

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 68

An ordinance establishing a procedure for the filling of vacancies in certain elective offices of the county by appointment; establishing a procedure for nomination and election to a special two-year term; all other matters pertaining thereto; and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Section Title and Pleading.

This ordinance shall be known as the Multnomah County Vacancy in Office Ordinance, may be so pleaded, and shall be referred to herein as "this ordinance".

Section 2. Definitions.

A. For the purposes of this ordinance, unless the context requires otherwise, the following terms are defined as follows:

1. Board: Board of County Commissioners of Multnomah County, Oregon.
2. Director: The Director of the Department of Administrative Services of Multnomah County, or his authorized representative.
3. Elective Office:
 - (a) Office of Multnomah County Commissioner; or
 - (b) Office of Multnomah County Auditor.

Section 3. Policy and Purpose.

Pursuant to Section 4.50 of the Multnomah County Charter, the Board is required to prescribe by ordinance, procedures by which vacancies in elective offices of the county may be filled. This ordinance shall be liberally construed to meet the policies and purposes set forth herein.

Section 4. Interpretation for the Purpose of this Ordinance.

Words in the singular number include the plural, the word "shall" is mandatory and not directory, and the term "this ordinance" shall be deemed to include all amendments hereafter made.

Section 5. Vacancy.

A. An elective office of the county shall become vacant:

1. Upon the incumbent's
 - (a) death;
 - (b) adjudicated incompetence;
 - (c) conviction of a felony, other offense pertinent to his office, or unlawful destruction of public records;
 - (d) resignation from the office;
 - (e) recall from the office; or
 - (f) ceasing to possess the qualifications required for the office.
2. Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for his term of office to commence; or
3. In the case of a member of the Board of County Commissioners, upon his absence:

- (a) from the county for 30 consecutive days without the consent of the Board; or
- (b) from Board meetings for 60 consecutive days without like consent.

Section 6. Filling of Vacancy.

- A. The Board upon becoming aware of a vacancy in an elective office shall promptly determine the date of vacancy and appoint a qualified person from the same political party as was the last person elected to the office at the time elected. The Board may make such inquiries and interviews as they deem necessary to select an appointee. The appointment shall be made at a regular or special meeting of the Board.
- B. If a vacancy occurs in Board Position No. 1, the Board may appoint a Commissioner to fill the vacancy for such term as determined by this ordinance.
 - 1. The resignation of a Commissioner from his elected position shall become effective upon his appointment to Commissioner of Position No. 1.
- C. If a Commissioner is appointed to fill a vacancy in Position No. 1, the vacancy created in his elected office shall be filled in accordance with the provisions of this ordinance.

Section 7. Term of Appointment.

- A. If the office becomes vacant less than 21 months after the beginning of the term of office of the last person

elected to the office, the term of office of the appointee shall run until the beginning of the first odd-numbered year after the vacancy occurs and until a successor is elected and qualified.

- B. If the office becomes vacant 21 months or more after the beginning of the term of office of the last person elected to the office, the term of office of the appointee shall be for the remainder of the term of office of the last person elected to the office and until a successor is elected and qualified.

Section 8. Election to Fill Vacancy.

If an office becomes vacant less than 21 months after the beginning of the term of office of the last person elected to the office, at the first general November election after the vacancy occurs, a person shall be elected to fill the vacancy for a two year term and until a successor is elected and qualified.

Section 9. Nomination.

- A. If an election as set forth in Section 8 is necessary to fill a vacancy and the vacancy has occurred not later than the 70th day prior to the date of a primary election, nominations by major political parties, as defined by state law, shall be made by the petition or declaration method established by state law for the selection of candidates for nomination at the primary election.
- B. If an election as set forth in Section 8 is necessary to fill a vacancy and the vacancy occurs after the 70th day

preceding the primary election, but prior to October 1, nominations for the general election shall be by the following methods:

1. The Multnomah County Central Committee of a major political party may nominate one candidate of such party to fill a vacancy in any elective office of the county. The certificate of the particular central committee shall be filed with the Director not before the 15th day after the date of the primary election preceding the general election and not later than the first day of October of the year in which the general election is held.
- C. Any minor political party, assembly of electors or individual registered electors, as defined by state law, may nominate, in the manner prescribed by state law, one candidate to fill a vacancy in an elective office of the county to be filled at the general election by preparing and filing a certificate of nomination with the Director not before the 15th day after the date of the primary election preceding the general election and not later than the first day of October of the year in which the general election is held.

Section 10. Conformance with Law.

Except as this ordinance provides to the contrary, it is intended to make the procedure for filling vacancies in elective county offices, as nearly as possible, the same as the procedure prescribed

by state law for the filling of vacancies in elective offices, including the situations where a vacancy arises in a nomination for office and where a vacancy exists in all offices of the members of the Board.

Section 11. Separability.

Any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 12. Emergency Clause.

In order to meet the requirements of the Multnomah County Charter by providing a procedure by which vacancies in elective offices of the county may be filled, an emergency is hereby declared to exist and this ordinance shall become effective upon adoption by unanimous vote of the Board of County Commissioners for Multnomah County, Oregon.

Adopted this 29th day of March, 1973, being the date of its Second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By M. James Adams
Chairman