

ORDINANCE # 659 !

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 659

An ordinance submitting proposed County Home Rule Charter amendments to the voters at the general election to be held November 6, 1990; and declaring an emergency.

Multnomah County ordains as follows:

Section I. Purposes

A. The Multnomah County Home Rule Charter creates a Charter Review Committee and directs the Committee to make its report to the Board, including any amendments proposed to the charter, at least ninety-five (95) days prior to the 1990 primary or general election.

B. The Committee has concluded its review and has submitted its report to the board. The Committee recommends that seven (7) separate measures containing amendments to the Charter be submitted to the voters at the 1990 general election.

C. The Charter requires that amendments proposed by the Committee be submitted to the voters at the 1990 primary or general election or both.

Section II. Submission of Proposed Charter Amendments to Voters.

A. There shall be submitted to the voters of Multnomah County at the election to be held November 6, 1990, seven (7) measures containing amendments to the Multnomah County Charter.

CERTIFIED TRUE COPY OF THE  
ORIGINAL ON FILE HEREIN  
By Deborah L. Rogers  
CLERK OF THE BOARD  
MULTNOMAH COUNTY, OREGON

The election shall be held concurrently with the statewide general election and notice thereof shall be given as required by law.

B. Exhibit A, attached hereto and by this reference incorporated herein, contains the proposed measures, proposed ballot titles and explanatory statements.

C. The Clerk of the Board shall promptly certify the proposed measures, ballot titles and explanatory statements to the Director of the Elections Division who shall publish the notice required by the county code.

D. The Board hereby determines that the aforementioned measures, ballot titles and explanatory statements shall be included in the state voters' pamphlet for the November, 1990 election. The Director of Elections shall file them with the Secretary of State as required by law.

Section III. Emergency Clause.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.



ADOPTED this 9th day of August, 1990 being the date of its  
first reading before the Board of County Commissioners of  
Multnomah County, Oregon.



By Gladys McCoy

GLADYS MCCOY, CHAIR

MULTNOMAH COUNTY, OREGON

REVIEWED:

Laurence Kressel  
Laurence Kressel, County Counsel  
of Multnomah County, Oregon.

08/02/90



EXHIBIT A

BALLOT MEASURE NO. 1

CAPTION:

Multnomah County Charter Review Committee's  
Recommendations: Chair, County Manager Responsibilities.

QUESTION:

Shall the Board of County Commissioners appoint a professional County Manager to perform the administrative functions of the County?

PURPOSE:

If this measure is approved: The County Charter will be amended to transfer administrative functions of the Chair of the Board to a professional County Manager who shall be appointed by the Board. The Chair of the Board will retain non-administrative functions and will be the chief spokesperson for the Board. The Charter will also be amended to reduce by 10% the total budget for the Chair, Commission and the County Manager for next fiscal year. The amendment would be effective July 1, 1991.

TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 1

6.10 CHAIR OF THE BOARD. Effective July 1, 1991, t[T]he Chair of the Board of County Commissioners:

- (1) [shall be chief executive officer and personnel office of the County;]  
shall be the chief spokesperson for the Board;
- (2) shall preside over meetings of the Board and have a vote on each matter before the Board; and
- [(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 elective county offices. Appointment of department heads shall be subject to consent of a majority of the board of commissioners;]
- [(4) shall execute the policies of the Board and ordinances of the County;]
- (3)[(5)] shall sign all contracts, bonds and other instruments requiring county consent[;]except as otherwise delegated by the Board.
- [(6) shall prepare the county budget for submission to the Board;]
- [(7) may delegate his or her administrative powers but shall retain full responsibility for the acts of his or her subordinates; and]
- [(8) shall perform all functions assigned in this County Charter to the County Executive. The Chair shall receive the same salary as the County Executive unless changed in accordance with Section 4.30 of this Charter. This Charter may be restated by the office of County Counsel to replace all references to the County Executive with references to the Chair of the Board Commissioners.]

6.15 COUNTY MANAGER.

- (1) The Board of County Commissioners shall, effective July 1, 1991, appoint, and thereafter employ, a County Manager to serve at the pleasure of the Board.
- (2) The Manager shall be the head of the administration of the county government and shall be responsible to the Board for proper administration of the affairs of the County and for carrying out the policies of the Board.



- (3) The Board shall select the Manager on the basis of his or her professional qualifications.
- (4) Except as otherwise specifically provided in this County Charter, the Manager shall:
  - (a) Submit an annual report on the affairs of the County and otherwise keep the Board informed about the affairs and needs of the County;
  - (b) Appoint, supervise, transfer and remove all county department heads, administrative officers and employees except for the staff and employees of elected officials and the County Counsel; provided, however, the appointment of department heads shall be subject to confirmation by the Board and county counsel shall be appointed by, and serve at the pleasure of, the Board;
  - (c) See that county ordinances are enforced and that the terms of all county franchises, leases, contracts, permits and licenses are observed;
  - (d) Prepare the annual budget estimates to submit to the Board, including the manager's recommendations as to proposed expenditures and the revenue necessary to balance the budget;
  - (e) Have charge of all county purchases and custody and management of all county property and facilities; and
  - (f) Perform such other duties and exercise such other responsibilities as the Board deems necessary and appropriate to the Manager's function as head of County administration.
- (5) The total budget for the Board Chair, the Board of County Commissioners and the office of the County Manager for FY 1991-92 shall not exceed 90% of funds budgeted for the Board Chair and the Board of County Commissioners for FY 1990-91.

7.10 CLASSIFIED SERVICE. The classified service of the County shall consist of all positions in the government of the County except those of:

- (1) elective officers,
- (2) their personal assistants and secretaries,



(3) department heads, [and]

(4) the County Manager, and

[(4)](5) employees excluded by County Ordinance.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

## EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 1

This measure amends the county charter provisions concerning the Multnomah County Chair.

The measure transfers the administrative functions of the chair of the board to a professional county manager who shall be appointed by the board. The chair of the board will retain non-administrative functions and will remain the chief spokesperson for the board.

This measure also reduces the total budget for the chair of the board, the board of county commissioners and the newly created office of the county manager for fiscal year 1991-92 to no more than 90% of funds budgeted for the chair and board of commissioners for fiscal year 1990-91.

The measure provides an effective date of July 1, 1991.

The Charter Review Committee found that county government is not currently as effective as it would be if legislative/policy functions were separate from day-to-day administration of the county.

The Committee also found that the county has the potential to be run more efficiently, and in a more cost-effective manner, if a professional county manager administers the day-to-day operations of the county.

The Committee further found that the current structure of government causes a conflict because the chair is both a policy-maker and the elected official responsible for putting that policy into effect. For example, the chair is the elected official responsible for preparing the county budget and then also presents that budget to the entire board, including the chair, for approval.

Finally, the Committee found that the hiring of a county manager will result in the need for fewer administrative personnel in the legislative branch of county government.

In terms of cost savings, the Committee found that the potential savings in reducing by 10% the budget for the chair, the board of commissioners and the county manager is approximately \$180,000.

The Committee concluded that the conflict of interest should be reduced by eliminating the dual role of the county chair.

The Committee further concluded that county government would be more cost-effective if administrative tasks were performed by a professional county manager together with the imposition of a cap on the budgets of the board chair, the board of county commissioners and the county manager.

BALLOT MEASURE NO. 2

CAPTION:

Multnomah County Charter Review Committee's  
Recommendation: Advocate, County Lobbyist.

QUESTION:

Shall the County be permitted to employ an advocate to represent County interests by repealing the prohibition of County lobbyist?

PURPOSE:

If this measure is approved: the County will be permitted to employ an advocate to represent the County's interests before the state legislature and other governmental bodies; and, the County Charter's prohibition on employing or hiring a paid lobbyist will be repealed.



TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 2

6.50 SHERIFF--[PAID LOBBYIST] ADVOCATE. The people of Multnomah County shall elect:

- (1) 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) (This section was repealed in 1984).
- [(3) Multnomah County shall not employ or hire a paid lobbyist.]
- (3) The County may employ an advocate to represent the County's interests before the state legislature and other governmental bodies.
- (4) 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 twelve-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 twelve-year period.
- (5) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term 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.

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## EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 2

This measure amends the county charter provision concerning a lobbyist.

This measure permits the county to employ an advocate to represent the county's interests before the state legislature and other governmental bodies. The measure also repeals the prohibition on employing or hiring a paid lobbyist.

The Charter Review Committee found that lobbying is the conveying of information and the advocating of a position on issues.

The Committee also found that because of the current charter provision, Multnomah County has not been able to adequately represent the county's interests before other governmental bodies making decisions affecting Multnomah County and its citizens.

The Committee also found that the lobbyist prohibition diminishes the ability of the county to more efficiently and completely perform an essential function already being performed.

The Committee further found that without an advocate, the county's citizens are not adequately represented which may increase costs and reduce the effectiveness of county government.

Finally, the Committee found that neither Multnomah County Commissioners, nor Multnomah County State Legislators, have the time, resources or expertise to serve as lobbyists for the county.

The Committee concluded that since the state and federal governments make decisions affecting Multnomah County, it is in the best interests of Multnomah County citizens for the county to be able to have an advocate to represent county citizen interests.

BALLOT MEASURE NO. 3

CAPTION:

Multnomah County Charter Review Committee's  
Recommendations: Sheriff's Salary.

QUESTION:

Shall the Sheriff's salary be set at not less than  
that of any other member of the Sheriff's Office?

PURPOSE:

If this measure is approved: the County Charter  
will be amended to conform with current state law for counties  
without charters. The Board of County Commissioners would set the  
salary of the Sheriff in an amount which is not less than that for  
any other member of the Sheriff's Office.



TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 3

6.50 SHERIFF--PAID LOBBYIST. The people of Multnomah County shall elect:

- (1) 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.
  - (a) 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.
- (2) (This section was repealed in 1984).
- (3) Multnomah County shall not employ or hire a paid lobbyist.
- (4) 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 twelve-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 twelve-year period.
- (5) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as a resignation, effective as of date of filing. "Mid-term" 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.

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### EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 3

This measure amends the county charter provision concerning setting the Multnomah County Sheriff's salary.

The measure would require the board of commissioners to set the salary of the sheriff in an amount which is not less than the salary of any other member of the sheriff's office.

The Charter Review Committee found that the position of sheriff is the highest position in the sheriff's office and is a professional position.

The Committee also found that the current salary for the sheriff's position is \$15,000 less than the highest paid employee in the Sheriff's Office.

The Committee further found that if the board of commissioners sets the sheriff's salary in an amount which is not less than the salary of any other member of the sheriff's office, that salary would be set in accordance with current procedures for exempt personnel.

Finally, the Committee found that if this measure is approved, the county charter will be amended to comply with current state law for counties without charters.

The Committee concluded that since the position of sheriff is a professional/managerial position, the board of commissioners should be required to set the sheriff's salary in an amount not less than the salary of any other member of the sheriff's office in accordance with state law for counties without charters.

BALLOT MEASURE NO. 4

CAPTION:

Multnomah County Charter Review Committee's  
Recommendation: Chair and Commissioner Salaries.

QUESTION:

Shall the Board of County Commissioners establish  
Chair and Commissioner salaries not to exceed a salary commission's  
recommendation?

PURPOSE:

If this measure is approved: the County Charter  
would continue to require the County Auditor to appoint a salary  
commission which would be required to report to the Board. The  
Board would be allowed to establish salaries of the Board Chair and  
Commissioners, but only after receiving a salary commission  
recommendation. No salaries could exceed the salaries recommended  
by the salary commission.



TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 4

4.30        COMPENSATION[.] OF THE CHAIR AND COMMISSIONERS. [Except as provided in Section 8.10(2), the compensation of all holders of elective office of Multnomah County shall be fixed by the registered voters of Multnomah County at a primary or general election only.] The auditor shall appoint a five member salary commission, composed of qualified people with personnel experience, by January 1, 1986, and by January 1 in each even year thereafter. The commission's salary adjustment recommendations, if any, for [elected officials] the Chair of the Board of County Commissioners and the Commissioners shall be submitted to the [voters at each subsequent primary election.] Board. The Board shall establish salaries for the Chair and the Commissioners, and such salaries shall not exceed the salaries recommended by the salary commission. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

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#### EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 4

This measure amends the county charter concerning the salaries of the chair and commissioners.

The measure would allow the board to establish salaries of the board chair and commissioners, but only after receiving a salary commission report. No salaries could exceed the salaries recommended by the salary commission.

The Charter Review Committee found that the current structure has not proven successful in that the salary commission's recommendations have been rejected three times since 1986. The result is that the chair and the commissioners have not had a salary increase since 1981.

The Committee also found that the salary commission's independent judgment is necessary in establishing salary adjustment recommendations for these elected officials.

The Committee also found that allowing the board of commissioners to set chair and board salaries based upon the recommendation of a salary commission would comply with state law for counties without charters.

The Committee further found that the board of commissioners has sufficient objective information to set chair and commission salaries at an amount not to exceed the salary commission's recommendations.

Finally, the Committee found that prohibiting the board of commissioners from setting the chair and commissioners' salaries above those recommended by the salary commission provides a reasonable restraint on the authority of the board of commissioners.

The Committee concluded that the board of county commissioners should set chair and commission salaries at an amount not to exceed the salary commission's recommendations.

BALLOT MEASURE NO. 5

CAPTION:

Multnomah County Charter Review Committee's  
Recommendation: 1997 Charter Review Committee.

QUESTION:

Shall a Charter Review committee be convened to  
recommend County Charter changes to the voters at the 1998  
elections?

PURPOSE:

If this measure is approved: the County Charter  
will be amended to provide for the appointment of another Charter  
Review Committee in 1997 which will prepare recommendations to be  
submitted to the voters at the 1998 primary or general election.



TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 5

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

- (1) The Committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voter within Multnomah County. The Committee shall choose their chairperson from among themselves and 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 the electors for the district. Appointees shall reside in the district and Multnomah County. If the three appointers from any Senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.
- (3) If the two electors are appointed from a Senate district, they 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 state representatives who represent districts located in Multnomah County, the members of the Multnomah County Board of County Commissioners, and the chair of the Board, 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, [1989] 1997.

12.60 REPORT OF COMMITTEE. At least ninety-five days prior to the primary or general election or both of [1990] 1998, 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 County 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 [1990] 1998 primary or general election, or both.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

## EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 5

This measure amends the county charter provision concerning the charter review committee.

The measure provides for the appointment of another charter review committee in 1997 which will prepare recommendations to be submitted to the voters at the 1998 primary or general election.

The Charter Review Committee found that a charter review is a necessary and valuable process ensuring that the charter provides for the most effective governing structure for the county.

The Committee also found that an eight year interval between charter reviews would provide the optimal balance between necessity for a regular review and stability in county government.

The Committee concluded that the charter should be formally reviewed again and a report issued to the people and to the board of commissioners prior to the 1998 primary or general election.

BALLOT MEASURE NO. 6

CAPTION:

Multnomah County Charter Review Committee's  
Recommendation: Running for Office Mid-term.

QUESTION:

Shall County elected officials be allowed to file  
for another elective office during the last eighteen months of  
their terms?

PURPOSE:

If this measure is approved: the County Charter  
will be amended to allow elected officials to file for another  
elective office in the last eighteen months of their term of  
office. The County Charter currently prohibits filing except  
during the final twelve months of a term of office. The amendment  
is recommended to allow elected officials more time to prepare for  
primary elections.



TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 6

6.50 SHERIFF--PAID LOBBYIST. The people of Multnomah County shall elect:

- (1) 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) (This section was repealed in 1984.)
- (3) Multnomah County shall not employ or hire a paid lobbyist.
- (4) 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 twelve-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 twelve-year period.
- (5) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final [year] eighteen months of an elected official's term. Filing for another office in the last [year] eighteen months of an elective term shall not constitute a resignation.

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## EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 6

This measure amends the county charter provision concerning running for another elective office in mid-term.

The measure allows elected officials to file for another elective office in the last eighteen months of their term of office. The charter currently prohibits filing for another office except during the final twelve months of a term of office.

The Charter Review Committee found that present charter language prohibits an office-holder from running for another office not only in the middle of a term, but during the first three years of the term.

The Committee also found that allowing an elected official to run for another elective office during the last eighteen months of the term would provide a reasonable period of time for that official to prepare for a primary election.

The Committee further found that prohibiting an elected official from running for another public office except during the final twelve months of office puts a sitting elected county official at a disadvantage to a member of the public seeking office.

The Committee concluded that the current charter provision should be modified so that an elected official is allowed to run for another elective office during the final eighteen months of a term of office.

BALLOT MEASURE NO. 7

CAPTION:

Multnomah County Charter Review Committee's  
Recommendations: Limitations on Terms.

QUESTION:

Shall the County Charter limitation on serving two consecutive four-year terms in any one elective County office be repealed?

PURPOSE:

If this measure is approved: the County Charter will be amended to repeal the existing prohibition of elected officials from serving more than two consecutive four-year terms in any one elective County office.



TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 7

6.50 SHERIFF--PAID LOBBYIST. The people of Multnomah County shall elect:

- (1) 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) (This section was repealed in 1984).
- (3) Multnomah County shall not employ or hire a paid lobbyist.
- [(4) 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 twelve-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 twelve-year period.]
- [(5)](4) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term 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.

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EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 7

This measure amends the county charter provision concerning limitations on terms of office for elected officials.

The measure repeals the current charter provision which prohibits elected officials of the county from serving more than two consecutive four-year terms in any one elective office within any twelve year period.

The Charter Review Committee found that the two-term limit precludes the voters from retaining an elected official whom the voters would otherwise retain.

The Committee also found that the current provision deprives the public of desirable expertise in county government by forcing elected officials to retire after two terms.

The Committee concluded that the provision restricting elected officials to two terms should be repealed.