

# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY •	CHAIR •	248-3308
PAULINE ANDERSON •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
RICK BAUMAN •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •		248-3277

RECOMMENDED PROCEDURES OF CONDUCT  
SPECIAL BOARD MEETING  
TUESDAY JANUARY 15, 1991  
1:30 P.M.

1. Introduction of Issue as Ordered by State Elections Director - Chair Gladys McCoy
2. Legal Issues - Larry Kressel, County Counsel
3. CHAIR ANNOUNCES FOLLOWING RULES OF PROCEDURE: - Chair Gladys McCoy
  - \* No public testimony will be taken
4. \* 5 minutes speaking time per candidate
5. \* Period following candidate presentations for Board Q & A
6. \* Open Board discussion
  - \* Specify manner for voting on nominees (BOARD MUST VOTE TO ADOPT VOTING PROCEDURE-recommend oral role call vote\*\*\*)
7. Chair McCoy calls for a roll call vote
8. Role call vote taken and announced by Board Clerk
9. Chair McCoy declares appointment

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the matter of (91-4)  
Filling the Vacancy in the  
Legislative Assembly, State  
Representative, District 12

---

WHEREAS, appointment of Representative Kiesling to the Office of Secretary of State has created a vacancy in the Legislative Assembly, District 12; and

WHEREAS, pursuant to state law, the Democratic Party Precinct Committee persons in District 12 made nominations to fill the vacancy; and

WHEREAS, in accord with procedures established by the Secretary of State, the Board of County Commissioners considered the nominations at a public hearing on January 15, 1991; and

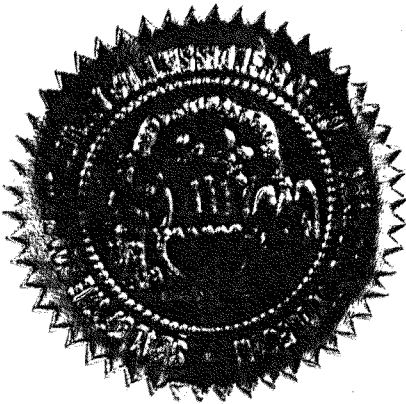
WHEREAS, at the conclusion of the public hearing the Board voted to appoint (nominee) Gail R. Shibley to fill the vacancy, said nominee having received the highest number of votes as indicated on the attached tabulation, NOW, THEREFORE,

Gail R. Shibley is selected as the appointee to fill the vacancy in the Legislative Assembly, State Representative,

District 12;

This Statement shall promptly be forwarded to the Secretary of State as required by ORS 171.060(3).

ADOPTED this 15<sup>th</sup> day of January, 1991.



By Gladys McCoy  
Gladys McCoy, Chair  
Multnomah County, Oregon

Pauline Anderson  
Pauline Anderson, District 1

Gary Hansen  
Gary Hansen, District 2

Rick Bauman  
Rick Bauman, District 3

Sharron Kelley  
Sharron Kelley, District 4

REVIEWED:

Laurence Kressel  
Laurence Kressel, County Counsel  
of Multnomah County, Oregon

01/14/91:1

1ATTY.337/mw

CERTIFIED TRUE COPY OF THE  
ORIGINAL ON FILE HEREIN

By Chris A. Pickens  
CLERK OF THE BOARD  
MULTNOMAH COUNTY, OREGON

ATTACHMENT "A"

VOTE TABULATION

In the matter of filling the vacancy in the  
Legislative Assembly, State Representative District 12, the  
Multnomah County Board of Commissioners voted as follows:

Commissioner Pauline Anderson	Gail Shibley
Commissioner Rick Bauman	Gail Shibley
Commissioner Sharron Kelley	Gail Shibley
Commissioner Gary Hansen	Judy Wyers
Chair Gladys McCoy	Judy Wyers

CERTIFIED TRUE COPY OF THE  
ORIGINAL ON FILE HEREIN

By Cassie A. Pickerson  
CLERK OF THE BOARD  
MULTNOMAH COUNTY, OREGON

ANNOTATED MINUTES

Tuesday, January 15, 1991 - 1:30 PM  
Multnomah County Courthouse, Room 602

SPECIAL FORMAL MEETING

3. Special Meeting as directed by Jack Graham, Director Elections Division, State of Oregon to Approve Delegate for Senate Representative District #12 as necessitated by Appointment of Phil Keisling as Secretary of State

IN THE MATTER OF FILLING THE VACANCY IN THE  
LEGISLATIVE ASSEMBLY, STATE REPRESENTATIVE,  
DISTRICT 12, (NOMINEE) GAIL R. SHIBLEY WAS  
SELECTED AS THE APPOINTEE TO FILL THE VACANCY

---

Wednesday, January 16, 1991 - 9:00 AM  
Multnomah County Courthouse, Room 602

PUBLIC HEARING

1. Public Meeting for the Purpose of taking public testimony and input on proposed budget reductions associated with Ballot Measure 5

PUBLIC TESTIMONY HEARD. NEXT PUBLIC HEARING  
SCHEDULED FOR JANUARY 23, 1991 - 1:30 PM -  
NORTHWEST SERVICE CENTER, SENIOR CENTER,  
1819 N.W. EVERETT

---

Thursday, January 17, 1991 - 9:30 AM  
Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Request for Approval of Transfer of Found/Unclaimed Property - List 90-6 - From the Sheriff's Office to the Department of General Services for Sale or Disposal as Provided Pursuant to Multnomah County Code 7.70

APPROVED

DISTRICT ATTORNEY

- C-2 Ratification of an Amended Intergovernmental Agreement between Multnomah County District Attorney Office and the Adult and Family Services Division increasing reimbursement for costs associated with the prosecution of welfare and food stamp fraud cases

APPROVED

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 In the Matter of the Appointment of Sara (Sally) Fraser as Hearings Officer for the Potentially Dangerous Dog program within Animal Control Pursuant to Multnomah County Code 8.10.010(J)

APPROVED

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- C-4 Ratification of an Updated Intergovernmental Agreement, Contract #103661, between Multnomah County Health Services Division and Oregon Health Sciences University School of Medicine for County Clinics to provide outside learning experiences for medical students and residents

APPROVED

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 First Reading and Possible Adoption of an ORDINANCE in the Matter of increasing cemetery rates for county cemeteries, amending Multnomah County Code 5.10.250; and declaring an emergency

ORDINANCE 673 APPROVED

DEPARTMENT OF HUMAN SERVICES

AGING SERVICES AND JUVENILE JUSTICE DIVISIONS

- R-2 Budget Modification DHS #18 Requesting Shift of \$6,750 in Oregon Project Independence Alzheimers funds from Pass Through to Temporary Personnel and Related Materials and Services in order to fund outreach activities designed to locate people under age 60 who might need in-home services due to dementia from Alzheimers and related disorders

APPROVED

LIBRARY SERVICES

- R-3 Budget Modification DLS #2 Requesting Approval to make appropriation changes between object classes

APPROVED

SUPPLEMENTAL AGENDA

RESCHEDULED/CANCELLED MEETING

Tuesday, January 15, 1991

MULTNOMAH COUNTY BOARD OF COMMISSIONERS

Multnomah County Courthouse, Room 602

1. The Executive Session to Discuss Labor Negotiations Pursuant to ORS 192.660(1)(d), Previously Scheduled for Tuesday, January 15, 1991 has been Rescheduled for 9:45 a.m., Thursday, January 17, 1991.

0106C/1-3  
cap

## TEMPORARY ADMINISTRATIVE RULE

Subject: Procedure for conduct of meeting to fill vacancy in Legislative Assembly, State Representative District 12.

The following procedure has been adopted in accordance with ORS 171.060(1), which requires the Secretary of State to establish by rule procedures for conducting a meeting to fill a vacancy in the Legislative Assembly:

1. A meeting of the members of the county governing body shall convene at the time designated by the Secretary of State.
2. The chairperson conducting the meeting shall open the meeting and state the purpose of the meeting is to select, from a list of not fewer than three nor more than five nominees furnished by the Secretary of State, an appointee to fill a vacancy in the Legislative Assembly.
3. Members of the county governing body eligible to vote on the selection are those physically present at the meeting, who are currently holding office by election or appointment.
4. The county governing body, in making its determination, may allot time for interviewing nominees and for other pertinent deliberations prior to voting.
5. The vote shall be taken in a manner specified by a majority of those present eligible to vote on the selection. The person receiving the highest number of votes shall be the appointee. However, in any case, the vote of each member of the governing body shall be recorded and included in the written statement required by ORS 171.060(3).



In the Matter of Amending a  
Rule Relating to Filling Vacancies  
in Legislative Assembly

) JUSTIFICATION FOR ADOPTION  
) OF RULE  
)

ORS 171.060(1) requires the Secretary of State to establish procedures for the conduct of the meeting to fill a vacancy in the Legislative Assembly.

It is in the public interest to amend a rule specifying these procedures. Failure to act immediately to adopt such procedures will result in serious prejudice to the public interest, in that a vacancy exists in the Legislative Assembly.

RECEIVED

IN THE MATTER OF AMENDING  
OF RULE RELATING TO FILLING  
VACANCIES IN LEGISLATIVE ASSEMBLY

) STATUTORY AUTHORITY,  
) STATEMENT OF NEED,  
) PRINCIPAL DOCUMENTS RELIED  
) UPON AND FISCAL IMPACT

JAN 2 2 12 PM '91

SECRETARY OF STATE

STATUTORY AUTHORITY:

ORS 171.060(1)

STATEMENT OF NEED:

ORS 171.060(1) requires Secretary of State  
to adopt a rule establishing procedures  
for the conduct of a meeting to fill a  
vacancy in the Legislative Assembly.

PRINCIPAL DOCUMENTS  
RELIED UPON:

None

FISCAL IMPACT:

None

Dated December 31, 1990

Jack Graham  
Director of Elections

**B A L L O T N O . 1**

**Commissioner Anderson**

**Vote for ONE of the following:**

☐ **Muriel Eileen Goldman**

☒ **Gail R. Shibley**

☐ **Judy Wyers**

**B A L L O T N O . 1**

**Commissioner Bauman**

**Vote for ONE of the following:**

☐ **Muriel Eileen Goldman**

☒ **Gail R. Shibley**

☐ **Judy Wyers**

**B A L L O T   N O .   1**

**Commissioner Kelley**

**Vote for ONE of the following:**

☐   **Muriel Eileen Goldman**

☒   **Gail R. Shibley**

☐   **Judy Wyers**

**B A L L O T N O . 1**

**Commissioner Hansen**

**Vote for ONE of the following:**

☐ **Muriel Eileen Goldman**

☐ **Gail R. Shibley**

☒ **Judy Wyers**

**B A L L O T N O . 1**

**Chair McCoy**

**Vote for ONE of the following:**

☐ **Muriel Eileen Goldman**

☐ **Gail R. Shibley**

☒ **Judy Wyers**

SPECIAL BOARD MEETING  
Tuesday, January 15, 1991  
1:30 P.M.

ORAL ROLL CALL ORDER

NOMINEES

Commissioner Anderson	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

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Commissioner Bauman	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

---

Commissioner Kelley	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

---

Commissioner Hansen	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

---

Chair McCoy	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]



SPECIAL BOARD MEETING  
Tuesday, January 15, 1991  
1:30 P.M.

ORAL ROLL CALL ORDER

NOMINEES

Commissioner Anderson	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

---

Commissioner Bauman	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

---

Commissioner Kelley	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

---

Commissioner Hansen	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

---

Chair McCoy	Muriel Eileen Goldman	[ ]
	Gail R. Shibley	[ ]
	Judy Wyers	[ ]

SPECIAL BOARD MEETING  
Tuesday, January 15, 1991  
1:30 P.M.

ORAL ROLL CALL ORDER

NOMINEES

Commissioner Anderson

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

-----  
Commissioner Bauman

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

-----  
Commissioner Kelley

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

-----  
Commissioner Hansen

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

-----  
Chair McCoy

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

SPECIAL BOARD MEETING  
Tuesday, January 15, 1991  
1:30 P.M.

ORAL ROLL CALL ORDER

NOMINEES

Commissioner Anderson

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

Commissioner Bauman

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

Commissioner Kelley

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

Commissioner Hansen

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

Chair McCoy

Muriel Eileen Goldman []

Gail R. Shibley []

Judy Wyers []

SPECIAL BOARD MEETING  
Tuesday, January 15, 1991  
1:30 P.M.

Motion to specify manner for voting on nominees:

1. Each commissioner marks a choice on a written ballot containing a list of all nominees. The votes are given to the Clerk, who announces and tabulates them. The nominee with the most votes wins.

Motion LB Second PA

App

2. On a roll call vote, each Commissioner orally announces a choice from the list of nominees. The Clerk records and tabulates the votes.

Motion\_\_\_\_\_ Second\_\_\_\_\_

3. The Chair invites a motion to appoint any nominee. If a motion is made and seconded, a vote on that nominee is taken. The Clerk records the vote. Next, the Chair invites any other motions for other nominees. When there are no additional motions, the Chair declares the voting concluded. The Clerk announces which nominee received the most votes.

Motion\_\_\_\_\_ Second\_\_\_\_\_

ORAL ROLL CALL ORDER

NOMINEES

Commissioner Anderson

Muriel Eileen Goldman

Commissioner Bauman

Gail R. Shibley

Commissioner Kelley

Judy Wyers

Commissioner Hansen

Chair McCoy

OFFICE OF THE SECRETARY OF STATE

BARBARA ROBERTS  
SECRETARY OF STATE

ELECTIONS DIVISION

JACK GRAHAM  
DIRECTOR141 STATE CAPITOL  
SALEM, OREGON 97310-0722

ELECTIONS — (503) 378-4144

January 15, 1991

The Honorable Gladys McCoy, Chair  
Multnomah County Board of Commissioners  
1021 S.W. 4th, Room 134  
Portland, Oregon 97204

Re: State Representative District 12 Vacancy

This is to notify you of the names of the nominees of the Democratic Party of Oregon who have been selected by the Democratic precinct committeepersons of State Representative District 12. These are the names to be considered by the Multnomah County Board of Commissioners in appointing a successor to fill the vacancy created by the resignation of Phil Keisling. The following have been nominated to fill the vacancy in State Representative District 12:

1. Muriel Eileen Goldman
2. Gail R. Shibley
3. Judy Wyers

Pursuant to ORS 171.060(1), I have provided you with this list of nominees for the meeting to be held on January 15, 1991 at 1:30 P.M. Also enclosed is a copy of the Secretary of State's rule governing the conduct of a meeting of county commissioners to fill a vacancy in the legislative assembly.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack Graham".

Jack Graham

Enc.

cc: Members of the Multnomah County Board of Commissioners  
Lynn Partin  
Wayne Anderson

OFFICE OF THE SECRETARY OF STATE

BARBARA ROBERTS  
SECRETARY OF STATE



ELECTIONS DIVISION

JACK GRAHAM  
DIRECTOR

141 STATE CAPITOL  
SALEM, OREGON 97310-0722

ELECTIONS — (503) 378-4144

January 4, 1991

The Honorable Gladys McCoy, Chair  
Multnomah County Board of Commissioners  
1021 S.W. 4th, Room 134  
Portland, Oregon 97204

✓  
1/8/91  
cc [initials]  
HAS ATTACHMENTS

Re: Resignation of Rep. Phil Keisling

Dear Chair McCoy:

State Representative Phil Keisling, District 12, has submitted his resignation from the 66th Oregon Legislative Assembly, effective 8:00 a.m., January 14, 1991.

Pursuant to ORS 171.060(1), you are hereby notified of the vacancy. The Democratic precinct committeepersons of House District 12 will meet on January 14, 1991 to choose nominees to fill the vacancy. The Multnomah County Board of Commissioners will be notified of the list of nominees as soon as practicable. The Board is hereby directed to meet to appoint one person from the list. The time and location of the meeting are as follows:

Time: 1:30 p.m.  
Date: Tuesday, January 15, 1991  
Place: 1021 S.W. 4th, Room 602  
Commission Board Room  
Portland, Oregon 97204

Please contact me if you have any questions about the process.

Sincerely,

  
Jack Graham

BARBARA ROBERTS  
SECRETARY OF STATE



ELECTIONS DIVISION  
JACK GRAHAM  
DIRECTOR  
141 STATE CAPITOL  
SALEM, OREGON 97310-0722  
ELECTIONS — (503) 378-4144

January 4, 1991

Wayne Anderson, Chair  
Democratic Party of Oregon  
P.O. Box 15057  
Salem, Oregon 97309

Re: Resignation of Representative Phil Keisling

Dear Anderson:

State Representative Phil Keisling, District 12, has submitted his resignation from the 66th Oregon Legislative Assembly, effective 8:00 a.m., January 14, 1991.

Pursuant to ORS 171.060(1), you are hereby notified of the vacancy. You are advised the same statute requires precinct committeepersons representing precincts within the district who are the precinct committeepersons when the vacancy occurs to nominate no fewer than three nor more than five qualified persons to fill the vacancy. The vacancy will occur at 8:01 a.m., on January 14, 1991.

It is the responsibility of the Democratic Party of Oregon to set the time and date of the meeting of the precinct committeepersons and notify the Secretary of State of the time, date and location. The meeting at which the nominations are made must occur no sooner than 8:01 a.m., January 14, 1991 and not later than 5:00 p.m., February 3, 1991.

If you have any questions about the process please contact Director of Elections, Jack Graham at 378-4144.

Sincerely,

Jack Graham

BARBARA ROBERTS  
SECRETARY OF STATE



ELECTIONS DIVISION  
JACK GRAHAM  
DIRECTOR  
141 STATE CAPITOL  
SALEM, OREGON 97310-0722  
ELECTIONS — (503) 378-4144

January 4, 1991

Lynn Partin, Chair  
Multnomah County Democratic Central Committee  
P.O. Box 14682  
Portland, Oregon 97214

Re: Resignation of Rep. Phil Keisling

Dear Ms. Partin:

State Representative Phil Keisling, District 12, has submitted his resignation from the 66th Oregon Legislative Assembly, effective 8:00 a.m., January 14, 1991.

Pursuant to ORS 171.060(1), you are hereby notified of the vacancy. You are advised the same statute requires precinctcommittee persons representing precincts within the district who were the precinctcommittee persons when the vacancy occurs to nominate no fewer than three nor more than five qualified persons to fill the vacancy. The vacancy will occur at 8:01 a.m., on January 14, 1991.

You are required by law to notify the Secretary of State of the persons nominated. The nominations must be made no sooner than 8:01 a.m., January 14, 1991 and no later than 5:00 p.m., February 3, 1991.


The notification shall be accompanied by the signed written statement of each nominee indicating that the nominee is willing to serve in the office of state Representative. Five copies of the statement are enclosed.

Subject to the time limits described above, the meeting of precinct committee persons may be scheduled and conducted according to party rules.

The Multnomah County Commission must appoint one person from the list of three to five nominees submitted by the precinct committee. That action must be taken after the list of nominees is received from the Secretary of State and not later than February 13, 1991, thirty days after the vacancy occurs.

If you have any questions about the process please contact Director of Elections, Jack Graham at 378-4144.

Sincerely,

  
Jack Graham



CERTIFICATE AND ORDER  
FOR FILING  
**TEMPORARY**  
ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

RECEIVED

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of TEMPORARY rule(s) adopted on January 2, 1991

Jan 2 2 1991  
(Date)

by the Secretary of State  
(Department)

Elections Division  
(Division)

SECRETARY OF STATE

to become effective January 2, 1991  
(Date)

through March 1, 1991  
(Date)

The within matter having come before the Secretary of State  
(Department)

Elections Division  
(Division)

after

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

Adopted:  
(New Total Rules)

\_\_\_\_\_

\_\_\_\_\_

Amended:  
(Existing Rules)

165-06-035

\_\_\_\_\_

\_\_\_\_\_

Suspended:  
(Total Rules Only)

\_\_\_\_\_

\_\_\_\_\_

is Administrative Rules of the

Secretary of State  
(Department)

Elections Division  
(Division)

DATED this 2nd day of January, 19 91

This Order amends TEMPORARY Order No.(s): \_\_\_\_\_  
Filed: \_\_\_\_\_

By:

Joelle Graham

(Authorized Signer)

NOTE: The Expiration date of this Order remains the same as the original Order.

Title:

Elections Director

Statutory Authority ORS 249.200, 171.051, 171.060

or

Chapter(s) \_\_\_\_\_, Oregon Laws 19\_\_ or

House Bill(s) \_\_\_\_\_, 19\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19\_\_ Legislature

Subject Matter:

Filling of state representative vacancy by reason of written resignation during legislative session. (Representative Phil Keisling, District 12, appointed by governor to fill secretary of state vacancy, as of January 14, 1991.)

Statement of Need ☒

Emergency Justification Attached: ☒

Do you intend to adopt this rule Permanently?

YES ☐

NO ☒

If so, have you filed Notice of Proposed Rulemaking for publication in the Oregon Bulletin? YES ☐ NO ☐

For Further Information Contact Larry Bevens

(Rule Coordinator)

Phone: 378-4144

GM  
JAN 08  
JWB, KM, RW

Due to a change in interpretation by the Secretary of State subsequent to the meeting notice previously sent out, the meeting for nominations for State Representative for District 12 has been rescheduled as follows:

Monday, January 14, 1991

7:00 - 9:30 p.m.

Sellwood Moreland Improvement League  
8210 SE 13th Ave., Portland

To announce your candidacy or inquire about rules for the meeting, contact:

Ingrid Stevens

771-4321, or 771-8230

Lynn Partin

233-8114

Marc Abrams

227-2672

Meeting Date: JAN 15 1991

Agenda No.: #3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Special Meeting of the Board

BCC Informal \_\_\_\_\_ BCC Formal 1/15/91 1:30 PM  
(date) TIME CERTAIN

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Delma Farrell TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION \_\_\_\_\_

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: \_\_\_\_\_

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Special Meeting as directed by Jack Graham, Director Elections Division, State of Oregon to approve delegate for Senate Representative District #12 as necessitated by appointment of Phil Keisling as Secretary of State

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1991 JAN - 9 PM 2:56

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Madip McCray  
Or

DEPARTMENT MANAGER \_\_\_\_\_

(All accompanying documents must have required signatures)

OFFICE OF THE SECRETARY OF STATE

BARBARA ROBERTS  
SECRETARY OF STATE



ELECTIONS DIVISION  
JACK GRAHAM  
DIRECTOR  
141 STATE CAPITOL  
SALEM, OREGON 97310-0722  
ELECTIONS — (503) 378-4144

January 4, 1991

The Honorable Gladys McCoy, Chair  
Multnomah County Board of Commissioners  
1021 S.W. 4th, Room 134  
Portland, Oregon 97204

Re: Resignation of Rep. Phil Keisling

Dear Chair McCoy:

State Representative Phil Keisling, District 12, has submitted his resignation from the 66th Oregon Legislative Assembly, effective 8:00 a.m., January 14, 1991.

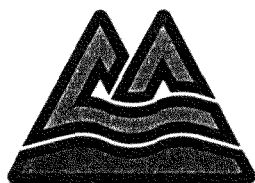
Pursuant to ORS 171.060(1), you are hereby notified of the vacancy. The Democratic precinct committee persons of House District 12 will meet on January 14, 1991 to choose nominees to fill the vacancy. The Multnomah County Board of Commissioners will be notified of the list of nominees as soon as practicable. The Board is hereby directed to meet to appoint one person from the list. The time and location of the meeting are as follows:

Time: 1:30 p.m.  
Date: Tuesday, January 15, 1991  
Place: 1021 S.W. 4th, Room 602  
Commission Board Room  
Portland, Oregon 97204

Please contact me if you have any questions about the process.

Sincerely,

Jack Graham



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY •	CHAIR •	248-3308
PAULINE ANDERSON •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
RICK BAUMAN •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •		248-3277

## SUPPLEMENTAL AGENDA

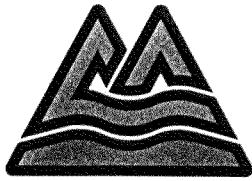
### RESCHEDULED/CANCELLED MEETING

Tuesday, January 15, 1991

#### MULTNOMAH COUNTY BOARD OF COMMISSIONERS

Multnomah County Courthouse, Room 602

1. The Executive Session to Discuss Labor Negotiations Pursuant to ORS 192.660(1)(d), Previously Scheduled for Tuesday, January 15, 1991 has been Rescheduled for 9:45 a.m., Thursday, January 17, 1991.
2. Tuesday's Agenda Review is Cancelled.



# MULTNOMAH COUNTY OREGON

*Clerk's office*

OFFICE OF COUNTY COUNSEL  
1120 S.W. FIFTH AVENUE, SUITE 1530  
P.O. BOX 849  
PORTLAND, OREGON 97207-0849  
(503) 248-3138  
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
PAULINE ANDERSON  
RICK BAUMAN  
GRETCHEN KAFOURY  
SHARRON KELLEY

## M E M O R A N D U M

TO: Board of County Commissioners  
Gladys McCoy, Chair  
Pauline Anderson  
Rick Bauman  
Gary Hansen  
Sharron Kelley

FROM: Larry Kressel  
County Counsel (106/1530)

DATE: January 14, 1991

RE: Procedure for Filing Legislative Vacancy

COUNTY COUNSEL  
LAURENCE KRESSEL  
CHIEF ASSISTANT  
JOHN L. DU BAY  
ASSISTANTS  
SANDRA N. DUFFY  
J. MICHAEL DOYLE  
GERALD H. ITKIN  
H. H. LAZENBY, JR.  
PAUL G. MACKAY  
MATTHEW O. RYAN  
MARK B. WILLIAMS

On January 15 the Board will convene to fill the vacancy created by appointment of Rep. Keisling as Secretary of State. State law directs the Secretary of State to prescribe procedures for the Board meeting. ORS 171.060(1). I believe you already have received the procedures. (A copy is attached for your convenience).

The required procedures include the following:

5. The vote shall be taken in a manner specified by a majority of those present eligible to vote on the selection. The person receiving the highest number of votes shall be the appointee. However, in any case, the vote of each member of the governing body shall be recorded and included in the written statement required by ORS 171.060(3).

The underlined portion of the rule will require the Board to alter its customary voting procedure. I have come up with the following three alternatives:

1. Each commissioner marks a choice on a written ballot containing a list of all nominees. The votes are given to the Clerk, who announces and tabulates them. The nominee with the most votes wins. (This method was commended to me by the Secretary of State's office.)
2. On a roll call vote, each Commissioner orally announces a choice from the list of nominees. The Clerk records and tabulates the votes. Again, the winner is the nominee receiving the most votes.
3. The Chair invites a motion to appoint any nominee. If a motion is made and seconded, a vote on that nominee is taken. The Clerk records the vote. Next, the Chair invites any other motions for other nominees. When there are no additional motions, the Chair declares the voting concluded. The Clerk announces which nominee received the most votes.

In the event of a tie, the field of nominees could be narrowed and the voting procedure could be repeated. In the event the nominee with the most votes receives only two votes, that person wins according to the Secretary of State's rules. The Charter requirement of three votes for Board action is apparently superceded in this unusual situation. (Hopefully, this legal grey area will be avoided by the actual vote count.)

cc Clerk of the Board

1ATTY.336/mw

- 171.038 [1971 s.s. c.1 §3; renumbered 188.240]  
 171.040 [Repealed by 1955 c.211 §7]  
 171.041 [1955 c.211 §3; repealed by 1961 c.482 §4]  
 171.043 [1955 c.211 §4; 1965 c.593 §1; 1967 c.634 §1; repealed by 1979 c.748 §3]  
 171.046 [1965 c.578 §1; repealed by 1981 c.517 §26]

#### (Vacancies)

- 171.050 [Amended by 1955 c.211 §5; 1973 c.773 §1; repealed by 1981 c.517 §2 (171.051 enacted in lieu of 171.050)]

**171.051 Filling vacancies in Legislative Assembly.** (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by reason of resignation filed in writing with the Secretary of State or a person is declared disqualified by the house to which the person was elected, the vacancy shall be filled by appointment if:

(a) The vacancy occurs during any session of the Legislative Assembly;

(b) The vacancy occurs in the office of a state Representative before the 60th day before the general election to be held during that term of office;

(c) The vacancy occurs in the office of a state Senator before the 60th day before the first general election to be held during that term of office;

(d) The vacancy occurs in the office of a state Senator at any time after the 15th day before the first general election and before the 60th day before the second general election to be held during that term of office; or

(e) A special session of the Legislative Assembly will be convened before a successor to the office can be elected and qualified.

(2) The person appointed under the provisions of subsection (1) of this section shall be a citizen qualified to hold the office, an elector of the affected legislative district and a member of the same political party for at least 180 days before the date on which the vacancy occurred. The political affiliation of a person appointed under subsection (1) of this section shall be determined under ORS 236.100. The appointment shall be made by the county courts or boards of county commissioners of the affected counties pursuant to ORS 171.060 to 171.064. When the provisions of ORS 171.060 (1) are applicable, the appointment shall be made from a list of not fewer than three nor more than five nominees who have signed written statements indicating that they are willing to serve furnished by the Secretary of State. If fewer than three names of nominees are furnished, a list shall not be considered to have been submitted and the county courts or boards of county commissioners shall fill the vacancy. The vacancy must be filled by ap-

pointment within 30 days after its occurrence or not later than the time set for the convening of the special session described in paragraph (e) of subsection (1) of this section when that is the basis for filling the vacancy.

(3) If the appointing authority required by this section to fill the vacancy does not do so within the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

(4) Notwithstanding any appointment under the provisions of paragraph (c) of subsection (1) of this section, when a vacancy occurs in the office of a state Senator before the 15th day before the first general election to be held during that term of office, the remaining two years of the term of office shall be filled by the electors of the affected legislative district at the first general election.

(5) Candidates for the remaining two years of the term of office of a state Senator under subsection (4) of this section shall be nominated as provided in ORS chapter 249 except as follows:

(a) A major political party, minor political party, assembly of electors or individual electors may select a nominee for any vacancy occurring before the 15th day before the first general election; and

(b) The Secretary of State shall accept certificates of nomination and notifications of nominees selected by party rule and filed with the secretary pursuant to a schedule for filing set by the Secretary of State but in any case not later than the 10th day before the first general election.

(6) The remaining two years of the term of office of a state Senator under subsection (4) of this section will commence on the second Monday in January following the general election. Any appointment under the provisions of paragraph (c) of subsection (1) of this section shall expire when a successor to the office is elected and qualified. [1981 c.517 §3 (enacted in lieu of 171.050); 1985 c.771 §1; 1987 c.380 §1; 1989 c.207 §1]

**171.060 Procedure for filling vacancy by appointment.** (1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative affiliated with a major political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person designated by the party to receive such notice. The precinct committeepersons of the party representing the precincts within the district who were precinct committeepersons of the precinct when the vacancy occurred shall nominate not fewer than three nor more than five qualified persons to fill the vacancy. A person shall not be nominated to



fill the vacancy unless the person signs a written statement indicating that the person is willing to serve in the office of Senator or Representative. As soon as the nominees have been appointed, but no later than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons nominated. The notification shall be accompanied by the signed written statement of each nominee indicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary of State shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy exists of the nominees and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for the meeting of the county courts or boards of county commissioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051 (2).

(2) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Representative not affiliated with a major political party and that vacancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the county courts or boards of county commissioners of the counties constituting the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to each member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of county commissioners and by rule shall establish procedures for the conduct of the meeting. If the district is composed of more than one county, the Secretary of State shall name a temporary chairperson and designate a meeting place within the district where the county courts or boards of county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

(3) A written statement signed by a majority of those qualified to vote upon the filling of any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State is conclusive evidence of the filling of the vacancy by the appointing authority named therein. [Amended by 1953 c.211 §6; 1973 c.773 §2; 1975 c.779 §2; 1977 c.302 §1; 1985 c.771 §2; 1987 c.380 §2; 1989 c.207 §2]

**171.062 Filling vacancies in multi-county legislative districts.** (1) When a legislative district in which a vacancy occurs encompasses two or more counties, each county shall be entitled to one vote for each 1,000 of its electors or major fraction thereof residing within the legislative district at the time the vacancy occurs. However, any county having electors in the district shall be entitled to at least one vote.

(2) A major fraction of electors shall be a number greater than 500 but less than 1,000. [Formerly 248.175]

**171.064 Apportioning votes for filling vacancies in multicounty legislative districts.** The number of votes apportioned to each county commissioner in filling a legislative vacancy shall be equal to the total number allotted to the respective county of the county commissioner in the manner set forth in ORS 171.062 divided by the total number of county commissioners of the respective county. [Formerly 248.180]

**171.068 Procedure when vacancy filled after reapportionment.** (1) For the purpose of nominating persons under ORS 171.060 to fill any vacancy in the Legislative Assembly occurring as described in ORS 171.051, the precinct committeepersons of a district created by reapportionment shall be those holding office when the vacancy occurs.

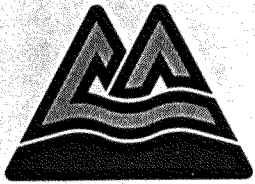
(2) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of county commissioners which shall fill the vacancy in the Legislative Assembly shall be the county court or board of county commissioners of each county any part of which is in the district that is created by the reapportionment and includes the residence from which the former Senator or Representative was elected.

(3) Each person nominated by the precinct committeepersons under subsection (1) of this section must be registered to vote in the district from which the former Senator or Representative was elected and must have been a member of the same major political party at least 180 days before the date the vacancy to be filled occurred.

(4) This section shall apply only to a vacancy in the Legislative Assembly occurring after the primary election next following reapportionment and before a person has been elected and qualified to fill the vacancy. [1983 c.25 §1; 1985 c.771 §3; 1987 c.380 §3]

**Note:** The amendments to 171.068 by section 62, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

**171.068.** (1) For the purpose of nominating persons under ORS 171.060 to fill any vacancy in the Legislative Assembly occurring as described in ORS 171.051, the precinct committeepersons of a district created by reap-



## MULTNOMAH COUNTY OREGON

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NEWS

CONTACT: Teri Duffy, 248-3308

PHOTO, VIDEO, AUDIO OPPORTUNITY: YES

IMMEDIATE RELEASE

### MULTNOMAH COUNTY BOARD TO APPOINT STATE REPRESENTATIVE

On Tuesday, January 15, 1991 at 1:30 P.M. in Room 602 of the Multnomah County Courthouse, the Multnomah County Board of Commissioners will appoint a new State Representative for District 12.

Effective on January 14, 1991 the seat will become vacant when State Representative Phil Keisling is appointed Secretary of State by Governor Barbara Roberts.

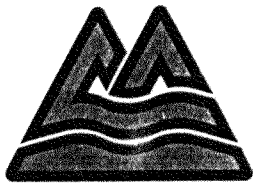
The Democratic precinct committee persons of House District 12 will meet Monday evening January 14, 1991 to choose three to five nominees to fill the vacancy in the 66th Oregon Legislative Assembly. The list of nominees will be forwarded Tuesday morning to the Multnomah County Board of Commissioners to appoint immediately.

BOARD OF  
COUNTY COMMISSIONERS  
1991 JAN 14 PM 12:10  
MULTNOMAH COUNTY  
OREGON

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Gladys McCoy,  
County Chair

Multnomah County Courthouse  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

January 14 - 18, 1991

Tuesday, January 15, 1991 - 9:30 AM - Executive Session. Page 2  
Tuesday, January 15, 1991 - 11:00 AM - Agenda Review . . Page 2  
Tuesday, January 15, 1991 - 1:30 PM - Special Meeting. . Page 2  
Wednesday, January 16, 1991 - 9:00 AM - Public Hearing . Page 2  
Thursday, January 18, 1991 - 9:30 AM - Formal Meeting. . Page 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers  
Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers  
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, January 15, 1991 - 9:30 AM  
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

1. Executive Session Pursuant to ORS 192.660(1)(d) to discuss Labor Negotiations
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Tuesday, January 15, 1991 - 11:00 AM  
Multnomah County Courthouse, Room 602

AGENDA REVIEW

2. Informal Review of Formal Agenda of January 17, 1991

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

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Tuesday, January 15, 1991 - 1:30 PM  
Multnomah County Courthouse, Room 602

SPECIAL FORMAL MEETING

3. Special Meeting as directed by Jack Graham, Director Elections Division, State of Oregon to Approve Delegate for Senate Representative District #12 as necessitated by Appointment of Phil Keisling as Secretary of State
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Wednesday, January 18, 1991 - 9:00 AM  
Multnomah County Courthouse, Room 602

PUBLIC HEARING

1. Public Meeting for the Purpose of taking public testimony and input on proposed budget reductions associated with Ballot Measure 5

Thursday, January 17, 1991 - 9:30 AM  
Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Request for Approval of Transfer of Found/Unclaimed Property - List 90-6 - From the Sheriff's Office to the Department of General Services for Sale or Disposal as Provided Pursuant to Multnomah County Code 7.70

DISTRICT ATTORNEY

- C-2 Ratification of an Amended Intergovernmental Agreement between Multnomah County District Attorney Office and the Adult and Family Services Division increasing reimbursement for costs associated with the prosecution of welfare and food stamp fraud cases

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 In the Matter of the Appointment of Sara (Sally) Fraser as Hearings Officer for the Potentially Dangerous Dog program within Animal Control Pursuant to Multnomah County Code 8.10.010(J)

DEPARTMENT OF HUMAN SERVICES

HEALTH SERVICES AND SOCIAL SERVICES DIVISIONS

- C-4 Ratification of an Updated Intergovernmental Agreement, Contract #103661, between Multnomah County Health Services Division and Oregon Health Sciences University School of Medicine for County Clinics to provide outside learning experiences for medical students and residents

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 ORDINANCE in the Matter of increasing cemetery rates for county cemeteries, amending Multnomah County Code 5.10.250; and declaring an emergency

DEPARTMENT OF HUMAN SERVICES

AGING SERVICES AND JUVENILE JUSTICE DIVISIONS

R-2 Budget Modification DHS #18 Requesting Shift of \$6,750 in Oregon Project Independence Alzheimers funds from Pass Through to Temporary Personnel and Related Materials and Services in order to fund outreach activities designed to locate people under age 60 who might need in-home services due to dementia from Alzheimers and related disorders

LIBRARY SERVICES

R-3 Budget Modification DLS #2 Requesting Approval to make appropriation changes between object classes

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**NOTICE OF PUBLIC HEARINGS**  
**REGARDING PROPOSED MULTNOMAH COUNTY**  
**BUDGET REDUCTIONS**

The Multnomah County Board of Commissioners will hold a series of public meetings for the purpose of taking public testimony and input on proposed budget reductions associated with Ballot Measure 5.

The public hearings will begin with an update by the County's budget staff followed by public testimony on:

Wednesday, January 23, 1991 - 1:30 P.M.  
Northwest Service Center, Senior Center  
1819 N.W. Everett  
Portland, Oregon

Tuesday, January 29, 1991 - 7:00 P.M. \*\*  
King Facility, Cafeteria  
4815 N.E. 7th Avenue  
Portland, Oregon

Thursday, January 31, 1991 - 7:30 P.M.  
Multnomah County Gresham Library  
385 N.W. Miller  
Gresham, Oregon

Tuesday, February 5, 1991 - 7:30 P.M.  
Peninsula Neighbors Coalition  
St. Johns Community Center, Auditorium  
8427 N. Central  
Portland, Oregon

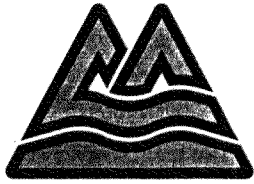
Wednesday, February 6, 1991 - 7:30 P.M.  
East Portland District Coalition  
Old Russellville School  
220 S.E. 102nd Avenue  
Portland, Oregon

All interested persons may attend the hearings and will be given a reasonable opportunity to be heard.

FOR FURTHER INFORMATION CONTACT: Teri Duffy, Public Information Officer, (503) 248-3308

**\*\* CORRECTION**

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# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
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SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## SUPPLEMENTAL AGENDA

### CORRECTING MEETING DATES

Multnomah County Board of Commissioners  
Multnomah County Courthouse, Room 602

#### PUBLIC HEARING

WEDNESDAY, JANUARY 16, 1991 - 9:00 AM

1. Public Meeting for the Purpose of Taking Public Testimony and Input on Proposed Budget Reductions Associated with Ballot Measure 5

#### FORMAL MEETING

THURSDAY, JANUARY 17, 1991 - 9:30 AM

2. Formal Meeting