

February 25th



MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

3RD FLOOR, FORD BUILDING
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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

MINUTES

Public Meeting: February 25, 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 Blue Lake Park, Lake House, 20500 NE Marine Drive, Troutdale, Oregon. The meeting convened at 9:15 A.M.

Present were Chair Frank Shields and Committee members Linda Rasmussen, Paul Thalhofer, John Vogl, Tanya Collier, Chad Debnam, Marlene Johnsen, Penny Kennedy, Leeanne MacColl, and Marcia Pry. Absent were Florence Bancroft, Roger Parsons, and Ann Porter. Staff present were Robert Castagna and Maribeth McGowan. Also present was legal counsel Harvey Rogers.

The agenda included a work session on the issues of Elections and Salaries. Please refer to Exhibit A.

Linda Rasmussen moved the provision for ballot slogans contained in Subsection 11.15 (3) of the Charter be deleted.

Tanya Collier seconded this motion.

The motion passed unanimously.

A discussion ensued on whether Subsection 6.50 (5) of the Charter should be retained or deleted. This Subsection reads:

No elected official of Multnomah County may run for another office in mid-term. Filing for another office shall be the same as a resignation, effective as of date of filing.

Leeanne MacColl: Does "mid-term" mean anytime during the term of office?

Robert Castagna: There is no legislative history for this ballot

measure. The fact that "mid-term" is not clarified or defined is part of the problem with an initiative that does not provide a legislative history.

John Vogl: If someone's term is up in November and he/she files for another office in March or May, he/she should not have to immediately resign, thereby not serving out the last few months of his/her term. On the other hand, if someone who is elected for a four-year term immediately files for another office, he/she would not be fair to the electorate.

Collier: This measure may have been put in to discourage an officeholder from using his position as a stepping stone to other (higher) political office. Yet, a career politician who wants to serve, must move when an office is vacant. There may not be anything wrong with resigning in mid-term to take advantage of a political opportunity.

Marcia Pry: In the private sector it would be quitting every job to hunt for another job.

Frank Shields: This provision applies to elected county officeholders.

Chad Debnam: The language of this provision is not clear. What are the variables at this point regarding what is meant by "mid-term" and when should an officeholder be required to resign?

Vogl: Perhaps an officeholder should not have to resign during his/her last year of a term. There are elections every two years (including city and state). If there is not an opening for a county elected position, at least the officeholder may be a candidate during that last year.

Harvey Rogers: (Responding to Robert Castagna's inquiry) There is not a similar prohibition (against filing for another office in mid-term and thereby that being considered a resignation) in another jurisdiction in Oregon -- to the best of Rogers' knowledge.

Collier moved that Subsection 6.50 (5) of the Charter be deleted.

Penny Kennedy seconded this motion.

The ensuing discussion brought forth the following points:

Paul Thalsofer: It is ridiculous to be required to resign in the last year of a four-year term to run for another office.

Rogers: There are laws on the books which prohibit an officeholder from spending public money and public time (working hours) and there are laws which prohibit an officeholder from using public monies to sway the vote on a proposition. Yet, an officeholder, who may be seeking another public office, does make a number of public

appearances "in the line of duty."

Vogl: There should be a companion measure that would make it more appealing to the voters to delete this Subsection 6.50 (5). Perhaps an officeholder should resign to run for another office during the first two years of his/her term in office, but certainly not during the last year of the term. The only recollection of a situation where an officeholder sought to do so after two years was County Commissioner Earl Blumenauer when he ran for City Council.

This is not a recurring problem. If the voters perceive this deletion of the subsection as just revoking Ballot Measure #6 with no choice or alternative, they will reject it.

MacColl: The idea of compromise is a good one. It reflects this Committee's careful deliberation and thought process. Have the officeholder be required to resign within his/her first year of office.

Collier: The position which the officeholder is seeking should be defined. Does anyone care that this officeholder is running for precinct committee person or for the school board -- and serve both his/her present office and either of these positions at the same time?

Shields: Perhaps the word "remuneration" (salary) should be included when referring to another office.

Collier: There are three options -- retain, delete, or compromise. The wording problem falls on legal counsel.

Thalhofer: There is no real problem since there are laws which prohibit officeholders from spending public time and money to promote him/herself as a candidate for another office. The Blumenauer case is the only time an officeholder in Multnomah County has sought another office within two years of his term.

The vote on the motion to repeal Subsection 6.50 (5) was 5 to 4 in favor. Those opposed were Vogl, Pry, Marlene Johnsen, and Debnam. The motion failed because there were not 7 votes on the prevailing side.

Further discussion followed.

Pry: This Committee should pay attention to and respect the fact that the voters voted on this issue twice on Ballot Measure #6.

Penny Kennedy: While this subsection should be deleted, the language must be clarified (especially with regard to "mid-term" as MacColl had noted) and a compromise should be affected.

Rasmussen moved that this Committee direct legal counsel to draft language which would affect a compromise for Subsection 6.50(5)

of the Charter that an officeholder shall resign to run for another salaried office within first two years of his term.

Johnsen seconded this motion.

In the discussion which followed these points surfaced:

Vogl: This is not that important. Historically, it has not been that big of a problem. It would be a rare occasion that that which is cited in Subsection 6.50 (5) would apply.

Thalhofer: This is not necessary; the more refining of language the more complicated it becomes for the voters.

Collier: This Committee should not interpret for the voters. If the reasoning is good, give the voters the option. Ballot Measure #6 was passed twice (in Collier's opinion) because of the Sheriff's being elected.

Shields: Is it to be the first two years of office or term?

Debnam: This measure as is restricts the process of an officeholder's running for office constantly.

Rasmussen and Johnsen withdrew the motion and the second, respectively.

Rasmussen moved to reconsider the repeal of Subsection 6.50(5) of the Charter.

Penny Kennedy seconded this motion to reconsider.

The motion to reconsider passed unanimously.

Rasmussen moved that Subsection 6.50 (5) of the Charter be repealed.

Thalhofer seconded this motion.

The motion passed by a vote of 7 to 2. Debnam and Vogl were opposed.

Collier moved that Section 11.15 of the Charter, Nonpartisan Offices, be retained.

Thalhofer seconded this motion.

A discussion ensued.

Debnam: Nonpartisan elections work for the side of the Democratic party. Elections should be partisan.

Kennedy: For a partisan candidate to run, he/she must be a member

of a political party and work for that party to get that party's endorsement, which can be a long process.

Debnam: There is no clear ideology process in nonpartisan politics. The partisan process offers a party/philosophical point of view of a candidate and a better recruitment of candidates. There needs to be party distinction.

Vogl: Partisan elections are more necessary if there are committee assignments. There is no need for partisan politics on the board. As for political philosophies, the only distinctions are seen in the outside extremes -- to the left and right.

Shields referred to the Staff Report of January 4th, page 89, #8 for the Committee to review.

The motion carried by a 7 to 2 vote. Debnam and Shields cast the opposing votes.

Collier moved that Section 11.15 of the Charter be amended to provide that a candidate receiving more than 50% of the votes in a primary election be declared the winner.

Pry seconded this motion.

During the discussion the following points emerged:

MacColl: To go through the expense of a campaign twice (in May and again in November) involves large amounts of money, which discourages younger candidates.

Vogl: There is no reason for a run-off if a candidate has more than 50% of the votes. To have two elections is redundant and expensive.

MacColl: The fact that more people vote in November may change, especially if the primary election is important.

The vote on the motion to amend Section 11.15 of the Charter (as cited above) was 8 to 1 in favor. Debnam was opposed.

Thalhofer moved that any vacancy in an elective office of the county be filled according to the plan adopted by the Committee for filling vacancies on the board.

Kennedy seconded this motion.

(Shields had noted that this motion would expand the concept that this Committee adopted on February 22nd.)

The motion passed by a vote of 8 to 1. Debnam cast the opposing vote.

Collier moved that compensation of all elected officers of Multnomah County be equal to the compensation of circuit court judges.

Rasmussen seconded this motion.

Castagna: The annual salaries after March 31, 1981, of the judges were:

Circuit court judge: \$48,356.00
District court judge: \$43,344.00

Collier, with Rasmussen's agreement and consent, changed the wording of her motion from circuit court judge to district court judge. The motion now reads: That compensation of all elected officers of Multnomah County be equal to the compensation of district court judges.

Collier: The reason for (her making) this motion is that salaries should not be set by the voters.

Vogl: It is not appropriate for officials to set salaries without a vote of the people. Yet, voters should not set salaries. A salary commission should be established (details to be clarified) to set only pay raises, subject to the vote of the people.

Rasmussen: The compensation of elected officials should be equal to that of district court judges. Having a salary commission has very negative political ramifications.

Thalhofer: A salary commission is best. Multnomah County, by designating a salary, must come up with the money.

Debnam: A salary commission, elected by the people has a direct tie to the people, and a credibility exists.

Collier: It is important to make salaries attractive.

Castagna: If the salary levels are too low, graft and corruption become part of the office. By having a salary commission set the salaries, there is a legislative process. By tying the salaries to a district court judge, there is also a legislative process.

1. The direct process: the state legislators, through the legislative process, determine the district court judges' salaries and then incorporate the salaries for the county commissioners.
2. The indirect process: the state legislators appoint the people to the salary commission.

Either approach involves referring to the state legislators. Tying the compensation to the district judges involves less politics

than the salary commission, which is more political at the local level.

Rasmussen: There is the possibility of political graft and corruption with a salary commission. It would not work. There would be too much intense lobbying and pressure put on the members of a salary commission. It is better to have the compensation of elected officials tied to the constitution (state laws). There is not that risk of graft and corruption.

Pry: There is a "cleanliness" by tying the compensation to that of district court judges. The voters would defeat (turn down) a \$10, 000.00 raise after having closely monitored the salaries of elected officials.

MacColl: The county commissioners need brain power and that should not come "cheap."

Debnam: The Multnomah County state legislators should be on the salary commission. They have lobbying experience and have as their charge fair government -- preventing graft and corruption is their job. There is an indirect accountability.

Thomas Magee (public testimony): There is an initiative "Fair Pay". If it makes the ballot and passes, it would require that no public employee may have a salary less than a comparable position in the private sector.

Rogers: This statute does not address the mechanism to set salaries.

Pry: Those in the private sector make far more money than those employed by the county.

Thalhofer: Elected officials' compensation should not be tied to that of judges; the people would not stand for it. People would accept a salary commission appointed by the state legislature.

Debnam: A salary commission composed of Multnomah County state legislators should be established. This would lend legitimacy to the salary commission.

(Vogl commented on the state legislators' handling of the state sales tax.)

Kennedy: In effect, the salary commission could become very political if those on it are appointed and lobby very heavily. The state legislators now set salaries of the district court judges. If the legislators ~~now~~ realize that that power is going to the Multnomah County elected officials also (because that salary level has more impact now than just on judges), what is to keep them from lobbying?

Collier: It is very difficult to get increases through the legislature anyway. It is not something that is going to automatically happen every year.

Debnam: The Multnomah County legislators have the experience. They know how to deal with lobbying and they have a constituent base to whom they must answer.

Rogers confirmed that the judges' salaries that Castagna had quoted are currently correct.

Castagna: The county commissioners' current annual salary is between \$34,000 and \$35,000.

In terms of the level of responsibility, the district court judges are dealing with misdemeanors, which would be less than one year in terms of sentencing authority, and with civil actions, which are under \$10,000.

Thalhofer: The county commissioners' duties are being scaled down and now this Committee is considering a commissioner's salary being equal to that of a district court judge, which would be an increase of \$10,000 in one year.

The motion that compensation of all elected officers of Multnomah County be equal to the compensation of district court judges failed by a 3 to 6 vote. Those in favor were Collier, Rasmussen, and Vogl.

Shields called for a vote on the following:

That a salary commission, appointed by state legislators representing Multnomah County residents and staffed by the Auditor's Office, be established to recommend to the board maximum salary levels for all elected offices of Multnomah County.

The voting reflected that only 4 members were in favor. There was no further discussion.

Rasmussen left the meeting. There were 8 voting Committee members.

Collier moved that compensation of all elected officers of Multnomah County be equal to 90% of the compensation of district court judges.

Vogl seconded this motion.

Collier noted that, at this point, those at a higher salary could be grandfathered in and those taking their place would be at the new salary.

A discussion ensued.

Debnam: Dealing with an actual amount of money -- 90% of a salary -- is too specific; it gets away from the philosophical point that this Committee is trying to approach.

Castagna: Section 4.30 on Compensation reads as follows:

The compensation of all elected officers of Multnomah County shall be fixed by the registered voters of Multnomah County at either a Primary or General Election only.

Shields: The point is one year the salary may be fixed at \$33,000, but the next year at \$5,000.

Debnam: 90% of a salary is too technical for most voters to understand.

MacColl: Many voters do not trust appointed commissions. At least the voters know what the figure is -- 90% of the district court judge's salary, a fixed amount.

Debnam: The salary commission should be affixed by the state legislators of Multnomah County. A 12- or 13-member commission of legislators may be divided into quadrants.

Vogl: A commission appointed by the legislators who would be establishing salaries is getting too far away from the voters. The legislators, who are accountable to the voters, are the ones who should set the salaries.

Collier: To get away from having the salaries established in any way public, perhaps the compromise is to have the county auditor set the salaries.

The motion to set the elected officials' salaries at 90% of that of the district court judges failed by a 3 to 5 vote. Vogl, Shields, and Collier were in favor.

Debnam moved that a salary commission be composed of 13 state legislators from Multnomah County. A quadrant plan is to be devised.

Johnsen seconded this motion.

The following points were made:

Castagna: State legislators, while elected in districts, are state elected officials. Can a county charter mandate action by state elected officials?

Rogers: The county charter can not compel the state legislators to meet or to provide staff. (If they do not meet, the county has no recourse.) A duty could always be imposed on an existing county official or employee; but by stepping outside the county, you are

relying on the good will and cooperation of those legislators.

The motion failed by a 2 to 6 vote. Debnam and Johnsen were in favor.

Collier moved that the Auditor set the salaries of the elected officials of Multnomah County.

Debnam seconded this motion.

The following points emerged during the course of the discussion:

Rogers: There is no obvious impediment of a legal nature. This Committee would have to decide who sets the auditor's salary. Taken as a simple proposal, it would be without limit and the auditor would set her own salary and that of all other officials.

Castagna: Negotiating for budgetary levels of the auditor's office and the fact that the auditor wields a lot of clout are concerns. There is a political trade-off.

Vogl: The auditor can set the salaries and salary increases subject to a vote of the people.

Collier: This sets a precedent for the auditor to do this.

Rogers: Two mechanisms with respect to a vote:

1. To say that on voter action, it is referred to the people -- it is the referendum system -- so a percentage of the voting population can force this to go.
2. The other is to say that if the auditor would propose the salary, it would go automatically to the voters and would not take effect unless it had been voted on.

Shields: The latter is what this Committee is pursuing.

Collier moved that the auditor may set salary increases or decreases for all Multnomah County elected officials every two years in a general election subject to the approval of the people.

Vogl seconded this motion.

In the discussion which followed, these comments were made:

Rogers: The auditor would have the choice of submitting the salary increases/decreases (changes) office by office or as a package.

Kennedy: For clarity for the voters, it is better to say

"increases and decreases" rather than "changes." If it is specified that there is a potential for decrease (not just increase) the voters will be more amenable.

Rogers: (Replying to Debnam's question) The restriction is that there are not to be multiple subjects or topics embraced in a single measure. It is a single topic if you are talking about salaries of elected officials in Multnomah County. A single topic (also) would be the salary of the sheriff or the county executive. It would still be legally possible to do it all at once or individually.

The vote on the motion was 7 to 1 in favor. Thalhofer cast the opposing vote.

Rogers: By subject to the approval of the voters is meant that the salaries do not become effective until they (salaries) have been voted on favorably.

Castagna: It is a mandatory referral to the voters.

Castagna reviewed page 2 of today's agenda which lists the Charter sections and subsections that appear to be affected by this Committee's decisions at the February 25th meeting either because:

1. there is a whole-scale revision as a result of moving the county executive on to the board as chair of the board, or
2. there needs to be language revision such as removing the term "county executive" and replacing it with "chair of the board" or
3. the section or subsection no longer applies.

Castagna cited each of the 12 sections/subsections and the appropriate revision. He noted that the Department of Elections wants to be consulted on the "term of art" language in Section 3.10.

Shields: All of this (as cited above by Castagna) must be legally handled.

Collier: It is this Committee's job to make the policy decisions on each item.

Rogers: One way to approach this is for legal counsel to do some drafts and bring them back to this Committee to review.

Pry moved that legal counsel prepare some drafts with language revisions for this Committee's review of what is really complex and what requires policy decisions.

Johnsen seconded this motion.

The motion passed unanimously.

Rogers: Based on this motion, legal counsel will first draft the Charter amendments. This Committee, upon seeing these drafts, may wish to combine in different ways which may affect the ballot measure but not the Charter provision.

Collier: Legal counsel is to use the 1978 Charter that defines the duties of the chairman of the board as the basis for drafting the duties of the chairman of the board. Because this Committee has not settled that yet, if legal counsel brings it all back, the Committee will work with the issues.

Sheriff Pearce will be testifying before this Committee on March 14, 1984.

The meeting adjourned at 11:45 A.M.

Respectfully submitted,

Maribeth McGowan

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Secretary



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AGENDA

I. Elections

- A. Ballot Slogans: That the provision for ballot slogans contained in Subsection 11.15 (3) of the Charter be deleted.
- B. Resign to Run for Another Office:
1. That Subsection 6.50 (5) of the Charter be retained.
 2. That Subsection 6.50 (5) of the Charter be deleted.
- C. Partisan, Non Partisan Elections:
1. That Section 11.15 of the Charter be retained.
 2. That Section 11.15 of the Charter be amended to provide for partisan offices and elections.
- D. Primary Election Victory:
1. That Section 11.15 of the Charter be retained.
 2. That Section 11.15 of the Charter be amended to provide that a candidate receiving more than 50% of the votes in a primary election be declared the winner.
- E. Appointment to Office: That any vacancy in an elective office of the county be filled according to the plan adopted by the Committee for filling vacancies on the Board.

II. Salaries

- A. That Section 4.30 of the Charter be retained.
- B. That Section 4.30 of the Charter be deleted.
- C. That compensation of all elected officers of Multnomah County be equal to the compensation of circuit court judges.
- D. That a Salary Commission, appointed by state legislators

representing Multnomah County residents and staffed by the auditor's office, be established to recommend to the Board maximum salary levels for all elected offices of Multnomah County.

Charter Sections amended by Committee Decisions 2/22/84:

1. 3.10 -- Membership of the Board
2. 3.50(3) -- "Presiding Officer" reference
3. 3.60 -- Presiding Officer
4. 3.70(2) -- County Executive (CE) appointments
5. 4.40(4) -- Reference to CE
6. 4.50 -- Vacancies
7. 5.40 -- Authentication, CE Reference
8. 5.50 -- Time of Effect, CE Reference
9. 6.10 -- County Executive
10. 12.40(4) -- CE Reference
11. 13.20 -- County Commissioners
12. 13.25 -- CE Reference



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MINUTES

Public Meeting: February 25, 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's Subcommittee on Citizen Involvement was held at the Lake House, Blue Lake Park, 20500 NE Marine Drive, Troutdale, Oregon. The meeting convened at 12:30 P.M.

Present were Subcommittee Chair Penny Kennedy and Subcommittee members Paul Thalhofer and Tanya Collier. Absent was Ann Porter. Also present was John Vogl. Staff present were Robert Castagna and Maribeth McGowan.

The agenda included a work session on the elements of Citizen Involvement (CI) inclusion in the Charter.

During the discussion the following points surfaced:

Tanya Collier: This is a framework for CI (similar to that of the Auditor's Office). The office of Citizen Participation is hereby established and this office shall:

1. have a budget,
2. maintain two-way communication between the board of county commissioners (the board) and the citizens, and
3. report to the board all policy decisions made and request that the board respond in writing stating the actions taken in a timely manner.

This does not give CI independence, but it makes it mandatory and gives it a budget.

Collier: (Responding to Penny Kennedy's inquiry regarding 3 above) CI can not report on everything; however, on that which those CI people do submit a report, a response (to CI) is warranted by the board.

John Vogl: Some of the perceived flaws in the daily work of CI are as follows:

1. Usually, the neighborhood associations do not know board of commissioners' decisions until after the fact (e.g., a resolution having passed). (Note: these are county neighborhood associations.)
2. For whatever reason, the county neighborhood associations do not seem to get through (to) the steering committee.

Is this due to structure or operation? Letters sent directly to the board by some of the neighborhood associations have not been effective.

In order to get "grass roots" CI, it is necessary to

1. find out what is on the board agenda, and
2. work through the steering committee (or some similar type of committee).

The county CI steering committee's interaction with neighborhood associations needs to have a more solid or clear structure. This Committee should put something in the Charter which parallels that which is already in existence. The neighborhood associations are self-supporting and nonprofit and should stay that way. The less money coming from the county the less domination. There should be one paid full-time CI position. The chain of command should go from the citizen to the county (not from the county to the citizens) like a reporting system to the citizens.

Thalhofer: The existing structure of the county CI involves the CI steering committee, which has 25 slots -- most of which are manned by people who represent groups in the unincorporated area. (There are 5 slots which represent the city of Portland.) Each community group has a representative on the steering committee.

Since the steering committee was not set up to solve all the problems of the neighborhoods, the neighborhood community groups have the right -- and are encouraged -- to take their problems directly to the board.

Each representative from the neighborhood associations/community groups attends the steering committee meetings and reports what was discussed back to their respective association or group. If this communication is broken down because a representative fails to report to his/her group, it is not necessarily the fault of the structure, but rather that the representative did not do his/her job.

It is very likely that in this coming budget session the steering committee will be eliminated by Multnomah County government.

On Wednesday, February 29th, the County Executive Buchanan's proposal to change the structure of the steering committee will be presented for a vote; this means that the steering committee will virtually be eliminated.

(Thalhofer continued) Whatever CI structure this Committee recommends, it must be independent of the politicians. It must be more than Multnomah County's paying it "lip service." It must be mandatory and somehow structured so the (CI) program is not vulnerable to budgetary constraints imposed by a politician who is angry at a group for action that group has taken.

Responding to Collier's inquiry regarding having CI structure in the Charter, Thalhofer stated:

CI must be mandatory and independent -- as long as there is some kind of structure, which perhaps should not be in the Charter because the Committee should not be that specific. We must have a program that really helps the citizens and which is not subject to the political whims of the county commissioners and executive.

Collier: The structure should not be in the Charter but CI should be mandatory. How do we get it independent?

Vogl: We should not outline the structure in the Charter. With respect to independence, any funding from the county should be minimal. The county -- the county executive and the board -- should not control the CI budget. The county should not make appointments to CI programs, rather appointments should come from the neighborhood groups through the steering committee in order to maintain CI's total independence.

Collier: Who is to appoint the original steering committee? Chances are the county will leave whatever structure there is in place and build from there.

Louis Turnidge (general public testimony): There should be a little CI structure cited in the Charter if CI is to have any independence -- a structure that the community groups can "hang on to."

Collier: Should "maintain a sufficient budget" be stated in the Charter? Would that prevent the county from taking away the funding?

Collier: (responding to Kennedy's inquiry) The purpose of CI is to have policy input before decisions are made by the county government.

Thalhofer: These community groups should not be tied to just dealing with county issues. They are going to be dealing with many issues besides those of the county.

Vogl: The purpose of CI is indeed policy input before decisions are made. But, it would not end there -- anything for the livability of the neighborhood area is a concern.

Collier: A step towards independence would be to set up CI so that the structure allows for the citizens to hire and fire the staff person. Also, the county must fund CI -- give it a budget.

A brief discussion ensued regarding the fact that the CI staff person hired by the steering committee, now works for the county executive.

Castagna: This Committee should direct the board to create a citizens' committee by ordinance. Also, the citizens' committee shall have the authority to hire and dismiss staff.

Thalhofer: What about a citizens' committee created by the board from names submitted by the community groups and neighborhood associations?

Castagna: County-wide groups and organizations? If this Committee mentions these groups and organizations in the Charter, it is delineating specific groups from whom the board has to draw that (CI) committee. CI's committee's number of organizations may exceed the number specified in the Charter, unless the Charter is vague about this and leaves it to the discretion of the board.

This Committee is to be cognizant of the elements of CI and legal counsel will polish the language.

Kennedy: Would a citizen have to be a member of some community group in order to qualify for a citizens' committee?

Thalhofer: The Portland City Council has established guidelines for citizens to qualify for those citizens' groups, which have complied with certain criteria.

In the County Executive's proposal there is (for the first time) an official recognition of the unincorporated area community groups. Community groups have had such status in the city of Portland, and finally the county has given official status to the unincorporated area community groups.

Collier; (In her reply to Kennedy's inquiry) The basics should be set up in the Charter and have the board establish CI by ordinance.

The Subcommittee's discussion emphasized the definition of the purpose of CI.

Castagna: A concern is that there be an implication that before the board can make any policy decisions everything must be referred to the office of CI. With regard to board response, is this Committee setting up a citizens' branch of the auditor's office?

Another concern is that, in a full-blown advice and consent

system, do you reach the point where representative government breaks down?

Castagna: (continued) The purpose of CI (as previously expressed) is to encourage and stimulate the flow of information.

Vogl: This Committee could structure out CI in 2 or 3 different ways for the county to consider what is the best way to implement CI.

Collier: CI is to make recommendations to county government.

Thalhofer: At what point are recommendations made? (Per Collier, by ordinance) Does it do any good to make recommendations to the county?

Collier: Only so much can be done, then it is up to the citizens.

Kennedy: Is CI to facilitate communication or is it an action group which will stay on top of things and continually make recommendations?

Castagna: What this is leading to is a voluntary county council of 25 to 50 members who are supposed to make recommendations -- serving as a "mini" legislature.

Vogl: This is similar to the lobbyist function (as an information source), not a "mini" legislature or an audit function. The board can not be aware of what is happening in a neighborhood unless a neighborhood group, through the chain of command, gets the word to the board. The board needs to have background on what is important to a neighborhood association.

Castagna: Kennedy's language of facilitating communication is at the essence of what CI should be. The citizens are to feel, legitimately so, that they are part of the process. But, when recommendations are made and powers similar to those of the auditor's office are drawn, the ability to make decisions is diffused. The concern is that any decisions are made and resolved for any period of time.

Vogl: This Committee should make some outline or "skeletonize" how CI is to work and let the board choose.

Kennedy: While there is a lot of CI, there has not been any central locus for CI to go in order for it to have some clout.

Thalhofer: Is that all CI is to do -- guarantee the flow of information?

Collier: CI should be funded. There should be at least one paid employee.

Thalhofer: The upcoming Citizens' Congress is broad-based. Here

is an opportunity to hear from 600 people well-represented from all over Multnomah County.

A brief discussion prevailed regarding the impact of the Citizens' Congress.

The following points surfaced in the course of further discussion:

Thalhofer: A concern is that the flow of information is such that the citizens' community groups can only respond and react to the board's decisions. CI groups are becoming reactionary because they are not informed from the outset. CI should have input from the beginning to shoot down inadequate policies.

Per the Task Force Report (on CI) regarding advisory boards:

The role of advisory boards is consistently used by county decision makers to support a decision rather than assist in developing it.

This report goes on to say that it should be mandatory for department heads to have advisory boards and to use them.

Vogl: Department heads, while they presently work for the county executive, will eventually work for the board. The advisory groups should be aware of the major issues that the board is considering.

Castagna: One of the frustrations for those involved with CI is the time it takes to be cognizant of all the information flow around a decision in government. One would have to be involved in CI on a full-time basis to fully appreciate all the information, all the knowledge that comes to bear on a decision. CI will always feel that frustration because those people do not have the time to be involved in CI full-time. It is economically impossible for people to spend volunteer time bleeding that information. Facilitating communication is a goal, but by its very nature, it will be a source of frustration.

Vogl: Citizen reaction to board decisions is not citizen input, but it is more citizen protest. Citizen's information (input) should be given to the board prior to its making a policy decision, so the board is aware of how the people feel; then, if the board goes against the expressed will of the people, it does so at its own peril.

Castagna: If the county were not doing something that it was required to do, a writ of mandamus would order the county to do it. However, with a mandatory requirement for a budget, there is the same budgetary-type arguments the auditor's office has raised: that the mechanism for arguing for the budget is to go to the press and the public if the board refuses to fund (CI) adequately. In view of this Committee's previous decision not to mandate funding levels because of the nature of the Charter, that would be consistent with what has been decided in the past.

Castagna: (continued) So much of what this Committee is dealing with in CI, is an atmosphere of good will, to cooperate. By writing CI into the Charter, this Committee sets the pattern for the development (aura) of good will and communication between citizens and elected officials.

A brief discussion ensued concerning the status of the Citizens' Congress and this Committee's time frame to review drafts for the Charter amendments.

It was the consensus of this Subcommittee not to write the CI structure into the Charter.

Castagna read Section 3.70 of the Charter (Advisory Boards and Commissions). A brief discussion followed.

Collier moved and Thalhoffer seconded:

1. The Office of Citizen Involvement is hereby established. The Office of Citizen Involvement shall develop and maintain citizen involvement programs and procedures designed for the purpose of facilitating direct communication between the citizens and the board of county commissioners.
2. The Citizen Involvement Office shall have an annual budget.
3. A citizens' committee shall be established by ordinance.
4. The structure of the citizen involvement process shall be established by ordinance.
5. The citizens' committee shall have the authority to hire and fire its own staff.

The motion passed unanimously.

This Subcommittee will submit its report to the full Committee at the March 7, 1984, meeting.

This meeting adjourned at 1:45 P.M.

Respectfully submitted,

Maribeth McGowan
Maribeth McGowan
Secretary



MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

3RD FLOOR, FORD BUILDING
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Marcia Pry
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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

MINUTES

Public Meeting: February 25, 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 Blue Lake Park, Lake House, 20500 NE Marine Drive, Troutdale, Oregon. The meeting convened at 9:15 A.M.

Present were Chair Frank Shields and Committee members Linda Rasmussen, Paul Thalhofer, John Vogl, Tanya Collier, Chad Debnam, Marlene Johnsen, Penny Kennedy, Leeanne MacColl, and Marcia Pry. Absent were Florence Bancroft, Roger Parsons, and Ann Porter. Staff present were Robert Castagna and Maribeth McGowan. Also present was legal counsel Harvey Rogers.

The agenda included a work session on the issues of Elections and Salaries. Please refer to Exhibit A.

Linda Rasmussen moved the provision for ballot slogans contained in Subsection 11.15 (3) of the Charter be deleted.

Tanya Collier seconded this motion.

The motion passed unanimously.

A discussion ensued on whether Subsection 6.50 (5) of the Charter should be retained or deleted. This Subsection reads:

No elected official of Multnomah County may run for another office in mid-term. Filing for another office shall be the same as a resignation, effective as of date of filing.

Leeanne MacColl: Does "mid-term" mean anytime during the term of office?

Robert Castagna: There is no legislative history for this ballot

measure. The fact that "mid-term" is not clarified or defined is part of the problem with an initiative that does not provide a legislative history.

John Vogl: If someone's term is up in November and he/she files for another office in March or May, he/she should not have to immediately resign, thereby not serving out the last few months of his/her term. On the other hand, if someone who is elected for a four-year term immediately files for another office, he/she would not be fair to the electorate.

Collier: This measure may have been put in to discourage an officeholder from using his position as a stepping stone to other (higher) political office. Yet, a career politician who wants to serve, must move when an office is vacant. There may not be anything wrong with resigning in mid-term to take advantage of a political opportunity.

Marcia Pry: In the private sector it would be quitting every job to hunt for another job.

Frank Shields: This provision applies to elected county officeholders.

Chad Debnam: The language of this provision is not clear. What are the variables at this point regarding what is meant by "mid-term" and when should an officeholder be required to resign?

Vogl: Perhaps an officeholder should not have to resign during his/her last year of a term. There are elections every two years (including city and state). If there is not an opening for a county elected position, at least the officeholder may be a candidate during that last year.

Harvey Rogers: (Responding to Robert Castagna's inquiry) There is not a similar prohibition (against filing for another office in mid-term and thereby that being considered a resignation) in another jurisdiction in Oregon -- to the best of Rogers' knowledge.

Collier moved that Subsection 6.50 (5) of the Charter be deleted.

Penny Kennedy seconded this motion.

The ensuing discussion brought forth the following points:

Paul Thalsofer: It is ridiculous to be required to resign in the last year of a four-year term to run for another office.

Rogers: There are laws on the books which prohibit an officeholder from spending public money and public time (working hours) and there are laws which prohibit an officeholder from using public monies to sway the vote on a proposition. Yet, an officeholder, who may be seeking another public office, does make a number of public

appearances "in the line of duty."

Vogl: There should be a companion measure that would make it more appealing to the voters to delete this Subsection 6.50 (5). Perhaps an officeholder should resign to run for another office during the first two years of his/her term in office, but certainly not during the last year of the term. The only recollection of a situation where an officeholder sought to do so after two years was County Commissioner Earl Blumenauer when he ran for City Council.

This is not a recurring problem. If the voters perceive this deletion of the subsection as just revoking Ballot Measure #6 with no choice or alternative, they will reject it.

MacColl: The idea of compromise is a good one. It reflects this Committee's careful deliberation and thought process. Have the officeholder be required to resign within his/her first year of office.

Collier: The position which the officeholder is seeking should be defined. Does anyone care that this officeholder is running for precinct committee person or for the school board -- and serve both his/her present office and either of these positions at the same time?

Shields: Perhaps the word "remuneration" (salary) should be included when referring to another office.

Collier: There are three options -- retain, delete, or compromise. The wording problem falls on legal counsel.

Thalhofer: There is no real problem since there are laws which prohibit officeholders from spending public time and money to promote him/herself as a candidate for another office. The Blumenauer case is the only time an officeholder in Multnomah County has sought another office within two years of his term.

The vote on the motion to repeal Subsection 6.50 (5) was 5 to 4 in favor. Those opposed were Vogl, Pry, Marlene Johnsen, and Debnam. The motion failed because there were not 7 votes on the prevailing side.

Further discussion followed.

Pry: This Committee should pay attention to and respect the fact that the voters voted on this issue twice on Ballot Measure #6.

Penny Kennedy: While this subsection should be deleted, the language must be clarified (especially with regard to "mid-term" as MacColl had noted) and a compromise should be affected.

Rasmussen moved that this Committee direct legal counsel to draft language which would affect a compromise for Subsection 6.50(5)

of the Charter that an officeholder shall resign to run for another salaried office within first two years of his term.

Johnsen seconded this motion.

In the discussion which followed these points surfaced:

Vogl: This is not that important. Historically, it has not been that big of a problem. It would be a rare occasion that that which is cited in Subsection 6.50 (5) would apply.

Thalhofer: This is not necessary; the more refining of language the more complicated it becomes for the voters.

Collier: This Committee should not interpret for the voters. If the reasoning is good, give the voters the option. Ballot Measure #6 was passed twice (in Collier's opinion) because of the Sheriff's being elected.

Shields: Is it to be the first two years of office or term?

Debnam: This measure as is restricts the process of an officeholder's running for office constantly.

Rasmussen and Johnsen withdrew the motion and the second, respectively.

Rasmussen moved to reconsider the repeal of Subsection 6.50(5) of the Charter.

Penny Kennedy seconded this motion to reconsider.

The motion to reconsider passed unanimously.

Rasmussen moved that Subsection 6.50 (5) of the Charter be repealed.

Thalhofer seconded this motion.

The motion passed by a vote of 7 to 2. Debnam and Vogl were opposed.

Collier moved that Section 11.15 of the Charter, Nonpartisan Offices, be retained.

Thalhofer seconded this motion.

A discussion ensued.

Debnam: Nonpartisan elections work for the side of the Democratic party. Elections should be partisan.

Kennedy: For a partisan candidate to run, he/she must be a member

of a political party and work for that party to get that party's endorsement, which can be a long process.

Debnam: There is no clear ideology process in nonpartisan politics. The partisan process offers a party/philosophical point of view of a candidate and a better recruitment of candidates. There needs to be party distinction.

Vogl: Partisan elections are more necessary if there are committee assignments. There is no need for partisan politics on the board. As for political philosophies, the only distinctions are seen in the outside extremes -- to the left and right.

Shields referred to the Staff Report of January 4th, page 89, #8 for the Committee to review.

The motion carried by a 7 to 2 vote. Debnam and Shields cast the opposing votes.

Collier moved that Section 11.15 of the Charter be amended to provide that a candidate receiving more than 50% of the votes in a primary election be declared the winner.

Pry seconded this motion.

During the discussion the following points emerged:

MacColl: To go through the expense of a campaign twice (in May and again in November) involves large amounts of money, which discourages younger candidates.

Vogl: There is no reason for a run-off if a candidate has more than 50% of the votes. To have two elections is redundant and expensive.

MacColl: The fact that more people vote in November may change, especially if the primary election is important.

The vote on the motion to amend Section 11.15 of the Charter (as cited above) was 8 to 1 in favor. Debnam was opposed.

Thalhofer moved that any vacancy in an elective office of the county be filled according to the plan adopted by the Committee for filling vacancies on the board.

Kennedy seconded this motion.

(Shields had noted that this motion would expand the concept that this Committee adopted on February 22nd.)

The motion passed by a vote of 8 to 1. Debnam cast the opposing vote.

Collier moved that compensation of all elected officers of Multnomah County be equal to the compensation of circuit court judges.

Rasmussen seconded this motion.

Castagna: The annual salaries after March 31, 1981, of the judges were:

Circuit court judge: \$48,356.00
 District court judge: \$43,344.00

Collier, with Rasmussen's agreement and consent, changed the wording of her motion from circuit court judge to district court judge. The motion now reads: That compensation of all elected officers of Multnomah County be equal to the compensation of district court judges.

Collier: The reason for (her making) this motion is that salaries should not be set by the voters.

Vogl: It is not appropriate for officials to set salaries without a vote of the people. Yet, voters should not set salaries. A salary commission should be established (details to be clarified) to set only pay raises, subject to the vote of the people.

Rasmussen: The compensation of elected officials should be equal to that of district court judges. Having a salary commission has very negative political ramifications.

Thalhofer: A salary commission is best. Multnomah County, by designating a salary, must come up with the money.

Debnam: A salary commission, elected by the people has a direct tie to the people, and a credibility exists.

Collier: It is important to make salaries attractive.

Castagna: If the salary levels are too low, graft and corruption become part of the office. By having a salary commission set the salaries, there is a legislative process. By tying the salaries to a district court judge, there is also a legislative process.

1. The direct process: the state legislators, through the legislative process, determine the district court judges' salaries and then incorporate the salaries for the county commissioners.
2. The indirect process: the state legislators appoint the people to the salary commission.

Either approach involves referring to the state legislators. Tying the compensation to the district judges involves less politics

than the salary commission, which is more political at the local level.

Rasmussen: There is the possibility of political graft and corruption with a salary commission. It would not work. There would be too much intense lobbying and pressure put on the members of a salary commission. It is better to have the compensation of elected officials tied to the constitution (state laws). There is not that risk of graft and corruption.

Pry: There is a "cleanliness" by tying the compensation to that of district court judges. The voters would defeat (turn down) a \$10, 000.00 raise after having closely monitored the salaries of elected officials.

MacColl: The county commissioners need brain power and that should not come "cheap."

Debnam: The Multnomah County state legislators should be on the salary commission. They have lobbying experience and have as their charge fair government -- preventing graft and corruption is their job. There is an indirect accountability.

Thomas Magee (public testimony): There is an initiative "Fair Pay". If it makes the ballot and passes, it would require that no public employee may have a salary less than a comparable position in the private sector.

Rogers: This statute does not address the mechanism to set salaries.

Pry: Those in the private sector make far more money than those employed by the county.

Thalhofer: Elected officials' compensation should not be tied to that of judges; the people would not stand for it. People would accept a salary commission appointed by the state legislature.

Debnam: A salary commission composed of Multnomah County state legislators should be established. This would lend legitimacy to the salary commission.

(Vogl commented on the state legislators' handling of the state sales tax.)

Kennedy: In effect, the salary commission could become very political if those on it are appointed and lobby very heavily. The state legislators now set salaries of the district court judges. If the legislators ~~now~~ realize that that power is going to the Multnomah County elected officials also (because that salary level has more impact now than just on judges), what is to keep them from lobbying?

Collier: It is very difficult to get increases through the legislature anyway. It is not something that is going to automatically happen every year.

Debnam: The Multnomah County legislators have the experience. They know how to deal with lobbying and they have a constituent base to whom they must answer.

Rogers confirmed that the judges' salaries that Castagna had quoted are currently correct.

Castagna: The county commissioners' current annual salary is between \$34,000 and \$35,000.

In terms of the level of responsibility, the district court judges are dealing with misdemeanors, which would be less than one year in terms of sentencing authority, and with civil actions, which are under \$10,000.

Thalhofer: The county commissioners' duties are being scaled down and now this Committee is considering a commissioner's salary being equal to that of a district court judge, which would be an increase of \$10,000 in one year.

The motion that compensation of all elected officers of Multnomah County be equal to the compensation of district court judges failed by a 3 to 6 vote. Those in favor were Collier, Rasmussen, and Vogl.

Shields called for a vote on the following:

That a salary commission, appointed by state legislators representing Multnomah County residents and staffed by the Auditor's Office, be established to recommend to the board maximum salary levels for all elected offices of Multnomah County.

The voting reflected that only 4 members were in favor. There was no further discussion.

Rasmussen left the meeting. There were 8 voting Committee members.

Collier moved that compensation of all elected officers of Multnomah County be equal to 90% of the compensation of district court judges.

Vogl seconded this motion.

Collier noted that, at this point, those at a higher salary could be grandfathered in and those taking their place would be at the new salary.

A discussion ensued.

Debnam: Dealing with an actual amount of money -- 90% of a salary -- is too specific; it gets away from the philosophical point that this Committee is trying to approach.

Castagna: Section 4.30 on Compensation reads as follows:

The compensation of all elected officers of Multnomah County shall be fixed by the registered voters of Multnomah County at either a Primary or General Election only.

Shields: The point is one year the salary may be fixed at \$33,000, but the next year at \$5,000.

Debnam: 90% of a salary is too technical for most voters to understand.

MacColl: Many voters do not trust appointed commissions. At least the voters know what the figure is -- 90% of the district court judge's salary, a fixed amount.

Debnam: The salary commission should be affixed by the state legislators of Multnomah County. A 12- or 13-member commission of legislators may be divided into quadrants.

Vogl: A commission appointed by the legislators who would be establishing salaries is getting too far away from the voters. The legislators, who are accountable to the voters, are the ones who should set the salaries.

Collier: To get away from having the salaries established in any way public, perhaps the compromise is to have the county auditor set the salaries.

The motion to set the elected officials' salaries at 90% of that of the district court judges failed by a 3 to 5 vote. Vogl, Shields, and Collier were in favor.

Debnam moved that a salary commission be composed of 13 state legislators from Multnomah County. A quadrant plan is to be devised.

Johnsen seconded this motion.

The following points were made:

Castagna: State legislators, while elected in districts, are state elected officials. Can a county charter mandate action by state elected officials?

Rogers: The county charter can not compel the state legislators to meet or to provide staff. (If they do not meet, the county has no recourse.) A duty could always be imposed on an existing county official or employee; but by stepping outside the county, you are

relying on the good will and cooperation of those legislators.

The motion failed by a 2 to 6 vote. Debnam and Johnsen were in favor.

Collier moved that the Auditor set the salaries of the elected officials of Multnomah County.

Debnam seconded this motion.

The following points emerged during the course of the discussion:

Rogers: There is no obvious impediment of a legal nature. This Committee would have to decide who sets the auditor's salary. Taken as a simple proposal, it would be without limit and the auditor would set her own salary and that of all other officials.

Castagna: Negotiating for budgetary levels of the auditor's office and the fact that the auditor wields a lot of clout are concerns. There is a political trade-off.

Vogl: The auditor can set the salaries and salary increases subject to a vote of the people.

Collier: This sets a precedent for the auditor to do this.

Rogers: Two mechanisms with respect to a vote:

1. To say that on voter action, it is referred to the people -- it is the referendum system -- so a percentage of the voting population can force this to go.
2. The other is to say that if the auditor would propose the salary, it would go automatically to the voters and would not take effect unless it had been voted on.

Shields: The latter is what this Committee is pursuing.

Collier moved that the auditor may set salary increases or decreases for all Multnomah County elected officials every two years in a general election subject to the approval of the people.

Vogl seconded this motion.

In the discussion which followed, these comments were made:

Rogers: The auditor would have the choice of submitting the salary increases/decreases (changes) office by office or as a package.

Kennedy: For clarity for the voters, it is better to say

"increases and decreases" rather than "changes." If it is specified that there is a potential for decrease (not just increase) the voters will be more amenable.

Rogers: (Replying to Debnam's question) The restriction is that there are not to be multiple subjects or topics embraced in a single measure. It is a single topic if you are talking about salaries of elected officials in Multnomah County. A single topic (also) would be the salary of the sheriff or the county executive. It would still be legally possible to do it all at once or individually.

The vote on the motion was 7 to 1 in favor. Thalhofer cast the opposing vote.

Rogers: By subject to the approval of the voters is meant that the salaries do not become effective until they (salaries) have been voted on favorably.

Castagna: It is a mandatory referral to the voters.

Castagna reviewed page 2 of today's agenda which lists the Charter sections and subsections that appear to be affected by this Committee's decisions at the February 25th meeting either because:

1. there is a whole-scale revision as a result of moving the county executive on to the board as chair of the board, or
2. there needs to be language revision such as removing the term "county executive" and replacing it with "chair of the board" or
3. the section or subsection no longer applies.

Castagna cited each of the 12 sections/subsections and the appropriate revision. He noted that the Department of Elections wants to be consulted on the "term of art" language in Section 3.10.

Shields: All of this (as cited above by Castagna) must be legally handled.

Collier: It is this Committee's job to make the policy decisions on each item.

Rogers: One way to approach this is for legal counsel to do some drafts and bring them back to this Committee to review.

Pry moved that legal counsel prepare some drafts with language revisions for this Committee's review of what is really complex and what requires policy decisions.

Johnsen seconded this motion.

The motion passed unanimously.

Rogers: Based on this motion, legal counsel will first draft the Charter amendments. This Committee, upon seeing these drafts, may wish to combine in different ways which may affect the ballot measure but not the Charter provision.

Collier: Legal counsel is to use the 1978 Charter that defines the duties of the chairman of the board as the basis for drafting the duties of the chairman of the board. Because this Committee has not settled that yet, if legal counsel brings it all back, the Committee will work with the issues.

Sheriff Pearce will be testifying before this Committee on March 14, 1984.

The meeting adjourned at 11:45 A.M.

Respectfully submitted,

Maribeth McGowan

Maribeth McGowan
Secretary



MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

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February 25, 1984

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

STAFF

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Maribeth McGowan,
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AGENDA

I. Elections

- A. Ballot Slogans: That the provision for ballot slogans contained in Subsection 11.15 (3) of the Charter be deleted.
- B. Resign to Run for Another Office:
 - 1. That Subsection 6.50 (5) of the Charter be retained.
 - 2. That Subsection 6.50 (5) of the Charter be deleted.
- C. Partisan, Non Partisan Elections:
 - 1. That Section 11.15 of the Charter be retained.
 - 2. That Section 11.15 of the Charter be amended to provide for partisan offices and elections.
- D. Primary Election Victory:
 - 1. That Section 11.15 of the Charter be retained.
 - 2. That Section 11.15 of the Charter be amended to provide that a candidate receiving more than 50% of the votes in a primary election be declared the winner.
- E. Appointment to Office: That any vacancy in an elective office of the county be filled according to the plan adopted by the Committee for filling vacancies on the Board.

II. Salaries

- A. That Section 4.30 of the Charter be retained.
- B. That Section 4.30 of the Charter be deleted.
- C. That compensation of all elected officers of Multnomah County be equal to the compensation of circuit court judges.
- D. That a Salary Commission, appointed by state legislators

representing Multnomah County residents and staffed by the auditor's office, be established to recommend to the Board maximum salary levels for all elected offices of Multnomah County.

Charter Sections amended by Committee Decisions 2/22/84:

1. 3.10 -- Membership of the Board
2. 3.50(3) -- "Presiding Officer" reference
3. 3.60 -- Presiding Officer
4. 3.70(2) -- County Executive (CE) appointments
5. 4.40(4) -- Reference to CE
6. 4.50 -- Vacancies
7. 5.40 -- Authentication, CE Reference
8. 5.50 -- Time of Effect, CE Reference
9. 6.10 -- County Executive
10. 12.40(4) -- CE Reference
11. 13.20 -- County Commissioners
12. 13.25 -- CE Reference



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MINUTES

Public Meeting: February 25, 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's Subcommittee on Citizen Involvement was held at the Lake House, Blue Lake Park, 20500 NE Marine Drive, Troutdale, Oregon. The meeting convened at 12:30 P.M.

Present were Subcommittee Chair Penny Kennedy and Subcommittee members Paul Thalhofer and Tanya Collier. Absent was Ann Porter. Also present was John Vogl. Staff present were Robert Castagna and Maribeth McGowan.

The agenda included a work session on the elements of Citizen Involvement (CI) inclusion in the Charter.

During the discussion the following points surfaced:

Tanya Collier: This is a framework for CI (similar to that of the Auditor's Office). The office of Citizen Participation is hereby established and this office shall:

1. have a budget,
2. maintain two-way communication between the board of county commissioners (the board) and the citizens, and
3. report to the board all policy decisions made and request that the board respond in writing stating the actions taken in a timely manner.

This does not give CI independence, but it makes it mandatory and gives it a budget.

Collier: (Responding to Penny Kennedy's inquiry regarding 3 above) CI can not report on everything; however, on that which those CI people do submit a report, a response (to CI) is warranted by the board.

John Vogl: Some of the perceived flaws in the daily work of CI are as follows:

1. Usually, the neighborhood associations do not know board of commissioners' decisions until after the fact (e.g., a resolution having passed). (Note: these are county neighborhood associations.)
2. For whatever reason, the county neighborhood associations do not seem to get through (to) the steering committee.

Is this due to structure or operation? Letters sent directly to the board by some of the neighborhood associations have not been effective.

In order to get "grass roots" CI, it is necessary to

1. find out what is on the board agenda, and
2. work through the steering committee (or some similar type of committee).

The county CI steering committee's interaction with neighborhood associations needs to have a more solid or clear structure. This Committee should put something in the Charter which parallels that which is already in existence. The neighborhood associations are self-supporting and nonprofit and should stay that way. The less money coming from the county the less domination. There should be one paid full-time CI position. The chain of command should go from the citizen to the county (not from the county to the citizens) like a reporting system to the citizens.

Thalhofer: The existing structure of the county CI involves the CI steering committee, which has 25 slots -- most of which are manned by people who represent groups in the unincorporated area. (There are 5 slots which represent the city of Portland.) Each community group has a representative on the steering committee.

Since the steering committee was not set up to solve all the problems of the neighborhoods, the neighborhood community groups have the right -- and are encouraged -- to take their problems directly to the board.

Each representative from the neighborhood associations/community groups attends the steering committee meetings and reports what was discussed back to their respective association or group. If this communication is broken down because a representative fails to report to his/her group, it is not necessarily the fault of the structure, but rather that the representative did not do his/her job.

It is very likely that in this coming budget session the steering committee will be eliminated by Multnomah County government.

On Wednesday, February 29th, the County Executive Buchanan's proposal to change the structure of the steering committee will be presented for a vote; this means that the steering committee will virtually be eliminated.

(Thalhofer continued) Whatever CI structure this Committee recommends, it must be independent of the politicians. It must be more than Multnomah County's paying it "lip service." It must be mandatory and somehow structured so the (CI) program is not vulnerable to budgetary constraints imposed by a politician who is angry at a group for action that group has taken.

Responding to Collier's inquiry regarding having CI structure in the Charter, Thalhofer stated:

CI must be mandatory and independent -- as long as there is some kind of structure, which perhaps should not be in the Charter because the Committee should not be that specific. We must have a program that really helps the citizens and which is not subject to the political whims of the county commissioners and executive.

Collier: The structure should not be in the Charter but CI should be mandatory. How do we get it independent?

Vogl: We should not outline the structure in the Charter. With respect to independence, any funding from the county should be minimal. The county -- the county executive and the board -- should not control the CI budget. The county should not make appointments to CI programs, rather appointments should come from the neighborhood groups through the steering committee in order to maintain CI's total independence.

Collier: Who is to appoint the original steering committee? Chances are the county will leave whatever structure there is in place and build from there.

Louis Turnidge (general public testimony): There should be a little CI structure cited in the Charter if CI is to have any independence -- a structure that the community groups can "hang on to."

Collier: Should "maintain a sufficient budget" be stated in the Charter? Would that prevent the county from taking away the funding?

Collier: (responding to Kennedy's inquiry) The purpose of CI is to have policy input before decisions are made by the county government.

Thalhofer: These community groups should not be tied to just dealing with county issues. They are going to be dealing with many issues besides those of the county.

Vogl: The purpose of CI is indeed policy input before decisions are made. But, it would not end there -- anything for the livability of the neighborhood area is a concern.

Collier: A step towards independence would be to set up CI so that the structure allows for the citizens to hire and fire the staff person. Also, the county must fund CI -- give it a budget.

A brief discussion ensued regarding the fact that the CI staff person hired by the steering committee, now works for the county executive.

Castagna: This Committee should direct the board to create a citizens' committee by ordinance. Also, the citizens' committee shall have the authority to hire and dismiss staff.

Thalhofer: What about a citizens' committee created by the board from names submitted by the community groups and neighborhood associations?

Castagna: County-wide groups and organizations? If this Committee mentions these groups and organizations in the Charter, it is delineating specific groups from whom the board has to draw that (CI) committee. CI's committee's number of organizations may exceed the number specified in the Charter, unless the Charter is vague about this and leaves it to the discretion of the board.

This Committee is to be cognizant of the elements of CI and legal counsel will polish the language.

Kennedy: Would a citizen have to be a member of some community group in order to qualify for a citizens' committee?

Thalhofer: The Portland City Council has established guidelines for citizens to qualify for those citizens' groups, which have complied with certain criteria.

In the County Executive's proposal there is (for the first time) an official recognition of the unincorporated area community groups. Community groups have had such status in the city of Portland, and finally the county has given official status to the unincorporated area community groups.

Collier; (In her reply to Kennedy's inquiry) The basics should be set up in the Charter and have the board establish CI by ordinance.

The Subcommittee's discussion emphasized the definition of the purpose of CI.

Castagna: A concern is that there be an implication that before the board can make any policy decisions everything must be referred to the office of CI. With regard to board response, is this Committee setting up a citizens' branch of the auditor's office?

Another concern is that, in a full-blown advice and consent

system, do you reach the point where representative government breaks down?

Castagna: (continued) The purpose of CI (as previously expressed) is to encourage and stimulate the flow of information.

Vogl: This Committee could structure out CI in 2 or 3 different ways for the county to consider what is the best way to implement CI.

Collier: CI is to make recommendations to county government.

Thalhofer: At what point are recommendations made? (Per Collier, by ordinance) Does it do any good to make recommendations to the county?

Collier: Only so much can be done, then it is up to the citizens.

Kennedy: Is CI to facilitate communication or is it an action group which will stay on top of things and continually make recommendations?

Castagna: What this is leading to is a voluntary county council of 25 to 50 members who are supposed to make recommendations -- serving as a "mini" legislature.

Vogl: This is similar to the lobbyist function (as an information source), not a "mini" legislature or an audit function. The board can not be aware of what is happening in a neighborhood unless a neighborhood group, through the chain of command, gets the word to the board. The board needs to have background on what is important to a neighborhood association.

Castagna: Kennedy's language of facilitating communication is at the essence of what CI should be. The citizens are to feel, legitimately so, that they are part of the process. But, when recommendations are made and powers similar to those of the auditor's office are drawn, the ability to make decisions is diffused. The concern is that any decisions are made and resolved for any period of time.

Vogl: This Committee should make some outline or "skeletonize" how CI is to work and let the board choose.

Kennedy: While there is a lot of CI, there has not been any central locus for CI to go in order for it to have some clout.

Thalhofer: Is that all CI is to do -- guarantee the flow of information?

Collier: CI should be funded. There should be at least one paid employee.

Thalhofer: The upcoming Citizens' Congress is broad-based. Here

is an opportunity to hear from 600 people well-represented from all over Multnomah County.

A brief discussion prevailed regarding the impact of the Citizens' Congress.

The following points surfaced in the course of further discussion:

Thalhofer: A concern is that the flow of information is such that the citizens' community groups can only respond and react to the board's decisions. CI groups are becoming reactionary because they are not informed from the outset. CI should have input from the beginning to shoot down inadequate policies.

Per the Task Force Report (on CI) regarding advisory boards:

The role of advisory boards is consistently used by county decision makers to support a decision rather than assist in developing it.

This report goes on to say that it should be mandatory for department heads to have advisory boards and to use them.

Vogl: Department heads, while they presently work for the county executive, will eventually work for the board. The advisory groups should be aware of the major issues that the board is considering.

Castagna: One of the frustrations for those involved with CI is the time it takes to be cognizant of all the information flow around a decision in government. One would have to be involved in CI on a full-time basis to fully appreciate all the information, all the knowledge that comes to bear on a decision. CI will always feel that frustration because those people do not have the time to be involved in CI full-time. It is economically impossible for people to spend volunteer time bleeding that information. Facilitating communication is a goal, but by its very nature, it will be a source of frustration.

Vogl: Citizen reaction to board decisions is not citizen input, but it is more citizen protest. Citizen's information (input) should be given to the board prior to its making a policy decision, so the board is aware of how the people feel; then, if the board goes against the expressed will of the people, it does so at its own peril.

Castagna: If the county were not doing something that it was required to do, a writ of mandamus would order the county to do it. However, with a mandatory requirement for a budget, there is the same budgetary-type arguments the auditor's office has raised: that the mechanism for arguing for the budget is to go to the press and the public if the board refuses to fund (CI) adequately. In view of this Committee's previous decision not to mandate funding levels because of the nature of the Charter, that would be consistent with what has been decided in the past.

Castagna: (continued) So much of what this Committee is dealing with in CI, is an atmosphere of good will, to cooperate. By writing CI into the Charter, this Committee sets the pattern for the development (aura) of good will and communication between citizens and elected officials.

A brief discussion ensued concerning the status of the Citizens' Congress and this Committee's time frame to review drafts for the Charter amendments.

It was the consensus of this Subcommittee not to write the CI structure into the Charter.

Castagna read Section 3.70 of the Charter (Advisory Boards and Commissions). A brief discussion followed.

Collier moved and Thalsofer seconded:

1. The Office of Citizen Involvement is hereby established. The Office of Citizen Involvement shall develop and maintain citizen involvement programs and procedures designed for the purpose of facilitating direct communication between the citizens and the board of county commissioners.
2. The Citizen Involvement Office shall have an annual budget.
3. A citizens' committee shall be established by ordinance.
4. The structure of the citizen involvement process shall be established by ordinance.
5. The citizens' committee shall have the authority to hire and fire its own staff.

The motion passed unanimously.

This Subcommittee will submit its report to the full Committee at the March 7, 1984, meeting.

This meeting adjourned at 1:45 P.M.

Respectfully submitted,

Maribeth McGowan

Maribeth McGowan
Secretary



MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

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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

MINUTES

Public Meeting: February 25, 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 Blue Lake Park, Lake House, 20500 NE Marine Drive, Troutdale, Oregon. The meeting convened at 9:15 A.M.

Present were Chair Frank Shields and Committee members Linda Rasmussen, Paul Thalhofer, John Vogl, Tanya Collier, Chad Debnam, Marlene Johnsen, Penny Kennedy, Leeanne MacColl, and Marcia Pry. Absent were Florence Bancroft, Roger Parsons, and Ann Porter. Staff present were Robert Castagna and Maribeth McGowan. Also present was legal counsel Harvey Rogers.

The agenda included a work session on the issues of Elections and Salaries. Please refer to Exhibit A.

Linda Rasmussen moved the provision for ballot slogans contained in Subsection 11.15 (3) of the Charter be deleted.

Tanya Collier seconded this motion.

The motion passed unanimously.

A discussion ensued on whether Subsection 6.50 (5) of the Charter should be retained or deleted. This Subsection reads:

No elected official of Multnomah County may run for another office in mid-term. Filing for another office shall be the same as a resignation, effective as of date of filing.

Leeanne MacColl: Does "mid-term" mean anytime during the term of office?

Robert Castagna: There is no legislative history for this ballot

measure. The fact that "mid-term" is not clarified or defined is part of the problem with an initiative that does not provide a legislative history.

John Vogl: If someone's term is up in November and he/she files for another office in March or May, he/she should not have to immediately resign, thereby not serving out the last few months of his/her term. On the other hand, if someone who is elected for a four-year term immediately files for another office, he/she would not be fair to the electorate.

Collier: This measure may have been put in to discourage an officeholder from using his position as a stepping stone to other (higher) political office. Yet, a career politician who wants to serve, must move when an office is vacant. There may not be anything wrong with resigning in mid-term to take an advantage of a political opportunity.

Marcia Pry: In the private sector it would be quitting every job to hunt for another job.

Frank Shields: This provision applies to elected county officeholders.

Chad Debnam: The language of this provision is not clear. What are the variables at this point regarding what is meant by "mid-term" and when should an officeholder be required to resign?

Vogl: Perhaps an officeholder should not have to resign during his/her last year of a term. There are elections every two years (including city and state). If there is not an opening for a county elected position, at least the officeholder may be a candidate during that last year.

Harvey Rogers: (Responding to Robert Castagna's inquiry) There is not a similar prohibition (against filing for another office in mid-term and thereby that being considered a resignation) in another jurisdiction in Oregon -- to the best of Rogers' knowledge.

Collier moved that Subsection 6.50 (5) of the Charter be deleted.

Penny Kennedy seconded this motion.

The ensuing discussion brought forth the following points:

Paul Thalsofer: It is ridiculous to be required to resign in the last year of a four-year term to run for another office.

Rogers: There are laws on the books which prohibit an officeholder from spending public money and public time (working hours) and there are laws which prohibit an officeholder from using public monies to sway the vote on a proposition. Yet, an officeholder, who may be seeking another public office, does make a number of public

Erasmable Bond

appearances "in the line of duty."

Vogl: There should be a companion measure that would make it more appealing to the voters to delete this Subsection 6.50 (5). Perhaps an officeholder should resign to run for another office during the first two years of his/her term in office, but certainly not during the last year of the term. The only recollection of a situation where an officeholder sought to do so after two years was County Commissioner Earl Blumenauer when he ran for City Council.

This is not a recurring problem. If the voters perceive this deletion of the subsection as just revoking Ballot Measure #6 with no choice or alternative, they will reject it.

MacColl: The idea of compromise is a good one. It reflects this Committee's careful deliberation and thought process. Have the officeholder be required to resign within his/her first year of office.

Collier: The position which the officeholder is seeking should be defined. Does anyone care that this officeholder is running for precinct committee person or for the school board -- and serve both his/her present office and either of these positions at the same time?

Shields: Perhaps the word "remuneration" (salary) should be included when referring to another office.

Collier: There are three options -- retain, delete, or compromise. The wording problem falls on legal counsel.

Thalhofer: There is no real problem since there are laws which prohibit officeholders from spending public time and money to promote him/herself as a candidate for another office. The Blumenauer case is the only time an officeholder in Multnomah County has sought another office within two years of his term.

The vote on the motion to repeal Subsection 6.50 (5) was 5 to 4 in favor. Those opposed were Vogl, Pry, Marlene Johnsen, and Debnam. The motion failed because there were not 7 votes on the prevailing side.

Further discussion followed.

Pry: This Committee should pay attention to and respect the fact that the voters voted on this issue twice on Ballot Measure #6.

Penny Kennedy: While this subsection should be deleted, the language must be clarified (especially with regard to "mid-term" as MacColl had noted) and a compromise should be affected.

Rasmussen moved that this Committee direct legal counsel to draft language which would affect a compromise for Subsection 6.50(5)

of the Charter that an officeholder shall resign to run for another salaried office within first two years of his term.

Johnsen seconded this motion.

In the discussion which followed these points surfaced:

Vogl: This is not that important. Historically, it has not been that big of a problem. It would be a rare occasion that that which is cited in Subsection 6.50 (5) would apply.

Thalhofer: This is not necessary; the more refining of language the more complicated it becomes for the voters.

Collier: This Committee should not interpret for the voters. If the reasoning is good, give the voters the option. Ballot Measure #6 was passed twice (in Collier's opinion) because of the Sheriff's being elected.

Shields: Is it to be the first two years of office or term?

Debnam: This measure as is restricts the process of an officeholder's running for office constantly.

Rasmussen and Johnsen withdrew the motion and the second, respectively.

Rasmussen moved to reconsider the repeal of Subsection 6.50(5) of the Charter.

Penny Kennedy seconded this motion to reconsider.

The motion to reconsider passed unanimously.

Rasmussen moved that Subsection 6.50 (5) of the Charter be repealed.

Thalhofer seconded this motion.

The motion passed by a vote of 7 to 2. Debnam and Vogl were opposed.

Collier moved that Section 11.15 of the Charter, Nonpartisan Offices, be retained.

Thalhofer seconded this motion.

A discussion ensued.

Debnam: Nonpartisan elections work for the side of the Democratic party. Elections should be partisan.

Kennedy: For a partisan candidate to run, he/she must be a member

of a political party and work for that party to get that party's endorsement, which can be a long process.

Debnam: There is no clear ideology process in nonpartisan politics. The partisan process offers a party/philosophical point of view of a candidate and a better recruitment of candidates. There needs to be party distinction.

Vogl: Partisan elections are more necessary if there are committee assignments. There is no need for partisan politics on the board. As for political philosophies, the only distinctions are seen in the outside extremes -- to the left and right.

Shields referred to the Staff Report of January 4th, page 89, #8 for the Committee to review.

The motion carried by a 7 to 2 vote. Debnam and Shields cast the opposing votes.

Collier moved that Section 11.15 of the Charter be amended to provide that a candidate receiving more than 50% of the votes in a primary election be declared the winner.

Pry seconded this motion.

During the discussion the following points emerged:

MacColl: To go through the expense of a campaign twice (in May and again in November) involves large amounts of money, which discourages younger candidates.

Vogl: There is no reason for a run-off if a candidate has more than 50% of the votes. To have two elections is redundant and expensive.

MacColl: The fact that more people vote in November may change, especially if the primary election is important.

The vote on the motion to amend Section 11.15 of the Charter (as cited above) was 8 to 1 in favor. Debnam was opposed.

Thalhofer moved that any vacancy in an elective office of the county be filled according to the plan adopted by the Committee for filling vacancies on the board.

Kennedy seconded this motion.

(Shields had noted that this motion would expand the concept that this Committee adopted on February 22nd.)

The motion passed by a vote of 8 to 1. Debnam cast the opposing vote.

Eraserable Bond

Collier moved that compensation of all elected officers of Multnomah County be equal to the compensation of circuit court judges.

Rasmussen seconded this motion.

Castagna: The annual salaries after March 31, 1981, of the judges were:

Circuit court judge: \$48,356.00
District court judge: \$43,344.00

Collier, with Rasmussen's agreement and consent, changed the wording of her motion from circuit court judge to district court judge. The motion now reads: That compensation of all elected officers of Multnomah County be equal to the compensation of district court judges.

Collier: The reason for (her making) this motion is that salaries should not be set by the voters.

Vogl: It is not appropriate for officials to set salaries without a vote of the people. Yet, voters should not set salaries. A salary commission should be established (details to be clarified) to set only pay raises, subject to the vote of the people.

Rasmussen: The compensation of elected officials should be equal to that of district court judges. Having a salary commission has very negative political ramifications.

Thalhofer: A salary commission is best. Multnomah County, by designating a salary, must come up with the money.

Debnam: A salary commission, elected by the people has a direct tie to the people, and a credibility exists.

Collier: It is important to make salaries attractive.

Castagna: If the salary levels are too low, graft and corruption become part of the office. By having a salary commission set the salaries, there is a legislative process. By tying the salaries to a district court judge, there is also a legislative process.

1. The direct process: the state legislators, through the legislative process, determine the district court judges' salaries and then incorporate the salaries for the county commissioners.
2. The indirect process: the state legislators appoint the people to the salary commission.

Either approach involves referring to the state legislators. Tying the compensation to the district judges involves less politics

than the salary commission, which is more political at the local level.

Rasmussen: There is the possibility of political graft and corruption with a salary commission. It would not work. There would be too much intense lobbying and pressure put on the members of a salary commission. It is better to have the compensation of elected officials tied to the constitution (state laws). There is not that risk of graft and corruption.

Pry: There is a "cleanliness" by tying the compensation to that of district court judges. The voters would defeat (turn down) a \$10, 000.00 raise after having closely monitored the salaries of elected officials.

MacColl: The county commissioners need brain power and that should not come "cheap."

Debnam: The Multnomah County state legislators should be on the salary commission. They have lobbying experience and have as their charge fair government -- preventing graft and corruption is their job. There is an indirect accountability.

Thomas Magee (public testimony): There is an initiative "Fair Pay". If it makes the ballot and passes, it would require that no public employee may have a salary less than a comparable position in the private sector.

Rogers: This statute does not address the mechanism to set salaries.

Pry: Those in the private sector make far more money than those employed by the county.

Thalhofer: Elected officials' compensation should not be tied to that of judges; the people would not stand for it. People would accept a salary commission appointed by the state legislature.

Debnam: A salary commission composed of Multnomah County state legislators should be established. This would lend legitimacy to the salary commission.

(Vogl commented on the state legislators' handling of the state sales tax.)

Kennedy: In effect, the salary commission could become very political if those on it are appointed and lobby very heavily. The state legislators now set salaries of the district court judges. If the legislators ~~is~~ now realize that that power is going to the Multnomah County elected officials also (because that salary level has more impact now than just on judges), what is to keep them from lobbying?

Collier: It is very difficult to get increases through the legislature anyway. It is not something that is going to automatically happen every year.

Debnam: The Multnomah County legislators have the experience. They know how to deal with lobbying and they have a constituent base to whom they must answer.

Rogers confirmed that the judges' salaries that Castagna had quoted are currently correct.

Castagna: The county commissioners' current annual salary is between \$34,000 and \$35,000.

In terms of the level of responsibility, the district court judges are dealing with misdemeanors, which would be less than one year in terms of sentencing authority, and with civil actions, which are under \$10,000.

Thalhofer: The county commissioners' duties are being scaled down and now this Committee is considering a commissioner's salary being equal to that of a district court judge, which would be an increase of \$10,000 in one year.

The motion that compensation of all elected officers of Multnomah County be equal to the compensation of district court judges failed by a 3 to 6 vote. Those in favor were Collier, Rasmussen, and Vogl.

Shields called for a vote on the following:

That a salary commission, appointed by state legislators representing Multnomah County residents and staffed by the Auditor's Office, be established to recommend to the board maximum salary levels for all elected offices of Multnomah County.

The voting reflected that only 4 members were in favor. There was no further discussion.

Rasmussen left the meeting. There were 8 voting Committee members.

Collier moved that compensation of all elected officers of Multnomah County be equal to 90% of the compensation of district court judges.

Vogl seconded this motion.

Collier noted that, at this point, those at a higher salary could be grandfathered in and those taking their place would be at the new salary.

A discussion ensued.

Debnam: Dealing with an actual amount of money -- 90% of a salary -- is too specific; it gets away from the philosophical point that this Committee is trying to approach.

Castagna: Section 4.30 on Compensation reads as follows:

The compensation of all elected officers of Multnomah County shall be fixed by the registered voters of Multnomah County at either a Primary or General Election only.

Shields: The point is one year the salary may be fixed at \$33,000, but the next year at \$5,000.

Debnam: 90% of a salary is too technical for most voters to understand.

MacColl: Many voters do not trust appointed commissions. At least the voters know what the figure is -- 90% of the district court judge's salary, a fixed amount.

Debnam: The salary commission should be affixed by the state legislators of Multnomah County. A 12- or 13-member commission of legislators may be divided into quadrants.

Vogl: A commission appointed by the legislators who would be establishing salaries is getting too far away from the voters. The legislators, who are accountable to the voters, are the ones who should set the salaries.

Collier: To get away from having the salaries established in any way public, perhaps the compromise is to have the county auditor set the salaries.

The motion to set the elected officials' salaries at 90% of that of the district court judges failed by a 3 to 5 vote. Vogl, Shields, and Collier were in favor.

Debnam moved that a salary commission be composed of 13 state legislators from Multnomah County. A quadrant plan is to be devised.

Johnsen seconded this motion.

The following points were made:

Castagna: State legislators, while elected in districts, are state elected officials. Can a county charter mandate action by state elected officials?

Rogers: The county charter can not compel the state legislators to meet or to provide staff. (If they do not meet, the county has no recourse.) A duty could always be imposed on an existing county official or employee; but by stepping outside the county, you are

relying on the good will and cooperation of those legislators.

The motion failed by a 2 to 6 vote. Debnam and Johnsen were in favor.

Collier moved that the Auditor set the salaries of the elected officials of Multnomah County.

Debnam seconded this motion.

The following points emerged during the course of the discussion:

Rogers: There is no obvious impediment of a legal nature. This Committee would have to decide who sets the auditor's salary. Taken as a simple proposal, it would be without limit and the auditor would set her own salary and that of all other officials.

Castagna: Negotiating for budgetary levels of the auditor's office and the fact that the auditor wields a lot of clout are concerns. There is a political trade-off.

Vogl: The auditor can set the salaries and salary increases subject to a vote of the people.

Collier: This sets a precedent for the auditor to do this.

Rogers: Two mechanisms with respect to a vote:

1. To say that on voter action, it is referred to the people -- it is the referendum system -- so a percentage of the voting population can force this to go.
2. The other is to say that if the auditor would propose the salary, it would go automatically to the voters and would not take effect unless it had been voted on.

Shields: The latter is what this Committee is pursuing.

Thalhofer: What about

Collier moved that the auditor may set salary increases or decreases for all Multnomah County elected officials every two years in a general election subject to the approval of the people.

Vogl seconded this motion.

In the discussion which followed, these comments were made:

Rogers: The auditor would have the choice of submitting the salary increases/decreases (changes) office by office or as a package.

Kennedy: For clarity for the voters, it is better to say

"increases and decreases" rather than "changes." If it is specified that there is a potential for decrease (not just increase) the voters will be more amenable.

Rogers: (Replying to Debnam's question) The restriction is that there are not to be multiple subjects or topics embraced in a single measure. It is a single topic if you are talking about salaries of elected officials in Multnomah County. A single topic (also) would be the salary of the sheriff or the county executive. It would still be legally possible to do it all at once or individually.

The vote on the motion was 7 to 1 in favor. Thalsofer cast the opposing vote.

Rogers: By subject to the approval of the voters is meant that the salaries do not become effective until they (salaries) have been voted on favorably.

Castagna: It is a mandatory referral to the voters.

Castagna reviewed page 2 of today's agenda which lists the Charter sections and subsections that appear to be affected by this Committee's decisions at the February 25th meeting either because:

1. there is a whole-scale revision as a result of moving the county executive on to the board as chair of the board, or
2. there needs to be language revision such as removing the term "county executive" and replacing it with "chair of the board" or
3. the section or subsection would no longer applies.

Castagna cited each of the 12 sections/subsections and the appropriate revision. He noted that the Department of Elections wants to be consulted on the "term of art" language in Section 3.10.

Shields: All of this (as cited above by Castagna) must be legally handled.

Collier: It is this Committee's job to make the policy decisions on each item.

Rogers: One way to approach this is for legal counsel to do some drafts and bring them back to this Committee to review.

Pry moved that legal counsel prepare some drafts with language revisions for this Committee's review of what is really complex and what requires policy decisions.

Johnsen seconded this motion.

The motion passed unanimously.

Eraserable Bond

Rogers: Based on this motion, legal counsel will first draft the Charter amendments. This Committee, upon seeing these drafts, may wish to combine in different ways which may affect the ballot measure but not the Charter provision.

Collier: Legal counsel is to use the 1978 Charter that defines the duties of the chairman of the board as the basis for drafting the duties of the chairman of the board. Because this Committee has not settled that yet, if legal counsel brings it all back, the Committee will work with the issues.

Sheriff Pearce will be testifying before this Committee on March 14, 1984.

The meeting adjourned at 11:45 A.M.

Respectfully submitted,

Maribeth McGowan

Maribeth McGowan
Secretary



EXHIBIT A

MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE

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February 25, 1984

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AGENDA

I. Elections

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MINUTES

Public Meeting: February 25, 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's Subcommittee on Citizen Involvement was held at the Lake House, Blue Lake Park, 20500 NE Marine Drive, Troutdale, Oregon. The meeting convened at 12:30 P.M.

Present were Subcommittee Chair Penny Kennedy and Subcommittee members Paul Thalhofer and Tanya Collier. Absent was Ann Porter. Also present was John Vogl. Staff present were Robert Castagna and Maribeth McGowan.

The agenda included a work session on the elements of Citizen Involvement (CI) inclusion in the Charter.

During the discussion the following points surfaced:

Tanya Collier: This is a framework for CI (similar to that of the Auditor's Office). The office of Citizen Participation is hereby established and this office shall:

1. have a budget,
2. maintain two-way communication between the board of county commissioners (the board) and the citizens, and
3. report to the board all policy decisions made and request that the board respond in writing stating the actions taken in a timely manner.

This does not give CI independence, but it makes it manatory and gives it a budget.

Collier: (Responding to Penny Kennedy's inquiry regarding 3. above) CI can not report on everything; however, on that which those CI people do submit a report, a response (to CI) is warranted by the board.

John Vogl: Some of the perceived flaws in the daily work of CI are as follows:

1. Usually, the neighborhood associations do not know board of commissioners' decisions until after the fact (e.g., a resolution having passed). (Note: these are county neighborhood associations.)
2. For whatever reason, the county neighborhood associations do not seem to get through (to) the steering committee.

Is this due to structure or operation? Letters sent directly to the board by some of the neighborhood associations have not been effective.

In order to get "grass roots" CI, it is necessary to

1. find out what is on the board agenda, and
2. work through the steering committee (or some similar type of committee).

The county CI steering committee's interaction with neighborhood associations needs to have a more solid or clear structure. This Committee should put something in the Charter which parallels that which is already in existence. The neighborhood associations are self-supporting and nonprofit and should stay that way. The less money coming from the county the less domination. There should be one paid full-time CI position. The chain of command should go from the citizen to the county (not from the county to the citizens) like a reporting system to the citizens.

Thalhofer: The existing structure of the county CI involves the CI steering committee, which has 25 slots -- most of which are manned by people who represent groups in the unincorporated area. (There are 5 slots which represent the city of Portland.) Each community group has a representative on the steering committee.

Since the steering committee was not set up to solve all the problems of the neighborhoods, the neighborhood community groups have the right -- and are encouraged -- to take their problems directly to the board.

Each representative from the neighborhood associations/community groups attends the steering committee meetings and reports what was discussed back to their respective association or group. If this communication is broken down because a representative fails to report to his/her group, it is not necessarily the fault of the structure, but rather that the representative did not do his/her job.

It is very likely that in this coming budget session the steering committee will be eliminated by Multnomah County government.

On Wednesday, February 29th, the County Executive Buchanan's proposal to change the structure of the steering committee will be presented for a vote; this means that the steering committee will virtually be eliminated.

(Thalhofer continued) Whatever CI structure this Committee recommends, it must be independent of the politicians. It must be more than Multnomah County's paying it "lip service." It must be mandatory and somehow structured so the (CI) program is not vulnerable to budgetary constraints imposed by a politician who is angry at a group for action that group has taken.

Responding to Collier's inquiry regarding having CI structure in the Charter, Thalhofer stated:

CI must be mandatory and independent -- as long as there is some kind of structure, which perhaps should not be in the Charter because the Committee should not be that specific. We must have a program that really helps the citizens and which is not subject to the political whims of the county commissioners and executive.

Collier: The structure should not be in the Charter but CI should be mandatory. How do we get it independent?

Vogl: We should not outline the structure in the Charter. With respect to independence, any funding from the county should be minimal. The county -- the county executive and the board -- should not control the CI budget. The county should not make appointments to CI programs, rather appointments should come from the neighborhood groups through the steering committee in order to maintain CI's total independence.

Collier: Who is to appoint the original steering committee? Chances are the county will leave whatever structure there is in place and build from there.

Louis Turnidge (general public testimony): There should be a little CI structure cited in the Charter if CI is to have any independence -- a structure that the community groups can "hang on to."

Collier: Should "maintain a sufficient budget" be stated in the Charter? Would that prevent the county from taking away the funding?

Collier: (responding to Kennedy's inquiry) The purpose of CI is to have policy input before decisions are made by the county government.

Thalhofer: These community groups should not be tied to just dealing with county issues. They are going to be dealing with many issues besides those of the county.

Vogl: The purpose of CI is indeed policy input before decisions are made. But, it would not end there -- anything for the livability of the neighborhood area is a concern.

Collier: A step towards independence would be to set up CI so that the structure allows for the citizens to hire and fire the staff person. Also, the county must fund CI -- give it a budget.

A brief discussion ensued regarding the fact that the CI staff person hired by the steering committee, now works for the county executive.

Castagna: This Committee should direct the board to create a citizens' committee by ordinance. Also, the citizens' committee shall have the authority to hire and dismiss staff.

Thalhofer: What about a citizens' committee created by the board from names submitted by the community groups and neighborhood associations?

Castagna: County-wide groups and organizations? If this Committee mentions these groups and organizations in the Charter, it is delineating specific groups from whom the board has to draw that (CI) committee. CI's committee's number of organizations may exceed the number specified in the Charter, unless the Charter is vague about this and leaves it to the discretion of the board.

This Committee is to be cognizant of the elements of CI and legal counsel will polish the language.

Kennedy: Would a citizen have to be a member of some community group in order to qualify for a citizens' committee?

Thalhofer: The Portland City Council has established guidelines for citizens to qualify for those citizens' groups, which have complied with certain criteria.

In the County Executive's proposal there is (for the first time) an official recognition of the unincorporated area community groups. Community groups have had such status in the city of Portland, and finally the county has given official status to the unincorporated area community groups.

Collier; (In her reply to Kennedy's inquiry) The basics should be set up in the Charter and have the board establish CI by ordinance.

The Subcommittee's discussion emphasized the definition of the purpose of CI.

Castagna: A concern is that there be an implication that before the board can make any policy decisions everything must be referred to the office of CI. With regard to board response, is this Committee setting up a citizens' branch of the auditor's office?

Another concern is that, in a full-blown advice and consent

system, do you reach the point where representative government breaks down?

Castagna: (continued) The purpose of CI (as previously expressed) is to encourage and stimulate the flow of information.

Vogl: This Committee could structure out CI in 2 or 3 different ways for the county to consider what is the best way to implement CI.

Collier: CI is to make recommendations to county government.

Thalhofer: At what point are recommendations made? (Per Collier, by ordinance) Does it do any good to make recommendations to the county?

Collier: Only so much can be done, then it is up to the citizens.

Kennedy: Is CI to facilitate communication or is it an action group which will stay on top of things and continually make recommendations?

Castagna: What this is leading to is a voluntary county council of 25 to 50 members who are supposed to make recommendations -- serving as a "mini" legislature.

Vogl: This is similar to the lobbyist function (as an information source), not a "mini" legislature or an audit function. The board can not be aware of what is happening in a neighborhood unless a neighborhood group, through the chain of command, gets the word to the board. The board needs to have background on what is important to a neighborhood association.

Castagna: Kennedy's language of facilitating communication is at the essence of what CI should be. The citizens are to feel, legitimately so, that they are part of the process. But, when recommendations are made and powers similar to those of the auditor's office are drawn, the ability to make decisions is diffused. The concern is that any decisions are made and resolved for any period of time.

Vogl: This Committee should make some outline or "skeletonize" how CI is to work and let the board choose.

Kennedy: While there is a lot of CI, there has not been any central locus for CI to go in order for it to have some clout.

Thalhofer: Is that all CI is to do -- guarantee the flow of information?

Collier: CI should be funded. There should be at least one paid employee.

Thalhofer: The upcoming Citizens' Congress is broad-based. Here

is an opportunity to hear from 600 people well-represented from all over Multnomah County.

A brief discussion prevailed regarding the impact of the Citizens' Congress.

The following points surfaced in the course of further discussion:

Thalhofer: A concern is that the flow of information is such that the citizens' community groups can only respond and react to the board's decisions. CI groups are becoming reactionary because they are not informed from the outset. CI should have input from the beginning to shoot down inadequate policies.

Per the Task Force Report (on CI) regarding advisory boards:

The role of advisory boards is consistently used by county decision makers to support a decision rather than assist in developing it.

This report goes on to say that it should be mandatory for department heads to have advisory boards and to use them.

Vogl: Department heads, while they presently work for the county executive, will eventually work for the board. The advisory groups should be aware of the major issues that the board is considering.

Castagna: One of the frustrations for those involved with CI is the time it takes to be cognizant of all the information flow around a decision in government. One would have to be involved in CI on a full-time basis to fully appreciate all the information, all the knowledge that comes to bear on a decision. CI will always feel that frustration because those people do not have the time to be involved in CI full-time. It is economically impossible for people to spend volunteer time bleeding that information. Facilitating communication is a goal, but by its very nature, it will be a source of frustration.

Vogl: Citizen reaction to board decisions is not citizen input, but it is more citizen protest. Citizen's information (input) should be given to the board prior to its making a policy decision, so the board is aware of how the people feel; then, if the board goes against the expressed will of the people, it does so at its own peril.

Castagna: If the county were not doing something that it was required to do, a writ of mandamus would order the county to do it. However, with a mandatory requirement for a budget, there is the same budgetary-type arguments the auditor's office has raised: that the mechanism for arguing for the budget is to go to the press and the public if the board refuses to fund (CI) adequately. In view of this Committee's previous decision not to mandate funding levels because of the nature of the Charter, that would be consistent with what has been decided in the past.

Castagna: (continued) So much of what this Committee is dealing with in CI, is an atmosphere of good will, to cooperate. By writing CI into the Charter, this Committee sets the pattern for the development (aura) of good will and communication between citizens and elected officials.

A brief discussion ensued concerning the status of the Citizens' Congress and this Committee's time frame to review drafts for the Charter amendments.

It was the consensus of this Subcommittee not to write the CI structure into the Charter.

Castagna read Section 3.70 of the Charter (Advisory Boards and Commissions). A brief discussion followed.

Collier moved and Thalsofer seconded:

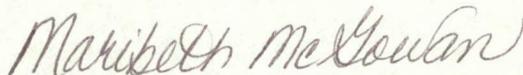
1. The Office of Citizen Involvement is hereby established. The Office of Citizen Involvement shall develop and maintain citizen involvement programs and procedures designed for the purpose of facilitating direct communication between the citizens and the board of county commissioners.
2. The Citizen Involvement Office shall have an annual budget.
3. A citizens' committee shall be established by ordinance.
4. The structure of the citizen involvement process shall be established by ordinance.
5. The citizens' committee shall have the authority to hire and fire its own staff.

The motion passed unanimously.

This Subcommittee will submit its report to the full Committee at the March 7, 1984, meeting.

This meeting adjourned at 1:45 P.M.

Respectfully submitted,



Maribeth McGowan
Secretary



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