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REPORT OF THE MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

August 10, 1978

SCOPE OF COMMITTEE REVIEW

Charter §12.50 specifically directed the Committee to consider four issues, as follows:

- (a) Whether or not there should be commissioners elected to the Multnomah County Board of Commissioners from single-member districts within Multnomah County, and, if so, the boundaries of such districts;
- (b) Whether or not commissioners should be elected for two or four year terms;
- (c) The method for choosing the chairman of the Multnomah County Board of Commissioners;
- (d) The method by which vacancies on the Board of County Commissioners should be filled.

That Charter section also authorized the Committee to consider "any other issue relating to the Charter."

THE PROCEDURE

The Charter directed the Committee to study these issues "by all appropriate means including open hearings, the taking of testimony and interviewing witnesses."

From January through July, 1978, the Committee held 18 working sessions, 11 public hearings in different parts of the county and numerous subcommittee meetings. All meetings were open, and members of the public were permitted to comment at work sessions as well as at the hearings. The meetings were conducted informally.

The Committee heard testimony and statements from experts in local government (e.g., Ken Tollenaar, A. McKay Rich, George Joseph, Ron Cease), the Chamber of Commerce, the League of Women Voters, the co-sponsors of the 1976 Charter revision (Sen. Vern Cook and Rep. Glenn Otto), a representative of the Committee which sponsored the 1977 repeal measure (Richard Botteri), every incumbent county commissioner and candidate for those positions, neighborhood groups, labor representatives, county employees and many citizens representing only their own views.

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The Committee was represented by independent legal counsel (Ragen and Roberts), and retained a full-time executive assistant (Julie Keller Gottlieb).

The Committee issued a preliminary report on May 31, and final action was taken on July 31.

CONCLUSIONS

On the four issues the Committee was specifically directed to consider, our conclusions are as follows:

(1) Commissioners should be elected to the Board from five single-member districts.

(2) Commissioners should be elected for four-year terms.

(3) The chief executive officer of the county (now the Chairman of the Board) should be chosen at large by election of all the electors of the county.

(4) Vacancies on the Board should be filled by appointment, but appointees should not be permitted to be candidates for election to succeed themselves.

Acting on its general authority to consider any issue relating to the Charter, the Committee came to the following conclusions:

(1) The chief executive officer of the county should retain the "strong executive" powers given the chairman by the Home Rule Charter. However, the chief executive officer should not also be Chairman of the Board, but should be a separate County Executive with a veto power over legislative action of the Board. The vote of four of five commissioners would be required to over-ride a veto.

(2) The Board should choose its own presiding officer from the elected commissioners.

(3) Commissioners should be required to establish residence in the district from which they are elected, but should not forfeit their position if they move thereafter.

(4) The combined appropriations for the County Executive and Board of Commissioners should be frozen in the first year of operation of the proposed amended Charter, not to exceed the combined appropriations of the Chairman and Board for the year immediately preceding.

(5) The Charter should be amended so that its prohibition against discrimination in county employment conforms to state law, and amended so as to delete gender references.

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(6) The Charter should be reviewed further in 1983 by a Committee similar to this one. Besides reviewing the Charter generally, that Committee should specifically consider the functions of the Auditor.

(7) The voters should be given the opportunity to decide if they want nonpartisan county government.

(8) The Board should be empowered to issue revenue bonds without a vote of the electors, provided that such bonds are repayable solely from revenues of the facility to be financed and similar facilities, and not repayable from tax revenues. Such bond issues should be subject to referendum.

In addition, the Committee reached a number of conclusions subordinate to the above, in the nature of details. These are reflected in the proposed amendments submitted to the Board.

PROPOSED AMENDMENTS

The Committee has proposed five separate amendments to the Charter. These are to be separately submitted to the people in the 1978 general election. The measures have been drafted so that any combination of one or more may pass without disruption or inconsistency. The voters may choose which they like and dislike.

The Committee has also submitted ballot titles and explanations, and requests the Commission to take all necessary action to include these materials on the ballots and in the Voters' Pamphlet.

FURTHER RECOMMENDATION

The Committee recommends that the Board immediately appoint a volunteer committee to study merger of governmental services in the Multnomah County area.

FINDINGS AND REASONING

General Comments

Because of its limited time and resources, the Committee was unable to offer a complete revision of the County Charter (if that is desirable), nor could it determine to its satisfaction all of the many questions and contentions raised before it. However, the Committee was able to reach definite conclusions on each of the four issues it was directed to consider and several other significant issues which arose in the course of its deliberations. The Committee believes it has offered proposed amendments which will improve county government significantly, both in terms

of how the government is perceived by the people and in terms of how it in fact performs.

The Committee found that opinions were sharply divided as to how the county government should be structured. Divisions were sharpest and most intense on the questions of election of commissioners from districts and nonpartisan elections.

The Committee recognized that many of the differences aired before it were more directly related to personalities than to the structure of government. No change in structure will ever be able to insulate a government from the strengths or weaknesses of those elected to lead it. The Committee made no judgment as to personalities. The conclusions herein are directed solely to the form of county government, and nothing herein should be taken either as a criticism or endorsement of any particular office holder.

The Committee found clear evidence supporting two major conclusions:

First, there is a significant measure of dissatisfaction with the present structure of county government. This is evidenced by the passage of the 1976 amendments, the close vote on the 1977 repeal, and testimony before the Committee. Regardless of the degree to which the government might in fact be working effectively, a significant number of citizens feel that county government is not responsive to their needs. This feeling is strongest among citizens of the East County region, where the county government is either the only government or the most significant government, but it is by no means confined to East County residents.

The Committee's second major conclusion was that the present form of county government could and should be modified to enhance its ability to operate with more efficiency, economy, creativity and responsiveness.

Modification is thus needed not only to improve the county government as it is seen by the people, but to improve it in fact.

Measure #1: Reorganization

This measure incorporates several recommendations which the Committee felt could not be submitted separately, due to necessary inter-relationships between the issues.

a. Separation of Powers

The Committee recommends a separation of powers, as is found in most major governments. Testimony before the Committee almost unanimously endorsed the concept of a strong executive, in charge of county administration, balanced by an independent Board of Commissioners. Under the

present system, "the hand that spends the money also holds the gavel on the body that appropriates the money." Such a system inhibits a truly independent evaluation of county management and county spending. It also tends to discourage initiative on the Board. The system also detracts from the chairman's ability to concentrate on administration. Finally, it diffuses responsibility, making it difficult for the people to know whom to blame or praise.

Separating the executive officer from the Board would give the Board complete independence in policy-making, legislation, budgeting and administrative oversight, and would enable the executive to concentrate on administration. This should enhance efficiency and economical management.

For balance, the County Executive should have a veto power. The primary reason for the veto is that it provides a dramatic way for the Executive to call public attention to the actions of the Board. This prospect will tend to make the Board more deliberate and responsible in its actions.

b. Districting

The Committee recommends that five commissioners be elected from five separate districts of the county. Recognizing the sharp differences of opinion on this question, the Committee first proposed compromise measures combining district and at-large representation. It soon became apparent that compromise was neither acceptable nor right. Given the choice, the Committee unanimously chose districting.

Districting will bring government closer to the people. It will no longer be possible for a commissioner or a challenger to win an election on name familiarity alone. Campaigns will not require heavy financing. A district of 115,000 is within reach of a reasonably financed and aggressive volunteer campaign, bringing home issues as well as names to the voters. The impact of neighborhood associations and other citizens' groups is increased five-fold. Also, each citizen will have a commissioner who is "his" or "her" representative on the Board.

The frequently expressed fears of districting seem unfounded in this system. The proposed districts are large enough that they are not "wards;" a measure of breadth of vision is necessary. Further, the primary responsibility for day-to-day operations lies with the County Executive elected county-wide. That Executive also has a veto power.

It is significant that after the Committee's preliminary report suggested separation of powers and a County Executive with a veto, testimony overwhelmingly supporting districting.

The districts were drawn by the County Elections Division, with only these directions:

(1) Legal requirements ("one-man, one-vote") must be satisfied.

(2) Boundaries should be recognizable to average citizens, using main streets as much as possible and leaving identifiable neighborhoods undivided by district boundaries.

(3) East County voters should be distributed somewhat in a north-south division between two districts.

(4) The predominantly minority neighborhoods should be in one district, so that at least one commissioner is particularly responsive to the needs of that community.

c. Cost Limitation

Since the above changes will add one commissioner to the present number (the present Chairman will continue as the County Executive), the Committee felt it should address concern for rising costs of government. The Committee is convinced that the change can be accomplished without any increase in cost. Accordingly, the measure provides that total appropriations for the County Executive and Board for the first year of operation of the amended Charter may not exceed total appropriations for the chairman and Board for the preceding year. The measure further provides that further increases must be only such as are "necessary and consistent with economical management." Thus, economy is for the first time written into the Charter.

d. Full-Time Commissioners

Although some sentiment was expressed for part-time commissioners, there was no significant demand in this regard, and the expert testimony before the Commission was almost unanimous to the effect that the job is or should be full time, particularly if the Commission is to be districted and independent of the County Executive. The functions of policy-making, administrative oversight, legislation and budgeting, together with other responsibilities of county government, are substantial. As one witness put it, part-time Commissioners would be "at the mercy of the bureaucrats." In addition, commissioners elected from districts should devote more time to personal contact with their constituents. It is difficult to determine a point at which a part-time commissioner is devoting sufficient time and energy to the office, so that the commissioner may be held accountable for neglect. Finally, part-time commissioners could develop outside interests which could create substantial conflicts of interest.

This and other subjects may be reviewed in the suggested 1983 review, but the Committee feels the new form of government should at least start out as a full-time job for the commissioners.

e. Four-Year Terms

The Committee decided against two-year terms, although there was some testimony supporting that idea. Rotating terms of office is an important factor in maintaining continuity in government, and this mandates four-year terms. Also, two-year terms require a commissioner to spend too much time campaigning.

f. No Limitation on Terms

The Commission decided against limiting commissioners to a certain number of terms of office. This decision is more properly one for the voters to decide in individual instances.

g. Filling Vacancies on Board

There was considerable testimony favoring filling commission vacancies by election, but it became clear to the Committee that any election plan which was designed to avoid legal and practical problems would not be much of a departure from the present system. The primary reason advocated for filling vacancies by election is that appointed commissioners get a "leg up" to succeed themselves in the next election. The Committee addressed this concern with a provision that persons appointed to the Board of Commissioners to fill vacancies could not succeed themselves in the next election.

This prohibition was not extended to the County Executive. It was felt that this position requires a high degree of executive and administrative ability, and that it might be difficult for the Board to attract qualified appointees on a "caretaker" basis.

h. Transition

In transition, the Committee, although with dissent, concluded that the "new" commissioner should be elected from the East district. This decision has only short-range consequences, and seemed to the majority to be a reasonable recognition of the East County citizens who most persistently expressed to the Committee their requests for more responsive government.

Having made this decision, the Committee then assigned other districts as closely as possible on the basis of the present residence of incumbent commissioners and candidates, although that was necessarily inexact and to some degree speculative. To minimize personal disruption for the commissioners in office when the new Charter takes effect, they are allowed to run once for re-election without establishing residence in their districts.

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Measure #2: Anti-Discrimination

The Committee was impressed by testimony, particularly by representatives of the League of Women Voters, that the Charter is out of step with the times in its sexist references, and in other discriminatory aspects. The anti-discrimination clause should be brought in line with state law so that the Charter no longer appears to permit the county to discriminate in employment on the basis of sex and age. Further, the universal use of masculine pronouns in the Charter to describe county officers should be eliminated.

Measure #3: Future Charter Review

The Committee felt that Charter review should be a periodic exercise, and that the format for appointment of this Committee was satisfactory. However, it felt the next Committee should have more time. Another review was recommended for the 1984 election, but with an earlier appointment of the Committee.

The Committee heard testimony advocating giving the Board powers to order the administrative branch to comply with recommendations of the Auditor. The majority of the Committee felt that this created legal problems, violated the essential principle of separation of powers of the legislative and executive branches, and compromised the independence of the Auditor by posing the possibility that the Auditor might be reviewing actions that in effect were being conducted pursuant to directives of the Auditor. The Committee felt that it was unable to make a thorough analysis of the Auditor's role in county government, and felt that the concern expressed by witnesses in this regard was sufficient to justify directing the 1984 Committee to study this subject.

Measure #4: Nonpartisan Elections

The Committee heard diverse and intense opinions on the subject of nonpartisan elections. In the end, a majority was formed between Committee members who advocated nonpartisan election and members who felt that, regardless of the merits of the question, it had generated sufficient public support to warrant placing the question on the ballot for the voters to decide. The final vote was close, but was not strictly partisan. The majority consisted of five Republicans and three Democrats; the minority was five Democrats and one Republican. The Chairman (Republican) abstained, and one Republican member was absent.

Measure #5: Revenue Bonding

The Committee was convinced that this measure, although likely to generate considerable opposition, is needed to facilitate efficient and economical financing of

valuable public-interest projects. The Board should have the flexibility to move without undue delay where public financing is necessary to serve a public need.

Bonding authorized by this measure is strict revenue bonding, not repayable from taxes. It is subject to referendum. This latter provision should operate as an effective check on abuse of the power.

ACKNOWLEDGMENTS

The Committee greatly appreciates the efforts of the organizations and individuals who assisted it in its work. An adequate listing is impossible, but we would offer the following partial listing:

The Board of Commissioners was ready with assistance where needed, and abstained entirely from applying pressure on the Committee. The Elections Division, particularly Allan Robertson, was invaluable in offering technical advice and doing the difficult job of drawing district boundaries. The Portland Chamber of Commerce (through Ned Look) and the League of Women Voters (through Judy Keltner, Ann Porter and others) offered particularly thoughtful and considered comments, and aided in attracting public participation in the Committee process. Many private citizens, most notably Richard Botteri, Tom Dennehy, Harry Conway and Dave Sylvan, gave a considerable measure of time and thought to offering suggestions and criticisms.

Respectfully submitted,

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

John R. Faust, Jr., Chairman

Terry G. Hannon, Vice Chairman
Robert A. Burkholder
Del Greenfield
Jean Haliski
Kenneth Innis
Norman L. Lindstedt
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1) What type of fleet does your firm operate? (If not a fleet, skip to question 1b)

- a Contract/Common Carrier
- b Lease/Rental
- c Bus Transportation

Private Fleets

- e Food Production/Processing
- f Construction/Mining/Logging
- g Petroleum Production/Marketing
- h Utility
- j Retail/Wholesale
- i Manufacturing/Processing
- k Government
- d Other Private Fleets (please specify) _____

1b) If not a fleet, what best describes your basic business as it relates to a truck and/or bus fleet?

- m Vehicle Dealer of trucks, tractors, trailers, buses, etc.
- o Independent Fleet Service/Repair Specialist
- n Wholesaler of components, parts, supplies or equipment
- p Others (please specify) _____

2) What is the total number of vehicles or pieces of equipment based or controlled from this location (including straight trucks, truck tractors, trailers, buses & off-road vehicles)?

- b 5-9
- e 50-99
- h 500-799
- c 10-24
- f 100-299
- i 800-999
- d 25-49
- g 300-499
- j 1,000 or more

3) Does your fleet include the following vehicles?

- Yes No (a) Class 1 and/or 2 (light duty – under 10,000 GVW)
- Yes No (b) Class 3, 4 and/or 5 (10,001/19,500 GVW)
- Yes No (c) Class 6 (medium duty – 19,501/26,000 GVW)
- Yes No (d) Class 7 (heavy duty – 26,001/33,000 GVW)
- Yes No (e) Class 8 (heavy duty – over 33,000 GVW)
- Yes No (f) Diesel Powered Vehicles

• Are you involved in the purchasing or specifying of Trucks, Trailers, Buses, and/or components? Yes No

• Are you involved in the purchasing or specifying of replacement parts, supplies, shop equipment used for maintenance and repair? Yes No

• Are you responsible for the management of the maintenance and/or operating performance of your company's trucking equipment? Yes No

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