

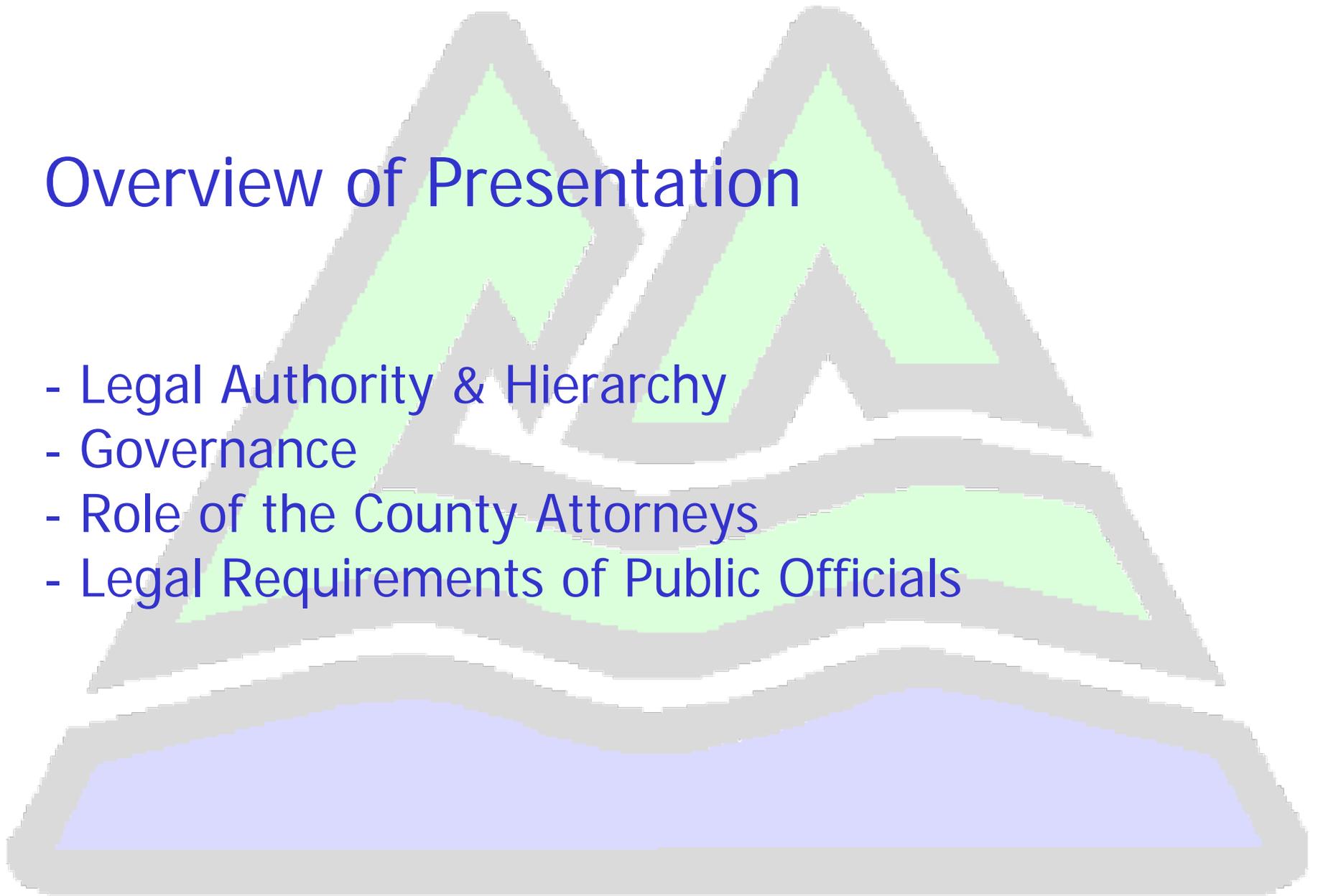


Multnomah County
Legal Authority & Governance

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Multnomah County Attorney

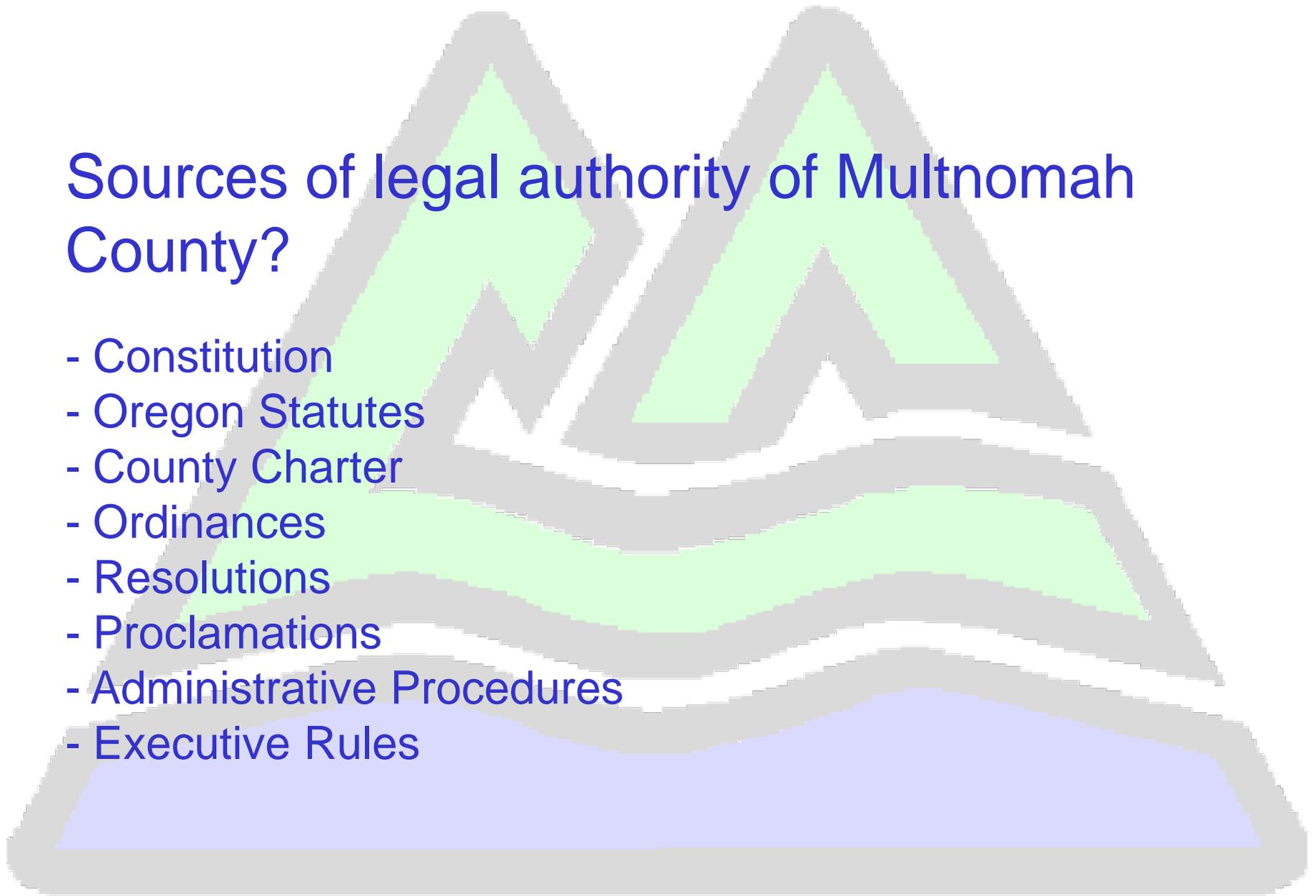
Overview of Presentation

- Legal Authority & Hierarchy
- Governance
- Role of the County Attorneys
- Legal Requirements of Public Officials



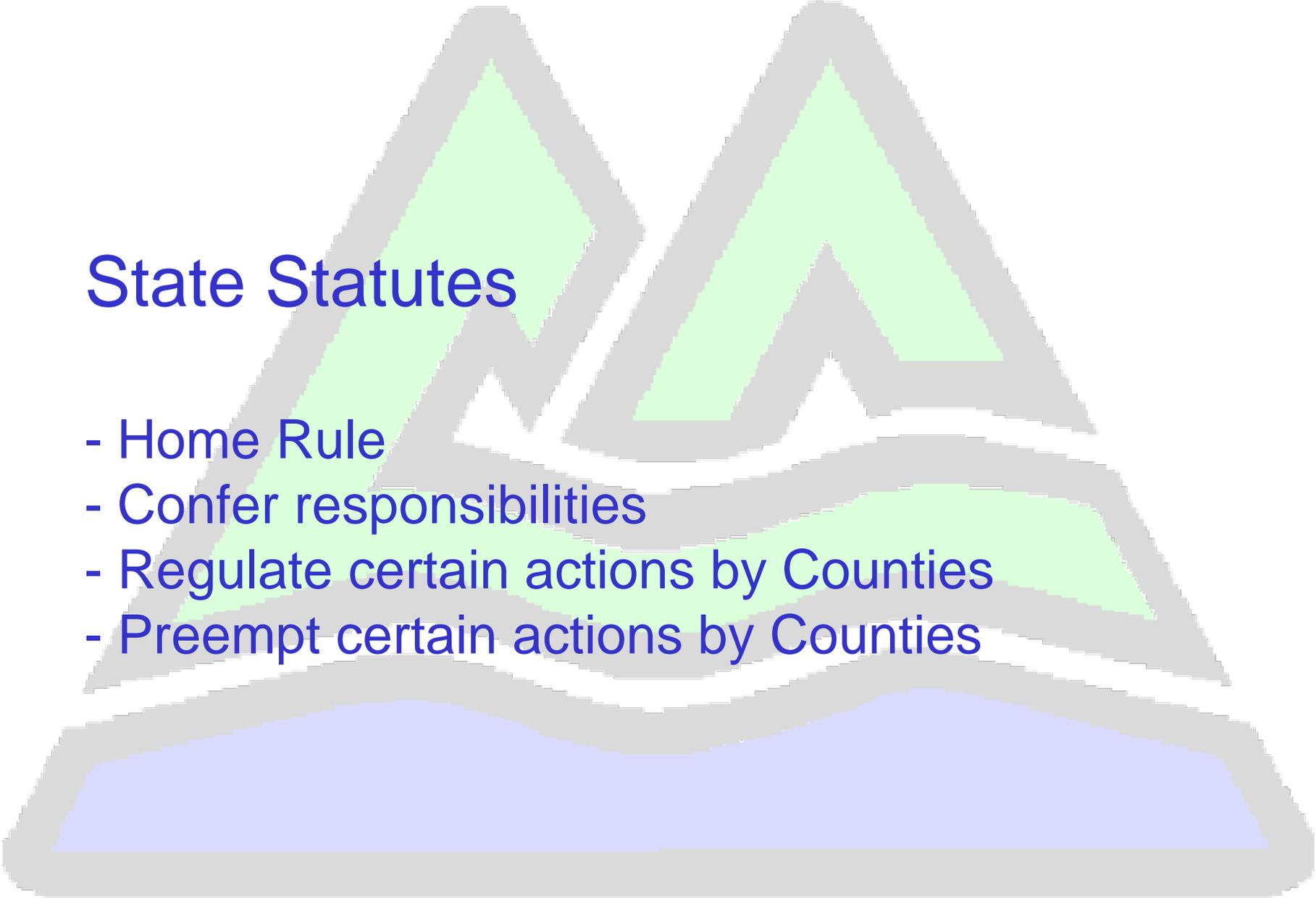
Sources of legal authority of Multnomah County?

- Constitution
- Oregon Statutes
- County Charter
- Ordinances
- Resolutions
- Proclamations
- Administrative Procedures
- Executive Rules



Oregon Constitution, Article VI, Section 10

- A county charter may establish county authority over “matters of county concern”
- A county charter must prescribe the organization of county government, and the number of powers and duties of county officers
- County officers must exercise powers and duties imposed by the constitution or state laws, as well as those set out in the Charter - Delegates to county
- Voter approved needed to adopt, amend, revise or repeal a county charter



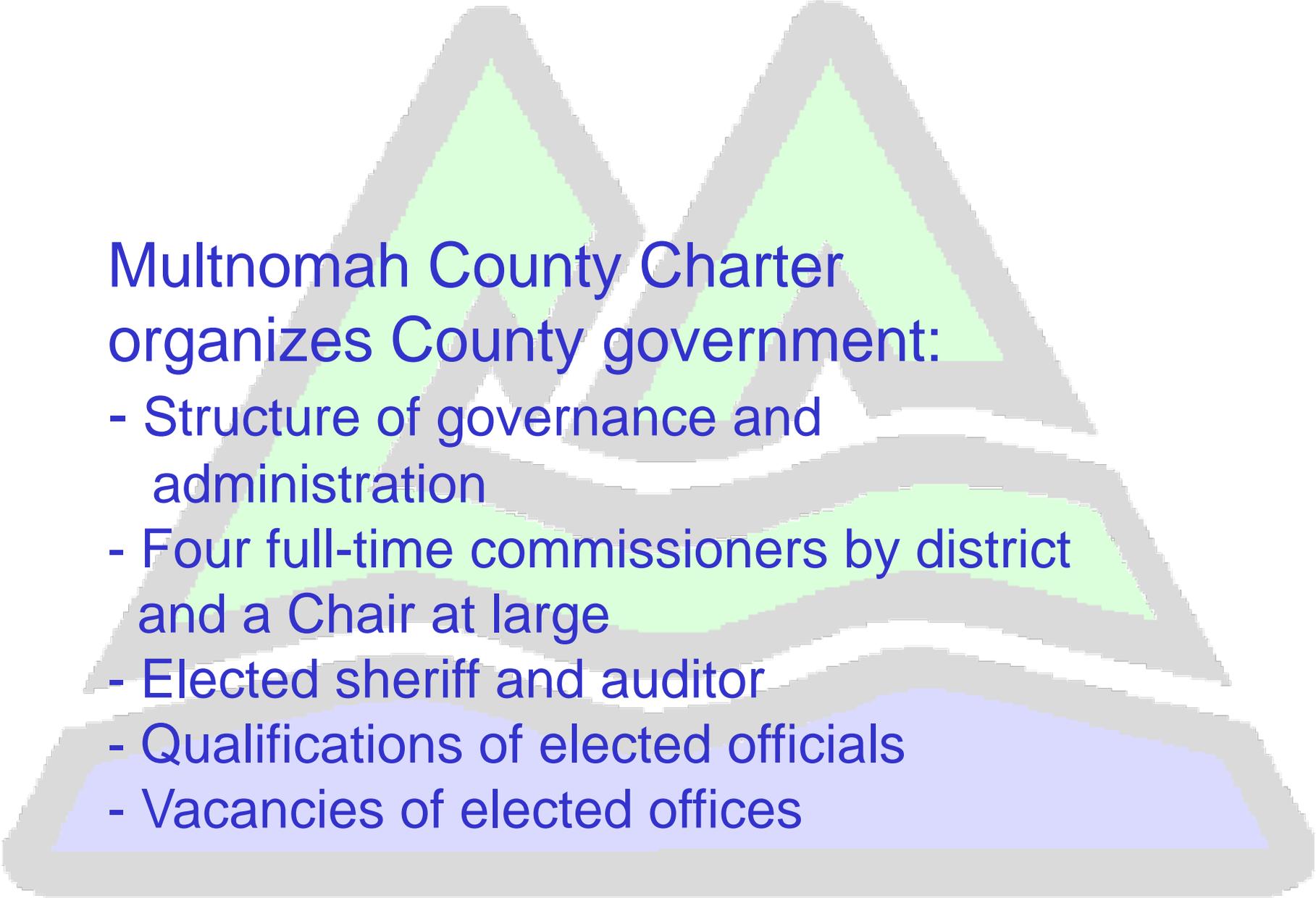
State Statutes

- Home Rule
- Confer responsibilities
- Regulate certain actions by Counties
- Preempt certain actions by Counties

A stylized graphic of a mountain range with two prominent peaks. The mountains are layered with a light green fill, a grey outline, and a light blue base. The text is overlaid on the left side of the image.

Home Rule in Oregon

- Matters of County Concern
- Not pre-empted by state law
- Case law



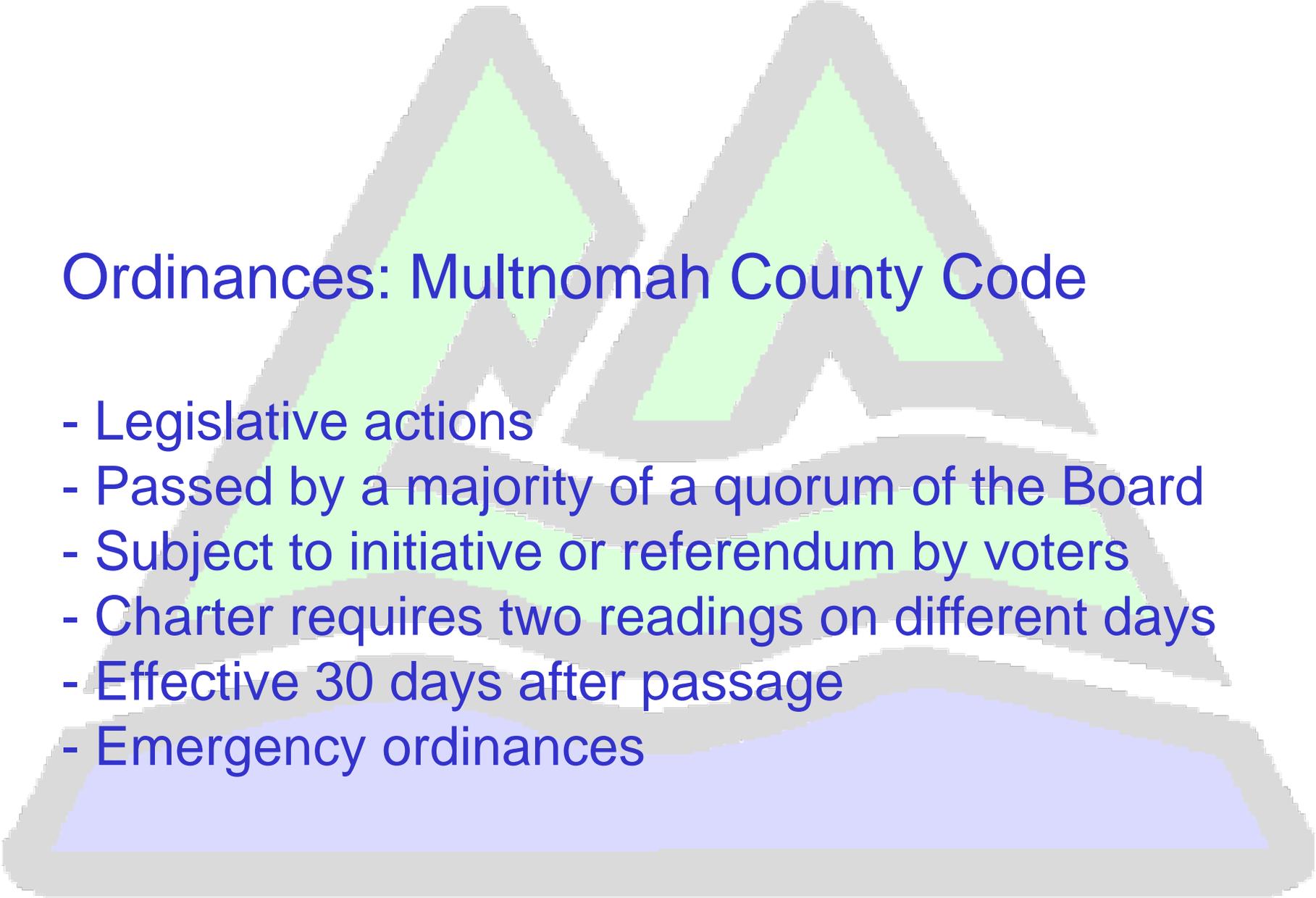
Multnomah County Charter organizes County government:

- Structure of governance and administration
- Four full-time commissioners by district and a Chair at large
- Elected sheriff and auditor
- Qualifications of elected officials
- Vacancies of elected offices



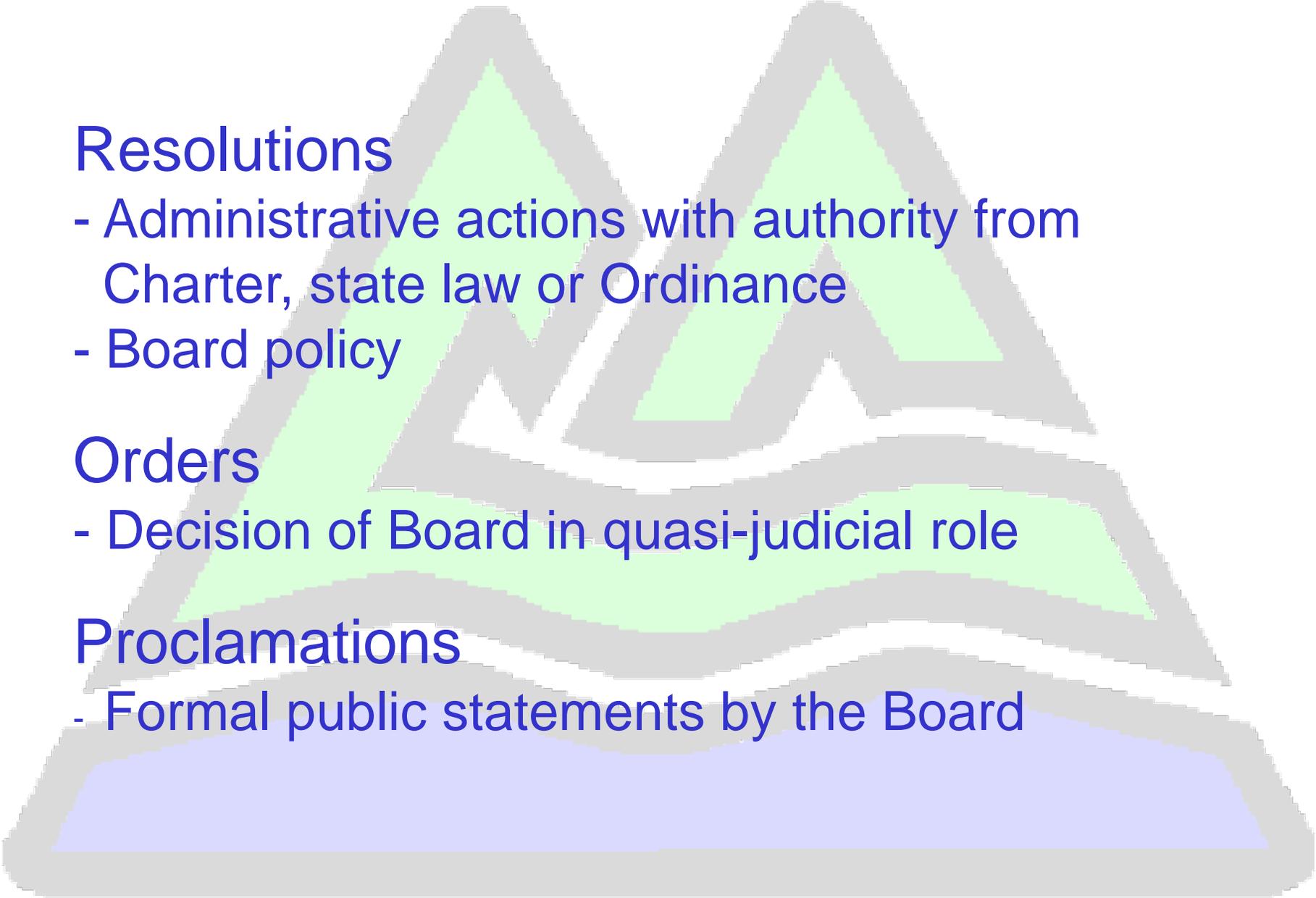
Voters Approval to Change Charter:

- Charter Review Committee- every 6 years
- Initiative Petition or Referendum
- Referral by Board of Commissioners



Ordinances: Multnomah County Code

- Legislative actions
- Passed by a majority of a quorum of the Board
- Subject to initiative or referendum by voters
- Charter requires two readings on different days
- Effective 30 days after passage
- Emergency ordinances



Resolutions

- Administrative actions with authority from Charter, state law or Ordinance
- Board policy

Orders

- Decision of Board in quasi-judicial role

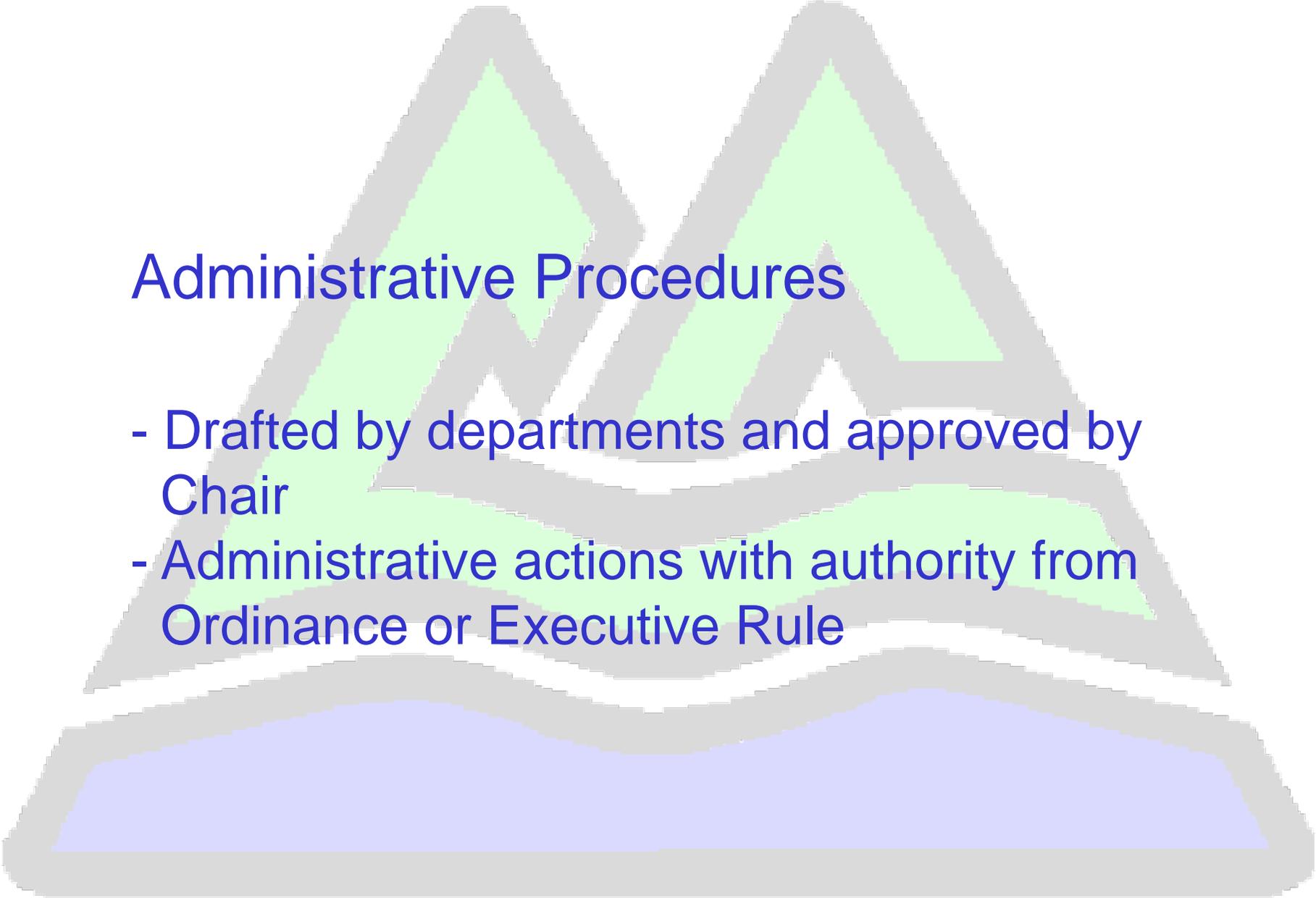
Proclamations

- Formal public statements by the Board



Executive Rules

- Administrative actions with authority from Charter, Ordinance or Resolution
- Enacted by Chair



Administrative Procedures

- Drafted by departments and approved by Chair
- Administrative actions with authority from Ordinance or Executive Rule



Multnomah County Governance

- Legislative Authority
- Executive Authority

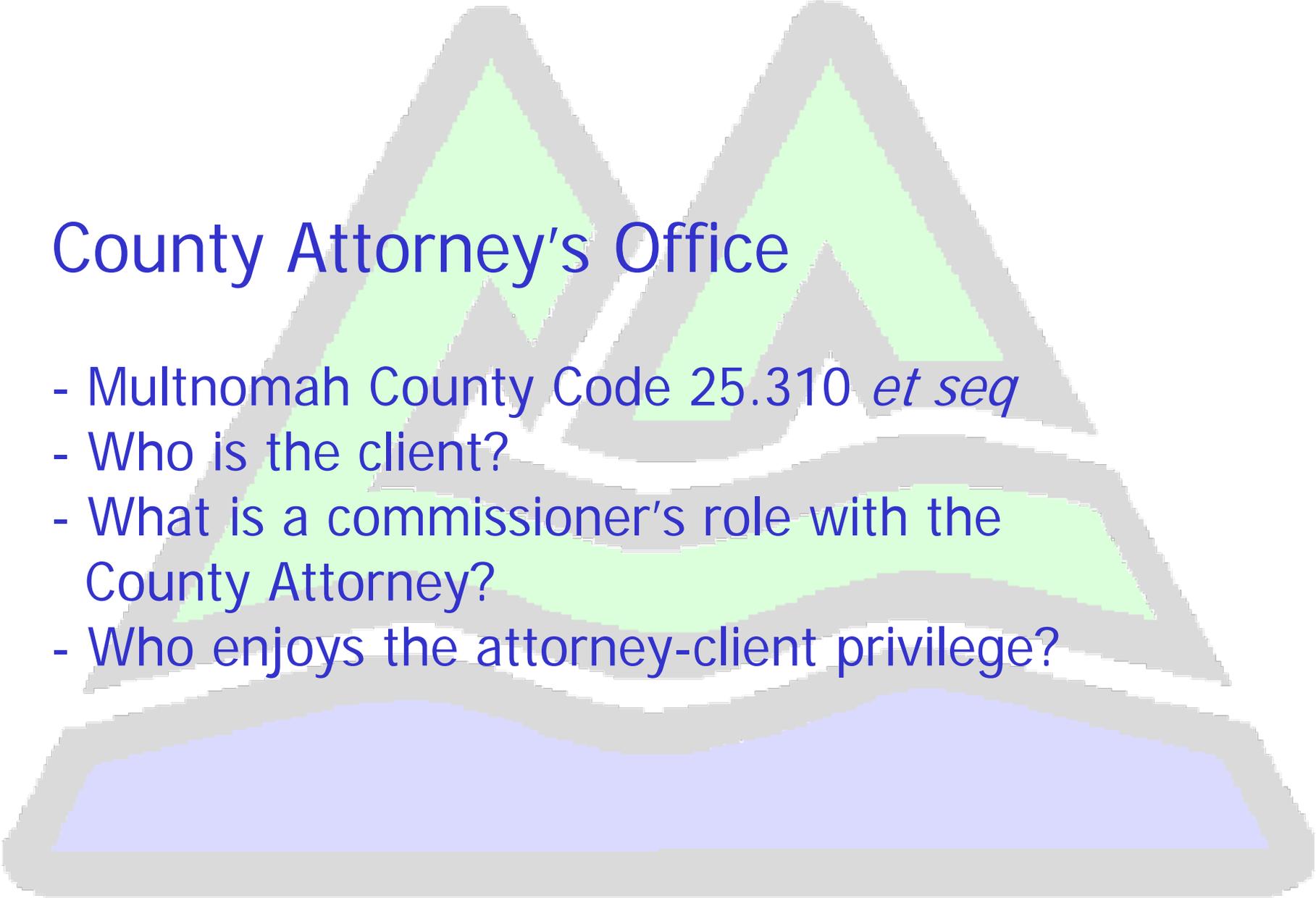


Authority vested in Board

- Legislative authority “over matters of county concern to the fullest extent permitted by the constitutions and laws of the United States and the State of Oregon”
- Charter or Code Authority to:
 - Establish, alter & abolish departments with vote of four
 - Approve department directors
 - Create advisory boards and commissions, and Approve members appointed by Chair
 - Budget Committee
- Authority over specific administrative actions

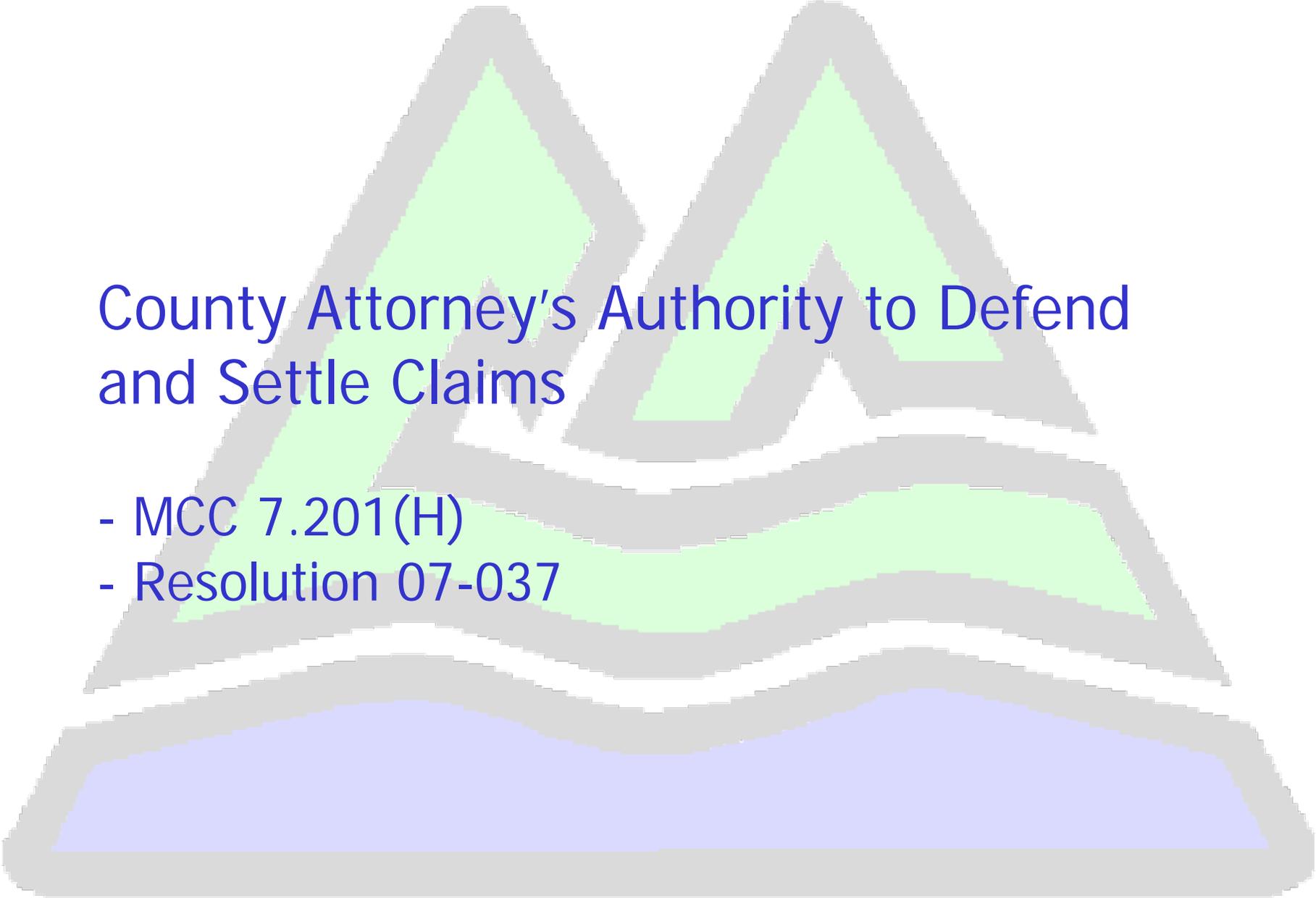
Executive Authority vested in Chair

- Chief Executive Officer and Personnel Officer
- Presides over board meetings and has a vote in all matters
- Authority to appoint, direct and discharge administrative officers and employees except staff of other county elected officers
- Authority to appoint department heads subject to consent of board
- Duty to execute board policies and ordinances, sign all contracts and other county documents, prepare the county executive budget for submission to Board
- Authority to adopt rules, practices and procedures to perform duties of the Chair



County Attorney's Office

- Multnomah County Code 25.310 *et seq*
- Who is the client?
- What is a commissioner's role with the County Attorney?
- Who enjoys the attorney-client privilege?



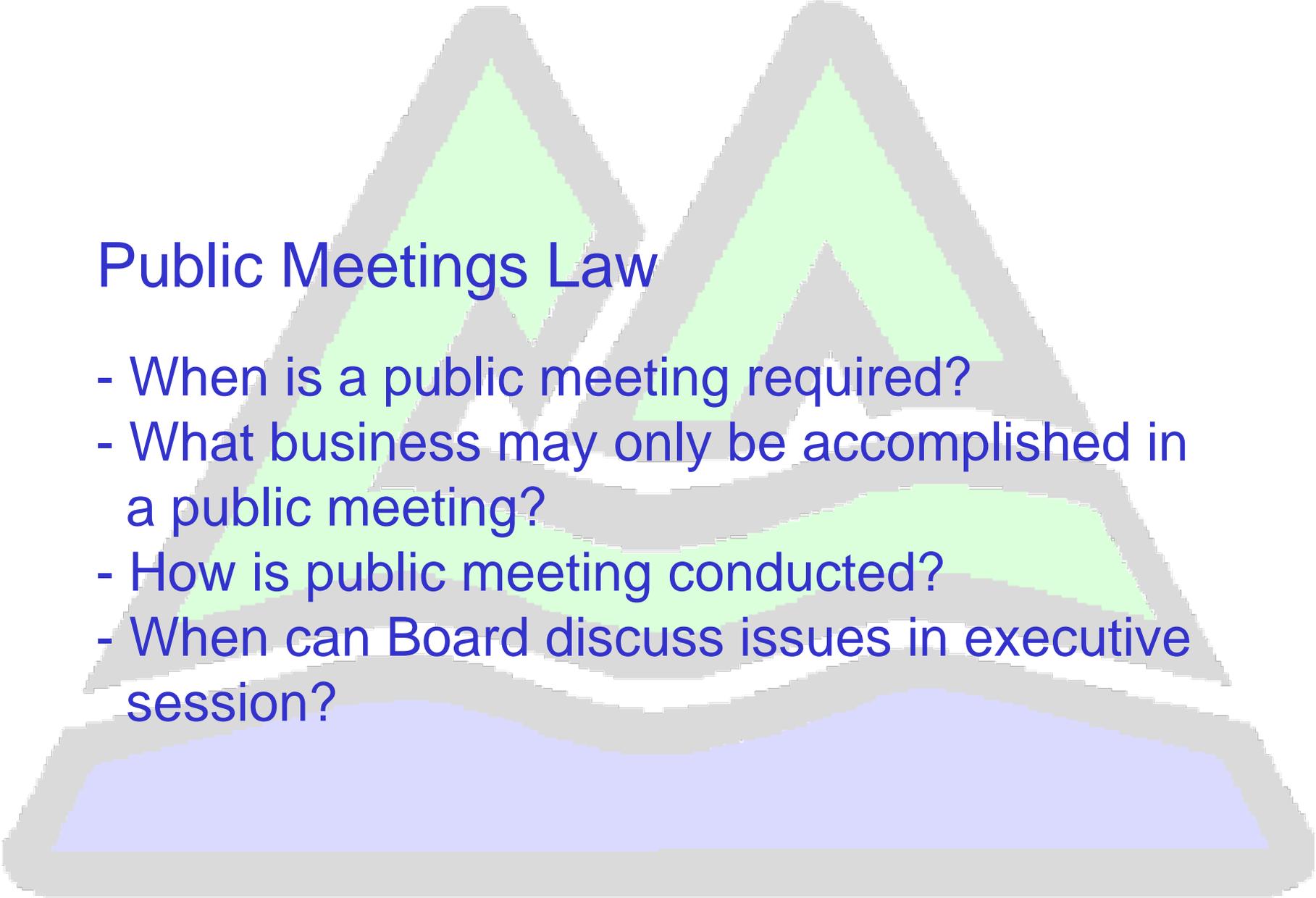
County Attorney's Authority to Defend and Settle Claims

- MCC 7.201(H)
- Resolution 07-037



State Legal Requirements of Public Officials

- Public Meetings Law
- Public Records Law
- Oregon Ethics Law
- Political Campaigning



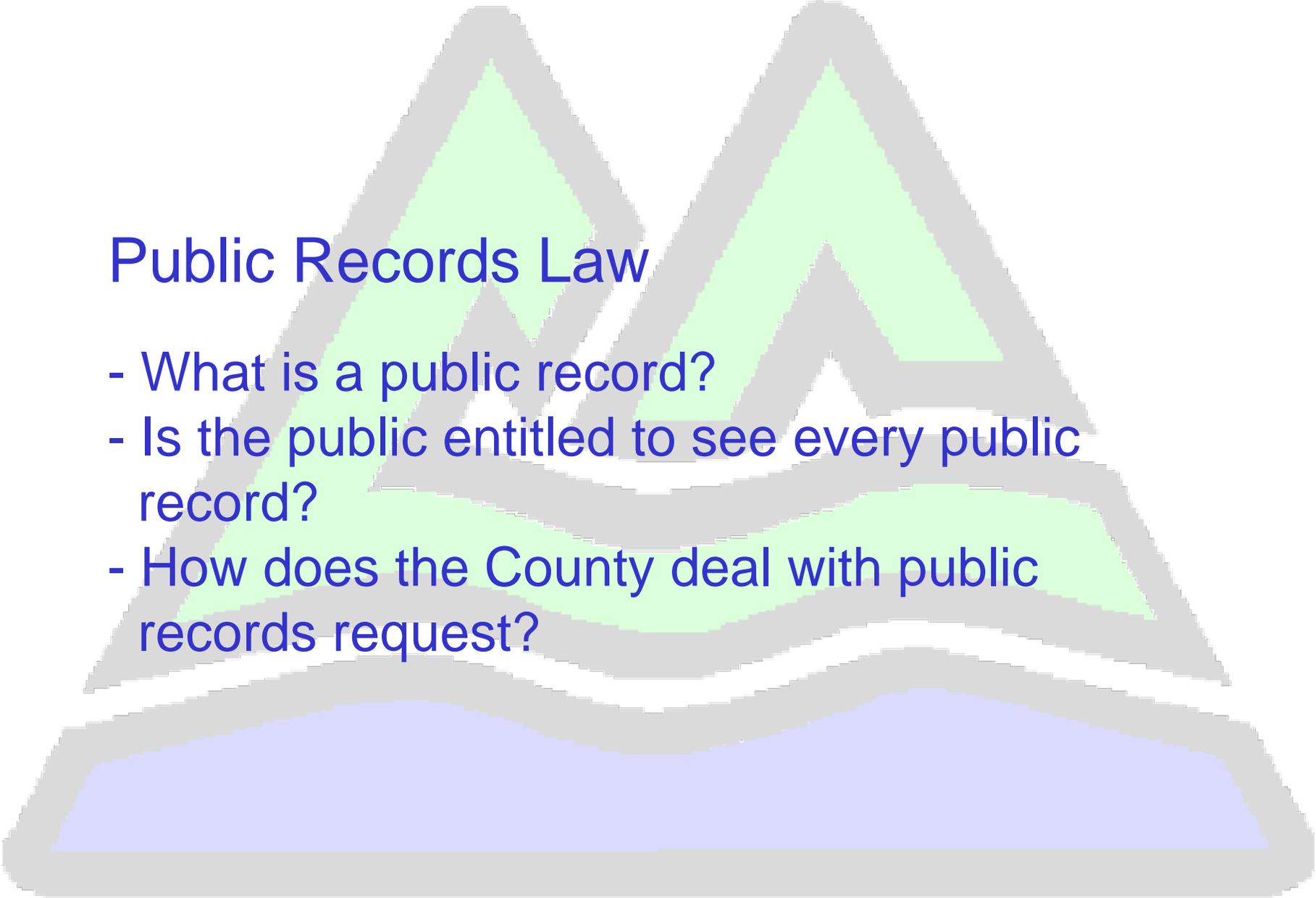
Public Meetings Law

- When is a public meeting required?
- What business may only be accomplished in a public meeting?
- How is public meeting conducted?
- When can Board discuss issues in executive session?



Multnomah County Board Meetings

- Public Meetings Law
- Board Rules - Res 07-014
- Administrative Rule BCC - 1



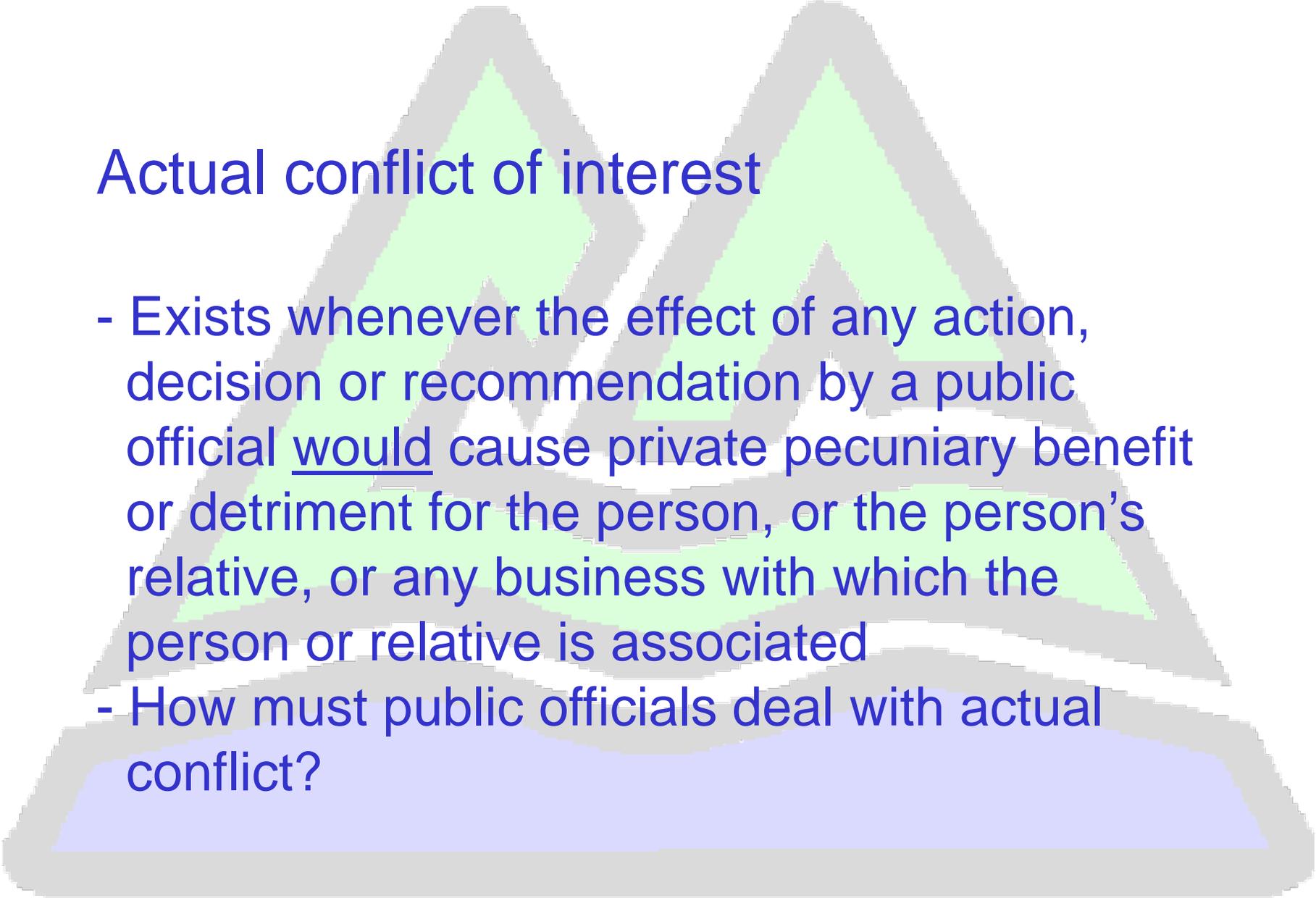
Public Records Law

- What is a public record?
- Is the public entitled to see every public record?
- How does the County deal with public records request?



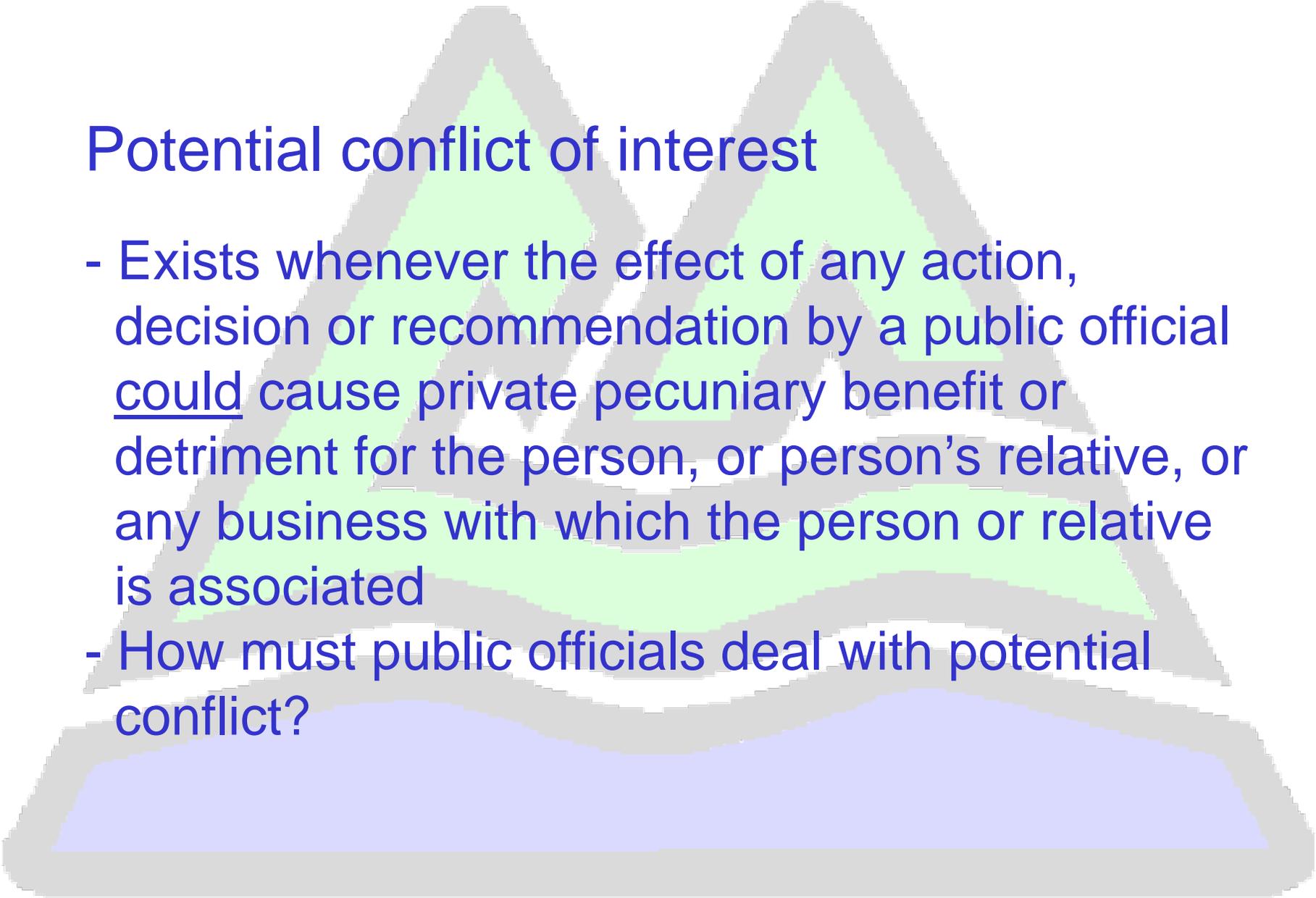
Oregon Ethics Law

- What does it prohibit or limit?
- Use of position
- Release of confidential information
- Gifts
- Honoraria
- Employment
- Reporting



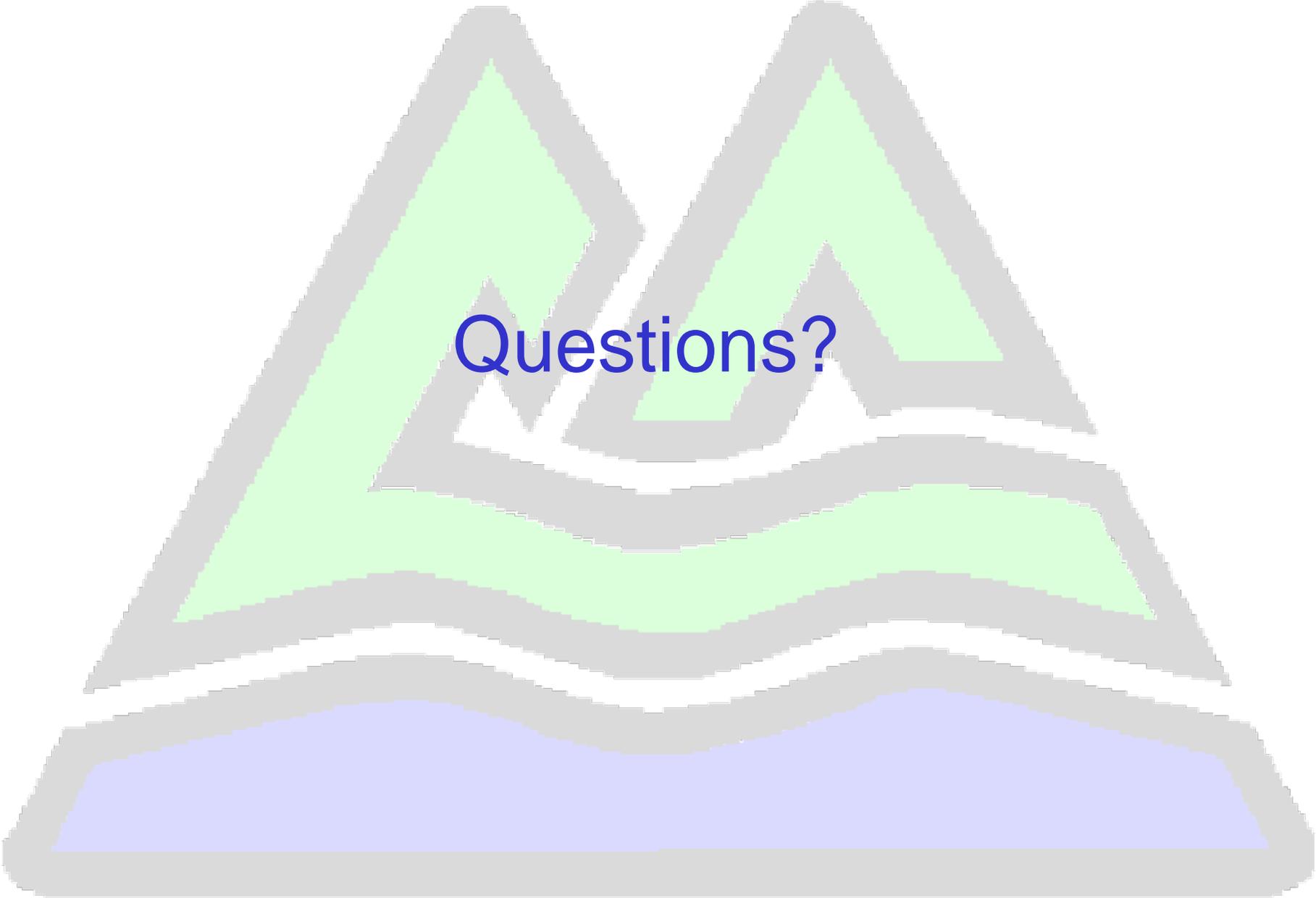
Actual conflict of interest

- Exists whenever the effect of any action, decision or recommendation by a public official would cause private pecuniary benefit or detriment for the person, or the person's relative, or any business with which the person or relative is associated
- How must public officials deal with actual conflict?



Potential conflict of interest

- Exists whenever the effect of any action, decision or recommendation by a public official could cause private pecuniary benefit or detriment for the person, or person's relative, or any business with which the person or relative is associated
- How must public officials deal with potential conflict?



Questions?