



Multnomah County Oregon

## Board of Commissioners & Agenda

*connecting citizens with information and services*

### BOARD OF COMMISSIONERS

#### Ted Wheeler, Chair

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Portland, Or 97214  
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**Americans with Disabilities Act Notice:** If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277, or the City/County Information Center TDD number (503) 823-6868, for information on available services and accessibility.

**JANUARY 5-8, 2009**

### BOARD MEETINGS

#### FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	12:00 p.m. Monday Swearing In Ceremony
Pg 2	9:30 a.m. Tuesday Work Session: FY 2009 Budget Overview of the Health Department
Pg 3	2:00 p.m. Tuesday Work Session: County Attorney Presentation
Pg 3	9:00 a.m. Wednesday Work Session: Health and Human Services Policy Panel
Pg 3	9:30 a.m. Thursday Appointment of 2009 Board of Commissioners Vice-Chair
Pg 4	9:30 a.m. Thursday Appointments to the Community Health Council
Pg 5	9:35 a.m. Thursday Columbia-Cascade River District Memorandum of Understanding
Pg 5	10:00 a.m. Thursday Transportation Division

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30  
Saturday, 10:00 AM, Channel 29  
Sunday, 11:00 AM, Channel 30  
Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media  
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or: <http://www.metroeast.org>

Monday, January 5, 2009 - 12:00 PM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **SWEARING IN CEREMONY**

Multnomah County Board of Commissioners Deborah Kafoury, Judy Shiprack and Diane McKeel extend a cordially invitation to their swearing in celebration Monday, January 5, 2009 at 12:00 noon in the Multnomah Building, First Floor Commissioners Boardroom, 501 SE Hawthorne, Portland. A reception will immediately follow the swearing in ceremony.

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Tuesday, January 6, 2009 - 7:30 AM to 9:30 AM  
Multnomah Building, Third Floor Conference Room 315  
501 SE Hawthorne Boulevard, Portland

## **LOCAL PUBLIC SAFETY COORDINATING COUNCIL EXECUTIVE COMMITTEE MEETING**

A quorum of the Multnomah County Board of Commissioners *may* be attending the Local Public Safety Coordinating Council Executive Committee meeting. This meeting is open to the public. For agenda topics and/or further information, contact LPSCC Executive Director Carol Wessinger at 503 988-5894.

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Tuesday, January 6, 2009 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD WORK SESSION**

WS-1 Fiscal Year 2009 Budget Overview of the Health Department. Presented by Lillian Shirley. 2.5 HOURS REQUESTED.

Tuesday, January 6, 2009 - **2:00 PM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD WORK SESSION**

WS-2 County Attorney Presentation on Legal Authority and Hierarchy, Governance, Public Meetings and Public Records Laws, Legal Requirements of Public Officials and Functions of the County Attorney's Office. Presented by Agnes Sowle. 2 HOURS REQUESTED.

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Wednesday, January 7, 2009 - **9:00 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD WORK SESSION**

WS-3 Health and Human Services Policy Panel: Prevention. Presented by Lillian Shirley and Joanne Fuller. 2 HOURS REQUESTED.

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Thursday, January 8, 2009 - **9:30 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

Appointment of Commissioner District 3 Judy Shiprack as Multnomah County Vice-Chair for the 2009 Calendar Year Pursuant to Section 3.60 of the Multnomah County Home Rule Charter

### **CONSENT CALENDAR - 9:30 AM** **DEPARTMENT OF COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to COVINGTON PLACE ROW HOMES ASSOCIATION INC.
- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to GEORGE R. & JOYCE G. LINGELBACH

- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to NANCY L. MONTEITH
- C-4 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owners Tong & Nang Thai Tang
- C-5 Approval of Auto Wrecker Certificate Renewal for Harold M. & Irma M Milne for Loop Hi-Way Towing, 28609 SE Orient Drive, Gresham, OR 97080

#### **DEPARTMENT OF COUNTY HUMAN SERVICES**

- C-6 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

#### **DEPARTMENT OF HEALTH**

- C-7 Budget Modification HD-08 Reclassifying 5 Positions within Various Divisions of the Health Department, as Determined by the Class/Comp Unit of Central Human Resources; and the Modification of FTE Between Various Other Positions
- C-8 Budget Modification HD-12 Reclassifying Twelve Positions within the Integrated Clinical Services Division of the Health Department, as Determined by the Class/Comp Unit of Central Human Resources

#### **REGULAR AGENDA**

#### **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

#### **NON-DEPARTMENTAL - 9:30 AM**

- R-1 Appointment of Dan Pierce and Reappointment of Bonnie Malone and Aron Stephens to the Community Health Council

**DEPARTMENT OF COMMUNITY SERVICES – 9:35 AM**

- R-2 Columbia-Cascade River District Memorandum of Understanding. Presented by Jane McFarland, Multnomah County Principal Planner and Rich Faith, City of Troutdale. 15 MINUTES REQUESTED.

**DISTRICT ATTORNEY'S OFFICE – 9:50 AM**

- R-3 BUDGET MODIFICATION DA-01 Appropriating \$44,717 in Edward Byrne Memorial Grant Dollars for Elder Abuse Investigative Services

**NON-DEPARTMENTAL - 10:00 AM**

- R-4 Multnomah County's Response to the Winter Storms in Late December 2008. Presented by Commissioner Diane McKeel, Department of Community Services, Road Services Personnel and Invited Others. 15 MINUTES REQUESTED.

**DEPARTMENT OF HEALTH – 10:15 AM**

- R-5 NOTICE OF INTENT to Submit a Grant Application to the National Association of Chronic Disease Directors "ACHIEVE" Grant Program
- R-6 Budget Modification HD-13 Appropriating \$670,115 in Grant Funding from the Centers for Disease Control and Prevention (CDC) and \$11,500 from the Oregon Association of Hospitals and Health Systems (OAHHS) to Support the Health Department's Regional Health System Emergency Preparedness Program

**DEPARTMENT OF COUNTY HUMAN SERVICES – 10:20 AM**

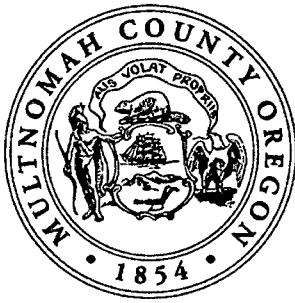
- R-7 NOTICE OF INTENT to Apply for a National Center for Injury Prevention and Control of the Centers for Disease Control (CDC) Research Grants for Preventing Violence and Violence-Related Injury
- R-8 NOTICE OF INTENT to Apply for United Way funding for Continuation of the Domestic Violence Enhanced Response Team (DVERT)

**COUNTY ATTORNEY'S OFFICE – 10:25 AM**

R-9 RESOLUTION Confirming the Interim Designations for Multnomah County Chair, Multnomah County Commissioner District 1, Multnomah County Commissioner District 3 and Multnomah County Commissioner District 4, in the Event of a Vacancy

**BOARD COMMENT**

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



# Ted Wheeler, Multnomah County Chair

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To: Board of County Commissioners  
Sheriff, District Attorney, Department Managers  
Budget Office  
Chair's Office  
Board Clerk

From: Ted Wheeler  
Jana McLellan  
Bill Farver

RE: Board Budget and Policy Discussions

Dr: January 5, 2009 REVISED (changes for 2-10 and 2-17)

This winter and spring promises to be one of the most challenging in recent memory. We are planning at this point to prepare an Executive Budget that reduces our ongoing expenditures (or increases revenue) by up to \$35 million. Traditionally, our briefing sessions with new Board members involve individual department background briefings. However, many of the issues the County will struggle with involve larger, cross departmental or cross jurisdictional questions.

Therefore, we have organized two sets of presentations for you in January and February. One will be department based. Each department will prepare an overview of their work, with special emphasis on the departmental-based challenges we will need to address as part of our budgeting work this spring.

The other will be panel discussions featuring broad, cross departmental issues. These will provide a systems context to the decisions we will help make within individual departments. The panel discussions will also include opportunities to discuss the state budget, revenue options, and employee compensation possibilities. The lead for each panel discussion will be responsible for inviting panel members and structuring the discussion.

The schedule below lists the dates and times of the departmental briefings and the panel discussions. Both of these sessions will be open to the public and you are encouraged to invite interested citizens to attend. While public testimony will not be a part of these discussions, our office will organize subsequent meetings to hear concerns and ideas from the communities and general public. The following is a list of the policy topics followed by a more complete description of the questions we will be addressing.

<b>DATE/ TIME</b>	<b>TOPIC / LEAD (Panel discussions in CAPS)</b>	<b>QUESTION(S) POSED</b>
<b>1-6 9:30 – noon</b>	<b>Health Department</b>  Lillian Shirley , Director	What are the core functions of the department? What are the most pressing policy concerns?
<b>1-6 2-4 pm</b>	<b>Governance and Charter</b>  Agnes Sowle, County Attorney	General overview of County legal authority and hierarchy, governance issues, public meetings and public records laws, ethics.
<b>1-7 9-11 am</b>	<b>PREVENTION</b>  Lillian Shirley , Health Dept. Director  Joanne Fuller, Human Services Dept. Director	In the midst of reductions, is prevention a philosophy that should still guide our decision making? How should it be defined for purposes of assisting decision makers? What are the most effective, evidence based prevention practices currently in use in Multnomah County? What is the extent of services covered under the SUN umbrella. What is the role of the SUN Council and SUN partners in the ongoing work of the SUN program?
<b>1-13 9- noon</b>	<b>Human Ser. Dept.</b>  Joanne Fuller, Director	What are the core functions of the department? What are the most pressing policy concerns?
<b>1-14 9-11 am</b>	<b>SAFETY NET</b>  Joanne Fuller, Human Services Dept. Director  Lillian Shirley , Health Dept. Director	In view of the planned State and County reductions, what will be the current definition of the social service safety net? How do we distinguish between physical safety and basic treatment? If the Governor's reductions in human services are fully implemented, what is the status of services for mandated and discretionary basic needs? How will possible changes on the state and federal levels in health care impact our service delivery system?
<b>1-15 10:30 – noon</b>	<b>GOVERNOR'S BUDGET</b>  Rhys Scholes Phillip Kennedy- Wong	What impact would the Governor's proposed budget have on services delivered by Multnomah County? How will the County work with community advocates and the State Legislature to continue these essential services?



1-21 9- 10 am	<b>Orientation – Public Safety System – Adult and Juvenile</b>  Peter Ozanne, Deputy COO for Public Safety	How the parts of the system work together. Stream of Offenders graphic and/or skit.
1-21 10 to noon	<b>Department of Community Justice</b>  Scott Taylor, Director	What are the core functions of the department? What are the most pressing policy concerns?
1-22 1-3 pm	<b>Sheriff's Office</b>  Bob Skipper, Sheriff	What are the core functions of the department? What are the most pressing policy concerns?
1-27 9-11 am	<b>District Attorney's Office</b>  Mike Schrunk, DA	What are the core functions of the department? What are the most pressing policy concerns?
1-28 9-10:30 am	<b>ADULT PUBLIC SAFETY</b>  Peter Ozanne, Deputy COO for Public Safety	<b>DRAFT</b> Can the public safety system truly operate as a system? If so, what should its priorities be? Part I: The Adult Criminal Justice System What are the system's priorities? What works to increase public safety? What is the system's commitment to evidence-based practice?
1-28 10:30 – noon	<b>JUVENILE PUBLIC SAFETY</b>  Peter Ozanne, Deputy COO for Public Safety	<b>DRAFT</b> Part II: The Juvenile Justice System What are the system's priorities? What works to increase public safety? What's the system's commitment to evidence-based practice?
2-3 9-10 am	<b>Dept. of County Management</b>  Carol Ford, Director	What are the core functions of the department? What are the most pressing policy concerns?

<b>2-3</b> <b>10-11 am</b>	<b>Dept. of Community Services</b>  Cecilia Johnson, Director	What are the core functions of the department? What are the most pressing policy concerns?
<b>2-3</b> <b>11- noon</b>	<b>Library</b>  Molly Raphael, Director	What are the core functions of the department? What are the most pressing policy concerns?
<b>2-4</b> <b>9-11 am</b>	<b>SUPPORT SERVICES</b>  Jana McLellan, Chief Operating Officer  Cecilia Johnson, Dept. of Community Services Director	Are there more efficient methods to provide services across jurisdictions, in the following areas: Business Support Services ( i.e. IT, HR, Facilities, Fleet, Budget & Accounting); Operations and Maintenance of Roads & Bridges  What are partnership opportunities the County should consider focusing on in "common" operations and support services across jurisdictional boundaries? What are project or operational partnerships that may add value to the taxpayer by: Adding capacity Increasing value Providing cost efficiencies Eliminating duplication of services
<b>2-10</b> <b>9 – 11 am</b>	<b>Information Technology</b>	What are the core functions of the department? What are the most pressing policy concerns
<b>2-11</b> <b>9-11 am</b>	<b>CAPITAL NEEDS</b>  Karyne Kieta, Budget Director	What are the major infrastructure investments/ challenges that the County is facing and what are the funding approaches available to help meet those challenges? (e.g Facilities; Bridges)
<b>2-17</b> <b>9-10 am</b>	<b>Revenue Forecast</b> Karyne Kieta, Budget Director	Second Quarter spending report Update general fund forecast
<b>2-17</b> <b>10-12 am</b>	<b>STATE AND LOCAL REVENUE OPTIONS</b>  Rhys Scholes . Communications and Policy, Chair's	How can we fund the services the community needs? Revenue options for Multnomah County Revenue options for the State of Oregon Should we prioritize our efforts for new revenue based on the amount of revenue potentially available or based on political feasibility? How should we balance local efforts with state efforts? Should Multnomah County ask voters to support a levy in November 2009?

	Office	Should Multnomah County pursue any other local taxes? Should Multnomah County play a leadership role in advocating Property Tax Limitation Reform?
2-24  9-11 am	<b>OPTIONS FOR REDUCING EMPLOYEE COSTS AND SAVING JOBS</b>  Travis Graves, Human Resources Director	Are there alternatives to addressing the budget situation through reducing employee costs and in turn saving jobs? What options are available to which employees may apply and what are the pros and cons of each. Which options are subject to what type of labor negotiations or challenges? How are other jurisdictions approaching this issue?

# MULTNOMAH COUNTY 2009-2010 BUDGET WORK SESSIONS AND HEARINGS

## ALL MEETINGS ARE OPEN TO THE PUBLIC

Public testimony will be taken at the public hearings listed in red (*italic*) below. Unless otherwise noted, all sessions will be held in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne, Portland. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

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**Tue, Jan 6**

**9:30 a.m. to 12:00 p.m.**

**Budget Overview: Health Department**

**Tue, Jan 6**

**2:00 p.m. to 4:00 p.m.**

**Governance and Charter**

**Wed, Jan 7**

**9:00 a.m. to 11:00 a.m.**

**Health & Human Services: Prevention**

**Tue, Jan 13**

**9:00 a.m. to 12:00 p.m.**

**Budget Overview: Human Services Department**

**Wed, Jan 14**

**9:00 a.m. to 11:00 a.m.**

**Health & Human Services: Safety Net**

**Thu, Jan 15**

**10:30 a.m. to 12:00 p.m.**

**Governor's Budget**

**Wed, Jan 21**

**9:00 a.m. to 10:00 a.m.**

**10:00 a.m. to 12:00 p.m.**

**Orientation: Public Safety System: Adult & Juvenile  
Department of Community Justice**

**Thu, Jan 22**

**1:00 p.m. to 3:00 p.m.**

**Sheriff's Office**

**Tue, Jan 27**

**9:00 a.m. to 11:00 a.m.**

**Budget Overview: District Attorney's Office**

**Wed, Jan 28**

**9:00 a.m. to 10:30 a.m.**

**10:30 a.m. to 12:00 p.m.**

**Adult Public Safety  
Juvenile Public Safety**

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### Tue, Feb 3

9:00 a.m. to 10:00 a.m.  
10:00 a.m. to 11:00 a.m.  
11:00 a.m. to 12:00 p.m.

Budget Overview: County Management  
Budget Overview: Community Services  
Budget Overview: Library Services

### Wed, Feb 4

9:00 a.m. to 11:00 a.m.

Budget Overview: Support Services

### Tue, Feb 10

9:00 a.m. to 11:00 a.m.

Information Technology

### Wed, Feb 11

9:00 a.m. to 11:00 a.m.

Capital & Infrastructure Needs

### Tue, Feb 17

9:00 a.m. to 10:00 a.m.  
10:00 a.m. to 12:00 p.m.

Revenue Forecast, Second Quarter Spending Report  
State and Local Revenue Options

### Tue, Feb 24

9:00 a.m. to 11:00 a.m.

Options for Reducing Employee Costs and Saving Jobs

### Tue, Feb 24

6:00 p.m. to 8:00 p.m.

*Budget Community Forum with the Board  
Multnomah Building, Commissioners Boardroom*

### Mon, Mar 2

6:00 p.m. to 8:00 p.m.

*Budget Community Forum with the Board  
Multnomah County East Building, Sharron Kelley  
Conference Rooms A & B  
600 NE 8th Street, Gresham*

### Mon, Mar 16

6:00 p.m. to 8:00 p.m.

*Budget Community Forum with the Board  
Multnomah Building, Commissioners Boardroom*

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**Thu, April 23**

**9:30 a.m. to 12:00 p.m.**

***Chair Ted Wheeler's Executive Budget Message  
Public Hearing and Consideration of Resolution  
Approving the Chair's Proposed Fiscal Year 2009  
Budget for Submittal to the Tax Supervising and  
Conservation Commission as Required by ORS  
294.421***

### CABLE PLAYBACK INFO:

**Thursday, April 23 - 9:30 AM LIVE Channel 30**

**Saturday, April 25 - 10:00 AM Channel 29**

**Sunday, April 26 - 11:00 AM Channel 30**

**Tuesday, April 28 - 8:15 PM Channel 29**

**Tue, May 5**

**9:00 a.m. to 12:00 p.m.**

**Budget Work Session**

**Tue, May 5**

**1:00 p.m. to 3:00 p.m.**

**Budget Work Session**

**Tue, May 5**

**6:00 p.m. to 8:00 p.m.**

***Public Hearing on the Multnomah County Budget  
North Portland Library, Second Floor Meeting Room  
512 North Killingsworth Street, Portland***

**Wed, May 6**

**9:00 a.m. to 12:00 p.m.**

**if needed Budget Work Session**

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**Thu, May 7**  
**9:30 a.m.**

***Public Hearing and Consideration of Approval of the 2009-2010 Dunthorpe Riverdale Sanitary Service District No. 1 Proposed Budget for Submittal to Tax Supervising and Conservation Commission***

**Thu, May 7**  
**9:40 a.m.**

***Public Hearing and Consideration of Approval the 2009-2010 Mid-County Street Lighting Service District No. 14 Proposed Budget for Submittal to Tax Supervising and Conservation Commission***

### CABLE PLAYBACK INFO:

Thursday, May 7 - 9:30 AM LIVE Channel 30  
Saturday, May 9 - 10:00 AM Channel 29  
Sunday, May 10 - 11:00 AM Channel 30  
Tuesday, May 12 - 8:15 PM Channel 29

**Tue, May 12**  
**9:00 a.m. to 12:00 p.m.**

**Budget Work Session**

**Tue, May 12**  
**1:00 p.m. to 3:00 p.m.**

**Budget Work Session**

**Wed, May 13**  
**9:00 a.m. to 12:00 p.m.**

**if needed Budget Work Session**

**Wed, May 13**  
**6:00 p.m. to 8:00 p.m.**

***Public Hearing on the 2009-2010 Multnomah County Budget, Multnomah County East Building, Sharron Kelley Conference Room  
600 NE 8th Street, Gresham***

# MULTNOMAH COUNTY 2009-2010 BUDGET WORK SESSIONS AND HEARINGS

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**Tue, May 19**

**9:00 a.m. to 12:00 p.m.**

**Budget Work Session**

**Tue, May 19**

**1:00 p.m. to 3:00 p.m.**

**Budget Work Session**

**Tue, May 26**

**9:00 a.m. to 12:00 p.m.**

**Budget Work Session**

**Tue, May 26**

**1:00 p.m. to 3:00 p.m.**

**Budget Work Session**

***Tue, May 26***

***6:00 p.m. to 8:00 p.m.***

***Public Hearing on the County Budget  
Multnomah Building, Commissioners Boardroom***

**Wed, May 27**

**9:00 a.m. to 12:00 p.m.**

**if needed Budget Work Session**

***Thu, Jun 4***

***9:30 a.m.***

***Public Hearing and Resolution Adopting the 2009-2010 Budget for Multnomah County Pursuant to ORS 294***

## **CABLE PLAYBACK INFO:**

**Thursday, June 4 - 9:30 AM LIVE Channel 30**

**Saturday, June 6 - 10:00 AM Channel 29**

**Sunday, June 7 - 11:00 AM Channel 30**

**Tuesday, June 9 - 8:15 PM Channel 29**

***Thu, Jun 11***



# MULTNOMAH COUNTY 2009-2010 BUDGET WORK SESSIONS AND HEARINGS

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**9:30 a.m.**

***Public Hearing and Resolution Adopting the 2009-2010 Budget for Dunthorpe Riverdale Sanitary Service District No. 1 and Making Appropriations***

**Thu, Jun 11**

**9:35 a.m.**

***Public Hearing and Resolution Adopting the 2009-2010 Budget for Mid-County Street Lighting Service District No. 14 and Making Appropriations***

### CABLE PLAYBACK INFO:

**Thursday, June 11 - 9:30 AM LIVE Channel 30**

**Saturday, June 13 - 10:00 AM Channel 29**

**Sunday, June 14 - 11:00 AM Channel 30**

**Tuesday, June 16 - 8:15 PM Channel 29**

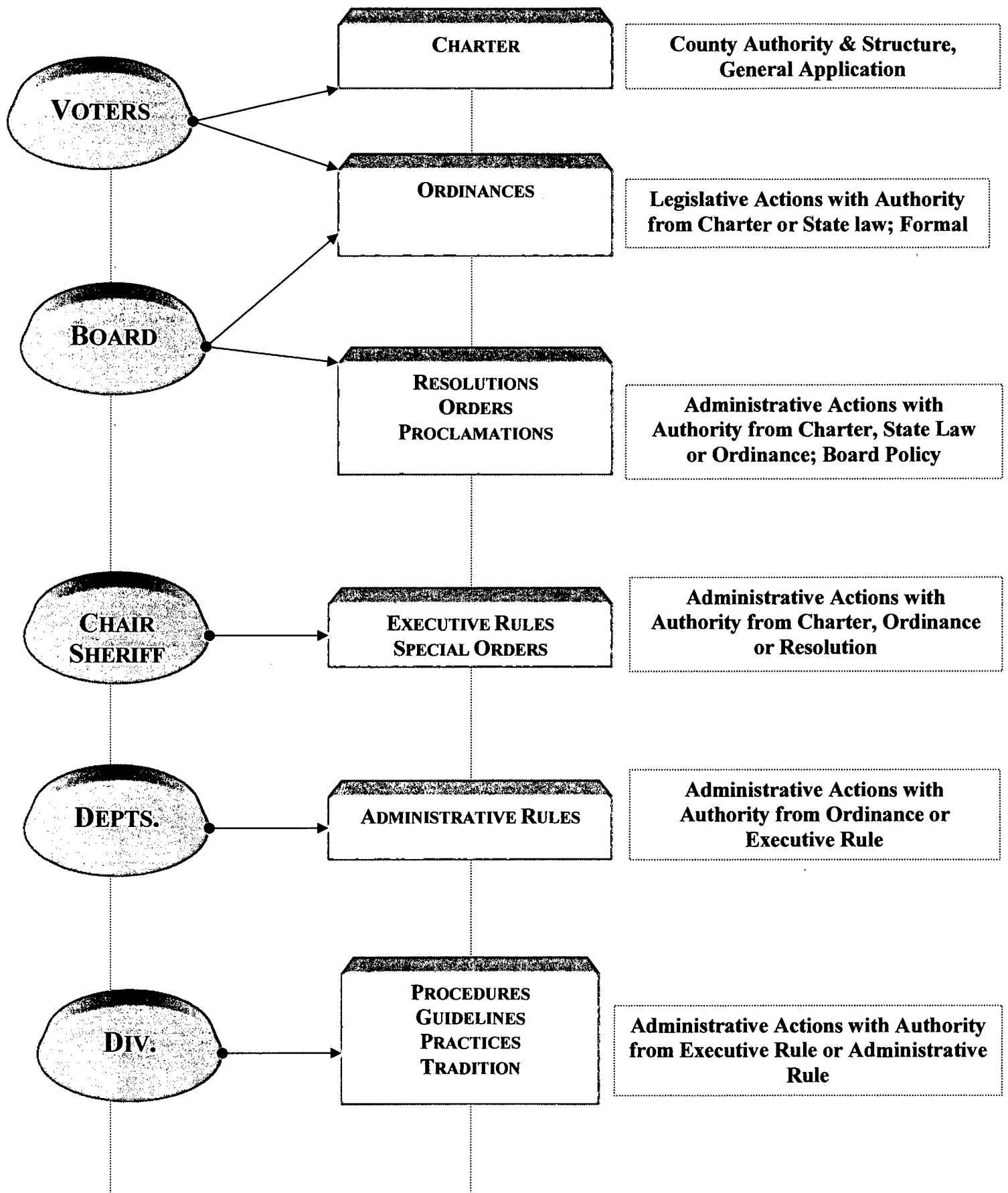
**JANUARY 6, 2009**

**2:00 PM**

**WS-2**

**(additional packet materials  
to be  
distributed at meeting)**


# Multnomah County Legal Hierarchy



<b>CLIENT:</b>	<b>CONTACT:</b>
BOARD OF COMMISSIONERS	<u>Agnes Sowle</u>
CHAIR'S OFFICE	<u>Agnes Sowle</u>
DISTRICT ATTORNEY	<u>Agnes Sowle</u>
SHERIFF'S OFFICE	<u>Jacquie Weber</u>
AUDITOR'S OFFICE	<u>Agnes Sowle</u>
<b>COMMUNITY SERVICES</b>	
ANIMAL SERVICES	<u>Jenny Morf</u>
ELECTIONS	<u>Agnes Sowle</u>
EMERGENCY MANAGEMENT	<u>Patrick Henry</u>
LAND USE PLANNING	<u>Sandy Duffy</u> <u>Jed Tomkins</u>
TRANSPORTATION	<u>Matt Ryan</u>
<b>COUNTY MANAGEMENT</b>	
ASSESSMENT & TAXATION	<u>John Thomas</u>
BUDGET & PERFORMANCE	<u>Agnes Sowle</u>
FACILITIES & PROPERTY MANAGEMENT	<u>John Thomas</u> <u>Matt Ryan</u>
FINANCE	<u>Agnes Sowle</u>
PROCUREMENT & CONTRACT ADMIN	<u>John Thomas</u>
FREDS (Fleet, Records, Electronics & Distribution)	<u>Matt Ryan</u>
HUMAN RESOURCES/ LABOR	<u>Sally Carter</u>
INFORMATION TECHNOLOGY	<u>John Thomas</u>
TAX TITLE	<u>Matt Ryan</u>
COMMUNITY JUSTICE	<u>Jacquie Weber</u>
COUNTY HUMAN SERVICES	<u>Patrick Henry</u>
HEALTH	<u>Jacquie Weber</u>
CORRECTIONS HEALTH	<u>Jacquie Weber</u>
LIBRARY SERVICES	<u>Bernadette Nunley</u>

(1/5/2009)

<b>OFFICES, COMMISSIONS &amp; COMMITTEES</b>	
Citizen Involvement Committee	<u>Stephanie Duvall</u>
Children, Families & Community Commission	<u>Stephanie Duvall</u>
Planning Commission	<u>Sandy Duffy</u>
Public Affairs Office	<u>Agnes Sowle</u>

<b>OFFICE OF MULTNOMAH COUNTY ATTORNEY</b>	 <p><b>MISSION</b></p> <p>To provide cost effective legal advice and representation.</p>
	<p><b>OBJECTIVES</b></p> <p>To draft legal documents and provide legal opinions in response to client requests in a timely manner.</p> <p>To determine the county's legal liability when claims are filed and to efficiently and effectively resolve the claims through settlement or litigation.</p> <p>To assist the county in preventing liability, as well as vigorous defense of claims.</p> <p>To continuously upgrade practice skills of staff and meet professional standards for continuing legal education.</p> <p>To establish an office environment that maximizes the ability of staff to respond professionally and efficiently to all legal needs.</p>



## OFFICE OF MULTNOMAH COUNTY ATTORNEY

We are the County's legal resource center. We provide legal services to the Chair's Office, the Board of County Commissioners, the County Sheriff, the County Auditor and County departments and employees. Matters range from land use to public meetings and records law, real property taxation to inmates' rights. We represent the County in state and federal courts.

## WHAT WE CAN DO FOR YOU

- Defend you and county if sued
- Sue for taxes & contract claims
- Advise regarding:
  - Subpoenas
  - Public record requests
  - Contracts
  - Concealed weapon permits
- Draft ordinances & resolutions
- Interpret County Code & state statutes
- Provide legal advice and training

*Please contact us with your legal issues before they become legal problems!*

## HOW TO CONTACT US

Telephone 503-988-3138  
Fax 503-988-3377

Office of County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214

Interoffice: Bldg. 503/Rm. 500  
Intranet (Mint): <http://mint/counsel/>  
Internet:  
<http://www.co.multnomah.or.us/counsel>

## AREAS OF EXPERTISE

The lawyers and staff of the County Attorney's office are skilled, experienced practitioners, recognized in their fields:

Administrative Law  
Constitutional Law  
Elections Law  
Health Care Law  
Labor and Employment Law  
Land Use Law  
Mental Health Law  
Municipal Law  
Property Tax Law  
Public Safety & Corrections  
Real Estate Acquisitions  
Senior Law  
Tort Law  
Workers' Compensation

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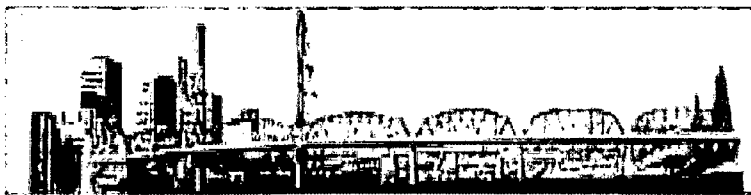
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## Office of Multnomah County Attorney

---

501 SE Hawthorne Blvd., Ste. 500,  
Portland, OR 97214

# 2007-2008 Annual Litigation Report

*County Attorney's Litigation Report  
to the Multnomah County  
Board of Commissioners  
October 2008*



# OFFICE OF MULTNOMAH COUNTY ATTORNEY

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*County Attorney*

JOHN S. THOMAS  
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KATHRYN A. SHORT  
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*Assistants*

## MEMORANDUM

**TO:** Board of County Commissioners  
Ted Wheeler, Chair  
Maria Rojo de Steffey, Commissioner  
Jeff Cogen, Commissioner  
Lisa Naito, Commissioner  
Lonnie Roberts, Commissioner

**FROM:** Agnes Sowle

**DATE:** October 1, 2008

**RE:** 2007-2008 Annual Litigation Report

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## INTRODUCTION

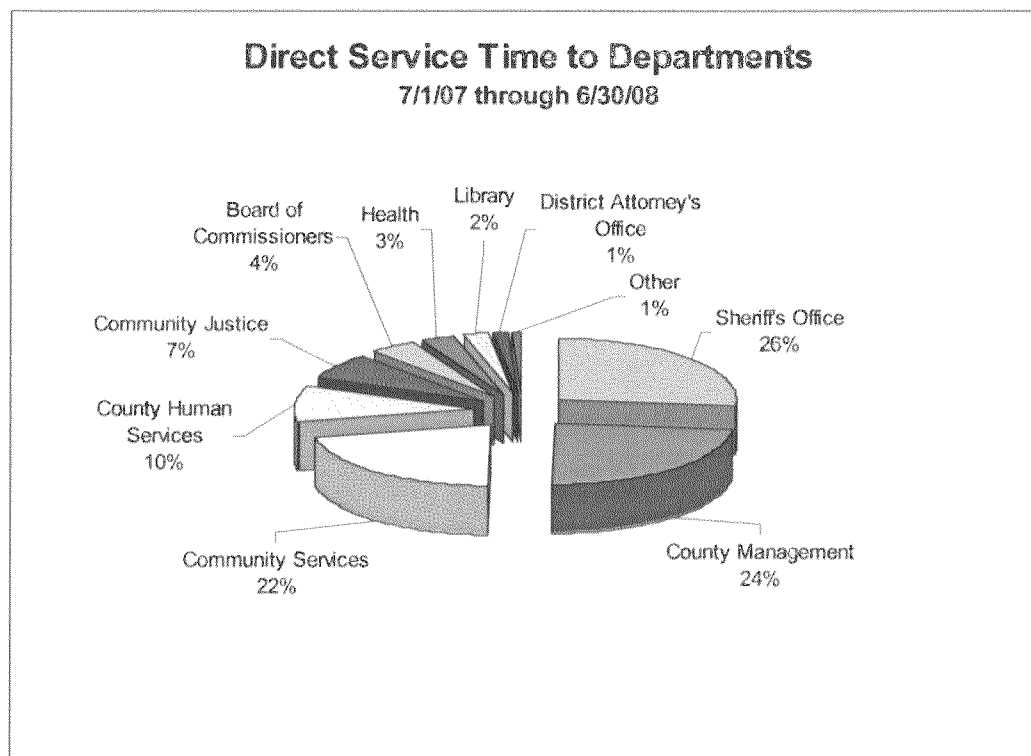
During the 2007 – 2008 fiscal year, our office had fifteen lawyers, six permanent support staff and five limited duration ITAX support staff. The office provides legal services for all county elected officials, officers and departments. Multnomah County Code Section 7.201(I) requires the County Attorney to submit a formal annual litigation report to the Board. This Annual Litigation Report summarizes the legal services we provided to county clients last fiscal year giving detail to litigation.

During the fiscal year 2007-2008, we provided 22,343.80 hours of direct legal services for litigation, legal consultation, legal document preparation and review, and client training.

## DIRECT SERVICE HOURS

Graph 1 shows all of our direct services hours broken down by department. The greatest amount of direct service time was devoted to the Sheriff's Office with 26% of the hours, an 7% increase from last year. Community Services decreased considerably to 22% largely due to the ending of Measure 37 claims. The total hours for County Management increased to 24% with County Human Services needing 10%, slightly higher than previous years. The hours spent on Community Justice legal matters increased slightly to 7% while Health Department decreased to 3%. Services for the Board decreased to 4% this year.

Graph 1

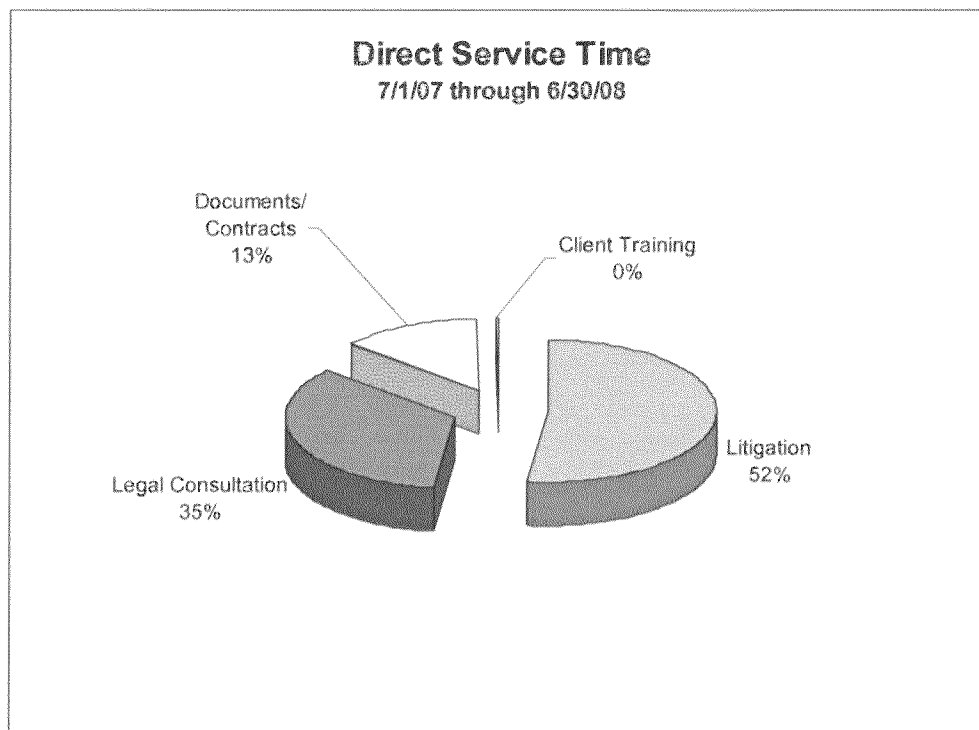


Department	Hours
Sheriff's Office	5,936.85
County Management	5,287.10
Community Services	4,807.30
County Human Services	2,138.00
Community Justice	1,564.05
Board of Commissioners	927.05
Health	685.75
Library	507.25
District Attorney's Office	312.1
Other	178.35
	22,343.80



Graph 2 depicts direct service hours expended by the various work types. At 52%, litigation was up from last year's 45% and legal consultation, at 35% was down from last year's 42%. Time spent in preparation and review of contracts and other legal documents was slightly higher at 13%, and client training hours decreased from last year. These numbers vary slightly each year but have remained fairly consistent over a number of years.

**Graph 2**



Work Type	Hours
Litigation	11,583.00
Legal Consultation	7,735.25
Documents/Contracts	2,966.95
Client Training	58.6
<b>Total</b>	<b>22,343.80</b>

## LITIGATION

Graph 3 shows our litigation hours broken down by department. The Sheriff used 45% of the litigation hours. That was up slightly from last year but consistent with MCSO's yearly use of about one third of our litigation hours. Community Services required 19% of our litigation hours, a substantial decrease from last year with the end of Measure 37 cases. County Human Services took 2% which is a substantial decrease from the previous year. County Management required 17% and Community Justice, 11%. It only takes one or two cases to change the numbers substantially from year to year.

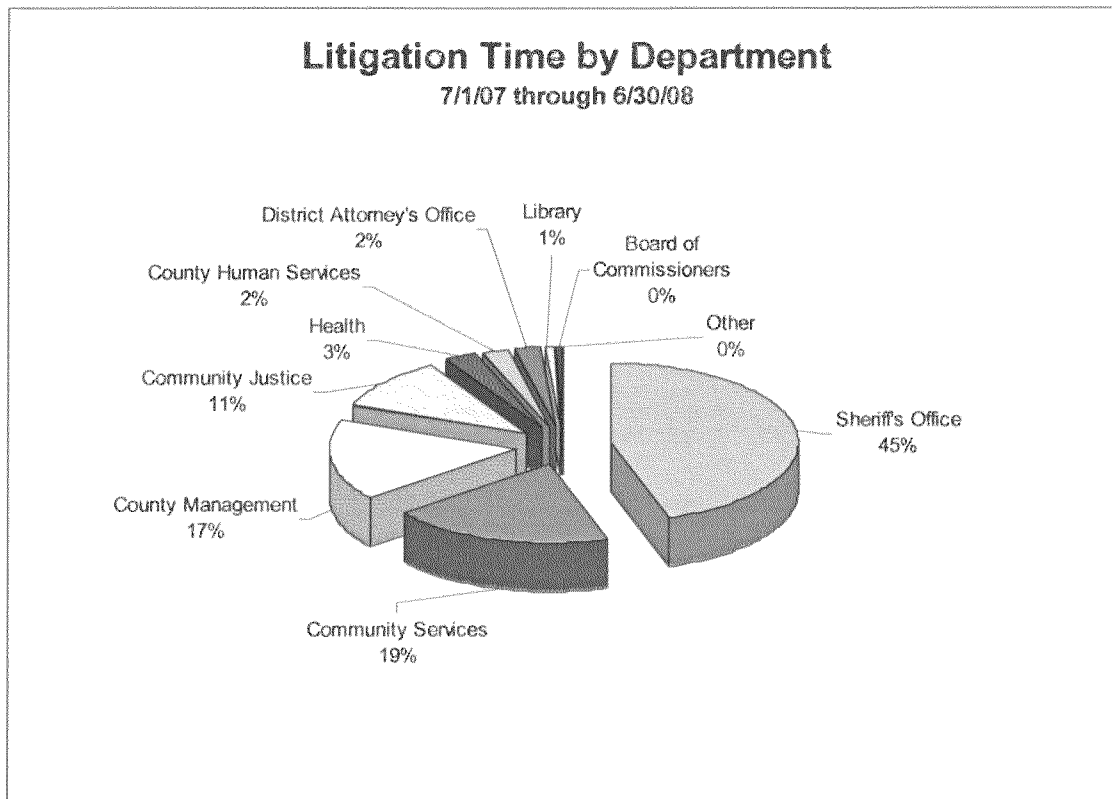
During the year, we received 264 new claims. We received 32 new lawsuits to defend, not including those involving tax matters or land use appeals. The number of lawsuits is up from 29 last year. About one half of the lawsuits were brought against the Sheriff's Office which is usual. Many of those cases are brought by inmates (many representing themselves) and include excessive force, religious discrimination, violation of ADA, and other various civil rights claims. Community Services received a number of the lawsuits, including those alleging Measure 37 and several lawsuits regarding maintenance of roadways, signs, etc. There were several lawsuits resulting from post prison supervision and one wrongful death case against Corrections Health.

In Fiscal Year 2005-2006, we paid out \$780,011 for claims including one jury verdict and several settlements; and in Fiscal Year 2006-2007, we paid out \$361,020.

In the 2007-2008 fiscal year, we paid out \$724,346. During this period, we tried several cases. We prevailed on one with a jury verdict; and one was dismissed during trial. Most of the Measure 37 cases were resolved in the County's favor; three remain at the Court of appeals. We had only one lawsuit that resulted in a jury verdict -- \$1.8 million. On motions filed after trial the verdict was reduced to approximately \$600,000 and the Court stayed payment pending the plaintiff's appeal.

Our litigation team continued to be very successful in obtaining dismissals as the result of successful motions to dismiss or motions for summary judgment. It is difficult to provide comparative numbers of dismissals because of the two to three year life of a lawsuit, but approximately one half of the lawsuits filed are disposed of with no liability to the County.

Graph 3



Department	Time
Sheriff's Office	5,222.90
Community Services	2,199.45
County Management	1,937.95
Community Justice	1,234.25
Health	300.65
County Human Services	274.1
District Attorney's Office	264.6
Library	95.65
Board of Commissioners	48.65
Other	4.8
<b>Total</b>	<b>11,583.00</b>

## EFFECTIVE RATE

The effective rate paid for each hour of direct legal service was \$130.94, up from last year's \$125.42. The rate is calculated by dividing the actual expenditures of the office, including payroll for attorneys and staff, rent, supplies, professional dues and the like, by the hours of direct service provided by the attorneys. The rate has been calculated by using direct service hours only and does not take into account the 1915 hours spent on office administration and continuing legal education activities. This hourly rate pays for a very experienced staff: Four of our attorneys have 25 or more years of experience and five have more than 10 years experience.

Despite the increase in our rate from last year, we saved the county and taxpayers a significant amount of money from rates charged by private law firms. Legal fees charged by Portland firms to represent government clients now exceed \$225 per hour and, in some cases, are as high as \$350 or more per hour.

Of all hours reported by county attorneys 92.1% went to direct client legal services; the percentage of our hours devoted to administrative and professional development services is only 7.9%, a little less than last year. Those hours include management of the office, staff meetings, litigation meetings, library maintenance, and professional development including the hours attorneys attend Mandatory Continuing Legal Education.

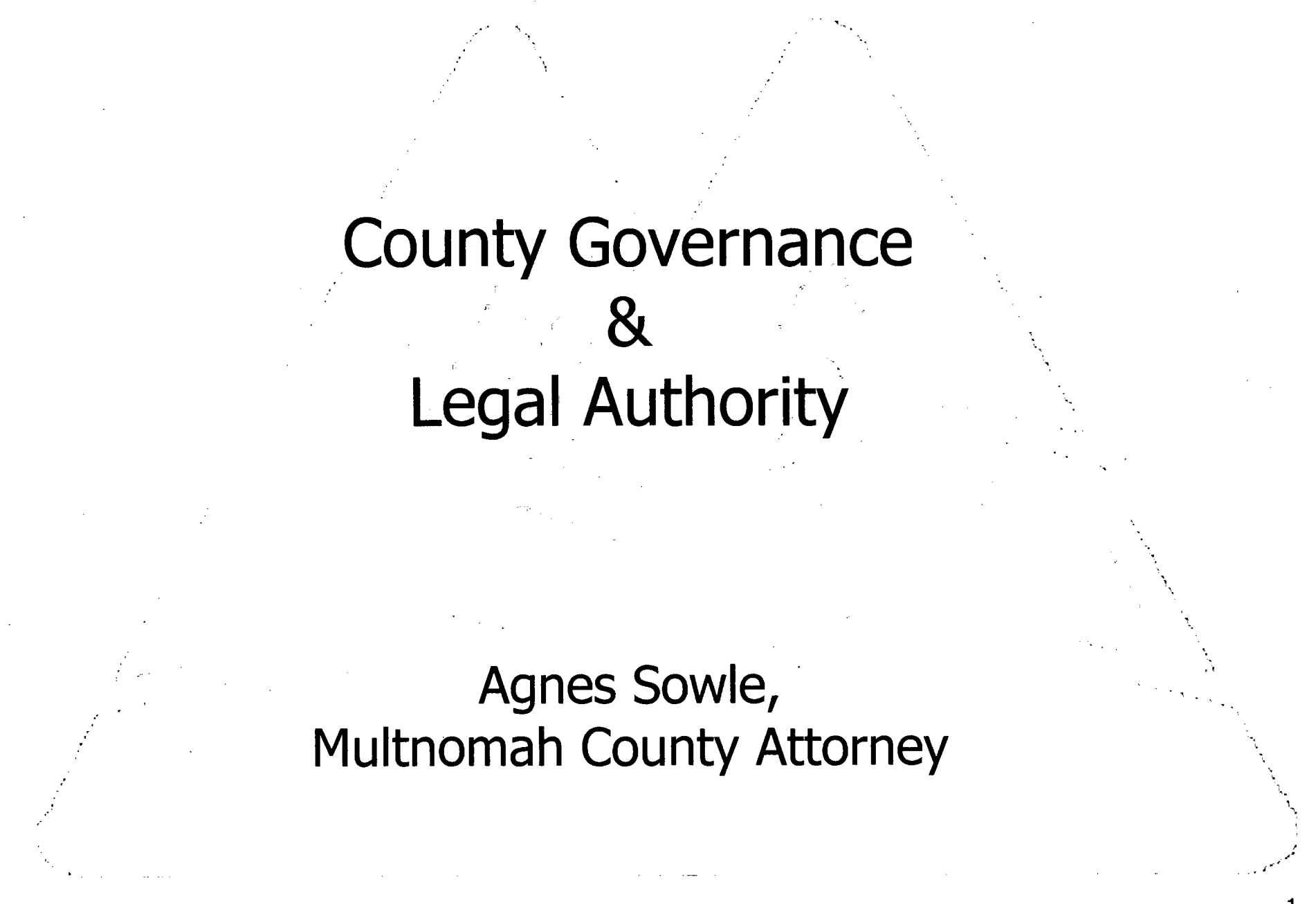
The following chart summarizes the effective hourly rate computation:

Total Hours Reported		24,259
Direct Service	(92.1%)	22,343
Non-Direct Service	(7.9%)	1915
<b>15 Lawyer FTE Average Direct Service Hours</b>		1489
Office Actual Expenditures 2007-08		\$2925719
Divided by Direct Service Hours		22,343
<b>Effective Hourly Rate</b>		<b>\$130.94</b>

## CONCLUSION

We have now compiled nine years of legal service data permitting us to quantify the hours of legal services, the nature of the services and the clients that receive services. The data allows us to more efficiently manage, monitor and deploy county legal assets. We continue to work to improve the accuracy of our data.

Our challenge is to continue to provide efficient and effective legal services and increase appropriate non-litigation use of our resources. We also must meet the increasing demands of more complex and serious litigation. We continue to work closely with the Sheriff, the department that uses a large share of our resources. We continue to seek opportunities to effectively use county legal resources and look for ways to improve our services to best meet the county's legal needs. Our mission is to provide the highest quality, customer-focused service and good value for the tax dollar. We believe we perform that mission well.



# County Governance & Legal Authority

Agnes Sowle,  
Multnomah County Attorney

# Overview

- Functions of the County Attorneys
- Legal Authority & Hierarchy
- Governance
- Legal Requirements of Public Officials

It is better to ask some questions  
than to know all the answers.

- James Thurber



# County Attorney's Office

- Multnomah County Code
- What is a commissioner's role with the County Attorney?
- Do commissioners have attorney-client privilege?

# What is the general legal authority of Multnomah County?

- Constitution
- Oregon Statutes
- County Charter
- Ordinances
- Resolutions
- Proclamations
- Administrative Procedures
- Executive Rules

## Oregon Constitution, Article VI, Section 10

- Delegates to county voters authority to adopt, amend, revise or repeal a county charter
- A county charter may establish county authority over "matters of county concern"
- A county charter must prescribe the organization of county government, and the number of powers and duties of county officers
- County officers must exercise powers and duties imposed by the constitution or state laws, as well as those set out in the Charter

## Multnomah County Charter organizes County government:

- Four full time commissioners by district  
and a Chair at large
- Elected sheriff and auditor
- Qualifications of elected officials
- Structure of governance
- Civil service

Voters must adopt, amend, revise or repeal Charter:

- Charter Review Committee
- Initiative Petition
- Referred by Board

# State Statutes

- Confer responsibilities
- Regulate certain actions by Counties
- Preempt certain actions by Counties

## Ordinances: Multnomah County Code

- Legislative actions with authority from Charter or State law
- Passed by a majority of a quorum of the Board
- Subject to initiative and referendum powers reserved to county voters
- Charter requires two readings on different days
- Effective 30 days after passage
- Emergency ordinances

## Resolutions

- Administrative actions with authority from Charter, state law or Ordinance
- Board policy

## Orders

- Decision of Board in quasi-judicial role

## Proclamations

- Formal public statements by the Board



## Executive Rules

- Administrative actions with authority from Charter, Ordinance or Resolution
- Enacted by Chair

# Administrative Procedures

- Drafted by departments and approved by Chair
- Administrative actions with authority from Ordinance or Executive Rule

# Governance

- Legislative Authority
- Executive Authority

## Legislative Authority vested in Board

- Legislative authority “over matters of county concern to the fullest extent permitted by the constitutions and laws of the United States and the State of Oregon”
- Authority to establish, alter and abolish administrative departments
- Authority to approve department directors
- Authority to create advisory boards and commissions and to approve members appointed by Chair
- Authority over specific administrative actions
- Authority to develop county policy

## Executive Authority vested in Chair

- The Chair of the Board of Commissioners is chief executive officer and personnel officer
- Presides over board meetings and has a vote in all matters
- Authority to appoint, direct and discharge administrative officers and employees except staff of other county elected officers
- Authority to appoint department heads subject to consent of board
- Duty to execute board policies and ordinances, sign all contracts and other county documents, prepare the county budget for submission to Board
- Authority to adopt rules, practices and procedures to perform his duties

# Legal Requirements of Public Officials

- Public Meetings Law
- Public Records Law
- Oregon Ethics Law

## Public Meetings Law

- When is a public meeting required?
- What business may only be accomplished in a public meeting?
- How is public meeting conducted?
- How are matters placed on the agenda?
- When can Board discuss issues in executive session?

# Public Records Law

- What is a public record?
- Is the public entitled to see every public record?
- How does the County deal with public records request?



# Oregon Ethics Law

- What does it prohibit or limit?
- Use of position
- Release of confidential information
- Gifts
- Honoraria
- Employment
- Reporting

## Actual conflict of interest

- Exists whenever the effect of any action, decision or recommendation by a public official would cause private pecuniary benefit or detriment for the person, or the person's relative, or any business with which the person or relative is associated
- How must public officials deal with actual conflict?

## Potential conflict of interest

- Exists whenever the effect of any action, decision or recommendation by a public official could cause private pecuniary benefit or detriment for the person, or person's relative, or any business with which the person or relative is associated
- How must public officials deal with potential conflict?



**Questions?**

**Contact Multnomah County Attorney's Office  
(503) 988-3138**

# **MULTNOMAH COUNTY HOME RULE CHARTER**

**[Amendments Approved May 16, 2006]**



# **MULTNOMAH COUNTY HOME RULE CHARTER VOTER ACTIONS**

**May 24, 1966**  
**Original Charter approved**

**January 1, 1967**  
**Charter took effect**

**November 2, 1976**  
**Initiative measure approved**

**November 7, 1978**  
**Initiative measure approved**

**November 4, 1980**  
**Board measure approved**

**May 18, 1982**  
**Initiative measure approved**

**November 6, 1984**  
**Charter Review Committee measures approved**

**May 20, 1986**  
**Board measure approved**

**November 4, 1986**  
**Board measure approved**

**March 28, 1989**  
**Board measure approved**

**November 6, 1990**  
**Charter Review Committee measures approved**

**November 3, 1998**  
**Charter Review Committee measures approved**

**November 2, 2004**  
**Charter Review Committee measures approved**

**May 16, 2006**  
**Board measure approved**

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# MULTNOMAH COUNTY HOME RULE CHARTER

## PREAMBLE

We, the people of Multnomah County, Oregon, in recognition of the dual role of the county as a unit of local government and as an agency of the state, and in order to avail ourselves of local determination in county affairs to the fullest extent possible under the constitution and laws of the state, by this charter confer upon the county the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structure.

## CHAPTER I. PRELIMINARY PROVISIONS

- 1.10. Name.**
- 1.20. Nature.**
- 1.30. Boundaries.**
- 1.40. County Seat.**

### **1.10. Name.**

The name of the county as it operates under this charter shall continue to be Multnomah County.

### **1.20. Nature.**

Under the charter, the county shall continue to be a body politic and corporate and an agency of the state.

### **1.30. Boundaries.**

The boundaries of the county as it operates under the charter shall be its boundaries prescribed by or pursuant to the laws of the state.

### **1.40. County Seat.**

The seat of government of the county as it operates under the charter shall continue to be in the City of Portland.

## **CHAPTER II. POWERS**

- 2.10. General Grant Of Powers.**
- 2.20. Where Powers Vested.**

### **2.10. General Grant Of Powers.**

(1) Except as this charter provides to the contrary, the county shall have authority over matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each particular power comprised in that general authority were specifically listed in the charter.

(2) The charter shall be liberally construed, and each power of the county under the charter shall be construed as a continuing power unless the charter or the grant of the power indicates the contrary.

### **2.20. Where Powers Vested.**

Except as this charter or a state constitutional or statutory provision regarding the initiative and referendum provides to the contrary, the legislative power of the county shall be vested in and exercisable only by the board of county commissioners. Any other power of the county not vested by the charter elsewhere shall be vested in the board but may be delegated by it.

## **CHAPTER III. GOVERNING BODY**

- 3.10. Membership.**
- 3.15. Apportionment Of Commissioner Districts.**
- 3.20. Election.**
- 3.30. Quorum.**
- 3.40. Concurrence Required For Action.**
- 3.50. Meetings.**
- 3.60. Presiding Officer.**
- 3.70. Advisory Boards And Commissions.**
- 3.75. Citizen Involvement.**

### **3.10. Membership.**

The governing body shall be a board of five county commissioners. The chair of the board shall be elected from the county at large. Four county commissioners shall be elected from districts as herein established and described.

(1) Position No. 1 shall be occupied by that commissioner elected from or appointed to the West District, the boundaries of which are as follows:

Bounded on the north by Columbia County; bounded on the east as follows: Washington State line at the Columbia River, south to Willamette River, south on the Willamette River to the Union Pacific R.R. at the Steel Bridge, east on the Union Pacific R.R. parallel to the Banfield Freeway (I-84) to 33rd Ave., south on 33rd Ave. becoming 32nd Ave. to Stark St., east on Stark St. to 33rd Ave., south on 33rd Ave. to Salmon St., east on Salmon St. to 39th Ave., south on 39th Ave. and its extension to the Portland Traction R.R. right-of-way (40 Mile Loop Trail), southeast on the Portland Traction R.R. right-of-way to Clackamas County line; bounded on the south by Clackamas County; and bounded on the west by Washington County.

(2) Position No. 2 shall be occupied by that commissioner elected from or appointed to the North District, the boundaries of which are as follows:

Bounded on the north by the Washington State line at the Columbia River; bounded on the east and south as follows: beginning at the Washington State line and the Columbia river at a point west of Government Island (coinciding with the northwestern boundary of census tract 102), southeast along the south channel of the Columbia River to I-205, south on I-205 to Sandy Blvd., northeast and east on Sandy Blvd. to 122nd Ave., south on 122nd Ave. to the Union Pacific

R.R., west along the Union Pacific R.R. parallel to the Banfield Freeway(I-84) to the Willamette River at the Steel Bridge; bounded on the west by the Willamette River.

(3) Position No. 3 shall be occupied by that commissioner elected from or appointed to the Central District, the boundaries of which are as follows:

Bounded on the north and east as follows: beginning at the intersection 33rd Ave. and the Union Pacific R.R. at the Banfield Freeway (I-84), east along the Union Pacific R.R. parallel to the Banfield Freeway (I-84), to 148th Ave., south on 148th Ave. to Powell Blvd., west on Powell Blvd. to 130th Ave., south on 130th Ave. to Holgate Blvd., west on Holgate Blvd. to 122nd Ave., south on 122nd Ave. to Ramona St., east on Ramona St. to 136th Ave., south on 136th Ave. to Foster Rd., west on Foster Rd. to 134th Ave., south on 134th Ave. to Deardorff Rd., south on Deardorff Rd. to the Clackamas County line; bounded on the south by Clackamas County; bounded on the west as follows: beginning at the Clackamas County line and the Portland Traction R.R. right-of-way (40 Mile Loop Trail) near Johnson Creek Blvd. and 45th Pl., northwest along the Portland Traction R.R. right-of-way to the extension of 39th Ave. and 39th Ave. continuing north on 39th Ave. to Salmon St., west on Salmon St. to 33rd Ave., north on 33rd Ave. to Stark St., west on Stark St. to 32nd Ave., north on 32nd Ave. becoming 33rd Ave. to the Union Pacific R.R. parallel to the Banfield Freeway (I-84).

(4) Position No. 4 shall be occupied by that commissioner elected from or appointed to the East District, the boundaries of which are as follows:

Bounded on the north at the Washington State line and the Columbia River; bounded on the east by Hood River County; bounded on the south by Clackamas County; and bounded on the west as follows: beginning at the intersection of the Clackamas County Line and Deardorff Rd., north on Deardorff Rd. to 134th Ave., north on 134th Ave. to Foster Rd., east on Foster Rd. to 136th Ave., north on 136th Ave. to Ramona St., west on Ramona St. to 122nd Ave., north on 122nd Ave. to Holgate Blvd., east on Holgate Blvd. to 130th Ave., north on 130th Ave. to Powell Blvd., east on Powell Blvd. to 148th Ave., north on 148th Ave. to the Union Pacific R.R. parallel to the Banfield Freeway (I-84), west along the Union Pacific R.R. parallel to the Banfield Freeway (I-84) to 122nd Ave., north on 122nd Ave. to Sandy Blvd., west and southwest on Sandy Blvd. to I-205 Freeway north on I-205 Freeway to the south channel of the Columbia River, northwest along the south channel of the Columbia River to the Washington State line at a point west of Government Island.

[Amendment proposed by initiative petition filed March 30, 1976, adopted by people Nov. 2, 1976; amendment proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment passed by board of commissioners, Ord. 272 §1, May 7, 1981; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984; Ord. 694 §3 (1991); amendment (ballot measure 26-76) adopted by people Nov. 3, 1998; Ord. 964 (2001)]

### **3.15. Apportionment Of Commissioner Districts.**

Not later than August 1 in the year of the official release of each federal decennial census for Multnomah County, the auditor shall determine the population distribution among the commissioner districts specified by this charter. If the population of any commissioner district is more than 103 percent of the population of any other commissioner district, the auditor, in consultation with the Multnomah County elections division, shall prepare and present to the board of county commissioners not later than August 1, a plan for modifying the boundaries of the districts so that the population of no commissioner district will be more than 102 percent of the population of any other commissioner district, notwithstanding the delineation of commissioner districts by this charter. The board of county commissioners shall, within 45 days of the submission of the report, alter the boundaries of the commissioner districts as necessary by ordinance to provide for an approximately equal population distribution. Change in boundaries of the districts shall not affect taking of office of a commissioner-elect with respect to the term of office for which elected prior to the adoption of the reapportionment. The auditor shall, as nearly as possible, retain the general geographic characteristics of districts established by this charter.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 11), adopted by people Nov. 6, 1984; amendment (ballot measure 26-79) adopted by people Nov. 3, 1998]

### **3.20. Election.**

Except as this charter provides to the contrary,

(1) Each member of the board shall be nominated and elected from a district, by position; and

(2) Commissioner terms shall be four years.

[Amendment proposed by initiative petition filed March 30, 1976, adopted by people Nov. 2, 1976; amendment proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment (ballot measure 26-57) adopted by people Nov. 2, 2004]

### **3.30. Quorum.**

A majority of the board shall constitute a quorum for the transaction of board business, but a lesser number may meet and, in a manner prescribed by the rules of the board, compel the attendance of absent members.

### **3.40. Concurrence Required For Action.**

Except as this charter provides to the contrary, the board may act at a meeting only with the affirmative concurrence of a majority of its members.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 27), adopted by people Nov. 6, 1984]

### **3.50. Meetings.**

(1) The board shall adopt and publish rules for the conduct of its meetings and shall conduct the meetings in accordance with the rules.

(2) The board shall schedule its regular meetings in accordance with the rules.

(3) The presiding officer or three other board members may call special meetings of the board, provided each board member not issuing the call is sent notice of the call in accordance with the board's rules. No board action at a special meeting, except adoption of an emergency ordinance, shall have effect after the next regular board meeting unless ratified at the meeting.

(4) Notice of the time and place of a board meeting, including an agenda of all actions to be considered at the meeting, shall be given in accordance with state law. Copies of the notice shall be available to interested persons throughout the time that the notice is required. The board may, however, take action on an item not on the agenda if the board deems that an emergency requires the action and if all the members of the board who are present affirmatively concur in the action.

(5) The board shall keep a journal of its proceedings. The journal shall be accessible to the public during regular office hours.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

### **3.60. Presiding Officer.**

At its first meeting after the effective date of this section and at the first meeting of each calendar year thereafter, the board shall choose a vice-presiding officer from its members. The chair of the board of county commissioners shall preside at board meetings. The vice-presiding officer shall preside whenever the chair of the board of commissioners is absent or is incapacitated from serving.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

### **3.70. Advisory Boards And Commissions.**

(1) The board may by ordinance create such advisory county boards and commissions as in its judgment the interests of the county require.

(2) Members of the boards and commissions shall be appointed by the chair of the board of commissioners with the approval of the board.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amended by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

### **3.75. Citizen Involvement.**

(1) The office of citizen involvement is hereby established. The office of citizen involvement shall develop and maintain citizen involvement programs and procedures designed for the purpose of facilitating direct communication between the citizens and the board of county commissioners.

(2) A citizens' committee and the structure of the citizen involvement process shall be established by ordinance.

(3) The board of county commissioners shall appropriate sufficient funds for the operation of the office and the committee.

(4) The citizens' committee shall have the authority to hire and fire its staff.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 25), adopted by people Nov. 6, 1984]

## **CHAPTER IV. COUNTY OFFICERS IN GENERAL**

- 4.10. Qualifications.**
- 4.20. Terms Of Office; Successive Terms; Running For Office In Midterm.**
- 4.30. Compensation Of The Chair And Commissioners.**
- 4.40. Vacancies -- Causes.**
- 4.50. Vacancies -- Filling.**

### **4.10. Qualifications.**

(1) An elective officer of the county shall have been a qualified elector of the county for a year and a half immediately before becoming such an officer and, if a candidate for, or appointee to, a county commissioner position, then a resident of the district for a year and a half immediately before becoming such a commissioner.

(2) Before the electee or appointee to an elective office takes the office he or she shall be eligible to be bonded. The county shall maintain a corporate surety bond for the faithful performance of its employees and holders of elective office.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 12), adopted by people Nov. 6, 1984; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

### **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.

[Amendment (ballot measure 26-76) adopted by people Nov. 3, 1998; amendment (ballot measure 26-78) adopted by people May 16, 2006]



#### **4.30. Compensation Of The Chair And Commissioners.**

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, documenting the basis of its decisions. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

[Amendment proposed by initiative petition filed Oct. 8, 1981, adopted by people May 18, 1982, reaffirmed Sept. 21, 1982; amendment proposed by Ord. 427 §2 (1984) (ballot measure 13), adopted by people Nov. 6, 1984; amendment proposed by Ord. 521 §1 (1986), adopted by people Nov. 4, 1986; amendment proposed by Ord. 603 §1 (1988), adopted by people March 28, 1989; amendment proposed by Ord. 659 §2 (1990) (measure 4), adopted by people Nov. 6, 1990; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998; amendment (ballot measure 26-58) adopted by people Nov. 2, 2004]

#### **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 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.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

#### **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 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).

[Amendment proposed by initiative petition filed March 30, 1976, adopted by people Nov. 2, 1976; amendment proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 14), adopted by people Nov. 6, 1984; amendment proposed by Ord. 604 §1 (1988), adopted by people March 28, 1989; amendment (ballot measure 26-80) adopted by people Nov. 3, 1998]

## **CHAPTER V. ORDINANCES**

- 5.10. Legislative Action.**
- 5.20. Ordaining Clause.**
- 5.30. Adoption.**
- 5.40. Authentication.**
- 5.50. Time Of Effect.**

### **5.10. Legislative Action.**

All legislative action by the county shall be by ordinance.

### **5.20. Ordaining Clause.**

The ordaining clause for an ordinance of the county shall be, "Multnomah County ordains as follows."

### **5.30. Adoption.**

(1) Except as this charter provides to the contrary with reference to emergency ordinances, before an ordinance is adopted it shall be read during regular meetings of the board on two different days at least six days apart.

(2) The reading of an ordinance shall be full and distinct unless

(a) A copy of it is available for each person at the meeting who desires a copy and

(b) The board directs that the reading be by title only.

(3) An ordinance to meet an emergency may be introduced, read once, and put on its final passage at a single board meeting by unanimous consent of all the board members present.

### **5.40. Authentication.**

An ordinance adopted by the board shall, within three days of its adoption, be signed by the chair of the board of commissioners or the county commissioner who presided at the meeting at which the ordinance was approved.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

## **5.50. Time Of Effect.**

(1) A nonemergency ordinance shall take effect on the 30th day after it is signed by the chair of the board of commissioners unless

(a) It prescribes a later date for it to take effect or

(b) It is referred to the voters of the county, in which event it shall take effect only upon receiving their approval.

(2) An emergency ordinance may take effect immediately upon being signed by the chair of the board of commissioners.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

## **CHAPTER VI. ADMINISTRATION**

- 6.10. Chair Of The Board.**
- 6.20. Administrative Departments And Functions.**
- 6.50. Sheriff.**

### **6.10. Chair Of The Board.**

The chair of the board of county commissioners:

- (1) Shall be the chief executive officer and personnel officer of the county;
- (2) Shall preside over meetings of the board and have a vote on each matter before the board;
- (3) Shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, except for the personal staff, employees or agents of elective county offices. Appointment of department heads shall be subject to consent of a majority of the board of commissioners;
- (4) Shall execute the policies of the board and the ordinances of the county;
- (5) Shall sign all contracts, bonds and other instruments requiring county consent;
- (6) Shall prepare the county budget for submission to the board; and
- (7) May delegate his or her administrative powers but shall retain full responsibility for the acts of his or her subordinates.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 245 §4 (1980), adopted by people Nov. 4, 1980; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984; amendment proposed by Ord. 522 §1 (1986), adopted by people Nov. 4, 1986; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

## **6.20. Administrative Departments And Functions.**

(1) For purposes of county services and the administration of county affairs, the board of county commissioners shall establish administrative departments.

(2) The board of county commissioners may establish, alter and abolish administrative departments as provided in this section.

(3) The board of county commissioners

(a) Shall prescribe the functions of each administrative department of the county and

(b) May change the functions of any of the departments from time to time.

(4) With the affirmative concurrence of four or more commissioners, the board of county commissioners may

(a) Establish additional administrative departments,

(b) Abolish any department,

(c) Combine two or more departments into one, and

(d) Separate departments so combined.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 15), adopted by people Nov. 6, 1984; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

## **6.50. Sheriff.**

(1) The people of Multnomah County shall elect 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.

[Amendment proposed by initiative petition, filed Oct. 8, 1981, adopted by people May 18, 1982, reaffirmed Sept. 2, 1982; amendment proposed by Ord. 427 §2 (1984) (ballot measures 16, 17, 18, 19, 20), adopted by people Nov. 6, 1984; amendment proposed by Ord. 500 (1986), adopted by people May 21, 1986; amendment proposed by Ord. 659 §2 (1990) (measure 3), adopted by people Nov. 6, 1990; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998; amendment (ballot measure 26-59) adopted by people Nov. 2, 2004; amendment (ballot measure 26-78) adopted by people May 16, 2006]

## **CHAPTER VII. PERSONNEL**

- 7.10. Classified Service.**
- 7.20. Civil Service Commission.**
- 7.30. Civil Service System.**
- 7.40. Rights And Duties Of Personnel.**
- 7.50. Retirement.**

### **7.10. Classified Service.**

The classified service of the county shall consist of all positions in the government of the county except those of

- (1) Elective officers,
- (2) Their personal assistants and secretaries,
- (3) Department heads,
- (4) Employees excluded by county ordinance.

[Amendment proposed by Ord. 245 §4 (1980), adopted by people Nov. 4, 1980; amendment proposed by Ord. 659 §2 (1990) (measure 1), adopted by people Nov. 6, 1990; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

### **7.20. Civil Service Commission.**

(1) There shall be a civil service commission consisting of three members appointed by a board of county commissioners.

(2) The term of office of each member of the commission shall be three years. Every year the term of one member of the commission shall expire.

(3) Each member of the commission shall be

- (a) A citizen of the United States and
- (b) A qualified elector of the county.

(4) No member of the commission shall receive compensation for his or her services as such.

(5) The commission shall

(a) Make recommendations to the board regarding the personnel policy of the county and

(b) Hear appeals from such persons in the classified service in such cases as the board shall by ordinance determine.

(6) An appellate decision by the commission may not be appealed further if unanimous. If not unanimous, it may be further appealed to the board of county commissioners and the courts.

[Amendment proposed by Ord. 245 §4 (1980), adopted by people Nov. 4, 1980; amendment (ballot measure 26-62) adopted by people Nov. 2, 2004]

### **7.30. Civil Service System.**

The board of county commissioners shall, by ordinance and on the basis of recommendations by the civil service commission, prescribe the details of a civil service system for persons in the classified service of the county.

[Amendment proposed by Ord. 245 4 (1980), adopted by people Nov. 4, 1980]

### **7.40. Rights And Duties Of Personnel.**

(1) The status of persons in the classified service shall, within the limitations of this charter,

(a) Be based on merit and fitness; and

(b) Be governed by the civil service ordinance and rules promulgated thereunder.

(2) No employee shall be refused employment or be discriminated against in any manner contrary to state law.

(3) Persons in the classified service shall be subject to the restrictions in the laws of the state concerning political activities of persons in county civil service.

(4) References to the masculine gender in this chapter shall refer to the masculine, feminine, neuter, or applicable noun, or appropriate combination thereof, where appropriate.

[Amendment proposed by Ord. 170 §5 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 245 §4 (1980), adopted by people Nov. 4, 1980]



#### **7.50. Retirement.**

The board of county commissioners shall provide a retirement system for all persons in the county service who desire retirement benefits in return for their services to the county. The system shall afford them rights at least the equivalent of the rights that they have under the retirement system applicable to them under state law as it applies immediately before this charter takes effect.

## **CHAPTER VIII. FINANCE**

### **8.10. Auditor.**

### **8.20. Bonded Indebtedness.**

### **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 certified internal auditor as of the date of filing for office, subject to the following provision. The office of auditor shall become vacant when the person serving as auditor ceases to be certified. Effective upon certification, the salary for the auditor shall be four-fifths of a circuit court judge's salary.

(3) The auditor shall conduct performance 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 auditor may also conduct studies intended to measure or improve the performance of county efforts.

(4) The chair of the board of commissioners or the responsible elected official shall respond in writing to all 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.

(5) 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.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 21), adopted by people Nov. 6, 1984; amendment proposed by Ord. 603 §1 (1988), adopted by people March 28, 1989; amendment (ballot measures 26-76 and 26-84) adopted by people Nov. 3, 1998]

### **8.20. Bonded Indebtedness.**

(1) The board of county commissioners may issue and sell general obligation bonds only in accordance with state law.

(2) The board may issue and sell revenue bonds only in accordance with state law.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 22), adopted by people Nov. 6, 1984]

## **CHAPTER X. PUBLIC IMPROVEMENTS**

- 10.10. Exception.**
- 10.20. Procedure.**
- 10.30. Financing.**
- 10.40. Referendum.**
- 10.50. Remonstrance.**

### **10.10. Exception.**

In this chapter the term "public improvement" does not include public improvements of a county service district.

### **10.20. Procedure.**

Subject to the requirements of this chapter, the procedure for making, altering, vacating, or abandoning a public improvement of the county shall be governed by state law and, to the extent not so governed, by ordinances of the county.

### **10.30. Financing.**

(1) To the extent that the board of county commissioners finds that a public improvement of the county is a local improvement that specially benefits property, the cost of the improvement shall be defrayed by special assessments levied on the property specially benefited by the improvement.

(2) To the extent that the board finds that a public improvement of the county benefits the county generally, the cost of the improvement may be defrayed by revenue from other county sources.

(3) An order regarding such an improvement shall indicate the extent to which the cost of the action thus ordered is to be defrayed by special assessments on property specially benefited by the action and the extent to which the cost is to be defrayed by revenue from other sources.

### **10.40. Referendum.**

Action by the board regarding a public improvement of the county shall be subject to the referendum in the same manner as legislative ordinances of the county.

#### **10.50. Remonstrance.**

Action by the board on a proposed public improvement

- (1) To be financed in whole or in part by special assessments and
- (2) Not declared by all members of the board to be needed at once to meet an emergency

shall be suspended for six months upon remonstrance thereto by the owners of two-thirds of the land to be specially assessed for the improvement, provided written notice of the remonstrance is delivered to the board within 15 days after the action is ordered. After the suspension the board may proceed with the action.

## **CHAPTER XI. ELECTIONS**

- 11.15. Election Of Officers.**
- 11.20. Tie Votes.**
- 11.30. Initiative And Referendum.**
- 11.40. Recall.**
- 11.50. Charter Amendment And Repeal.**

### **11.15. Election Of Officers.**

- (1) All elective county offices shall be nonpartisan.
- (2) The manner of nominating and electing officers shall be the same as that established by state law for nominating and electing circuit court judges, except as this charter provides to the contrary.
- (3) Petitions or declarations of candidacy shall contain no reference to any political party ballot or to the political party affiliation of the candidate.
- (4) The names of all candidates shall appear on the primary election ballot. If a candidate receives a majority of the votes cast for a position at the primary election; the candidate shall be elected to the position. If no candidate for a position at a primary election receives a majority of the votes cast for the position, the two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot.

[Amendment proposed by Ord. 170 §7 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measures 11, 23), adopted by people Nov. 6, 1984; amendment (ballot measure 26-63) adopted by people Nov. 2, 2004]

### **11.20. Tie Votes.**

In the event of a tie vote for candidates for an elective office of the county, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the board of county commissioners.

### **11.30. Initiative And Referendum.**

(1) Except as this charter or the ordinances of the county provide to the contrary, the voters of the county may exercise the initiative and referendum with reference to county propositions in the manner prescribed by state law.

(2) In no event may more than ten percent of the legal voters of the county be required to order the referendum or more than 15 percent be required to propose a measure by the initiative.

### **11.40. Recall.**

An elective officer of the county may be recalled in the manner and with the effect prescribed by state law.

### **11.50. Charter Amendment And Repeal.**

(1) This charter may be amended or repealed by the voters of the county at:

(a) A regular election or

(b) A special election called by the board of county commissioners.

(2) An initiative petition to submit a charter amendment or repeal to the voters shall be filed with the elections division at least 90 days before the election at which the measure is to come before the voters.

(3) An ordinance to refer a charter amendment or repeal to the voters shall be enacted at least 60 days before the election at which the measure is to come before the voters.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 15), adopted by people Nov. 6, 1984]

## **CHAPTER XII. MISCELLANEOUS**

- 12.10. Existing Legislation.**
- 12.20. Separability.**
- 12.30. Charter Review Committee.**
- 12.40. Appointment Of Committee Members.**
- 12.50. Scope Of Committee Review.**
- 12.60. Report Of Committee.**
- 12.70. Submission Of Amendments To The People.**

### **12.10. Existing Legislation.**

All legislation, rules, and regulations of the county or its governmental instrumentalities that are consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

### **12.20. Separability.**

(1) If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby.

(2) If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter or provision to other persons or circumstances shall not be affected thereby.

### **12.30. Charter Review Committee.**

There shall be convened a charter review committee for the purpose of making a comprehensive study of the Multnomah County home rule charter and, if the committee chooses, submitting to the people of Multnomah County amendments to the charter.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977]

## **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 county commissioners, and the chair of the board, 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 who had authority to make the original appointment.

(6) Original appointments shall be made by August 30, 2003, and every six years thereafter.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §6 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 24), adopted by people Nov. 6, 1984; amendment proposed by Ord. 659 §2 (1990) (measure 5), adopted by people Nov. 6, 1990; amendment (ballot measure 26-78) adopted by people Nov. 3, 1998]



## **12.50. Scope Of Committee Review.**

(1) The committee shall commence study of the charter by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses.

(2) The committee shall review the county charter and any issues relating thereto. The committee shall review the section 4.30 process for adjusting compensation for commissioners.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §6 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 24), adopted by people Nov. 6, 1984; amendment (ballot measure 26-78) adopted by people Nov. 3, 1998]

## **12.60. Report Of Committee.**

At least 95 days prior to the primary or general election or both of 2004 and every six years 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 county charter.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §6 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 24), adopted by people Nov. 6, 1984; amendment proposed by Ord. 659 (1990) (measure 5), adopted by people Nov. 6, 1990; amendment (ballot measure 26-78) adopted by people Nov. 3, 1998]

## **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 2004 and every six years thereafter primary or general election, or both.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §6 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 24), adopted by people Nov. 6, 1984; amendment proposed by Ord. 659 (1990) (measure 5) adopted by people Nov. 6, 1990; amendment (ballot measure 26-78) adopted by people Nov. 3, 1998]



## **12A. HISTORY OF MULTNOMAH COUNTY HOME RULE CHARTER**

<b>12A.00</b>	<b>Introduction</b>
<b>12A.01</b>	<b>Original Charter</b>
<b>12A.02</b>	<b>1976 Amendments</b>
<b>12A.03</b>	<b>1977 Amendments</b>
<b>12A.04</b>	<b>1978 Amendments</b>
<b>12A.05</b>	<b>1980 Amendments</b>
<b>12A.06</b>	<b>1982 Amendments</b>
<b>12A.07</b>	<b>1984 Amendments</b>
<b>12A.08</b>	<b>1986 Amendments</b>
<b>12A.09</b>	<b>1989 Amendments</b>
<b>12A.10</b>	<b>1990 Amendments</b>
<b>12A.11</b>	<b>1991 Amendment</b>
<b>12A.12</b>	<b>1998 Amendments</b>
<b>12A.13</b>	<b>2001 Amendment</b>
<b>12A.14</b>	<b>2004 Amendments</b>
<b>12A.15</b>	<b>2006 Amendments</b>

### **12A.00 Introduction**

Oregon counties were created on January 26, 1843. The first Oregon organic law provided for "not less than three, nor more than five, districts, subject to be extended to a greater number when an increase in population shall require it." The four original counties, Clackamas, Yamhill, Tuality (Washington), and Champoeg (Marion) performed the administrative functions of the provisional government (1843-1848). They tried court cases, enforced laws, conducted elections, assessed and collected taxes, and recorded documents. Under the territorial government (1848-1859), the county school commissioner and county surveyor functions were added. Most county offices were established before Oregon became a state in 1859.

By 1850 there were ten counties. Two of those counties (Clark and Lewis) became part of the Washington Territory in 1853 when Congress detached it from the Oregon Territory. Multnomah County was established by the Territorial Legislature on December 22, 1854. The western part of the new county came from Washington County and the area east of the Willamette River came from Clackamas County. Multnomah was the 16th of the 36 Oregon counties. The last county created was Deschutes on December 13, 1916.

Originally, the organization, functions and powers of counties were prescribed in detail by the state constitution and state statutes. State voters amended the Oregon Constitution in 1958 to permit county voters to adopt, amend, revise or repeal charters for county government. Nine counties have home rule charters: Lane (1962), Washington (1962), Hood River (1964), Multnomah (1966), Benton (1972),

Jackson (1978), Josephine (1980), Clatsop (1988) and Umatilla (1992). Each charter provides the organization and, to some extent, the functions and powers of county government.

In 1973 the legislature created "statutory home rule." ORS 203.035 grants all counties legislative authority over matters of county concern, whether or not they have a home rule charter. Twenty-four counties, including the nine with charters, now have a board of commissioners with three to five elected members. The other 12 less populated counties continue to be governed by a county court with a county judge and two commissioners.

#### **12A.01      Original Charter**

In 1964 the Multnomah County Board of Commissioners appointed an eleven member Home Rule Charter Committee. County voters adopted the Charter on May 24, 1966. An initiative petition to repeal the Charter was approved by voters at the November 1966 election. The courts invalidated the repeal measure election. The Multnomah County Home Rule Charter took effect January 1, 1967. It had 56 sections.

The Charter increased the county governing body from three to five full-time commissioners, including a chairman. Each member was nominated and elected by position from the county at large. After the November 1966 election, all terms were four years. The Board fixed the compensation of all county officers. The Board filled vacancies in county elective offices. The Board chairman was the chief executive who appointed and discharged administrative officers. The Board approved appointment of department heads.

#### **12A.02      1976 Amendments**

The original Charter was not changed until an initiative petition proposed measures adopted by voters on November 2, 1976. The measures amended three charter sections (3.10, 3.20 & 4.50). The nomination and election of the Commissioners changed from at large to single member districts. Commissioner terms reduced from four to two years. Five districts were created based on the 1970 federal census. The number of single member commission districts could increase based on county population growth. Elected office vacancies were filled by election rather than Board appointment.

#### **12A.03      1977 Amendments**

As the result of another initiative petition, the same three Charter sections (3.10, 3.20, & 4.50) were changed again at the November 8, 1977 election. The measure changed the nomination and election of Commissioners back to at large from single member districts. Board terms increased from two to four years. The Board

chairman was assigned Position No. 1. Elected office vacancies reverted to filling by appointment rather than election.

Five new Charter Review Committee sections (12.30, 12.40, 12.50, 12.60 & 12.70) were added. 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 committee consideration 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 Board was required 75 days before 1978 general election.

#### **12A.04      1978 Amendments**

Based on the Charter Review Committee report, the Board adopted Ordinance 170 and referred to the voters five measures amending the Charter. Four of the measures were adopted on November 7, 1978. Fifteen Charter sections were amended, two new sections added and one section repealed. One measure was rejected by the voters.

#### **Measures Approved**

Measure 1 amended Section 3.10 to create five districts and described the boundaries of each. New Section 3.15 provided for apportionment of commissioner districts by the county auditor. Amended Section 3.20 provided for Commissioners elected by districts for four-year terms. Section 3.40 amended the requirement for Board actions from a majority of the Board to a majority present at a meeting. The chairman changed to presiding officer selected by the Board by amendment to Section 3.50. Section 3.60 was amended to provide for annual selection of a Board presiding officer.

Measure 1 amended Section 4.10 by adding residency in the district for a year and a half to the qualifications for election. Ceasing to reside within the county and inability to obtain a corporate surety bond added to the Section 4.40 list causing an office vacancy. Section 4.50(4) was added to prohibit a person appointed to fill a Commissioner vacancy from running for that office at next election.

Measure 1 also amended Section 6.10 and changed county administrative authority from the Board chair to an elected county executive. Section 6.10 was amended to provide for county executive authority over administrative officers and increased authority to sign contracts and prepare the budget. The county executive had no vote at Board meetings, but had authority to veto ordinances adopted by the Board. New Section 13.15 contained effective dates for the amendments. Revised Section 13.20 provided for election of the county executive and reassigned commission positions.

Measure 2 amended Section 7.40 to prevent refusal of employment or discrimination contrary to state law. It also provided that Charter words in the masculine gender also included the feminine.

Measure 3 amended the Charter Review Committee sections. Section 12.40 changed 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. Amended Section 12.50 changed 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. All proposed amendments were required to be submitted for 1984 general election.

Measure 4 added new Section 11.15 making all elective county offices nonpartisan. It also provided that with two or fewer candidates, the names appear only on a general election ballot. If there are more than two candidates, all names appear on a primary election ballot, and the two candidates receiving the most votes appear on the general election ballot.

### **Measure Rejected**

Measure 5 would have amended Section 8.20 to expand Board authority to authorize revenue bonds. Voters did not approve that measure.

### **12A.05      1980 Amendments**

Board Ordinance 245 proposed county personnel Charter amendments. Voters approved the measure at the November 4, 1980 election and amended four Charter sections. Section 6.10 made the county executive the personnel officer of the county. Civil service commission authority to exclude employees from classified service was deleted from Section 7.10. Section 7.20 was amended to permit the Board to determine cases the commission hears on appeal. The connection between county civil service system and state law was deleted from Section 7.30. Retention of civil service status by persons promoted into unclassified service and continuation of fringe benefits were deleted from Section 7.40.

Ordinance 272 proposed a measure to amend Section 3.10 to make changes to commission districts based on the 1980 decennial census. Voters approved this measure at the November 4, 1980 election.

### **12A.06      1982 Amendments**

An initiative petition resulted in amendments to compensation for elected officials, and the number of county elected officials. Section 4.30 was amended to fix the compensation of all county elected officials by voters at primary or general elections. New Section 6.50 was added to provide for election of Sheriff, County Clerk, District Court Clerk and County Assessor. It added prohibition of paid county lobbyist. It

restricted elective officers to eight years of service retroactive to 1976. It made filing for another office the same as a resignation. Voters approved the measure at the May 18, 1982 election.

## **12A.07      1984 Amendments**

The 1984 Charter Review Committee recommended 17 ballot measures revising the Charter. Board Ordinance 427 submitted the proposed amendments to the voters. Voters approved 15 of the measures at the November 6, 1984 election. Two measures were rejected.

### **Measures Approved**

Measure 1 amended Section 3.10 to provide for a Board chair elected from the county at large, and four commissioners elected from districts with revised boundaries. The county executive was eliminated. The Board chair became the presiding officer in Section 3.60. Section 5.40 was changed so that the Chair signs ordinances, but has no veto. The powers of the Chair are listed in amended Section 6.10.

Measure 2 changed the Section 3.15 time requirements for apportionment by the Auditor. It also conformed the Charter to state law by deleting the Section 11.15 provision for ballot slogans.

Measure 3 amended Section 4.10 to permit the county to obtain a corporate surety bond for elected officials rather than continuing to require individual surety bonds.

Measure 4 amended Section 4.30 to require the auditor to appoint a five-member salary commission. The commission makes salary adjustment recommendations for elected officials. The recommendations are submitted to voters at a primary election.

Measure 5 amended the Section 4.50 procedures for filling vacancies in elective offices. 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.

Measure 6 related to administrative departments and functions. It deleted references to existing and past departments. It repealed Sections 6.30 and 6.40 and incorporated some of their provisions into an amended Section 6.20. It clarified Board authority to create and alter administrative departments.

Measure 7 deleted the office of elected District Court Clerk. Measure 8 deleted the office of elected County Clerk. Measure 9 deleted the office of elected County Assessor. All three measures amended Section 6.50(2).

Measure 11 amended Section 6.50(4) to revise the limitation on eligibility for elective office to two consecutive full four-year terms in any 12-year period.

Measure 12 revised the duties of the auditor. Section 8.10 was amended to require the Auditor to conduct internal audits of all county operations and financial affairs. Elected officials were required to respond in writing to audit findings. Section 13.30 relating to the 1966 election of the auditor was repealed.

Measure 13 deleted from Section 8.20 the requirement of voter authorization before the Board could issue revenue bonds.

Measure 14 amended Section 11.15 relating to primary elections. Previously a primary was required only if there were more than two candidates. Candidates who receive a majority of the votes in the primary are elected. If no candidate receives a majority, the two candidates receiving the most votes are nominees and appear on the general election ballot.

Measure 15 proposed amendments to the Charter Review Committee provisions (Sections 12.40, 12.50, 12.60 & 12.70). It 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.

Measure 16 created an office of citizen involvement. It added a new Section 3.75 to develop and maintain citizen involvement programs to facilitate direct communication between citizens and the Board. It required the Board to appropriate funds for the office and committee. It granted the committee authority to hire and fire its staff.

### **Measures Rejected**

The voters did not approve two measures proposed by the Charter Review Committee. Measure 10 would have amended Section 6.50(3) to permit the county to employ a coordinator of intergovernmental relations. It would have repealed the lobbyist prohibition. Measure 17 would have repealed the prohibition against elected officials running for another office in midterm.

### **12A.08      1986 Amendments**

The Board submitted Ordinance 500 to the voters at the May 20, 1986 election. This measure relating to elected officials approved and amended Section 6.50(5). It permits county elected officials to file for another office in the last year of their terms without resigning from office.

Voters approved Ordinance 521 at the November 4, 1986 election. It amended Section 4.30 to permit voters to fix compensation of elected officials at general as well as primary elections.



Voters also approved Ordinance 522 at the November 4, 1986 election. It amended Section 6.10 to provide that new county Chair would receive the same salary previously paid the county executive. The Chair took office on January 1, 1987.

#### **12A.09      1989 Amendments**

Ordinance 603 related to Auditor compensation. It proposed amendments to Section 4.30, Compensation and Section 8.10, Auditor. The change to 4.30 added "except as provided in section 8.10(2)." The Section 8.10 change required Auditor candidates to be certified public accountants or certified internal auditors. The Auditor salary was set at 4/5's of a district court judge salary. Voters approved the measure at the March 28, 1989 election.

Ordinance 604 amended Section 4.50 to change the procedure for filling vacancies. Section 4.50(1)(a) was changed to require a candidate to receive a majority of votes cast at an election for filling the balance of an unexpired term. Subsection (3) requires the Board to adopt ordinance procedures to designate interim occupants for the offices of Chair, Sheriff and Auditor. Voters also approved this measure at the March 28, 1989 election.

#### **12A.10      1990 Amendments**

The 1990 Charter Review Committee proposed seven measures for the November 6, 1990 general election. The Board adopted Ordinance 659 submitting the measures to the voters. Voters approved three measures, and rejected four measures.

#### **Measures Approved**

Measure 3 added new subsection (a) to Section 6.50(1) to require the Board to fix the Sheriff's salary at not less than that of any member of the Sheriff's office.

Measure 4 amended Section 4.30 to change the method of determining the compensation of the Chair and Commissioners. The section permits the Board to establish the salaries, but they shall not exceed the salaries recommended by the salary commission.

Measure 5 amended the Charter Review Committee sections. Section 12.40 was amended to require appointments by June 30, 1997. Sections 12.60 and 12.70 were amended to require the committee report and election in 1998.

## **Measures Rejected**

Measure 1 would have transferred county administrative functions from the Chair to a County Manager. It would have made extensive changes to Section 6.10, Chair and created a new Section 6.15, County Manager.

Measure 2 would have amended Section 6.50 to repeal the subsection (3) prohibition on hiring a paid lobbyist and permit the county to employ an advocate for county interests before the legislature.

Measure 6 would have amended Section 6.50(5) to permit an elected official to file for another office in the last 18 months of a term. The section continues to permit filing in the last year of a term without resigning from office.

Measure 7 would have repealed Section 6.50(4) that prohibits elected officials from serving more than two consecutive four-year terms in any 12-year period.

### **12A.11      1991 Amendment**

Section 3.15 requires the Auditor to reapportion Commissioner districts not later than August 1 after the release of each federal decennial census for Multnomah County. The auditor prepared and presented to the Board a plan to modify district boundaries. As required by Section 3.15, the Board adopted Ordinance 694 on August 29, 1991.

### **12A.12      1998 Amendments**

The 1997 Charter Review Committee proposed 10 measures for the November 3, 1998 general election. The Board adopted Resolution 98-126 that submitted the measures to the voters. The voters approved six measures, and rejected four measures.

## **Measures Approved**

Measure 26-76 repealed outdated parts of the Charter. It repealed nine Charter sections and parts of nine other sections. Measure 26-77 repealed three unneeded Charter sections relating to county service districts.

Measure 26-78 amended the Charter sections relating to the Charter Review Committee. The next committee will be appointed by August 30, 2003, and a committee will be appointed every six years thereafter.

Measure 26-79 amended Section 3.15 to reduce apportionment population differences of the four Commissioner districts. Now no district may have more than 102 percent of the population of any other district.

Measure 26-80 amended Section 4.50(3) to require designation of interim Commissioners as well as interim Chair, Sheriff and Auditor. Measure 26-84 amended Section 8.10 to require the Auditor to conduct "performance" audits rather than "internal" audits. It also allows the Auditor to conduct studies to improve county services.

### **Measures Rejected**

Measure 26-81 would have repealed county term limits. Measure 26-82 would have repealed the requirement that an elected official who runs for another office in midterm must resign.

Measure 26-83 would have repealed the bar on a paid county lobbyist. Measure 26-85 would have amended the Charter to permit different runoff election procedures.

### **12A.13      2001 Amendment**

Section 3.15 requires the Auditor to reapportion Commissioner districts not later than August 1 after the release of each federal decennial census for Multnomah County. The auditor prepared and presented to the Board a plan to modify district boundaries. As required by Section 3.15, the Board adopted Ordinance 964 on August 2, 2001.

### **12A.14      2004 Amendments**

The 2003 Charter Review Committee proposed seven measures for the November 2, 2004, general election. The Board adopted Resolution 04-101 that submitted the measures to the voters. The voters approved five measures, and rejected two measures.

### **Measures Approved**

Measure 26-57 amended Section 3.20 by removing subsection (3) to resolve an inconsistency and require all county elected officials to receive a majority of votes.

Measure 26-58 amended Section 4.30 to require the five-member salary commission appointed by the auditor to set county chair and commissioner salaries.

Measure 26-59 amended Section 6.50 to remove subsection (2) barring county paid lobbyists.

Measure 26-62 amended Section 7.20 to reduce Civil Service Commission terms from six to three years.

Measure 26-63 amended Section 11.15 by removing subsection (5) containing an outdated reference regarding selection of replacement candidates after a primary.

## **Measures Rejected**

Measure 26-60 would have repealed county term limits. Measure 26-61 would have repealed the requirement that an elected official who runs for another office in midterm must resign.

## **12A.15      2006 Amendments**

Based on the 2003 Charter Review Committee recommendation, the Board adopted Resolution 06-027 submitting a housekeeping measure to the voters at the May 16, 2006, election. The voters approved Measure 26-78 that moved subsections (2) and (3), relating to term limits and running for office midterm, from section 6.50, Sheriff, to section 4.20, Terms of Office.

## 12B. MULTNOMAH COUNTY CHARTER REVISIONS

YEAR	Amended		Year	Repealed
1976, 1977, 1978, 1981, 1984, 1991, 1998, 2001	Chapter III. Governing Body 3.10 Membership			
1984	3.11 Transition		1998	3.11 Transition
1978 1984 1998	3.15 Apportionment Of Commissioner Districts			
1976 1977, 1978 2004	3.20 Election			
1978, 1984	3.40 Concurrence Required For Action			
1978 1998	3.50 Meetings			
1978, 1984	3.60 Presiding Officer			
1978, 1984	3.70 Advisory Boards And Commissions			
1984	3.75 Citizen Involvement		1978	3.80 Board Members And Administrative Personnel
1978, 1984, 1998	4.10 Qualifications			

<b>YEAR</b>	<b>Amended</b>		<b>Year</b>	<b>Repealed</b>
2006	4.20 Terms Of Office; Successive Terms, Running For Office In Midterm			
1982, 1984, 1986, 1989, 1990, 1998, 2004	4.30 Compensation Of The Chair And Commissioners			
1978, 1984	4.40 Vacancies--Causes			
1976, 1977, 1978, 1984, 1989 1998	4.50 Vacancies--Filling			
1978, 1984	5.40 Authentication			
1978, 1984	5.50 Time Of Effect			
1978, 1980, 1984, 1986, 1998	6.10 Chair Of The Board			
1984, 1998	6.20 Administrative Departments And Functions			
1984	6.30 Departmental Functions			

<b>YEAR</b>	<b>Amended</b>		<b>Year</b>	<b>Repealed</b>
1984	6.40 Departmental Changes			
1982, 1984, 1986, 1990, 1998, 2004, 2006	6.50 Sheriff			
1980, 1990 1998	7.10 Classified Service			
1980, 2004	7.20 Civil Service Commission			
1980	7.30 Civil Service System			
1978, 1980	7.40 Rights And Duties Of Personnel			
1984, 1989, 1998	8.10 Auditor			
1984	8.20 Bonded Indebtedness		1998	Chapter IX Service Districts 9.10 Authorization 9.20 Limitation 9.30 State Law
1978, 1984, 2004	11.15 Nonpartisan Offices		1998	11.10 Nomination And Election Of Officers
1984	11.50 Charter Amendment And Repeal			
1977	12.30 Charter Review			

<b>YEAR</b>	<b>Amended</b>		<b>Year</b>	<b>Repealed</b>
1977, 1978, 1984, 1990, 1998	12.40 Appointment Of Committee Members			
1977, 1978, 1984, 1998	12.50 Scope Of Committee Review			
1977, 1978, 1984, 1990, 1998	12.70 Submission Of Amendment To The People			
1978	Chapter XIII Transition 13.15 Effective Date Of Amendment 13.20 County Commissioners 13.25 Spending Limitation		1978 1998	13.30 Auditor 13.10 Time Of Effect 13.15 Effective Date Of Amendment 13.20 County Commissioners 13.25 Spending Limitation 13.40 Nominating Petitions 13.50 Civil Service Commission 13.60 Other Officers



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 07-014**

Adopting Rules for Board Meetings and Repealing Resolution 05-101

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County Home Rule Charter section 3.50 contains requirements for Board meetings, and subsection (1) requires the Board to adopt and publish rules for the conduct of its meetings.
- b. All Board meetings must comply with the Oregon Public Meetings Law.
- c. Resolution 05-101 adopted the current Board rules that now need revision.

**The Multnomah County Board of Commissioners Resolves:**

**SECTION 1. ORGANIZATION**

- A. The Chair presides at Board meetings and has a vote on each matter before the Board. The presiding officer may not make or second motions unless the position is first relinquished for that purpose.
- B. The Vice-Chair presides when the Chair is absent.
- C. In the absence of both the Chair and Vice-Chair, the Commissioner with the most seniority in office will act as presiding officer.
- D. The presiding officer will sign all documents approved at the Board meeting.

**SECTION 2. APPOINTMENT OF VICE-CHAIR**

- A. At the first regular meeting of each calendar year, the Board will appoint a Vice-Chair. Appointments will be made in rotation by Commission District number. A Commissioner may refuse the position, and then the Commissioner in the next numbered district will be appointed.
- B. If there is a vacancy in the Vice-Chair position, the Board will appoint a Vice-Chair from the next numerical Commissioner District at the first regular meeting following the vacancy.

**SECTION 3. MINUTES**

- A. The Board Clerk will make a record of all Board meetings.

- B. The written record will comply with the Oregon Public Meetings Law. The records will be accessible to the public during regular office hours.

#### **SECTION 4. MEETINGS**

##### **A. REGULAR MEETINGS**

- (1) All meetings are open to the public, except executive sessions.
- (2) All Board meetings are held in the Commissioners' Boardroom and other locations accessible to the public as noted on the agenda.
- (3) The Board meets each Thursday to deliberate on County business and make decisions.
- (4) The Board meets on Tuesdays and *other days* as necessary for briefings, executive sessions, work sessions and joint meetings. The Chair may cancel Board work sessions or briefings or combine them with regular or special meetings.
- (5) When it is in the public interest, the Board by majority vote at any meeting may adjourn to another time or to another location accessible to the public.

##### **B. SPECIAL MEETINGS**

- (1) The Chair or three other Board members may call special meetings. The special meeting notice must include an agenda of items for consideration. The notice must be delivered personally to each Commissioner or the Commissioner's office or residence at least 24 hours before the meeting.
- (2) Board action at a special meeting, except adoption of an emergency ordinance, does not take effect unless ratified at the next regular meeting.

##### **C. EXECUTIVE SESSIONS**

- (1) The Board may meet in executive session in accordance with state law. At the beginning of each executive session, the statutory authority for the meeting must be stated.
- (2) The Board will require that representatives of the news media and all other attendees are specifically directed not to disclose specified information that is the subject of the executive session.

## **SECTION 5. NOTICE AND AGENDA**

- A. The Board Clerk will maintain an interested person Board meeting notice list. The list will include the names and addresses of interested persons including news media that have requested notice of Board meetings. The Board Clerk will give notice stating the time and place of Board meetings and the agenda to persons on the list, and post the notice to the Board's internet web site. Agenda packet materials will also be posted to the web site.
  - (1) Notice will be given at least 72 hours before each regular meeting.
  - (2) Notice will be given 24 hours before each special meeting.
- B. The Chair, each Commissioner, the Sheriff, the District Attorney, the Auditor and Department Directors may place matters on a Board meeting agenda. The official who places a matter on a Board agenda may withdraw or postpone the matter at any time before the start of the meeting. If the agenda has been distributed, the Board must decide to continue the matter to another date or postpone it indefinitely.
- C. The Chair will supervise agenda preparation. The Chair may adopt Executive Rules for placement of matters on the Board agenda, and the format for ordinances, resolutions, orders, proclamations and other Board documents.
- D. The Board, Sheriff, District Attorney and Auditor are not bound by the Administrative Procedure for Board agenda submissions and process established by the Chair for County Department Directors. The agenda submission deadline for elected officials is noon, Wednesday, one week prior to the Thursday Board meeting.

## **SECTION 6. UNANIMOUS CONSENT**

- A. The Board may act on an item not on the agenda notice if at least three Commissioners vote in favor of a motion to immediately consider the matter.
- B. For the matter to be adopted, all Commissioners present must vote in favor of the matter.

## **SECTION 7. ATTENDANCE, QUORUM**

- A. Commissioners will provide written or electronic mail notification of all anticipated absences from Board meetings to each other and the Board Clerk.
- B. A quorum consists of three Commissioners.
- C. If there is an emergency, two Commissioners may meet and compel the attendance of absent members with assistance from the Sheriff.

## **SECTION 8. VOTING**

- A. A Commissioner who cannot be physically present at a meeting may attend and participate by telephone. Except for executive sessions, the public will be provided a place to listen to the communication.
- B. If a potential conflict of interest exists for any Commissioner relating to any matter on the Board agenda, the Commissioner will publicly announce the nature of the potential conflict before participating in the Board discussion of that matter. If a Commissioner has an actual conflict of interest relating to any matter, the Commissioner may not participate or vote on that matter.
- C. After a motion and second, the presiding officer will request an explanation of the agenda matter and accept public testimony. At the conclusion of Board discussion, the presiding officer will state the motion before the Board and call for the vote.
- D. After the call for the vote, no further discussion is permitted, but the presiding officer will permit the maker to withdraw the motion to allow further discussion.
- E. No voting abstention is allowed. Commissioners must vote 'yes' or 'no' unless they have been excused for a conflict of interest.
- F. Commissioners will vote orally. A roll call vote will be conducted if requested by any Commissioner. The presiding officer will announce the results of the vote, and the vote of each Commissioner will be recorded.
- G. Motions and amendments to motions fail if there is a tie vote.
- H. As required under Charter Section 6.20(4), the affirmative concurrence of four or more Commissioners is required to:
  - (1) Establish additional administrative departments,
  - (2) Abolish any department,
  - (3) Combine two or more departments into one, and
  - (4) Separate departments so combined.
- I. Regular meeting agendas include a consent calendar for approval of items determined routine by the Chair. The consent calendar may be approved by a single motion, second and vote of the Board. At the request of any Commissioner, a consent calendar item will be considered on the regular agenda.
- J. Agenda items may be taken out of order at the discretion of the presiding officer.

## **SECTION 9. PUBLIC TESTIMONY**

- A. The presiding officer may regulate the length of public participation and limit appearances to presentations of relevant points.
- B. To assist persons wishing to testify at Board meetings, the Board Clerk will make public sign-up sheets available. Persons will be called to testify in the order they are submitted to the Board Clerk, unless otherwise recognized by the presiding officer.
- C. The presiding officer has authority to keep order and impose reasonable restrictions necessary for the efficient and orderly conduct of a meeting. Any person who fails to comply with reasonable rules of conduct or who creates a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

## **SECTION 10. ORDINANCES**

- A. Proposed ordinances will be prepared or reviewed and approved by the County Attorney.
- B. Except for ordinances containing emergency clauses, proposed ordinances will be read at regular Board meetings on two different days at least six days apart.
- C. A proposed ordinance may be read by title only if copies of the ordinance are available to the public at the meeting.
- D. A motion to move a proposed ordinance to its second reading requires the affirmative concurrence of at least three members of the Board. Unless a later date is provided by the Board, upon passage of the motion, the presiding officer will announce the second reading is scheduled for the next regular meeting, which must be at least six days from passage of the motion.
- E. No change or amendment to a proposed ordinance that has been placed on the agenda may be made except by approval of a majority of the Board during the public hearing of the ordinance. If the Board approves a change that materially affects a proposed ordinance, an additional reading of the proposed ordinance may be held.
- F. A non-emergency ordinance takes effect thirty days after adoption by the Board unless it prescribes a later effective date or it is referred to County voters.
- G. A proposed ordinance to meet an emergency may be introduced, read once and enacted at a single meeting with unanimous consent of all Board members present. If the Board votes in favor of passage at the first reading but the vote is not unanimous, the proposed ordinance must be scheduled for a second reading.

At the second reading, the proposed ordinance may be approved as either an emergency or a non-emergency ordinance by majority vote.

- H. Following Board adoption, an emergency ordinance takes effect immediately upon signature of the presiding officer or the date provided in the ordinance.

#### **SECTION 11. APPLICATION OF RULES**

The Board is the governing body for Dunthorpe-Riverdale Sanitary Service District No. 1 and the Mid-County Street Lighting Service District No. 14. The Board also sits as the Multnomah County Budget Committee, the Public Contract Review Board and in other capacities. These Rules apply to the meetings in all capacities.

#### **SECTION 12. MISCELLANEOUS**

- A. Any procedure or situation not covered by law or these Rules is governed by the most recent edition of Robert's Rules of Order Newly Revised.
- B. Copies of these Board Rules will be available at all Board meetings.

#### **SECTION 13. ADOPTION**

This resolution repeals Resolution 05-101 and all previously adopted Board Rules. These Rules take effect immediately upon Board adoption.

ADOPTED this 4th day of January, 2007.

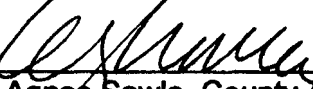


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Agnes Sowle, County Attorney

SUBMITTED BY:  
Agnes Sowle, County Attorney

**MULTNOMAH COUNTY OREGON  
ADMINISTRATIVE PROCEDURE**

**BCC-1**

**SUBJECT:** Board Agenda Submissions and Process

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**DATE:** September 22, 2008

*RED WHEELER*

**ORGANIZATIONS  
AFFECTED:** All Departments/Offices

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**LEGAL CITATION/  
REFERENCE:** Board Rules Resolution No. 07-014 - adopted 1/4/07

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**FORMS:**

- ❖ Agenda Placement Request (**APR\_BudMod**) for Budget Modifications
- ❖ Agenda Placement Request (**APR\_BudMod\_Cont**) for Budget Modification Contingency Requests
- ❖ Agenda Placement Request (**APR\_NOI**) for Notices of Intent
- ❖ Agenda Placement Request (**APR\_**) for all other submissions, i.e., briefings, orders, ordinances, proclamations, resolutions, work sessions
- ❖ Board Meeting Information for Staff
- ❖ Board Rules Resolution No. 07-014
- ❖ Budget Modification Expenditure and Revenues and Annualized Personnel Change Form
- ❖ Order Format
- ❖ Ordinance Format
- ❖ Proclamation Formats 1 and 2 (only Chair or all Board signatures)
- ❖ Resolution Format
- ❖ Sample Public Testimony Sign-Up Form
- ❖ **Legislative Agenda Requests:**
  - ❖ Federal Appropriations
  - ❖ Federal Legislative
  - ❖ State Legislative

## A. DEFINITIONS

1. **ORDINANCE.** A Board exercise of legislative authority granted by the County Home Rule Charter or state statute (ORS). Ordinances are codified in the Multnomah County Code (MCC).
2. **RESOLUTION.** Board exercise of administrative authority granted by a county ordinance (MCC) or state statute (ORS).
3. **ORDER.** A final Board determination in a quasi-judicial matter under authority of state law. A public hearing, findings and conclusions are required.
4. **PROCLAMATION.** Board recognition of a special event, ceremony or group.
5. **BUDGET MODIFICATION.** After the budget is adopted, sometimes changes in appropriated expenditures or revenues are necessary. Appropriations may have to be decreased or increased. This may be as a result of grants, expenditure of proceeds of certain bonds, debt service, transfer appropriations and resources within any fund or from the general fund to any other fund.
6. **CONTINGENCY REQUEST.** Guidelines for contingency requests are detailed in the Financial & Budget Policies. Contingency requests are typically limited to emergency situations that may jeopardize the health and safety of the community, or unanticipated expenditures that are necessary to keep a previous public commitment, or to fulfill a mandate. These expenditures must be on-time-only in nature.
7. **NOTICE OF INTENT TO APPLY FOR A GRANT (NOI).** The purpose of a NOI is two-fold. First is to get approval from the board that the grant is in alignment with the County's mission and to provide an indication of their willingness to commit the necessary County resources to support the grant. The second purpose is to get approval from the grantor to move ahead on the grant/development process. There is no dollar limit.
8. **CONSENT CALENDAR AGENDA CRITERIA.** Per Board Rules Resolution 07-014, regular Thursday Board meeting agendas include a



consent calendar for approval of items determined routine by the Chair. These items may include auto wrecker license and liquor license application renewals; Chaplains housing allowance resolutions; reclassification budget modifications; revenue and 190 agreements; intergovernmental agreement renewals and amendments; Peace Officer custody holds orders; Tax Title resolutions and transfers of unclaimed property resolutions. The consent calendar may be approved by a single motion, second and vote of the Board. At the request of any Commissioner, a consent calendar item will be considered on the regular agenda. If a Commissioner wants to move a consent calendar item to the regular agenda, the contact person listed on the agenda placement request will be notified by Board staff so the appropriate department director and/or staff will know to attend the Board meeting to present an explanation of the item and answer any questions.

9. **LEGISLATIVE AGENDA REQUESTS.** Requests to the Board to adopt a legislative priority are to be submitted to the Government Relations Manager Phillip Kennedy-Wong with the appropriate forms completed. This includes any requests to modify the existing state and federal agenda mid-way.

## **B. AGENDA PLACEMENT REQUESTS**

1. All agenda placement requests will be electronically submitted to Tara Bowen-Biggs in the Chair's Office and Deborah Bogstad in the Board Clerk's Office, by **noon on Thursday two weeks** prior to the requested Board meeting date. No items will be placed on the final agenda without prior review and electronic approval by the Chair's Office.
2. The original agenda packet containing a completed Agenda Placement Request form signed by the appropriate Department Director, Budget Analyst and Human Resources staff (as required) and all other supporting documents (e.g., contracts, ordinances, PowerPoint presentations and backup materials) will be submitted to the Board Clerk's Office (503/600)

by **noon on Thursday two weeks** prior to the requested Board meeting date.

3. The Multnomah County Board of County Commissioners, Auditor, District Attorney and Sheriff are not bound by this administrative process. Board Rules Resolution 07-014 overrides this administrative process for elected officials.
4. An Agenda Placement Request is required for all agenda submissions including ordinances, appointments, resolutions, orders, proclamations, briefings, work sessions, executive sessions, special meetings and/or public hearings.
5. An Agenda Placement Request is required for all agenda submissions including budget modifications, reclassifications, contingency requests and grant notices of intent. Budget modifications and contingency requests require a budget modification expenditure and revenues worksheet and, if there are personnel changes, a budget modification personnel worksheet as an attachment. Contingency requests also require a Budget Office memo regarding general fund contingency policy compliance.
6. Budget Modifications, Contingency Requests and Notices of Intent to Apply for Grants must be reviewed and approved by the Budget Office prior to submission to the Chair's Office. The Budget Office requires two to three days for review and approval.
7. Departments are responsible for gathering all signatures, including Departmental Human Resources signatures for items with personnel actions, prior to submitting item to the Budget Office for review.
8. Budget Modifications which change appropriations at the department fund level need to be approved by the Board, including transfers between funds, transfers from contingency and increases or decreases in grant revenues and appropriations.
9. Contingency Requests must be reviewed and approved by the Budget Office prior to submission for the agenda.

10. Contingency Requests require a Budget Modification Expenditure and Revenues Worksheet and, if there are personnel changes, a Budget Modification Personnel Worksheet as an attachment.
11. Appropriate use of contingency funds is part of the Financial Policies in the Fiscal Year 2009 Adopted Budget Narrative, Volume One - Policy Document and Legal Detail, located at  
<http://www2.co.multnomah.or.us/Public/EntryPoint?ch=4f7058cd4bf6b110VgnVCM1000003bc614acRCRD>.
12. Notices of Intent (NOI) to Apply for Grants must be reviewed and approved by the Budget Office prior to submission for the agenda. Requests for grant renewals may be permitted but only if the renewal date falls within the NOI timeframe originally approved by the Board. Otherwise, a new NOI must be submitted for Board approval.
13. Appropriate use of grant funds is part of the Financial Policies in the Fiscal Year 2009 Adopted Budget Narrative, Volume One - Policy Document and Legal Detail, located at  
<http://www2.co.multnomah.or.us/Public/EntryPoint?ch=4f7058cd4bf6b110VgnVCM1000003bc614acRCRD>.

**C. MISCELLANEOUS BUDGET OFFICE DIRECTION**

1. All agenda placement requests Budget Modifications which do not change the adopted budget appropriation require notification to the Budget Office prior to making such changes in SAP. Such Modifications include transfers between object codes, within personnel services, materials and services, capital outlay, contractual services, and between organizations within an appropriation unit.
2. Budget Modifications stipulating a new revenue source, or a significant change in the existing revenue stream, [a significant change is \$100,000 or greater] must be accompanied by documentation, confirmed by the revenue providing agency, as to the amount of revenue anticipated and the estimated dated of receipt.

3. Departments are responsible for entering Budget Modifications in the CO/PS modules of SAP within the financial period that they are approved by the Board.
4. The Budget Office will enter the Budget Modifications in the FM module of SAP within the financial period that they are approved by the Board.
5. Internal Budget Modifications must be submitted to the Budget Office prior to any changes in the CO/PS Module of SAP.

**D. DOCUMENT PREPARATION**

1. Prior to agenda submission, the County Attorney must review final drafts of all documents requiring attorney review, including ordinances, resolutions, orders and contracts requiring Board approval.
2. Final draft of documents requiring attorney review must be submitted **electronically** to the appropriate County Attorney and **approved prior to circulation** of the final document.
3. Document Formatting:
  - a. At least three lines of text must be continued to the next page in order to prevent a page consisting only of signatures.
  - b. Documents requiring signatures must include appropriate County Attorney and Chair signature lines.
  - c. Each page should be numbered in the bottom left hand corner, indicating page number and total number of pages in document (e.g. Page 1 of 100).
4. Following approval, the Board Clerk assigns numbers to Board adopted ordinances, resolutions, orders and proclamations and posts them on the Board of Commissioners website at <http://www2.co.multnomah.or.us/cfm/boardclerk/>. The Board Clerk provides copies of Board adopted ordinances, resolutions, orders and proclamations to the contact person listed on the Agenda Placement Request and to others, upon request.

## **E. BOARD MEETINGS**

1. The Board meets in the Multnomah Building, first floor Commissioners Boardroom, 501 SE Hawthorne Boulevard, Portland and other locations as noticed. All meetings are open to the public, except executive sessions.
2. Regular (voting) Board meetings are held on Thursdays from 9:30 until approximately noon. Board briefings and/or work sessions are scheduled on Tuesdays and other days as needed. Public hearings are scheduled as needed.
4. The Boardroom or other meeting location is open approximately 30 minutes prior to the meetings.
5. The public may provide comment on agenda or non-agenda matters. Persons wishing to speak complete a public testimony sign-up sheet available in the Boardroom and present it to the Board Clerk. Persons will be called to testify in the order the sign-up sheets are submitted to the Board Clerk unless otherwise recognized by the presiding officer. Speakers address the Board from the presenter table after stating their name for the official record. Comments are limited to 3 minutes per person unless otherwise directed by the presiding officer.
6. No later than Thursday afternoon one week prior to Board meetings, the meeting agenda and informational documents relating to the agenda submissions are published to the Board of Commissioners website at <http://www.co.multnomah.or.us/cc/agenda.shtml> and <http://www.co.multnomah.or.us/cc/WeeklyAgendaPacket/> respectively.
7. Official records of all Board meetings are maintained by the Board Clerk. The text of annotated minutes and adopted Board documents is available on the Board of Commissioners website at <http://www2.co.multnomah.or.us/cfm/boardclerk/>.



# OFFICE OF MULTNOMAH COUNTY ATTORNEY

## MULTNOMAH COUNTY LEGISLATIVE AUTHORITY

### INTRODUCTION

Counties have general legal authority to provide basic public services. They are corporate entities separate from the state. They have local electorates. They have specific territory and inhabitants. All state territory is within counties.

Most counties were formed before Oregon became a state in 1859. Counties performed basic administrative functions. They enforced laws, conducted elections, assessed and collected taxes, recorded documents and ran the courts. Originally, the state constitution and statutes prescribed the organization, functions and powers of counties that operated as agencies of the state. Today, all 36 counties continue to perform administrative functions delegated by state statutes.

### COUNTY HOME RULE

State voters amended the Oregon Constitution to add county home rule in 1958. Oregon Constitution Article VI, section 10 delegates to county voters (which include all city voters) the authority to adopt, amend, revise or repeal a county charter. Charters may establish authority over "matters of county concern." The constitution requires county charters to prescribe the organization of county government, and the number, powers and duties of county officers. These officers must exercise powers and duties imposed by the constitution and state statutes as well as those granted by the charters.

In 1959 the legislature enacted ORS 203.710 to 203.770 to implement constitutional home rule for counties. These sections create a process for voters to approve county charters. Since 1983, ORS 203.725 has required proposed charter amendments to address only one subject and connected matters.

Nine counties have home rule charters: Lane (1962), Washington (1962), Hood River (1964), Multnomah (1966), Benton (1972), Jackson (1978), Josephine (1980), Clatsop (1988) and Umatilla (1992). Each charter provides the organization and the functions and powers of county government.

The state constitution delegates legislative authority to home rule counties. All the county home rule charters accept this authority "over matters of county concern to the fullest extent permitted by the constitutions and laws of the United States and the State of Oregon." They delegate legislative authority in the boards of county commissioners. This legislative authority is subject to the initiative and referendum powers reserved to county voters.

A county board may not exceed the legislative authority defined and limited by the charter under which it acts. *Brummell v. Clark*, 31 Or App 405, 411 (1977). County legislative actions are by ordinance. Charters state that boards may not delegate legislative authority. The Multnomah County Charter section 2.20 states: "... the legislative power of the county shall be vested in and exercisable only by the board of county commissioners."

In addition to providing the basis for county legal authority, charters may change county government structure from that provided by state statutes. The number of commissioners in the county governing body may increase. Five of the nine home rule counties have increased the number of commissioners from three to five (Clatsop, Hood River, Lane, Multnomah & Washington). The charters also reduce the number of county elected administrative officers.

### STATUTORY AUTHORITY

In 1973, the Oregon legislature delegated general legislative authority to all counties whether or not a county has a home rule charter. ORS 203.035(1) states the governing body or county electors "may by ordinance exercise authority within the county over matters of county concern." *Caffey v. Lane County*, 298 Or 183 (1984), stated that ORS 203.035 authority is similar to home rule.

ORS 203.040 provides that county police power ordinances adopted under ORS 203.030 to 203.075 do not apply inside a city without city consent. ORS 203.055 requires voter approval of tax ordinances adopted under ORS 203.035 before they may take effect. These provisions do not apply to home rule counties. See *Budget Rent-A-Car v. Multnomah County*, 287 Or 93 (1979).

Twenty-seven counties, including the nine with charters, now have a board of commissioners as the governing body that enacts ordinances. The nine less populated counties continue with a county court consisting of the county judge and two commissioners. These counties are Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Wasco & Wheeler. ORS 203.111 states that a county court is the governing body with general legislative authority over matters of county concern.

County voters have no greater legislative authority than the board of commissioners or county court. *Carriker v. Lake County*, 89 Or 240 (1918).

In *GTE Northwest v. Oregon Public Utility Commission*, \_\_ Or App \_\_ (2002), the court of appeals concluded that Lincoln County is within its ORS 203.035 authority to provide telecommunication services to its own residents, and to offer voluntary telecommunication services outside its boundaries. The provision of telecommunication services outside county boundaries was found to be a matter of concern to county residents. There was no legal limitation on the county competing with the private sector.

## MATTERS OF COUNTY CONCERN

In *Schmidt v. Masters*, 7 Or App 421 (1971), the court of appeals examined the language of Article IV, section 10 and observed that county home rule was an adaptation of city home rule with continuation of state imposed functions. It held that the authority of a home rule county may be as broad as that of a city. The court reasoned that since a city with a general grant of power has authority over matters that are not preempted by state law then a home rule county has like authority.

The court applied the initiative and referendum provisions of Article IV, section 1(5) to a county in *Allison v. Washington County*, 24 Or App 571 (1975). After finding the words “over matters of county concern” in both Article VI, section 10 and ORS 203.035, the court concluded that “in the absence of state preemption or a limiting charter provision, home rule and general counties have the same legislative authority.” 24 Or App at 581. The court examined the county comprehensive plan and zoning ordinance to determine if it were a matter of predominantly statewide or predominantly local concern. It concluded that any legislative authority delegated to the county board was subject to county initiative and referendum by the voters. The portion of a county not within cities is not a “district” within the meaning of Article IV, section 1(5).

*City of Banks v. Washington County*, 29 Or App 495 (1977), held that the assignment of administrative and fiscal responsibility for ad valorem tax assessment and collection is a matter of dominant state concern under Oregon Constitution, Article IX, section 1 (statewide uniform assessment and taxation). The state interest predominates over the county interest and the activity is subject to state but not county legislation. County home rule does not diminish county responsibility as a state administrative agent to perform assigned state functions. The county ordinance was held unconstitutional as beyond county authority to enact.

The Court of Appeals recently acknowledged that neither the constitution nor the implementing statutes define “matters of county concern”. *Oregon v. Hebert Joe Logsdon*, 165 Or App 28 (2000) held the search and seizure provisions of the Josephine County Charter section 29.4 invalid, and not a matter of county concern. The court confirmed that a county charter may not govern the conduct of state and federal officials.

*Budget Rent-A-Car v. Multnomah County*, 287 Or 93 (1979) held that a charter county is not subject to the statutory limitations on the legislative authority of counties that do not have home rule charters. The authority for a charter county to adopt ordinances rests on the general lawmaking authority granted by county voters in the home rule charter and not on the legislative authority granted by ORS 203.035.<sup>1</sup>

In *Multnomah Kennel Club v. Department of Revenue*, 295 Or 279 (1983), the Supreme Court concluded that Multnomah County has authority and power under its home rule charter to impose a business income tax. The constitutional grant of power to a home rule county includes the power to levy an income tax. The court further found that the tax did not conflict with a state statute prohibiting other taxes for privilege of conducting racing meets. The state is deemed to exercise its legislative power to pre-empt a field only where the intent to do so is explicit.

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<sup>1</sup> *Scappoose Sand & Gravel v. Columbia County*, 161 Or App 747 (1999) also recognized that ORS 203.055 only applies to non-home rule counties.



## **CONCLUSION**

The nature of legislative is very important. It may determine who has been delegated county authority and how that authority may be exercised. It may determine whether immunity applies to local officials. It may determine whether an issue or action is subject to initiative or referendum. It may determine the method and nature of judicial review.

Counties have two types of legislative authority. They have general statutory authority delegated by ORS 203.035 over matters of county concern as defined by county ordinances. Counties may also have constitutional legislative authority over matters of county concern as defined by charter or ordinance.