

June 6 Meeting



MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

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

MEMBERS

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

STAFF

William C. Rapp
Administrator
Shirley Winter
Secretary

PUBLIC MEETING NOTICE

Wednesday, June 6, 1990
7:00 p.m.
Multnomah County Courthouse
Board Room (Room 602)
1021 S.W. Fourth Avenue
Portland, Oregon 97204

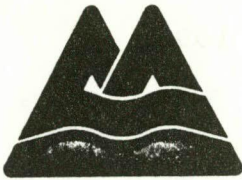
AGENDA

I. PUBLIC HEARING

II. WORK SESSION

- A. Approval of minutes from May 9 and May 16, 1990 meetings.
- B. Report from Regional Issues Subcommittee.
- C. Work session on language transferring administrative functions from the county chair to a county manager.
- D. Work session on language repealing the prohibition of a county lobbyist.
- E. Work session on language modifying the prohibition on running for office in "mid-term" so that a candidate may run for another office during the last 18 months of the term without resigning.

III. ADDITIONAL BUSINESS



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MINUTES JUNE 6, 1990

Pursuant to notice by press release to newspapers of local circulation throughout Multnomah County and mailed to persons on the mailing list of the committee, a public meeting of the Multnomah County Charter Review Committee was held at the Multnomah County Courthouse Board Room, 1021 S.W. 4th Avenue, Portland, Oregon. The meeting convened at 7:07 p.m.

Members Present

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

Staff Present

Bill Rapp, Administrator
Ginger Hawkins, Secretary

COMMITTEE WORK SESSION:

Approval of Minutes

Minutes of the May 9, 1990 meeting were corrected by Bill Rapp to read that the vote on the motion to exclude the sheriff from the main motion to increase the salary of all elected officials, with the exception of the District Attorney, to 4/5ths of a District Court Judge's salary, failed with a vote of 3-6, not 3-7. The minutes were approved as corrected.

Minutes of the May 16, 1990 meeting were approved as written.

Report from Regional Issues Subcommittee

Nicholas Teeny, in reporting the recommendation from the Regional Issues Subcommittee, moved that the full Charter Review Committee adopt the following two-part motion:

1) The Charter Review Committee formally recommend to the Board of County Commissioners that the board encourage Washington and Clackamas Counties to participate in a citizens' commission to study local government organizational plans.

2) The Charter Review Committee put a measure on the ballot in November creating a citizens' commission to study local government organizational plans which will allow for but not require the participation of Washington and Clackamas counties.

The drafting of the measure, Teeny stated, will be drafted by legal counsel and presented at a later date.

Mark Johnson seconded the motion.

Teeny continued stating that the subcommittee felt that this recommendation would be the first step toward greater cooperation between the three counties.

Marcia Pry asked what issues the commission would study and how would the commission differ from Metro in it's responsibilities.

Teeny responded that the committee would provide citizen involvement between the three counties.

Casey Short asked, based on the language in section 12.50 of the charter, if the committee is authorized to place the proposed measure on the ballot.

Harvey Rogers responded that the committee can offer the recommendation to the board, however it is may not be required that the board place the recommended measure on the ballot.

Bruce McCain asked if the commission would become a part of the charter if approved by the voters. McCain also asked if the the citizen commission would be created by ordinance or a charter amendment.

Rogers stated that the commission could be created either by an ordinance or a provision in the charter.

Monica Little stated that it was her understanding that the subcommittee would recommend the formation of the citizen commission to the board and allow it the opportunity to

develop the commission. Florence Bancroft responded that it is not intended to be a part of the charter.

Mark Johnson stated that a public vote is not necessary to develop the citizen commission.

Ann Porter stated that it was the intent of the subcommittee that the options be presented so that the commission could be created by the board or placed on the ballot.

Bancroft reflected that a vote by the citizens would provide a gauge of the citizens' interest in such a commission.

Paul Norr stated that he supports a tri-county commission. Norr continued that he believes the public might vote against such a commission and that he recommends that the board pursue the commission with the other counties.

Teeny agreed that a public vote at this time is premature.

Bancroft disagreed, stating that she feels that the citizens should be and will want to be involved.

McCain asked, if an office of regionalism would be created similar to the Citizens' Involvement Committee. Bancroft responded that the commission would be a one-time task force.

Norr asked about the benefit of placing a measure on the ballot to create the citizen commission. Bancroft responded that it would be a task force that the citizens created themselves.

Porter stated that there is a sense that the form of county government is changing and although no one knows how it is going to change, someone needs to initiate an avenue to study county governments in the metropolitan area.

David Chambers stated that the board may by ordinance create advisory county boards and commissions that the county requires. The boards or commissions shall be appointed by the chair, with the approval of the board. Chambers summarized that the charter allows for the creation of the citizens' commission without voter approval.

Rogers stated that it is within the scope of the Charter Review Committee's authority to refer a measure creating the citizens' commission to the board and the board is obligated to place the measure before the voters. Rogers continued that if the commission were not formed by a charter amendment it would not be within the committee's authority and could only be a recommendation to the board.

Norr stated that he would either like to ask the board to develop the citizens' commission or ask the public to vote on the issue.

Mark Johnson recommended that a vote be taken separately on the two issues.

The first motion, that the Charter Review Committee formally recommend to the board of county commissioners that the board establish a citizen commission to study local government organizational plans and that the board encourage Washington and Clackamas counties to participate in the commission, passed unanimously.

The second motion, that the Charter Review Committee put a measure on the ballot in November creating a citizens commission to study local government organizational plans which will allow for but not require the participation of Washington and Clackamas counties failed 0-11 with La Velle Vanden Berg and Florence Bancroft not voting.

Porter stated that the subcommittee would continue to be available to work on the recommendations for the citizen commission.

Work Session on Language Transferring Administrative Functions from the County Chair to a County Manager

Harvey Rogers, in explaining the drafted language to Sec 6.10, stated that the Sec 6.15(5)(a-f) lists what the county manager would be required to do. He also stated that Sec 6.15(8) may be overbroad.

Ann Porter, in response to Mark Johnson's question on the definition of spokesperson, stated that the chair is the official spokesperson of the body that the person is chairing.

Paul Norr asked if there is a difference between chief spokesperson and spokesperson. Porter recommended chief spokesperson.

Rogers stated that the charter is the constitution for the county and must contain items that the county must do and items that the county is prohibited from doing. Rogers continued that this language should be broad so that it cannot be challenged at a later date.

Monica Pry stated that she fears that the proposed language might restrain other individuals from speaking for the county about important issues.

Porter stated that discussions were held at earlier meetings and it was agreed that the chair shall be the chief spokesperson for

the board. Porter continued that the duties of the chair should be outlined and someone on the board should have the ultimate authority to speak.

Norr argued that there is no reason to designate a spokesperson.

Discussion continued on language of "the chair of the board of commissioners shall be the chief spokesperson for the Board," as well as other language contained in Sec 6.10.

The committee decided that the language shall read "The chair of the board of commissioners: shall be the chief spokesperson for the Board." The remaining new language in Section 6.10 was approved as written also.

Casey Short asked, in reference to the county manager's appointment by the board, for clarification of a majority vote by the board. Rogers confirmed that the majority of the board is three, which is determined by the quorum of the full board not just those members in attendance.

The committee approved Sec 6.15(1) as written.

Rogers asked how many branches of government Multnomah County has. Mark Johnson responded that there is a judicial branch consisting of the sheriff and district attorney and a legislative branch consisting of the board of commissioners.

Casey Short stated that there is a separation of powers between elected officials. Short continued stating that the administrative duties of the chair are being transferred to the county manager.

Liberty Lane recommended adopting language from Sec 6.10(3) into Sec 6.15(2).

McCain agreed and added that the language from Sec 6.10 be changed to read county manager, rather than chair and be added to the language of Sec 6.15.

The committee decided that Sec 6.15(2) shall read "The Manager shall be the head of the administration of the county government and shall be responsible to the Board for proper administration of the affairs of the County and for carrying out the policies of the Board."

In reference to Sec 6.15(3), Lane questioned if a general statement regarding education and experience needs to be included in the charter.

The committee decided to delete the first sentence of Sec 6.15(3).

Johnson recommended that the word "professional" be added to qualifications.

Discussion continued, with Short stating that the charter, Sec 7.10 should be changed to include the county manager when it refers to the employees excluded from the civil service system by county ordinance.

The committee decided that Sec 6.15(3) shall read "The Board shall select the Manager on the basis of his or her professional qualifications, and the position of Manager shall be exempt from the civil service system."

McCain stated, in reference to Sec 6.15(4), that the manager should not be required to live in the county. McCain continued that it will eliminate possible candidates from consideration in the hiring process.

Johnson, Bancroft and Vanden Berg all stated that they feel it should be required that the county manager live within Multnomah County because the manager would then have a higher personal interest in the county.

McCain argued that there are many devoted county employees who do not live within Multnomah County.

Little supported McCain's statement and added that if a residency requirement is imposed on the county manager then it should be also required that all employees of Multnomah County live in the county.

After much discussion on the issue of having the county manager live in Multnomah County it was decided that Sec 6.15(4) should be deleted.

Paul Norr began the discussion on Sec 6.15(5)(a) by stating that the county manager should not participate in the Board's deliberations. Little agreed with Norr.

La Velle Vanden Berg stated that the phrase "except when excused by the Board" should be deleted from the language.

Norr disagreed stating that it might not be possible for the county manager to attend all board meetings.

Casey Short added that the county manager's attendance should be determined by the board.

The committee decided that Sec 6.15(5)(a) should be deleted.

Sec 6.15(5)(b) was approved as written.

In regard to Sec 6.15(5)(c), Porter stated that this section is not a change in the current structure. Porter continued stating that currently department heads are appointed with the consent of the board but can be terminated by the chair.

Rapp added that this change was added by Dick Roberts, legal counsel, as a discussion point. Rapp continued stating that an issue to be discussed is whether the board should also be responsible for a department head's removal, transfer or termination.

Bruce McCain stated that the new language is very similar to the language in Sec 6.10 which describes the current job responsibilities of the chair. McCain asked if the language pertaining to the chair's administrative duties could simply be transferred to Sec 6.15.

Rapp and Porter agreed that the two provisions share the same meaning.

McCain pointed out that there is no reference in Sec 6.15(5)(c) to "employees" of Multnomah County. McCain continued stating that the new language does not say who is responsible for hiring and terminating employees. McCain also stated that administrative personnel are considered exempt.

Johnson agreed with McCain and continued stating that the administrative functions are to be carried out by the county manager. Johnson stated that the new provision provides for the board to have a direct involvement in the selection process of department heads.

Vanden Berg asked how many department heads work for Multnomah County. Porter responded that there will be five department heads, including a director for the library.

Vanden Berg expressed that she is reluctant to have the county manager responsible for termination of department heads without the approval of the board.

Teeny asked what the term "other administrative personnel" means. Rogers stated that "other administrative personnel" should read "employees."

Porter asked if there should be a role for the board in the termination of department heads.

Liberty Lane stated that she feels it is inappropriate to establish

the role of county manager to manage the county but then to take away his or her ability to manage the county by eliminating the authority to terminate department heads.

Monica Little asked if county counsel is considered a department head and would the county manager have the authority to remove legal counsel. Rogers responded in the affirmative.

Rapp stated that in practice no county manager would terminate a department head if the board does not approve.

Jack Horner, speaking as a citizen, stated that if the county limits the county manager's ability to administer, the county creates a situation where the board could limit his or her ability to effectively manage. Horner also noted that one of the first items that occurs with a new administrator is to decide if county counsel reports to the commissioners or to the administrator.

McCain stated that the old language reads "elected county officials" and he would like to see the new language read the same.

The committee decided that Sec 6.15(5)(c) will read "Appoint, supervise, transfer and remove all county department heads, officers and employees except for the staff and employees of elected officials; provided, however, the appointment of department heads shall be subject to confirmation by the Board."

David Chambers stated that his only concern with Sec 6.15(5)(d) is whether there would be a conflict with the sheriff's responsibilities.

Porter stated that the provision states that the county manager is responsible for seeing that county ordinances are enforced, not actually enforcing the ordinances.

McCain recommended that a phrase of "except as otherwise provided in this charter," be added to the provision to provide a catch-all exemption.

Rogers noted that adding "except as otherwise provided in this charter" could cause problems. Rogers recommended that the committee think about whether this provision is necessary and desirable.

In reference to Sec 6.15(5)(e), Porter stated that the county "budget committee" is the board.

McCain stated that the sheriff, the district attorney and the auditor might want to submit their budgets directly to the board rather than to the county manager.

Merlin Reynolds stated that each department manager, the sheriff, the district attorney and the auditor submit their budgets to the board and then they are included in the executive budget. Reynolds stated that "the county budget committee" should read "the board."

Johnson added that there would be no change in the procedures with this new language because the chair is currently receiving the budgets from the other elected officials and department heads. Johnson continued saying that those administrative functions would simply be transferred to the county manager.

Jack Horner stated that the board is responsible for reaching a conclusion for the appropriate level at which the county funds will be allocated. Horner continued that the county manager needed to be included in the examination and preparation of the budget.

Porter concurred that the budget is currently submitted to the chair and that budget preparation is simply being transferred from the chair to the county manager.

Monica Little, summarizing the new process, stated that the elected officials and department heads would submit their requested budget to the county manager. That budget request, Little continued, would be analyzed and approved by the entire board.

Discussion continued on the budget process with final wording on Sec 6.15(5)(e) reading "Prepare the annual budget estimates to submit to the Board, including the manager's recommendations as to proposed expenditures and the revenue necessary to balance the budget."

McCain began discussion on Sec 6.15(5)(f) stating that the charter reads that the sheriff shall have sole administration of correctional facilities. McCain continued saying that administering the jail and having custody and management of the jail are not the same functions.

After some discussion, the committee decided that Sec 6.15(5)(f) was satisfactory as written.

In reference to Sec 6.15(5)(g), Paul Norr stated that he would prefer "as the Board deems necessary" to "may be" in that section.

The committee agreed and decided that Sec 6.15(5)(g) should read "Perform such other duties and exercise such other responsibilities as the Board deems necessary and appropriate to the Manager's function as head of county administration."

Porter began discussion on Sec 6.15(6) by stating that she sees no reason to address a temporary absence of the county manager.

La Velle Vanden Berg recommended that the entire section be deleted.

The committee agreed and decided to delete Sec 6.15(6).

In reference to Sec 6.15(7), Monica Little stated that this procedure does not need to be stated in the charter.

Mark Johnson stated that he does see value in allowing a single commissioner to ask the county manager to perform research. Little concurred, but reiterated that it does not belong in the charter.

Casey Short added that he does think this belongs in the charter because it would allow one commissioner to ask the county manager to perform research on a subject that is against the consensus of the board.

The committee decided to delete Sec 6.15(7) and (8).

Porter began discussion on the language for the ballot measure for the chair and county manager.

The committee decided to change the title to read "Multnomah County Charter Review Committee's Recommendation: Chair, County Manager Responsibilities."

Merlin Reynolds began discussion on the language pertaining to the question in the ballot measure by stating that Chair Gladys McCoy's concern is that understandable language be put on the ballot. Reynolds went on to state that Chair McCoy's proposal for the question reads, "Shall administrative responsibilities of the elected county chair be delegated to an appointed county manager."

Porter stated that the word "delegate" implies that the chair has authority to delegate that authority. Reynolds agreed.

Porter recommended the word "transferred" be used rather than "delegated."

Monica Little stated that she felt the question posed by Reynolds is politically charged in favor of the chair. Reynolds responded that the language as written does not clearly explain the ballot measure.

La Velle Vanden Berg suggested "Shall the board appoint a county manager to assume administrative functions of the board chair."

Mark Johnson recommended "...to assume the present administrative functions of the board chair."

Casey Short asked if the question needed to explain that the county manager will be performing the administrative functions of the board chair. Short continued to state that he approved of Vanden Berg's suggestion.

Paul Norr stated that the word "professional" should be used in the question. Johnson agreed and added that the word "perform" should be used in place of "assume."

Harvey Rogers stated that the question should be a summary of the changes in the charter. Rogers continued stating that since the committee did not use the word "professional" in the charter then perhaps it should not be used in the ballot measure.

Rogers suggested that the question read "Shall the Board appoint a County Manager to be the Chief administrative officer of the county."

Porter noted that voters would not identify with the term "Chief Administrative Officer."

Discussion concluded with the committee deciding that the question should read "Shall the Board appoint a professional County Manager to perform the administrative functions of the County."

Bruce McCain, in reference to the statement of purpose for Exhibit 4, Ballot Measure for Chair and County Manager, stated that the statement should stress that the county is creating a new professional position rather than changing the administrative functions of the chair.

Porter agreed that the statement of purpose should be positive, however, she still wants the voters to be informed.

McCain continued by stating that "appointed County Manager" should read "appointed by the Board."

David Chambers asked if it should be explained that the county manager would be a newly created position.

Mark Johnson stated that he would like to see information explaining what the functions of the chair will be. Johnson continued by stating that the statement of purpose could also explain that the chair will be the official spokesperson for the board.

Porter asked Harvey Rogers if legal counsel could prepare a sentence explaining what the responsibilities of the chair would be.

The committee decided that the statement of purpose for the ballot measure for the chair and county manager should read "If this measure is approved, the County Charter will be amended to transfer the administrative functions of the Chair of the Board of County Commissioners to a professional County Manager appointed by the Board." An addition which explains the responsibilities of the chair will be reviewed after completion by legal counsel.

Work Session on Language Repealing the Prohibition of County Lobbyist

Porter explained that at the previous meeting on this issue, a decision could not be reached on whether to use the term "advocate" or "intergovernmental coordinator."

Bill Rapp stated that his version of the question "Shall the County be permitted to employ an advocate to represent County interests by repealing the prohibition on County lobbyist" was proposed as an alternative because the question represented in Exhibit 1-B is misleading and awkwardly phrased.

Rapp continued stating that the question to be answered is what title the committee wishes to use for lobbyist.

Bruce McCain stated that the wording in the question implies that the county will be repealing the prohibition of the lobbyist. McCain suggested "prohibition is repealed."

Paul Norr asked if the word "repeal" must be used. Porter responded in the affirmative.

Norr went on to suggest that perhaps the question could state that the role of the current Intergovernmental Affairs Coordinator is being expanded to include lobbying.

Rapp contended that the position of Intergovernmental Coordinator is not in the current charter and therefore voters do not know the functions of that person.

Johnson stated that an explanation could be made in the statement of purpose.

Florence Bancroft stated that the question should read "Shall the county repeal the prohibition on county lobbyist." Bancroft stated that the natural conclusion would be that a county lobbyist would be employed. Norr agreed with Bancroft.

La Velle Vanden Berg stated that the proposed language is appropriate and explains what the measure is doing.

David Chambers asked if the lobbyist would work for the county manager or county commissioners.

Vanden Berg stated that the question should read "Shall the county be permitted to employ a lobbyist to represent county interests."

Rapp stated that the amendment does more than allow employment of a lobbyist.

Rogers went on to state that the question should not be misleading of the content of the amendment. Rogers stated that it would be unfair to only reflect one part of the amendment to the charter (the repeal on the prohibition of a lobbyist) without mentioning that the amendment also allows employment of an advocate for the county.

Florence Bancroft stated that there is currently a provision in the charter about the lobbyist. Bancroft asked if the provision was struck from the charter could the charter remain silent on the subject.

Porter stated that the issue of whether to simply repeal the lobbyist provision or to use "authorizing language" was already decided at a previous meeting.

McCain stated that the only way this measure will be passed is if a word other than "lobbyist" is emphasized.

The committee accepted Alternative Exhibit I-B and concluded that the question for the ballot measure on county lobbyist will read "Shall the County be permitted to employ an advocate to represent county interests by repealing the prohibition on county lobbyist."

David Chambers asked whether the letter to state legislators on the issue of a lobbyist had been sent and responses received. Rapp stated that he would look into the matter.

The committee decided that the statement of purpose will read "If this measure is approved: the County will be permitted to employ an advocate to represent the County's interests before the state legislature and other governmental bodies; and, the County Charter's prohibition on employing or hiring a paid lobbyist will be repealed."

McCain suggested and it was agreed that Sec 6.50(3) should read "The County may employ an advocate to represent the County's interests before the state legislature and other governmental bodies."

Work Session on Language Modifying the Prohibition on Running for Office in "Mid-term" so that a Candidate may Run for Another Office During the Last 18 Months of the Term Without Resigning

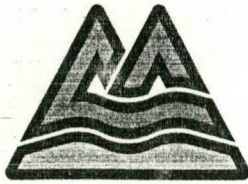
Bruce McCain began discussion stating that the question in the ballot measure should read "another elective office" rather than "another office."

The committee decided that the question on the ballot measure for Resignation of Officials shall read "Shall elected officials be allowed to file for another elective office during the last eighteen months of their terms?"

The statement of purpose shall read "If this measure is approved, the County Charter will be amended to allow elected officials to file for another office in the last eighteen months of their term of office. The Charter currently prohibits filing during the final twelve months of a term of office. The amendment is recommended to allow elected officials more time to prepare for primary elections."

The meeting adjourned at 10:20 p.m.

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CHARTER REVIEW COMMITTEE
1120 S.W. 5th AVE., SUITE 1500
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MEMORANDUM

To: Committee Members

Fr: Bill Rapp
Committee Administrator *BR*

Dt: May 16, 1990

Re: Report from Regional Issues Subcommittee

STAFF

William C. Rapp
Administrator
Shirley Winter
Secretary

The Regional Issues Subcommittee consisting of Nicholas Teeny, Chair, Florence Bancroft, La Velle Vanden Berg and Ann Porter as an ex officio member, met on May 15. At that meeting the subcommittee unanimously recommended that the full charter review committee adopt the following two-part motion:

1. That the charter review committee formally recommend to the board of county commissioners that the board encourage Washington and Clackamas Counties to participate in a citizen commission to study local government organizational plans; and
2. That the charter review committee put a measure on the ballot in November creating a citizen commission to study local government organizational plans which will allow for, but not require, the participation of Washington and Clackamas Counties.

The precise language creating the citizen commission, like all committee ballot measures, will be drafted by legal counsel and presented to the committee at a later date.

TO: Multnomah County Charter Review Committee

FROM: Lindsay, Hart, Neil & Weigler

RE: Charter Amendments and Ballot Measures

Attached as Exhibits A through D and 1 through 4 are drafts of charter amendments which incorporate the Committee's recommendations regarding (A) lobbyist (with options), (B) two-term limitations, (C) running in midterm and (D) County Manager. New language is underlined. Deleted language appears in brackets. Words which are not underlined are currently in the charter.

We request that you review the attached exhibits and indicate the changes you would like. We will incorporate those changes into our next drafts.

EXHIBIT 1-A

BALLOT MEASURE

TITLE:

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

QUESTION:

Shall the Charter be amended to allow employment of an intergovernmental coordinator by repealing the prohibition against a County Lobbyist?

STATEMENT OF PURPOSE:

If this measure is approved: the County will be permitted to employ an intergovernmental coordinator to represent the County's interests before the state legislature and other governmental bodies; and, the County Charter's prohibition on employing or hiring a paid lobbyist will be repealed.

EXHIBIT 1-B

BALLOT MEASURE

TITLE:

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

QUESTION:

Shall the County employ an advocate to represent its interests before other governments and the prohibition on lobbyists be repealed?

STATEMENT OF PURPOSE:

If this measure is approved: the County will be permitted to employ an advocate ~~who would~~ represent the County's interests before the state legislature and other governmental bodies; and, the County Charter's prohibition on employing or hiring a paid lobbyist will be repealed. ~~This measure will not require the County to employ an advocate.~~

New version w "advocate" as noun!

[Shall the co. be permitted to employ an "advocate" to represent its interests by repealing the prohibition on co. lobbyist.]

RDR\mts0026.bal/1
May 31, 1990

28
wds.

EXHIBIT A-1

6.50 SHERIFF--[PAID LOBBYIST] INTERGOVERNMENTAL COORDINATOR.
The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
- (2) [Multnomah County shall not employ or hire a paid lobbyist.]
- (3) ^{to} The County may employ an intergovernmental coordinator who may represent the County's interests before the state legislature and other governmental bodies.
- (4) 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 twelve-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 twelve-year period.
- (5) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term 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.

EXHIBIT A-2

6.50 SHERIFF--[PAID LOBBYIST] ADVOCATE. The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
- (2) [Multnomah County shall not employ or hire a paid lobbyist.]

- to
- (3) The County may employ an advocate ~~who may~~ represent the County's interests before the state legislature and other governmental bodies.
 - (4) 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 twelve-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 twelve-year period.
 - (5) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term 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.

EXHIBIT 2

BALLOT MEASURE

TITLE:

Multnomah County Charter Review Committee's
Recommendation: Limitations on Terms.

QUESTION:

Shall the County Charter limitation on serving two consecutive four-year terms in any one elective County office be repealed?

STATEMENT OF PURPOSE:

If this measure is approved, the County Charter will be amended to repeal the existing prohibition of elected officers from serving more than two consecutive four-year terms in any one elective County office.

EXHIBIT B

6.50 SHERIFF--PAID LOBBYIST. The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
- (2) Multnomah County shall not employ or hire a paid lobbyist.
- (3) [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 twelve-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 twelve-year period.]
- (4) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term 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.

EXHIBIT 3

BALLOT MEASURE

TITLE:

Multnomah County Charter Review Committee's
Recommendation: Resignation of Officials.

QUESTION:

Shall elected officials be allowed to file for another *elective*
office during the last eighteen months of their term? *?*

STATEMENT OF PURPOSE:

*5/22/90
att-*
If this measure is approved, the County Charter will be
amended to allow elected officials to file for another office in
the last 18 months of their term of office. The Charter
currently prohibits filing during the final twelve months of a
term of office. The amendment is recommended to allow elected
officials more time to prepare for primary elections.

EXHIBIT C

6.50 SHERIFF--PAID LOBBYIST. The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
- (2) Multnomah County shall not employ or hire a paid lobbyist.
- (3) 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 twelve-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 twelve-year period.
- (4) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final [year] eighteen months of an elected official's term. Filing for another office in the last [year] eighteen months of an elective term shall not constitute a resignation.

EXHIBIT 4

BALLOT MEASURE

TITLE:

Multnomah County Charter Review Committee's
Recommendation: Chair and County Manager.

Responsibility?

QUESTION:

Shall a County Manager be appointed by the Board to
assume administrative functions of the Board Chair?

STATEMENT OF PURPOSE:

If this measure is approved, the County Charter will be
amended to eliminate the administrative functions of the Chair of
the Board of County Commissioners and delegate those functions to
an appointed County Manager.

change
emphasis

incorp

transfer of admin. & chair of Bd. C to
an appointed County Manager
to be elected by the Bd.

shall
transfer
admin
delegated
to an appointed co.
manager

LaVelle: Shall the Bd appoint a

man - same + assume presides ...

shall the Bd appoint a co. manager to
assume admin. & chair of the Co. chair
per dom.

EXHIBIT D

6.10 CHAIR OF THE BOARD. The chair of the board of commissioners:

- (1) [shall be the chief executive officer and personnel officer of the County;]

shall be the chief spokesperson for the Board;

- ~~(2)~~[(2)] shall preside over meetings of the Board and have a vote on each matter before the Board; and

- [(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 ordinances of the County;]

- ~~(3)~~[(5)] shall sign all contracts, bonds and other instruments requiring county consent[;].

- [(6)] shall prepare the county budget for submission to the Board;]

- [(7)] may delegate his or her administrative powers but shall retain full responsibility for the acts of his or her subordinates; and]

- [(8)] shall perform all functions assigned in this Charter to the County Executive. The Chair shall receive the same salary as the County Executive unless changed in accordance with Section 4.30 of this Charter. This Charter may be restated by the office of County Counsel to replace all references to the County Executive with references to the Chair of the Board of Commissioners.]

6.15 COUNTY MANAGER.

- (1) The Board of County Commissioners shall appoint a County Manager to serve at the pleasure of the Board,

- (2) The Manager ^{effective July 1, 1991.} is the head of the ^{administration} administrative branch of the county government and is responsible to the Board

shall be shall be

more detail

for proper administration of the affairs of the County and for carrying out the policies of the Board.

- add exception
to Manager to
§ 7.10.*
- (3) The Manager shall have prior education or experience in public or business administration. The Board shall select the Manager on the basis of his or her qualifications, and the position of Manager shall be exempt from the civil service system. *professional*

- delete*
- (4) The Manager need not be a resident of the County at the time of appointment, but shall become a resident within a reasonable time after accepting the appointment.

- (5) The Manager shall:

- del.*
- (a) Attend all Board meetings except when excused by the Board, and participate in the Board's deliberations, but not vote on matters before the Board;

- (b) Submit an annual report on the affairs of the County and otherwise keep the Board informed about the affairs and needs of the County;

- (c) Appoint, supervise, transfer and remove all county department heads, and other administrative personnel except for the staff and employees of elected officials; provided, however, the appointment of department heads shall be confirmed by the Board; *subject to*

- (d) See that county ordinances are enforced and that the terms of all county franchises, leases, contracts, permits and licenses are observed; *except as provided*

- board*
- (e) Prepare the annual budget estimates to submit to the county budget committee, including the manager's recommendations as to proposed expenditures and the revenue necessary to balance the budget;

- (f) Have charge of all county purchases and custody and management of all county property and facilities; and

- (g) Perform such other duties and exercise such other responsibilities as may be necessary and appropriate to the Manager's function as head of county administration.
- the BO deems*

del
(6) In case of the Manager's temporary absence from the County, ~~or~~ temporary disability to act as Manager, discharge by the Board, or resignation, the Board shall appoint a manager pro tem. The manager pro tem possesses the powers and duties of the Manager. No manager pro tem, however, may appoint, transfer or remove county personnel without the consent of the Board. No manager pro tem may hold such office for more than four months, and no appointment of a manager pro tem may be renewed.

(7) Any county commissioner may request and shall be entitled to receive from the Manager information regarding any matter of county administration, and the Board may in open session discuss with or suggest to the manager anything pertinent to the administration of the affairs of the County, except for those matters discussed in executive session.

(8) No county commissioner may influence or attempt to influence the Manager in the making of a specific appointment or removal of any person in the service of the County or in the making of any purchase, or attempt to obtain from any candidate for manager a promise regarding an appointment or removal of any person in the service of the County, or discuss with the Manager a specific appointment or removal of any such person. The office of a commissioner who does so is forfeited. Neither the Manager nor any person in the employ of the County may contribute or solicit funds to support the nomination of election of any candidate for elective county office.

may be over-broad

ALTERNATIVE EXHIBIT I-B

QUESTION:

Shall the County be permitted to employ an advocate to represent County interests by repealing the prohibition on County lobbyist?

County executive plan is worth studying

Hennepin County government and the board that runs it have been the target of well-deserved criticism in recent years. The board lacks a comprehensive process for setting budget priorities that reflect a countywide perspective. Much of the board's business is conducted in semi-secret deal making that provides the public with little opportunity to comment. The board chairmanship is rotated annually, an expedient that leaves the board and the county leaderless.

Commissioner Jeff Spartz, who will leave the board at the end of the year, has a radical solution to all this dysfunction: Create an elected county executive and shrink the board from five to seven members. Spartz and County Attorney Tom Johnson, who also supports the plan, make an impressive case for the proposal. It seems almost tailor-made for Hennepin County.

Spartz would copy counties like Washington state's King, which includes Seattle. There the county executive serves like a mayor and county commissioners act as a city council. The arrangement puts the key jobs of drafting the budget and directing daily operations into the hands of a single official elected countywide.

The change would give the county something it currently lacks and needs, a single spokesperson. That would be especially valuable at the Legislature, where lawmakers must deal with several

commissioners who are often at odds. The resulting leadership vacuum has encouraged legislators to meddle excessively in county business.

An elected Hennepin County executive would probably be the second most powerful elected official in the state. That power, plus a proposed salary of about \$90,000, would likely attract the high-quality candidates the job would require. Over the last 20 years Hennepin County has quietly become the second most powerful government in the state. It spends close to \$1 billion a year, employs thousands of people and is charged with providing health and social services to one-fourth of the state's population.

Spartz's plan carries risks. Some worry it would concentrate too much power in one office. Others fear that shrinking the board would reduce responsiveness to citizen concerns. Spartz proposes an independent task force to sort out the pros and cons.

Commissioners Randy Johnson and Mark Andrew support the proposal, which means Spartz only needs one more vote to put it before the voters in November. The board is expected to consider Spartz's proposal this week. It should vote to create a task force of respected civic leaders to study the idea and make a timely recommendation on whether to proceed to a fall referendum.