract #800643, between Multnomah County Sheriff's Office and the U.S. Department of Agriculture, Forest Service to Enforce Federal/State Laws and Regulation in the National Forest, for the Period May 27, 1993 through September 6, 1993
- C-5 Ratification of an Intergovernmental Agreement, Contract #800014, between the Oregon State Marine Board and Multnomah County Sheriff's Office Patrol to Conduct Marine Law Enforcement Activities, for the Period July 1, 1993 through June 30, 1994

## DEPARTMENT OF SOCIAL SERVICES

- C-6      Ratification of an Intergovernmental Agreement Amendment #1, Contract #100083, between Multnomah County Mental and Emotional Disabilities Program Office of Child and Adolescent Mental Health and the University Hospital to Decrease Medicaid Allocation to Reflect Accurate Usage, for the Period July 1, 1992 through June 30, 1993

## DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-7      ORDER in the Matter of the Execution of Deed D930868 Upon Complete Performance of a Contract to DONNA L. SCHLAPPIE

## REGULAR AGENDA

### NON-DEPARTMENTAL

- R-1      In the Matter of Presenting Certificates of Appreciation to JEAN LEAKE, SANDRA POTTER, and MARY ALICE WILLIAMS for their Concern for and Dedication to the Citizens of Our Community - 9:30 AM TIME CERTAIN
- R-2      RESOLUTION in the Matter of Declaring April 18-24, 1993 as the Week of the Young Child, a Project of the National Association for the Education of young Children

### SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of the Dunthorpe-Riverdale Sanitary Service District No. 1, and Mid-County Street Lighting Service District No. 14)

- R-3      PUBLIC HEARING and First Meeting of the Board of County Commissioners Sitting as the Budget Committee for Dunthorpe-Riverdale Sanitary Service District No. 1, and Mid-County Street Lighting Service District No. 14 Regarding Acceptance and Approval of Fiscal Year 1993-94 Budgets

(Recess as the Governing Body of the Dunthorpe-Riverdale Sanitary Service District No. 1, and Mid-County Street Lighting Service District No. 14 and reconvene as the Board of County Commissioners)

## JUSTICE SERVICES

### SHERIFF'S OFFICE

- R-4      In the Matter of a Request for Exemptions from the Hiring Restriction Policy for Corrections Technician Positions in the Sheriff's Office as these Positions are "CRITICAL"

## DEPARTMENT OF HEALTH

- R-5      Request for Approval of a NOTICE OF INTENT to Respond to the National Center for Nursing Research, Request for Applications Entitled COMMUNITY INTERVENTIONS IN ADOLESCENT HEALTH PROMOTION

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

- R-6 First Reading of an ORDINANCE Relating to Benefits for Employees not Covered by Collective Bargaining Agreement, and Amending ORDINANCE NO. 740

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-7 ORDER in the Matter of the Quitclaim of a Reversionary Interest in Lot 16, Block 7, NORTH IRVINGTON to the City of Portland
- R-8 ORDER in the Matter of the Conveyance to the City of Portland a One (1) Foot Strip (Street Plug Owned by the County and Authorizing the Board to Execute Bargain and Sale Deed

NON-DEPARTMENTAL

- R-9 Second Reading and Possible Adoption of an ORDINANCE Transferring Jurisdiction Over Way of Necessity Proceedings to the Multnomah County Circuit Court
- R-10 RESOLUTION in the Matter of the Preservation and Maximization of Jail Beds and Other Corrections Related Activities in Multnomah County, Oregon (CONTINUED FROM MARCH 25, 1993, APRIL 1, 1993, AND APRIL 7, 1993)
- R-11 RESOLUTION in the Matter of an Intergovernmental Agreement with the Portland School District and the City of Portland Designating PILOT Fund Use and Transferring Title to Kennedy School
- R-12 RESOLUTION in the Matter of Inviting Public Comment on and Board Consideration of the Functions and Procedures of the Multnomah County Boards of Equalization
- R-13 In the Matter of Requesting Policy Direction to Address the Specific Necessity of 36,000 sq. ft. Additional Space for the Mental Health Division in the Pittock Building

PUBLIC COMMENT

- R-14 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

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Friday, April 16, 1993 - 9:30 to 11:30 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

- WS-2 The Board of County Commissioners, Sitting as the Budget Committee, to Review the 1993-94 Budget. Work Sessions are Open to the Public, but Public Testimony will be Heard at Public Hearings Only.

Friday, April 16, 1993 - 1:30 to 5:00 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

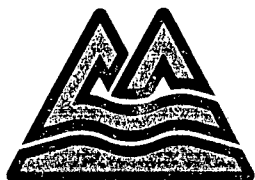
PH-4 The Board of County Commissioners, Sitting as the Budget Committee, for the Purpose of Receiving Public Testimony on the 1993-94 Budget.

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BUDGET HEARING SCHEDULE FOR 1993

<u>DATE</u>	<u>TIME</u>	<u>SUBJECT</u>	<u>PLACE</u>
4/07/93	1:30-2:00 PM	Executive Budget Message	Multnomah County Courthouse Room 602
4/12/93	2:00-4:00 PM	Joint Budget Hearing City Council/Board of Commissioners	Portland Building-2nd Floor Conference Room C 1120 SW 5th
4/13/93	7:00-9:00 PM	<u>PUBLIC HEARING</u>	Hansen Building Auditorium 12240 NE Glisan
4/14/93	9:30-11:30 AM 5:30- 8:00 PM	Board Work Session <u>PUBLIC HEARING</u>	Multnomah County Courthouse Room 602
4/16/93	9:30-11:30 AM 1:30- 5:00 PM	Board Work Session <u>PUBLIC HEARING</u>	Multnomah County Courthouse Room 602
4/19/93	9:30-11:30 AM 1:30- 5:00 PM	Board Work Session <u>PUBLIC HEARING</u>	Multnomah County Courthouse Room 602
4/21/93	9:30-11:30 AM 1:30- 5:00 PM	Board Work Session <u>PUBLIC HEARING</u>	Multnomah County Courthouse Room 602
4/29/93	9:30 AM	<u>APPROVE BUDGET</u>	Multnomah County Courthouse Room 602

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# MULTNOMAH COUNTY OREGON

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## SUPPLEMENTAL AGENDA

\*\*\*\*\* C A N C E L L E D \*\*\*\*\*

Monday, April 12, 1993 - 2:00 - 4:00 PM

PORTLAND BUILDING, 1120 S.W. 5th, Portland

2ND FLOOR, CONFERENCE ROOM C

### PUBLIC HEARING

PH-1 The BOARD OF COUNTY COMMISSIONERS and the CITY COUNCIL of the CITY OF PORTLAND will hold a JOINT BUDGET HEARING to Review Impacts each Organization's Budget may have on the Other Organization.

\*\*\*\*\* C A N C E L L E D \*\*\*\*\*

0265C/16  
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CLERK'S OFFICE • 248-3277 • 248-5222

## SUPPLEMENTAL AGENDA

\* \* \* \* \* C A N C E L L E D \* \* \* \* \*

*Monday, April 12, 1993 - 2:00 - 4:00 PM*

*PORTLAND BUILDING, 1120 S.W. 5th, Portland*

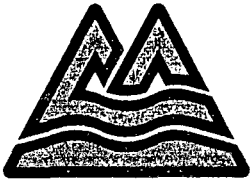
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### SPECIAL MEETING

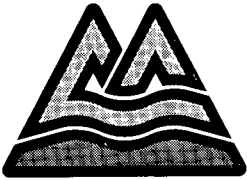
*Tuesday, April 13, 1993 - 9:30 AM*

*Multnomah County Courthouse, Room 602*

### SWEARING IN CEREMONY

*Judge Kristena LaMar will preside over the Swearing In/  
Oath of Office for the MULTNOMAH COUNTY ACTING CHAIR OF THE  
BOARD, HENRY C. MIGGINS.*

0265C/19  
cap



## MULTNOMAH COUNTY OREGON

NEWS

CONTACT: Teri Duffy, Public Information Officer, 248-3308

PHOTO, VIDEO, AUDIO OPPORTUNITY: YES  
IMMEDIATE RELEASE

### MULTNOMAH COUNTY ACTING CHAIR TO BE APPOINTED IMMEDIATELY

TODAY at 9:30 A.M., the Multnomah County Board of Commissioners will officially declare a vacancy for the office of Multnomah County Chair and call for an June 29, 1993 special election to fill Gladys McCoy's remaining term of office.

County Chair Gladys McCoy died Sunday evening at her home from anaplastic thyroid cancer. Chair McCoy's second term of office as Multnomah County Chair expires December 31, 1994.

Multnomah County's Charter requires that the County Chair's chief deputy serves in the interim as acting Chair until an election is held to select a successor to Chair McCoy.

Multnomah County Circuit Court Judge Kristena LaMar will issue the oath of office to Henry C. (Hank) Miggins in Room 602 of the County Courthouse.

# # #

BOARD OF  
COUNTY COMMISSIONERS  
1993 APR 13 AM 7:59  
MULTNOMAH COUNTY  
OREGON

Gladys McCoy,  
County Chair

The Portland Building  
1120 S.W. 5th, Rm. 1410  
Portland, Oregon 97204

Meeting Date: April 13, 1993

Agenda No.: R-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Resolution Declaring Vacancy and Calling an Election  
AGENDA REVIEW/  
BOARD BRIEFING \_\_\_\_\_  
(date) \_\_\_\_\_ REGULAR MEETING April 13, 1993  
(date) \_\_\_\_\_

DEPARTMENT Non-Departmental DIVISION County Counsel

CONTACT Laurence Kressel TELEPHONE 248-3138

PERSON(S) MAKING PRESENTATION Larry Kressel

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested,  
as well as personnel and fiscal/budgetary impacts, if applicable):

Resolution in the Matter of Declaring a Vacancy in the Office  
of the County Chair and Calling an Election to Fill the Vacancy

(If space is inadequate, please use other side)

SIGNATURES:

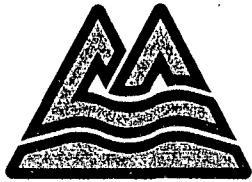
ELECTED OFFICIAL \_\_\_\_\_

Or

DEPARTMENT MANAGER \_\_\_\_\_

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
1993 APR 12 PM 1:24  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

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1120 S.W. FIFTH AVENUE, SUITE 1530  
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BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
TANYA COLLIER  
DAN SALTZMAN  
GARY HANSEN  
SHARRON KELLEY

## MEMORANDUM

TO: Board of County Commissioners  
Tanya Collier  
Gary Hansen  
Sharron Kelley  
Dan Saltzman

FROM: Laurence Kressel (106/1530) *LK*  
County Counsel

DATE: April 12, 1993

RE: Death of Chair McCoy; Procedures to  
Fill Vacancy

COUNTY COUNSEL  
LAURENCE KRESSEL

CHIEF ASSISTANT  
JOHN L. DU BAY

ASSISTANTS  
J. MICHAEL DOYLE  
SANDRA N. DUFFY  
GERALD H. ITKIN  
H.H. LAZENBY, JR.  
STEVEN J. NEMIROW  
MATTHEW O. RYAN  
JACQUELINE A. WEBER

On April 11, 1993, Chair Gladys McCoy died after a long illness. This memorandum addresses how the vacancy created by her death is filled.

### 1. Vacancy.

When an elected official dies, Charter Section 4.40 provides the office becomes vacant. This provision is repeated in Multnomah County Code Section 4.30.020(A)(4).

Upon becoming aware of a vacancy in an elective office, the Board of County Commissioners is required to promptly determine and declare the date of the vacancy. MCC 4.30.030(A).

The Board should make this declaration as soon as possible. The declaration should be made by Resolution, adopted at a public meeting. A draft Resolution making the declaration is attached.

## 2. Filling the Vacancy.

The method for filling vacancies depends on the time remaining before the term of office expires. Charter Section 4.50(1)(a) governs when, as in this instance, the term of office expires one year or more after the vacancy occurs. (Chair McCoy's term expires December 31, 1994). In that event, an election is held to fill the vacancy.

According to the county code, the Board must call an election for the next available election date which is not sooner than the 45th day after the date of the declaration of vacancy. MCC 4.30.055. In this instance, the election must occur on June 29, 1993.

Nomination for election to fill a vacancy is made by the petition or declaration methods established by state law. The petition or declaration must be filed with the director of elections not later than the 34th day prior to the date of the election.  
MCC 4.30.065.<sup>1</sup>

## 3. Interim Occupant of Vacant Office.

Pursuant to the charter, the Board has prescribed procedures to designate an interim occupant of the office of the Chair (and certain other positions) in the event of a vacancy. Charter Section 4.50(3). The person so designated "shall serve as acting Chair." Ibid. Ordinance 716 was enacted to carry out this charter requirement. It provides that the Chair's Chief Deputy serves as acting Chair until a successor is elected.<sup>2</sup>

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<sup>1</sup> If no candidate receives a majority of votes cast at that election, the Board of County Commissioners must call a special election in which the names of the two candidates receiving the highest number of votes appear on the ballot. The candidate receiving a majority of the votes case will be deemed elected. The run-off election is held not less than 34 days nor more than 50 days after the first election. MCC 4.30.080(B),(c).

<sup>2</sup> "This ordinance carries out the charter requirement that the Board of County Commissioners prescribe procedures to designate interim occupants of the office of the Chair \* \* \*. The ordinance parallels a state law (ORS 236.220) \* \* \* by designating the Chief Deputy of the Chair \* \* \* as [her] interim successor." Ordinance 716(I)(B).

The ordinance provides that the Chair's Chief Deputy performs the administrative responsibilities of the office and serves as "Acting Chair." The latter reference confers on the Chief Deputy all the charter powers of the chair.

Board of County Commissioners  
April 12, 1993  
Page 3

4. Conclusion.

In sum: (1) the Chair's death creates a vacancy; (2) the Board should promptly declare the vacancy and call an election to fill it; (3) in the interim between the declaration of vacancy and the election, the acting chair is Hank Miggins, Chair McCoy's Chief Deputy.

Attachment

cc: Sheriff Bob Skipper  
Gary Blackmer  
Vicki Ervin

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Declaring A Vacancy in  
the Office of the County Chair and  
Calling An Election to Fill the Vacancy

RESOLUTION 93-

WHEREAS, Multnomah County Chair Gladys McCoy has died after a lengthy illness; and

WHEREAS, Multnomah County Home Rule Charter Section 4.40(1)(a) provides that an elective office of the county becomes vacant upon the incumbent's death; and

WHEREAS, Multnomah County Code Section 4.30.030(A) requires the Board of County Commissioners promptly to determine and declare the date of vacancy; and

WHEREAS, Multnomah County Code Section 4.30.055 requires the Board of County Commissioners to call an election to fill the vacancy on the next available election date which is not sooner than the 45th day after the date of the declaration of vacancy;

04/12/93:1

NOW, THEREFORE, BE IT DECLARED that

1. The date of the vacancy in the office of the County Chair is April 11, 1993; AND

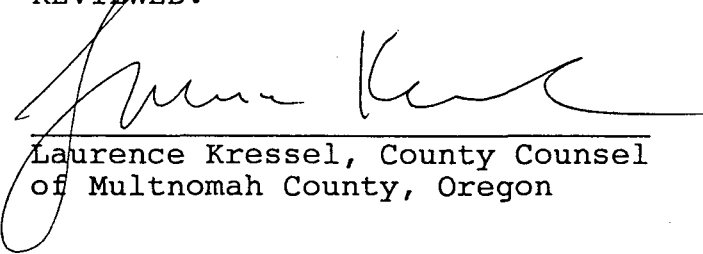
2. An election to fill the vacancy shall be held June 29, 1993.

DATED this \_\_\_\_\_, day of \_\_\_\_\_, 1993.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Gary Hansen, Vice-Chair  
Multnomah County, Oregon

REVIEWED:

  
Laurence Kressel, County Counsel  
of Multnomah County, Oregon

D:\WPDATA\ONE\RESOLUTI.GLA\st

04/12/93:1

BOARD OF COUNTY COMMISSIONERS  
FORMAL BOARD MEETING  
RESULTS

MEETING DATE: 4-13-93

*Special Meeting*

Agenda Item #	Motion	Second	APP/NOT APP
<u>R-1</u>	<u>Stall</u>	<u>SK</u>	<u>App</u>
<u>Appointment of Acting Chair</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>Motion to Continue BCC Agenda to next wk</u>	<u>SK</u>	<u>TC</u>	<u>App</u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
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