

8/23/89 Meeting

MULTNOMAH COUNTY HOME RULE CHARTER COMMITTEE

MEETING NOTICE

Wednesday August 23, 1989

7:00 p.m.

Conference Room A

14th Floor Portland Building

1120 S.W. 5th Avenue

A G E N D A

7:00 p.m.	Call to Order
7:05 p.m.	Review of Minutes
7:10 p.m.	Review of Any Correspondence
7:15 p.m.	Report from Rules Subcommittee
7:45 p.m.	Report from Personnel Subcommittee
8:15 p.m.	Other Matters
8:30 p.m.	Adjourn

MULTNOMAH COUNTY HOME RULE CHARTER REVIEW COMMITTEE
Minutes from the Wednesday August 23, 1989 Meeting

COMMITTEE MEMBERS PRESENT: Ann Porter, Marcia Pry, Nicholas Teeny, Mark Johnson, Monica Little, LaVelle VandenBerg, Liberty Lane, Casey Short, Lana Butterfield

OTHERS PRESENT: Commissioner Rick Bauman, Commissioner Gretchen Kafoury, Merlin Reynolds, Ron Goodman, Blanche Schroeder, Judy Phelan, Eugene Collins, Donna Peterson

1. The minutes from the last meeting were reviewed and approved.
2. The committee, upon request of the Chair, approved amending the agenda to allow for comments from Commissioners Bauman and Kafoury.
3. Commissioners Bauman and Kafoury suggested that there were problems regarding the timing of recommendations made by the Charter Review Committee with regard to the election of officials in November. Specifically, it would be illogical to have measures on the November ballot which could potentially modify or even abolish a county seat, when there will be candidates for those offices on the same ballot. To prevent these conflicting actions, it was suggested that the Committee develop a two track approach to their work plan. Any changes to county elected positions which the Committee wishes to place before the voters should be prepared in time for the March election. This would preclude campaigns for offices which the voters may decide should be appointed or abolished. There may be a problem in terms of the requirements of the Charter Review Committee with regard to general vs. primary elections but it was Commissioner Bauman's position that the matter of which election to use was discretionary on the part of the Committee. All other changes to be brought before the voters could be done on the November ballot. Commissioner Kafoury then announced that she will not run again for the District 2 seat on the Board of Commissioners.
4. A report from the Subcommittee on Rules and Procedures followed. The desire for a review of the open meeting law was stated. Discussion followed regarding the appropriate number of committee members for a quorum. The subcommittee suggested that a quorum should be 9 members. Concern was expressed that this number might be too high to finalize decisions if there were members who were not present at a meeting. A suggestion was made that 7 members should be sufficient to constitute a quorum. The objection to the lower number was that in a committee of 13 members, 7 constitutes a simple majority only and not a number which would indicate true consensus. There was unanimous approval by the committee to set the number for a quorum at 7.

5. It was unanimously approved that meetings would be held in accordance with Roberts Rules of Order to ensure unambiguous, common procedural grounds for both the committee and the public attending these meetings.

6. There was discussion on the role of the Chair with regard to voting. It was suggested that the Chair's role in meetings was to administer the meeting itself, participating only when a vote resulted in a tie. However, based on the idea that the committee is comprised of 13 co-equals, there was unanimous approval to allow the Chair to vote on all motions.

7. There was also unanimous approval to amend the rules regarding written financial statements to specify that these applied to the Committee itself and not to the individual members.

8. It was unanimously approved that the time frame for minutes and agendas to be sent to members should be 5 days prior to the next meeting.

9. It was also decided that a quorum would be required to change items scheduled on the agenda, although there was some desire to leave this to the discretion of the Chair.

10. Discussion ensued regarding the intent of the committee with regard to allowing public testimony. It was decided that the intent is to always allow public testimony. Discussion then turned to imposition of a time limit on individual testimony. The draft by the subcommittee had required a 3 minute limit. This was amended by unanimous approval to make time limits discretionary instead and if imposed, to exclude responses to members' questions from the limit.

11. It was unanimously approved that the Chair is the sole spokesperson for the committee unless the committee votes to designate a member to speak on its behalf and that only matters voted on by the committee should be addressed.

12. A motion to approve the rules as amended was tabled until the next report by the subcommittee when a final draft of the rules as amended can be presented.

13. The report by the subcommittee on Personnel followed. Copies of a proposed position description and list of required qualifications had been sent to the members for review. Some minor wording changes were made to clarify intent. The duty to perform research was qualified by including the phrase "as requested" to indicate that committee members would dictate what research was needed.

14. Much discussion surrounded the requirement for a law degree by the committee administrator. The subcommittee chair indicated that after much discussion with a prior review committee member, it had been decided that a legal background was indispensable

considering the nature of the Review Committee's function. It was finally decided that the position should require legal training, although not necessarily a law degree, but that computer and/or word processing skills would be listed only as desirable rather than required. These changes were adopted unanimously and the committee voted unanimously to have the ad placed in the Oregonian the next day.

15. The subcommittee chair stated that an ad had been prepared for the Oregonian listing a salary of \$25,000 for 11 months of work and with a deadline for the acceptance of resumes of 9/1/89. It was the hope of the subcommittee that, if approved by the full committee, interviews could begin on Monday, September 11 with a recommendation being made to the full committee at the next regularly scheduled meeting. Discussion followed about whether this would be a salary or a contract, whether benefits would be included and whether the administrator would be considered self-employed and thus, liable for the payment of taxes, etc. It was also mentioned that based on the idea of a contract that the committee might be held to the full \$25,000 whether or not the job lasted a full 11 months. It was finally decided that these issues needed to be researched more fully and clarified and that the ad would be qualified to read "up to \$25,000 and up to 11 months duration" to protect the committee's potential liability. A short discussion on the clerical position followed. It was suggested by the subcommittee that any clerical support should be hired on an hourly basis with a flexible schedule. An hourly rate of \$6 - \$6.75/hr. was recommended. It was determined that any decisions regarding the clerical position should be delayed until the administrator was hired so that person could be involved in the interviewing and hiring process.

16. The retention of legal counsel was discussed. Records indicate that the last review committee used a local firm that provided advice at a reduced cost of \$50/hr. and that it was hoped they would agree to the same this year as a public service. It was decided that the Chair should contact the firm. A recommendation was made that all meetings should be taped to prevent errors and omissions. It was also recommended that a word processor or computer be rented as the county is unable to provide this equipment.

17. It was noted that there does not appear to be any budget records from the last committee to use as the basis for an estimate for this committee's budget. Copies, supplies, postage, and salaries are the definite expenses which the committee can expect to be paid out of the \$43,000 budget. The county will supply office space, a telephone and furniture at no expense to the committee. After discussion, it was decided that the committee's work may extend into the next fiscal year by approximately two months and because of that, it may be possible to request some additional funding. It was suggested that rather than renting halls for any local meetings, the staff should investigate the possibility of finding locations which could be used for free.

18. Under other matters, LaVelle Vandenberg mentioned an August 12th editorial in the Oregonian. Blanche Schroeder from the Chamber of Commerce mentioned that there had been an editorial last year recommending a charter review. An employee of the Sheriff's office spoke and expressed his concerns regarding the Bauman-Kafoury suggestion of an expedited process. He mentioned that in terms of time and expense, the committee should consider the need for duplication of public hearings in a two-stage process before accepting the idea. The Chair, Ann Porter, also mentioned that she had received some concerns from a Department of Environmental Services-Vector Control employee which she would distribute to the other committee members for consideration.

The next meeting was scheduled for Wednesday, September 13, 1989. Due to the change in the original meeting schedule from Thursday to Wednesday evenings, a temporary room change will be required. The location of the next meeting will be in the Portland Building but the floor and room will be announced on the agenda. The meeting adjourned at 8:40 p.m.

RICK BAUMAN
Multnomah County Commissioner
District 3



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Portland, Oregon 97204
(503) 248-5217

To: Chairperson Porter and Members of the Multnomah County Charter Review Committee

From: Rick Bauman
Gretchen Kafoury

Re: Charter Review Commission's 1989-90 Workplan

Date: August 23, 1989

As you begin your important work of evaluating and preparing for the ballot recommended changes in the Multnomah County's Home Rule Charter, we are grateful for the opportunity to address you concerning certain options you have.

One major area of concern which you will need to address is which County positions should be elective. Options which have been discussed include reducing the number of County Commissioners, making the Sheriff an appointed position and replacing the County Chair with an appointed, professional manager.

Without discussing the merits of these or other potential changes, we would like to discuss the matter of the timing of your recommendations on these matters.

The 1990 election cycle offers an excellent opportunity to implement any changes of the types mentioned above which you might choose to recommend and the voters would approve. Both the office of County Chair and Sheriff are to be contested at next year's Primary (and if a run-off is needed) General Elections. Additionally, Commission District 2 will be vacated next year. Therefore, any option--an appointed sheriff, a three member commission, eliminating the office of County Chair, or others--can be implement without interrupting the terms of previously or concurrently elected officeholders, IF . . .

. . . IF, the Charter is changed before the May, 1990, Primary Election. There is an opportunity for this to occur--a March 28, 1990, election. This election date is likely to be used for an number of other potential election matters so the cost of exercising such an option would be minimal. You, however would have to move expeditiously to meet the timing requirements. Your recommendations would have to reach the County Commission by approximately December 20, 1989 for us to meet the December 27, 1989, deadline for referring items for that election date. If you were to focus your early efforts on these matters it seems this should not be a major difficulty.

Finally, the Charter states that the Charter Review Committee can referring changes to either the Primary or General Election. This does not prohibit, however, your referring matters, through the Board of County Commissioner, for consideration be the voters on other election dates. We have discussed this issue with all of our sister Commissioners and we assure you we will refer your recommendations to the voters, unamended, to any allowable election dates you might choose.

We urge your serious consideration of this matter and hope you choose to avail yourselves of this opportunity.

PROPOSED RULES OF OPERATION FOR 1989-1990
MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

I. Open Meeting Law

All business of the Committee shall be conducted in compliance with the statutory requirements for public meetings found in ORS 192.610 - 192.710.

The Committee may meet in closed or executive session when permitted by the state public meeting law.

II. Quorum

A quorum of the Committee for the purpose of transacting committee business shall be 7 members.

III. Majority Rule by Motion

The Committee is comprised of 13 co-equal members. The Committee can adopt a committee position, make any committee recommendation, delegate authority, or otherwise act, only by means of a motion passed with the approval of at least 7 members.

IV. Meeting and Motion Procedures

All motions shall be made and all meetings shall be conducted in accordance with Roberts Rules of Order.

V. Officers

The Committee shall have a Chairperson and a Vice-Chairperson with the following duties and responsibilities:

Chairperson

- A. Preside at all Committee meetings.
- B. Authorize and approve all expenditures and countersign all checks.
- C. Appoint the members of all subcommittees or task forces established by the Committee.
- D. Determine agenda items for Committee meetings consistent with these rules.
- E. The Chair shall have the right to vote on all motions.
- F. Provide a written financial statement of the County Charter Review Committee each month.

Vice-Chairperson

- A. Assume the duties of the Chair in the event the Chairperson is temporarily unavailable or unable to act.

Any permanent vacancy in either office shall be filled by an election of the Committee.

VI. Conduct of Meetings

A. Agendas

The Chairperson shall determine the agenda items 5 days before the next meeting (or as soon as practical if less than 5 days between meetings), and shall include on the agenda any item requested by any member.

for the next meeting
A copy of the agenda and minutes of the last meeting shall be sent to each member 5 days before each meeting, or as soon as practical if less than 5 days between meetings.

Any agenda item may be taken out of order at any time of any meeting with the approval of 7 members of the Committee.

B. Public Testimony

A time for oral public testimony shall be provided at each meeting of the Committee. Any member of the public may present testimony. Public testimony may be limited to 3 minutes per person per meeting. The time it takes to respond to questions of the members shall not count as part of the 3 minutes.

Written public testimony of any length may be submitted to the Committee.

C. Invited Testimony

The Committee may invite certain individuals or representatives of organizations to present information or opinions to the Committee, and in so doing may set a time limit for each such presentation. The time it takes to respond to questions of the members shall not count as part of the time limit.

VII. Spokespersons

The adopted minutes shall be the official record of Committee activity, and shall speak for themselves.

The Chairperson may speak on behalf of the Committee on all matters voted on by the Committee. No member may speak on behalf of the Committee on any matter not voted on by the Committee.

The Committee may designate a member to speak on behalf of the Committee on any particular matter, or if requested by any group or organization, may designate a member to speak at any particular function or meeting.

Any member may speak on his/her own behalf on any matter at any time.

VIII. Records

All Committee minutes, all written testimony submitted to the Committee, and all written financial statements provided by the Chairperson to the Committee shall be kept on file in a location made known to all interested parties.

IX. Amendments

These rules may be amended with the approval of 7 members of the Committee.