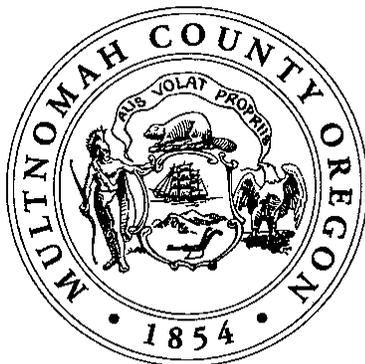


2010

***Report of the Multnomah County
Charter Review Committee***

June 24, 2010





CHARTER REVIEW COMMITTEE

MULTNOMAH COUNTY, OREGON

MEMBERS

Brian Wilson, Chair
Rob Milesnick, Vice Chair
Lora Creswick
Mark Garber
Jim Hennings
Nan Waller

Julie Young
Ed Blackburn
Jeffrey Dickey
Joe Gall
Tony Hopson
Patti Smith

June 24, 2010

Board of Commissioners
Multnomah County
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Commissioners:

Attached is the report to the people and to the Board of County Commissioners required by Multnomah County Home Rule Charter section 12.60. The report contains the Committee's findings, conclusions and recommendations including proposed amendments to the Charter.

The Committee began its work in October 2009 and held 13 public meetings. It made a comprehensive study of the Charter. It held public hearings in Commission Districts 3 and 4. Its record includes detailed minutes and other materials that have been filed with the Clerk of the Board. The Committee recommends six ballot measures proposing Charter amendments.

As it studied the issue of a library district, the Committee was approached about the possibility of expanding the library district concept to include arts and culture. While Committee members were unanimous in their support for arts and culture funding needs, they did not believe that it was within their authority or mission to refer such an expanded library/arts and culture district to the voters. However, Committee members encourage the Board of County Commissioners to continue discussions with arts and culture advocates and look for ways to be supportive of their needs into the future.

As it studied the issues relating to the Sheriff and authority over the jails, the Committee considered, at length, a number of ideas pertaining to the budget and whether the Charter could be amended to make clear the authority of the Chair over the implementation of the budget. Local Budget Law provides the controls necessary to implement an executive budget; the Committee believes amending the Charter to be superfluous, and perhaps counter-productive. Instead, the Committee encourages the Board of County Commissioners to work with the Sheriff, District Attorney and Auditor to foster the necessary trust and

respect to ensure the spirit and intent of the Board-approved budget is honored throughout the budget year.

As it studied the issues relating to the Salary Commission, Auditor Steve March requested the Committee explore having the Salary Commission set the Auditor's salary, which would require a change to the Charter. The Salary Commission is appointed by the Auditor, and has a distinguished reputation for performing its duties in a transparent and impartial manner. The Committee found no reason to tamper with the appointment process of this institution, and because of the conflict having the Auditor's salary set by a Commission he or she appoints, did not pursue the matter further. Nonetheless, the Committee respectfully submits that tying the Auditor's salary to four-fifths that of circuit court judges renders the Auditor's salary susceptible to political and budgetary concerns at the state level, and is therefore not reflective of the qualifications for and obligations of the Auditor's office in Multnomah County. The Committee requests the Board of County Commissioners devise a more suitable method of setting the Auditor's salary, and submit to the voters a measure that will amend the Charter accordingly.

The Committee thoroughly reviewed the current structure and future needs of the County. It offers this report to further the best interests of the people and government of Multnomah County.

Respectfully submitted,

CHARTER REVIEW COMMITTEE



Brian Wilson, Chair

Enclosure

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PART I

FINDINGS, CONCLUSIONS

AND

RECOMMENDATIONS

PRE-ELECTION RESIDENCY REQUIREMENT FOR ALL COUNTY ELECTED OFFICIALS

Committee Findings:

- a. The Multnomah County Home Rule Charter contains section 4.10 that relates to the qualifications to be a candidate for an elected position in Multnomah County.
- b. Section 4.10 was added to the Charter by voters in 1978 to impose a residency requirement to qualify to run for all elective offices of the County: candidates must be a qualified elector of the county (and in the case of commissioners, the district) for eighteen months immediately before taking office.
- c. Several members of the public proposed that the residency requirement be reduced, particularly for the offices of Sheriff and Auditor, in order to increase the pool of candidates for these offices.
- d. Many of the other home rule counties impose a one year residency requirement.
- e. Past Charter Review Committees have not studied the residency requirement.
- f. The Committee considered the Charter section and the information gathered by committee members and heard and read extensive testimony

Committee Conclusions:

1. Although the pre-election residency requirement may reduce the pool of candidates for an office, particularly for the offices of Auditor and Sheriff, the County has not experienced an election in which sufficient candidates were not willing to run for office.
2. No amendment to section 4.10 relating to the pre-election residency requirement for candidates for elected office should be referred to the ballot.

ELECTED VS. APPOINTED SHERIFF

Committee Findings:

- a. When home rule was established in Multnomah County, the Sheriff was an appointed position. An amendment by initiative petition was passed by voters in 1982 to make the position elected, and section 6.50 was added to the Charter.
- b. State law does not require sheriffs to be elected.
- c. Former Chair Ted Wheeler asked the Committee to consider a number of options related to the Sheriff, one of which was consideration of whether the office should be appointed or elected.
- d. All of the other counties in Oregon have elected sheriffs.
- e. The Committee considered the section and information gathered by committee members and heard and read extensive testimony.
- f. Testimony was overwhelmingly in favor of keeping the office of Sheriff an elected position in Multnomah County.

Committee Conclusions:

1. It is in the best interests of the County that the office of Sheriff remain an elected position.
2. No amendment to section 6.50 relating to the election of Sheriff should be referred to the ballot.

CHANGE REQUIREMENTS TO QUALIFY FOR OFFICE OF SHERIFF

Committee Findings:

- a. The Multnomah County Home Rule Charter contains section 6.50 that provides for an elective sheriff.
- a. State law provides for a number of qualifications that must be met for a person to qualify for election or appointment to the office of sheriff (ORS 206.015). State law does not require any corrections certification to qualify for sheriff.
- b. The Charter may impose additional qualifications for a person to qualify for election or appointment to the office of sheriff in Multnomah County.
- c. The Committee received several proposals to impose a corrections certification requirement to qualify for election or appointment to sheriff and to reduce the residency requirement to qualify to be a candidate.
- d. Current budget constrains on the state have caused it to curtail or suspend DPSST certification classes.
- e. Section 4.10 of the Charter requires that an elective officer of the county must have been a qualified elector of the county for a year and a half immediately before becoming such an officer.
- f. Several citizens asked the Committee to study whether the pre-election residency requirement of Sheriff should be reduced in time and/or expanded in territory.
- g. The Committee considered the sections and information gathered by committee members and heard and read extensive testimony.

Committee Conclusions:

- 1. Although a corrections certification is desirable for Multnomah County Sheriff, it is in the best interests of the County that no additional qualifications be required of its elected Sheriff at this time.
- 2. It is in the best interests of the County no change be made to the pre-election residency requirements for the office of Sheriff.
- 3. No amendment to section 6.50 relating to the qualifications of the office of Sheriff, or to section 4.10 relating to residency requirements for candidates for elected office as it applies to candidates for Sheriff should be referred to the ballot.

CHANGE OF AUTHORITY OVER OPERATIONS OF SHERIFF'S OFFICE

Committee Findings:

- a. The Multnomah County Home Rule Charter contains section 6.50(1) that provides for an elected sheriff for the function prescribed by state law and charged with sole administration of all county jails and correctional institutions.
- b. Multnomah County voters adopted section 6.50(1) in 1982 as the result of an initiative petition. Formerly, a Department of Public Safety combined authority over enforcement and corrections under an appointed sheriff.
- c. Former Chair Wheeler proposed a Charter amendment that would give the Chair and Commissioners more control over the operations of the jails by making the sheriff an appointed position, amending the charter to allow a department of corrections under the Chair, or providing for shared authority over operations.
- d. State law grants county Sheriffs certain specific authority, including authority over sworn personnel and inmates. The County does not have authority to alter state law.
- e. The Committee considered the section and information gathered by committee members and heard and read extensive testimony.

Committee Conclusions:

1. It is not in the best interests of the County to change the authority over operations of the Sheriff's office.
2. No amendment to Section 6.50(1) to allow a department of corrections under the Chair or provide for shared authority over operations should be referred to the ballot.

CHARTER REVIEW COMMITTEE

Committee Findings:

- a. The Multnomah County Home Rule Charter contains sections 12.30 and 12.40 that relate to the Charter Review Committee.
- b. Sections 12.30 and 12.40 were adopted by Multnomah County voters in 1977. The committee had 16 members appointed within 30 days by the state senator and state representatives for each senate district in county. Issues listed for consideration by the first committee included at large or single member district election of Commissioners, two or four year terms, method of choosing Board chair, and method of filling Board vacancies. A committee report to the Board was required 75 days before the 1978 general election.
- c. In 1978, Multnomah County voters amended the Charter to provide for the committee appointments to two electors who reside in the county from each senatorial district having the majority of its voters in the county. Appointments had to be made by June 30, 1983. The amendments also changed the scope of the committee review to the Charter and any issues relating thereto, including the role of the auditor. The committee report due date changed from 75 to 95 days before the general election.
- d. In 1984, Multnomah County voters added a committee member from each senatorial district having less than a majority of voters in the county. It required the report at least 95 days before the primary or general elections in 1990.
- e. In 1990, dates for the next Charter Review Committee were added requiring appointments by June 30, 1997, and the committee report and election in 1998.
- f. In 1998, the Charter was revised to require that the next committee be appointed by August 30, 2003, and that a committee will be appointed every six years thereafter.
- g. In 2009, the initial selection of the Charter Review Committee members did not comply with the Charter provisions, and the Committee was not able to begin its work until well into October.
- h. There is no uniformity in the way other home rule counties conduct their charter review process.
- i. The Committee studied the Charter Review selection process, how the 2009 selection process failed, and considered various options.

Committee Conclusions:

1. The Charter Review Committee serves an important function in county government: it provides a citizen review of the constitutionally-allowed chief governing document of the County.
2. The Chair of the Board of Commissioners, as the chief executive officer of the County, oversees the selection process.

3. The process of selection of the charter Review Committee set out in the Charter guarantees a committee that includes diversity of political affiliation and geography. The process is appropriate and should be maintained.
4. The selection process for the Charter Review Committee does not assure diversity of race, color, sex, age, religion, national origin, marital status, sexual orientation, gender identity, source of income, familial status, physical/mental disability, knowledge, education, experiences, skills, or points of view. It would be very difficult to impose a process of selection by state senators and representatives that would assure such diversity.
5. No amendment to Charter sections 12.30 and 12.40 relating to the process of selection of Charter Review Committee members should be referred to the ballot.

Committee Recommendations:

The Committee had discussion about the process and the timing and issues that arose when it was convened. It makes the following recommendations to the Chair and the Commissioners:

- Begin the process of selection earlier so that by August 30, the committee members may begin their work.
- Vigorously oversee the process of selection to make sure that all Charter requirements are met.
- Use public outreach and marketing not only to generate interest in serving on the Committee, but also to educate the public about the process and the importance of charter review.
- Recommend candidates to the senators and representatives who represent the diversity of the County, and maintain communication with them throughout the process.

MEASURE A TERM LIMITS

Committee Findings:

- a. At the May 18, 1982, election the voters adopted Charter section 6.50(3) which limited service to eight years of service.
- b. Section 6.50(3) was amended in 1984 to limit service to two full consecutive four-year terms in any one county elective office in any 12-year period. At the May 16, 2006, election, voters approved a housekeeping measure moving this subsection (3) from Section 6.50, Sheriff, to Section 4.20(2), Terms of Office as recommended by the 2003 Charter Review Committee.
- c. The two-term limit prohibits voters from deciding whether or not to retain a county elected official by preventing incumbents from being eligible for further service.
- d. Very few other Oregon county or city governments have adopted term limits.

Committee Conclusions:

1. The current limitation deprives the public of desirable experience and expertise in county government by forcing elected officials from office without a vote.
2. Requiring elected officials who are required to have specific licensing or certification, the auditor and sheriff, to serve no more than two terms limits the pool of candidates who are willing to serve the citizens of the County.
3. It is not appropriate to have different limits for some of the elected officials.
4. The voters should have the right to decide whether a candidate is the best person to fill the elected position regardless of how long he or she may have served in that position.
5. An amendment to repeal Charter provision 4.20(2) restricting elected officials to two full consecutive four-year terms in any one office should be referred to the voters.

Committee Recommendations:

Submit to the people of Multnomah County at the November 2, 2010 general election a measure repealing section 4.20(2), Ballot Measure A, Term Limits.

MEASURE B MIDTERM RESIGNATION

Committee Findings:

- a. At the May 18, 1982 election the voters adopted Charter section 6.50(4) which prohibits a county elected official from running for another elective office in midterm.
- b. If a county official files for another office the Charter declares it the same as a resignation. Only in the last year of a term may an official file for another office without it being treated as a resignation.
- c. No other Oregon county or city government treats filing for another office as a resignation.
- d. The current rule is unfair because officials of some county elected offices are affected more than other county officials depending on the cycles of their terms. Because Commissioners have staggered terms, some can run for Chair without resigning and some cannot.
- e. The current rule deprives the public of desirable experience and expertise in county government by forcing elected officials from office before the end of their terms.
- f. In March 1998, the County was left with only the Chair and one other commissioner to conduct county business due to hospitalization of one commissioner and the two other commissioners having to resign in order to run for other offices. The 1998 Charter Review Commission proposed and voters adopted Measure 26-80 that allows an interim to fill a vacancy in the office of commissioner. An interim only serves until someone is elected or appointed to fill the office.
- g. The current rule creates vacancies in elected offices and sometimes results in special elections to fill offices. This results in increased cost to the County.
- h. In 2004, voters failed to pass an amendment that would have repealed section 6.50(4).
- i. At the May 16, 2006, election, voters approved a housekeeping measure moving this subsection (4) from Section 6.50, Sheriff, to Section 4.20(3), Terms of Office as recommended by the 2003 Charter Review Committee.

Committee Conclusions:

1. It is in the best interest of the County to repeal the Charter provision requiring elected officials to resign if they file for another office.
2. An amendment repealing Section 4.20(3) should be referred to the voters.

Committee Recommendations:

Submit to the people of Multnomah County at the November 2, 2010 general election a measure repealing section 4.20(3), Ballot Measure B, Midterm Resignation.

MEASURE C SALARY COMMISSION

Committee Findings:

- a. The Multnomah County Home Rule Charter contains section 4.30 that relates to the compensation of the Chair and County Commissioners, and creates a salary commission.
- b. Section 4.30 was adopted by Multnomah County voters in 1982, and amended by the voters in 1984, 1986, 1989 and 1990.
- c. In 2004, Multnomah County voters amended Section 4.30 to require the five-member Salary Commission appointed by the auditor to set county chair and commissioner salaries.
- d. In 2005, by Resolution 05-169, the Board of Commissioners (Board) directed the Auditor to include the District Attorney's salary in future Salary Commission studies and recommend salary adjustments.
- e. In 2007, by Resolution 07-160, the Board directed the Auditor to include the Sheriff's salary in future Salary Commission studies and recommend salary adjustments.
- f. Auditor Steve March proposed an amendment to Charter Section 4.30 to include the salaries of the Sheriff, the Auditor and the County paid supplement to the District Attorney's salary, in the Salary Commission's charge.
- g. Currently the Charter charges the Auditor, an independent elected official, with the responsibility of appointing and convening the Salary Commission.
- h. There is no uniformity in the way other counties set the salaries of their elected officials.
- i. The Committee studied the Salary Commission recommendation and considered various options.

Committee Conclusions:

1. The Salary Commission serves an important and difficult function in county government: helping to determine salaries for elected officials.
2. The Salary Commission should continue to be appointed by an independent elected Auditor, whose salary is not set by the Commission.
3. The salary sections of the Charter should be amended at this time to require the Salary Commission to set the Sheriff and DA supplemental salaries.

Committee Recommendations:

Submit to the people of Multnomah County at the November 2, 2010, general election a measure amending sections 4.30 and 6.50, Ballot Measure C, Salary Commission.

MEASURE D VACANCY IN OFFICES CEASING TO RESIDE

Committee Findings:

- a. The Multnomah County Home Rule Charter contains section 4.40 that enumerates the causes for an elective office to become vacant. Subsection (1) (f) provides that if an incumbent ceases to reside within Multnomah County his or her office shall become vacant.
- b. In 1978, voters amended section 4.40 to add ceasing to reside in the County to the list causing an office to become vacant.
- c. Charter Section 3.10 provides that the County's four commissioners are elected from established districts. Section 4.10 requires candidates for commissioner to reside in their districts for 18 months prior to running for election.
- d. Several members of the public proposed that Commissioners should be required to remain in their districts throughout the term of their office.
- e. Past Charter Review Committees have not studied this issue.

Committee Conclusions:

Good government is served by requiring Commissioners to remain a resident of their district throughout their term of office as they serve their district's constituents.

Committee Recommendations:

Propose a Charter amendment that would add ceasing to reside in their district to the list causing an office to become vacant.

MEASURE E ELECTION TO FILL VACANCIES

Committee Findings:

- a. The original Charter that took effect in 1966 provided that the Board of Commissioners filled vacancies in county elected office.
- b. Section 4.50 was amended in 1976 to provide that vacancies in elected offices were filled by election rather than appointment by the Board.
- c. As the result of initiative petition, in 1977, voters again amended the provision such that filling vacancies of elected offices reverted to appointment by the Board of Commissioners.
- d. In 1984, the provision was again amended to provide that if more than one year remains in the term, the vacancy is filled at the next available election. If less than one year but 90 days or more remain, the Board appoints a person to fill the remaining term. If less than 90 days left in the term, the office remains vacant.
- e. Oregon statutes allow that a local government may hold elections on four dates: the second Tuesday in March; third Tuesday in May (state primary election date); third Tuesday in September; or first Tuesday after the first Monday in November (state general election date) unless the Board declares an emergency according to state procedures for doing so.
- f. Usually the primary and general election dates have multiple issues and jurisdictions that share the cost of the election. If a candidate does not receive a majority of the votes cast, a runoff election must take place at the next available election date.
- g. If the Board calls for an election on a date when no other matters are on the ballot, it must pay the entire cost of the election. That amount fluctuates somewhat (depending on the number of votes cast in the last general election) but is currently approximately \$430,000 for a county-wide election. It would be somewhat less for a commissioner race because only voters within the district would vote. If no candidate receives a majority of the votes cast, a runoff election must take place and an additional sum paid by the county.
- h. Other home rule counties fill vacancies by a number of different methods. None require a special election.

Committee Conclusions:

1. It is in the best interest of the County that Charter Section 4.50(1)(a) be amended to limit the election dates to fill a vacancy to the May and November elections.

Committee Recommendations:

Submit to the people of Multnomah County at the November 2, 2010, general election a measure amending section 4.50(1)(a), Ballot Measure E, Election to Fill Vacancies.

MEASURE F LIBRARY DISTRICT

Committee Findings:

- a. The Multnomah County Home Rule Charter does not contain any section regarding the Library.
- b. The Library is an administrative department of Multnomah County that was established in 1990.
- c. In 1996 a utility tax was considered and passed by the Board of Commissioners, but it was repealed before it was implemented.
- d. In 1996 voters approved a three year levy to fund the library.
- e. In 1997 Measure 5 cut the property tax rate and capped it at 3% growth each year based on assessed value. The 1996 levy was cut, capped and rolled into the County's permanent tax base general fund (fossil levy).
- f. In November 1997, voters passed a five-year library levy. It and the fossil levy from the County's general fund funded the library. Compression reduced the amount collected from the levy.
- g. In May 2002 voters approved renewal of the five-year levy, but a double majority requirement was not met. That November, the renewal five-year levy passed.
- h. In 2006, the voters approved renewal of the five year levy. That levy will expire in 2012.
- i. The serial levy is not a stable source of funding for the library because it requires voter approval every five years for the majority of the library system's funding. In addition, because it is funded by a serial levy, the library suffers greater reductions due to compression than it would if it were funded by a permanent tax rate.
- j. A Library District, with a permanent tax rate, would be less affected by compression. It would cause some revenue losses to other jurisdictions.
- k. The two state statutory methods available to form districts require consent from other jurisdictions located within the district. An effort to form a library district in 1987 failed because the Portland City Council voted against it.
- l. The Charter could be amended to provide another method for formation of a Library District with requirements that are specific to the Multnomah County Library.
- m. The Committee studied the Library subcommittee recommendation, took written and oral testimony, and considered various options.

Committee Conclusions:

1. The Multnomah County Library system is one of the most successful in the nation, winning national awards for its services.
2. The studies for stable funding for the Library have been ongoing for many years. A Charter District is the best alternative that has been proposed.
3. Although there are many competing needs for property tax dollars, the voters should be given the opportunity to choose their own priorities.
4. It is in the best interests of the County for a measure to be put to the voters that would amend the Charter to create a method of establishing a Library District unique to the needs of Multnomah County. If passed, the method would be available to the Board of Commissioners.

Committee Recommendations:

Propose a Charter amendment that authorizes the Board of Commissioners to place the formation of a Library District with a permanent tax rate before the voters.

PART II

RESOLUTION, PROPOSED BALLOT TITLES, EXPLANATORY STATEMENTS AND CHARTER TEXT

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Submitting To The Voters Charter Amendments Proposed By The County Charter Review Committee

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Home Rule Charter (Charter) creates a Charter Review Committee (Committee) and directs it to review the Charter and any issues relating thereto.
- b. The Charter requires the Committee to report to the people and the Board its findings, conclusions, and recommendations including any amendments proposed to the county charter.
- c. The Committee has concluded its review and submitted its report to the Board. The Committee recommends six separate measures amending the Charter for submission to the people of Multnomah County at the 2010 general election.
- d. The Charter requires all amendments proposed by the Committee to be submitted to the people of Multnomah County at the primary or general election.
- e. Under MCC 5.107(B), measures referred by the Board will be designated on the ballot as referred to the people by the Board.
- f. The Board wants to clearly inform voters that the Committee recommended these six measures.

The Multnomah County Board of Commissioners Resolves:

1. The six measures proposing amendments to the Charter recommended by the Committee shall be submitted to the people of Multnomah County at the November 2, 2010, general election.
2. The ballot titles, explanatory statements and changes to the language of the Charter for the six measures are attached as Exhibits A, B, C, D, E, and F.
3. The words "as recommended by the Multnomah County Charter Review Committee" shall be added to the ballot designations required by MCC 5.107(B). The designation for each measure shall read as follows:

"Referred to the People by the Board of County Commissioners as recommended by the Multnomah County Charter Review Committee."

4. The six measures, designations, ballot titles, explanatory statements and Charter text are certified to the Director of the Multnomah County Division of Elections (Director).
5. The Director shall publish these designations and include them in the county voters' pamphlet.
6. All measures approved by a majority of voters at the November 2, 2010, election shall take effect November 3, 2010.

ADOPTED this 8th day of July, 2010

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

BALLOT MEASURE A

CAPTION: County Term Limits.

QUESTION: Shall County Charter limit on voters' right to elect a person to more than two four-year terms be repealed?

STATEMENT: The Charter limits public service in county elective offices. No person can serve more than two consecutive four-year terms. Voters do not have the right to keep a person in office. The measure repeals Charter Section 4.20(2). It takes effect on November 3, 2010.

EXPLANATORY STATEMENT

This measure amends the Charter. It now limits a person to two full four-year terms in any one elective office in any 12-year period. Currently voters cannot decide to keep a county elected official in office beyond the two full terms.

The Charter Review Committee concluded that term limits cost the public experienced elected officials. Most other counties and cities do not have term limits.

The Charter Review Committee recommends this measure. It will repeal the county term limits.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure A – Repealing County Term Limits

(Language stricken is deleted; double underlined language is new.)

4.20. Terms Of Office; ~~Successive Terms~~; Running For Office in Midterm.

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following his or her election to the office and

(b) Shall continue four years.

~~——— (2) ——— Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.~~

-
(32) No elected official of Multnomah County may run for another office in midterm. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

BALLOT MEASURE B

- CAPTION:** Multnomah County Official Running for Office Midterm.
- QUESTION:** Shall County elected officials be allowed to run for another elective office in midterm?
- STATEMENT:** The measure amends the Charter. It allows county elected officials to file for another office without ending their current term of office. The Charter now treats filing as a resignation resulting in ending county elected terms, creating office vacancies and causing more elections to fill offices. The measure takes effect on November 3, 2010.

EXPLANATORY STATEMENT

The county Charter does not allow running for another elective office in midterm. If a county official files for another office, it is the same as a resignation. Only in the last year of the term may the official file for another office while continuing to serve in his or her current office. This limits public service in county elected offices, creates office vacancies and results in the cost of conducting more elections to fill offices.

The measure amends the Charter. This measure repeals the midterm ban and allows elected officials to file for another office without ending their current term. This measure will reduce the number of elections to fill offices.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure B - Repealing Running for Office in Midterm

(Language ~~stricken~~ is deleted; double underlined language is new.)

4.20. Terms Of Office; Successive Terms; ~~Running For Office in Midterm.~~

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following his or her election to the office and

(b) Shall continue four years.

(2) Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.

~~(3) No elected official of Multnomah County may run for another office in midterm. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.~~

BALLOT MEASURE C

CAPTION: Salary Commission

QUESTION: Should the Salary Commission set Sheriff's salary and District Attorney supplemental salary?

STATEMENT: The Charter now requires that the Board fix the Sheriff's salary and the Salary Commission set the chair and commissioner salaries. The auditor appoints the five-member Salary Commission. This measure amends the Charter to require the Salary Commission to set the county Sheriff and DA supplemental salary. It takes effect on November 3, 2010.

EXPLANATORY STATEMENT

This measure amends the salary sections of the Charter. The provisions now require that the Salary Commission set the chair and commissioner salaries, and the Board set the Sheriff's salary. The District Attorney is paid by the state, but the county may supplement the DA's salary. In the past, the Salary Commission included the Sheriff and DA in its studies and recommendations at the request of the Board of Commissioners.

The five-member salary commission is appointed by the auditor by January 1 of each even year. The Charter Review Committee believes it is appropriate for the Salary Commission to set the salary of the Sheriff and the county paid supplemental salary of the DA.

This measure will remove the authority of the Board to set the Sheriff's salary from the Charter. It will require the Salary Commission to set Sheriff and DA's salaries.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure C - Salary Commission

(Language stricken is deleted; double underlined language is new.)

4.30. Compensation Of The Chair ~~And~~ Commissioners, Sheriff and District Attorney.

The auditor shall appoint a five-member salary commission, composed of qualified human resource professionals with compensation experience, by January 1 of each even year. ~~The salary commission shall set the salaries for the chair of the board of county commissioners~~ ~~and the~~ county commissioners, sheriff and the county paid supplemental salary of the district attorney, documenting the basis of its decisions. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

6.50. Sheriff.

The people of Multnomah County shall elect:

~~(1)~~ A county sheriff for the function of said office as prescribed by state law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.

~~(2)~~ Notwithstanding any other charter provision to the contrary, 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 office.

BALLOT MEASURE D

CAPTION: Vacancy in Office

QUESTION: Should ceasing to reside in the district cause a vacancy in the office of county commissioner?

STATEMENT: The Charter now requires that candidates or appointees to a county commissioner position reside in the district for a year and a half immediately before becoming such a commissioner. A vacancy occurs in an elective office when the incumbent ceases to reside within Multnomah County. This measure amends the Charter to cause a vacancy in a county commissioner position upon the incumbent's ceasing to reside in the commissioner's district. It takes effect on November 3, 2010.

EXPLANATORY STATEMENT

This measure amends the cause of vacancy section of the Multnomah County Charter. It now causes an elective office to become vacant upon an incumbent's ceasing to reside within Multnomah County. Candidates or appointees to a county commissioner position must reside in the district for a year and a half before taking office.

The Charter Review Committee believes it is appropriate for county commissioners to remain residents of their district during their term of office and that ceasing to reside in their district should cause a vacancy in office.

This measure will add ceasing to reside within the district as a cause for vacancy of a county commissioner position.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure D - Vacancy in Office

(Language ~~stricken~~ is deleted; double underlined language is new.)

4.40. Vacancies -- Causes.

An elective office of the county shall become vacant:

- (1) Upon the incumbent's
 - (a) Death,
 - (b) Adjudicated incompetence,
 - (c) Conviction of a felony, other offense pertinent to his or her office, or unlawful destruction of public records,
 - (d) Resignation from the office,
 - (e) Recall from the office, ~~or~~
 - (f) Ceasing to reside within Multnomah County or, if a commissioner, within the commissioner district, or ~~inability~~
 - (g) Inability to obtain a corporate surety bond as required by section 4.10(2).
- (2) Upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for his or her term of office to commence; or
- (3) In the case of a member of the board of county commissioners, upon his or her absence
 - (a) From the county for 30 consecutive days without the consent of the board or
 - (b) From board meetings for 60 consecutive days without like consent.
- (4) In the case of the chair of the board of commissioners, upon his or her absence from the county for 30 consecutive days without the consent of the board.

BALLOT MEASURE E

CAPTION: Multnomah County Election to Fill Vacancies.

QUESTION: Shall election dates for vacancies be limited to the May and November elections?

STATEMENT: The measure amends the Charter. Currently an election must be held at the next available election date to fill a vacancy of a year or more in a county elective office. If no candidate receives a majority of the votes cast, the Board must call a special runoff election. The primary and general election dates in even-numbered years normally have multiple issues and jurisdictions that share the cost of the election. If the Board calls for an election on a date when no other matters are on the ballot, it must pay the entire cost of the election. This measure amends the Charter to limit the election dates for vacancies to the May or November elections. The measure takes effect on November 3, 2010.

EXPLANATORY STATEMENT

Oregon statutes allow that a local government may hold elections on four dates:

1. second Tuesday in March;
2. third Tuesday in May;
3. third Tuesday in September; or
4. first Tuesday after the first Monday in November.

The Charter now requires the Board to call an election to fill a vacancy on the next available election date, and if no candidate receives a majority of the votes cast, the Board must call a special runoff election.

Normally, other local governments share the cost of primary and general elections in even-numbered years. If the Board must call an election for a date when there are no other matters on the ballot, the county must pay the entire cost of the election.

This measure amends the Charter. It limits elections to fill vacancies to the May and November election dates. This measure may reduce County election costs.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure E - Election to Fill Vacancies

(Language ~~stricken~~ is deleted; double underlined language is new.)

4.50. Vacancies -- Filling.

(1) If a vacancy occurs in an elective office of the county and the term of office expires:

(a) One year or more after the vacancy occurs, then a person shall be elected at the next ~~available~~ May or November election date to fill the vacancy for the remainder of the term of office. If no candidate receives a majority of votes cast at that election, the board of county commissioners shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.

(b) Less than one year but 90 days or more after the vacancy occurs, then the board of county commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.

(c) Less than 90 days after the vacancy occurs, the vacancy shall not be filled.

(2) For purposes of this section 4.50, "term of office" means the term of office of the last person elected to the office which is vacant.

(3) In the event of a vacancy in an elective office, the board shall by ordinance prescribe procedures to designate an interim occupant of the office. The person so designated shall serve as acting chair, commissioner, sheriff or auditor, as the case may be, until the office is filled by election or appointment, as appropriate under section 4.50(1).

BALLOT MEASURE F

CAPTION: Multnomah County Library District

QUESTION: Should the County Charter allow the Board of County Commissioners to form a county library district by voter approval?

STATEMENT: This measure amends the Charter to allow the County to form a library district with requirements specific to the County. The library district would have the powers granted to districts and public libraries by state law and by the Charter, including imposing ad valorem property taxes to support its services. The Board of County Commissioners would be the governing body of the library district. The amendment would provide the method of forming the library district, its organization and management, and the process for giving voters notice and hearing. A separate election would be required to form the district. This district would be different from those formed by the two methods available under state law. It takes effect on November 3, 2010.

EXPLANATORY STATEMENT

The Library is a County Department funded by the general fund and a five year serial levy that expires in 2012. A serial levy is not a stable source of library funding. It requires voter approval every five years for the majority of the funding. In fiscal year 2009-2010, the levy provided 62% of the library's budgeted funding. A library district with a permanent tax rate would be a more stable funding source, but it would cause some revenue loss to other jurisdictions within the County. Under state law, the two methods to form a county library district require consent of other jurisdictions in the district before the Board may place the measure before voters. This measure would add a section to the Charter allowing the Board to set a county-specific method of library district formation.

Multnomah County library provides:

24/7 online access to information, learning resources, and the library catalog

- Each day more than 14,000 people visit the 19 libraries and there are more than 15,000 website visits.
- An average of 29.9 books are checked out every year for every man, woman, and child in the county.
- Library staff answers 1.9 million questions a year.

Programs for school age children, story hours for babies and toddlers, summer reading, literacy services for children in child care, homework help, programs for teens

- 62,000 kids participated in the Library's Summer Reading program in 2009, which includes over half of the county's elementary school children
- More than 300,000 people attend library programs and events for children and teens each year.

Book delivery to homebound seniors and nursing home residents

Library services for jobseekers, small business owners, and English language learners

Among US libraries serving fewer than 1 million residents, Multnomah County Library ranks No. 1 in annual circulation of books and materials, according to the 2009 Public Library Data Service Statistical Report.

The Charter Review Committee found that the Library provides important services to county residents and should have a stable funding source, and that the question of forming a Multnomah County Library District with a permanent tax rate should be decided by all voters within the County, without prior restriction or consent.

This measure would provide the County with another method of forming a Multnomah County Library District as determined by the Board of County Commissioners.

The measure will take effect November 3, 2010.

Text of Charter Amendment Adding New Chapter for Ballot Measure F - Multnomah County Library District

CHAPTER IX. LIBRARY DISTRICT

9.10 Formation.

(1) Upon the approval of a majority of the voters in Multnomah County, the Board of County Commissioners may establish a Multnomah County Library District. The Library District will be established as a municipal corporation. The Library District has the powers granted by this Charter, and those granted by state law to library districts and public libraries.

(2) The Board of County Commissioners will be the governing body of the Library District. The Board will appoint a district librarian.

(3) A majority of the Board of County Commissioners may initiate the formation of the district, to be located entirely within the county, by an order setting forth (a) the intention of the Board to initiate the formation of the Library District in accordance with this Charter provision, (b) the name and boundaries of the proposed Library District, and (c) the date, time and place of a public hearing on the proposal. The hearing may not be held less than 30 days or more than 50 days after the Board's proposal to establish the Library District. Notice of the hearing will be posted in at least three public places and published by two insertions in a newspaper.

9.20 Financing.

(1) The Library District may impose ad valorem property taxes sufficient to support its functions and services with a permanent rate limit for operating taxes approved by county voters

(2) The operating property, employees and debt associated with the Multnomah County Library may be transferred to the Library District pursuant to intergovernmental agreements. During the period of negotiation of the agreements, the Library District may be subsidized by the County. It will become financially independent from the County on a date no later than eighteen months following the voters' approval.

9.30 Advisory Board.

There will be a Library Advisory Board of 17 members, including two youth members. The members will be appointed by the Chair subject to approval by the Board of County Commissioners. The term of office for each Library Advisory Board member will be four years and begin on July 1 with the exception of the initial members. The initial members and their terms will be the members of the then current Library Board and their respective terms. No Library Advisory Board member may serve more than a total of two consecutive terms.