

8/31/83
MEETING



MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

3RD FLOOR, FORD BUILDING
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5018

MEMBERS

Florence Bancroft
Tanya Collier
Chad Debnam
Marlene Johnsen
Penny Kennedy
Carol Kirchner, Vice-Chair
Leeanne MacColl
Roger Parsons
Ann Porter
Linda Rasmussen
Rev. Frank Shields, Chair
Paul Thalhofer
John Vogl

STAFF

Robert J. Castagna,
Project Manager
Maribeth McGowan,
Secretary

MINUTES

Background Hearing: August 31, 1983

Pursuant to notice by press release to newspapers of local circulation throughout Multnomah County and on the mailing list of the Committee and members of the Committee, a background hearing meeting of the Multnomah County Home Rule Charter Review Committee was held at The Portland Building, Hearing Room C, 1120 SW 5th Avenue, Portland, Oregon. The meeting opened at 7:00 p.m.

Present were Chair Frank Shields and Committee members Ann Porter, Paul Thalhofer, Roger Parsons, Chad Debnam, Florence Penny Kennedy, Marlene Johnsen, Leeanne MacColl, Carol Kirchner, Bancroft, Tanya Collier, John Vogl. Absent was Linda Rasmussen.

The Agenda included:

1. Presentations by Mr. Ray Phillips and Mr. Ken Bassett, members of the Committee for Fair Government, on the rationale for Ballot Measure #6.
2. Presentation by Mr. Don Clark, former Multnomah County executive, commissioner, and sheriff.
3. Presentation by Mr. Jack Faust, 1978 Home Rule Charter Review Committee Chair.
4. Report from Project Manager Robert Castagna on the Attorney General's Opinion and the Committee Budget.
5. Report from the Subcommittee on the selection of the Legal Counsel.
6. Discussion of additional business.

Presentation by Mr. Phillips:

Mr. Ray Phillips' opening remarks focused on the contents of Ballot Measure #6. He cited that the annexation of the Mid-County area to Portland and Gresham would leave about 13,000 people east of the Sandy River under County administration. Mr. Phillips made the following RECOMMENDATIONS:

1. Only have three (3) County Commissioners elected on a county-wide vote, serving an eight (8) year term maximum (two 4-year terms), and having one assistant , who would not be paid more than a commissioner.
2. Eliminate the District Court Clerk.
3. Have no Executive Officer. The commissioner receiving the most votes would serve as Chair the first year; after that each of the other two commissioners would serve a one-year term.
4. Have the ^{# of} County Counsel administering to those east of the Sandy River cut in half. Mr. Phillips noted that a battery of attorneys is not needed.

Mr. Phillips stated that the Home Rule Charter Review Committee is to implement government. Multnomah County has one of the highest tax rates.

Mr. Henry Kane accompanied Mr. Phillips and made the following remarks:

Although he is a resident of Washington County, his interest in Multnomah County is long-standing. He is a member of the City Club of Portland.

Mr. Kane proposed that it would be simpler and less expensive to return to the three part-time commissioners as it was in the 1950s. He also posed the question: Is county government a luxury which can be afforded?

Mr. Kane stated that Multnomah County's population is up only 10% since the 1950s; and when business moves out of Portland, Multnomah County becomes too expensive.

Questions of the Committee members:

Ann Porter asked about the setting of the County Commissioners' salaries.

Mr. Phillips stated the salaries (raises) were to be voted on by the people. This would keep the people voting on salary raises for elected officials. Mr. Phillips commented that a raise in salaries is not warranted because the assistants do all the work.

Carol Kirchner asked about the services the counties can provide.

Mr. Phillips stated that the County should eliminate all services except roads and park maintenance and police and fire protection. He commented that the Sheriff's Department can take care of serving justice. With regard to public transportation, Phillips cited that business is not to be taxed to support the system. Since ridership is down, cut down on services.

Frank Shields posed a question regarding a city-county government merger.

Mr. Phillips' colleague, Mr. Kane, answered by indicating that this may be discussed in a "footnote" regarding a "horseback figure" of money to be saved.

Tanya Collier asked about annexation.

Mr. Phillips^{stated} that the voters are to decide regarding annexation.

Paul Thalhofer inquired about the West Hills and Sauvie Island population.

Phillips cited that the roads could be contracted to city due to the small population. If annexation, Fire District #10 would be absorbed by the city of Portland. If no annexation, there would be a different system.

Thalhofer asked about Corrections.

Phillips said the Corrections may be covered by the cities involved. Each city should have its own corrections program (jail system). If the county has the jail then the tax payers are paying.

Parsons

Roger[▲] inquired about East County being subsidized by the city of Portland.

Phillips cited that this is a "red herring" political issue. If the services are used, then pay; if not, do not pay.

Chad Debnam asked about checks and balances being represented in Multnomah County.

Phillips stated that Multnomah County does not represent checks and balances. He cited that county government does what it wants. Now that there is an elected sheriff who can be recalled - this is checks and balances. Elected officials are to answer to the people.

Robert Castagna inquired about the concentration of power.

Phillips stated that the duties would be less. Either a new city or annexation, every department would be cut back.

Presentation by Mr. Don Clark:

In his opening remarks, Mr. Clark stated that it would be most helpful for him to respond to Committee's questions.

Ann Porter posed the question regarding the providing of services for those who can not pay for them.

Mr. Clark stated that government has the ability and the responsibility to mitigate the system for those who can not pay and who are excluded from the mainstream of life. He stressed that society is to be educated and must have health care. He stated that he disagreed with the panel who had just left.

Carol Kirchner asked about how the structure of annexation would change.

Clark cited that there is to be utility in county government, which is better understood than METRO or Tri-Met. He recommended that the three counties become one, have a regional government. Clark advised that the Committee interview Mr. Gil Gutjahr, of the Tax Supervising and Conservation Commission, which is a State agency that supervises County governments.

Clark stated that he believes that public officials are to be accountable, highly visible, and thoroughly understood. The number of officials is to be discussed. The greater number of officials, the more accountability.

Clark stated that he now favors a full-time Executive and a part-time Board.

Clark cited that cuts in the Sheriff's Office are atrocious. The Sheriff's Office is a police agency which is to protect the people and solve their problems. The Sheriff does not assume a crime, which is a different policy from that of the Police Bureau. This is the difference between a "Vollmerian" philosophy of law enforcement as used by the Sheriff's Office and the "Parkeran" theory used by the city and articulated in its leadership.

Clark emphasized that the county is in the health care business and has been since 1854. He said that the State should be the only one to control the sentencing of criminals and the jails.

In response to John Vogl's question concerning health care and police protection, Mr. Clark cited that the system is responsible to keep all people well and that it is appropriate for the government to intervene.

Collier inquired about districts for the Commissioners.

Clark's reply was that he is against that current form of

government, in which the county commissioners are elected by districts. He referred to this as being "parochial". Mr. Clark stated that he is for a strong county executive and a part-time board.

Collier asked about having other elected officials.

Clark stated that it is a logical conclusion that everyone in government be elected. This sets limits in that those elected are 1) highly visible, 2) have a general purpose, and 3) are accountable.

Debnam asked about going back to three (3) commissioners.

Clark replied that three to five would be okay.

Debnam inquired about government being simpler or more complex.

Clark stated that government is more complex - everything is. Government is to become more active in some fields if we are to achieve justice.

Castagna asked about the balance of power with a full-time executive and a part-time board.

Clark said theoretically yes, a long-term policy planning.

Castagna asked about having bureaus under the commissioners.

Clark stated that this would not be good. The structure of government and the people governed are important. He commented that city government works.

Presentation by Mr. Jack Faust:

Mr. Faust made the following suggestions and recommendations:

1. The Committee's Work Plan is excellent and should work. Community education is good.
2. What other communities do is very important so that the Committee may be aware of what does work.
3. When the first draft is ready in April or May, get the resource people back.
4. Get the elected people from the county involved and get their input. Talk candidly.
5. Regarding community involvement, do not expect too much.
6. Do not confuse testimony with public opinion - use judgment.
7. Ignore the threats of interest groups.

8. In 1978, the Committee was very much involved with the Auditor's Office. There was a tremendous amount of input which the Committee did not deal with.
9. The mandatory runoff did not work.
10. Regarding the 1982 amendments, deal with caution.
11. Concerning separate measures, the revenue bonding measure went down.
12. Get different points of view and get the elected officials to be candid as they are a good information resource.

Committee Business:

Shields made the motion the BUC slips are to be signed by the Chair or the Project Manager. Parsons seconded this motion.

The motion passed unanimously.

With regard to the Attorney General's Opinion, Robert Castagna stated that given the language of the Charter, the conclusion is correct but the rationale is suspect. There is a member of the Committee without a voice on the Committee.

Discussion ensued.

Collier commented on the thousand voter difference between Wasington County and Multnomah County and would like to find a way around this.

Paul Thalhofer suggested running this issue through the Legal Counsel.

Parsons cited that it was a unanimous vote that the Committee desired Leeanne MacColl's vote pending any legal ramifications and this issue should be examined thoroughly.

Collier commented that the question is larger than just asking what MacColl's feeling is - half of a senatorial district is without representation on this Committee.

MacColl stated that she is just one vote.

Collier emphasized that one vote can make a difference.

Parsons stated that this is an important issue - MacColl is to voice an opinion.

Shields said that he will work as hard as he can for consensus.

Thalhofer made the motion to submit the question as to the voting status of Committee member Leeanne MacColl to Legal Counsel for an opinion regarding her vote on the Committee.

Debnam seconded the motion.

Discussion ensued.

Thalhofer wanted to seek legal opinion from the Committee's own counsel.

Kirchner stated that if Legal Counsel is in favor of the Attorney General's Opinion, this does not mean that she will agree with or do what the Legal Counsel has to say.

Debnam cited that a district is not being represented.

Motion passed unanimously.

Florence Bancroft called a point of order: Not all Committee members said "yes".

Porter stated that the assumption is that there were no nays.

Shields stated that the passed motion stays.

Thalhofer moved that at the September 22nd meeting, the Committee have the County Executive and the Department Heads.

Porter seconded this motion.

Thalhofer clarified his motion: Have the Department Heads a part of the presentation - not just to answer questions.

Discussion continued.

The motion passed unanimously.

Castagna's Report:

1. Subcommittee's Report on the Selection of Legal Counsel.

\$50 per hour, \$3000.00 maximum.

Collier moved to have Legal Counsel as cited in the Subcommittee's Report.

Bancroft seconded this motion.

The motion passed unanimously.

2. Proposed Budget Report. (See Exhibit A attached.)

\$35,000 is on the low side and may need to be reassessed.

Porter cited that the County has a limited amount of money and that the Committee can not go on the assumption that the County is to give more money in March.

Collier stated that the Committee must do the best they can, there is no choice.

Further discussion ensued.

Bancroft moved and Marlene Johnsen seconded that the Budget Report be approved as presented.

This motion passed unanimously.

Additional Committee Business:

Shields selected a Subcommittee for the Auditor: Kirchner is to Chair and other members are Collier, Johnsen, and John Vogl.

Castagna reported that the next hearing will be held either on October 5th or November 2nd. One-half hour will be the total time for the Commissioners to speak.

Public Comment:

Linda Ludwick of East County commented that the Committee seems to have no confidence in the Project Manager regarding the Legal Counsel reviewing the Attorney General's Opinion.

Parsons stated that the Legal Counsel is just to look at the Opinion at no extra cost.

The meeting adjourned at 10:15 p.m.

Respectly submitted,



Maribeth McGowan, Secretary



MULTNOMAH COUNTY OREGON

OFFICE OF THE COUNTY EXECUTIVE
ROOM 1500 THE PORTLAND BUILDING
PORTLAND, OREGON 97204
(503) 248-3308

DENNIS BUCHANAN
COUNTY EXECUTIVE

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

3rd Floor, Ford Bldg.
2505 S.E. 11th Ave.
Portland, OR 97202
(503) 248-5018

August 18, 1983

Mr. John R. Faust, Jr.
Attorney at Law
1100 S.W. 6th Ave.
Portland, OR 97204

Re: August 31, 1983 Background Hearing

Dear Jack:

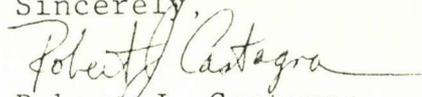
Thank you for agreeing to testify before the Multnomah County Home Rule Charter Review Committee at its August 31st Background Hearing. The hearing will commence at 7:00 p.m. in Hearing Room C of The Portland Building with your testimony scheduled from 8:15 to 8:40 p.m.

As I mentioned during our previous conversation, the Committee would appreciate a 10 to 15 minute presentation on your experience as past Committee Chair, your impressions of County government now, your suggestions and recommendations as to issues the Committee should direct its attention to and any unfinished business not contained within the language of the current Charter.

If you have a prepared statement, 20 copies would be appreciated.

As you requested, I am enclosing a copy of the final report of the 1978 Charter Review Committee. In addition, I have included for your information a copy of the Preliminary Work Plan adopted by the Committee.

Thank you again for your willingness to participate in the Committee's review of the current Home Rule Charter. I look forward to seeing you on August 31st.

Sincerely,

Robert J. Castagna
Project Manager

enc. 2

AN EQUAL OPPORTUNITY EMPLOYER

RJC/mm



MULTNOMAH COUNTY OREGON

OFFICE OF THE COUNTY EXECUTIVE
ROOM 1500 THE PORTLAND BUILDING
PORTLAND, OREGON 97204
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DENNIS BUCHANAN
COUNTY EXECUTIVE

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

3rd Floor, Ford Building
2505 S.E. 11th Avenue
Portland, OR 97202
(503) 248-5018

August 18, 1983

Mr. Don Clark
Cogan & Associates Planning Consultants
71 S.W. Oak
Portland, OR 97204

Re: August 31, 1983 Background Hearing

Dear Don:

Thank you for agreeing to testify before the Multnomah County Home Rule Charter Review Committee at its August 31st Background Hearing. The hearing will commence at 7:00 p.m. in Hearing Room C of The Portland Building with your testimony scheduled from 7:50 - 8:15 p.m.

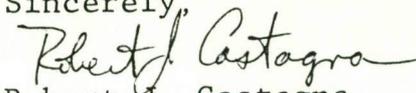
As I mentioned during our conversation, the Committee would appreciate a 10 - 15 minute presentation on the future direction of Multnomah County, issues that the Committee should address and any recommendations you wish to make to the Committee.

If you have a prepared statement, 20 copies would be appreciated.

I am enclosing for your information a copy of the Preliminary Work Plan adopted by the Committee.

Thank you again for your willingness to participate in the Committee's review of the current Home Rule Charter. I look forward to seeing you on August 31st.

Sincerely,


Robert J. Castagna
Project Manager

enc.
RJC:mmm



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DENNIS BUCHANAN
COUNTY EXECUTIVE

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

3rd Floor, Ford Building
2505 S.E. 11th Avenue
Portland, OR 97202
(503) 248-5018

August 18, 1983

Mr. Ray Phillips
2226 S.E. 142nd Avenue
Portland, OR 97233

Re: August 31, 1983 Background Hearing

Dear Mr. Phillips:

Thank you for agreeing to testify before the Multnomah County Home Rule Charter Review Committee at its August 31st Background Hearing. The hearing will commence at 7:00 p.m. in Hearing Room C of The Portland Building with the testimony of yourself and Mr. Ken Bassett scheduled from 7:00 - 7:50 p.m.

As I mentioned during our previous conversation, the Committee would appreciate a 30 minute presentation by Mr. Bassett and yourself divided as you think appropriate. At the end of the half-hour presentation, the Committee will use the next twenty minutes for questions.

The Committee requests that you and Mr. Bassett direct your testimony to the present situation of Multnomah County government, issues you would like to see addressed, and any recommendations you wish to make to the Committee. For informational purposes and the Committee's education, the Committee requests that you also include in your remarks the rationale for bringing Ballot Measure #6 to the people, as well as the rationale for the issues included in Ballot Measure #6.

If you have a prepared statement, 20 copies would be appreciated.

I am enclosing for your information a copy of the Preliminary Work Plan adopted by the Committee.

Thank you again for your willingness to participate in the Committee's review of the current Home Rule Charter. I look forward to meeting you on August 31st.

Sincerely,
Robert J. Castagna
Robert J. Castagna
Project Manager

enc.
RJC:mmm

AN EQUAL OPPORTUNITY EMPLOYER



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MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

3rd Floor, Ford Building
2505 S.E. 11th Avenue
Portland, OR 97202
(503) 248-5018

August 18, 1983

Mr. Ken Bassett
98 N.E. 113th Avenue
Portland, OR 97220

Re: August 31, 1983 Background Hearing

Dear Mr. Bassett,

Thank you for agreeing to testify before the Multnomah County Home Rule Charter Review Committee at its August 31st Background Hearing. The hearing will commence at 7:00 p.m. in Hearing Room C of The Portland Building with the testimony of yourself and Mr. Ray Phillips scheduled from 7:00 - 7:50 p.m.

As I mentioned during our previous conversation, the Committee would appreciate a 30 minute presentation by Mr. Phillips and yourself divided as you think appropriate. At the end of the half-hour presentation, the Committee will use the next twenty minutes for questions.

The Committee requests that you and Mr. Phillips direct your testimony to the present situation of Multnomah County government, issues you would like to see addressed, and any recommendations you wish to make to the Committee. For informational purposes and the Committee's education, the Committee requests that you also include in your remarks the rationale for bringing Ballot Measure #6 to the people, as well as the rationale for the issues included in Ballot Measure #6.

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I am enclosing for your information a copy of the Preliminary Work Plan adopted by the Committee.

Thank you again for your willingness to participate in the Committee's review of the current Home Rule Charter. I look forward to meeting you on August 31st.

Sincerely,

Robert J. Castagna
Robert J. Castagna
Project Manager

enc.
RJC:mm



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(503) 248-5018

8/24/83

MEMBERS

Florence Bancroft
Tanya Collier
Chad Debnam
Marlene Johnsen
Penny Kennedy
Carol Kirchner, Vice-Chair
Leeanne MacColl
Roger Parsons
Ann Porter
Linda Rasmussen
Rev. Frank Shields, Chair
Paul Thalhofer
John Vogl

TO: COMMITTEE MEMBERS
FROM: ROBERT J. CASTAGNA
RE: ENCLOSED MATERIAL

Enclosed you will find the material for
the August 31, 1983 meeting.

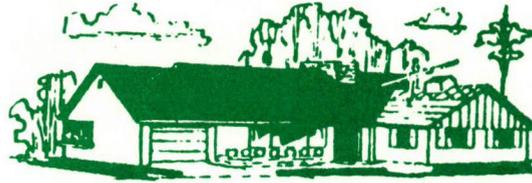
STAFF

Robert J. Castagna,
Project Manager
Maribeth McGowan,
Secretary

1. Meeting Notice 8/31/83
2. Minutes of the July 27th Meeting
3. Committee Rules Adopted July 27, 1983
4. Minutes of Sub-Committee 7/20/83
5. Committee Roster
6. Attorney General's Opinion
7. Reorganizing Our Counties
8. Letter from Clyde Brummell
9. Proposed Committee Budget
10. Oregon Revised Statutes on County Home Rule:
ORS 203.710 to 203.810 (in effect as of
November 1, 1981); and Oregon Constitution,
Article VI, Section 10
11. Proposed Home Rule Charter, 1966

Please be sure to bring this material
with you to the August 31st meeting.

- MAINTENANCE
- LEASING
- FINANCING



- COMMERCIAL
AND
- INDUSTRIAL

FROM IDEAS TO MOVE IN, OR REMODEL TO NEW IDEAS

Home Builders Service Center

8435 S.E. 17TH AVENUE
PORTLAND, OREGON 97202

Telephone: 233-4841

August 5, 1983

Mr. Robert Castagna,
Multnomah County Charter Review Commission,
2505 S. E. 11th Ave,
Portland, Oregon, 97202.

Dear Mr. Castagna:

Thank you for inviting me to testify before your committee on August 31, 1983, however, at that time I will be in London.

As Secretary of the Committee For Fair Government which referred the Charter Amendments via petition to the people of Multnomah County I will comment, for the record of this hearing as follows:

1. The reason the petition was filed was that re-dress of complaints before the County Commissioners was met with a cold stern lecture of how important they were, how busy they were, leaving the positive impression with us they were the elite and the people could wait until 1984 or 1985, or whenever if they wanted a charter amendment.

2. We originally asked for just the Sheriff to be elected and when turned down, asked that the Assessor, County Clerk(Elections) and District Court Clerk be elected instead of being appointed. The consensus still is among the people of Multnomah County, including residences in the City of Portland, Gresham, Fairview, and Troutdale, that these people be elected. While the District Court Clerk position has been taken over by the State of Oregon on a purported statement of better management of the court system, we felt then and still feel, and state law provides, that this position can be contracted to the State of Oregon and if such had of been our current court system would be better managed for the interest of the people, not the court system.

3. There are several annexation proposals flowing from the City of Portland and the City of Gresham about taking over mid east-county. My consensus of public opinion is that mid-county is not interested in annexation, but rather in forming its own city. It is, however, therefore, reasonable to assume that one of the two are going to happen.

A. If and when one of two items above happens, Multnomah County Commissioners will be supervising less than 13,000 people located approximately east of the Sandy River, Sauvies Island and a part of N.W. Portland(now currently under contract with Portland City Police) for five commissioners and a County Executive to manage.

Mr. Robert Castagna:

4. It would appear from sound management that the cost of Commissioners in relation to effective supervision is or would be extremely too high in relation to effectiveness.

A. In view of this it would appear we would constitutionally need three County Commissioners, all elected county wide, not from districts, and they in turn appoint one of the three as Chairman for a year, or the one receiving the highest vote, county wide, in turn being selected chairman.

B. This would leave for election by the people of Multnomah County the Sheriff, Assessor, County Clerk, Auditor, District Attorney. Some would say the Sheriff should be phased out, the answer of which is no. With the current criminal system and jails what it is, this must remain an elective position. The assessor the same for reasons of making sure assessments and valuations are carried out and an elected voice of the people to speak to the Legislature and the State Dept. of Revenue. The County Clerk because we want to make sure our voting laws and regulations have a public account to the voter. The reason for the District Attorney is clear to all.

C. We would like to offer a suggestion for County Auditor in that we believe this office should function in the basis of its budget independent of the Commissioners and be required by direction of the people, by Charter Amendment, so that budget needs are not chopped off by the Commissioners to prevent effective audit and review of county expenditures. Thus by continuing and electing County Auditor fiscal review will be assured the voting public.

5. It is a known fact that County Consolidation would save tremendous tax dollars in elected City and County Commissioner salaries. We have discussed this in Portland, mid-county, Fairview, Troutdale, and Gresham with a good cross section of people and it is our opinion that such a proposal would never fly at this time. It is a matter of time, as the economy and tax dollars (inclusive) become harder and harder to get, this subject may be timely to refer.

A. If such were referred to the people it should include no more than five elected Commissioners, plus the items in 4-A-B paragraphs above, the five being elected by district and the others county wide. This would probably insure more active citizen participation in the elective process, and keep the professional political person on the defense for effective government must always be based on citizen elective participation, not a choice of professional whose who.

It is our hope that further initiative petitions on County Government will not be necessary as your committee now must be allowed to function with recommendations. We will wait to see what your recommendations are and at that time try to discuss such on a constructive basis.

I am sending a copy of this letter to the officers and our attorney Mr. Henry Kane. Thank you for inviting us to air our views and Mr. Bassett and Mr. Phillips I understand will be at your August 31 meeting as well as Mr. Kane.

Respectfully,



Clyde V. Brummell,
Secretary-Committee for Fair Government.



DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4620

August 19, 1983

The Honorable Nancy Ryles
State Senator
8360 West Stark Street
Portland, Oregon 97229

Re: Opinion Request OP-5538

Dear Senator Ryles:

You ask whether the Multnomah County Charter Review Committee can grant voting membership status to a representative from a senate district, the majority of whose voters are not residents of Multnomah County. Under the Multnomah County Charter provision forwarded to us, the answer is clearly no.¹

The relevant portions of Multnomah County Charter, section 12.40, provide:

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

"(1) . . . two members appointed from each senatorial district having the majority of its voters within Multnomah County, who will choose their chairperson from among themselves and who 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 two electors, who reside in Multnomah County, to the Committee."

The charter is clear that the Charter Review Committee has no authority to appoint anyone to the committee. It is also clear that the authority to appoint is lodged with the state

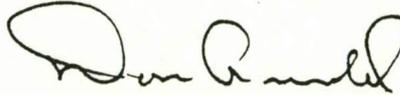
The Honorable Nancy Ryles
August 19, 1983
Page Two

senator and the representatives from "each senatorial district having the majority of its voters within Multnomah County." These officials could appoint a person who resides in a senatorial district, a majority of whose voters are not Multnomah County residents, if the person appointed resides in Multnomah County. However, the state senator and representatives from a senatorial district partially in Multnomah County but with a majority of its voters in another county have no appointing authority under the charter.

The potentially "unbalanced representation" on the Charter Review Committee does not violate state or federal constitutional provisions or relevant state law. The system selected was adopted by the voters and is no more arbitrary than many others for the appointment of advisory committees, boards and commissions. More importantly, all voters in Multnomah County will have the opportunity to vote on any amendments proposed by the committee.

The Department of Justice does not act as legal counsel to Multnomah County, which is entitled to seek and rely on advice from its own counsel. The legal opinion stated in this letter of advice is given solely for your use and benefit.

Very truly yours,



Donald C. Arnold
Chief Counsel
General Counsel Division

DCA:LDT:mc

cc: John Leahy
Multnomah County Counsel
620 S. W. 5th Avenue, Suite 408
Portland, Oregon 97204

¹As discussed in my letter of January 20, 1983, to John Leahy, Multnomah County Counsel, there are available alternatives short of voting status that could be used to provide a form of "representation."



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Ann Porter
Linda Rasmussen
Rev. Frank Shields, Chair
Paul Thalhofer
John Vogl

STAFF
Robert J. Castagna,
Project Manager
Maribeth McGowan,
Secretary

COMMITTEE RULES

Adopted July 27, 1983

CHAIRPERSON:

The Chairperson of the Committee shall preside at all meetings of the Committee.

The Chairperson shall appoint all sub-committees of the Committee and be an ex-officio member of all sub-committees.

VICE-CHAIRPERSON

The Vice-Chairperson shall assume the duties of the Chairperson in the event the Chairperson is absent or unable to act.

VACANCIES:

If the office of Chairperson becomes vacant, the Vice-Chairperson shall assume the duties and responsibilities of the Chairperson until an election can be held which shall be within sixty (60) days.

PARLIAMENTARY PROCEDURE:

The parliamentary authority shall be Roberts Rules of Order, Newly Revised (1981).

QUORUM:

A quorum of the Committee shall be those members in attendance. The Committee must have a majority vote of its thirteen (13) members in order to pass any issue.

OPEN MEETING LAW:

All business of the Committee shall be conducted within the rules and parameters of ORS 192.610 to 192.690.

RECORDS:

All minutes of meetings and written testimony before the Committee shall

COMMITTEE RULES
07/37/83

RECORDS: be kept on file in a location made known to interested parties.

A written financial statement shall be provided on a monthly basis to the Members of the Committee.

CONDUCT OF MEETINGS:

Agendas - Tentative agendas shall be mailed one week prior to the business meetings. The agendas are to include the previous month's minutes.

The Chairperson shall prepare all agendas, provided, however, that items can be added by other Members of the Committee if they are received ten (10) days before the meeting.

Meeting Times - Business meetings shall be held the first Wednesday of each month at 7:00 p.m. at The Portland Building.

Public Hearings- Public Hearings shall be held throughout the county at various locations and times as selected by the Chairperson.

Speakers- Except in the case of invited testimony, speakers testifying on issues before the Committee shall be limited to five (5) minutes each. A speaker shall be allowed to receive up to a maximum of two (2) yields of time from other speakers present at the hearing. A timer shall be used.

Pro and Con Speakers- When addressing the Committee, pro and con speakers shall be alternated by the Chairperson.

Sign-up - A Sign-up sheet shall be available before the meeting. All those desiring to testify shall sign the same and shall be heard in the order that they signed at Public Hearings.

Motions - Motions made by Members of the Committee shall be in writing for the permanent record.

(a) Have the powers and duties and be otherwise subject to the laws applicable to county courts sitting for the transaction of county business.

(b) Meet for the transaction of county business on the first Wednesday in each month at 10 a.m., and at such other times as may be called by the chairman or two members of the board. Unless notice is waived by all members of the board, no meeting of the board shall be held unless notice of the time and place of the meeting is given at least 12 hours in advance of the meeting.

(c) Except as otherwise provided in ORS 203.230 (4), appoint a chairman from among their number who shall serve until the first Monday in January next following his appointment. If two members of the board cannot agree on the appointment of a chairman, the member of the board who is oldest in length of service shall act as chairman.

(2) When a county has established a board of county commissioners any reference in the statutes to the county court of that county shall be considered a reference to the board of county commissioners of the county.

203.310 [Repealed by 1959 c.527 §11]

203.320 [Repealed by 1959 c.527 §11]

203.330 [Repealed by 1959 c.527 §11]

203.340 [Repealed by 1959 c.527 §11]

203.350 [Repealed by 1959 c.527 §11]

203.360 [Repealed by 1959 c.527 §11]

203.370 [Repealed by 1959 c.527 §11]

203.380 [Repealed by 1959 c.527 §11]

203.390 [Repealed by 1959 c.527 §11]

203.400 [Repealed by 1959 c.527 §11]

203.410 [Repealed by 1959 c.527 §11]

203.420 [Repealed by 1959 c.527 §11]

203.430 [Repealed by 1959 c.527 §11]

203.440 [Repealed by 1959 c.527 §11]

203.450 [Repealed by 1959 c.527 §11]

203.460 [Repealed by 1959 c.527 §11]

203.470 [Repealed by 1959 c.527 §11]

203.480 [Repealed by 1959 c.527 §11]

203.490 [Repealed by 1959 c.527 §11]

203.500 [Repealed by 1959 c.527 §11]

203.510 [Repealed by 1959 c.527 §11]

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203.550 [Repealed by 1959 c.527 §11]

COUNTY HOME RULE

203.710 Performance of functions by officers designated by county law; definition. (1) The designation of county officers to perform functions under ORS 203.710 to 203.770 extends to those officers who, under a county charter or legislation enacted pursuant thereto, may be designated to perform the same functions.

(2) References to the county court in ORS 203.710 to 203.770 include the board of county commissioners.

(3) As used in ORS 203.710 to 203.770, unless the context requires otherwise, "legally called election" means any primary or general election held throughout the county. [1959 c.527 §1; 1961 c.339 §1]

203.720 Voters of county may adopt, amend, revise or repeal county charter; certain provisions, deemed matters of county concern, to prevail over state law. The legal voters of any county, by majority vote of such voters voting thereon at any legally called election, may adopt, amend, revise or repeal a county charter. The charter, or legislation passed by the county pursuant thereto, shall provide a method whereby the legal voters of the county, by majority vote of such voters voting thereon at any legally called election, may amend, revise or repeal the charter. The county charter and legislative provisions relating to the amendment, revision or repeal of the charter are deemed to be matters of county concern and shall prevail over any conflicting provisions of ORS 203.710 to 203.770 and other state statutes unless otherwise specifically provided by conflicting state statutes first effective after January 1, 1961. [1959 c.527 §2]

203.730 Charter committee appointed after filing of resolution or petition; sufficiency of petition; notice to persons entitled to make appointments to committee. (1) A county charter may be proposed by a committee appointed after the filing with the county clerk of:

(a) A resolution requesting appointment of the committee, adopted by a majority of the county court; or

(b) A petition requesting appointment of the committee, signed by such number of legal voters of the county as is equal to at least five percent of the whole number of votes cast within the county for that position of judge of the Supreme Court for which the greatest

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COUNTIES

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number of votes was cast within the county at the last preceding election for judge of the Supreme Court. The petition shall be substantially in such form as the county clerk may prescribe.

(2) The county clerk, not later than the fifth day after the filing of the resolution of the county court, shall give written notice thereof to those persons entitled to participate in the appointment of a member of the committee.

(3) Upon the filing with the county clerk of a petition requesting the appointment of a committee, the county clerk, not later than the 15th day after the filing of the petition, shall verify the signatures and certify to the county court the findings as to the sufficiency of such petition. If the petition is found to be sufficient, the county clerk immediately shall give written notice thereof to those persons entitled to participate in the appointment of a member of the committee. [1959 c.527 §§3, 4; 1973 c.255 §1; 1979 c.190 §403]

203.740 Charter committee and members; appointment, qualifications, vacancies, terms, organization, meetings. (1) Within 60 days after the appointment of a committee is sufficient, or within 60 days after the county court has filed with the county clerk its resolution requesting that a committee be appointed, a committee shall be appointed as provided in this section. Only one committee is to be in existence at any given period of time.

(2) (a) In all counties, (i) a majority of the county court is entitled to appoint four members of the committee; (ii) a majority of the State Senators and State Representatives then representing the county is entitled to appoint four additional members; and (iii) a majority, consisting of at least five, of those persons appointed under (i) and (ii) of this paragraph is entitled to appoint one additional member.

(b) If, within 45 days after the terms of committee members begin to run as provided in subsection (4) of this section, an appointing authority has not made the appointment or appointments it is entitled to make, the county clerk shall call a meeting of those persons constituting the appointing authority by giving written notice to each of them, specifying the purpose of the meeting and the time and place thereof. The time of the meeting shall be set within 15 days of the expiration of the 45-day period.

(3) All members of the committee must be legal voters of the county; and no member shall be engaged, directly or indirectly, in any business with the county which is inconsistent with the conscientious performance of his duties as a member of the committee. An initial appointment, or an appointment to fill a vacancy, is made by delivering to the county clerk written notice of the name and address of the person appointed, signed by the person duly authorized to act for the appointing authority. No member of an appointive authority may serve as a member of such committee. If an appointing authority fails to make such an initial appointment within 60 days after the terms of committee members begin to run as provided in subsection (4) of this section, the county court shall make the appointment within 10 days after the expiration of the 60-day period.

(4) The terms of committee members run either from the date the county court receives the certification from the county clerk that the petition requesting the appointment of the committee is sufficient or from the date the county court files its resolution requesting appointment of the committee, as the case may be. The terms expire on the day of the election at which the committee's proposed charter is voted upon or within two years from the date the terms began, whichever is the sooner, unless, in the case where a proposed charter is not submitted at an election held within such two-year period, the county court by resolution filed with the county clerk before the expiration of the terms extends them until the day of the election on the proposed charter or for another two years, whichever is the sooner. Any vacancy occurring on the committee, in a position for which an initial appointment has been made, shall be filled by appointment for the unexpired term by the appointing authority which was entitled to make the initial appointment of the member whose position is vacant or, if such appointing authority fails to make the appointment within 10 days after the vacancy occurs, by the county court.

(5) Not later than 80 days after the terms of committee members begin to run as provided in subsection (4) of this section, the members of the committee shall meet and organize. A majority of the committee constitutes a quorum for the transaction of business. The committee may adopt such rules as it deems necessary for its operation. However, the committee may not prohibit the public from

attending any of its meetings. [1959 c.527 §5; 1979 c.748 §2]

203.750 County funds for charter committee; committee staff; county officials to cooperate. (1) Notwithstanding ORS 294.305 to 294.520, if the county court is notified of the sufficiency of a petition requesting the appointment of a committee, or if it files its resolution requesting the appointment of a committee, the county, acting through the county court, shall cause to be made available from funds of the county an amount equal at least to one cent per registered elector of the county or \$500, whichever amount is greater, for the purpose of paying the expenses of the committee in the preparation of the charter. Members of the committee shall serve without pay. The committee, within the limit of funds available to it, may employ such persons, or contract for their services, as it may deem necessary to aid it in the performance of its functions. Persons employed by the committee are exempt from civil service. The county, acting through the county court, shall cause to be furnished free of charge to the committee adequate office space and, notwithstanding ORS 294.305 to 294.520, may cause money, in addition to the required minimum amount, to be appropriated for the committee. The committee shall submit to the county court a budget covering estimates of its expenditures. With respect to expenditures in excess of the minimum amount of money required to be made available, the budget as approved or revised and approved by the county court shall represent the authorized limits of the committee's expenditures. Any balance remaining unexpended shall be transferred to the general fund of the county unless other provisions were made at the time of the appropriation to the committee. The county treasurer is authorized to disburse funds of the committee on its order.

(2) The committee may conduct interviews and make investigations which to it seem necessary in order to draft a charter; and, to the fullest extent practicable, county officials and employes shall cooperate with the committee and provide it with information, advice and assistance. [1959 c.527 §6]

203.760 Submission of proposed charter, after public hearing, to voters; approval of conflicting charters. (1) The committee shall submit its proposed charter to the county clerk not later than the 90th day before the election at which the proposed charter

is to be voted upon. Before the proposed charter is submitted to the county clerk, the committee shall conduct at least one public hearing thereon. After the proposed charter is submitted to the county clerk, the county clerk shall submit the proposed charter to the district attorney for a ballot title as provided in ORS 250.185 (2). The ballot title is subject to judicial review as provided in ORS 250.195.

(2) The charter proposed by the committee shall take effect on the day fixed therein if approved by majority vote of the legal voters of the county voting thereon.

(3) If two or more conflicting county charters are approved at the same election, the one receiving the greatest number of affirmative votes shall be adopted. [1959 c.527 §7; 1979 c.190 §404; 1981 c.173 §6]

203.770 Copies of charters and amendments, revisions and repeals thereof; location and judicial notice of. (1) Duplicate certificates shall be made, setting forth the county charter adopted and a statement of its ratification, signed by the officers or members of the body canvassing election returns. One of such certified copies shall be deposited in the office of the Secretary of State, the other shall be kept as a permanent record of the county. All courts shall take judicial notice of either copy.

(2) This section shall also apply to any amendment, revision or repeal of the county charter. [1959 c.527 §8]

203.780 [1959 c.527 §9; 1963 c.290 §1 1975 c.766 §2b; repealed by 1979 c.190 §431]

203.790 [1959 c.527 §10; repealed by 1979 c.190 §431]

203.810 Offenses under county law; jurisdiction; prosecutions. (1) As used in this section:

(a) "County law" means a county charter adopted pursuant to ORS 203.710 to 203.770 and legislation passed by a charter county or any ordinance enacted by a general law county.

(b) "County offense" means any crime or offense defined or made punishable by county law.

(2) Except as may be provided otherwise by county law:

(a) The justice courts, district court, if any, and circuit court for a county have jurisdiction of county offenses to the same extent as such courts have jurisdiction of crimes or

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offenses defined or made punishable by state law, as determined by the maximum punishment which may be imposed therefor.

(b) The district attorney shall prosecute county offenses unless the county governing body elects to have the prosecution of such offenses conducted by a county counsel appointed pursuant to ORS 203.145.

(c) The practice and procedure as to the prosecution, trial and punishment of county offenses shall be the same as in the case of similar crimes or offenses defined or made punishable by state law. [1961 c.724 §33; 1963 c.611 §1; 1977 c.622 §1; 1981 c.75 §1]

Note: The amendment to 203.810 by section 1, chapter 75, Oregon Laws 1981, takes effect July 1, 1982. See section 2, chapter 75, Oregon Laws 1981. 203.810 (1979 Replacement Part) is set forth for the users' convenience.

203.810. (1) As used in this section:

(a) "County law" means a county charter adopted pursuant to ORS 203.710 to 203.770 and legislation passed by a charter county or any ordinance enacted by a general law county.

(b) "County offense" means any crime or offense defined or made punishable by county law.

(2) Except as may be provided otherwise by county law:

(a) The justice courts, district court, if any, and circuit court for a county have jurisdiction of county offenses to the same extent as such courts have jurisdiction of crimes or offenses defined or made punishable by state law, as determined by the maximum punishment which may be imposed therefor.

(b) The district attorney shall prosecute county offenses unless he elects, subject to the approval of the county governing body, to have the prosecution of such offenses conducted by a county counsel appointed pursuant to ORS 203.121.

(c) The practice and procedure as to the prosecution, trial and punishment of county offenses shall be the same as in the case of similar crimes or offenses defined or made punishable by state law.

Oregon Constitution, Article VI

who shall severally hold their offices for the term of four years. [Constitution of 1859; Amendment proposed by initiative petition filed June 9, 1920, and adopted by people Nov. 2, 1920; Amendment proposed by H.J.R. No. 7, 1955, and adopted by people Nov. 6, 1956]

Section 7. Other officers. Such other county, township, precinct, and City officers as may be necessary, shall be elected, or appointed in such manner as may be prescribed by law.—

Section 8. County officers' qualifications; location of offices of county and city officers; duties of such officers. Every county officer shall be an elector of the county, and the county assessor, county sheriff, county coroner and county surveyor shall possess such other qualifications as may be prescribed by law. All county and city officers shall keep their respective offices at such places therein, and perform such duties, as may be prescribed by law. [Constitution of 1859; Amendment proposed by H.J.R. No. 7, 1955, and adopted by people Nov. 6, 1956; Amendment proposed by H.J.R. No. 42, 1971, and adopted by people Nov. 7, 1972; Amendment proposed by H.J.R. No. 22, 1973, and adopted by people Nov. 5, 1974]

Section 9. Vacancies in county, township, precinct and city offices. Vacancies in County, Township, precinct and City offices shall be filled in such manner as may be prescribed by law.—

Section 9a. County manager form of government. [Created through H.J.R. No. 3, 1943, adopted by people Nov. 7, 1944; Repeal proposed by H.J.R. No. 22, 1957, and adopted by people Nov. 4, 1958]

Section 10. County home rule under county charter. The Legislative Assembly shall provide by law a method whereby the legal voters of any county, by majority vote of such voters voting thereon at any legally called election, may adopt, amend, revise or repeal a county charter. A county charter may provide for the exercise by the county of authority over matters of county concern. Local improvements shall be financed only by taxes, assessments or charges imposed on benefited property, unless otherwise provided by law or charter. A county charter shall prescribe the organization of the county government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the county deems necessary. Such officers shall among them exercise all the powers and perform all the duties, as distributed by the county charter or by its authority, now or hereafter, by the Con-

stitution or laws of this state, granted to or imposed upon any county officer. Except as expressly provided by general law, a county charter shall not affect the selection, tenure, compensation, powers or duties prescribed by law for judges in their judicial capacity, for justices of the peace or for district attorneys. The initiative and referendum powers reserved to the people by this Constitution hereby are further reserved to the legal voters of every county relative to the adoption, amendment, revision or repeal of a county charter and to legislation passed by counties which have adopted such a charter; and no county shall require that referendum petitions be filed less than 90 days after the provisions of the charter or the legislation proposed for referral is adopted by the county governing body. To be circulated, referendum or initiative petitions shall set forth in full the charter or legislative provisions proposed for adoption or referral. Referendum petitions shall not be required to include a ballot title to be circulated. In a county a number of signatures of qualified voters equal to but not greater than four percent of the total number of all votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to order a referendum on county legislation or a part thereof. A number of signatures equal to but not greater than six percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to propose an initiative ordinance. A number of signatures equal to but not greater than eight percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to propose a charter amendment. [Created through H.J.R. No. 22, 1957, adopted by people Nov. 4, 1958; Amendment proposed by S.J.R. No. 48, 1959, and adopted by people Nov. 8, 1960; Amendment proposed by H.J.R. No. 21, 1977, and adopted by people May 23, 1978]

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MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

3RD FLOOR, FORD BUILDING
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5018

August 24, 1983

MEMBERS
Florence Bancroft
Tanya Collier
Chad Debnam
Marlene Johnsen
Penny Kennedy
Carol Kirchner, Vice-Chair
Leeanne MacColl
Roger Parsons
Ann Porter
Linda Rasmussen
Rev. Frank Shields, Chair
Paul Thalhofer
John Vogl

STAFF
Robert J. Castagna,
Project Manager
Maribeth McGowan,
Secretary

PUBLIC MEETING NOTICE

BACKGROUND HEARING

DATE: August 31, 1983
TIME: 7:00 P.M.
PLACE: The Portland Building
Hearing Room C
1120 S.W. 5th Avenue
Portland, Oregon 97204

AGENDA

- 7:00 - 7:50 P.M. Mr. Ray Phillips and Mr. Ken Bassett,
Two of the Chief Petitioners of Ballot
Measure #6
- 7:50 - 8:15 P.M. Mr. Don Clark, former County Executive
- 8:15 - 8:40 P.M. Mr. John R. Faust, Jr., Chairman of the
1978 Charter Review Committee
- 8:40 - 9:30 P.M. Committee Business:
1. Approval of minutes of July 27th
meeting
 2. Attorney General's Opinion
 3. Meetings of September 7th and
September 22nd
 4. Project Manager's Report
 5. Additional Business



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STAFF

Robert J. Castagna,
Project Manager
Maribeth McGowan,
Secretary

MINUTES

Background Hearing: August 31, 1983

Pursuant to notice by press release to newspapers of local circulation throughout Multnomah County and on the mailing list of the Committee and members of the Committee, a background hearing meeting of the Multnomah County Home Rule Charter Review Committee was held at The Portland Building, Hearing Room C, 1120 SW 5th Avenue, Portland, Oregon. The meeting opened at 7:00 p.m.

Present were Chair Frank Shields and Committee members Ann Porter, Paul Thalhofer, Roger Parsons, Chad Debnam, Florence Penny Kennedy, Marlene Johnsen, Leeanne MacColl, Carol Kirchner, [^]Bancroft, Tanya Collier, John Vogl. Absent was Linda Rasmussen.

The Agenda included:

1. Presentations by Mr. Ray Phillips and Mr. Ken Bassett, members of the Committee for Fair Government, on the rationale for Ballot Measure #6.
2. Presentation by Mr. Don Clark, former Multnomah County executive, commissioner, and sheriff.
3. Presentation by Mr. Jack Faust, 1978 Home Rule Charter Review Committee Chair.
4. Report from Project Manager Robert Castagna on the Attorney General's Opinion and the Committee Budget.
5. Report from the Subcommittee on the selection of the Legal Counsel.
6. Discussion of additional business.

Presentation by Mr. Phillips:

Mr. Ray Phillips' opening remarks focused on the contents of Ballot Measure #6. He cited that the annexation of the Mid-County area to Portland and Gresham would leave about 13,000 people east of the Sandy River under County administration. Mr. Phillips made the following RECOMMENDATIONS:

1. Only have three (3) County Commissioners elected on a county-wide vote, serving an eight (8) year term maximum (two 4-year terms), and having one assistant , who would not be paid more than a commissioner.
2. Eliminate the District Court Clerk.
3. Have no Executive Officer. The commissioner receiving the most votes would serve as Chair the first year; after that each of the other two commissioners would serve a one-year term.
4. Have the ^{# of} County Counsel administering to those east of the Sandy River cut in half. Mr. Phillips noted that a battery of attorneys is not needed.

Mr. Phillips stated that the Home Rule Charter Review Committee is to implement government. Multnomah County has one of the highest tax rates.

Mr. Henry Kane accompanied Mr. Phillips and made the following remarks:

Although he is a resident of Washington County, his interest in Multnomah County is long-standing. He is a member of the City Club of Portland.

Mr. Kane proposed that it would be simpler and less expensive to return to the three part-time commissioners as it was in the 1950s. He also posed the question: Is county government a luxury which can be afforded?

Mr. Kane stated that Multnomah County's population is up only 10% since the 1950s; and when business moves out of Portland, Multnomah County becomes too expensive.

Questions of the Committee members:

Ann Porter asked about the setting of the County Commissioners' salaries.

Mr. Phillips stated the salaries (raises) were to be voted on by the people. This would keep the people voting on salary raises for elected officials. Mr. Phillips commented that a raise in salaries is not warranted because the assistants do all the work.

Carol Kirchner asked about the services the counties can provide.

Mr. Phillips stated that the County should eliminate all services except roads and park maintenance and police and fire protection. He commented that the Sheriff's Department can take care of serving justice. With regard to public transportation, Phillips cited that business is not to be taxed to support the system. Since ridership is down, cut down on services.

Frank Shields posed a question regarding a city-county government merger.

Mr. Phillips' colleague, Mr. Kane, answered by indicating that this may be discussed in a "footnote" regarding a "horseback figure" of money to be saved.

Tanya Collier asked about annexation.

Mr. Phillips ^{stated} that the voters are to decide regarding annexation.

Paul Thalhofer inquired about the West Hills and Sauvie Island population.

Phillips cited that the roads could be contracted to city due to the small population. If annexation, Fire District #10 would be absorbed by the city of Portland. If no annexation, there would be a different system.

Thalhofer asked about Corrections.

Phillips said the Corrections may be covered by the cities involved. Each city should have its own corrections program (jail system). If the county has the jail then the tax payers are paying.

Parsons
Roger inquired about East County being subsidized by the city of Portland.

Phillips cited that this is a "red herring" political issue. If the services are used, then pay; if not, do not pay.

Chad Debnam asked about checks and balances being represented in Multnomah County.

Phillips stated that Multnomah County does not represent checks and balances. He cited that county government does what it wants. Now that there is an elected sheriff who can be recalled - this is checks and balances. Elected officials are to answer to the people.

Robert Castagna inquired about the concentration of power.

Phillips stated that the duties would be less. Either a new city or annexation, every department would be cut back.

Presentation by Mr. Don Clark:

In his opening remarks, Mr. Clark stated that it would be most helpful for him to respond to Committee's questions.

Ann Porter posed the question regarding the providing of services for those who can not pay for them.

Mr. Clark stated that government has the ability and the responsibility to mitigate the system for those who can not pay and who are excluded from the mainstream of life. He stressed that society is to be educated and must have health care. He stated that he disagreed with the panel who had just left.

Carol Kirchner asked about how the structure of annexation would change.

Clark cited that there is to be utility in county government, which is better understood than METRO or Tri-Met. He recommended that the three counties become one, have a regional government. Clark advised that the Committee interview Mr. Gil Gutjahr, of the Tax Supervising and Conservation Commission, which is a State agency that supervises County governments.

Clark stated that he believes that public officials are to be accountable, highly visible, and thoroughly understood. The number of officials is to be discussed. The greater number of officials, the more accountability.

Clark stated that he now favors a full-time Executive and a part-time Board.

Clark cited that cuts in the Sheriff's Office are atrocious. The Sheriff's Office is a police agency which is to protect the people and solve their problems. The Sheriff does not assume a crime, which is a different policy from that of the Police Bureau. This is the difference between a "Vollmerian" philosophy of law enforcement as used by the Sheriff's Office and the "Parkeran" theory used by the city and articulated in its leadership.

Clark emphasized that the county is in the health care business and has been since 1854. He said that the State should be the only one to control the sentencing of criminals and the jails.

In response to John Vogl's question concerning health care and police protection, Mr. Clark cited that the system is responsible to keep all people well and that it is appropriate for the government to intervene.

Collier inquired about districts for the Commissioners.

Clark's reply was that he is against that current form of

government, in which the county commissioners are elected by districts. He referred to this as being "parochial". Mr. Clark stated that he is for a strong county executive and a part-time board.

Collier asked about having other elected officials.

Clark stated that it is a logical conclusion that everyone in government be elected. This sets limits in that those elected are 1) highly visible, 2) have a general purpose, and 3) are accountable.

Debnam asked about going back to three (3) commissioners.

Clark replied that three to five would be okay.

Debnam inquired about government being simpler or more complex.

Clark stated that government is more complex - everything is. Government is to become more active in some fields if we are to achieve justice.

Castagna asked about the balance of power with a full-time executive and a part-time board.

Clark said theoretically yes, a long-term policy planning.

Castagna asked about having bureaus under the commissioners.

Clark stated that this would not be good. The structure of government and the people governed are important. He commented that city government works.

Presentation by Mr. Jack Faust:

Mr. Faust made the following suggestions and recommendations:

1. The Committee's Work Plan is excellent and should work. Community education is good.
2. What other communities do is very important so that the Committee may be aware of what does work.
3. When the first draft is ready in April or May, get the resource people back.
4. Get the elected people from the county involved and get their input. Talk candidly.
5. Regarding community involvement, do not expect too much.
6. Do not confuse testimony with public opinion - use judgment.
7. Ignore the threats of interest groups.

8. In 1978, the Committee was very much involved with the Auditor's Office. There was a tremendous amount of input which the Committee did not deal with.
9. The mandatory runoff did not work.
10. Regarding the 1982 amendments, deal with caution.
11. Concerning separate measures, the revenue bonding measure went down.
12. Get different points of view and get the elected officials to be candid as they are a good information resource.

Committee Business:

Shields made the motion the BUC slips are to be signed by the Chair or the Project Manager. Parsons seconded this motion.

The motion passed unanimously.

With regard to the Attorney General's Opinion, Robert Castagna stated that given the language of the Charter, the conclusion is correct but the rationale is suspect. There is a member of the Committee without a voice on the Committee.

Discussion ensued.

Collier commented on the thousand voter difference between Wasington County and Multnomah County and would like to find a way around this.

Paul Thalsofer suggested running this issue through the Legal Counsel.

Parsons cited that it was a unanimous vote that the Committee desired Leeanne MacColl's vote pending any legal ramifications and this issue should be examined thoroughly.

Collier commented that the question is larger than just asking what MacColl's feeling is - half of a senatorial district is without representation on this Committee.

MacColl stated that she is just one vote.

Collier emphasized that one vote can make a difference.

Parsons stated that this is an important issue - MacColl is to voice an opinion.

Shields said that he will work as hard as he can for consensus.

Thalhofer made the motion to submit the question as to the voting status of Committee member Leeanne MacColl to Legal Counsel for an opinion regarding her vote on the Committee.

Debnam seconded the motion.

Discussion ensued.

Thalhofer wanted to seek legal opinion from the Committee's own counsel.

Kirchner stated that if Legal Counsel is in favor of the Attorney General's Opinion, this does not mean that she will agree with or do what the Legal Counsel has to say.

Debnam cited that a district is not being represented.

Motion passed unanimously.

Florence Bancroft called a point of order: Not all Committee members said "yes".

Porter stated that the assumption is that there were no nays.

Shields stated that the passed motion stays.

Thalhofer moved that at the September 22nd meeting, the Committee have the County Executive and the Department Heads.

Porter seconded this motion.

Thalhofer clarified his motion: Have the Department Heads a part of the presentation - not just to answer questions.

Discussion continued.

The motion passed unanimously.

Castagna's Report:

1. Subcommittee's Report on the Selection of Legal Counsel.

\$50 per hour, \$3000.00 maximum.

Collier moved to have Legal Counsel as cited in the Subcommittee's Report.

Bancroft seconded this motion.

The motion passed unanimously.

2. Proposed Budget Report. (See Exhibit A attached.)

\$35,000 is on the low side and may need to be reassessed.

Porter cited that the County has a limited amount of money and that the Committee can not go on the assumption that the County is to give more money in March.

Collier stated that the Committee must do the best they can, there is no choice.

Further discussion ensued.

Bancroft moved and Marlene Johnsen seconded that the Budget Report be approved as presented.

This motion passed unanimously.

Additional Committee Business:

Shields selected a Subcommittee for the Auditor: Kirchner is to chair and other members are Collier, Johnsen, and John Vogl.

Castagna reported that the next hearing will be held either on October 5th or November 2nd. One-half hour will be the total time for the Commissioners to speak.

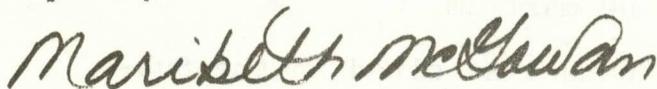
Public Comment:

Linda Ludwick of East County commented that the Committee seems to have no confidence in the Project Manager regarding the Legal Counsel reviewing the Attorney General's Opinion.

Parsons stated that the Legal Counsel is just to look at the Opinion at no extra cost.

The meeting adjourned at 10:15 p.m.

Respectly submitted,



Maribeth McGowan, Secretary

ROUGH DRAFT

BE IT ENACTED by the people of Multnomah County, Oregon,
that the Multnomah County Home Rule Charter be amended as follows:

1. Sections 3.10, 3.15, 3.20, 3.50(3), 3.60, 5.40,
6.10(2), 6.40, 13.10, 13.15, 13.20, 13.25, 13.30, 13.40, 13.50 and
13.60 of the Home Rule Charter of Multnomah County shall each be
deleted in their entirety.

2. There shall be substituted for the deleted sections
the following sections which shall become part of said Home Rule
Charter:

3.10 MEMBERSHIP

(1)

The governing body shall be a board of three (3) full
time County Commissioners, one of whom shall serve as chairperson and
who shall also serve as County Executive.

(2)

The County Commissioners shall serve, as nominated
and elected, in position No. 1 and No. 2 and No. 3, respectively.
Position No. 1 shall be the Chairperson and serve as County Executive.

(3)

Multnomah County Commissioner Positions No. 1 through
No. 5 as constituted immediately prior to the time this amendment
becomes effective shall be eliminated on December 31, 1984.

(4)

The term of office of the County Executive serving
immediately prior to the time this amendment becomes effective shall
expire on December 31, 1984.

3.20 ELECTION. Except as this charter provides to the contrary,

(1)

each member of the board shall be nominated and elected
from the county at large, by position, at the general November election
in 1984 and every fourth year thereafter a Commissioner shall be
elected to Positions No. 1, No. 2 and No. 3.

(2) at each election of the candidates for position on the board, the one who receives the highest number of votes cast for any candidate for that position shall be the one elected or nominated to it.

3. QUORUM Sections 3.30, 3.50(3), and 6.40 shall be amended as follows:

A majority of the board shall constitute a quorum for the transaction of board business.

3.50 MEETINGS Subsection (3)

Two (2) board members may call special meetings of the board, provided the board member not issuing the call is sent notice of the call in accordance with the board's rules. No board action at a special meeting, except adoption of an emergency ordinance, shall have effect after the next regular board meeting unless ratified at the meeting.

6.40 DEPARTMENTAL CHANGES

With the affirmative concurrence of two or more Commissioners, the board of county commissioners may

- (1) establish additional administrative departments,
- (2) abolish any such department,
- (3) combine two or more such departments into one, and
- (4) separate departments so combined.