

June 13 Meeting



MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

1120 S.W. Fifth Avenue
Suite 1500
Portland, Oregon 97204
(503) 248-3525

MEMBERS

Ann Porter, *Chair*
Mark Johnson, *Vice-Chair*
Florence Bancroft
Lana Butterfield
David J. Chambers
Liberty Lane
Monica Little
Bruce McCain
Paul Norr
Marcia Pry
Casey Short
Nicholas Teeny
LaVelle VandenBerg

STAFF

William C. Rapp
Administrator
Shirley Winter
Secretary

PUBLIC MEETING NOTICE

Wednesday, June 13, 1990
7:00 p.m.
Multnomah County Courthouse
Board Room (Room 602)
1021 S.W. Fourth Avenue
Portland, Oregon 97204

AGENDA

- I. PUBLIC HEARING
- II. WORK SESSION
 - A. Work session on language requiring automatic charter review at eight year intervals.
 - B. Work session on language approving salary increases for elected county officials.
- III. ADDITIONAL BUSINESS



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MINUTES
JUNE 13, 1990

Pursuant to notice by press release to newspapers of local circulation throughout Multnomah County and mailed to persons on the mailing list of the committee, a public meeting of the Multnomah County Charter Review Committee was held at the Multnomah County Courthouse Board Room, 1021 S.W. 4th Avenue, Portland, Oregon. The meeting convened at 7:04 p.m.

Members Present

Ann Porter, Chair
Mark Johnson, Vice-Chair
Florence Bancroft
Lana Butterfield
David Chambers
Monica Little
Bruce McCain
Paul Norr
Marcia Pry
Casey Short
Nicholas Teeny
La Velle Vanden Berg

Members Absent

Liberty Lane

Staff Present

Bill Rapp, Administrator
Ginger Hawkins, Secretary

PUBLIC TESTIMONY:

Bob Skipper, Multnomah County Sheriff

Sheriff Bob Skipper began by thanking the charter review committee for reconsidering the sheriff's salary amendment. Skipper went on to say that he feels salary raises have a better chance of being passed by the voters if each elected official is voted on separately.

Skipper then submitted to the committee proposed ballot measure language which would require the board of county commissioners to set the sheriff's salary at an amount not less than that earned by any member of his office.

Patrick Donaldson, Executive Director, Citizens Crime Commission

Patrick Donaldson stated that the Citizens Crime Commission supports a salary increase for the sheriff. Donaldson went on to state that it is appropriate that the voters of Multnomah County have an opportunity to express their opinion about the sheriff's salary.

Donaldson then stated that the Citizens Crime Commission looks forward to supporting a separate ballot measure for the sheriff's salary.

Donaldson encouraged the committee to adopt the sheriff's proposed language and put it before the voters.

WORK SESSION:

Work Session on Salary Increases for Elected Officials

La Velle Vanden Berg began the work session by moving to reconsider the motion passed on May 9, 1990 which would set the salaries of all elected officials at 4/5th of a district court judge's salary. The motion was seconded by Florence Bancroft. The motion to reconsider passed unanimously without discussion.

The motion that all elected officials' salaries be 4/5ths of a district court judge's salary failed 0-12.

La Velle Vanden Berg then moved to adopt the proposed wording submitted by Sheriff Skipper that would fix the salary of the Multnomah County Sheriff at an amount required by state law. The motion was seconded by Florence Bancroft.

Mark Johnson stated that he supports the concept of the proposed measure but is not in favor of the proposed wording. Johnson asked who submitted the language. Bill Vandever, of the sheriff's office, responded that he drafted the wording.

Johnson suggested that language be drafted by the committee's legal counsel. Johnson went on to state that he would support having the salary set by the board of commissioners.

Johnson's suggestion to have language prepared by legal counsel reflecting that the sheriff's salary shall be set by the board of commissioners at no less than the salary of any other person in the sheriff's office was accepted as a friendly amendment.

Paul Norr asked who currently sets the salaries for the other officers in the sheriff's office. Sheriff Skipper explained that the county has salary ranges for employees and that the salary

ranges are set through the county personnel officer who works for the board of commissioners.

Norr stated that he has a concern with referencing a state statute in the charter.

Sheriff Skipper stated that the proposed measure was reviewed by County Counsel Larry Kressel. Skipper explained that the state law would apply to Multnomah County if approved by the voters.

Dick Roberts, committee legal counsel, agreed that referring to a state statute in the charter could cause problems because the statute could change or be renumbered at some point in the future.

Bancroft stated that the question should be stated simply and she does not agree with the friendly amendment. Bancroft emphasized that if the measure is too complicated the voters will not understand it and it will fail.

David Chambers asked if it could be explained in the statement of purpose that the proposed measure is connected to a state statute. Roberts responded in the affirmative.

Roberts told the committee that the question to be answered is whether the committee wants state law, regardless of what form it will be in the future, to apply to the sheriff's salary or whether it wants the board of commissioners to fix the salary to be no less than the salary of anyone in the sheriff's office.

Johnson explained that the statute might change in the future and therefore the sheriff's salary should not be tied explicitly to the state statute, but it should adopt the concept of the state statute.

Monica Little agreed with Johnson and stated that she is in favor of the sheriff's salary being set by the commissioners. Furthermore, Little stated that the average citizen might not understand or know what the state law is on this issue.

Bruce McCain stated that referencing state law in the charter is not a new concept. McCain stated that the charter already references state law in terms of the sheriff's functions. McCain continued that the explanation could outline the measure further and explain the state law.

Johnson asked how sheriff Skipper feels about having his salary set by state law. Sheriff Skipper answered that the intent of the state law is that the board of commissioners will set the sheriff's salary just as they do with department heads. Skipper stated that county counsel approved the language referring to state law.

Johnson asked Skipper what would happen if the state law changed. Skipper replied that the state law would have to be significantly changed in order for the sheriff's salary to be removed from the authority of the board of commissioners.

McCain stated that there is no reason why the charter language cannot reflect the state statute. McCain continued that even if the state statute were repealed, the language would be in Multnomah County's charter and therefore could not be changed.

Marcia Pry stated that by continuing to reference state statutes in the charter the committee is contradicting the spirit of, and reason for, the home rule charter.

Ann Porter stated that the explanation could include that this measure reflects the current Oregon statutes.

Florence Bancroft withdrew her second to the motion to have the sheriff's salary be set by the board of county commissioners to be no less than the salary of anyone employed in his office. Monica Pry then seconded the motion. The motion to set the sheriff's salary by the board of commissioners at an amount not less than the salary of anyone employed in his office passed unanimously.

Bill Rapp stated that in a previous meeting Mark Johnson had asked how the district attorney's county supplement was set and that he had responded that the DA's supplement was set by the board. Rapp then clarified that the DA's supplement is set by the voters through the charter, not by the board.

Ann Porter asked what portion of the DA's salary is paid by the county. Kelly Bacon, of the District Attorney's Office, clarified that the salary is not tied to any formula.

Marcia Pry asked how the auditor's salary is set. Porter explained that the auditor's salary is 4/5th's of a district court judge's salary.

McCain stated that the Oregon Constitution, Article Six, prohibits changing the district attorney's responsibilities and compensation. McCain asked if there a history of the county's contribution to the DA's salary. Roberts explained that ORS 8.830 states that the board of county commissioners may pay such additional amounts as will properly compensate the district attorney and his staff.

Johnson stated that the auditor's salary was adopted by the voters and therefore he suggested that the auditor's salary not be changed and that all remaining elected officials' salaries be set at 4/5ths of a district court judge's salary.

Norr agreed that no changes should be made to the auditor's salary. Norr then moved to adopt language to permit the county commissioners to set their own salaries and the county supplement to the district attorney's salary and delete charter Section 4.30.

Florence Bancroft's suggestion that the commissioners' salaries and DA's salary be voted on separately was accepted as a friendly amendment.

Casey Short stated that he does not find a reference to the DA's salary in the charter. Mark Johnson responded that Section 4.30 states that the compensation of all elected officials in Multnomah County shall be fixed by the registered voters at a primary or general election only. Johnson explained that includes the county's portion of the DA's salary. Dick Roberts agreed.

Johnson stated that he is in favor of having the board of commissioners set all salaries of elected officials in the county.

Dick Roberts stated that the Oregon Constitution states that except as expressly provided in general law, the county charter shall not effect compensation for district attorneys. Roberts asked for additional time to research this issue.

The committee decided to vote on the motion at this time with the decision contingent upon the response from Roberts.

The motion to have the county's portion of the district attorney's salary set by the board of county commissioners passed unanimously.

Johnson stated that he is in favor of having the commissioners' salaries be 4/5th's of a district court judge's salary.

Casey Short disagreed and stated that if passed, the board members would receive over a \$25,0000 annual increase. Short stated that while the commissioners have been underpaid, he feels this is too much of an increase. Short went on to state that he supports having the commissioners responsible for setting their own salaries.

Bancroft agreed with Short and stated that she feels it is more cost-effective to have the board of commissioners responsible for their own salaries.

McCain stated that by deleting Section 4.30 there would be no salary commission. McCain asked why the committee should abolish a citizen commission. Ann Porter responded that the salary commission has attempted on four occasions to pass salary increases for elected officials and each has failed. Porter stated that this method for raising salaries has not proven successful.

Nicholas Teeny stated that a measure to reduce the county commissioners to part-time would have a better chance of passing.

Monica Little agreed and went on to state that there is no limitation currently that requires the commissioners to work full-time. Bill Rapp supported Little's statement.

Little went on to state that any measure to increase the salaries of the county commissioners is going to fail. Little stated that some of the other measures proposed by the committee also involve a spending increase.

The motion to have the county commissioners set their own salaries failed 4-7 with Casey Short, Florence Bancroft, Marcia Pry and Paul Norr in favor. Ann Porter, Mark Johnson, Lana Butterfield, Monica Little, Nicholas Teeny, David Chambers and La Velle Vanden Berg opposed the motion. Bruce McCain abstained.

Marcia Pry stated that she feels the committee should not be involved in the salaries of the board of commissioners.

La Velle Vanden Berg asked if the salary commission can present a measure to increase the salaries of the board of commissioners in the future.

Norr stated that by having Section 4.30 deleted from the charter the commissioners will automatically be allowed to determine their own salaries.

Vanden Berg stated that she did not understand that the motion deleted Section 4.30.

David Chambers suggested setting the county commissioners' salaries at 1/2 of a district court judge's salary. Chambers explained that while it would be a nominal salary decrease it would allow their salaries to increase as the salary of a district court judge's salary increases.

Mark Johnson stated that he is distressed that the committee is moving away from the issue of increasing the salaries of the board of county commissioners.

McCain stated that his abstention from voting on the motion was due to the elimination of the salary commission. McCain recommended retention of the salary commission in some form. He said that this would retain citizen involvement.

Short stated that it should be the responsibility of the elected officials to set salaries, including their own. He approved of McCain's recommendation regarding the salary commission.

Norr stated that he would accept a salary commission appointed by the auditor.

Ann Porter expressed her approval of the salary commission recommendation but stated that she did not want to rewrite the entire salary commission provision.

Florence Bancroft moved that the salary commission make recommendations only to the board concerning the salaries of the board of county commissioners; the board will actually set its own salaries. The motion was seconded by Marcia Pry.

Roberts asked what happens after the commission makes its recommendation to the board.

Marcia Pry stated that the motion to have the board of county commissioners set their own salaries was just defeated. Pry asked if including a provision to have a salary commission involved in the salary issue would change committee members' votes.

McCain stated that he would vote in favor of the motion with the salary commission provision added.

Monica Little stated that she would be voting against the measure.

Casey Short's suggestion that while the board would not be bound to the recommendations of the salary commission, the board could not approve salaries higher than the recommendations of the salary commission, was accepted as a friendly amendment.

Short recommended that the salary commission meet annually. This suggestion was not approved by the committee.

The motion to have the salary commission make recommendations to the board for salaries for the board of county commissioners with the requirement that the board may not exceed the amount recommended by the salary commission passed 9-3. Ann Porter, Mark Johnson, Florence Bancroft, Lana Butterfield, Bruce McCain, Paul Norr, Marcia Pry, Casey Short and La Velle Vanden Berg voted in favor of the motion. David Chambers, Monica Little and Nicholas Teeny were opposed.

Work Session on Language Requiring an Automatic Charter Review at Eight Year Intervals.

Dick Roberts began discussion by explaining that there are two separate ballot measures. Roberts explained that Exhibit 6 would require the charter review committee to meet in 1997 and Exhibit 7 would require the charter review committee to meet every eight years.

Mark Johnson moved to adopt Exhibit 6 as written. Florence Bancroft seconded the motion.

Casey Short asked if both measures are needed. Roberts explained that if both measures were combined into one measure and that measure failed there would be no charter review committee at all, even in 1997.

La Velle Vanden Berg stated that she recommends that the committee only adopt Exhibit 6; meetings after 1997 should be the choice of the next charter review committee.

Bruce McCain suggested using the word "continued" rather than "created" in the ballot measure question.

Johnson stated that the word "continued" implies an ongoing committee rather than a new committee.

Roberts suggested using the word "convened" rather than "created."

The motion to adopt Exhibit 6 with the substitution of the word "convened" for "created" passed 11-1 with David Chambers opposed.

Florence Bancroft moved that the motion on May 9, 1990 requiring the charter review committee to meet every eight years be reconsidered. The motion to reconsider was seconded by Marcia Pry.

Bancroft stated that the next charter review committee should be allowed to decide when the following charter review committees should meet.

McCain agreed and added that the next charter review committee will have the opportunity to review the minutes from this committee which will provide it with some direction as to length of time between committees.

Johnson stated that the original purpose of the continuing charter review was to preserve the process. Johnson explained that the current charter does not allow for a continuing charter committee.

La Velle Vanden Berg argued that the last charter review committee did not feel it was necessary to provide for a continuing committee.

The motion to reconsider the motion establishing a charter review committee every eight years starting in 1997 passed 10-2. Ann Porter, Florence Bancroft, Lana Butterfield, David Chambers, Bruce McCain, Paul Norr, Marcia Pry, Casey Short, Nicholas Teeny and La Velle Vanden Berg voted in favor. Mark Johnson and Monica Little opposed the motion.

The motion to require the charter review committee to convene every eight years starting in 1997 failed 3-9. Monica Little, Mark Johnson and Paul Norr voted in favor of the motion. Ann Porter, Florence Bancroft, David Chambers, Lana Butterfield, Bruce McCain, Casey Short, Nicholas Teeny and La Velle Vanden Berg were opposed.

ADDITIONAL BUSINESS:

Bill Rapp stated that next committee meeting will be on July 11, 1990. Rapp added that the meeting originally scheduled on July 25th will be on July 18.

Paul Norr stated that at the last meeting the duties of the county manager were discussed in relation to the county counsel. Norr stated that county counsel should be responsible to the board and the county rather than the county manager. Norr went on to state that language should be included in the county manager section of the charter to state that county counsel is hired and fired by the board of commissioners rather than the county manager.

Monica Little stated that Jack Horner explained at the last meeting that the relationship between legal counsel and the county manager is determined at the time of appointment of the county manager. Bill Rapp agreed.

Casey Short agreed with Norr that county counsel should be responsible to the board. Short asked who hires deputy county counsels.

Norr reiterated that this issue needs to be addressed in the charter.

The committee decided that Dick Roberts would draft a provision to be included in the new county manager section of the charter to address accountability of county counsel.

The meeting adjourned at 8:50 p.m.

MULTNOMAH COUNTY
CHARTER REVIEW COMMITTEE
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June 11, 1990

MEMORANDUM

TO: Multnomah County Charter Review Commission

FROM: Richard D. Roberts, Lindsay, Hart, Neil & Weigler

RE: Charter Amendments and Ballot Measures

Attached as Exhibits 5 through 7 and E through G are ballot measures and charter amendments measures to be reviewed at the meeting this Wednesday, June 13, 1990.

EXHIBIT 5
BALLOT MEASURE

TITLE:

Multnomah County Charter Review Committee's
Recommendation: salaries.

QUESTION:

Shall the County Charter be amended to establish the salaries of elective officials at four-fifths the salary of district court judges?

STATEMENT OF PURPOSE:

If this measure is approved, the County Charter will be amended to repeal Section 4.30 of the County Charter which requires County voters to approve the compensation of elected officials. This measure establishes the salaries of elective officials at an amount equal to four-fifths the salary of a district court judge.

EXHIBIT E

4.30 COMPENSATION. [Except as provided in Section 8.10(2), the compensation of all holders of elective office of Multnomah County shall be fixed by the registered voters of Multnomah County at a Primary or General Election only. The auditor shall appoint a five member salary commission, composed of qualified people with personnel experience, by January 1, 1986, and by January 1 in each even year thereafter. The commission's salary adjustment recommendations, if any, for elected officials shall be submitted to the voters at each subsequent primary election. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.]

The salaried compensation of each elective County official under this Charter shall, commencing July 1, 1991, be established and thereafter maintained at an amount equal to four-fifths (4/5ths) of the salary of a judge for a district court for the State of Oregon.

8.10 AUDITOR.

- (1) The office of County Auditor is hereby established.
- (2) At the general November election in 1966 and at the general November election every four years thereafter an Auditor shall be elected. A candidate for auditor shall be a certified public accountant or a certified internal auditor as of the date of filing for office, subject to the following provision. For the 1990 elections only, if a person is not a certified public accountant or certified internal auditor at the time of filing for office, the person elected or appointed to the office must obtain such certification not later than one year after taking office. The office of auditor shall become vacant when the person serving as auditor ceases to be certified. [Effective upon certification, the salary of the Auditor shall be four-fifths of a District Court Judge's salary.]
- (3) The Auditor shall conduct internal audits of all county operations and financial affairs and make reports thereof to the Board of County Commissioners according to generally accepted government auditing standards.

The Chair of the Board of Commissioners or the responsible elected official shall respond in writing to all internal audit reports stating what actions have been or will be taken to address the findings contained

in the audit. The written response shall be made to the Board and the Auditor in the manner and time frame requested by the Auditor.

- (4) The Board shall retain each report of the Auditor and each response as a public record for at least three years after receiving the report and response.

EXHIBIT 6

BALLOT MEASURE

TITLE:

Multnomah County Charter Review Committee's
Recommendation: 1997 Charter Review Committee.

QUESTION:

Shall a Charter Review Committee be ^{convinced} created to
recommend Charter changes to the voters at the 1998 elections?

STATEMENT OF PURPOSE:

If this measure is approved, the County Charter will be
amended to provide for the appointment of another Charter Review
Committee in 1997 which will prepare recommendations to be
submitted to the voters at the 1998 primary or general election.

*- use ~~not~~ continuation
rather than re: i
continuation.*

EXHIBIT F

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voters within Multnomah County. The Committee shall choose their chairperson from among themselves and shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state Senate district located in Multnomah County shall appoint the electors for the district. Appointees shall reside in the district and Multnomah County. If the three appointers from any Senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.
- (3) If two electors are appointed from a Senate district, they shall not be registered in the same political party.
- (4) The following persons are not eligible for appointment to the Committee: the state senators and state representatives who represent districts located in Multnomah County, the members of the Multnomah County Board of Commissioners, and the chair of the Board of Commissioners, if any, serving at the time of appointment.
- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the senate district from which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than June 30, [1989] 1997.

12.60 REPORT OF COMMITTEE. At least ninety-five days prior to the primary or general election or both of [1990] 1998, the Committee shall report to the people and to the Board of County Commissioners their findings, conclusions, and recommendations including any amendments they propose to the Charter.

12.70 SUBMISSION OF AMENDMENTS TO THE PEOPLE. All amendments proposed by the Committee shall be submitted to the people of Multnomah County at the [1990] 1998 primary or general election, or both.

EXHIBIT 7

BALLOT MEASURE

TITLE:

Multnomah County Charter Review Committee's
Recommendation: Continuous Charter Review Committee.

QUESTION:

Shall the Charter be amended to require creation of a
Charter Review Committee every eight years starting in 1997?

STATEMENT OF PURPOSE:

If this measure is approved, the County Charter will be
amended to require appointment of another Charter Review
Committee in 1997 and each eight years thereafter. Committee
recommendations would be placed on the 1998 primary or general
elections and the primary or general elections each eight years
thereafter.

EXHIBIT G

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voters within Multnomah County. The Committee shall choose their chairperson from among themselves and shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state Senate district located in Multnomah County shall appoint the electors for the district. Appointees shall reside in the district and Multnomah County. If the three appointers from any Senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.
- (3) If two electors are appointed from a Senate district, they shall not be registered in the same political party.
- (4) The following persons are not eligible for appointment to the Committee: the state senators and state representatives who represent districts located in Multnomah County, the members of the Multnomah County Board of Commissioners, and the chair of the Board of Commissioners, if any, serving at the time of appointment.
- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the senate district from which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than June 30, [1989] 1987 and June 30 of each eighth year thereafter.

12.60 REPORT OF COMMITTEE. At least ninety-five days prior to the primary or general election or both of [1990] 1998 and the primary or general elections of each eighth year thereafter, the Committee shall report to the people and to the Board of County Commissioners their findings, conclusions, and recommendations including any amendments they propose to the Charter.

12.70 SUBMISSION OF AMENDMENTS TO THE PEOPLE. All amendments proposed by the Committee shall be submitted to the people of Multnomah County at the [1990] 1998 primary or general elections or both, and the primary or general elections of each eighth year thereafter.



MICHAEL D. SCHRUNK, District Attorney for Multnomah County

600 County Courthouse • Portland, Oregon 97204 • (503) 248-3162 • FAX (503) 248-3643

MEMORANDUM

TO: Ann Porter, Chair
Multnomah County Charter Review Committee

FROM: Michael D. Schrunk
District Attorney *Mike Schrunk*

DATE: June 13, 1990

SUBJECT: Multnomah County Sheriff's Salary

I would like to take this opportunity to support any effort on the part of the Charter Committee to ameliorate the salary situation with respect to the Multnomah County Sheriff. I want to confine my comments to the Sheriff's position simply because it is an executive position, one with which I am much more familiar, and it requires the incumbent to possess very specific qualifications for eligibility. Legislative positions such as the County Commissioners are more difficult to assess and subject to other factors. The responsibilities of a person who holds the position of Multnomah County Sheriff are very clear, easier to describe, and encompass traditional administrative responsibilities. Because of these qualifications and duties, I believe that the Sheriff ought to be compensated as best as practicable at a level commensurate with those requirements. At the present time, that is not the case.

I think the Committee should keep in mind two very simple facts. One, on a daily basis Sheriff Skipper is responsible for managing the affairs and activities of individuals who are paid more than he; and two, the position of Sheriff, the largest in the state, is not the highest paid. Wage compression and salary disparity can have an insidious and demoralizing effect over time, and I applaud whatever efforts the Committee may make to avoid a continuation of this situation.

KB:je

SHERIFF'S SALARY

1. Should the Sheriff's Salary be set per State Law?

County Counsel had submitted appropriate wording.

2. Should the Sheriff's Salary be set in the same method as other County Department Heads?

The Sheriff and District Attorney are Department Heads, although elected vs. appointed.

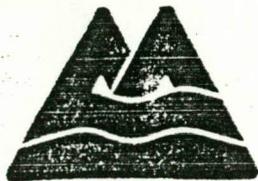
3. Should the Sheriff receive the same annual salary as the District Attorney's total salary?

While the District Attorney has not received a county pay raise for the last 9 years (25% of salary) he does receive 75% of his from the State, so he therefore, has continued to escalate his salary.

I also ask that you separate elected officials salaries.

The District Attorney, The Auditor, The Sheriff, The Chair of the Board, and the four County Commissioners are all different positions and should be dealt with separately.

RGS/ASOA344



MULTNOMAH COUNTY OREGON

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BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY

M E M O R A N D U M

TO: Robert G. Skipper
Sheriff (313/105)

FROM: Larry Kressel (LK)
County Counsel (106/1530)

DATE: February 15, 1990

RE: Sheriff's Salary; draft charter
amendments

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
ARMINDA J BROWN
ASSISTANTS
JOHN L DU BAY
SANDRA N DUFFY
J MICHAEL DOYLE
H H LAZENBY JR
PAUL G MACKAY
MARK B WILLIAMS

You have asked me to draft charter amendments that would set the sheriff's salary in accord with ORS 204.112(4). I enclose a draft.

Note the two alternatives for amending Section 6.50(2). The second is more specific. Most of it tracks ORS 204.112(4).

I've set this up on the assumption you plan to propose it to the Charter Review Commission. If you want to instead put it on the board agenda for direct referral to the voters, let me know. (Some form changes will be required.)

LATTY.82/mw
Encl.

New language is underlined;
[bracketed] language is deleted.

Amendment No. 1. Section 4.30 of the Charter is amended to read:

4.30 COMPENSATION

Except as provided in Section 6.50(2) and Section 8.10(2) the compensation of all holders of elective office of Multnomah County shall be fixed by the registered voters of Multnomah County at a Primary or General Election only. The auditor shall appoint a five member salary commission, composed of qualified people with personnel experience, by January 1, 1986, and by January 1 in each even year thereafter. The commission's salary adjustment recommendations, if any, for elected officials shall be submitted to the voters at each subsequent primary election. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

Amendment No. 2: Section 6.50(2) of the Charter is amended to read:

(2) The salary for the sheriff shall be as provided under state law.

[Alternate language]

(2) The salary for the sheriff shall be fixed by the Board of County Commissioners in an amount which is not less than that for any member of the sheriff's department.

(2) Before entering upon any office listed in ORS 204.005, the person elected must qualify by filing with the county clerk of the county in which the person is elected the person's certificate of election, with an oath of office indorsed thereon, and subscribed by the elected person, to the effect that the person will support the Constitution of the United States and of this state, and faithfully carry out the office being assumed. The person shall also give and file the undertaking provided for under subsection (3) of this section.

(3) A county governing body may require, by ordinance, for the filing by each officer under ORS 204.005 of an official undertaking in a reasonable amount with the county governing body, with such surety as the governing body determines necessary, prior to that officer assuming office. [Amended by 1981 c.41 §1; 1983 c.327 §15]

204.025 [Repealed by 1981 c.41 §3]

204.030 [Amended by 1965 c.221 §22; repealed by 1981 c.41 §3]

204.035 [Amended by 1953 c.306 §17; repealed by 1981 c.41 §3]

204.040 [Repealed by 1981 c.41 §3]

204.045 [Repealed by 1971 c.65 §8]

204.050 [Repealed by 1981 c.41 §3]

204.055 [Repealed by 1981 c.41 §3]

204.060 [Repealed by 1981 c.41 §3]

204.065 Appointment of county judge pro tem. Whenever because of illness or injury an elected county judge is incapacitated and unable to perform the duties of office, and such facts are made to appear by the affidavit of one or more physicians, licensed to practice in this state, filed in the office of the Secretary of State, the Governor shall appoint some competent and qualified person county judge pro tem, who shall serve until the termination of the incapacity of the elected county judge has been evidenced in the same manner as the incapacity was originally evidenced, or until the expiration of the term of office, whichever shall first occur, or until the appointment may be revoked for cause by the Governor. Such appointment shall not vacate the office of the elected county judge nor discontinue the salary of the elected county judge.

204.070 Oath of judge pro tem. Before entering upon the performance of the duties of county judge pro tem, the appointee shall subscribe and file in the office of the county clerk the same oath of office required of an elected county judge.

204.075 Compensation of judge pro tem. A county judge pro tem shall receive from the county compensation for services at the same rate and in the same manner as the elected county judge.

COMPENSATION OF COUNTY OFFICERS, DEPUTIES AND OTHER EMPLOYEES

204.101 [1953 c.306 §1; 1965 c.89 §1; repealed by 1981 c.45 §4]

204.105 [Repealed by 1953 c.306 §18]

204.110 [Repealed by 1953 c.306 §18]

204.111 [1953 c.306 §5; repealed by 1981 c.48 §8]

204.112 County compensation board; members; compensation review and recommendations. (1) Each county governing body shall appoint a county compensation board. A county compensation board shall consist of from three to five members, who are knowledgeable in personnel and compensation management.

(2) The county compensation board shall annually recommend a compensation schedule for the county elective officers mentioned in ORS 204.005.

(3) The county compensation board shall annually review the compensation paid to persons comparably employed by the State of Oregon, local public bodies and private businesses within a labor market deemed appropriate by the board for each elective officer. The county compensation board shall take into account such factors as the number of employees supervised and the size of the budget administered by each elective officer, the duties and responsibilities of each elective officer, and the compensation paid to subordinates and other appointed employees who serve in positions of comparable management responsibility. The county compensation board shall prepare and approve by majority vote a recommended compensation schedule for the elective officers and shall submit the recommended compensation schedule to the county governing body.

(4) Notwithstanding subsections (1) to (3) of this section, the sheriff's salary shall be fixed in an amount which is not less than that for any member of the sheriff's department. [1959 c.941 §1]

204.115 [Repealed by 1953 c.306 §18]

204.116 Compensation of county officers, deputies and employees to be fixed by county governing body; disposition of fees. (1) Except as otherwise provided by law, the governing body of each county shall fix the compensation of its own members and of every other county officer, deputy and employee when the compensation of such individuals is paid from county funds.

(2) Except for compensation fixed under subsection (1) of this section and except as otherwise determined by the governing body of the county, any commission, fees or other moneys received by a county officer, deputy

FUND: 100 GENERAL
ORGANIZATION: 9305 CHARTER COMMISSION

AGENCY: 050 NON DEPT

OBJECT CODE-DESCRIPTION	CURRENT PERIOD			FISCAL YEAR-M-DATE			CURRENT BUDGETED AMOUNT	UNOBLIGATED BUDGET BALANCE	PCT UNSPENT	PCT UNOBLI
	ENCUMBRANCES	EXPENDITURES	TOTAL OBLIGATIONS	ENCUMBRANCES	EXPENDITURES	TOTAL OBLIGATIONS				
5100 PERMANENT	0.00	0.00	0.00	0.00	792.00	792.00		792.00-	.0	.0
5200 TEMPORARY	0.00	2,723.20	2,723.20	0.00	22,398.00	22,398.00	28,396	5,998.00	21.1	21.1
5500 FRINGE BNFTS	0.00	600.86	600.86	0.00	2,548.88	2,548.88	4,684	2,135.12	45.5	45.5
5550 INS BENEFITS	0.00	68.08	68.08	0.00	656.01	656.01	710	53.99	7.6	7.6
SUB TOTAL	0.00	3,392.14	3,392.14	0.00	26,394.89	26,394.89	33,790	7,395.11	21.8	21.8
6060 PASS-THRU	0.00	0.00	0.00	0.00	0.00	0.00	1,909	1,909.00	100.0	100.0
6110 PROF SVCS	815.00-	815.00	0.00	1,556.50	1,607.04	3,163.54	3,091	72.54-	48.0	2.3-
6120 PRINTING	0.00	178.36	178.36	0.00	579.65	579.65	600	20.35	3.3	3.3
6170 RENTALS	0.00	0.00	0.00	0.00	680.00	680.00	850	170.00	20.0	20.0
6200 POSTAGE	0.00	195.85	195.85	0.00	1,055.84	1,055.84	500	555.84-	111.1-	111.1-
6230 SUPPLIES	0.00	9.39	9.39	0.00	440.88	440.88	1,000	559.12	55.9	55.9
6330 TRAVEL	0.00	0.00	0.00	0.00	30.95	30.95		30.95-	.0	.0
6620 DUS/SUBSCR	0.00	0.00	0.00	0.00	10.00	10.00		10.00-	.0	.0
7150 TELEPHONE	0.00	81.44	81.44	0.00	1,844.63	1,844.63	1,100	744.63-	67.6-	67.6-
SUB TOTAL	815.00-	1,280.04	465.04	1,556.50	6,248.99	7,805.49	9,050	1,244.51	30.9	13.7
8400 EQUIPMENT	0.00	0.00	0.00	0.00	0.00	0.00	160	160.00	100.0	100.0
SUB TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	160	160.00	100.0	100.0
TOTAL ORGN 9305	815.00-	4,672.18	3,857.18	1,556.50	32,643.88	34,200.38	43,000	8,799.62	24.0	20.4

COMPENSATION OF ELECTED OFFICIALS

<u>Benefits</u>	<u>Comm.</u>	<u>Exec.</u>	<u>Auditor</u>	<u>Sheriff</u>	<u>D. A.</u>
Wrkrs Comp	\$1,660	\$2,150	\$1,660	\$2,290	\$ 549
Life Ins	63	82	63	87	20
Medical	2,461	2,461	2,461	2,461	2,461
Dental	540	540	540	540	540
FICA	2,550	3,303	2,550	3,519	843
PERS	<u>6,369</u>	<u>8,247</u>	<u>6,369</u>	<u>8,786</u>	<u>2,107</u>
TOTAL	<u>\$13,643</u>	<u>\$16,783</u>	<u>\$13,643</u>	<u>\$17,683</u>	<u>\$ 6,520</u>
Salary	33,346	43,180	*33,346	46,000	**11,032
TOTAL COMP	<u>\$46,989</u>	<u>\$59,963</u>	<u>\$46,989</u>	<u>\$63,683</u>	<u>\$17,552</u>

*Beginning in 1991, the salary for a certified auditor will rise to four-fifths of a District Court Judge's salary (\$54,079.97). District and Circuit Judges currently earn \$65,599.96 per year.

**This figure represents the county supplement to the District Attorney's salary. The state contributes \$56,190 for a total salary of \$67,222.

Actual - 4/5 - 52,479.96
3/5 - 39,359.97

3/12/90

Multnomah County, Oregon

To Bill

Date 5/11 Time 3:45

WHILE YOU WERE OUT

M. Kelley Bacon

of J

Phone 3105

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>

Message on D.A. salary -
is \$11,032 is set in
same manner. by vote.
sep. from commissioners, etc.
per Hank Miggins.

pd - 57



By;

AK

10.54/10.54

Q Is D's ~~salary~~ effected by § 4.30
with ^{resp} ~~attas~~ Sal Comm to set
all salaries.

If we decided to effia Sal
Comm + set all co. officials
salaries at X amt, that wd not
elide D.A.?

in - the u.s. - con co. have co.
§ 4.30 w.o. a vote of the people.

Apparently, most male except for
D.A. Accordy to Kelly Beca,
D.A.'s, office, T/C 5/14.