

CITY CLUB MATERIAL

1/035

City Club of Portland

BULLETIN

Portland, Oregon

Vol. 57, No. 19

RECEIVED

OCT 7 1976

RANKIN, SAMSON & GALLAGHER

Benson Hotel, Crystal Room

12:00 Noon

Friday, October 8, 1976

THE PROGRAM: City Club members will have the opportunity to cast their votes on five November ballot measures. The reports on these measures are printed herein and will be presented in the order listed below.

STATE MEASURE NO. 2

ALLOWS CHANGING CITY, COUNTY ELECTION DAYS

The Committee: Jeffrey A. Babener, Joey Cross, Sheila Finch, Judith L. Rice, Lloyd Kearl, Henry Willener, *Chairman.*

STATE MEASURE NO. 5

ALLOWS STATE LEGISLATURE TO CALL ITSELF INTO EMERGENCY SESSION

The Committee: Heather L. Hanson, Thomas M. Landye, Leodis C. Matthews, Ron Moxness, Jerald W. Schmunk, Lloyd T. Keefe, *Chairman.*

STATE MEASURE NO. 7

PARTIAL PUBLIC FUNDING OF ELECTION CAMPAIGNS

The Committee: Anne D. Cathcart, Terry O. Bernhardt, Irvin H. Luiten, Barry Marks, Charles E. Sikes, Susan Trullinger, June P. Wallis, Robert E. Dodge, *Chairman.*

MULTNOMAH COUNTY MEASURE NO. 26-13

CHARTER AMENDMENT— REORGANIZATION OF COUNTY COMMISSION

AND

MULTNOMAH COUNTY MEASURE NO. 26-14

EDGEFIELD OPERATION AND SERIAL LEVY ORDINANCE

The Committee: Thomas H. Hamann, Lloyd G. Hammel, Barbara Owens, Harvey L. Rice, Peter A. Plumridge, *Chairman.*

PLEASE NOTE: This meeting will be held in the **CRYSTAL ROOM** of the Benson Hotel.

ELECTED TO MEMBERSHIP

Maxine Selling, Social Worker, Metropolitan Family Service. Sponsored by James E. Bryson and Mrs. William O. Hall.

Darlene Taylor/O'Hara, Management Assistant & Counselor, MEDCO. Sponsored by Harvey L. Rice.

Cynthia L. Hoyt, Account Executive, KPAM Radio. Sponsored by Arne Westerman.

Henry Brands, President, Coast Cutlery Co. Sponsored by Robert W. McMennamin.

Francesca Ariniello, Volunteer. Sponsored by Dr. Paul Trautman.

PROPOSED FOR MEMBERSHIP

If no objections are received by the Executive Secretary prior to October 22, 1976, the following applicants will be accepted for membership:

Robert S. Hyslop, Attorney, Internal Revenue Service. Proposed by John L. Frewing.

Susan M. Lewis, Owner, The Cookery. Proposed by Ronald K. Walker.

Patti Pride, Administrative Asst., Multnomah County Board of Commissioners. Proposed by Wayne Kingsley and T. S. Stimmel.

Susan V. Hoffman, Program Specialist, Multnomah County Mental Health. Proposed by Charles Fosterling.

CLUB ADOPTS SM #3 REPORT

A majority (59-35) of members present and voting adopted the committee report supporting passage of State Measure No. 3 (Lowers Minimum Age Requirement for Legislative Service). The report, presented by Chairman Norm

Smith, examined the pros and cons of extending the opportunity for legislative service to precons between the ages of 18 and 21.

PROGRAM OCTOBER 15

Next week's program will present a debate between *Norma Paulus* and *Blaine Whipple*, candidates for Oregon Secretary of State. The format will follow the successful pattern set with the Redden-Durham debate in August. Members will also hear the Committee report on State Measure No. 6 (Bingo for Charitable, Fraternal and Religious Organizations). **THIS MEETING WILL BE HELD IN THE CRYSTAL ROOM OF THE BENSON HOTEL.** Due to the limited capacity of

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION (Act of August 12, 1970; Section 3685, Title 39, United States Code).

1. Title of Publication: City Club of Portland Bulletin.
2. Date of Filing: September 24, 1976.
3. Frequency of Issue: Weekly.
- 3a. Number of Issues Published Annually: 52.
- 3b. Annual Subscription Price: \$6.00.
4. Location of known office of publication: 730 S.W. First, Portland, Multnomah, Oregon 97204.
5. Location of the headquarters or general business offices of the publishers: same address.
6. Names and addresses of publisher, editor, and managing editor; Publisher, The City Club of Portland, same address; Editor, Marilyn L. Day, same address; Managing Editor, none.
7. Owner: The City Club of Portland, same address.
8. Known bondholders, mortgagees, and other security holders owning or holding 1 percent of more of total amount of bonds, mortgages or other securities: none.
9. For completion by nonprofit organizations authorized to mail at special rates (Section 132.122, Postal Manual) The purpose, function, and nonprofit status of this organization and the exempt status for Federal Income tax purposes have not changed during preceding 12 months.
10. Extent and nature of circulation.

	Average Number Copies Each Issue During Preceding 12 Months	Actual Number of Copies of Single Issue Published Nearest to Filing Date
A. Total Number Copies Printed (Net Press Run)	1750	1850
B. Paid Circulation		
1. Sales through dealers and carriers, street vendors and counter sales	0	0
2. Mail Subscriptions	1625	1625
C. Total paid circulation	1625	1625
D. Free Distribution by mail, carrier or other means		
1. Samples, complimentary, and other free copies	25	75
E. Total distribution (Sum of C and D)	1650	1700
F. Copies Not Distributed		
1. Office Use, Left Over, Unaccounted, Spoiled After Printing	100	150
2. Copies distributed to news agents, but not sold	0	0
G. Total Sum of E & F—should equal net press run shown in A)	1750	1850
11. I certify that the statements made by me above are correct and complete. (Signed) Marilyn L. Day, Editor.		

CITY CLUB OF PORTLAND BULLETIN
 Published each Friday by the
CITY CLUB OF PORTLAND
 730 Southwest First Portland, Oregon 97204
 Phone 228-7231
 MARILYN L. DAY, Editor
 and Executive Secretary

Second Class Postage Paid at Portland, Ore.
 Subscription rates \$6.00 per year included in
 annual dues.

 12

REPORT ON
STATE MEASURE NO. 2
ALLOWS CHANGING CITY, COUNTY ELECTION DAYS

Purpose: Constitutional provisions now require city officers and three county officers to be nominated in the state-wide primary election, and city and other county officers to be elected in the state-wide general election. This measure would amend those provisions to permit the legislature to adopt laws providing for a different state-wide uniform day for each of such nominating or regular elections. (See Appendix A for text of amendment.)

To the Board of Governors,
The City Club of Portland:

I. INTRODUCTION

Your Committee was requested to study and report on State Measure No. 2 placed on the ballot by referral from the 1975 legislature. The measure was House Joint Resolution 5 which would amend the Oregon Constitution to permit the legislature to adopt statutes providing for different city and county uniform election days in contrast to the existing procedure. Currently, city officers are required to be nominated in the state-wide primary election and city and county officers are elected in the state-wide general election.

In the course of its study, your Committee reviewed the history and background of this subject as reflected in previous legislation, the minutes and documentation compiled by the House Committee on Local Government and Urban Affairs and the source of the proposed legislation (See Appendix B for list of individuals interviewed.)

II. BACKGROUND

The ballot measure originated with the Report of the Interim Committee on Local Government and Transportation submitted in December 1974 to the Legislative Administrator of the Legislative Administration Committee pursuant to ORS 171.625 and House Joint Resolution 11, Oregon Laws 1973. That report reviewed a proposal presented to the Interim Committee by both Secretary of State Clay Myers and Rep. Mary Rieke which advocated the shifting of city and county elections to odd numbered years. The interim committee found that the need to focus greater voter interest on the elections held by local governmental units had been a growing concern to both elections officials and local government officials. The anticipated benefits were: 1) greater voter participation; 2) more evenly spread workload on state and county elections officials; 3) decreased numbers of candidates and measures to be voted on at one time; 4) better investigation and evaluation of all candidates and measures by the media. The recommended changes to the Oregon Constitution set forth in the interim committee's report were precisely those set forth in State Measure No. 2.

On February 12, 1975, the House Committee on Local Government and Urban Affairs held a hearing on HJR 5, "Proposing amendments to the Oregon Constitution to authorize holding elections in incorporated cities and towns on uniform dates," but there were no witnesses present. On February 26, 1975, Dick Banton of the Secretary of State's Office, spoke in favor of the bill to the House Committee stating that the attention given to federal and state elective offices often buries local elections and that off-year elections would shorten the ballot. On March 3, 1975 the committee again heard witness Dick Banton and then witness Al Densmore, State Representative. Representative Dens-

more and Mr. Banton both favored the bill because it would lessen "voter fatigue." Mr. Banton stated that it was difficult to estimate the fiscal impact of the bill. On March 14, 1975, a motion to table HJR 5 failed but the committee voted unanimously to refer HJR 5 to the Committee on Elections. The House Committee on Elections heard testimony from William Flynn of the County Clerk's Association who listed points both for and against HJR 5. Before the House Committee on Elections, Mr. Banton again reiterated his position in favor of the bill and explained that the bill would allow future legislative assemblies to address themselves to the situation of off-year elections. Representative Rieke moved that HJR 5 be sent to the floor with a "do pass" recommendation. The motion carried. The House of Representatives adopted the measure on March 27, 1975 and it was adopted by the Senate on May 27, 1975. The measure was filed by the Secretary of State of June 11, 1975.

III. ARGUMENTS

Arguments In Favor of the Measure

1. It will increase the visibility of city and county elections.
2. Voters participating in county and city elections will be better informed and the increased quality of voter participation will result in higher quality local government.
3. The length of the ballot will be shortened, thereby decreasing voter fatigue.
4. At present the constitution only provides a uniform election date for the sheriff, county clerk and county treasurer while other county officials may be elected as provided by the state legislature. The proposed constitutional change would empower the legislature to set off-year election dates for all city and county officials after appropriate consideration.
5. The proposed ballot measure would permit off-year elections, thereby creating voter participation habit patterns.
6. If the legislature provides for off-year local elections the work load of elections officials will be more evenly distributed.

Arguments Against the Measure

1. The ballot measure represents a fundamental constitutional change in the elections process. It was passed by the legislature without adequate inquiry into its possible monetary costs and impact on voter turnout.
2. This measure was inadequately researched and enabling legislation must be studied with no less thoroughness than other legislative or constitutional changes.
3. The language of the proposed change to the constitution is ambiguous lending itself to several controversial interpretations.
4. If the legislature enacts legislation providing for off-year elections the monetary costs to the electorate will be substantially increased.
5. While the stated purpose of this ballot measure is to increase voter participation by means of off-year elections, there is every indication that off-year elections will in fact reduce voter turnout and participation.

IV. DISCUSSION

Currently, the Oregon Constitution establishes that all elective state and city officials will be elected in the primary and general biennial elections. The County Clerk, County Treasurer and Sheriff are elected at general elections. The County Assessor, County Surveyor and County Commissioners are not mentioned in the Constitution, however, pursuant to ORS 204.005 they are elected at the same time as the other county officials specifically mentioned in the constitution. The proposed State Measure No. 2 would alter the constitution to permit all elective offices for incorporated cities, towns

and counties filled by election on a "uniform date set by law."

On its face, this measure would theoretically permit the city/county election dates to remain as they are currently, i.e., on the general election date. However, the Committee interviews and investigation revealed that the proponents of State Measure No. 2 have as their specific purpose the legislative enactment of off-year elections for city and county officials. With this in mind, the merits of such off-year elections must also be scrutinized, in conjunction with an evaluation of the ballot measure.

The Committee found that the proponents of State Measure No. 2 seek sincere, high-minded goals for the electorate. They are concerned that the local city and county elections are being overshadowed by state and national issues and candidates. By passage of this ballot measure, the legislature would be authorized to provide off-year elections for these local officials. As a result, proponents foresee a shorter ballot with decreased voter fatigue and increased visibility and publicity in city and county elections. Similarly, larger turnouts, better informed voters and higher quality local government are expected by-products of this ballot measure. Procedurally, proponents point out that State Measure No. 2 is merely enabling legislation which would permit the legislature to do what it can already do for the election date for County Assessor, County Supervisor, and County Commissioners and standardize the elections machinery. Procedurally, the Committee agreed that there was no logical reason why the legislature should not set the election dates for city and county officials since they can now do it for three county offices.

In addition, it is pointed out that the work load on election officials would be more evenly spread out. However, local elections officials were uncertain as to the impact on the work load if the legislature provided for off-year elections.

Unquestionably, the ballot would be shortened but elections officials at the state, county and city levels generally disagreed that it would lessen voter fatigue. They related that the chief complaint from voters was the multiplicity of election dates and not the length of the ballot. Voters, it would appear, want fewer, not more, elections.

Interviews with a representative sampling of election officials reflected a consensus that off-year elections would dramatically reduce voter participation. The publicity for off-year elections would undoubtedly be increased, but it is problematical whether the voters in off-year elections would be better informed than voters in general elections.

The data studied by the legislature in drafting and passing this proposed constitutional amendment does not document that the anticipated benefits to be derived from the ballot measure will be realized. In its review the Committee found that the legislature heard very little testimony from those officials most directly concerned with elections and did little statistical evaluation of the proposal. The Committee had insufficient time to adequately evaluate the experience of the State of Washington but those statistics released indicated that a decrease in voter turnout was a likely development of off-year elections.

The Committee concluded that, in addition to the lack of investigation of the proposal's impact on the voters, the legislature made slight inquiry into the additional costs of extra elections and gave only nominal weight to cost factors. The Committee's sample inquiry indicates a large expenditure of funds would be necessary if off-year elections become a reality. For example, Multnomah County officials estimated \$150,000 to \$400,000 per election. Thus, for an extra primary and final election in an off-year election for city and county officials, Multnomah County could incur an additional estimated expense of \$300,000 to \$800,000.

As a final matter the language of the proposed change was found to be ambiguous. As drafted, the proposed constitutional change states that election dates will be set "on a uniform date set by law." While it was probably the intention of the drafter to provide for a uniform statewide date set by the legislature, it is unclear whether the date will be set by a city, the county or the state.

V. CONCLUSIONS

Enabling the state legislature to specify the election date for city and county officials may not be inappropriate. However, before the workable system currently in operation under our Constitution is changed there should be demonstrated need for the proposed change. Proponents of State Measure No. 2 have as their motivating goals the ultimate statutory enactments which would provide for off-year elections of city and county offices. The Committee believes, therefore, that the proponents must demonstrate that their goal has been thoroughly researched and is worthy of the proposed change State Measure No. 2 would make. The Committee findings reflect very little research and study by the legislature of the impact of off-year elections. The high-minded benefits anticipated for off-year election of city and county officials are not supported by thorough research or documentation. Opinion which the Committee gathered from a sampling of state, county and city election officials is against the measure. Important matters, such as monetary cost and voter turnout did not receive adequate consideration. Accordingly, the submission of this measure to the people of Oregon at this time is, in the opinion of your Committee, premature and inappropriate.

VI. RECOMMENDATION

Your Committee respectfully recommends that the City Club oppose passage of State Measure No. 2 at the general election.

Respectfully submitted,
 Jeffrey A. Babener
 Joey Cross
 Sheila Finch
 Judith L. Rice
 Lloyd Kearn
 Henry Willener, *Chairman*

Approved by the Research Board September 16, 1976 for transmittal to the Board of Governors. Received by the Board of Governors September 27, 1976 and ordered published and distributed to the membership for consideration and action October 8, 1976.

APPENDIX A

HOUSE JOINT RESOLUTION 5

Paragraph 1. Section 14a, Article II of the Constitution of the State of Oregon, is amended to read:

Sec. 14a. Incorporated cities and towns shall hold their nominating and regular elections for their several elective officers [*at the same time that the primary and general biennial elections for State and county officers are held*] on a uniform date set by law, and the election precincts and officers shall be the same for all elections held at the same time. All provisions of the charters and ordinances of incorporated cities and towns pertaining to the holding of elections shall continue in full force and effect except so far as they relate to the time of holding such elections. [*Every officer who, at the time of the adoption of this amendment, is the duly qualified incumbent of an elective office of an incorporated city or town shall hold his office for the term for which he was elected and until his successor is elected and qualified.*] The Legislature, and cities and towns, shall enact such supplementary legislation as may be necessary to carry the provisions of this amendment into effect.

Paragraph 2. Section 6, Article VI of the Constitution of the State of Oregon, is amended to read:

Sec. 6. There shall be elected in each county by the qualified electors thereof [*at the time of holding general elections*] on a uniform date set by law, a county clerk, treasurer and sheriff who shall severally hold their offices for the term of four years.

APPENDIX B
PERSONS INTERVIEWED

State Representatives:

Al Densmore, (D), District 50, Jackson County
George Starr, (D), District 17, Multnomah County
Mary Rieke, (R), District 9, Multnomah County
Glenn Otto, (R), District 23, Multnomah County, Chairman, House Committee on
Local Government and Urban Affairs 1975-76

State Elections Officials:

Lyn Hardy, Manager, Elections/Public Records, Secretary of State's Office, State of Oregon
Larry B. Bevens, Assistant Manager, Election Services/Support, Secretary,
Secretary of State's Office, State of Oregon

Interested Associations:

Jerry P. Orrick, Executive Secretary, Association of Oregon Counties
Donald L. Jones, Executive Secretary, League of Oregon Cities
Ruth Spielman, Chairman, Voter's Service Committee, League of Women Voters of Oregon

County Officials:

William Flynn, Director of Records and Elections, Benton County, Chairman of Legislative
Committee of County Clerks' Association of Oregon
Norman V. Bass, Supervisor of Elections, Clackamas County
Roger Thomssen, Director, Records and Elections Department, Washington County
Joseph Enyeart, Elections Manager, Multnomah County
William J. Radakovich, Director, Records and Elections Department, Multnomah County
Allen D. Robertson, Elections Manager, Multnomah County
Ray L. Miller, Washington County Commissioner
D. Michael Shepherd, Washington County Commissioner
Virginia Dagg, (D), Chairman, Washington County Board of Commissioners

City and District Officials:

Jean Morton, Chairman, Citizens for School Support Committee,
Washington County Elections Department

Washington State Officials:

Donald F. Whiting, Supervisor of Elections, Secretary of State's Office, State of Washington

REPORT ON
STATE MEASURE NO. 5
ALLOWS STATE LEGISLATURE TO CALL ITSELF INTO
EMERGENCY SESSION

To the Board of Governors,
 The City Club of Portland:

I. INTRODUCTION

State Ballot Measure No. 5 is a proposed constitutional amendment referred by the legislature. The measure provides that, in addition to regular biennial and special sessions at the call of the Governor, the legislature could convene itself by written request from the majority of the members of each House declaring an emergency. The measure further provides that the legislature must be convened within five days of receipt of such requests. The specific measure is as follows:

The Constitution of the State of Oregon is amended by creating a new section to be added to and made a part of Article IV and to read:

SECTION 10a. In the event of an emergency the Legislative Assembly shall be convened by the presiding officers of both Houses at the Capitol of the State at times other than required by section 10 of this Article upon the written request of the majority of the members of each House to commence within five days after receipt of the minimum requisite number of requests.

II. BACKGROUND

Oregon

Measure No. 5 marks the fourth time in six years that Oregon's voters have been asked to amend the State constitution to allow the legislature to call itself into special session. An almost identical measure was defeated in the 1974 primary election by a vote of 298,373 no (55%) and 246,526 yes (45%). Similar measures in 1972 and 1970 also failed. The vote in the 1972 primary was 391,698 no (62%) and 241,371 yes (38%), and in the 1970 general election it was 340,104 no (57%) and 261,428 yes (43%).

Both the 1972 and 1970 measures differed from the present measure in that: 1) they did not require an "emergency" for the legislature to convene itself, 2) they allowed the legislature to convene itself by a joint resolution as well as upon petition, and 3) they specified that the matters to be considered could be limited. The two measures also allowed the legislature to set the date it would convene, with the exception that the 1970 measure specified that a special session called by a joint resolution would commence on the second Monday in January.

In 1972 and 1970 the City Club supported the unsuccessful measures, and in 1974, due to the shortness of time available, the Research Board submitted an informational statement reviewing that year's measure, without a recommendation. (See reports in the City Club Bulletin, Vol. 51, No. 18, Oct. 2, 1970; Vol. 52, No. 51, May 5, 1972; and Vol. 54, No. 52, May 17, 1974.)

Other States

Four questions arise as other states are examined: 1) Are special sessions a substitute for annual sessions? 2) How do they convene themselves? 3) What limitation do they place upon the sessions? 4) Is there any pattern of abuse of that power?

1) Thirty-six states have annual sessions. Of these, 22 also allow special sessions convened by the legislature. Of the fourteen states which meet biennially, Arkansas and

California have provisions for extending their regular sessions indefinitely. Washington in effect meets annually by agreement with the governor and the legislative leadership. Vermont and Minnesota have divided their regular sessions so that, in effect, they meet annually. Montana, New Hampshire, North Carolina and Tennessee provide for the legislature to call itself into special session. Only five states have no such provision and do not meet annually: Kentucky, North Dakota, Nevada, Oregon and Texas.

2) In 26 states the legislature can call itself into special session. Only four require a simple majority of each House; 14 require petition (or vote) by more than two-thirds or three-fifths majority; and four are called by the presiding officer of each House. Four others have other provisions.

3) In 24 states the legislature is allowed to determine the subject(s) of the special session. Many states limit the session to the subject of the petition. Seventeen states have no limitation on the length of the special session, although New Hampshire and Tennessee effectively restrict the length by cutting off per diem or expense pay after a certain time.

4) The question of abuse is subjective: One man's abuse is another man's pragmatic politics. There have been complications. For example, in Illinois, special sessions are limited to a single subject. This resulted one year in six back-to-back special sessions, to handle the matters that needed attention. Of course, there is always the potential for some political hay making. For example, there is political mileage to be gained in overriding a governor's veto.

A spokesman for Common Cause was not aware of any state where the system had been abused. "In most cases, legislators are very sensitive to the feelings of their constituencies," he remarked. An observer from the League of Women Voters also had seen no evidence of "wild horses running through the halls" in other states.

III. ARGUMENTS IN FAVOR

1. The responsibility of the Legislative branch of government is to enact laws and attend to fiscal and budgetary matters of the state. Under the biennial session limitation the legislature has found itself handicapped in performing its responsibilities, due to increasing demands from a society many times more advanced and technocratic than it was in 1859.

2. Miscalculations by the legislature have a significant and immediate effect upon the economy and lives of the people of Oregon. If the legislature is to be responsible and responsive, the corrective process should be initiated by the legislature.

3. For approximately 18 months Oregon has no law-making body directly elected by the people ready to function. Yet emergencies do arise. The energy crisis and the real estate law interpretation which temporarily stopped issuance of mortgages are recent examples.

4. The Emergency Board is an interim budgetary body dividing and disbursing funds previously appropriated by the legislature in regular sessions. It has no power to enact or correct legislation. Even so, the decisions of the Emergency Board can have the effect of policy made by only 15 members of the legislature.

5. State Measure No. 5 has adequate restraints to prevent political frivolity; it limits the purpose for calling special sessions to "emergency" matters. The petition circulated to the House and Senate members could require that the subject of the emergency be defined.

IV. ARGUMENTS IN OPPOSITION

1. The proposed amendment has been inadequately drafted in that it does not:

a) define an emergency. The use of the term "emergency" and the requirement of a simple majority call of a special session are at odds. If the legislature were to discover an emergency, surely it could, as most states do, discover by more than a simple majority vote;

b) limit the number of matters which may be considered at an emergency session.

The present system contains built-in limitations;

- c) limit the duration of the emergency session.
2. The five-day notice provision is inadequate and places members on a continuous "alert." Such short notice may cause seasoned legislators to resign or not seek re-election because of their inability to make plans with respect to the conduct of their professions, jobs, or businesses (as can be done under the present system).
3. The present system works. No speaker before this Committee could recall a situation in which a special session had not been called by the Governor when there was strong support for a special session within the legislature under the existing provisions of the constitution.
4. A significant need for the measure is yet to surface.

V. DISCUSSION

Opponents say that with the passage of State Measure No. 5, annual sessions are just around the corner. According to proponents, this may not be true. The power to hold emergency sessions could operate to "stave off" the need or urge for a regularly scheduled annual session. Bills to be considered during a special session are determined by the Rules Committee, appointed by the presiding officers of each House, who can limit the issues before the floor of both Houses. This power of the Rules Committee is sufficient to reasonably restrict the issues that may be addressed by the legislature during "called" special sessions.

The cost of special sessions is less than regular sessions. The last four have averaged \$10,011 per day in contrast to \$22,000 per day for the 1975 regular session, and even that cost is less than one-tenth of one percent of the total budget of the State government.

The 1970 version of Measure No. 5 was conceived as a legislative attempt to pass into practice (but not into law) annual sessions. While the initial criticism of that measure—allowing the legislature to adjourn to a future certain date—has been eliminated, passage of Measure No. 5, according to opponents, would constitute another backdoor attempt at the annual session. Few legislatures have an open-ended blank check to call themselves into session without some limitations.

The Oregon Constitution, drawn 117 years ago, provided that the legislative responsibility be accomplished during a biennial session. Presently, the Oregon legislature meets for approximately six months out of each 24 month period. During the interim period, it delegates many functions to the Emergency Board. Proponents of Measure No. 5 argue that because the legislature is prohibited from calling itself into session, the legislature has been denied the ability to check the exercise of such delegation. The legislature has a constitutional substantive function that should not be thwarted by outdated constitutional procedure. Arguments of internal governmental rivalry and fearful warnings of legislators' abuse should not deflect attention from the fact that the legislature is the only one of the three branches of government which cannot call itself into action.

There are always unanticipated consequences of structural changes in the fundamental powers of one of the branches of government. While it is certain that the Committee has not covered all of such unanticipated criticisms, it is relatively clear that such special sessions may produce closer supervision by the legislature of its own agent, the Emergency Board, rather than directing and checking the departments under the Governor and the many independent state agencies. If this is the purpose of the ballot measure, there are other and more direct means of limiting such power, including the cessation of the seeming increased proclivity for the legislature to pass incomplete laws and provide that the Emergency Board fill in the gaps after the legislature goes home.

Past City Club committees have favorably considered the separation of powers argument in support of special sessions, i.e., if the legislature is to be co-equal it should be enabled to convene without dependency on either of the other two branches. But we feel the argument is not relevant. The separation of powers doctrine is not an end itself but represents an attempt to establish a system of checks and balances among the three

branches of government, i.e., an attempt to limit the power of government. As between the executive and legislative branches, Oregon government appears presently to give an imbalance of power to the legislative branch and to weaken the office of governor. For example, the governor does not directly control some of the most important state agencies which are theoretically administered by him. Rather there are elected or appointed commissions or boards with wide areas of responsibility, e.g., Oregon Liquor Control Commission, State Board of Education, Board of Higher Education, Environmental Quality Commission, and Transportation Commission, which are outside the immediate control or supervision of the governor. On the other hand, the legislative branch through its Committee on Administrative Rules, and the Emergency Board directly oversees (and in some cases funds) all state agencies. The evidence presented to the Committee on the whole would point to the possibility that power belongs to semi-independent state agencies which have escaped the supervision of both the Executive and Legislative Branches, rather than to an all-powerful Executive Branch.

Former Oregon Governor Tom McCall commented to your Committee that for a governor to frustrate the legislative effort to obtain a special session would be to heap coals of criticism upon the governor. Negotiations between the governor and the legislature produce the rules for such sessions, e.g., limitation as to matters considered or the duration of such special sessions. Under Measure No. 5, responsibility would be diffused to each member of the legislature and political accountability may suffer.

State Measure No. 5 is a proposed constitutional change. Its reasons must be clear and pressing. No commitment or vital concern can be discovered either for or against the measure by either the Legislative or Executive Branches or by any organized groups—responsible, informed, or otherwise.

VI. CONCLUSIONS

Your Committee was impressed by 1) the general lack of strong support for the measure, 2) by repeated evidence that the traditional way of calling the legislature into session "works" and should not at this time be tampered with and 3) that Oregon's voters, perhaps reflecting the general distrust of "big government," have on three previous occasions rejected by popular vote the "special session" authority requested in 1970, 1972 and 1974.

Your Committee leaned toward the argument that "modernization" of a century-old provision of the Oregon Constitution might follow a national trend, toward special sessions, and in theory introduce added flexibility to the conduct of the business of the state. However, it was also impressed by the fact that special sessions have been called by the Governor when support for such sessions was reflected among legislators and the public.

Your Committee found that the representatives interviewed were generally satisfied with the operation of the State Emergency Board, which to a limited degree acts as Oregon's interim legislature. The Committee favored the concept of "special session" authority, as an eventual possibility. However, the majority of your Committee was impressed by the lack of either strong support or strong opposition for the measure, and by the evidence that the current system now works adequately.

VII. MAJORITY RECOMMENDATION

A majority of your Committee recommends that the City Club go on record as opposing State Measure No. 5 and urging a "NO" vote at the November 2, 1976 general election.

Respectfully submitted,

Thomas M. Landye

Leodis C. Matthews

Ron Moxness

Jerald W. Schmunk

For the Majority

VIII. MINORITY REPORT and RECOMMENDATION

State Measure No. 5 is needed legislation in the opinion of the minority. Although the drafting could be improved and support of this constitutional amendment is not strong, the arguments in its favor outweigh those in opposition. Perhaps the present procedure may have operated satisfactorily to this point in time but there is no guarantee that the future will be the same. It is wise to enact this legislation now rather than to be unprepared.

Therefore, the minority of your Committee recommends that the City Club support passage of State Measure No. 5 with a "YES" vote at the November 2, 1976 general election.

Respectfully submitted,
 Heather L. Hanson
 Lloyd T. Keefe, *Chairman*
For the Minority

Approved by the Research Board September 9, 1976 for transmittal to the Board of Governors. Received by the Board of Governors September 20, 1976 and ordered published and distributed to the membership for consideration and action October 8, 1976.

APPENDIX A

PERSONS INTERVIEWED BY THE COMMITTEE

Stafford Hansell, Director of Executive Department, State of Oregon and former member of the Oregon legislature
 Philip Lang, Speaker of the Oregon House of Representatives
 Roger Martin, Minority Leader, Oregon House of Representatives
 Betty Roberts, State Senator
 Kenneth Rinke, Lobbyist

PERSONS INTERVIEWED INDIVIDUALLY

George Baldwin, former Director, State Department of Transportation
 John Huisman, Chairman, City Club Committee on the State Emergency Board
 Herbert Lundy, editor of the editorial page, *The Oregonian*
 Tom McCall, former Governor and Secretary of State
 Douglas McKean, *Oregon Journal* political reporter assigned to State Capitol
 Gladys Pasel, League of Women Voters

Also interviewed was an attorney who has served as a lobbyist before the State legislature for 30 years who declined to be identified

ORGANIZATIONS CONTACTED

Common Cause, Oregon office
 Council of State Governments, Chicago office

REPORT ON
STATE MEASURE NO. 7
PARTIAL PUBLIC FUNDING OF ELECTION CAMPAIGNS

Purpose: Provides public funding for communications expenditures in general election campaigns, up to \$90,000 for state offices elected in the state at large, \$4,900 for State Senator and \$2,450 for State Representative. Eligibility based on minimum expenditure from private contributions and minimum percentage of total vote received. Source of funds is voluntary \$1.50 checkoff on state income tax return; funding reduced proportionately for all candidates if insufficient for full amount.

To the Board of Governors,
The City Club of Portland:

I. SUMMARY OF BALLOT MEASURE NUMBER 7

Ballot Measure No. 7 would create a Fair Elections Fund, administered by the Oregon Government Ethics Commission, to pay certain specified expenses in contested general election races for legislative and statewide non-judicial offices. Eligibility for funding would be gained by (1) nomination in a party primary or, (2) if the candidate reaches the ballot by another means, by one of three methods: (a) a petition signed by two percent of the registered electors for a statewide office or a petition signed by five percent of the registered electors for a legislative office; (b) by expenditure of private funds equaling at least 20 percent of the maximum public funds available for a specific office; or (c) by receiving at least ten percent of the vote for the office in question in the general election or at least half the average number of votes cast for that office (example: were there three candidates, a candidate would have to obtain one-half of $33\frac{1}{3}$ percent of the vote to be eligible for funding), whichever of the two percentages is higher.

The Fair Elections Fund, itself, would be funded by a voluntary state income tax check-off of \$1.50 on a single return and \$3 on a joint return. The maximum public funding would be \$90,000 for a statewide race; \$4,900 for a state senate race and \$2,450 for a state representative race. If the total funds available are insufficient to fund all eligible and participating candidates at the maximum levels, the maximum level would be reduced prorata among all candidates. Measure No. 7 recognizes the role of privately raised funds and would permit a candidate to spend private funds equal to the maximum public funding specified for the office. Thus, an eligible gubernatorial candidate could spend up to \$90,000 in private funds and remain eligible for \$90,000 from the Fair Elections Fund. When private spending exceeds the amount of maximum public funding specified in the bill, however, eligibility under the Fair Elections Fund would be reduced pro rata. For example, an eligible gubernatorial candidate who spent \$100,000 in private money would be entitled to only \$80,000 in public funds. If spending from private funds were \$180,000 or more, the candidate would lose all eligibility for public funds.

Measure No. 7 contains certain safeguards to ensure that public funds allocated to eligible candidates are properly spent: (1) Expenditures eligible for payment from the Fair Elections Fund are only those made for the direct costs of any medium of communication to the public, such as campaign literature, bumper stickers, signs, and newspapers, magazines, television and radio messages. Excluded are payments for the personal services of campaign assistants, staff or campaign workers and payments for rent and transportation. (2) No disbursement from the fund goes directly to the candidate or candidate's campaign. All payments for qualifying goods and services rendered to the campaign of a qualifying candidate during the general election are made only to the person who is billing the candidate.

The candidate must file a declaration of intent to participate in the Fair Elections Fund and must file a conditional obligation to repay any funds which the Oregon Government Ethics Commission subsequently determines to be for noneligible expenses. Any person may ask the Oregon Government Ethics Commission to review any payments authorized or refused to be authorized by the Executive Director of the Commission.

Criminal penalties are provided for violation of the Fair Elections Fund procedures. Each candidate must keep records and prepare a sworn statement of expenditures, which is submitted after the general election. The penalty for perjury on the expenditure statement is a maximum of five years in prison and a fine of \$2,500 for an individual. The acceptance, solicitation or offering of a kickback between a candidate and a supplier receiving payments from the Fair Elections Fund is made a crime punishable by up to one year in prison, a \$1,000 fine for an individual and a \$5,000 fine for a corporation.

This report deals only with partial public funding of election campaigns, Oregon State Ballot Measure No. 7, and its impact upon the state. It does not attempt to deal with campaign financing/disclosure laws or election regulations not related to partial public funding of election campaigns.

II. BACKGROUND

Oregon had, at one time, a statute which limited the total campaign expenditures for state offices (Oregon Revised Statutes, Section 260.027). This statute followed the recommendations of a 1973 City Club Committee that an expenditure limit be enacted. That report concluded that such limits were needed because the need to raise the large sums of money required to run for office discouraged some qualified candidates.

The Oregon Supreme Court, in the 1975 case *Deras vs. Myers*, reviewed the constitutionality of ORS 260.027 and found it violative of rights of free expression and free assembly guaranteed by the Oregon Constitution.

The Oregon Court indicated that the evils which the expenditure limit legislation sought to prevent "could be treated by providing some form of public subsidy for campaign expenditures." (535 P2d 549) The Court added that the foregoing statement "should not be taken as an expression as to the effectiveness of public subsidy or its desirability, but only that it is likely to be at least as effective as direct restrictions and is less clearly subject to Constitutional attack." (535 P2d 549)

The federal experience has been similar. In *Buckley v. Valeo*, decided earlier this year, the U.S. Supreme Court invalidated the Federal Election Campaign Act of 1971 (fixing a ceiling on the total expenditures of a campaign and on the personal expenditures by a candidate) on the grounds that it impinged on federal constitutional rights of freedom of expression and freedom of association, but sustained the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act, which provided a form of public campaign funding similar to Measure No. 7. *Buckley* further holds that such statutes do not violate first amendment rights or discriminate against minor party candidates. Your Committee's research indicates that there is little doubt that the de facto spending limit imposed by this ballot measure will be constitutional under both state and federal constitutions.

The basic structure of Ballot Measure No. 7 was first developed by the late Senator Richard Neuberger, working for partial public finance of federal elections. Hans Linde was at that time (1955-58) the legislative assistant to Senator Neuberger and was instrumental in developing the proposal. Professor Linde, now with the University of Oregon School of Law, testified in support of Partial Public Financing of Election Campaigns before the Oregon House Elections Committee during the 1975 session.

III. ISSUES

Reviewing the comments and opinions of those persons interviewed, your Committee summarized the arguments as presented by the proponents and the opponents of Measure No. 7.

Arguments For:

1) Measure No. 7 will enhance the opportunity for voters to become better informed, as every qualified candidate for a specific office will be eligible to receive a minimum amount of public money to spend on specific voter communication.

2) The declining funds system, incorporated in Measure No. 7, will encourage candidates to limit spending because it reduces public funds as private funds exceed a specific amount.

3) Measure No. 7 will widen the opportunity for people to seek public office.

4) Measure No. 7 will reduce the time candidates must now spend raising campaign funds.

5) Measure No. 7 is a well designed bill: it is fair (neutral) to all candidates; it is voluntary for taxpaying participants; and, it has safeguards against misuse of public funds.

Arguments Against:

1) Measure No. 7 will divert tax revenues from the General Fund which could be spent on state activities of higher priority. In addition, some money will have to be appropriated from the General Fund to administer this program.

2) State taxes may have to be raised to support this and other activities financed from the General Fund.

3) If the major thrust of this proposal is to permit more people without personal wealth or fund raising ability to become candidates, then the Measure would more readily achieve such an objective by applying to the Primary as well as the General Election.

4) Measure No. 7, by attracting and funding candidates, may increase the number of candidates in a General Election and this is not necessarily desirable. A candidate who could not win, even with public financing, may rob votes from the other candidates and thereby change what would otherwise be the result of the election.

5) Measure No. 7 is an unnecessary intrusion of Government into the campaign process.

IV. DISCUSSION AND MAJORITY CONCLUSIONS

Few people interviewed by your Committee understood well the main objective of this proposed legislation, as that objective is articulated by its principal architect, Professor Hans Linde.

Most of those interviewed assumed one of the main objectives of the measure to be an effort to prevent or reduce the possibility that elected officials will be unduly influenced by persons or organizations donating large sums to campaign financing. Whether or not such results may follow, the architect of the measure explains that this is not its main thrust.

Your Committee finds that the main purposes of Ballot Measure No. 7 are:

1. To publicly fund a portion of direct voter communication expenses incurred by qualified candidates in the general election;
2. To constitutionally deter ever-increasing and excessive campaign expenditures.

In discussing these purposes, the proposition was given that a candidate with neither personal wealth nor wealthy backing would be funded to better communicate with his constituency. That he will be funded is, of course, true; whether such funding will effect the desired result is somewhat doubtful.

The mechanism in Measure No. 7 which limits the amount of public funding when expenditures from private contributions exceed a specific amount would probably help curb excessive expenditures. Thus, when expenditures from private contributions exceed the figure set for a particular office, the public funding is reduced one dollar for each dollar of expenditure from private funds raised in excess of that figure.

Your Committee feels that the measure could reduce the time spent by candidates in fund raising and that it will probably widen the opportunity for people to seek office.

However, if the purpose of the measure is to widen the opportunity to seek public office, a majority of your Committee believes that if there is to be some form of public financing it should extend also to primary elections.

The existing political system, encouraging voter participation, requiring a candidate to find a constituency to invest in his or her campaign, is in itself a crucible testing the worth of a candidate. The majority of your Committee believes Measure No. 7 is an unnecessary intrusion of government in the campaign process.

To alter the structure of election campaigns and increase the number of candidates running for office in the General Election may not be desirable. A candidate who could not win, attracted by public financing to run in the General Election through convention or petition methods, could rob votes from one of two candidates with much broader public support. This would make it possible for a "spoiler" to bring about the defeat of a candidate who otherwise would have won.

Your Committee heard concerns expressed about the costs involved in this measure, both in diversion of money from the General Fund and in additional administrative costs. The estimated cost of administration is \$75,000 per biennium. The fund itself, as estimated by the Department of Revenue, is illustrated in the following chart:

Percent of Taxpayers Designating \$1.50	Fair Election Fund 1977-1979 Biennium
15%	\$ 587,500
20%	783,300
25%	979,200
30%	1,175,000
35%	1,370,800
40%	1,566,600

The majority of your Committee believes this expense is unnecessary in light of higher priorities for the state's General Fund. There does not appear to be a current crisis nor pending future problem in the Oregon election process to merit this expense.

Your Committee observed that Oregon has a form of public campaign financing in that a taxpayer receives a tax credit, up to \$25, for contributions made to a candidate or political party. This may be preferable to an anonymous check-off contribution. Anonymity may impede voter participation and identification in the political system.

And finally, Measure No. 7 would allow candidates to use public financing only in "communication media" (newspaper ads, radio, TV, brochures, etc.) so as to better inform the voters. However, the voting public may see better "advertising campaigns" but be no better informed about the candidates.

V. MAJORITY RECOMMENDATION

The majority of your Committee recommends a "NO" vote on Ballot Measure No. 7 at the November 2, 1976 general election.

(Note: The Committee chairman, Dr. Robert E. Dodge, was away from the country during most of the Committee deliberations, and has abstained from voting on the measure.)

Respectfully submitted,
 Irvin H. Luiten
 Charles E. Sikes
 Susan Trullinger
 June Pollard Wallis
For the Majority

VI. MINORITY REPORT

The minority of your Committee believes that State Measure No. 7 is one of the most important measures to be voted on. This measure goes to the heart of government, to how the people select their government representatives.

The concept of the ballot measure is simple—let viable candidates in the general election have adequate funds to insure that voters get campaign information to make an informed vote. Too often one candidate is able to outspend his or her opponent.¹

The minority submits that, unless there is some way to allow voters to get equal information about qualified candidates, the defeated candidate is not the only loser. Oregonians are wise enough to take preventive steps rather than to wait for crisis and scandal. This measure is that ounce of prevention.

State Measure No. 7 will do successfully two things: 1) It will provide a minimum campaign finance "floor" so that qualified candidates can communicate their views; and, 2) it will provide a campaign finance "ceiling" in a constitutional manner.

The first task is to provide the means for a reasonable level of campaign visibility so that the voters' choice is not preempted by a wholly one-sided exposure. The amount of public funds under this measure is calculated to be adequate for a minimum campaign. The second task, to limit exorbitant campaign expenditures, is one which the City Club endorsed just three years ago. The legislature enacted a campaign spending limit, but it was declared unconstitutional. The minority believes State Measure No. 7 is a way to stop excessive campaign expenditures in a constitutional manner.

This ballot measure, unlike other legislation, gives each taxpayer the opportunity to "vote" each year whether or not to support the legislation. If an individual favors partial public campaign funding, he or she can "check off" his preference on the tax return. If not, he or she merely declines to "check off."

It has been suggested that the ballot measure is defective because it requires financing which otherwise could go to the General Fund. The minority observes that excessive campaign spending cannot constitutionally be limited and partial public funding cannot be provided without public funds. Based on figures from your Committee's research, the minority estimates that about 25 percent of Oregon taxpayers would participate in the state program. Even if the percentage of taxpayers participating rose to 35 percent the money thus contributed to the Fair Elections Fund would amount to less than one-tenth of one percent of the monies in the General Fund, according to figures compiled by the Secretary of State.

Administrative expense will be kept to a minimum because no new agency is required; administration will be by the non-partisan Oregon Government Ethics Commission which administers existing election laws. The minority suggests the voters will get their money's worth.

It has also been suggested that partial public campaign finance should be extended to the primary election. That is a valid criticism if the major purpose of the measure is to encourage additional persons to become candidates. That is not the purpose of this measure, as the majority admits. State Measure No. 7 is designed to deter exorbitant campaign spending and to provide a minimum campaign fund for candidates who are on the general election ballot. When the program is successful in the general election then is the time to consider extending it.

The majority raises an "evil" in the form of a "spoiler" candidate who would receive funding in a general election. The minority responds as follows:

- 1) Although this is possible we think it would occur only rarely, as it does now under existing law;
- 2) the funding system must be neutral in order to be constitutional;
- 3) the real cause of a "spoiler" is not public funding but the relative ease with which

¹See *Summary Report of Campaign Contributions and Expenditures, 1974 General Election*, prepared by the Secretary of State, Elections Division.

an independent candidate can get on the general election ballot in Oregon.

If this is an evil the remedy is to change the election laws, not to oppose partial public campaign funding.

It should be remembered that this ballot measure would supplement, not replace, private campaign contributions. Private contributions should not be eliminated, and could not be under the constitution. The problem is that for various reasons private contributions do not always flow equally to qualified candidates.

The minority believes that too often the quality and the amount of campaign information received depends on someone else's money. Our campaign system should not depend on the personal wealth of the candidate or the candidate's circle of supporters. It should not depend on the candidate's ability or willingness to solicit contributions. This ballot measure stands on the principle that the true worth of a candidate should be measured by the ability to attract voters, not the ability to attract dollars.

VII. MINORITY RECOMMENDATION

The minority of your Committee recommends that the City Club go on record as supporting State Measure No. 7 and urges a "YES" vote at the November 2, 1976 general election.

Respectfully submitted,

Anne Cathcart

Barry Marks

For the Minority

Approved by the Research Board September 7, 1976 for transmittal to the Board of Governors. Received by the Board of Governors September 20, 1976 and ordered published and distributed to the membership for consideration and action October 8, 1976.

YOUR COMMITTEE

Anne Cathcart, Area Development Representative, Port of Portland
 Dr. Robert Dodge, Marketing Professor, Portland State University
 Irvin H. Luiten, Public Affairs Manager, Weyerhaeuser
 Barry Marks, Attorney, Miller, Anderson, Nash, Yerke & Wiener
 Charles E. Sikes, Vice President, Trans-Pacific Financial Corp.
 Susan Trullinger, Partner, Fox Publishing Company
 June Pollard Wallis, Graduate Student, Portland State University

PERSONS INTERVIEWED BY YOUR COMMITTEE

Representative Hardy Myers, Portland
 Mr. Marko Haggard, Political Scientist
 Ms. Stevie Remington, ACLU
 Dale Potts, Public Affairs Officer, IRS
 Representative Tony Van Vliet, Corvallis
 Senator Victor Atiyeh, Portland
 Ms. Nellie Fox, AFL-CIO
 Senator Charles Hanlon, Cornelius
 Professor Hans Linde, University of Oregon School of Law
 Mr. Richard Yates, Tax Research Supervisor, State Dept. of Revenue
 Mr. Rob Douglas, Director, Oregon Government Ethics Commission
 Mrs. Dorthea Pinch, League of Women Voters
 Mr. Bill Fritz, Oregon Common Cause
 Senator Wally Carson, Salem

REPORT ON
MULTNOMAH COUNTY MEASURE NO. 26-13
CHARTER AMENDMENT—
REORGANIZATION OF COUNTY COMMISSION

Purpose: Amends the Multnomah County Charter provisions concerning the election of Commissioners and Chairman; changes the term of office from four years to two years, establishes single member districts, and provides for filling vacancies by election.

To the Board of Governors,
The City Club of Portland:

I. INTRODUCTION

Multnomah County has been in existence since 1854. In 1959, the Oregon legislature passed legislation providing authority for counties to adopt the home rule form of government. The Multnomah County Home Rule Charter was adopted by Multnomah County voters in 1966 and has been in effect in its original form since January 1, 1967.

A measure to consolidate Multnomah County and City of Portland governments appeared on the 1974 primary ballot but was defeated by a substantial margin.

II. SUMMARY OF PROPOSED CHARTER CHANGES

This measure was placed on the November ballot by initiative petition to be voted on by the residents of Multnomah County. A summary of the proposed charter changes and comparison to existing provisions follows.

Election of Commissioners and Term of Office

If this measure passes, the Multnomah County charter will be amended to provide for election of commissioners from single member districts. Under existing provisions, all five commissioners are elected at large. The original boundaries of the five proposed districts are established by the measure. The map in Appendix B shows an outline of the proposed districts and the current commissioner designated to serve each of the districts. The commissioners would be assigned to the same district number as their current position number. The original district boundaries are based on and are defined by the census tracts from the 1970 federal census and so are equally populous. In the future, these districts are to be reapportioned by the commissioners into equally populous districts after every decennial U.S. census.

The measure would change the term of office for commissioners from four years to two years. Presently the three commissioners in the odd-numbered positions are elected in one even-numbered year and the two in even-numbered positions are elected on the next even-numbered year. All five commissioners are elected for four-year terms.

Election of Commission Chairman

Under the present charter provision, the successful candidate for Commission Position No. 1 is designated as chairman and serves a four-year term.

A new procedure would be instituted for electing the chairman of the commission. The chairmanship would remain an elective office, but would be chosen as follows: Any candidate for commissioner could also be a candidate for chairman. Those who wish to run for chairman would have their names on the ballot in two places, one for commissioner in his

district and the other for chairman at large. The candidate who receives the most votes for chairman county-wide and who also is elected as a commissioner in his district will begin his or her term of office as chairman.

If the successful candidate for chairman receives a majority (more than 50 percent) of the votes cast for chairman, the term of office will be the same as the term of office for commissioner (two years). However, if no candidate for chairman receives a majority of the votes cast for chairman, then the person who receives the *most* votes (a plurality) would serve; however, service would be at the pleasure of the commissioners, who may replace the chairman at any time by a constitutional majority vote of the entire commission.

Number of Commissioners

A new provision is included in the proposed measure for increasing the number of commissioners, based upon the total population of the county:

<i>Population</i>	<i>Number of Commissioners</i>
Under 600,000	5
600,001 to 800,000	7
Over 800,000	9

Under the present charter the number of commissioners is fixed at five.

Vacancy in Office

Under the existing charter, vacancies in any elective office of the county, including commissioner, are filled by the board of commissioners. The proposed charter amendments would provide that vacancies in office of commissioner be filled by an election held within the district served by the commissioner whose office is vacant.

Transition from Present System

Certain transitional provisions are also included in the measure. The terms of office of each commissioner now in office and those elected in November 1976 are designated to end on January 1, 1979. The current chairman's term of office is designated to end January 1, 1977 and a chairman would then be chosen by the commissioners. As previously mentioned, the commissioners are assigned to the same district number defined in the measure as the position number of the office in which they now serve; this will apply for all purposes, including the exercise of the right of recall and filling any vacancies.

III. ARGUMENTS ADVANCED IN FAVOR OF THE MEASURE

1. Single member districts have worked well in the state legislature in most areas.
2. Legislators are more responsive to their constituents, and citizens know who is supposed to represent them in single member districts.
3. Legislators are more responsive to their constituents, and more responsible for their actions as well, when they are elected for a two-year term.
4. Vacancies on the County Commission will be easier to fill under the proposed charter amendments.
5. The existing county charter needs to be changed because the chairman is too powerful.
6. A low budget candidate would have a chance to be elected commissioner because a county-wide campaign no longer would be necessary.
7. With two-year terms, it would be easier to remove commissioners who are not doing a good job. The measure provides an alternative to a costly recall effort.
8. The measure provides for an increase in the number of commissioners to coincide with increases in the county population.

9. The commissioners would be more responsible if they had the prerogative to remove the chairman.

10. The measure should be considered as a whole and adopted, even if it does not meet every problem; if there are omissions or other changes these can be made by the commissioners, the legislature or the electorate depending on the nature of the changes.

IV. ARGUMENTS ADVANCED AGAINST THE MEASURE

1. The proposed method for selecting the chairman would be unstable and would not provide the strong leadership that is essential for county government because the chairman must have some continuity in office to be effective.

2. The two-year term of office would force commissioners to campaign for re-election on a full-time basis.

3. The chairman should be elected at large rather than as a commissioner whose primary responsibility is to serve the legislative interests of one district.

4. Any chairman elected by a plurality would find it difficult to recruit a good staff as a result of the uncertainty of his term of office.

5. If the charter is to be changed, it should be altered to separate the administrative function of the chairman from the legislative function of the other commissioners.

6. Adoption of a single member district concept should include residency as a requirement, and this measure does not include such a provision.

7. The proposal appears to be an effort to remove one or two commissioners presently in office.

8. While the single member district concept may be good, at-large members are needed to represent county-wide public interests and needs.

9. Changing the term of office to two years will not necessarily prevent an irresponsible incumbent from being re-elected.

10. There is no reason to increase the number of commissioners as the county population grows.

11. Under the proposed procedure for electing a chairman, a candidate could receive the most votes for chairman but lose the election for commissioner, thus precluding eligibility for the chairmanship.

12. The Tri-County Local Government Commission is currently reviewing the county charter as part of its overall study of local and regional government and will be proposing structural changes based upon an objective study of the role that should be played by the county in meeting the needs of the people.

V. DISCUSSION

The charge is frequently heard in connection with this Measure that it is nothing more than a sophisticated maneuver to remove one or two current commissioners from office, an allegation which is emphatically denied by the sponsors of the petition. Your Committee began examination of this Measure by looking at the substantive issues involved to make an evaluation on the merits. (See Appendix A for sources consulted.) It arrived at a unanimous decision after examining the merits and made no attempt to look any further into the charges and countercharges of political motivation or personality conflict.

The Committee found the most compelling argument for adoption of this initiative Measure to be the creation of single member districts. It is generally agreed that such districts can and do make legislators more responsive to their constituents, and it would make it easier for citizens to know with whom to talk when they have an idea, concern or need that should receive the attention of county government. Each voter can make an independent evaluation of the single member district concept by looking at the state legislature, since the system is currently in effect at that level.

On the other hand, the district system proposed by this Measure does not include certain provisions that many people feel should be included if a change is to be made. Among these criticisms are the lack of a residency requirement and the failure to provide for any commission positions at large to ensure a balanced viewpoint. There is also a question in many minds concerning the desirability of a chairman acting in the executive capacity who represents only one district.

The Committee agrees that these are significant issues but that they should be resolved only in the context of a review of the entire charter and in consideration of county governmental operations as they relate to other local and regional governmental authorities. At this writing the Tri-County Local Government Commission* is making such a study of Multnomah County governmental functions as part of its review of the organization and operation of our local and regional governmental authorities.

Your Committee has serious reservations about the desirability of instituting a two-year term of office. We recognize that four-year terms present more opportunity to run for other office; on the other hand, two-year terms would require every commissioner to campaign for re-election more often. Furthermore, any undesirable elements related to the four-year term are thought to be more than offset by the benefits of continuity in government, including the security of administrative staff members and the opportunity for creative and innovative leadership.

There was general agreement that the procedure for electing the chairman proposed by this Measure would prove to be cumbersome, particularly since it is unlikely any candidate for chairman would receive a majority vote. We are not persuaded that the ability of the commissioners to elect a chairman would make the commissioners any more responsive or accountable for their actions. We are also concerned at the possibility that a number of candidates could run for chairman with one receiving the most votes for chairman but who would be precluded from serving in that capacity by failure to win the election for commissioner in his district. Likewise, the uncertainty of the chairman's term would make it difficult to recruit and maintain high caliber staff personnel. This presents a more acute problem for Multnomah County than for other governmental organizations because the chairman is charged under the charter with the responsibility for carrying out the administrative function. If the purpose of this Measure is to secure more responsive and efficient county government it appears to the Committee that the proposed changes would serve to compound, rather than solve the problems created by the dual nature of the chairman's role.

The Committee found little reason for making a change in the existing method for filling vacancies, but if a change is made to the elective rather than the appointive method, it would be more logical to do so if four-year terms of office are retained.

VI. CONCLUSION

The Committee concludes that the proposed charter amendments 1) would be a piecemeal approach to making changes that should be made only as the result of careful study by a comprehensive charter review committee; and 2) would create new problems in county administration and structure that would outweigh any benefits to be gained in responsiveness to the voters.

*The Tri-County Local Government Commission is comprised of 65 persons including legislators, local government officials and lay persons. Its purpose is to study local and regional governments in the tri-county area. Two-thirds of the Commission's funding comes from a HUD grant obtained through the National Academy of Public Administration. The remaining third was obtained from local public and private contributions. Application for the grant was made by the Portland Metropolitan Area Local Government Boundary Commission.

VII. RECOMMENDATION

The Committee recommends that the City Club of Portland go on record as opposing the Charter Amendment Reorganization of County Commission and urges a NO vote on Measure No. 26-13 at the November 2, 1976 general election.

Respectfully submitted,

Thomas H. Hamann

Lloyd G. Hammel

Barbara Owens

Harvey Rice

Peter A. Plumridge, *Chairman*

Approved by the Research Board September 22, 1976 for transmittal to the Board of Governors. Received by the Board of Governors September 27, 1976 and ordered published and distributed to the membership for consideration and action October 8, 1976.

APPENDIX A

SCOPE OF RESEARCH

The following persons were interviewed during the course of this study, either at committee meetings or by individual members:

Vern Cook, State Senator and co-sponsor of the Measure

Glenn Otto, State Representative and co-sponsor of the Measure

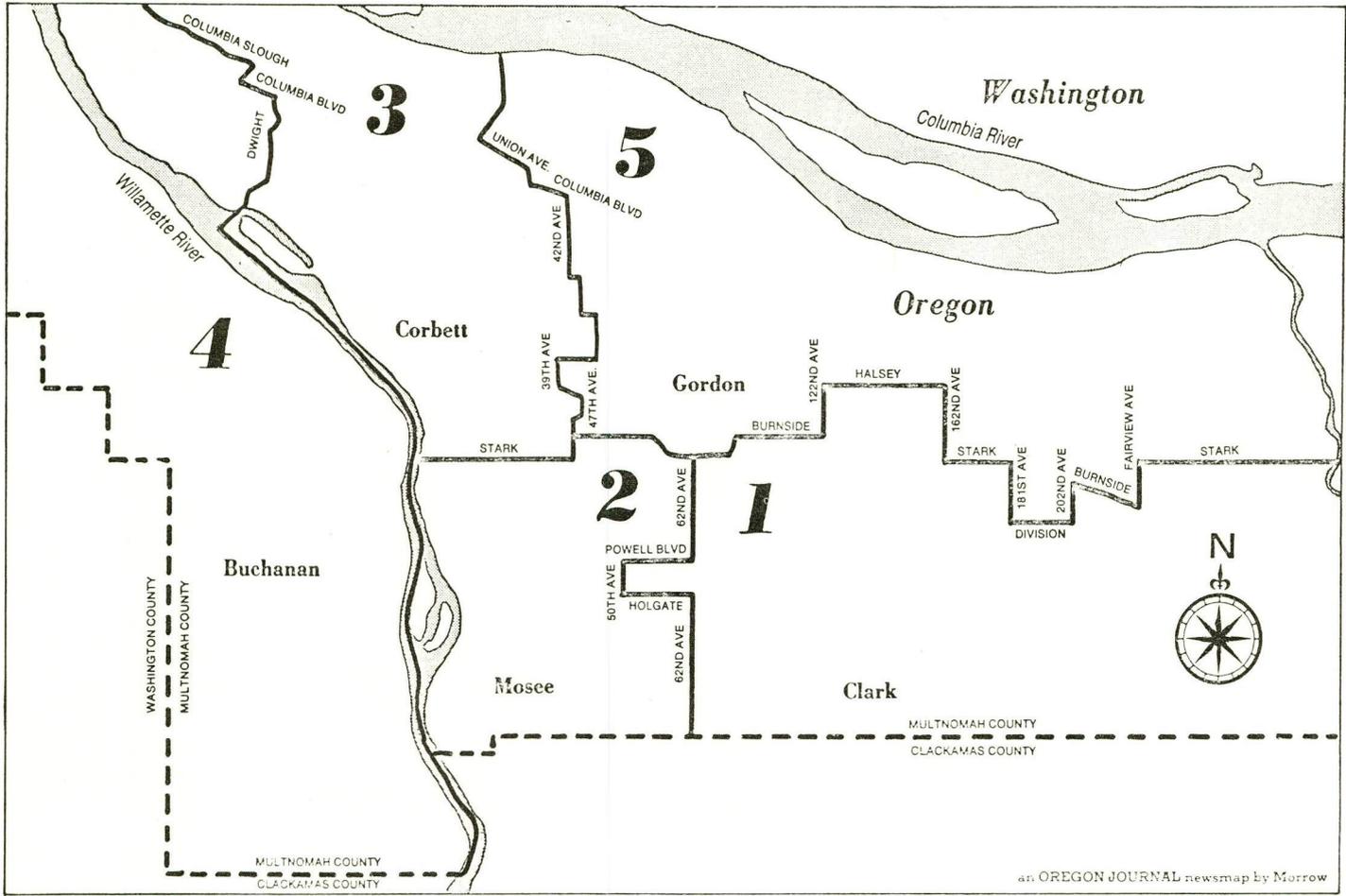
Donald E. Clark, Chairman, Board of Commissioners, Multnomah County

Harvey Akesson, State Representative

Paul Romain, attorney

The Committee also reviewed various newspaper articles and other documents including the study made by the League of Women Voters.

APPENDIX B—PROPOSED DISTRICTS FOR MULTNOMAH COUNTY



an OREGON JOURNAL newsmap by Morrow

REPORT ON
MULTNOMAH COUNTY MEASURE NO. 26-14
EDGEFIELD OPERATION AND SERIAL LEVY ORDINANCE

Purpose: This Multnomah County ordinance would require operation and maintenance of the Edgefield Manor Nursing Home and Home for the Aged until July 1982 and impose a five-year serial property tax levy of \$1,000,000 per year for fiscal years 1977-1981 outside the constitutional six percent property tax increase limitation, for maintenance and support of Edgefield Manor.

This initiative measure was placed on the November ballot after petitions containing more than 23,000 signatures were submitted to the Multnomah County Elections Division on August 4, 1976 and were validated by the elections officials. The proposed ordinance would require that Multnomah County continue to operate Edgefield Manor for the next five years with funds obtained by a special property tax levied on Multnomah County residents.

To the Board of Governors,
The City Club of Portland:

I. INTRODUCTION AND SCOPE OF RESEARCH

During the course of its study, your Committee, either as a whole or through individual members, interviewed witnesses either by telephone or personal meeting, as listed in Appendix A.

Your Committee also reviewed the written report of the Edgefield Manor Task Force, the minutes of the meetings of the Task Force, and the written material presented to the Task Force during the course of its study. Due to the shortness of time for your Committee to respond to its charge, it accepted the data as presented to the Task Force (all within the past year) as being a valid secondary source of information.

Your Committee also reviewed the summary of evidence presented by the plaintiff submitted in support of its motion for summary judgment in the pending lawsuit entitled *Alta Bumpus, et al., v. Donald E. Clark, et al.*, Civil No. 76-427, United States District Court, District of Oregon. Again, due to the shortness of time, it was not possible for your Committee to review all of the original testimony in this case or talk to the witnesses. Your Committee, however, recognizes the bias inherent in such evidence and has attempted to use information in this summary only to reinforce or contradict information received elsewhere.

Your Committee also acknowledges the assistance of John Miller in the Multnomah County budget office and Tom Imdieke, of Commissioner Buchanan's staff, who provided guidance in the initial stages of this study.

II. BACKGROUND

A. History of Edgefield

The building complex now known as Edgefield Manor, located near Troutdale, Oregon, was erected in 1911 as a county-owned workhouse and poor farm. At that time it was customary for local governments to become involved in the problems of the elderly poor and to have the capability of providing institutional care for those unable to be cared for by their families. The home was capable of housing 600 residents. In 1947, when the State of Oregon general assistance program became effective as a source of funding, the county converted the facility into a 350-bed nursing home and home for the aged and elderly poor. It is presently licensed by the State as a Semi-Skilled (Intermediate Care) Facility, with a licensed bed capacity of 200.

The capacity has been reduced over the years due to imposition of more stringent health care and fire regulations. The complex consists of the main residential building, a large three-story brick building, a heating plant building and the residence of the administrator. It is located on a tract of some 345 acres of farmland, now leased to private operators. (The county at one time farmed this land itself and provided the food for all of its institutional residents.)

As of September 1, 1976, due to a freeze on admissions imposed since early 1975, the Manor was housing only 131 patients in the nursing home, and 35 in the home for the aged, for a total number of residents of 166. In the nursing home, the Manor provides care both before and after hospitalization for persons of all ages, not just elderly, and all income levels. At the present time, the average age of the residents is 70 years, and approximately 90 percent are welfare patients.

The Manor presently has a budgeted staff of 80 full-time employees, including registered nurses (RNs), licensed practical nurses (LPNs), and nurses aides. There is one occupational therapist position. In addition to the salaried staff, there is a corps of unpaid volunteer workers, who provide company to the residents and assistance in social events and field trips. LaVerne Jones, the present administrator, has been employed at Edgefield since 1949.

A summary of revenues and expenditures from Fiscal Year 1971-72 through the budget for 1976-77 is attached as Appendix B. The welfare reimbursement rate for nursing home residents in homes licensed as Intermediate Care Facilities has been \$19.50 per patient day since July 1, 1976. (The rate was \$18.84 from January 1, 1976, and was \$18.02 from July 1, 1975.) In addition, Edgefield receives \$10.07 per patient day from welfare funds (since July 1, 1976) for its home for the aged residents. It is anticipated that the rates in both categories will again increase as of January 1, 1977. (Operating costs are discussed below.)

B. The Decision to Close

In February of 1975 the Multnomah County Board of Commissioners announced a major policy decision altering the role the County had historically played in providing institutional health services for the elderly. It stated that Edgefield would be closed and all patients transferred to other facilities by August 31, 1975. The stated reasons for closure were:

1. Government policy should insure access to health care for all citizens not just the elderly or the indigent; government should not be operating a separate facility for the elderly poor, but should be integrating these patients into existing private (mainstream) resources.

2. The cost of remodeling Edgefield to meet local, state and federal regulations has been steadily increasing.

3. Revenues generated from the facility were substantially less than the cost of providing services, resulting in a budget deficit of almost one-half million dollars in 1974-75, which was made up through general county funds; the deficits are projected to become worse, and county revenue sources are becoming fewer.

The Board also ordered a freeze on all new admissions to the Manor, which freeze is still in effect as of this writing.

C. The Task Force

In April of 1975, due to a substantial and adverse public reaction to the proposed closure, the Board rescinded its order, and appointed a Task Force with the following charge:

1. to review all aspects of the operation of Edgefield and present to the Commissioners a recommendation for the future of the facility and its functions;

2. to recommend a policy on the future of the county's geriatric health role in the community.

The Task Force members are listed in Appendix C. It began its study in April of 1975 and concluded in February of 1976. Its major findings and conclusions were:

1. In the financial area, the Task Force found that the greatest discrepancy in costs between Edgefield and other nursing homes, both private and public, was in direct salaries, with the Edgefield cost for 1973-74 computed to be \$11.94 per patient day, compared with the state average of \$5.33. Shelter costs (building maintenance and supplies) were computed to be \$2.62 per patient day in 1973-74 compared with the state average of \$2.15. The home for the aged was found to be a greater financial drain on the county than was the nursing home, with the 1973-74 deficit computed to be \$288,673 for the nursing home and \$333,333 for the home for the aged. The Task Force concluded that Edgefield probably would have been profitable for 1973-74 if it had been privately operated (with lower direct salary costs) and had operated to capacity as a nursing home exclusively for welfare patients.

2. In the governmental regulation area, the Task Force concluded that the county should not be engaging in direct delivery of specific services that could be supplied by another source. It found a need for a system supplying a continuum of services for the elderly, with emphasis on prevention of institutionalization. It also concluded that insufficient data was available on services required by the elderly, the types of services, the alternatives available and the financial assistance needed from government. It also found a need for better trained nursing home staff personnel and for better communication between the providers of services at all levels.

3. As to the physical plant, the Task Force concluded that the quality of the main building was superior, and with exterior maintenance the building could be expected to be a sound and usable structure for whatever future use it is put.

4. As to the county role in geriatrics in the future, the Task Force concluded that the county should be involved in determining a comprehensive system of care for the community—a system that would be available to meet the needs of all people at differing stages in the geriatric process. It looked favorably on the concept of a geriatric center, which would be a building that would be the focal point of such activities, and concluded that Edgefield could possibly fill this role.

The Task Force recommended that Edgefield be phased out over an unstated period of time, as a part of the county program to terminate direct health care facilities, with affirmative steps taken to minimize the impact of the closure on the existing residents. It further recommended that the details of a systematic plan for meeting the geriatric needs of the community and of a geriatric center be worked out by another committee, with such a plan as its specific charge. (A committee chaired by Edith Green, former member of Congress, has been acting in this capacity since early June of 1976.)

D. Effect of Closure on Residents

After the announcement of the order of closure of Edgefield in February 1975, the County brought in a team of nurses, doctors and social workers to work with the residents on an individual basis to minimize the impact of closure and transfer on each resident. This team, known as the Core Team, tried to identify those patients of high risk, i.e., those having an increased chance of mortality. The team worked with all patients and staff in helping them plan a relocation with minimum disruption of personal relationships among patients and staff and of routines necessary for health reasons and mental attitude.

Fearing that transfer from Edgefield might accelerate patient mortality, several residents, represented by Legal Aid Service of Multnomah County, filed a lawsuit in 1976 to enjoin closure. It was alleged in this lawsuit, now pending, that the County may not legally subject any resident of the Manor to an involuntary transfer or to any action which may foreseeably result in the destruction of interpersonal relationships, either among themselves or with staff, due to the increased chance of mortality which may thereby result. The residents allege that the County is not prepared to provide them with any services elsewhere that they are not now receiving at Edgefield and that forcing them into the

mainstream of nursing home care will cause them severe harm in the form of mortality and morbidity. They also claim that the occupational and physical therapy programs at Edgefield will not be duplicated at any places to which they may be transferred, thus causing adverse consequences.

E. The County's "Project Health"

Until 1973 the County was engaged in another form of direct health care delivery service, the County hospital, located adjacent to the Health Sciences Center on Marquam Hill. This facility provided direct medical care for the medically indigent* of the county. In 1973, the Oregon legislature authorized a state take-over of the facility, and it is now incorporated into the teaching school facilities of the Health Sciences Center.

The transfer of the county hospital to the State was part of a long range plan by Chairman Don Clark to shift county resources from providing of direct services to financing acquisition of care in "mainstream" private facilities. This plan, called "Project Health," is being looked upon as a model project for providing health care to the medically indigent, including not just those on welfare programs, but also those county residents not able to meet these expenses themselves due to low income. It is estimated that about 41,000 "working poor" in the county will be eligible to take advantage of this program. The program is funded by pooling federal, state and county dollars, including Medicaid funds, and using these funds to enable the eligible residents to enroll in any one of four private health care plans. According to county sources, the funds from the county general fund previously devoted to maintenance and operation of the county hospital are now being used to provide seed money in this program to aid all of the medically indigent in the county; this is claimed to be an example of providing more service for fewer county dollars—through private "mainstream" facilities, not government operated facilities.

III. ARGUMENTS PRESENTED IN FAVOR OF THE MEASURE

1. The County has an obligation to the residents of Edgefield to take no action to jeopardize their health. Numerous studies on "transfer trauma" conclude that any transfer will increase the chances of early mortality in the residents being transferred.

2. Edgefield provides a high quality of care for its nursing home patients and should be retained as a model for other homes. Its staff is well-trained and has the potential for further innovative programs, including expansion of occupational and physical therapy programs.

3. The support from County budget funds could be substantially reduced if the facility were operated at full capacity solely as a nursing home. In any event the annual levy authorization will provide a reserve for any deficits up to \$1,000,000 per year, for the next five years.

4. Edgefield could easily provide the focal point for the "geriatric center" being advocated by knowledgeable persons in the community. The distance from downtown Portland is not great, considering easy freeway and Tri-Met access. Such a use would not be inconsistent with continued existence as a nursing home.

5. The County should expand its nursing home facilities, not reduce them. Most private homes shun heavy-care welfare patients, and Edgefield should work to be certified as a Skilled (heavy-care) Facility in addition to its present function. It is expected that there will be an inadequate number of beds for such patients in the tri-county area in the near future.

6. The remodeling of the physical plant necessary to meet state and local licensing and fire code requirements has been substantially completed, and capital improvements in the future will be minimal.

*Medical indigency is determined by the County according to certain guidelines after a potential enrollee files an application setting forth information on residency, income and assets and other health insurance.

7. The County Commissioners are taking this action to close Edgefield before any of the alternatives for long-term geriatric assistance in the county are fully operational or proven to be effective for servicing the needs of welfare residents.

IV. ARGUMENTS PRESENTED AGAINST THE MEASURE

1. The County should divest itself of all direct health care delivery facilities. It should be financing entry into "mainstream" facilities only.

2. Edgefield serves only a maximum of 200 of the medically indigent in the county. Many other thousands are in need of assistance and it is not economic to devote further county dollars to the direct care of such a small number.

3. The main building, built in 1911, is in need of more and more maintenance and construction expense; it is no longer an economically viable building, and it and its surrounding acreage should either be put to some better county use or disposed of.

4. Edgefield is not suitable for use as a "geriatric center" due to its distance from downtown Portland.

5. The levy may be ruled to be unconstitutional, and if the measure is passed by the voters and the levy later invalidated, the county will be forced to make up the operational deficits for the next five years with no ability to implement alternatives.

6. "Project Health" is proving to be the model for a successful pooling of federal, state and local dollars for the maximum benefit of all county residents considered to be medically indigent. The inclusion of nursing home care in the financing package is a logical extension.

7. Most private nursing homes provide care at least equal to the quality of care at Edgefield for less cost—it is not creating a hardship for the existing patients to be transferred to other homes or for new potential admittees in welfare status to be processed through private facilities.

V. MAJORITY DISCUSSION

The public attention on this ballot measure will, hopefully, be focused on the fundamental governmental philosophy involved in the issue and not on the emotional, demagogic and politically motivated rhetoric which has gained so many headlines.

The basic questions are: (1) Should county government continue to be in the business of providing and operating a "bricks and mortar" building and facility for a limited number of people? Or (2), should the county continue to expand its program of being the supplemental financier and broker for a broader range of geriatric services?

We believe the county government's role in meeting the needs of the aged, sick and poor should be permitted to continue to evolve.

The 1973 decision of the county commissioners to close the Multnomah County Hospital was the first major step in getting the county out of the business of operating institutional facilities. The county's operation of Project Health has shifted those financial resources from providing direct services to the financing of the acquisition of care in the open market.¹

The decision to phase out operation of Edgefield Manor as a direct service facility is another step in the same direction. That decision was well-founded, as reported in the 1975 Task Force recommendations. A "Yes" vote on this ballot measure will "lock" the county into this expensive facility for the next five years.

To permit the proponents of the measure to divert public attention from the basic issue by raising the specter of "transfer trauma" and to speculate as to chances of early mortality in the residents being transferred, would be unfortunate in the extreme. The "freeze" on admissions imposed in early 1976 will facilitate the phase-out recommended by the Task Force. The "Core" team should continue to evaluate the removal needs of

¹While the people did not have an opportunity to vote on that rather fundamental policy question, the apparent success of Project Health certainly supports the judgment of the county commissioners.

individual residents. The county commissioners have given every assurance that no precipitous action will be taken that could in any way jeopardize the health of any residents. We have every confidence that this commitment will be kept.

The Committee on Alternative Resources for the Elderly appointed in June of this year by the county and chaired by Edith Green should continue its study of an expanded geriatric services program. That Committee's analysis and recommendations may well form the basis for the county to continue the "trend of using public resources to get people into service systems they need without building government-operated direct service provider agencies. . . . This concept, if followed, can produce great benefits. Instead of massive, unwieldy governmental bureaucracies providing direct service, a small number of employees can manage contracts to purchase service in the private sector. The result should be more resources for service to greater numbers of people, and fewer dollars wasted in bureaucracy, bricks and mortar."²

We believe that the county commissioners have already demonstrated sufficient leadership in the general area of providing health services for the poor to warrant a vote of confidence on their commitment to continue to finance health supporting programs for an even larger number of needy.

VI. MAJORITY CONCLUSIONS

1. Multnomah County should not be in the business of providing and operating a direct care health facility for a limited number of people.
2. The county should expend its funds and its efforts in meeting the geriatric needs of the entire community.

VII. MAJORITY RECOMMENDATION

It is the recommendation of the majority of your Committee that the City Club favor a "NO" vote on Ballot Measure No. 26-14 in the November 2, 1976 general election.

Respectfully submitted,

Thomas H. Hamann

Lloyd G. Hammel

Harvey Rice

For the Majority

²Speech by Donald E. Clark before the Willamette Democratic Society on March 4, 1975.

VIII. MINORITY DISCUSSION

Like the majority members of this Committee, we have attempted to avoid passing any judgment on the personalities involved or the claimed motivations of the parties on both sides, and have worked at making an objective analysis of the merits of the issues presented, namely, the feasibility of a mandated retention of Edgefield for the next five years as a nursing home at its full capacity.

One of the first issues which we addressed was the quality of care at the existing facility. We listened to some witnesses who claimed that the quality of care was exceptional, considered to be higher than private nursing homes in general; we heard others say that the care was not really that good—that the home was coasting on its past reputation. We visited the facility, and we were favorably impressed with the general atmosphere and the obvious close rapport between patients and staff. The size of the main building, the rural setting and the variety of recreational and therapeutic facilities would tend to support the claim of high quality and high morale among both patients and staff. However, since we did not go into depth into this subject, and made no visits to other nursing homes, we cannot say with certainty that the quality of Edgefield is higher or lower than the average nursing home.

We next looked at the two pending lawsuits. One, brought by the County, attempts to have declared unconstitutional the property tax levy placed on the ballot by this initiative. This is presently pending before an appeal court (after an initial ruling against the County) and may have the effect of invalidating the levy even if approved by the voters. The other, a class action against the County brought by several Edgefield residents on behalf of all residents, claims a constitutional right not to be transferred in jeopardy of their health. If the County loses this lawsuit, we are told that the County will wait until the last resident dies, then close the Manor—all at untold cost to the taxpayers. If the residents lose at the trial court level, appeals may take years to complete—all further at taxpayer expense.

One significant impediment to arriving at an educated opinion on the merits of this case is the presence of conflicting written medical testimony, both in the class action lawsuit and in the information presented to the Task Force, as to the reality of "transfer trauma" and its effect on the lives and health of the residents. Due to the shortness of time, we were unable to interview any witnesses in depth on this matter, and the only conclusion which we could reasonably reach would be that the medical experts differ on this subject. There is a large body of opinion, both locally and nationally, that supports the theory that transfer of aged persons from a sheltered environment, away from staff and friends of long standing, will significantly accelerate the death process. The Task Force apparently chose to place more weight on the witnesses who stated that "transfer trauma" can be reduced to minimum levels by careful pre-planning, but we are not prepared to accept this conclusion in light of the strong evidence to the contrary.

We were impressed with the way Project Health is working out and we endorse the general principle of government funding of mainstream health care for the medically indigent. The integration into the system of the direct care formerly available at the County hospital has apparently been accomplished with little problem. The hospital, formerly owned by the County, was purchased by the State and incorporated into the Health Sciences Center with little change of its primary teaching function. We are not convinced, however, that nursing home care is ready to be included under Project Health. It appears to us that full implementation is several years in the future; that even inclusion of nursing home care into the system will not preclude continuation of Edgefield as a nursing home and home for the aged and expansion of this facility into other direct care systems of a more innovative nature.

We are impressed with the philosophy of a majority of the Commissioners toward providing a balanced county budget and yet maintaining a high level of county services. They look upon human services as the County's highest priority item and are dedicated to moving the County into a posture of insuring that all county residents have access to quality medical care. We are hesitant to question their judgment on the issue of closure of Edgefield and the expressed opinion that a complete divestiture of direct care services is essential to the best utilization of limited county funds. But in this case we must disagree with their judgment. In our opinion, the announced closure of Edgefield was ill-timed and was made without the proper analysis of all alternatives available to closure. Although Chairman Clark has stated that there is no present deadline for closing Edgefield and that operational funds have in fact been included in the 1976-77 budget, the threat of closure continues to hang over the facility, and so long as this threat exists, the health of the residents may be seriously hampered.

With a vote of confidence from the electorate, and a mandated five-year moratorium on any further efforts to close the facility, there should be sufficient time to explore the alternatives available in geriatric care, and to thoroughly assess the potential for use of the Edgefield facility with minimum disruption to its residents and their health. There may even be time to work with the state legislature to increase welfare payments to nursing homes and to mandate increased pay levels for staff personnel, thereby enabling the high staff standards at Edgefield to be passed on to other nursing homes. Both co-sponsors of this measure have pledged to work for these ends in the legislature.

We have found no reason why the County cannot operate a nursing home. There are at least three other county-operated nursing homes in the state and at least one of them, in Roseburg, is operating on a profitable basis, due in part to a cost-conscious administrator and a supportive board of county commissioners. It would appear doubtful that Edgefield can be operated on a balanced budget due to the high direct labor costs resulting from union contracts, unless there is a substantial increase in state support. But the issue of self-support need not concern us unduly at this point, since the measure under consideration would be supported by the five-year tax levy, thus providing a source of funding to cover any deficits.

IX. MINORITY CONCLUSIONS

1. The rights of the existing residents have not been adequately recognized; any doubt as to the existence of "transfer trauma" as adversely affecting health must be resolved in favor of the residents.

2. The projected future needs of the county for welfare nursing home beds have not been sufficiently explored. A "gap" in quality nursing home care in Multnomah County may easily exist.

3. The county-funded geriatric care system is still no more than a general plan, with no specific details or timetable for implementation. There is no conclusive evidence yet that Edgefield as a nursing home or home for the aged in east county will not fit into a long-range geriatric plan for the entire county.

4. Edgefield has a well-paid and experienced staff, and has the capability of moving into some innovative areas in geriatric care. It has already pioneered an occupational and physical therapy program that is well thought of in professional circles. Edgefield can expand this program in other directions; it can operate a day-care center for elderly persons, and it can explore various ways of integrating a residential facility into a community environment.

X. MINORITY RECOMMENDATION

A Minority of your Committee recommends that the City Club of Portland favor a "YES" vote on the Edgefield Manor Operation and Serial Levy Ordinance (Measure No. 26-14).

Respectfully submitted,
Barbara Owens
Peter A. Plumridge, *Chairman*
For the Minority

Approved by the Research Board September 22, 1976 for transmittal to the Board of Governors. Received by the Board of Governors September 27, 1976 and ordered published and distributed to the membership for consideration and action October 8, 1976.

APPENDIX A PERSONS INTERVIEWED

Donald E. Clark, Chairman, Board of Commissioners, Multnomah County
Senator Vern Cook, state legislator and co-sponsor of the measure
Representative Glenn Otto, state legislator and co-sponsor of the measure
Ruth Hocks, former Ombudsman for Nursing Homes, State of Oregon
Ron Justis, Administrative Assistant, Edgefield Manor
Duane Lemley, Director, Division of Social Services, Multnomah County
LaVerne Jones, Superintendent, Edgefield Manor
Michael H. Marcus, Attorney, Legal Aid Service, Multnomah Bar Association, Inc.
John Richard, Executive Director, Oregon Health Care Association
Hugh Tilson, M.D., Multnomah County Health Officer
Larry Wheaton, Manager, East Multnomah County Division of Public Welfare
Harvey Young, Administrator, Douglas County Nursing Home

APPENDIX B
REVENUE/EXPENDITURE HISTORY
EDGEFIELD MANOR (Home for the Aged and Semi-Skilled)

	FY 1971-72	FY 1972-73	FY 1973-74	FY 1974-75	Unaudited FY 1975-76	Budget FY 1976-77
Expenditures:						
Personnel Services	744,703	904,905	1,033,993	1,032,395	1,065,360	1,132,233
*Materials & Services	**219,111	**222,916	516,545	529,791	505,292	615,909
Capital Outlay	1,014	—	—	—	10,745	1,100
TOTAL	964,828	1,127,821	1,550,538	1,562,186	1,581,397	1,749,242
Revenue:						
Patient Care	842,069	908,068	878,241	1,021,798	1,070,159	1,033,452
Other	58,851	57,903	50,291	48,003	43,774	38,000
TOTAL	900,920	965,971	928,532	1,069,801	1,113,933	1,071,452
Recap:						
Expenditures	964,828	1,127,821	1,550,538	1,562,186	1,581,397	1,749,242
Revenue	900,920	965,971	928,532	1,069,801	1,113,933	1,071,452
Net profit (or loss)	(63,908)	(161,850)	(622,006)	(492,385)	(467,464)	(677,790)
Construction fund	—	—	53,678	40,805	172,141	253,500
TOTAL	(63,908)	(161,850)	(675,684)	(533,190)	(639,605)	(931,290)

*Includes depreciation

**Charges for Building Maintenance were not allocated to the Manor until FY 73-74

APPENDIX C**EDGEFIELD MANOR TASK FORCE**

Bennett, Dr. James, Department Chairman, Extramural Programs, University of Oregon Dental School

Deering, Thomas, Attorney at Law, Davies, Biggs, Strayer, Stoel, and Boley, Chairman of the Task Force

Hagenstein, Ruth, President of Citizens for Children

Huges, Marion, Coordinator, Oregon State Program on Aging

Irwin, Lee, Publisher, *Gresham Outlook*

Marlantes, Dr. Leo, Dean/Educational Planning and Services, Mt. Hood Community College

Musolf, Dr. Lyndon, Executive Director, Housing Authority of Portland

Neuberger, Maurine, Former United States Senator

Riler, Fred, Senior Vice President, First National Bank

Rix, Richard, Executive Director, Comprehensive Health Planning Association

Silver, Norman, Department of Human Resources, Tektronix

Shoemaker, Robert C., Jr., Attorney at Law, Lindsay, Nahstoll, Hart, Dafoe, and Krause

Shore, Dr. James, Acting Director, Department of Psychiatry, University of Oregon Health Sciences Center

Watson, Louise, Geriatric Registered Nurse

Wright, Dr. Paul, Theologian in Residence, Lewis and Clark College

City Club *of Portland*

BULLETIN

Portland, Oregon

Vol. 58, No. 22

Benson Hotel, Mayfair Room

12:00 Noon

Friday, October 21, 1977

THE SPEAKER:

GERALD DURRELL

British Naturalist, Founder and Director
Jersey Wildlife Preservation Trust

THE TOPIC:

THE STATIONARY ARK

Gerald Durrell has introduced nature to millions. He is best known in this country as the author of more than 20 books about animals. His articles on the lives of animals have appeared in leading international magazines and his worldwide efforts have contributed to a public awareness of modern conservation.

Scientists estimate that nearly 1,000 kinds of animals and birds are in danger of joining the dodo and the passenger pigeon as extinct species. Why be concerned? Gerald Durrell founded and now directs the Jersey Wildlife Preservation Trust, Great Britain, which is dedicated to saving endangered animals from extinction through protected breeding programs. He will share some of the results of these programs with City Club members this Friday.

*"To inform its members and the community in public matters and to
arouse in them a realization of the obligation of citizenship."*

PROPOSED FOR MEMBERSHIP

If no objections are received by the Executive Secretary prior to November 4, 1977, the following applicants will be accepted for membership:

Zane R. Harper, Engineer, Bonneville Power Administration. Proposed by Robert L. McNeil.

Janet King, Auditor. Arthur Young & Co. Proposed by Michael Cobb.

William P. Buren, Attorney, Associate, Wood, Wood, Tatum, Mosser & Brooke.

Ann Paxton, Travel consultant, Kelly N-I Travel. Proposed by Anita Angus.

Gerald K. Weller, Executive Director, Portland Town Council. Proposed by Charles Hinkle.

John H. Biglin, Area Manager, Dillingham Construction Corp. Proposed by Jon R. Schleuning.

J. Duncan Campbell, Jr., Tax Manager, Arthur Andersen & Co. Proposed by Pauline Anderson.

ELECTED TO MEMBERSHIP

Elaine H. Grannis, Administrator, Title VII, Portland Public Schools. Sponsored by E. Shelton Hill.

Dorothea Richey, R.N., Patient Advocate, Holladay Park Hospital. Sponsored by Ruth C. Hocks.

Walter W. McMonies, Jr., Attorney, sole practitioner. Sponsored by James Kirkham Johns.

Michael T. Bailey, Attorney, partner, Bailey, Olstad & Rieke. Sponsored by Forrest N. Rieke.

Sally D. Kent, Homemaker. Sponsored by James R. Sitzman.

Brian L. Menten, Assistant Manager, Lockhart Financial Services. Sponsored by Gregg Sayre.

James S. Vahrenwald, Agent, Provident Mutual of Philadelphia. Sponsored by Forrest Rieke.

Maggie Andre, Senior Vice President, David Evans/Pacific Advertising. Sponsored by Marilyn L. Day.

Ann M. Chapman. Sponsored by Lloyd W. Weisensee.

CITY CLUB OF PORTLAND BULLETIN

Published each Friday by the

CITY CLUB OF PORTLAND

730 Southwest First Portland, Oregon 97204
Phone 228-7231

CHRISTINE A. TOBKIN, *Editor*
and *Executive Secretary*

Second Class Postage Paid at Portland, Ore.
Subscription rates \$6.00 per year included in annual dues.

OFFICERS OF THE BOARD

Robert W. McMenamin *President*
Ogden Beeman *President-Elect*
Mary Anne Normandin ... *1st Vice President*
Herbert O. Crane *2nd Vice President*
Bruce Samson *Secretary*
Sarah Harlan *Treasurer*

GOVERNORS OF THE BOARD

Pauline Anderson
John L. Frewing
William O. Hall
Randall B. Kester
Garry P. McMurry
Jon R. Schleuning

RESEARCH BOARD

Mary Anne Normandin, *Chairman*
Herbert O. Crane, *Vice Chairman*
David M. Crow
Ann Dahlen
Neil Farnham
John Wiley Gould
Stephen B. Hill
John E. Huisman
Michael C. Kaye
Ronald B. Lansing
William R. Lesh
Steven R. Schell
Stanton W. Allison, *Research Editor*

**PROGRAM SCHEDULE**

Senator Mark Hatfield is scheduled to speak to the City Club on *October 28*. This will be a *members only* meeting because of the limited space in the Crystal Room. There is a possibility that the Senator may be unable to keep this engagement if the Senate fails to recess as scheduled. Public Utility Commissioner *Charles Davis* has agreed to step in should Sen. Hatfield have to cancel.

Clay Myers will be our speaker on *November 4*. Members will also debate State Measures 1 and 2 at that time.

Tom McCall will address the Club at a special *members only* meeting on *November 11*.

ADDRESS CHANGES WANTED

Members are urged to keep the City Club staff posted on any changes in home or business phone or address, as well as occupation. Phone 228-7231.

REPORT ON
MULTNOMAH COUNTY MEASURE NO. 26-3
CHARTER AMENDMENT—REORGANIZATION OF
COUNTY COMMISSION

Purpose: Amends the Multnomah County Charter provisions concerning the election of Commissioners and Chairman; changes the term of office from two years to four years; eliminates single member districts; provides for filling vacancies by appointment; and establishes a Charter Review Committee to consider a specified minimum list of issues and submit proposed amendments, if any, for a vote at the 1978 general election.

To the Board of Governors,
The City Club of Portland:

I. INTRODUCTION

A City Club committee examined most of the issues which are the subject of this measure a year ago when an initiative petition to amend the Multnomah County Home Rule Charter was placed on the November 2, 1976 ballot. To avoid confusion in discussing these two measures in this report, the measure which appeared on the November 2, 1976 ballot will be called the 1976 measure, and the current measure which is the subject of this report will be called the 1977 measure.

The City Club adopted the committee's recommendation to oppose the 1976 measure. The voters, however, favored the 1976 measure by a vote of 96,951 to 93,170.

The primary purpose of the 1977 measure is to repeal the amendments made to the Multnomah County Home Rule Charter (the Charter) by the 1976 measure, and to provide for a Charter Review Committee which shall be convened to make a comprehensive study of the Charter. In addition all amendments proposed by the Committee shall be submitted to the people at the 1978 general election. If the 1977 measure passes, the Charter will be essentially restored to its original form as it was in effect from January 1, 1967 until November 2, 1976, except for the addition of the sections pertaining to the Charter Review Committee.

II. LITIGATION REGARDING THE SPECIAL ELECTION

The initiative petition for the 1977 measure requested that it be submitted to the voters at the primary election to be held on May 23, 1978. After the initiative petition was certified by the Director of Elections, the Board of County Commissioners ordered the election on the 1977 measure to be held concurrently with the statewide election on November 8, 1977. This order was based on the Board's findings that the earliest possible election date was requested by electors and was in the public interest because it would result in the early determination of the structure of county government for the 1978 elections, would allow more time for the work of the Charter Review Committee, and would enable the costs of the election to be shared with the state.

In response to this order changing the election date, a lawsuit was filed by Clyde Brummel, as a resident of Multnomah County, seeking, among other things, to enjoin the County from submitting the 1977 measure to the voters at any time other than the May 23, 1978 election. Baker County Circuit Judge William Jackson, acting pro tem for the Multnomah County Circuit Court, ruled that the election must be held on the May 23, 1978 ballot. At the time of this writing, his decision was being appealed to the Oregon Court of Appeals.

Although outside the scope of this report, your Committee noted two problems are created if the election is held on May 23, 1978. The first is that the voters would be

nominating candidates for commissioner from each of the five single member districts and for the chairman's position on the same ballot where they would be voting on the 1977 measure that eliminates those single member districts and changes the procedure for electing a chairman. If the 1977 measure carried, the election nominating the candidates for commissioner and the chairman's position would be nullified and there would be no candidates nominated for the three at large positions whose terms end December 31, 1978.

The second problem is that the Charter Review Committee to be convened under the 1977 measure is supposed to commence its study 60 days after the election and is required to submit its findings, recommendations and proposed amendments, if any, 75 days before the 1978 general election. That time frame leaves only about a one month period in which to make the study of the Charter.

III. SUMMARY OF PROPOSED CHARTER CHANGES

The following summary compares the proposed changes to the Charter with the existing provisions established by the 1976 measure.

1. Election of Commissioners

The 1977 measure will restore the former method of electing all five commissioners at large and will eliminate the single member districts established by the 1976 measure. The map in Appendix B shows an outline of the existing single member districts and the commissioner who was designated to serve in each district by the 1976 measure. Those districts were based on and defined by the census tracts from the 1970 federal census and are equally populous. They are to be reapportioned by the commission after every decennial U.S. Census.

2. Term of Office

The 1977 measure will change the term of office for commissioners back to four year terms from the two year terms established under the 1976 measure. As it is now, all five commissioners will have to run every two years. The 1977 measure will reestablish the pattern of electing the three commissioners for Position Nos. 1, 3 and 5 in one even-numbered year and the two commissioners for Position Nos. 2 and 4 in the next even-numbered year.

3. Election of Commission Chairman

The 1977 measure provides that the successful candidate for Commission Position No. 1 will be designated as chairman and serve a four year term.

Under the 1976 measure now in effect, the chairmanship is an elective office chosen by the following method: Any candidate for commissioner can also be a candidate for chairman. Those who wish to run for chairman will have their names on the ballot in two places, one for commissioner in the single member district and the other for chairman at large. The candidate who receives the most votes for chairman county-wide and who also is elected as a commissioner in his or her district will begin the term of office as chairman.

If the successful candidate for chairman receives a majority (more than 50 percent) of the votes cast for chairman, the term of office will be the same as the term of office for commissioner (two years). However, if no candidate for chairman receives a majority of the votes cast for chairman, then the person who receives the *most votes* (a plurality) would serve, but only at the pleasure of the commissioners, who could replace the chairman at any time by a constitutional majority vote of the entire commission.

4. Number of Commissioners

Under the 1977 measure the number of commissioners is fixed at five.

The 1976 measure now in effect contains a provision for increasing the number of commissioners, based upon the total population of the county as follows:

Population	Number of Commissioners
Under 600,000	5
600,001 to 800,000	7
Over 800,000	9

5. Vacancy in Office

As a result of the 1976 measure, vacancies in the office of commissioner are filled by an election held within the district served by the commissioner whose office is vacant. The 1977 measure provides that vacancies in any elective office of the county, including commissioner, are filled by the Board of Commissioners.

6. Repeal of Transitional Provisions

The 1976 measure included transitional provisions for the terms of office for commissioners serving then and those elected in November 1976 by designating that all five terms ended on January 1, 1979. The assignment of each commissioner to a district applied for all purposes, including the exercise of the right of recall and for filling vacancies.

The 1977 measure fixes the terms of office so that the odd numbered positions serve until December 31, 1978 and the even numbered positions serve until December 31, 1980. Each member would be elected from the county at large, and the chairman once again would be the commissioner serving in Position No. 1.

7. Charter Review Committee

The 1977 measure also adds new sections to the Charter requiring that a Charter Review Committee be convened to make a comprehensive study of the Charter, and if the committee chooses, to submit amendments to the people for a vote at the 1978 general election. This review committee will have a total of 16 members. Two members will be appointed from each of the eight state senate districts in Multnomah County by the senator and two representatives elected by the district. The two electors appointed from each senate district cannot be registered in the same political party, and persons who are state senators, representatives or commissioners in Multnomah County at the time the 1977 measure is adopted are not eligible to serve on the review committee.

The review committee must specifically consider the following four issues:

1. Whether commissioners should be elected to the Multnomah County Board of Commissioners from single-member districts within the County and, if so, the boundaries of such districts.
2. Whether commissioners should be elected for two or four year terms.
3. The method for choosing the chairman of the Multnomah County Board of Commissioners.
4. The method by which vacancies on the Board of County Commissioners should be filled.

It may also consider any other issues relating to the Charter. The review committee must commence its study 60 days after the adoption of the 1977 measure and is to conduct the study by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses. All findings, conclusions and recommendations, including any amendments proposed to the Charter, must be reported to the people and the Board of County Commissioners seventy-five days prior to the general election of 1978. If any amendments are proposed by the review committee, they must be submitted to the voters at the 1978 general election.

IV. DISCUSSION OF NOVEMBER 2, 1976 ELECTION

As part of its study, your Committee tried to find the reasons the 1976 measure received a majority vote.

Aug 23

The 1976 measure was submitted with a considerable number of other statewide and county measures at the November 2, 1976 general election (12 state-wide and 7 county) and some proponents of its repeal feel it got lost in the shuffle. It was argued by them that the substantial number of those not voting on this particular issue confirms this hypothesis, since 25.8% of the ballots did not have a vote cast on the measure. This was a larger percentage of blank votes than all but one of the other 18 measures on the ballot.

Proponents of the 1977 measure contend that many voters thought the 1976 measure was a routine "housekeeping" or "reorganization" measure which was supported by the Board of Commissioners and did not realize the significance of the changes it would make.

Your Committee also heard arguments that many affirmative voters favored a specific part or parts of the measure such as single member districts or two year terms but did not support other parts of the measure such as the method for electing the chairman or filling vacancies. Thus, they argue the entire Charter was changed because of the popularity of one or two elements of the measure.

Other arguments propounded by those advocating repeal of the 1976 measure are that the narrow margin of passage (3781 votes) combined with the substantial percentage of blank votes does not reflect a clear mandate of the citizens in the county. It was also contended that only the east part of the county favored it by a clear margin. These arguments are given particularly to support the premise that if the measure were submitted at a special election where it would not be included with a considerable number of other ballot measures, the voters would be better informed on the substance of the measure.

Those opposing the passage of the 1977 measure maintain that the voter turnout in a special election would be considerably less than the 1976 general election at which the original amendments were passed. Therefore, the will of the majority of those voters would be overruled by a smaller percentage of the county electorate. Opponents of the 1977 measure contend that the 1976 amendments passed because people were extremely dissatisfied with the present county commissioners and the organizational structure of the commission. Passage of the 1976 amendments requiring single member districts, two year terms, elections to fill vacancies and a modification of the method for selecting the chairman clearly indicates the desire for a more responsive and accountable elected county governing body. They further contend that people do not vote to reorganize governmental structure unless there is a strong dissatisfaction with the existing structure and that the ballot title was very explicit in enabling voters to clearly understand the substantive modifications of the 1976 amendments.

V. ARGUMENTS ADVANCED IN FAVOR OF THE 1977 MEASURE

1. The boundaries of the single member districts established by the 1976 measure do not follow precinct lines, were drawn without the benefit of public hearings and cause unnecessary problems in the election process such as creating more small election boards and having to disseminate divergent information in overlapping districts.
2. The single member districts clause of the Charter does not contain a residency requirement.
3. There is no proof that campaigns will cost less with single member districts, especially when the candidate must run every two years, and no proof that a low budget campaign produces a better candidate.
4. Commissioners should be elected at large to legislate for the county as a whole, and to avoid becoming embroiled in parochial attitudes.
5. It is very awkward for the chairman to be representing one district in a legislative capacity while at the same time representing the county as a whole in the executive capacity.
6. The county is not large enough to require single member districts.

7. Two year terms are too short for long range planning and for developing and retaining good staff.

8. The two year term of office forces commissioners to campaign for reelection on a full time basis.

9. Two year terms of office do not necessarily prevent an irresponsible incumbent from being reelected.

10. The provisions for electing the chairman are the worst feature of the existing Charter. The following specific reasons are cited:

a. A candidate could receive the most votes cast for chairman county-wide but not be elected to the board by a single member district. That candidate could not serve then as chairman because he or she would not be a member of the board.

b. The voters in one single member district could recall the person who was elected chairman at large.

c. If a chairman is elected by a plurality it will probably lead to very disruptive internal machinations and county government may grind to a halt as a result of the divisiveness.

11. Commissioners will not be more responsive simply because they elect the chairman themselves.

12. The provisions for electing a chairman violate the one man one vote rule.

13. The existing method for filling vacancies presents serious problems. Ordinances cannot be drawn to meet the requirements of the charter for even numbered years which comply with state election laws. For odd numbered years, the 90 day period allowed for holding both a primary and general election is very difficult to meet.

14. There is no provision for filling a vacancy in the office of chairman.

15. There is no reason to increase the number of commissioners.

16. This measure will establish a Charter Review Committee which is very much needed, and will provide a vehicle for orderly change with citizen input.

VI. ARGUMENTS ADVANCED AGAINST THE 1977 MEASURE

1. Single member districts result in better representation for the interests of a localized group of people, particularly when commissioners are acting in a legislative capacity.

2. In actual practice, commissioners do not have that much to do and may as well be the representative for one district. When the commissioners were elected at large they often did not know what was going on in the various districts.

3. A low budget candidate has a better chance to get elected from a single member district.

4. The existing arrangement gives Republicans a better chance to elect a commissioner, which is beneficial for the two party system.

5. Downtown Portland business interests and the media support the measure because their power in the county has been eroded without elections at large.

6. Single member districts have worked well in the state legislature in most areas.

7. There is strong public support for two year terms, they are more desirable when the office is legislative, and the commissioners are more responsive with them.

8. If four year terms were restored, commissioners can run for other offices during their term.

9. Two year terms provide an alternative to a costly recall effort for removing commissioners who are not doing a good job.

10. There is no reason why a chairman elected at large should serve if he cannot be elected by the voters in his own district.

11. Changes made by the charter amendment were necessary because the chairman had become too powerful.

12. Commissioners are more accountable when they have the authority to elect the chairman, which they will have whenever the chairman elected by the voters wins by a plurality.

13. The system now is similar to that used by most California counties where a county manager serves at the pleasure of the commissioners.

14. The 1976 measure should be given more time before being changed because most of the provisions have not been tested yet.

15. Increasing the number of commissioners is consistent with the single member district concept.

16. Filling vacancies is better accomplished by election than by appointment; the cost of elections is not that much of a factor when compared with problems created by the appointment process.

17. It is not fair that the smaller voter turnout at a special or primary election should overturn the will of a larger number who voted at the last general election.

18. It would be better to present each issue to the people for a vote rather than having them evaluated by a Charter Review Committee and placed on the ballot as one amendment.

VII. DISCUSSION

In evaluating the various issues underlying the changes proposed in the 1977 measure, your Committee had to balance the arguments against the fact that most of those changes have now been supported once by a popular vote and also that most of the changes as a practical matter have not taken effect yet. Since the 1976 measure passed by only a narrow margin and 25 percent of the ballots were blank concerning that measure, your Committee felt that asking for a second vote was reasonable and not inconsistent with political reality, particularly when it involves a fundamental change in the structure of county government. Also, all citizens do have a right to use the initiative petition.

With this in mind, the question then really is whether the changes in the Charter which are now in fact operative are such that they should be repealed immediately because of the potential problems that could arise. This is somewhat speculative since most of the changes have yet to be tested. The first election (primary) for five commissioners from single member districts will not be until May 23, 1978. Likewise, the new method for electing the chairman first will be in effect on the May primary ballot. The full impact of the two year terms will not be known for some time after that, and so far no vacancies have occurred and no recall movements instituted. Furthermore, there is an existing group of board members which have been functioning together for some time who might be able to get elected and function under the revised Charter, whereas a different board might not. In other words, the structure will remain after the individuals have left.

Your Committee found that the single member district concept is still the most appealing aspect of the revised Charter, particularly for commissioners acting solely in a legislative role. As before, it was generally agreed that such districts make legislators more responsive to their constituents and make it easier for citizens to find the right person to contact when they deal with county government.

Nevertheless, there is widespread concern that the lack of a residency requirement and the fact that no at large positions exist to ensure a balanced viewpoint are material deficiencies that should be corrected if the single member district concept prevails.

Although there are some undesirable elements with four year terms of office, such as the opportunity to run for other office during the term, your Committee is persuaded that two year terms of office are too short for effective Multnomah County government. The commissioners are likely to make more decisions that are politically expedient, are more likely to become obligated to interest groups that support their campaigns, and are less likely to provide creative and innovative leadership. The development and maintenance of a good staff and department heads will likewise be hindered by shorter terms; and even more so because of the procedures for selecting a chairman.

The procedures for selecting a chairman are the most objectionable feature of the revised Charter. It was generally agreed that no candidate will receive a majority vote and therefore the chairman, elected by a plurality, would be serving at the pleasure of the board. The chairman would have to serve with a coalition government and the strong executive role required by the Charter would be undermined. Some proponents of the 1977 measure argued the likely result would be that the staff would end up running the government and it would not be the most highly qualified staff because it would be more difficult to attract qualified people.

Your Committee members were also disturbed by the fact that a chairman could be elected county-wide and not be allowed to serve because he or she did not win the commissioner seat from the district.

The mechanics of trying to write an ordinance to meet the Charter requirements for holding an election to fill a vacancy have proved to be very difficult for the county counsel's office. In fact, it is apparently not possible to draft an ordinance to apply in an even numbered year that will comply with state election laws. The Charter only allows a period of 90 days to hold the election to fill a vacancy in an odd-numbered year and both a primary and a general election have to be held within that time.

That there is a need for a Charter review appears to be generally accepted. The performance by the commissioners was questioned by both the proponents and opponents and both sides agreed that some structural changes will serve to improve county government. Your Committee feels the nature of those changes will best be evaluated by a review committee which provides for public input and this measure requires such a committee to be convened.

VIII. CONCLUSION

Your Committee concludes that Measure 26-3 is the most sensible approach to evaluating necessary structural changes in county government. It minimizes what otherwise are substantial risks to the continued operation of Multnomah County government.

IX. RECOMMENDATION

The Committee recommends that the City Club of Portland go on record as supporting the Charter Amendment-Reorganization of the County Commission and urges a YES vote on Measure No. 26-3 at the November 8, 1977 special election.

Respectfully submitted,
Stephen T. Janik
Barbara Owens
Donald W. Williams
Thomas H. Hamann, *Chairman*

Approved by the Research Board October 6, 1977 for transmittal to the Board of Governors. Received by the Board of Governors October 10, 1977 and ordered published and distributed to the membership for consideration and action.

APPENDIX A**SCOPE OF RESEARCH**

The following persons were interviewed by the Committee during the course of this study:

Richard M. Botteri, Attorney. Co-petitioner Measure 26-3.

Ronald C. Cease, Professor, Public Administration, Portland State University

Donald E. Clark, Chairman, Multnomah County Board of Commissioners

Vernon Cook, State Senator, District 12

Thomas P. Dennehy, Associate Professor, Mathematics, Reed College;

Co-chairman, County Reform Committee

Floyd McKay, News Analyst, KGW-TV

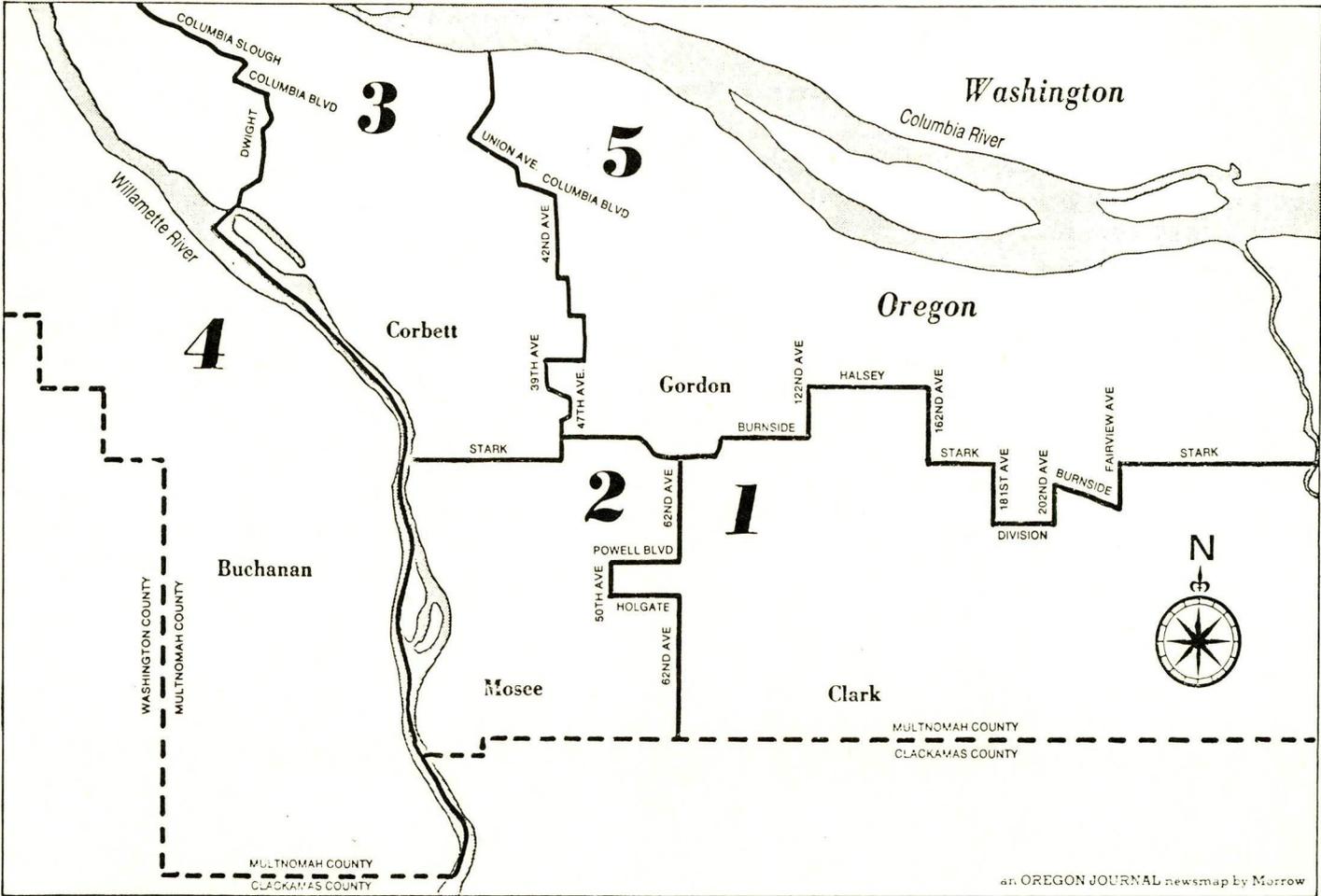
A. McKay Rich, former Director, Tri-County Local Government Commission

Alan Robertson, Assistant to Director, Elections Division, Multnomah County

Jeff Wohler, Assistant City Editor, *The Oregon Journal*

The Committee also reviewed clipping files from local newspapers, the previous City Club reports on Measure 26-13 (1976), monographs distributed by the League of Women Voters and Vern Cook, the comments made by Vern Cook and Sue Juba in a City Club debate and materials by Citizens for Good Government. Other related documents were reviewed including the pleadings file of *Clyde Brummel v. Donald Clark and others*, Multnomah County Circuit Court case No. A7708-12183.

APPENDIX B—PROPOSED DISTRICTS FOR MULTNOMAH COUNTY



an OREGON JOURNAL newsmap by Morrow

PROPOSED STUDY MULTNOMAH COUNTY CHARTER REVISION

Submitted by: Standing Committee on State and Local Government

BACKGROUND

At the November, 1976 election the voters of Multnomah County approved a ballot measure amending the County's Home Rule Charter. Among the changes adopted were election of county commissioners from single member districts, reducing the term of office from four to two years, and a system for selecting the commission chairman.

The approval of these amendments set off a second initiative drive to repeal the earlier changes and to set up a Charter Review Committee. This measure was approved at a special election in November, 1977.

The Charter Review Committee has been appointed and will begin its work at the beginning of January, 1978. Its report to the County Commission is due in late August, 1978. All charter amendments proposed by the Committee will appear on the ballot in November, 1978.

In light of these recent events, your Standing Committee on State and Local Government believes the City Club should make its own independent review of the Multnomah County Charter.

CHARGE TO THE COMMITTEE

The Committee shall undertake a review of the Multnomah County Charter.

This review shall encompass those specific issues the Charter Review Committee

must study and any others the Committee feels appropriate. The Committee shall monitor the meetings of the Charter Review Committee.

The Committee should review the three prior City Club reports on the issue including the May, 1966 Home Rule Charter Report and the two reports dealing with the 1976 and 1977 amendment initiatives. The Committee should interview those persons it feels are familiar with the issues involved. The study should determine what amendments, if any, are needed to improve the Charter and thus the government in Multnomah County. It should recommend to the Club what changes should be suggested to the Review Committee. A second study should then review the final product of the Charter Review Committee and report on any ballot measure developing from that work.

STUDY FORMAT

The Committee should begin its work with a review of the existing City Club reports on the subject as mentioned in the Charge. It should also compile a list of potential witnesses that are familiar with the issue.

The Committee should specifically address and report on the following issues which the Review Committee must address:

1. Whether commissioners should be elected to the Multnomah County Board of Commissioners from single-member districts within the County and, if so, the boundaries of such districts.
2. Whether commissioners should be elected for two or four year terms.
3. The method for choosing the chairman of the Multnomah County Board of Commissioners.

4. The method by which vacancies on the Board of County Commissioners should be filled.

Further, the Committee shall also discuss the following issues which have been raised during the campaign surrounding the recent initiatives:

1. COMMISSION CHAIRMAN - At present the chairman of the commission is the county executive officer. However, he is not only the executive, but also has a vote in the legislative body. Should there be greater separation of the executive and legislative branches of county government?
2. ELECTION OF OFFICERS - At present only the county commissioner and county auditor are elected by the people. Should additional county officers be elected?
3. PARTISAN ELECTIONS - Should the county commissioners be elected on a non-partisan rather than the current partisan basis?
4. CHANGE IN COMMISSION FORM - There have been proposals that the county change its system of government to a form similar to the City of Portland, where each commissioner is in complete charge of a department. Further, the present charter prohibits any commissioner other than the chairman from giving orders to any county employee. In the City of Portland, each commissioner is responsible for the employees in his/her department. Should these changes be made?
5. Any other areas for proposed revisions of the Charter suggested either by the Review Committee or by the Committee members may also be studied.

The Committee should prepare the first phase of its report by the end of May.

This will allow the City Club members time to vote on the recommendations prior to the Review Committee completing its work. If this report is adopted,

the Committee shall present its findings to the Charter Review Committee.

The second phase of the Committee's work will be to review the final report

and ballot measure (if there is one) produced by the Charter Review Committee.

This report shall be sent to the Research Board by October 1, 1978.