

March 7



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

March 7, 1984

MEMBERS

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

STAFF

Robert J. Castagna,
Project Manager
Maribeth McGowan,
Secretary

AGENDA

1. Report from Subcommittee on Citizen Involvement
2. Letter from Richard Munn regarding the Assessor
3. Public Testimony: Sheriff, Charter Review Committee, Consolidation/"Super County"/Annexation, Assessor
4. Work Session:
 - a. Assessor:
 - i. That the County Assessor remain an elective office.
 - ii. That the County Assessor be an appointed office.
 - b. Charter Review Committee:
 - i. That the Committee shall have one member appointed from each representative district wholly or partially within Multnomah County.
 - ii. That the appointment process remain the responsibility of the state senator and state representative(s).
 - iii. That the next Charter Review Committee be convened in 19__ with appointments made not later than _____.
 - c. Chair of the Board: Discussion of executive authority.



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MINUTES

Public Meeting: March 7, 1984

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 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 convened at 7:00 P.M.

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

The agenda included a report from the Citizen Involvement (CI) Subcommittee, discussion of a letter from Richard Munn regarding the assessor, testimony from Multnomah County Assessor James Wilcox, and public testimony on the Sheriff, Charter Review Committee, Consolidation/"Super County"/Annexation, and the Assessor, and a Committee work session. (Please refer to Exhibit A.)

It was brought to this Committee's attention that Mr. Thomas Magee's testimony on page 7 of the full Committee minutes of February 25, 1984, should read "... a salary more than ..." not "... less than ..."

Report from the Subcommittee on Citizen Involvement:

John Vogl stated that the Subcommittee's main concern was that the CI should not be county-controlled (i.e., county-funded and the county's making appointments); this concern was discussed among the members of the Subcommittee.

The Subcommittee adopted a motion on CI, which is cited on page 7 of the Subcommittee minutes of February 25, 1984.

Vogl said that the Subcommittee had decided to wait until after

the Citizens' Congress before it would submit all its recommendations.

Ann Porter will obtain a copy of the ordinance (which was discussed at the 2/22/84 Subcommittee meeting) that is being developed in the caucus of Intergovernmental Relations.

With reference to the Citizens' Congress, Robert Castagna recollected that at the February 25th meeting Paul Thalhofer had said that CI is an issue that might come up during the course of the Citizens' Congress. If this Congress had some input with respect to the CI provision, this Committee might take it into consideration.

Vogl noted that the Subcommittee would not be above taking any good ideas that would surface in the Citizens' Congress.

Castagna expressed his concern that the Citizens' Congress' time line is late May. This Committee may already have held the public hearings on its drafts and would be in a final stage of polishing these drafts.

Porter stated that, while it will be helpful for this Committee to have input from the Citizens' Congress, this Congress has decided it will make recommendations which are far-reaching over a long period of time.

It was decided that Vice-Chair and CI Subcommittee member Porter and Project Manager Castagna will meet with members of the Citizens' Congress Steering Committee to see if there is anything of which this Committee needs to take cognizance.

Letter from Richard A. Munn, Director of the Oregon Department of Revenue: (Please refer to Exhibit B.)

Castagna noted that this letter is basically advocating an appointed assessor.

Testimony by James Wilcox, Multnomah County Assessor:

In his opening remarks, Mr. Wilcox commented that Richard Munn's job as Director of the Oregon Department of Revenue is to see that the state laws are enforced throughout the state - - to see that the assessments of property are getting done. He is the person most responsible for seeing that the counties comply with state law.

Wilcox pointed out that assessors' testimony in Salem deals largely with administrative issues. Assessors' testimony on policy issues is not particularly compelling to the legislature because policy issues are those same issues that the legislators are elected to hear. The citizens of Multnomah County do indeed have a voice regarding taxes - - their state representatives and senators.

The assessors are there almost in a staff capacity to comment on filing deadlines, how modification of one law affects another, and how a policy can be accomplished in a manner that is administered consistent with other tax statutes. These can be done by either an appointed or an elected assessor. The assessors are found both elected and appointed in the state of Oregon and, according to Wilcox, no difference can be detected in terms of credibility before the legislature.

Wilcox urged this Committee to recommend that the assessor be an appointed position. If the appointed assessor does not do the job, the action to dismiss can be swifter than with an elected assessor; and his/her tenure is at greater risk than an elected assessor. Better results are achieved from having an appointed assessor, particularly in a county as large as Multnomah County and in an organization as complex as that which exists in Multnomah County.

The question and answer segment followed.

Responding to Vogl's question: As an elected assessor, Wilcox answers to the board of county commissioners only with regard to budgetary issues. An appointed or elected assessor answers a great deal to the Department of Revenue (D of R). State law is very detailed, Wilcox emphasized. The Oregon D of R has supervisory authority to see that state law on taxes, abstracts of court opinions, and Oregon D of R rules are carried out, just as the secretary of state has the authority to see that elections are implemented.

The primary interest the D of R has in property taxes is to make sure that there is not a shift of taxes among counties and that property taxes are appraised consistently throughout the state. Wilcox noted that this is a constitutional requirement.

Wilcox cited what the Oregon D of R specifies:

1. What a tax bill looks like,
2. What does/does not go on a tax bill,
3. What forms look like -- in detail, and
4. When assessors are to appraise. (The D of R has a field office that monitors when those appraisals are to occur and that they are done properly.)

To the extent that an assessor's office is understaffed, the D of R does staffing studies and makes recommendations to the board of county commissioners. The D of R has the authority to withhold liquor and cigarette tax distributions to the county if the assessments are not done correctly. The D of R does have a broad charge and significant authority to make sure the job gets done.

Wilcox pointed out that on a detailed level he (as the county assessor) reports to the Director of the D of R.

Porter commented that, in essence, the county assessor is an arm of the state. To which Wilcox agreed.

In his response to another Vogl inquiry, Wilcox stated that there is no difference having an appointed or elected assessor in terms of getting the assessments done. The purpose of the D of R's involvement is to see that there is not significant policy discretion by an assessor. What is needed in Multnomah County -- with its \$5.3 million budget and 150 employees -- is managerial ability, Wilcox said. The staff has been cut by 30% during the last four years by using computers and by using managerial techniques.

Wilcox emphasized that there is a less expensive operation and a better accountability with an appointed assessor.

In Multnomah County, with the assessor's position being such a low profile one, there is not exposure; and, as such, it is a position that is highly susceptible to a big spending campaign. Real estate interests would be those who would put money into an assessor's race. Wilcox thinks this a very bad mix. In some cases, the assessor sits in a judicial role and to subject this position to that political process is a mistake, according to Wilcox. There is no policy content in that the assessor's job is 90% managerial, which involves dealing with the budget, personnel procedures, interpretation of tax law, tax bills, and Data Processing Authority Service. The assessor is not dealing with issues on how to change the tax system, Wilcox concluded.

Public Testimony:

Testimony by Thomas Magee, 2406 NE 40th, Portland:

Mr. Magee urged this Committee to be circumspect with regard to the issues of Ballot Measure #6 which the voters have twice approved. He voiced his concern about this Committee's possible recommendations to rescind most of the elected positions, also twice approved by the electorate.

Regarding the issue of the Sheriff, Magee encouraged this Committee to make specific recommendations concerning the amalgamation of city and county personnel. He believes this matter should be put before the voters as a ballot measure, rather than have the city and county commissioners assume full authority. With the county's decrease in services to be rendered, Magee questions the need for the number of personnel.

In Magee's opinion, the Charter Review Committee (CRC) should reconvene at a specified time; therefore, he recommends "b iii" on the agenda (Exhibit A). He added that if a Committee member should

seek elective office, this member should either exempt him/herself from serving on the Committee or be required to withdraw from the Committee.

Magee emphasized the need for this Committee to recommend a plan for consolidation. At the request of Porter, Magee explained that this Committee should recommend (as an interim action pending an election) that a nonpartisan citizens' committee, an impartial blue ribbon panel, be appointed by both the city and the county and make specific recommendations as to how consolidation can be accomplished.

Testimony by Louis Turnidge, 18144 SE Pine, Portland:

Mr. Turnidge feels that the arguments made by Assessor Wilcox favoring an appointed assessor are compelling. The voters, if they clearly understand these arguments, might vote for an appointed assessor, according to Turnidge.

Turnidge made reference to the sheriff's employees' being affected by Resolution A.

Turnidge believes that policy changes and development should originate from the people, should be evaluated and decided upon by the board, and (then) should be carried out by the bureaucrats.

Testimony by Bob Goldstein, 4119 SW Fairvale Drive, Portland:

Mr. Goldstein articulated his concern regarding the ramifications of the CRC members' running for office.

Goldstein believes that dividing the county into four districts can not be done properly. The districts are based upon the federal census when the five-district reapportionment in Multnomah County was done. According to Goldstein, no assessor should be expected to make that decision on reapportioning the county into four districts.

Goldstein thinks this Committee should discuss what he (Goldstein) feels is an unconstitutional situation: a 13-member CRC in which one member does not have a vote.

It was suggested by Goldstein that this Committee address the fact that it may have to change the Charter's preamble. In his view, there can not be a unit of local government and an agency of the state with the expectation people will be satisfied.

Committee Business: (8 voting members of the Committee were present.)

Florence Bancroft moved that the county assessor be an appointed position.

Linda Rasmussen seconded this motion.

During the discussion, the following points were made:

Bancroft: This (the assessor's being elected) was one of those Ballot Measure #6 items in which the intent of the voters was not entirely clear. Therefore, it is reasonable to put the assessor issue on the ballot. There is a conflict of interests to run a political campaign when the backing is from those who do not want high assessments.

Porter: In essence, the assessor is a state-mandated position and the assessor answers primarily to state government, the D of R. The assessor maintains this office under the department's rules and regulations.

Chad Debnam: With the sophistication of computers and the size of the county and the different problems with property assessment, there could be a problem with the assessor's office becoming politicized.

Since it is purely an administrative, formula-type job, a manager would be more effective in solving the problems and giving proper assessments. This office should be appointive even though there is a sensitivity to the Ballot Measure #6 situation. (This Committee should retain those BM #6 provisions when and where we can.)

Vogl: The assessor's job is so low profiled, most people had no idea what this position was, what it entailed, and what the possible dangers were of powerful interests influencing the election.

Tread easy on Ballot Measure #6. This (that the assessor be appointed) should go on the ballot, but there should be a very good information campaign for citizen awareness of just exactly what is occurring.

The vote on the motion was unanimously (8 to 0) in favor. (It is noted that Leanne MacColl, the nonvoting Committee member, would have voted in favor of the motion to have the assessor appointed.)

Castagna spoke on the issue of the CRC. He noted that the three suggestions cited on the agenda (Exhibit A) are not without their difficulties. The present Charter requires state elected officials to make appointments. There is a question as to the binding legality of the Charter provision requiring state elected officials to do anything pursuant to a county charter.

Castagna continued to say that if, on the other hand, this Committee is looking for independence from the county governmental structure, it should turn to someone -- unless it is decided to turn to those within Multnomah County government to make the appointments.

Castagna took note of the following:

1. b i (on the agenda) is a suggestion.
2. b ii is to keep the appointment process within that legislative appointment framework.

Castagna commented that the suggestion to appoint from within representative districts as opposed to senate districts is to address the difficulty of this present Committee: that the majority of one senate district resides in Washington County.

Castagna posed the questions: If this Committee were to go on a representative district basis, do you still have the senator and two representatives from a senate district making appointments so there is no imbalance in terms of party representation on the Committee? Or, do you take the pick of the draw and say that each representative in that area makes the appointments? There are a number of variations that this Committee needs to consider.

Porter stated that, while she appreciates the legal situation, some things have to be done with the intent of good will. Porter thinks this has worked well for Multnomah County as far as having the senator and representatives appoint the Committee members. Having the Committee members come from a representative district is fine, in Porter's view. But why is this appointment system along party lines when county government is nonpartisan?

Bancroft stated that the reason it was done along party lines -- one member from each political party -- was because that gives a political balance, an "R" and a "D" (Republican and Democrat).

Bancroft inquired: Has this Committee considered having at least one voting member from each senatorial district? This way MacColl would be a voting member of this Committee.

Porter remarked that this depends on when CRC is to be re-established and whether or not there has been a census and reapportionment.

Debnam feels that this county is big enough that it should go partisan. This county already has a Democratic majority. If we were to take this Committee out of the representative mode of R's and D's, chances are there would be no Republican point of view on this Committee. The party affiliation should be kept in place.

Debnam commented that this Committee has a tendency to feel that it needs to make sweeping changes and maybe it should just evaluate those things that work and keep them in place. The job of this Committee is not necessarily to make changes; it is to create a stronger structure.

MacColl mentioned that to make the least change the wording "each district shall have at least one vote" might be inserted.

There would be the minimum amount of change, but it would be approaching that fairness issue. What if the four district idea does not pass? Then, where would we be?

Castagna followed-up on the last comment by asking: Two members appointed from each senatorial district wholly or partially within Multnomah County. . . ?

Bancroft stated that her intent is to have each person on the Committee a voting member -- at least one voting member from each senatorial district.

Castagna made a point that an amendment is needed which provides for a difference in a senate district that does not have the majority of its citizens in Multnomah County to provide representation. In absence of a majority, at least one voting member is on the Committee.

Porter moved that in the composition of the next County Charter Review Committee there be representation from each senatorial district; and if that is a minority of the registered voters in that district, that there be at least one voting representative to the County Charter Review Committee.

Bancroft seconded this motion.

Paul Thalhofer noted that it would be left to legal counsel to draft.

The motion carried by a unanimous vote (8 to 0).

Porter left the meeting. Seven voting Committee members remained.

Bancroft moved that the Charter require the senator and state representatives appointing members to the Committee to appoint the two members from that senate district.

The motion passed unanimously.

A discussion ensued as to when the next CRC will convene.

Marcia Pry commented that when the final staff report is due is a critical factor.

Thalhofer stated that things are changing rapidly; and, perhaps in two years, five full-time commissioners will not be needed. If this is so, then the commissioners would be part-time.

Thalhofer believes that county government is self-destructing right now. Maybe two years would be an appropriate time to determine if there should be part-time commissioners.

Debnam suggested giving county government a four-year run to see

what the problems will be. The county will have had a chance to unfold. He noted that the time and money involved are important factors.

Debnam moved that this Committee put on the floor the discussion of the time frame for the next CRC.

Vogl seconded this motion.

Frank Shields stated that he does not feel this issue should be discussed at this meeting because of how this Committee makes some of the other decisions about the Charter recommendations will affect how soon it should recommend when the CRC should reconvene.

Bancroft pointed out that, at a business meeting, the very last thing on which the members decide is when they are going to meet again. This may be appropriate for this Committee to just wait and have this issue the very last order of business.

Debnam voiced his opinion that this Committee should meet every four years as a structural item.

The motion failed by a vote of 1 to 6. Debnam was in favor.

Castagna referred to the Charter Section 12.60: the time line requirement for issuing the report states, "95 days prior to the general election." The interpretation is that the report is due on August 3, 1984. Adding "at least" to this section would provide a little more flexibility.

Pry moved that the words "at least" be added to the Charter Section 12.60.

Bancroft seconded this motion.

The motion carried by a unanimous vote (7 to 0).

With regard to item c on the agenda, chair of the board, Thalhofer stated that the chairman of the board, as a voting member of the board, should not have veto power.

A brief discussion ensued as to whether item c on the agenda should be discussed at tonight's meeting, since only seven voting members were present.

Rasmussen moved that this Committee meeting be adjourned.

Bancroft seconded this motion.

The vote was 6 to 1 in favor of the motion. Debnam cast the opposing vote. The motion failed due to a lack of a quorum.

The meeting adjourned at 8:36 P.M.

Respectfully submitted,

Maribeth McGowan
Maribeth McGowan, Secretary



EXHIBIT A

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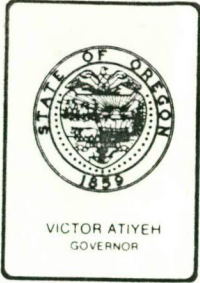
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2. Letter from Richard Munn regarding the Assessor
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EXHIBIT B



Oregon Department of Revenue

REVENUE BUILDING
955 CENTER STREET, N.E.
SALEM, OREGON 97310

February 28, 1984

Frank Shields
Multnomah County Home
Rule Charter Review Committee
Third Floor, Ford Building
2505 Southeast 11th
Portland, OR 97202

Dear Mr. Shields:

The manager of Multnomah County's Division of Assessment and Taxation (the assessor) should be appointed rather than elected. In a division of this size and complexity, it is critical that the assessor is a strong manager and is knowledgeable of the laws of assessment and taxation. It is also important to maintain a continuity of administration of the taxation programs over a period of years.

Although state law sets minimum qualifications for county assessors, these standards allow a newly elected assessor to be an on-the-job trainee in both management, and assessment and taxation procedures. Consequently, few people have ever failed to qualify. These minimum qualifications may meet the needs of some counties with basic operations, but they do not adequately address the more comprehensive needs of Multnomah County.

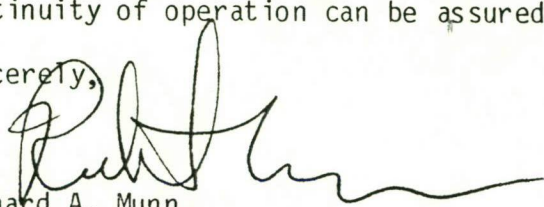
While qualifications have been a main issue, continuity of assessment and taxation operation is equally important. When A&T programs were manual, revisions could occur with minor expense. Now A&T programs are computerized and changes can be very expensive and disruptive. Because taxes are an emotional issue, few elected assessors run unopposed and may be voted out of office more as a result of increased taxes than actual qualifications. With the change in assessors, there have been instances where expensive computer programs have been eliminated or changed as a matter of personal preference.

Frank Shields
Multnomah County Home
Rule Charter Review Committee
Page 2
February 28, 1984

Also, pending elections have caused needed program changes to be set aside; 4-year election cycle syndromes develop so planning occurs only between elections rather than on a long-term basis. Short-term planning in a large assessment office is not effective and, therefore, costly to taxpayers. Planning and operations are also affected by the time and energy an incumbent must spend campaigning for the office.

Appointing an assessor has the advantage of much tighter control of the candidate's qualifications in areas of management and experience. Also, continuity of operation can be assured.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard A. Munn', with a long horizontal flourish extending to the right.

Richard A. Munn
Director

RAM:go
Dir/A22



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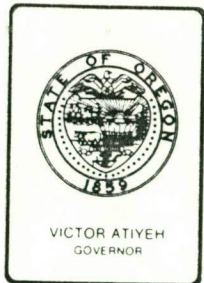
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Frank Shields
Multnomah County Home
Rule Charter Review Committee
Page 2
February 28, 1984

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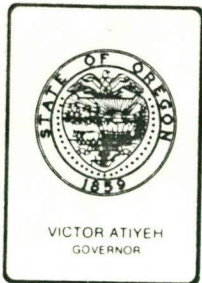
Appointing an assessor has the advantage of much tighter control of the candidate's qualifications in areas of management and experience. Also, continuity of operation can be assured.

Sincerely,



Richard A. Munn
Director

RAM:go
Dir/A22



Oregon Department of Revenue

REVENUE BUILDING
955 CENTER STREET, N.E.
SALEM, OREGON 97310

February 28, 1984

Frank Shields
Multnomah County Home
Rule Charter Review Committee
Third Floor, Ford Building
2505 Southeast 11th
Portland, OR 97202

Dear Mr. Shields:

The manager of Multnomah County's Division of Assessment and Taxation (the assessor) should be appointed rather than elected. In a division of this size and complexity, it is critical that the assessor is a strong manager and is knowledgeable of the laws of assessment and taxation. It is also important to maintain a continuity of administration of the taxation programs over a period of years.

Although state law sets minimum qualifications for county assessors, these standards allow a newly elected assessor to be an on-the-job trainee in both management, and assessment and taxation procedures. Consequently, few people have ever failed to qualify. These minimum qualifications may meet the needs of some counties with basic operations, but they do not adequately address the more comprehensive needs of Multnomah County.

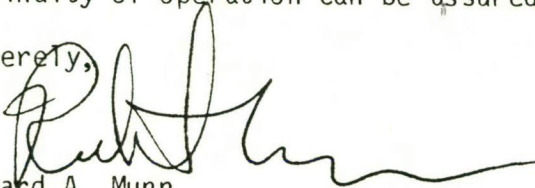
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Sincerely,

A handwritten signature in black ink, appearing to read 'Richard A. Munn', with a long horizontal flourish extending to the right.

Richard A. Munn
Director

RAM:go
Dir/A22



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

March 7, 1984

MEMBERS

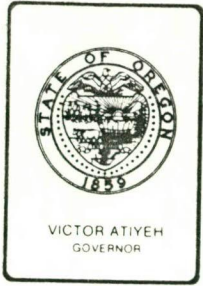
Florence Bancroft
Tanya Collier
Chad Debnam
Marlene Johnsen
Penny Kennedy
Marcia Pry
Leeanne MacColl
Roger Parsons
Ann Porter, Vice Chair
Linda Rasmussen
Rev. Frank Shields, Chair
Paul Thalhofer
John Vogl

STAFF

Robert J. Castagna,
Project Manager
Maribeth McGowan,
Secretary

AGENDA

1. Report from Subcommittee on Citizen Involvement
2. Letter from Richard Munn regarding the Assessor
3. Public Testimony: Sheriff, Charter Review Committee, Consolidation/"Super County"/Annexation, Assessor
4. Work Session:
 - a. Assessor:
 - i. That the County Assessor remain an elective office.
 - ii. That the County Assessor be an appointed office.
 - b. Charter Review Committee:
 - i. That the Committee shall have one member appointed from each representative district wholly or partially within Multnomah County.
 - ii. That the appointment process remain the responsibility of the state senator and state representative(s).
 - iii. That the next Charter Review Committee be convened in 19__ with appointments made not later than _____.
 - c. Chair of the Board: Discussion of executive authority.



Oregon Department of Revenue

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955 CENTER STREET, N.E.
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February 28, 1984

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Sincerely,



Richard A. Munn
Director

RAM:go
Dir/A22

ORDINANCE NO.

An Ordinance authorizing the Mayor and Auditor to execute an intergovernmental agreement with Multnomah County to provide for the orderly transition of municipal services, the efficient and equitable distribution of transportation resources and responsibilities, the further evaluation of City and County services, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) adopted an Urban Services Policy which provides for the establishment of an Urban Services Boundary and establishes the City's role as the principal provider of municipal services within that Boundary (Resolution 33327).
2. Multnomah County (County) adopted Resolution A which requires the County to phase out the provision of municipal services by July 1986.
3. To implement the Urban Services Policy and Resolution A, it is necessary for the City and the County to enter into an intergovernmental agreement which provides for the provision of full municipal services within the City's Urban Services Boundary and the phasing out, consolidation or elimination of redundant administration, services and facilities.
4. To implement the Urban Services Policy and Resolution A, it is necessary for such an intergovernmental agreement to provide for a coordinated phase-in of City urban services and the County's gradual reduction of municipal services, the transfer to the City of ownership and responsibility for County roads within existing and future City boundaries, the orderly transfer of personnel between the County and the City, and the evaluation of certain services currently provided by both jurisdictions.
5. An orderly, efficient and coordinated transition in municipal services can be accomplished by July 1986.
6. Pursuant to City Charter Sections 1-101, 1-102, 2-105, and 13-201 and ORS Chapter 190, the City has the authority to enter into an intergovernmental agreement with the County in order to further economy and efficiency in local government.

ORDINANCE No.

NOW, THEREFORE, the Council directs:

- a. The Mayor and Auditor are hereby authorized and directed to execute an agreement with Multnomah County to provide for the transition of municipal services, the efficient and equitable distribution of transportation resources and responsibilities, and the further evaluation of City and County services, said agreement to be substantially in conformance with Exhibit A, attached and by reference made a part of this ordinance.

Section 2. The Council declares that an emergency exists because there should be no delay in the transition of municipal services in areas annexed to the City; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,
Mayor Ivancie
KBImpertati:jt
February 9, 1984

Jewel Lansing
Auditor of the City of Portland
By

Deputy

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is entered into pursuant to the authority granted in Chapter 190 of Oregon Revised Statutes to further economy and efficiency in government, by and between the CITY OF PORTLAND, a municipal corporation organized and existing under the Constitution and laws of the State of Oregon, hereinafter called the "City," and the COUNTY OF MULTNOMAH, organized and existing under the Constitution and laws of the State of Oregon, hereinafter called the "County," as the parties hereto, to provide for the transition of responsibility for municipal services from the County to the City.

WITNESSETH

RECITALS

WHEREAS, to serve economic development goals, public health, and public safety, there is a need for a higher level of municipal services in the urban, unincorporated areas of Multnomah County; and

WHEREAS, to adequately meet human services, justice services, cultural services and other County-wide needs, and to eliminate the urban subsidy, the County must concentrate resources on these County-wide, non-municipal services; and

WHEREAS, the City and County find that the most cost effective and rational method for the delivery of urban services in urban, unincorporated areas is through full service City government; and

WHEREAS, many citizens and property owners in currently unincorporated areas of Multnomah County are desirous of the City meeting the area's service needs; and

WHEREAS, the City and County expect that substantially all of urban, unincorporated Multnomah County within the currently proposed Urban Services Boundary of the City will be annexed by July, 1986; and

WHEREAS, the County has adopted Resolution A which provides for the reduction of County municipal services to rural levels and for the concentration on non-municipal, County-wide services (a copy of Resolution A is attached As Appendix A); and

WHEREAS, the City has adopted an Urban Services Policy which provides for the assumption of municipal service responsibilities in currently urban, unincorporated areas of Multnomah County by means of annexation or, on an interim basis, through alternative approaches (Resolution 33317, a copy of which is attached as Appendix B); and

WHEREAS, the public interest is served by the City and County planning together for the orderly transition of service responsibilities as annexations occur and as the City and County policies are implemented in response to citizen requests; and

WHEREAS, ORS 190.003 et seq provides for intergovernmental agreements between units of local government, including the City and the County, to allow the performance of functions or activities by one unit of local government for another; and

WHEREAS, ORS 190.003 et seq requires that an intergovernmental agreement contemplating the performance of functions or activities by one unit of local government for another shall specify the responsibilities and the apportionment of funds between the parties;

NOW, THEREFORE, PURSUANT TO THE PROVISIONS OF ORS 190.003 et seq, THE CITY AND COUNTY AGREE AS FOLLOWS:

ARTICLE ONE: PURPOSE

SECTION I: PURPOSE

- A. To enable the City to provide municipal services where it is logical and efficient to do so, and to enable the County to cease providing these services in order to enhance the provision of County-wide non-municipal services.
- B. To provide a logical plan for full municipal service provision to urban areas, thereby allowing sufficient service coordination and fiscal planning to avoid the costly duplication of similar services to the same area by the City and County.
- C. To enable the County to use County-wide revenues for general county and rural services and to enable the City to use its revenues for municipal services delivered within its boundaries.
- D. To provide for the orderly transition of municipal services delivery from County to City.
- E. To provide for the efficient distribution of transportation delivery resources and responsibilities.
- F. To provide for the protection of the rights of City and County employees.
- G. To provide a mechanism by which the City and County may evaluate the efficiency, funding levels, quality and future administrative responsibilities for certain services currently provided by both jurisdictions.

ARTICLE TWO: TRANSPORTATION

SECTION I: RECITALS

- A. The County and City have determined that the public interest is best served by the redistribution of transportation service delivery requirements and resources in accordance with the geographical boundary of each political subdivision.
- B. The County and City recognize the efficiency of the existing County Road Maintenance Operation and intend that this quality shall be maintained to the maximum extent possible, given differing political and organizational structures in each jurisdiction.
- C. The County and City recognize that the long-term interests of each jurisdiction are best served through the full implementation of the City's Urban Services Policy and the County's Resolution A.

SECTION II: DEFINITIONS

As used in this agreement the following terms and/or phrases shall be understood to be defined as follows:

County Roads -- All roads and public rights-of-way, whether improved or unimproved, presently owned, whether fee simple or in public trust by the County of Multnomah.

Willamette River Bridges -- All County-owned and maintained bridges together with approaches connecting the bridges to the nearest at grade intersection with other City or State-owned roads.

Transportation Services/Transportation Service Delivery -- The full range of operating, maintenance and capital services performed on the transportation system, by virtue of a jurisdiction's ownership of the system.

County Gas Tax Revenues -- All general revenues received by the County from its current \$0.03 per gallon fuel tax plus the County apportioned share of the Oregon State Highway Fund and any future general revenue sources obtained for road purposes.

Ownership -- Full and sole authority and responsibility for operation, maintenance, capital investment, planning, policy and management of the transportation system.

City Urban Services Boundary -- Substantially that geographical boundary as identified on the Attached Map A.

SECTION III: AGREEMENT

In consideration of the mutual covenants and promises contained herein, the City and the County agree as follows:

- A. The City shall assume ownership of all County roads, excepting the Willamette River bridges within the existing corporate limits of the City on July 1, 1984.
- B. In consideration for the transfer of appropriate County assets and facilities, the City shall assume operating and maintenance responsibilities for County roads that are within the City's Urban Services Boundary in Errol Heights and unincorporated pockets west of the Willamette River as shown on the attached Map A on July 1, 1984.
- C. The County shall transfer annually \$2.45 million in County Gas Tax revenues to City, due in equal quarterly installments beginning July 1, 1984, in consideration of A., above.
- D. The City shall assume ownership, as in M., below, of all County roads, except the Willamette River bridges, within the Urban Services Boundary as those roads fall within geographical areas annexed to the City.
- E. In consideration of D., above, the County shall transfer County Gas Tax Revenues to the City in an amount not less than \$4.55 million upon completion of annexation to the Urban Services Boundary in addition to the transfer previously identified in C., above. As annexation occurs the County shall incrementally transfer the additional \$4.55 million based on the pro-rata share (road miles annexed divided by total County road miles) of County roads assumed by City by virtue of each annexation. Additionally, the amount transferred shall be for the remaining portion of the fiscal year in which the annexation occurs with equal payments made quarterly beginning the first quarter following annexation. In succeeding years it is understood that these transfers are made on the basis of full year ownership by City.
- F. In the event that County Gas Tax revenues fall below the FY 82-83 audited receipts level, then the County shall transfer to the City not less than the resource level as determined under C. and E., above, less an amount equal to the percentage reduction in receipts. It is the intent of this sub-paragraph to address resource shortfalls resulting from fluctuations in national economic conditions, petroleum products availability, or other circumstances outside the County's control.
- G. City shall utilize all funds transferred from the County Gas Tax revenues for transportation service delivery in accordance with City's ownership responsibilities, and strictly in accordance with Oregon law related to the use of these revenues for road purposes. Operating and maintenance service delivery for roads transferred under this agreement shall be in accordance with existing City and County policy.

- H. The City agrees in principle to provide contractual operating and maintenance transportation services within that portion of the County west of the Willamette River and outside the Urban Services Boundary. City and County agree that said services and additional fund transfers will be negotiated and the subject of a subsequent agreement. County reserves the right to utilize other service providers in lieu of contracting with the City.
- I. County shall transfer to the City quarterly any County Gas tax revenues in excess of Fiscal Year 1982-83 receipts based on the ratio of population within the corporate limits of the City to the total County population. The amount of each transfer will be determined by utilizing the prior fiscal year end population, plus any additional year-to-date population growth attributable to annexation.
- J. The County shall transfer to the City County Road Fund personnel in accordance with the adopted City-County Agreement on Personnel Transition.
- K. Existing County Road Fund vehicles and equipment shall be transferred to City at no cost. City and County recognize that proportionate vehicle and equipment transfers can only be reasonably approximated. This subparagraph is understood to apply to all road transfers.
- L. The County agrees to transfer to the City at no cost all land and facilities utilized for County road operations and maintenance purposes currently within the corporate limits or which become within the corporate limits by virtue of annexation, except the County and City agree, at City option, to joint occupancy of County land and facilities outside current and future City corporate limits. Such joint occupancy shall be reasonably in accordance with redistributed transportation service delivery requirements. In no case shall City incur capital or rental obligations. City and County further agree that certain portions of jointly occupied facilities can best be utilized on a shared basis and intend to do same.
- M. The City and County recognize that responsibility for transportation service delivery should be transferred in a logical sequence and geographical pattern to best serve the public interest throughout implementation of the Urban Services Policy and County Resolution A.
- N. City and County intend that presently programmed improvements on County roads to be transferred by virtue of this agreement shall be implemented utilizing unexpended County Road Fund cash carryover. City and County acknowledge that this may require a reexamination of those programmed projects to ensure the improvements can be implemented using these funds. City and County intend that reconstruction, rehabilitation, resurfacing and replacement projects shall receive priority. County and City intend to negotiate and to reach further agreement regarding contracting and/or engineering support services for those projects.

- O. By execution of the agreement the City Council and the County Board of Commissioners direct that an agreement shall be negotiated to resolve, in detail, the issues identified in Sections J., K., L., M., and N., above. Further, the Council directs that the Director of the Portland Office of Transportation and the City Engineer shall negotiate on behalf of the City. The board directs that the Director of the Department of Environmental Services and the County Engineer shall negotiate on behalf of the County. The Board and Council recognize that during negotiations continued policy guidance may be necessary. Therefore, the Council directs that the Commissioner of Public Works shall serve as the Council's policy liaison during this process and the Board directs that the County's assigned elected official for municipal services transition shall serve as the Board's liaison. Said agreement shall be presented for consideration by the Council and Board not later than June 30, 1984.
- P. City and County hereby establish the long-term objective of reconciling road operating and maintenance requirements and resources between City and County. Strategies for accomplishing this objective may include increasing resources through County legislative authority.
- Q. County shall transfer to the City \$1.8 million over and above the provisions of this agreement for completion of Airport Way.

SECTION IV: TERMINATION

This Article shall continue in effect indefinitely unless terminated by the mutual consent of the parties.

ARTICLE THREE: GENERAL MUNICIPAL SERVICES

SECTION I: RECITALS

- A. Multnomah County adopted Resolution A which will result in reducing the delivery of municipal levels of service in the unincorporated area to rural levels by June 30, 1986.
- B. The City of Portland is making a full range of urban services available to the unincorporated urban area surrounding the City pursuant to the Urban Services Policy. These urban services are anticipated to be delivered by means of annexation by June 30, 1986, or during a transition period through alternative approaches.
- C. The implementation of the County's Resolution A and the City's Urban Services Policy has begun, and it is anticipated that approximately 15 square miles will be served by the City through annexation by June 30, 1985.
- D. In recognition of this transition of municipal services from the County to the City, this section constitutes a cooperative intragovernmental approach to assure the orderly transition of these services.

SECTION II: AGREEMENT

In consideration of the mutual covenants and promises contained herein, the City and the county agree as follows:

- A. FY 84-85 budgets for the City and County shall appropriately allocate resources and requirements in recognition of the fiscal and service impacts of expected annexations and implementation of Resolution A and the Urban Services Policy. This will assure that there will be coordinated provision of public services; minimal taxation of City and County taxpayers; minimum duplication of service expenditures; and assurance that all essential service needs will be funded.
- B. The transition of police services shall be accomplished primarily through annexation to the City of Portland.
 - ° The City and County project that by June 30, 1985 approximately 15 square miles will have annexed to the City which, in aggregate, is expected to generate 26,000 calls for service over the previous twelve months. If, by January 1, 1985, sufficient annexations have not occurred to represent 26,000 calls for service annually, the City will provide police service to a portion of the unincorporated areas. The amount of unincorporated area shall be an area that when added to the previously annexed area generated 26,000 calls for service in the previous twelve months.

° The unincorporated areas to be served by the City shall be those determined by the City based upon the following factors:

- Contiguity or proximity to the City limits.
- Relationship to the existing City patrol districts.
- Isolated areas which due to their physical separation or limited transportation access are more accessible through the City.

Those unincorporated areas served by the City may be altered from time to time by the City, by providing written notice to the County at least thirty (30) days prior to the alteration. Further, as additional annexations occur, the City may also decrease the unincorporated area served based upon calls for service.

- C. The City shall consult with the appropriate County agencies and officials to coordinate the transition of police services.
- D. The transition of Parks services shall be accomplished through the transfer of County-owned park land to the City upon annexation to the City. Further, the City will work in a cooperative process with the County to complete the development of the 40 Mile Loop Plan. These land transitions, in conjunction with the Parks Master Plan, will provide the framework for the provision of full urban park and recreation service.
- E. The transition of Planning services and other administrative positions or services shall be accomplished through the mutual adoption by the City and the County of specific addenda to this Agreement. These actions will assure the orderly transition of planning and other administrative responsibilities.
- F. In response to a specific, one-time emergency situation the City agrees to provide assistance for Animal Control activities through June 30, 1985. The details of this assistance will be determined by the appropriate City and County agencies and will be adopted as addenda to this Agreement.

SECTION III: TERMINATION OF ARTICLE THREE

Except as provided below, Section II of this Article shall continue in effect until July 1, 1986.

The general municipal services provisions may be terminated effective July 1, 1985 by either party or upon five (5) months' advance written notification provided to the other party.

In the event of placement of a 1.5% property tax limitation measure on the November, 1984 ballot and passage of such a measure, either party may terminate Section II. Such termination shall be effective on the date of the passage of the ballot measure.

ARTICLE FOUR: CITY-COUNTY SERVICES EVALUATION

SECTION I: AGREEMENT

In consideration of the mutual covenants and promises contained herein, the City and the County agree as follows:

- A. The City and County agree to further define municipal services and County services. In that context, the City and County shall, pursuant to the subsections below, establish a process involving citizens, service users, administrators and service providers to evaluate services as to their organization, scope, efficiency, purpose, levels of funding, service areas, client convenience, and future potential.
- B. Evaluation of those services shall be undertaken and completed between July, 1984 and July, 1986. Any implementation measures which alter the manner in which these services are currently provided shall be pursued solely on the merit of the recommendations coming out of the evaluation process.
- C. In the event that any recommendation may involve transfer of administrative responsibilities between the City and the County, a pre-condition for such a transfer shall be that the level of funding provided for the services by the government requesting a transfer shall be equal to, or greater than the level of funding provided by the government providing the service at the time of the transfer.
- D. Evaluations involving any existing citizen commissions, no matter how funded, shall be undertaken with the consent of the Commissions.
- E. The City and County agree that it is a goal of this agreement to allocate savings from the County's reduction of municipal services for the enhancement of County-wide non-municipal services.
- F. To facilitate the further definition and evaluation of municipal and County services, the City and County agree to jointly establish a Joint Task Force consisting of equal members appointed by the City and the County involving representation as outlined in subsection A., above.
- G. The Joint Task Force shall operate pursuant to the Open Meeting Law and shall ensure that members of the public have an adequate and meaningful opportunity to provide input and testimony.
- H. The Joint Task Force will be formed as of July 1, 1984 and report its first recommendations by February 1, 1985.

ARTICLE FIVE: ADDITIONAL PROVISIONS

In consideration of the mutual covenants and promises contained herein, the City and County agree as follows:

A. Administration

The parties agree to negotiate and adopt in writing additional implementation measures which may be necessary to further implement specific portions of this document. When adopted by both parties, such additional implementation measures shall become a part of this agreement.

B. Termination

This agreement may be modified by mutual written agreement of the parties. Except as otherwise provided in Article Three, Section III and Article Two, Section IV, this agreement shall continue in effect indefinitely unless terminated by either party. Such termination shall become effective two (2) years' after written notification provided to the other party.

C. Separability

If any section, subsection, clause or phrase of this agreement is determined by any court or arbitrator of competent jurisdiction, to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remaining agreement, which shall continue to be in effect.

IN WITNESS WHEREOF, the authorized representatives of the City and County, as parties hereto, acting pursuant to the authority granted to them, have

HEREBY AGREED:

BY _____
Francis J. Ivancie, Mayor

Date: _____

BY _____
Jewel Lansing, Auditor

Date: _____

APPROVED AS TO FORM:

BY _____
Christopher P. Thomas
City Atttorney

COUNTY OF MULTNOMAH

BY _____
John Leahy
County Counsel

BY _____
Dennis Buchanan, Executive

Date: _____

Mayor Ivancie
KBImpirati:jt
February 9, 1984

RECEIVED

BEFORE THE BOARD OF COUNTY COMMISSIONERS DEC 9 1983

OF MULTNOMAH COUNTY, OREGON

FISCAL ADMINISTRATION

In the matter of Phasing Out of Delivery of
Urban Level of Services in the Unincorporated
Area of Multnomah County during the next three
years (Resolution A)

RESOLUTION

WHEREAS, the Board of County Commissioners is considering the mission and purpose of Multnomah County; and

WHEREAS, the 150,000 persons currently residing within Multnomah County's urban growth boundary outside incorporated cities require long-range planning for services; and

WHEREAS, it is in the public interest to clearly express the County's mission regarding providing services in mid-Multnomah County; and

WHEREAS, Multnomah County's resources are insufficient to continue current service levels and the government is facing a significant revenue shortfall of approximately \$14 million in general resources for FY 1983-84; and

WHEREAS, the first priority for the available resources of Multnomah County shall be for those services available to all residents of the County, such as Assessment and Taxation, Elections, Corrections, Libraries and Health Services; and

WHEREAS, "municipal services" is defined as governmental services usually provided by city governments and shall include but not be limited to police service, neighborhood parks, and land-use planning and permits, "urban" shall be defined as governmental service comparable in quantity and quality to incorporated municipalities, and "rural" shall be defined as governmental service comparable in quantity and quality to unincorporated service areas outside urban growth boundaries.

THEREFORE BE IT RESOLVED, that County services generally described as "municipal services" at a level considered "urban" rather than "rural" shall be proportionately reduced starting FY 1983-84 through FY 1986-87 to establish a minimal and essentially rural level of municipal services throughout Multnomah County.

ADOPTED March 15, 1983

APPROVED AS TO FORM:

John B. Leahy
John B. Leahy
County Counsel

(SEAL)

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By

Gordon Shadburne
Gordon Shadburne
Presiding Officer

WHEREAS, the City of Portland finds there is a need for a higher level of urban services in the urbanized, unincorporated area surrounding Portland, and that it is in the City's interest to participate in resolving the service needs; and

WHEREAS, the City recognizes the integrated nature of the metropolitan area and the essential role of the central city and wishes to enhance the economic well-being of the entire area; and

WHEREAS, the present lack of services constrains the region's economic growth and its residential, commercial and industrial development; and

WHEREAS, the service deficiencies may also create long-term health hazards for the region; and

WHEREAS, the City has established the existing physical, financial and institutional capacity to serve a wider area, particularly for the most costly, capital-intensive services such as sanitary sewage collection and treatment and drinking water; and

WHEREAS, future jobs for City residents depend upon timely provision of a full range of urban services to developable industrial sites, while many of the region's potential industrial sites presently unserved are located within the City's rational service area, but outside present City boundaries; and

WHEREAS, the City finds it must establish an urban services boundary to know where it will ultimately be responsible for providing services so that it may efficiently plan, design, finance, and construct facilities to serve both existing and prospective areas; and

WHEREAS, the City's Comprehensive Plan calls for an urban services boundary, prepared in coordination with Multnomah County and adjacent jurisdictions; and

WHEREAS, the City of Portland finds Portland taxpayers may bear a significant cost of future services to the urbanized, unincorporated area surrounding Portland, even if these services are delivered by other jurisdictions, and that there is a need to spread the cost of providing urban services in the region more equitably among all residents and property owners receiving services; and

WHEREAS, the City finds that the most cost effective and rational method for the delivery of urban services within the urban services boundary is through full-service city government but is prepared to consider other service delivery approaches that may be effective and efficient, such as contract agreements with those desiring City services; and

WHEREAS, the City is prepared to provide property owners and residents in portions of the urbanized, unincorporated area with the option of receiving urban services from Portland upon request of those desiring such services;

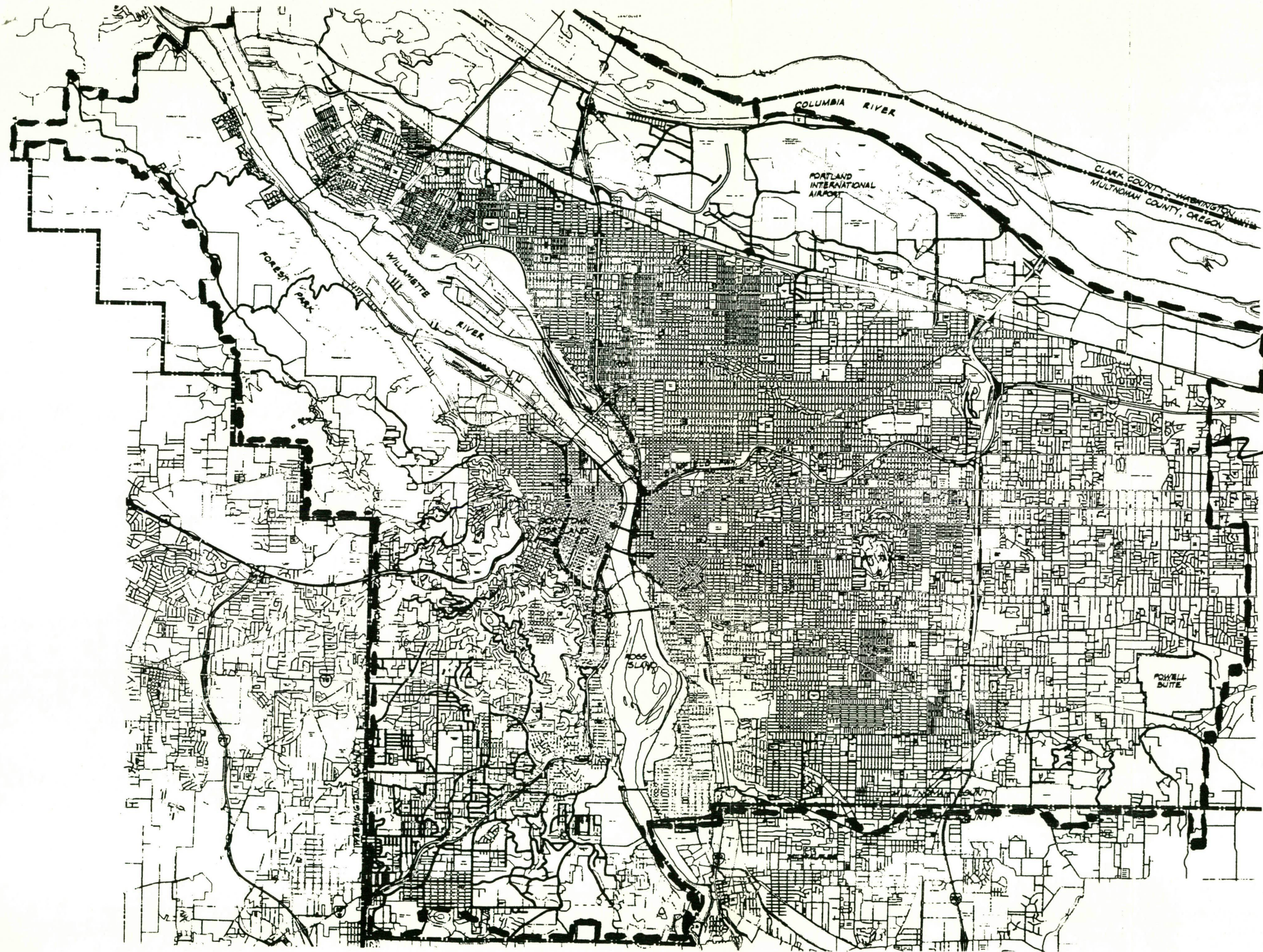
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Portland that the City of Portland hereby adopts the following Urban Services Policy:

1. The City shall establish, in cooperation with neighboring jurisdictions, an urban services boundary for the City of Portland that defines a rational service area within which the City can meet the service needs most effectively and at the lowest cost. The urban services boundary shall be approved by the City Council upon completion of the public process provided for amendment of the City's Comprehensive Plan and may be amended from time to time in accordance with this policy and the Comprehensive Plan.

2. The City shall acknowledge its role as principal provider of urban services within the established boundary and plan for the eventual delivery of urban services according to a phased program of improvements meeting the service needs of individual areas.
3. The City shall coordinate closely with other jurisdictions providing services within the established Portland urban services boundary to ensure continuing delivery of effective and efficient urban services.
4. The City shall consider requests for delivery of services within the urban services boundary wherever the following conditions exist:
 - A majority of residents and property owners within an area to be served desire delivery of services by the City of Portland.
 - The City can meet the new demands without diminishing its ability to serve existing City of Portland residents and businesses.
 - The City can supply the needed services most effectively and efficiently.
 - The City can expect to recapture its service investment.
5. The City shall deliver services within the urban services boundary by means of annexation to Portland or, on an interim basis, through alternative approaches that are demonstrated to be in the best long-term interest of both the City and future service areas.
6. The City shall consider delivery of services to areas outside the established City of Portland urban services boundary only where the City determines that there is a clearly defined need for each service, that expansion of the urban services boundary and full-service provision by the City are not appropriate, that the conditions in number 4., above, are met and that improved services may be expected to enhance the City's ability to meet the service needs of existing City residents and businesses.
7. The City shall initiate and maintain a public education program within the Portland urban services boundary to inform residents and property owners of the need, benefits and costs to deliver City of Portland services within that area. The City will coordinate this public education program with similar efforts by service providers and community organizations operating in the Portland metropolitan area.
8. The City shall provide for a process of public participation in the implementation of this policy, assuring that property owners, residents, and existing community organizations in areas affected by proposed changes in service delivery have opportunity to review and comment on plans for such changes.

BE IT FURTHER RESOLVED that nothing in the Urban Services Policy shall be construed to amend or repeal the City of Portland's existing service and annexation commitments stated in Resolutions 31762 and 32750.

Adopted by the Portland City Council
February 23, 1983

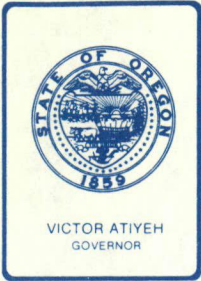


MAP A

URBAN SERVICES BDRY.

SCALE:
0 2000 4000 6000 8000 FEET





Oregon Department of Revenue

REVENUE BUILDING
955 CENTER STREET, N.E.
SALEM, OREGON 97310

February 28, 1984

Frank Shields
Multnomah County Home
Rule Charter Review Committee
Third Floor, Ford Building
2505 Southeast 11th
Portland, OR 97202

Dear Mr. Shields:

The manager of Multnomah County's Division of Assessment and Taxation (the assessor) should be appointed rather than elected. In a division of this size and complexity, it is critical that the assessor is a strong manager and is knowledgeable of the laws of assessment and taxation. It is also important to maintain a continuity of administration of the taxation programs over a period of years.

Although state law sets minimum qualifications for county assessors, these standards allow a newly elected assessor to be an on-the-job trainee in both management, and assessment and taxation procedures. Consequently, few people have ever failed to qualify. These minimum qualifications may meet the needs of some counties with basic operations, but they do not adequately address the more comprehensive needs of Multnomah County.

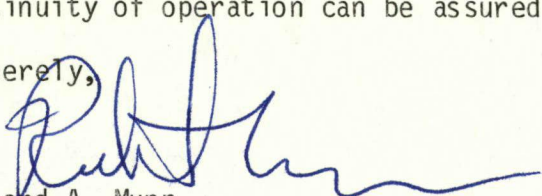
While qualifications have been a main issue, continuity of assessment and taxation operation is equally important. When A&T programs were manual, revisions could occur with minor expense. Now A&T programs are computerized and changes can be very expensive and disruptive. Because taxes are an emotional issue, few elected assessors run unopposed and may be voted out of office more as a result of increased taxes than actual qualifications. With the change in assessors, there have been instances where expensive computer programs have been eliminated or changed as a matter of personal preference.

Frank Shields
Multnomah County Home
Rule Charter Review Committee
Page 2
February 28, 1984

Also, pending elections have caused needed program changes to be set aside; 4-year election cycle syndromes develop so planning occurs only between elections rather than on a long-term basis. Short-term planning in a large assessment office is not effective and, therefore, costly to taxpayers. Planning and operations are also affected by the time and energy an incumbent must spend campaigning for the office.

Appointing an assessor has the advantage of much tighter control of the candidate's qualifications in areas of management and experience. Also, continuity of operation can be assured.

Sincerely,



Richard A. Munn
Director

RAM:go
Dir/A22