

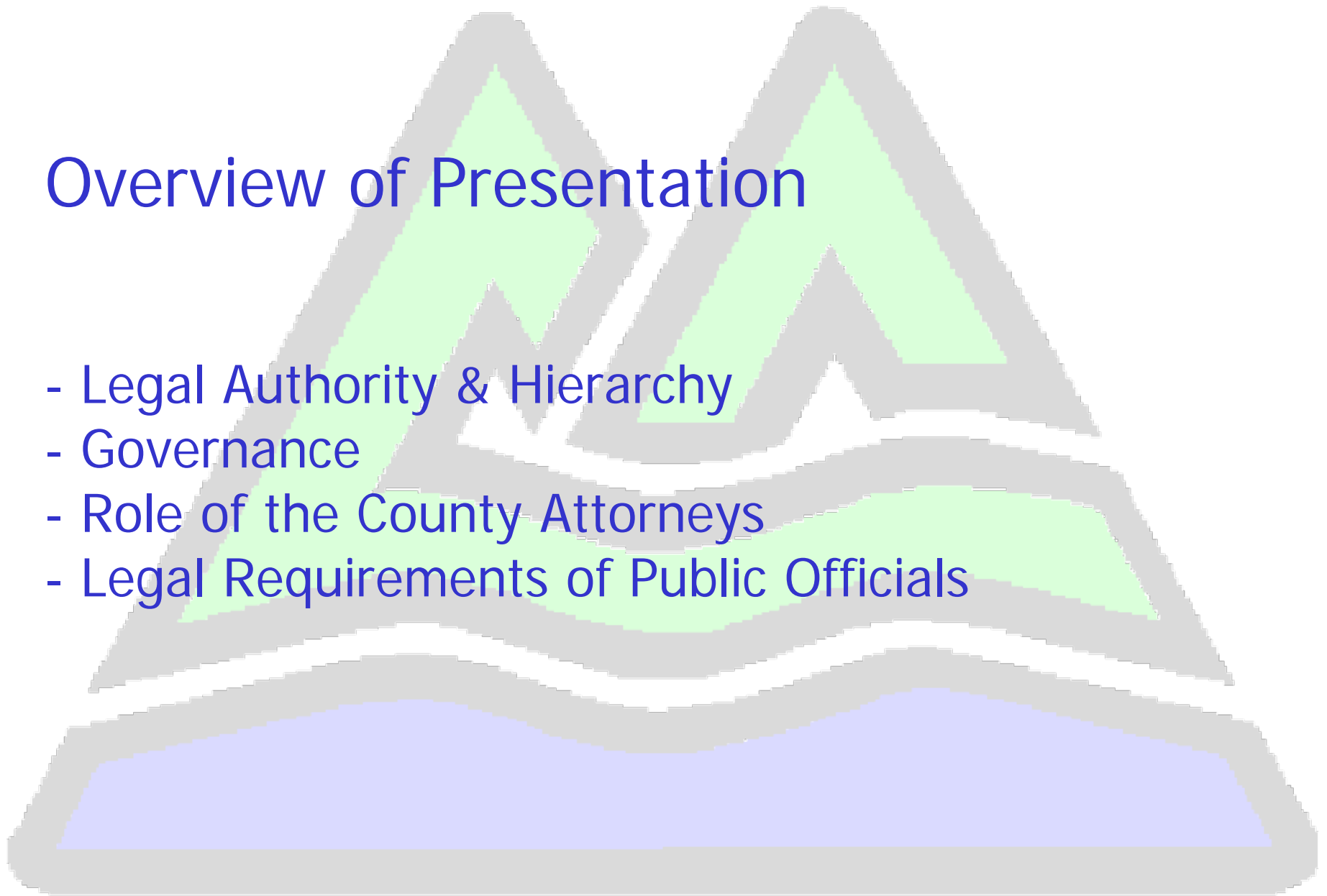


# Multnomah County Legal Authority & Governance

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# 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

A stylized graphic of a mountain range with three peaks. The peaks are light green with a thick grey outline. The base of the mountains is a light purple color, also with a thick grey outline. The entire graphic is set against a white background.

# State Statutes

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

A stylized graphic of two mountain peaks. The peaks are outlined in grey. The upper slopes are filled with a light green color. The lower slopes and the base of the mountains are filled with a light blue color. The mountains are set against a white background.

## 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?