



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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AUGUST 5, 2004 - REV BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
Pg 3	9:30 a.m. Resolution Calling an Election and Approving Ballot Title and Explanatory Statement on Repealing 2004, 2005 County Income Tax for Schools and Other Services
Pg 3	9:35 a.m. Resolution Approving Lease of Property Located at 912 NE Kelly, Gresham, from 9th & Kelly LLC, for Office and Public Service Use by the District Attorney Support Enforcement Division
Pg 3	9:45 a.m. Budget Modification HD-05-01 Approving Exempt Position Reclassification
Pg 3	10:00 a.m. Executive Session

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Thursday, August 5, 2004 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

NON-DEPARTMENTAL

- C-1 Reappointment of Ken Wadsworth, EMTP, to the Transport Paramedic Position, and Dan Hull, MD, to the Emergency Physician Position, on the Multnomah County EMERGENCY MEDICAL ADVISORY BOARD
- C-2 Government Non-Expenditure Contract 0405028 with Washington County, Establishing the Multnomah-Washington Regional Investment Board

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-3 Budget Modification DCHS-01 Reallocating Mental Health OHP Funds to Fund 5.52 FTE for the Transition Related to the Implementation of the 2003 Legislatively Approved State Children's Mental Health System Change Initiative Budget Note
- C-4 Budget Modification DCHS-02 Increasing Developmental Disabilities Services Division Budget by \$50,369 to Reflect Recent State of Oregon Funding Revisions
- C-5 Budget Modification DCHS-03 Recognizing \$150,000 United Way of Columbia -Willamette Focus Funding Grant Award for Domestic Violence Enhanced Response Team

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

NON-DEPARTMENTAL - 9:30 AM

- R-1 RESOLUTION Calling an Election and Approving Ballot Title and Explanatory Statement on Repealing 2004, 2005 County Income Tax for Schools and Other Services

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:35 AM

- R-2 RESOLUTION Approving a Lease of Property Located at 912 NE Kelly, Suites 260 and 264, Gresham, Oregon, from 9th & Kelly LLC, for Office and Public Service Use by the District Attorney Support Enforcement Division [Continued from July 22, 2004]

DEPARTMENT OF COUNTY HUMAN SERVICES - 9:40 AM

- R-3 NOTICE OF INTENT to Apply for a Centers for Medicare and Medicaid Services and Administration on Aging Grant
- UC-1 NOTICE OF INTENT to Partner with Washington, Clackamas, and Clark Counties in Submitting a Grant Proposal to the Access to Benefits Coalition

DEPARTMENT OF HEALTH - 9:45 AM

- R-4 Budget Modification HD-05-01 Approving Exempt Position Reclassification

DEPARTMENT OF LIBRARY SERVICES - 9:50 AM

- R-5 NOTICE OF INTENT to Apply for Library Services and Technology Act (LSTA) Grant through Oregon State Library, "Planning For a Statewide Early Literacy Initiative" Project

Thursday, August 5, 2004 - 10:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 110
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) and (h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle and Gail Parnell and Invited Staff. 30-45 MINUTES REQUESTED.



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MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 S.E. HAWTHORNE BLVD., Room 600
PORTLAND, OREGON 97204
(503) 988-5217

LISA NAITO • DISTRICT 3 COMMISSIONER

MEMORANDUM

TO: Chair Diane Linn
Commissioner Maria Rojo de Steffey
Commissioner Serena Cruz
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: Carol Wessinger
Staff to Commissioner Lisa Naito

DATE: June 23, 2004

RE: Commissioner Lisa Naito will be unable to attend the August 5, 2004 Board Meeting.

The Commissioner will be out of town on vacation.

Thank you,
Carol Wessinger

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: August 5, 2004

Agenda Item #: E-1

Est. Start Time: 10:00 AM

Date Submitted: 07/28/04

Requested Date: August 5, 2004

Time Requested: 30 mins

Department: Non-Departmental

Division: County Attorney

Contact/s: Agnes Sowle

Phone: 503 988-3138

Ext.: 83138

I/O Address: 503/500

Presenters: Agnes Sowle

Agenda Title: The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session.

**NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.**

1. **What action are you requesting from the Board? What is the department/agency recommendation?**
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
3. **Explain the fiscal impact (current year and ongoing).**

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**

- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

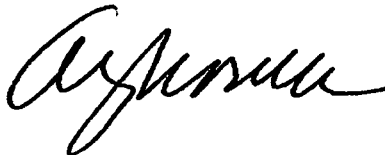
- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures:



Department/Agency Director: _____

Date: 07/28/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:



OFFICE OF MULTNOMAH COUNTY ATTORNEY

TO: Elected County Officials; Department Managers; County Employees

FROM: Agnes Sowle, County Attorney

DATE: July 29, 2004

RE: Election Law Reminders

As the Secretary of State and Multnomah County Elections Director certify measures for the November 2, 2004 general election, it is time to review election law requirements for county officials and employees. The weeks leading up to this election may be particularly problematic for County employees because there will be a number of ballot measures which have the potential of affecting the County in very significant ways. These include the measure seeking to repeal the County's personal income tax and seven measures to amend the County Charter. As a result of these measures, many employees may be asked for information about their effect.

A summary memo, "Elections & Public Employees" follows. Here is a link (underlined text) to "Restrictions on Political Campaigning by Public Employees" (564k PDF) at Secretary of State, Bill Bradbury's website. It offers a complete list of the restrictions including many examples. Please review this material and make it available to others in your office and department.

Executive Order 211 (11/16/93) requires Chair approval of county publications relating to, or touching on the subject of, a measure on the ballot. This allows review to assure legality, non-advocacy, accuracy and clarity. Approval is required before a publication is printed or distributed.

Please feel free to contact me if you have any questions or you would like additional information.

July 2004

ELECTIONS & PUBLIC EMPLOYEES



1. **Introduction.** As another election approaches, county officials and employees again need information about participation in political campaigns. This memo provides an overview of state election law. That law governs the conduct of public employees on the job, and restricts use of public resources in the political process.

2. **Restrictions and allowances regarding political campaigning by public employees (ORS 260.432).**

a. **Political activities of public employees:**

ORS 260.432(1) and (2) prohibit public employees from promoting or opposing any initiative referendum or recall petition, ballot measure or candidate "while on the job during working hours." This prohibition does not apply to elected public officials. Preparation of materials to support or oppose a candidate or measure, and the distribution of such materials during regular working hours is not allowed. As part of their job, public employees may only provide impartial, factual information related to a candidate or measure.

A public employer or other person (including elected officials) may not ask or direct public employees to prepare or distribute information that supports or opposes a candidate or measure. Public employees may not collect funds or distribute correspondence for political action committees on their work time. Public employees may be involved in campaign activities during off-duty hours, such as evenings and weekends, and during lunch hours and breaks. If public employees make informational speeches about a ballot measure or candidate during work hours or in their "official capacity," they must make sure the speech is not advocacy.

b. **Concerns about written material relating to measures:**

Written material prepared or distributed by public employees must be impartial. "Impartial" means equitable, fair, unbiased and dispassionate. The material needs to contain a balance of factual information. Written material cannot lead voters to support or oppose a candidate or measure by selective use of factual material, even if the material does not expressly urge a particular result. The material will be considered advocacy if, taken as a whole, it is clearly intended to generate votes for or against a candidate or measure. If public employees provide services that support a candidate or measure, they may violate ORS 260.432. Factors considered in making the determination of whether material is advocacy include the following:

1. Timing;
2. Balance of factual information;
3. Overall impression;

4. Statements as to the possible favorable (or unfavorable) effects;
 5. Dispassionate rather than enthusiastic;
 6. Headings, etc. should not lend a positive (or negative) tone;
 7. Quotes used should not all be favorable or unfavorable;
 8. Information about how to contact the supporting or opposing PAC;
 9. Must not explicitly urge a yes or no vote.
- c. **Examples of restrictions on political activities during work time for public employees:**

As a Multnomah County employee, **you may not:**

- Prepare or distribute written or electronic materials supporting or opposing a measure, candidate or petition. You also may not direct a subordinate or co-worker to prepare or distribute such materials.
- Solicit support or funds from employees for political activities or issues.
- Use the County's computer network for distributing information in support of or opposition to any candidates, measures, referendums, petitions or other political activities or issues. An email that is supporting or opposing a petition, candidate or measure that is sent to a group of other employees or an agency or others would be a violation of the election law by the public employee who wrote and sent it.
- Collect funds or signatures on behalf of political action committees, candidates, measures, referendums, petitions or other political activities or issues.
- Assist with candidates' filing forms, voters' pamphlet filings, contribution and expenditure report forms, or related correspondence.
- Perform any related activities such as producing or distributing political documents advocating a vote for or against a measure, or news releases or letters announcing an elected official's support for or opposition to a candidate, measure, referendum or petition.
- Produce or distribute a news release announcing a candidate's filing that includes reasons for supporting the candidate, the candidate's goals if elected, or any other supportive information.
- Make outgoing calls to solicit political scheduling opportunities, organize campaign events, notify the press or constituents, or initiate any other political activity.
- Post signs or banners promoting or opposing any candidate, measure, referendum, petition or other political activity or issue.

d. Examples of allowable political activities for public employees:

As a Multnomah County employee, **you may:**

- Engage in political activities during your personal time while on break or after work hours as long as you do not use any Multnomah County resources (i.e., computers, telephones, supplies, etc.) for political purposes.
- Wear political buttons at work, unless you work in a public work area where your display of a political button might be construed as representing an official endorsement by Multnomah County.
- Take minutes or staff a public meeting, as part of your regular job duties, including discussion and reasoning for adopting a resolution or voting to support or oppose a measure.
- Process incoming mail, as part of your regular job duties, that may include political material addressed to employees. However, you may not distribute political advocacy materials to other employees or constituents while on the job during working hours.

e. Providing Information.

As a Multnomah County employee, **you may:**

- Provide impartial, factual information related to an initiative, referendum or recall petition, measure or candidate as a part of the your job during work hours.
- Make public presentations or speeches regarding an initiative or referendum petition, or ballot measure while on work time, or in an employee's "official capacity" so long as the speech is only factual and neutral in its presentation. (Reminder: The Chair or her designee is the County's official spokesperson.)
- Address election-related issues while on the job, in a factual and unbiased manner, if such activity is legitimately within the scope of your normal duties.

3. Salaried vs. Hourly Staff

Salaried employees' work time is not as easily measured as that of hourly workers. Salaried employees must be careful during all appearances both after normal work day hours as well as during working hours. They must not advocate on behalf of or against a petition, measure or candidate if they are considered to be in their "official capacity." *Note: If the Elections Division receives complaints of this nature, they will investigate whether or not the activity was undertaken in the employee's official capacity.*

Personal note keeping by salaried employees is suggested. Recording when the employee is on or off duty can determine whether they are acting in their "official capacity." Also, during public appearances, the employee should specifically announce to the audience in what capacity they are speaking.).

4. Undue influence to affect registration, voting, candidacy; solicitation of money or other benefits (ORS 260.665).

"(1) As used in this section, "undue influence" means force, violence, restraint or the threat of it, inflicting injury, damage, harm, loss of employment or other loss of the threat of it, fraud or giving or promising to give money, employment or other thing of value.

"(2) No person, acting either alone or with or through any other person, shall directly or indirectly subject any person to undue influence with the intent to induce any person to:

"(c) Register or vote in any particular manner;

"(f) Render or refrain from rendering services to any candidate, political party or political committee;"

5. Public official expending money in excess of amount or for different purpose unlawful; civil liability (ORS 294.100).

"(1) It is unlawful for any public official to expend any money in excess of the amounts, or for any other or different purpose than provided by law.

"(2) Any public official who expends any public money in excess of the amounts, or for any other or different purpose or purposes than authorized by law, shall be civilly liable . . ."

7. Conclusion

The rules governing public employee conduct relating to political campaigns are fairly easy to state. They are often difficult to apply to specific situations. If you have questions about the application of these rules to the conduct of any county employee or elected official, please contact the Office of County Attorney for advice.