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The Cogen Affair Produces a Royal Mess

July 23, 2013 [Cities](#), [Counties](#), [Democrats](#), [Multnomah](#), [Political Parties](#), [Portland](#)



MultCo's Royal Couple: Jeff Cogen
and Sonia Manhas

While Great Britain and much of the world celebrates the birth of the Fresh Prince of Cambridge – third in line to the British crown – what happens if embattled Multnomah County Chair Jeff Cogen vacates his office, either by resigning or in the unlikely event of a successful recall? Cogen's sex scandal with his subordinate squeeze, [Sonia Manhas](#), has either ended his political career or – in the spirit of Neil Goldschmidt and Sam Adams – all but assured his election as Portland's next mayor. With *The Oregonian's* editorial board now [calling for Cogen's resignation](#), the

pressure is mounting on the Multnomah County Chair to show he is cut from different cloth than Goldschmidt, Adams and David Wu, despite being supported by many of the same Democrats who turned a blind eye from and covered for the escapades of the aforementioned trio of perverts.

But the technical and legal answer to the county's succession question is spelled out in Multnomah County's home rule charter. If Cogen resigns from office, it will likely occur soon and before the year is out. In that event, say hello to the new Multnomah County Chair, Marissa Madrigal, chief of staff for Cogen himself.

The county's charter contains a provision in §4.50 that addresses vacancies in county elective offices. The remedy for filling a vacancy depends on when the vacancy occurs in the officer's current term of office, which typically expire December 31. There are three time-sensitive scenarios. First, if the vacancy occurs within the last 90 days of the term (e.g. in October, November or December), then the vacancy is not filled, presumably because it will be filled at the November general election or was filled at the previous May primary.

If the vacancy occurs within the final year, but with more than 90 days left (e.g. January – September) then the board of county commissioners will appoint a person to fill the vacancy for the remainder of the year. Again, the assumption is that a successor will be elected in November, or possibly even in May. But if the vacancy occurs with more than one year remaining in the term, then that's when things get interesting.

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

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Cogen was first elected county chair in 2010 after serving four years as county commissioner from District 2. His first term as county chair expires December 31, 2013. He is limited by the charter to no more than two full consecutive four-year terms in any one elective county office within any 12-year period. Cogen's initial term as District 2 commissioner was a different office than the chair, and thus the term limits do not apply to the combination of the two offices. If Cogen resigns in 2013 – with more than a year remaining on his term – then the next chair could be elected as early as November 2013, but no later than May or

November 2014. So, who is Marissa Madrigal and why would she become Cogen's immediate replacement?

The county charter requires all county elected officials to designate a person to serve as "interim occupant" to serve as acting chair, commissioner, sheriff or auditor until the office is filled by election or appointment. Chair Cogen has nominated Madrigal, his chief of staff, to serve as interim county chair until a replacement is elected. If that happens, it would not be the first time, as Cogen himself knows firsthand.

A Death in Office



Former County Chair Gladys McCoy

On April 11, 1993 then county chair Gladys McCoy succumbed to thyroid cancer. McCoy's death created a vacancy in the office of chair and triggered the county charter interim occupant provision. McCoy had named her chief of staff, Henry C. "Hank" Miggins, to be her interim occupant. Miggins took over as interim county chair and liked the job so much, he decided to run for the office himself. The county board declared the vacancy and called for a special election to be held on June 29, 1993.

Despite having a running start as an appointed incumbent, Miggins lost his race to Beverly Stein, who took over as chair in August 1993 and went on to serve two more terms of her own until replaced by Diane Linn in 2002. Stein's policy advisor at the time was Jeff Cogen. However, after one term with The Mean Girls in control, Linn was trounced in her re-election bid by Ted Wheeler. But Wheeler's sudden and unanticipated departure in March 2010 triggered a political domino fall that ultimately left Jeff Cogen where he is today.

On March 7, 2010, then Treasurer Ben Westlund died of lung cancer. Two days later, then Governor Ted Kulongoski tapped Wheeler as Westlund's replacement, and that giant sucking sound was wannabe candidates drawn to filling a slew of vacancies triggered by Westlund's death and Wheeler's departure from Multnomah County. Following the county charter, Wheeler's designated interim occupant, Jana McLellan, temporarily filled the chair's role. McLellan served as the county's chief operating officer, but she was no politician. With several high profile candidates, including Cogen, salivating over replacing Wheeler, McLellan wanted no part of becoming another Hank Miggins and dutifully served out her role as an appointed placeholder.

In politics, timing is often everything. Wheeler's departure in March 2010 occurred in the final year of his first four-year term, but also had more than 90 left in that term. So under the county charter, the special election provision, used only when more

than one year remains, was not available because a regularly scheduled May primary and November general election were already fast approaching. Cogen wasted no time announcing his intention of running to replace Wheeler in the May primary. But that still left the county without a replacement for Wheeler.



Former County Chair and current State Treasurer Ted Wheeler

Under the charter, the board was required to appoint a person to fill out the remaining term, which was the balance of 2010. The board had several options. It could have simply left McLellan in place for the remainder of 2010 while actual candidates battled it out in May and possibly in November. But instead, on April 1, 2010, the four remaining commissioners, including Cogen himself, adopted [Resolution 2010-032](#), declaring the chair's office vacant and appointed Cogen to fill the vacancy. The king had been crowned. A month later, Cogen rolled to an easy May primary victory to begin his first and current term as chair, beginning January 1, 2011 and ending December 31, 2013.

Cogen's appointment as chair in turn created a vacancy in his previous commissioner seat, which was initially filled with Cogen's interim designee Barbara Willer. Eight candidates (not including Willer) filed to run in the May 2010 primary. In such a crowded field, no candidate could expect to capture a majority outright. Karol Collymore, who worked as Cogen's policy advisor, captured 36% of the vote, easily outdistancing the second place finisher, Loretta Smith, who came in with 18%. Those top two primary finishers met in a November runoff, which produced a stunning result. Collymore's 36% primary showing hardly budged in November, while Smith essentially captured all the other primary votes, rolling to an easier-than-expected 62%-37% victory.

As Hank Miggins, and later Jana McLellan, demonstrated, not all chiefs of staff are necessarily cut out to fill the role of candidate or elected official. They are often the typical policy wonks or campaign staffers rewarded for their efforts with a short-term public sector job with a shelf life often tied to that of the coat of their benefactor. If few people outside of local government know of Marissa Mardrigal, if or when Cogen resigns over his sex scandal, yet another insider will step onto the throne – at least until the next round of elections.

[Marissa Mardrigal](#)



Marissa Madrigal – next county chair?

According to her [official county biography](#), Madrigal rode Cogen's coattails into office by doing what many staffers do – work on a winning election campaign. For Madrigal, her reward for serving as his campaign manager was a six-figure job as chief of staff to the county's top executive officer.

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Madrigal may be more McLellan than Miggins and prefers working for an elected official, but wants no part of actually being an elected official. That leaves political junkies already lining up their short lists of usual suspects to replace Cogen if or when he departs “to spend time with his family.” That list would have to include one or more of the current remaining commissioners.

What Term Limits?

Three of the four district commissioners are term limited, each having been elected to their second and final terms in 2012, and may be looking for another county gig. Because the county chair is considered a distinct and separate county elective office, any or all of them could legally run to replace Cogen, and thereby begin a possible eight-year run as county chair. Those three are Diane McKeel, who represents east county, Judy Shiprack, who represents SE and most of mid-county, and Deborah Kafoury, who represents primarily North Portland up to Columbia County. Of those three, Kafoury has the most political firepower, based in part on her own tenure and her status as the daughter of Gretchen Kafoury, a former state representative, county

commissioner and Portland city commissioner. But Kafoury's recent sponsorship of the county's anti-gun ordinance, which the county is attempting to impose on east county cities against their will, all but dooms Kafoury's support east of I-205.

One could also expect one or more current state legislators to trade the part-time salary and Salem commute for an office at the Multnomah Building. And of course, one cannot overlook or underestimate Commissioner Loretta Smith, who displayed her own political clout with her come-from-behind demolition of Cogen's own protégé, Karol Collymore. If nothing else, if Smith were to replace Cogen as chair, her swearing-in ceremony could be preceded by Portland's [Baruti Artharee](#) announcing to those in attendance, "*Here's our beautiful county chair, Loretta Smith – mmm, mmm, mmm – she looks good tonight!*"

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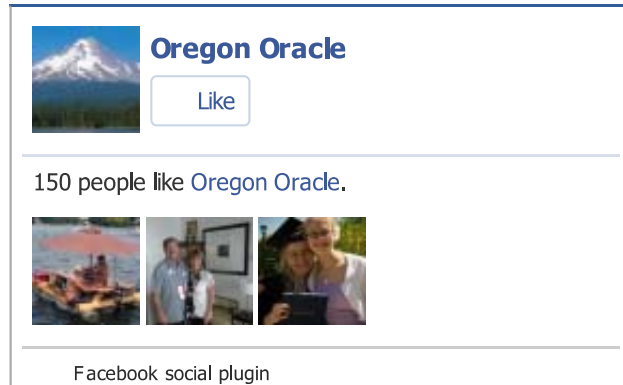
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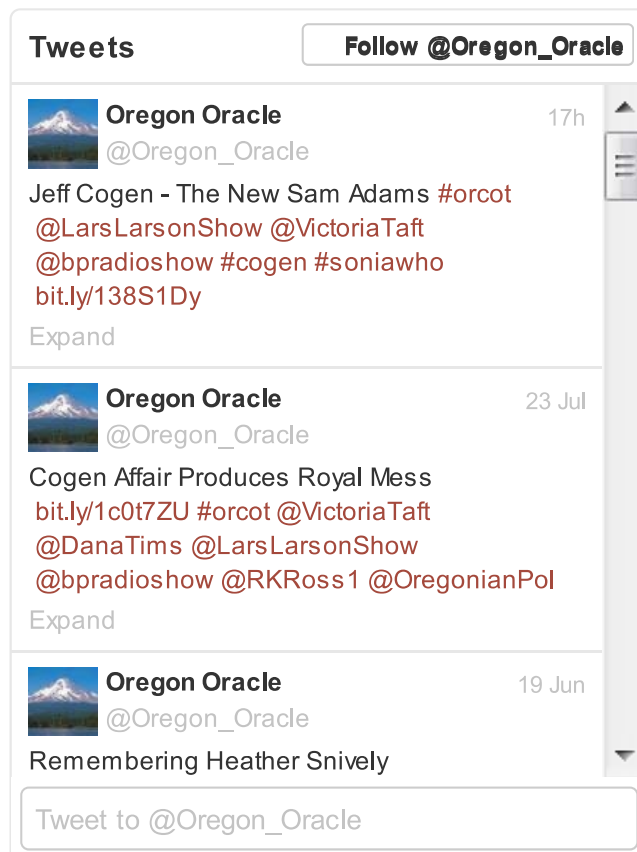
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