

1/027

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

401 Wilcox Building, 506 S.W. 6th Avenue
Portland, Oregon 97204 · 227-1631



John R. Faust, Jr., Chairman
Robert A. Burkholder
Del Greenfield
Jean Haliski

Terry Hannon
Kenneth Innis
Norman Lindstedt
Robert L. Mitchell

Larry Mylnechuk
Jay K. Owen
Kay Pankratz
Vern B. Pearson

Anne F. Picco
Robert D. Scholz
William D. Williams
James W. Winters

FOR IMMEDIATE RELEASE

4/25/78

Julie Keller Gottlieb,
Administrative Secretary

The Multnomah County Charter Review Committee met Monday, April 24, 1978 to hear Subcommittee reports. These reports will be open to discussion and suggestions at weekly Monday night meetings throughout the month of May and at public hearings throughout the month of June. Summaries of these preliminary reports are as follows:

DISTRICTING - The Districting Subcommittee presented a proposal and an alternative for the Committee to consider. The proposal was for a seven member County Commission with three full-time Commissioners elected at large and four part-time Commissioners (one quarter salary) elected from districts. The alternate proposal was for five full-time Commissioners, two at large, and three from districts. District Commissioners would be subject to a residency requirement. Redistricting after 1980 would be done by the Auditor upon report from the elections division.

SEPARATION OF EXECUTIVE AND LEGISLATIVE POWERS - The Wildcard Subcommittee in concurrence with the Districting Subcommittee suggested a full-time chief executive officer who would essentially retain the present powers of the Chairman of the Board but would no longer vote as a member of the Board. The executive officer would prepare the budget, attend and be heard at Commission meetings, appoint administrative officers, and execute the policies and ordinances of the Board. The executive would have veto power but could be overridden by 2/3rds of the Board. The Subcommittee recommended the chief executive be elected at large, and the Board elect its own presiding officer annually.

TERM - Both the Term and Vacancy Subcommittee and the Districting Subcommittee recommended retaining four year terms.

REVENUE BONDS - The Wildcard Subcommittee has suggested the Committee consider making a recommendation that the County be allowed to issue revenue bonds with the specific requirement they not be paid from property taxes.

OTHER - The Wildcard Subcommittee also made recommendations that changes be made in the Charter to include the feminine and neuter as well as the masculine gender, that a disability clause be included, and that the Charter incorporate the State nondiscrimination laws. The Wildcard Subcommittee also presented, without a recommendation, a proposed amendment creating nonpartisan elective offices. The Term and Vacancy Subcommittee suggested that the full Committee resolve the issues of partisan vs. nonpartisan elections and districting before adopting a position on how best to fill vacancies on the Board.

SCHEDULE: Committee meetings are scheduled for 7:30 pm, Monday nights May 1, 8, 15, 22, at the Multnomah County I.E.D., Seminar Room, 220 S. E. 102nd. Public hearings are scheduled for Mondays, 7:30 pm, June 5 (Roosevelt High Cafeteria), June 12, (Cleveland High Cafeteria), June 19 (Lincoln High Cafeteria), and June 26 (Mt. Hood Community College, Town and Gown Room).

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REPORT OF THE SUBCOMMITTEE ON DISTRICTING

Attached are the proposal of the districting subcommittee and an alternate proposal which the subcommittee considered, but did not act upon, in its last two meetings.

PROPOSAL

1. The Commission: Seven Commissioners. Three full-time elected at large; four part-time (one-quarter salary), elected from districts as shown on the attached map. District commissioners must reside in their districts.

2. The Chairman: Full-time chief executive, elected at large. Would not vote, but would have a veto (five votes to override).

3. Terms: Four years.

4. Implementation: Incumbents in position 2 (Mosee), 3 (to be elected in November) and 4 (Buchanan) would continue as the three full-time at large commissioners and the incumbent in position 1 (to be elected in November) would continue as the chief executive, all for the remainder of the term to which they were last elected (two years for positions 2 and 4, four years for positions 1 and 3). Present position 5 would be terminated when the four district commissioners take office.

5. Duties: All commissioners would have legislative, quasi judicial and budgetary duties. The full-time at large commissioners would monitor the executive departments and hold all inter-governmental posts. Departmental changes (section 6.40) could be made on vote of five of seven commissioners.

6. Redistricting after 1980: Done by auditor upon report from the elections division. Redistricting must be as close as possible to prior boundaries.

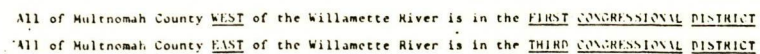


PRIMARY 1978

KEY

Senatorial District

Representative District



○ - outside city (mostly)

ALTERNATE

(Note: This proposal, submitted to but not acted upon by the committee, differs from the previous proposal in that there are less commissioners, and all are full-time.)

1. The Commission: Five Commissioners, all full-time. Two elected at large, three elected from districts as shown on the attached map. District Commissioners must reside in their districts.

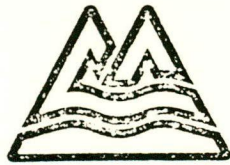
2. The Chairman: Same as other proposal, but four votes to override a veto.

3. Terms: Four years.

4. Implementation: Incumbents in position 2 (Mosee) and 4 (Buchanan) would continue as at large commissioners and the incumbent in position 1 (to be elected this November) would continue as chief executive, all for the remainder of their elected terms (two years for positions 2 and 4, four years for position 1). The commissioners elected to positions 3 and 5 this November would serve as the representatives of the districts in which they reside for the remainder of their elected terms (four years for position 3, two years for position 5) (if a conflict in residence, the one with the lesser vote would represent the most Westerly remaining district). The remaining district post would be filled by a special election, with an initial two-year term followed by four-year terms thereafter.

5. Duties: Same for all commissioners, four votes (as now) for departmental changes.

6. Redistricting after 1980: Same as other proposal.



MULTNOMAH COUNTY ELECTION PRECINCTS

MULTNOMAH COUNTY OREGON

PRIMARY
1978

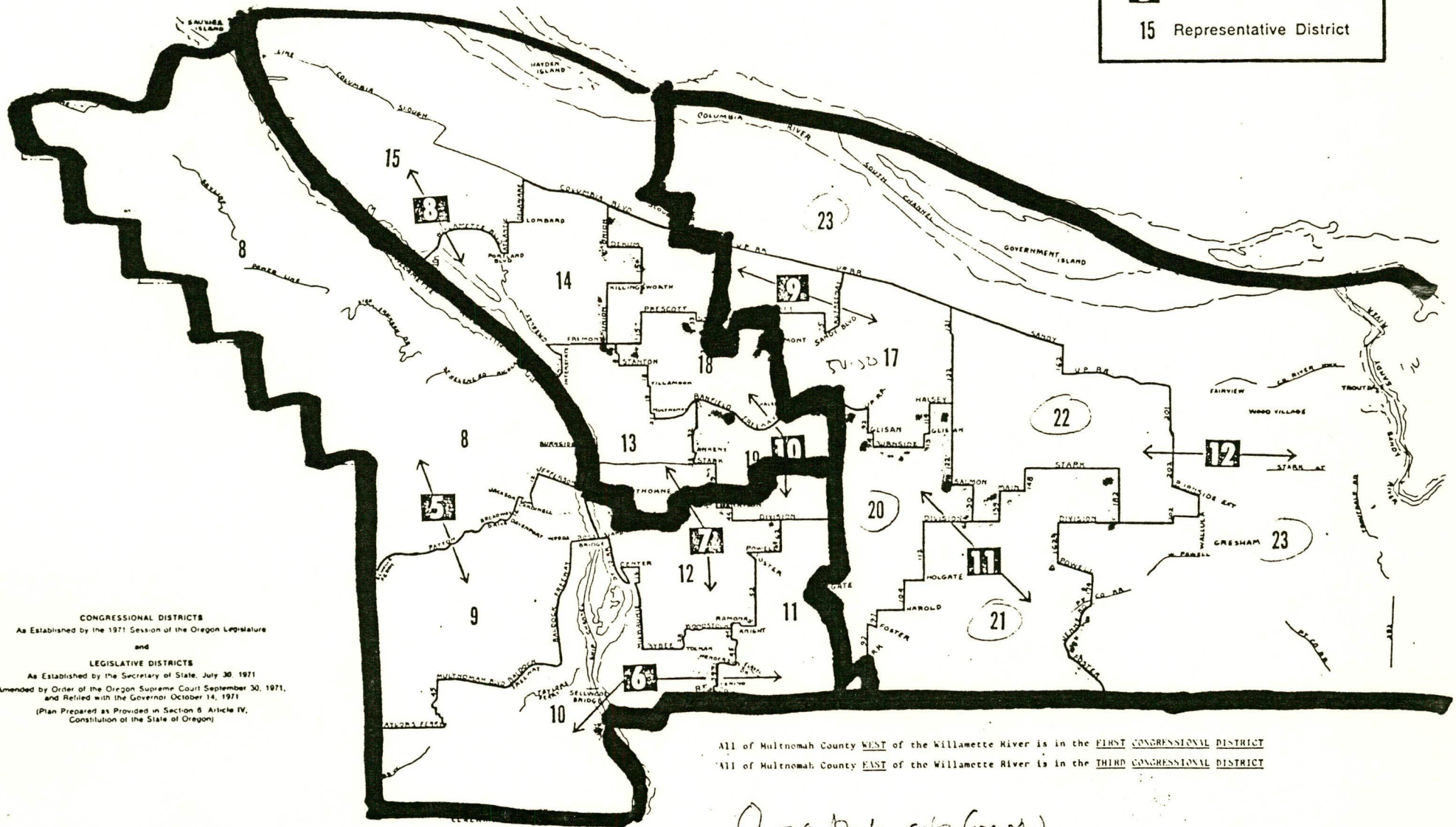
KEY



Senatorial District



Representative District



CONGRESSIONAL DISTRICTS

As Established by the 1971 Session of the Oregon Legislature
and

LEGISLATIVE DISTRICTS

As Established by the Secretary of State, July 30, 1971
Amended by Order of the Oregon Supreme Court September 30, 1971,
and Relied with the Governor October 14, 1971
(Plan Prepared as Provided in Section 6, Article IV,
Constitution of the State of Oregon)

All of Multnomah County WEST of the Willamette River is in the FIRST CONGRESSIONAL DISTRICT
All of Multnomah County EAST of the Willamette River is in the THIRD CONGRESSIONAL DISTRICT

O - outside city (mostly)

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April 24, 1978

TERM AND VACANCY SUBCOMMITTEE

I. Term - The Subcommittee, after considering all alternatives, unanimously favors retaining the four year term. Some of the reasons include the following:

1. None of the evidence obtained from hearings and research disclosed any significant advantages to switching to a two year term. It appeared that any concerns about political log rolling would only worsen if terms were shortened. Commissioners could well be put into a position of campaigning continuously for office.
2. The role of County Commissioner is different in function from that of other elective positions such as state representative. The Commission functions continuously and Commissioners have administrative as well as legislative duties.
3. Staff research indicates that all Oregon counties presently have a four year term of office for Commissioners. Hood River County switched to a two year term early in the 1970's but has since come back to four year terms. Lane County had a six year term of office but has currently returned to a four year term.
4. The Subcommittee saw no direct link between the four year term and the issue of lack of responsiveness raised by many citizens. From what we could infer from testimony, it appeared that people were really upset that Commissioners seemed to have little to do. The Committee believes the best way to address this is not to shorten the term but to add to the responsibilities of the office.

II. Vacancy - On the issue of filling of vacancies, the Subcommittee found itself facing many complex and difficult questions. Most members of the Subcommittee were inclined to favor the concept of filling of vacancies by election.

April 24, 1978

However, after hearing from citizens and election officials we found it was easier to state our preference than it was to accomplish it. Because of this the Subcommittee chose not to submit a proposal to the full Committee at this time. We felt that several crucial issues needed to be resolved including the following:

1. Will the office of County Commissioner continue to be partisan or non-partisan? The answer to this question greatly affects the issue of filling of vacancies. If Commissioners are partisan, there would have to be both a special primary and a special general election to fill a vacancy. This could cause a vacancy to remain open for a considerable time. A special primary and general election could conflict with regular elections causing voter confusion. Oregon has a very strict set of election laws and recent court cases have questioned the authority of a county to enact election procedures that conflict with State law. It would be less difficult to fill vacancies by election if the positions were non partisan. Such elections could also be conducted on a shorter time line. If the term of office for Commissioners is shortened to two years, the above problems will be compounded. For this reason the Subcommittee believes the "partisan vs. non-partisan" question should be decided before the vacancy question is addressed.
2. Will the County adopt a districting plan or continue with at-large elections? The County Elections Office currently estimates the cost of holding an election to be about \$75,000. While cost is just one factor to be weighed in reforming government, it must be considered. If a districting plan is adopted, the cost of holding elections to fill vacancies would be less. Likewise, it might be possible to shave a few days off the required time line for elections if districting is adopted. If at-large positions are retained, election time lines and expenditures will be greater. The Subcommittee believes the issue of districting must be resolved before the full Committee can evaluate the feasibility of filling vacancies by election.

We have attached a copy of an information sheet entitled, Time Frames, which was drafted by the Multnomah County Elections Office. We do not endorse this proposal, but think it does illustrate the problem.

Page 3

Term and Vacancy Subcommittee

April 24, 1978

Most of the headings are self-explanatory. The column headed "Ordinance 141" sets out the time lines to implement the 1976 Cook-Otto Amendments which called for elections to fill vacancies. The column headed, "Our Advice" contains the time lines which the elections office believes to be the minimum necessary for a partisan election. Staff members of the elections office testified they were not certain that these minimums would stand up if challenged in court.

Larry Mylnechuk
Chairman, Term and Vacancy Subcommittee

LM:jkg

Attachment

TIME FRAMES

| <u>Function</u> | <u>State Law</u> | <u>Ordinance 141</u> | <u>Our Advice</u> |
|--|--|--|--|
| Candidate filing period | 180 days (ORS 249.060, 249.260) | 5 days | 10 days (500 sigs. on pet.s; 249.654 Cong uses 10 days) |
| Candidate withdrawal period | 3 days (ORS 253.160) | 1 day | 1 day |
| Absentee balloting period | 30 days (ORS 253.160) | 22 days prim. 28 days gen. | 30 days each |
| Independent or minor party candidate filing period | 83 days to file cert. 98 days from prim. | 11 days to file cert., 14 days from prim. | 20 days? (10 days for published notice ahead of assembly electors; individual petitions = 12,626 sigs. |
| Recounts | 1st demand 35 days 2nd " 45 days 3rd " 50 days All from primary | 1st demand 6 days 2nd " 9 days 3rd " 11 days | 15 days total |
| Administrative time frames | | | 5 days to print ballots twice 5 days to certify results twice 116 days |

PROPOSED AMENDMENT
AUTHORIZING REVENUE BONDS

8.20

(1)

[(2) The board may issue and sell revenue bonds only for purposes and in amounts authorized by the voters of the county.]

(2). The board may, by ordinance, authorize the issuance and sale of revenue bonds to provide funds with which to acquire, construct, equip or improve revenue producing public purpose facilities. Such bonds shall be secured solely from the unobligated revenues produced by the facility, or similar facilities, and shall not be payable in any manner from property taxes. The ordinance authorizing such issuance and sale shall be subject to referendum in accordance with Section 11.30 of this charter.

PROPOSED AMENDEMENT
CREATING NONPARTISAN ELECTIVE OFFICES

- 11.10 NOMINATION AND ELECTION OF OFFICERS. Except as this charter provides to the contrary, the manner of nominating and electing county officers shall be the manner prescribed by state law for the nomination and election of county officers in general.
- 11.15 NONPARTISAN OFFICES. All elective county offices shall be nonpartisan.

PROPOSED HOUSEKEEPING AMENDMENTS

1.50 GENDER. Words used in this Charter in the masculine gender may include the feminine and the neuter.

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 office, or unlawful destruction of public records,
 - (d) resignation from the office,
 - (e) recall from the office, [or]
 - (f) ceasing to possess the qualifications required for the office[;] , or
 - (g) disability. Disability is defined as a physical or mental condition which renders an officer incapable of substantially performing the duties of his office for a continuous period of 180 days. The board of county commissioners shall declare any office vacant upon its determination that a disability exists as herein defined.
- (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 term of office to commence; or
- (3) in the case of a member of the board of county commissioners, upon his 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.

7.40

- (2) No employee shall be refused employment or be discriminated against in any manner contrary to state law because of race, religion, color, sex, marital status, [or] national origin[.] or mental or physical handicap.

PROPOSED AMENDMENTS DESIGNED
TO SEPARATE COUNTY EXECUTIVE & LEGISLATIVE POWER

Chapter III
GOVERNING BODY

3.10 MEMBERSHIP.

- (1) The governing body shall be a board of [five full-time] _____ county commissioners[, including a chairman].
- [(2)] The position of the chairman shall be Position No. 1, and the positions of the other members shall be respectively No. 2 through No. 5.
- (3) The commissioner serving as chairman of the commission as constituted immediately prior to the time this amendment becomes effective shall be deemed to be serving in Position No. 1 and shall hold the chairmanship and Position No. 1 through December 31, 1978.]
- [(2)] Position No. 1 _____.
- [(4)] (3) The commissioners serving in Positions No. 2 and No. 4 of the commission as constituted immediately prior to the time this amendment becomes effective shall be deemed to hold Positions No. 2 and No. 4 respectively and shall hold those positions through December 31, 1980.
- [(5)] (4) The commissioners serving in Positions No. 3 and No. 5 of the commission as constituted immediately prior to the time this amendment becomes effective shall be deemed to hold Positions No. 3 and No. 5 respectively and shall hold those positions through December 31, 1978.

3.40 CONCURRENCE REQUIRED FOR ACTION. Except as this charter provides to the contrary, the board may act only with the affirmative concurrence of a majority of its members[.] present at a meeting.

3.60 [VICE] CHAIRMAN AND VICE-CHAIRMAN. At its first meeting each calendar year the board shall choose a [vice] chairman and

vice-chairman from its members. [He] The chairman shall preside at board meetings. The vice-chairman shall preside whenever the chairman is absent [therefrom and shall serve as chairman pro tem of the board when the chairman] or is incapacitated from serving. [as such, but his administrative acts as chairman pro tem shall have effect only if ratified by the other board members exclusive of the chairman.]

3.70 ADVISORY BOARDS AND COMMISSIONS.

- (1) The board may by ordinance create such advisory county boards and commissions as in its judgment the interests of the county require.
- (2) Members of the boards and commissions shall be appointed by the [board chairman] County Executive with the approval of the board.

3.80 BOARD MEMBERS AND ADMINISTRATIVE PERSONNEL. [No board member except the chairman] Only the County Executive may give orders to an administrative officer or employee of the county.

4.40 VACANCIES -- CAUSES. An elective office of the county shall become vacant

- (1) upon the incumbent's
 - (a) death,
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 - (c) conviction of a felony, other offense pertinent to his office, or unlawful destruction of public records,
 - (d) resignation from the office,
 - (e) recall from the office, or
 - (f) ceasing to possess the qualifications required for the office;
- (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 term of office to commence; or
- (3) in the case of a member of the board [of county commissioners,] or County Executive upon his 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.

5.40 AUTHENTICATION. An ordinance adopted by the board shall, within three days of its adoption, be signed [by the presiding officer of the board] or vetoed by the County Executive. A veto shall be accompanied by a statement of objections and filed with the chairman. The board may override a veto by a two-thirds (2/3rds) vote of the members of the board no later than, or at, the next regular meeting of the board.

5.50 TIME OF EFFECT.

- (1) A nonemergency ordinance shall take effect on the thirtieth day after it is [adopted,] signed by the County Executive unless
 - (a) it prescribes a later date for it to take effect or
 - (b) it is referred to the voters of the county, in which event it shall take effect only upon receiving their approval.
- (2) An emergency ordinance may take effect immediately upon being (adopted) signed by the County Executive.

Chapter VI

ADMINISTRATION

6.10 [CHIEF] COUNTY EXECUTIVE. The [chairman of the board of county commissioners] County Executive

- (1) shall be the chief executive officer of the county;
- (2) [shall preside over] [may] shall attend and be heard at meetings of the board [and have a vote on each matter before the board] but shall have no vote;
- (3) [may] shall appoint and discharge administrative officers and employees of the county, except that his appointment of department heads shall be with the board's approval;
- (4) shall execute the policies of the board and the ordinances of the county; [and]
- (5) shall sign all contracts, bonds, and other instruments requiring county consent;

(6) shall prepare the county budget for submission to the board; and

[(5)] (7) may delegate his administrative powers but shall retain full responsibility for the acts of his subordinates.

6.15 The County Executive shall be elected, at large, to a four-year term, the first such election to be held on _____.

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Chairman, Term and Vacancy Subcommittee

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