

DRAFT AMENDMENTS - JULY 1978

1/002

as revised
7/24

MEASURE 1

PROPOSED AMENDMENTS SEPARATING COUNTY EXECUTIVE & LEGISLATIVE FUNCTIONS, CREATING DISTRICT REPRESENTATION AND PROVIDING FOR TRANSITION

Chapter III

GOVERNING BODY

3.10 Delete in its entirety.

3.10 MEMBERSHIP. The governing body shall be a board of five county commissioners, elected from districts as herein established and described. Descriptions for each district are based on enumeration districts, block groups and census tracts as employed by the United States Department of Commerce, Bureau of The Census, in compiling the 1970 decennial census.

- (1) Position No. 1 shall be occupied by that Commissioner elected from or appointed to the West District, the boundaries of which are as follows:
- (2) Position No. 2 shall be occupied by that Commissioner elected from or appointed to the North District, the boundaries of which are as follows:
- (3) Position No. 3 shall be occupied by that Commissioner elected from or appointed to the Central District, the boundaries of which are as follows:
- (4) Position No. 4 shall be occupied by that Commissioner elected from or appointed to the South District, the boundaries of which are as follows:
- (5) Position No. 5 shall be occupied by that Commissioner elected from or appointed to the East District, the boundaries of which are as follows:

3.15 APPORTIONMENT OF COMMISSIONER DISTRICTS.

Within thirty days of the official release of each federal decennial census for Multnomah County, the auditor shall determine the population distribution among the commissioner districts specified by this charter. If the population of any commissioner district is more than 115 percent of the population of any other commissioner district, the auditor, in consultation with the Multnomah County Elections Division, shall prepare and

present to the board of county commissioners, within that thirty-day period, a plan for modifying the boundaries of the districts so that the population of no commissioner district will be more than 110 percent of the population of any other commissioner district, notwithstanding the delineation of commissioner districts by this charter. The board of county commissioners shall, within 45 days of the submission of the report, alter the boundaries of the commissioner districts as necessary by ordinance to provide for an approximately equal population distribution. Change in boundaries of the districts shall not affect the continuance in office of a commissioner or taking of office of a commissioner-elect with respect to the term of office for which elected prior to the adoption of the reapportionment. The auditor shall, as nearly as possible, retain the general geographic characteristics of districts in the plan as when districts were first established.

3.20 ELECTION. Except as this charter provides to the contrary,

- (1) each member of the board shall be nominated and elected [from the county at large,] from a district, by position;
- [(2) at the general November election in 1978 and every fourth year thereafter a commissioner shall be elected to each odd-numbered position on the board;
- (3) at the general November election in 1980 and every fourth year thereafter a commissioner shall be elected to each even-numbered position on the board; and]
- (2) commissioner terms shall be four years; and
- [(4)] (3) at each [of the] election[s], of the candidates for position on the board, the one who receives the highest number of votes cast for any candidate for that position shall be the one elected or nominated to it.

*Drenfield's
questions*

3.40 CONCURRENCE REQUIRED FOR ACTION. Except as this charter provides to the contrary, the board may act only with the affirmative concurrence of a majority of its members[.] present at a meeting.

3.50 MEETINGS.

- (1) The board shall adopt and publish rules for the conduct of its meetings and shall conduct the meetings in accordance with the rules.

- (2) The board shall schedule its regular meetings in accordance with the rules.
- (3) The [chairman] presiding officer or three other board members may call special meetings of the board, provided each board member not issuing the call is sent notice of the call in accordance with the board's rules. No board action at a special meeting, except adoption of an emergency ordinance, shall have effect after the next regular board meeting unless ratified at the meeting.
- (4) Notice of the time and place of a board meeting, including an agenda of all action to be considered at the meeting, shall be posted in a conspicuous place in the county courthouse
 - (a) at least 72 hours immediately preceding the meeting, in case of a regular meeting, and
 - (b) at least [3] 24 hours immediately preceding the meeting, in case of a special meeting.Copies of the notice shall be available at the courthouse to interested persons throughout the time that the notice is required to be posted. The board may, however, take action on an item not on the agenda if the board deems that an emergency requires the action and if all the members of the board who are present affirmatively concur in the action.
- (5) The board shall keep a journal of its proceedings. The journal shall be accessible to the public during regular office hours.

3.60 [VICE CHAIRMAN.] PRESIDING OFFICER. At its first meeting each calendar year the board shall choose a [vice chairman] presiding officer and vice-presiding officer from its members. [He] The presiding officer shall preside at board meetings. The vice-presiding officer shall preside whenever the [chairman] presiding officer is absent [therefrom and shall serve as chairman pro tem of the board when the chairman] or is incapacitated from serving. [as such, but his administrative acts as chairman pro tem shall have effect only if ratified by the other board members exclusive of the chairman.]

3.70 ADVISORY BOARDS AND COMMISSIONS.

- (1) The board may by ordinance create such advisory county boards and commissions as in its judgment the interests of the county require.
- (2) Members of the boards and commissions shall be appointed by the [board chairman] County Executive with the approval of the board.

[3.80 BOARD MEMBERS AND ADMINISTRATIVE PERSONNEL. No board member except the chairman may give orders to an administrative officer or employee of the county.]

4.10 QUALIFICATIONS.

- (1) An elective officer of the county shall have been a qualified elector of the county for a year and a half immediately before becoming such an officer[.] and, if a candidate for, or appointee to, a county commissioner position, then a resident of the district for a year and a half immediately before becoming such a commissioner, except as provided in Section 13.20.

*Separate (to end of measure)
& caption*

4.30 COMPENSATION. The compensation of all officers of the county shall be fixed by the board of county commissioners; provided, however, total appropriations for the board of county commissioners for the 1979-80 fiscal year shall not exceed the appropriations for the board of county commissioners for the 1978-79 fiscal year, and annual increases thereafter shall be only such as are necessary and consistent with economical management.

*total of the
and the
county
chairman*

And the city exec.

4.40 VACANCIES -- CAUSES. 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;] ceasing to reside within Multnomah County, or, if a commissioner, [ceasing to reside

within the district from which elected or appointed
except as otherwise provided by Sections 3.15
and 13.20, ~~or inability to obtain a corporate~~
~~surety bond as required by Section 4.10(2).~~ delete

- (2) upon the failure of the person elected or appointed to the office to qualify for it within ten 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,] or County Executive 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.

4.50 [Delete in entirety]

4.50 VACANCIES-FILLING.

- (1) The board of county commissioners shall, by ordinance, provide for filling any vacancy in an elective office of the county.
- (2) If the vacancy occurs 12 months or more from the end of the term of the last person elected to the office, a special election will be called to be held within 75 days to elect an officer to complete the vacated term. If, however, a vacancy occurs within 150 days prior to the next county-wide election, then the vacancy shall be filled at such county-wide election. The board of county commissioners may appoint a person to fill any vacancy until the election as herein provided. Persons elected to office shall take office upon receiving a certificate of election from the county elections officer.
- (3) Nominations for candidacy shall be by petition, signed by not less than 250 qualified voters within a district, for commissioner position, or within the county, for auditor or County Executive position. Petitions may identify party affiliation of the nominee, if partisan elections are allowed by this charter, or nonpartisan, and the ballots shall so state.
- (4) If the vacancy occurs less than 12 months from the end of the term of the last person elected to the office, the board of county commissioners shall appoint an officer to complete the vacant term.

- (5) If a vacancy occurs in the office of County Executive, then the Auditor or, if the Auditor is incapacitated, the presiding officer of the board of county commissioners, shall perform the functions of the office of County Executive, without additional compensation, (or at compensation established for the County Executive) until the vacancy is filled.
- (6) Persons appointed to fill a vacancy as county commissioner shall not be a candidate for election to that position at the next election.

ALTERNATE

4.50 VACANCIES -- FILLING.

- (1) The board of county commissioners shall promptly fill any vacancy in an elective office of the county.

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

- (a) the term of the appointee shall run until the beginning of the first odd-numbered year after the vacancy occurs and
- (b) at the first general November election after the vacancy occurs, a person shall be elected to fill the vacancy for two years.

The board of county commissioners shall by ordinance prescribe one or more procedures by which candidates to fill such a vacancy may be nominated and elected for the two-year term.

- (3) If the office becomes vacant 21 months or more after the beginning of the term of office of the person last elected to the office, the term of office of the appointee shall be the remainder of the term of office of the electee.
- (4) Persons appointed to fill a vacancy as county commissioner shall not be a candidate for election to that position at the next election. *(to fill a two year term)*

5.40 AUTHENTICATION. An ordinance adopted by the board shall, within three days of its adoption, be signed [by the presiding officer of the board] or vetoed by the County Executive. A veto

shall be accompanied by a statement of objections and filed with the presiding officer of the board of commissioners. The board may override a veto by a vote of four members of the board no later than, or at, the next regular meeting of the board. The veto power shall extend only to legislative ordinances, and shall not apply to adoption of the county budget.

5.50 TIME OF EFFECT.

- (1) A nonemergency ordinance shall take effect on the thirtieth day after it is [adopted,] signed by the County Executive unless
 - (a) it prescribes a later date for it to take effect
or
 - (b) it is referred to the voters of the county, in which event it shall take effect only upon receiving their approval.
- (2) An emergency ordinance may take effect immediately upon being [adopted] signed by the County Executive.

6.10 [CHIEF] COUNTY EXECUTIVE. The [chairman of the board of county commissioners] County Executive

- (1) shall be the chief executive officer of the county;
- (2) [shall preside over] may attend and be heard at meetings of the board [and have a vote on each matter before the board;] but shall have no vote;
- (3) [may] shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, [except that his] except for the personal staff, employees, or agents of the commissioners, auditor, judges and district attorney. [a]Appointment of department heads shall be [with the board's approval] subject to consent of the board of commissioners;
- (4) shall execute the policies of the board and the ordinances of the county; [and]
- (5) shall sign all contracts, bonds, and other instruments requiring county consent;
- (6) shall prepare the county budget for submission to the board; and

- [(5)] (7) may delegate his administrative powers but shall retain full responsibility for the acts of his subordinates.

13.15 EFFECTIVE DATE OF AMENDMENT. This amendment shall take effect July 1, 1979; provided, however, it shall take effect November 7, 1978 for the purpose of electing the county executive, and commissioners and determining the position for which elected or to be elected.

13.20 [delete existing]

- (1) The commissioner elected to Position No. 1 on November 7, 1978, shall occupy the position of County Executive for a term ending December 31, 1982. The County Executive shall be elected at large thereafter. *- Clark*
- (2) The commissioner occupying Position No. 2 prior to November 7, 1978, shall occupy Position No. 3 for a term ending December 31, 1980. *Mosell (Central) Corbett*
- (3) The commissioner elected to Position No. 3 on November 7, 1978, shall occupy Position No. 4 for a term ending December 31, 1982. *S.E.*
- (4) The commissioner occupying Position No. 4 prior to November 7, 1978 shall occupy Position No. 1 for a term ending December 31, 1980. *Buchanan (West)*
- (5) The commissioner elected to Position No. 5 on November 7, 1978, shall occupy Position No. 2 for a term ending December 31, 1982. *Roberts*
- (6) Position No. 5 shall be filled by a special election to be called by the board to be held no later than June 28, 1979, for a term ending December 31, 1980. Candidates shall be nominated by a petition signed by 250 or more voters within the district in the manner prescribed by the ordinance adopted by the board which calls the election.
- (7) Commissioners in office on January 1, 1979 may continue to hold the office to which elected for the balance of the term to which elected without being a resident of the district which corresponds to the position number to which elected.

relected
may be re-elected to the position in
to for which they are assigned by this section at the next election
up to being a resident of the district for that position
first term
- 8 -
1 "free roll" past
the term they are in.

7/24/78

MEASURE 2

PROPOSED AMENDMENT CLARIFYING DISCRIMINATION

7.40 RIGHTS AND DUTIES OF PERSONNEL

- (1) The status of persons in the classified service shall, within the limitations of this charter,
 - (a) be based on merit and fitness and
 - (b) be governed by the civil service ordinance and rules promulgated thereunder.
- (2) No employee shall be refused employment or be discriminated against in any manner [because of race, religion, color, or national origin.] contrary to state law.
- (3) Persons in the classified service shall be subject to the restrictions in the laws of the state concerning political activities of persons in county civil service.
- (4) Persons in the classified service who are promoted into the unclassified service shall retain their civil service status in the grade from which so promoted.
- (5) References to the masculine gender in this charter are amended to refer to the feminine, neuter, or applicable noun, or appropriate combination thereof, where appropriate. The board shall, upon advice of legal counsel, make such changes in the next printing of the charter.

7/24/78

MEASURE 3

PROPOSED AMENDMENT
RELATING TO AUDITOR AUTHORITY

8.10 AUDITOR

- (1) The office of county auditor is hereby established.
- (2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected.
- (3) The auditor shall
 - (a) maintain a continuous audit of the financial affairs of the county,
 - (b) maintain a continuous internal audit of each administrative office and department of the county,
 - [(c) report to the board of county commissioners all irregularities that he finds in the financial affairs of the county, and
 - (d) affix responsibility for the irregularities.]
 - (c) report findings and recommendations to an audit committee of three members of the board of county commissioners who shall have authority to order compliance with audit recommendations when and as they deem it appropriate.
- (4) The board shall retain each report of the auditor as a public record for at least three years after receiving the report.

→ (Hannon amend.)

MEASURE 4

PROPOSED AMENDMENT
REVISING REVENUE BOND AUTHORITY

8.20

- [(2) The board may issue and sell revenue bonds only for purposes and in amounts authorized by the voters of the county.]
- (2) The board may, by ordinance, authorize the issuance and sale of revenue bonds to provide funds with which to acquire, construct, equip or improve revenue producing public purpose facilities. Such bonds shall be secured solely from the unobligated revenues produced by the facility, or similar facilities, and by, in the discretion of the board, mortgage or similar encumbrance upon the facility, and shall not be payable in any manner from taxes. The ordinance authorizing such issuance and sale shall be subject to referendum in accordance with Section 11.30 of this charter.

MEASURE 5

PROPOSED AMENDMENT CREATING
NONPARTISAN ELECTIVE OFFICES

11.15 NONPARTISAN OFFICES.

- (1) All elective county offices shall be nonpartisan.
- (2) The manner of nominating and electing officers shall be the same as that established by state law for nominating and electing circuit court judges, except as this charter provides to the contrary.
- (3) Petitions or declarations of candidacy shall contain no reference to any political party ballot or to the political party affiliation of the candidate. The petition or declaration may contain a statement of twelve words or less of any measure or principles the candidate advocates or of the candidate's qualifications for office and such statement shall appear on the election ballot.
- (4) When there is only one nominee for a vacant position, that person shall be the nominee for the office. The nominee's name shall not appear on the primary election ballot but shall appear on the general election ballot together with one space for write-in candidates.
- (5) Where there are ^{more than} two or more candidates for a position, all names shall appear on the primary election ballot. When any candidate receives a majority of all votes cast for the position, the name of that candidate shall be printed separately on the general election ballot and one space for write-in votes. If no candidate receives a majority of votes, the two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot.
- (6) If a candidate dies, withdraws, or becomes ineligible on or after the primary election date, candidates for the office shall be nominated by petition or assembly in the manner provided by state law for the nomination of independent candidates.

ALTERNATIVE

- passed*
- (5) Where there are ^{more than} two or more candidates for a position, all names shall appear on the primary election ballot. The two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot.

MEASURE 6

PROPOSED AMENDMENT REQUIRING
CHARTER REVIEW COMMITTEE IN 1988

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have [²16] members, appointed from each senatorial district having the majority of its voters within Multnomah County, who will choose their chairperson from among themselves and who shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state senate district located in Multnomah County shall[, within 30 days after the adoption of this Section,] appoint two ^{described above} ~~electors~~ ^{residents of Mult Co.} to the Committee. If the three appointers from any senate district cannot agree on either or both of the two persons they are to appoint, any two of the three appointers may choose one or both of the persons to be appointed.
- (3) The two electors appointed from each senate district shall not be registered in the same political party.
- (4) The following persons are not eligible for appointment to the Committee: The state senators and representatives who represent districts located in Multnomah County, [at the time of the adoption of this Section and], the Members of the Multnomah County Board of Commissioners [including Commission Chairman] and the County Executive, if any serving at the time of [adoption of this Section.] appointment.
- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the senate district from which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than ^{June 30, 1983,} January ~~1, 1988.~~

12.50 SCOPE OF COMMITTEE REVIEW

- (1) [Sixty days after the adoption of this Section,] The Committee shall commence study of the Charter by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses.
- (2) The Committee shall ^{review the charter & any issues relating thereto & shall specifically consider} ~~specifically consider each of the following four issues: the County Auditor & shall~~ ^{consider the role of the County Auditor}
- (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.
- (3) ~~The Committee~~ may also consider any other issue relating to the Charter.

12.60 REPORT OF COMMITTEE. Seventy-five days prior to the general election of [1978] 1988, the Committee shall report to the people and to the Board of County Commissioners their findings, conclusions and recommendations including any amendments they propose to the Charter.

12.70 SUBMISSION OF AMENDMENTS TO THE PEOPLE. All amendments proposed by the Committee shall be submitted to the people of Multnomah County at the [1978] ~~1988~~ general election.

1984.

As revised: 7/25/78

MEASURE 1

PROPOSED AMENDMENTS SEPARATING
COUNTY EXECUTIVE & LEGISLATIVE FUNCTIONS,
CREATING DISTRICT REPRESENTATION AND
PROVIDING FOR TRANSITION

Chapter III

GOVERNING BODY

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present to the board of county commissioners, within that thirty-day period, a plan for modifying the boundaries of the districts so that the population of no commissioner district will be more than 110 percent of the population of any other commissioner district, notwithstanding the delineation of commissioner districts by this charter. The board of county commissioners shall, within 45 days of the submission of the report, alter the boundaries of the commissioner districts as necessary by ordinance to provide for an approximately equal population distribution. Change in boundaries of the districts shall not affect taking of office of a commissioner-elect with respect to the term of office for which elected prior to the adoption of the reapportionment. The auditor shall, as nearly as possible, retain the general geographic characteristics of districts in the plan as when districts were first established.

3.20 ELECTION. Except as this charter provides to the contrary,

- (1) each member of the board shall be nominated and elected [from the county at large,] from a district, by position;
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- (3) at the general November election in 1980 and every fourth year thereafter a commissioner shall be elected to each even-numbered position on the board; and]
- (2) commissioner terms shall be four years; and
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4.40 VACANCIES -- CAUSES. An elective office of the county shall become vacant

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 - (a) death,
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 - (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;] ceasing to reside within Multnomah County, or inability to obtain a corporate surety bond as required by Section 4.10(2).
- (2) upon the failure of the person elected or appointed to the office to qualify for it within ten 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.

- (4) in the case of the County Executive, upon his absence from the county for 30 consecutive days without the consent of the board.

4.50 VACANCIES -- FILLING.

- (1) The board of county commissioners shall promptly fill any vacancy in an elective office of the county.
- (2) 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
- (a) the term of the appointee shall run until the beginning of the first odd-numbered year after the vacancy occurs and
- (b) at the first general November election after the vacancy occurs, a person shall be elected to fill the vacancy for two years.
- The board of county commissioners shall by ordinance prescribe one or more procedures by which candidates to fill such a vacancy may be nominated and elected for the two-year term.
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- (4) Persons appointed to fill a vacancy as county commissioner shall not be a candidate for election to that position at the next election.

following the term of appointment.

5.40 AUTHENTICATION. An ordinance adopted by the board shall, within three days of its adoption, be signed [by the presiding officer of the board] or vetoed by the County Executive. A veto shall be accompanied by a statement of objections and filed with the presiding officer of the board of commissioners. The board may override a veto by a vote of four members of the board no later than, or at, the next regular meeting of the board. The veto power shall extend only to legislative ordinances, and shall not apply to adoption of the county budget.

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November 7, 1978 for the purpose of electing the county executive, and commissioners and determining the position for which elected or to be elected.

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- (1) The commissioner elected to Position No. 1 on November 7, 1978, shall occupy the position of County Executive for a term ending December 31, 1982. The County Executive shall be elected at large thereafter.
- (2) The commissioner occupying Position No. 2 prior to November 7, 1978, shall occupy Position No. 3 for a term ending December 31, 1980.
- (3) The commissioner elected to Position No. 3 on November 7, 1978, shall occupy Position No. 4 for a term ending December 31, 1982.
- (4) The commissioner occupying Position No. 4 prior to November 7, 1978 shall occupy Position No. 1 for a term ending December 31, 1980.
- (5) The commissioner elected to Position No. 5 on November 7, 1978, shall occupy Position No. 2 for a term ending December 31, 1982.
- (6) Position No. 5 shall be filled by a special election to be called by the board to be held no later than June 28, 1979, for a term ending December 31, 1980. Candidates shall be nominated by a petition signed by 250 or more voters within the district in the manner prescribed by the ordinance adopted by the board which calls the election.
- (7) Commissioners in office on July 1, 1979 may be re-elected to the position to which they are assigned by this section in the next succeeding election without being a resident of the district which corresponds to the position number to which elected.

13.25 SPENDING LIMITATION. Total appropriations for the board of county commissioners and the County Executive for the 1979-80 fiscal year shall not exceed the total of appropriations for the board of county commissioners and the county chairman for the 1978-79 fiscal year, and annual increases thereafter shall be only such as are necessary and consistent with economical management.

MEASURE 2

PROPOSED AMENDMENT CLARIFYING DISCRIMINATION

7.40 RIGHTS AND DUTIES OF PERSONNEL

- (1) The status of persons in the classified service shall, within the limitations of this charter,
 - (a) be based on merit and fitness and
 - (b) be governed by the civil service ordinance and rules promulgated thereunder.
- (2) No employee shall be refused employment or be discriminated against in any manner [because of race, religion, color, or national origin.] contrary to state law.
- (3) Persons in the classified service shall be subject to the restrictions in the laws of the state concerning political activities of persons in county civil service.
- (4) Persons in the classified service who are promoted into the unclassified service shall retain their civil service status in the grade from which so promoted.
- (5) ^{also} References to the masculine gender in this charter shall refer to the feminine, neuter, or applicable noun, or appropriate combination thereof, where appropriate. The board shall, upon advice of legal counsel, make such changes in the next printing of the charter.

MEASURE 3

PROPOSED AMENDMENT
REVISING REVENUE BOND AUTHORITY

8.20

[(2) The board may issue and sell revenue bonds only for purposes and in amounts authorized by the voters of the county.]

(2) The board may, by ordinance, authorize the issuance and sale of revenue bonds to provide funds with which to acquire, construct, equip or improve revenue producing public purpose facilities. Such bonds shall be secured solely from the unobligated revenues produced by the facility, or similar facilities, and by, in the discretion of the board, mortgage or similar encumbrance upon the facility, and shall not be payable in any manner from taxes. The ordinance authorizing such issuance and sale shall be subject to referendum in accordance with Section 11.30 of this charter.

MEASURE 4

PROPOSED AMENDMENT REQUIRING
CHARTER REVIEW COMMITTEE IN ~~1984~~ 1983

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have [16] ^{resident of Mult. Co.} 2 members[,] appointed from each senatorial district having the majority of its voters within Multnomah County, who will choose their chairperson from among themselves and who shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state senate district located in Multnomah County shall[, within 30 days after the adoption of this Section,] ^{who reside} appoint two electors resident of Multnomah County to the Committee. If the three appointers from any senate district cannot agree on either or both of the two persons they are to appoint, any two of the three appointers may choose one or both of the persons to be appointed.
- (3) The two electors appointed from each senate district shall not be registered in the same political party.
- (4) The following persons are not eligible for appointment to the Committee: The state senators and representatives who represent districts located in Multnomah County, [at the time of the adoption of this Section and], the Members of the Multnomah County Board of Commissioners [including Commission Chairman] and the County Executive, if any, serving at the time of [adoption of this Section.] appointment.
- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the senate district from which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than June 30, 1983.

12.50 SCOPE OF COMMITTEE REVIEW

- (1) [Sixty days after the adoption of this Section,] The Committee shall commence study of the Charter by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses.
- [(2) The Committee shall specifically consider each of following four issues:
 - (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.
- (3) The Committee may also consider any other issue relating to the Charter.]
- (2) The Committee shall review the county charter and any issues relating thereto, including the role of the county auditor.

12.60 REPORT OF COMMITTEE. ^{Ninety five} ~~Seventy-five~~ days prior to the general election of [1978] 1984, the Committee shall report to the people and to the Board of County Commissioners their findings, conclusions and recommendations including any amendments they propose to the Charter.

12.70 SUBMISSION OF AMENDMENTS TO THE PEOPLE. All amendments proposed by the Committee shall be submitted to the people of Multnomah County at the [1978] 1984 general election.

MEASURE ^{#5}

PROPOSED AMENDMENT CREATING
NONPARTISAN ELECTIVE OFFICES

11.15 NONPARTISAN OFFICES.

- (1) All elective county offices shall be nonpartisan.
- (2) The manner of nominating and electing officers shall be the same as that established by state law for nominating and electing circuit court judges, except as this charter provides to the contrary.
- (3) Petitions or declarations of candidacy shall contain no reference to any political party ballot or to the political party affiliation of the candidate. The petition or declaration may contain a statement of twelve words or less of any measure or principles the candidate advocates or of the candidate's qualifications for office and such statement shall appear on the election ballot.
- (4) ^{Fewer} When there are two or less candidates for a position, ~~the nominee's names shall not appear on the primary election ballot.~~ Both names shall appear on the general election ballot.
- (5) When there are more than two candidates for a position, all names shall appear on the primary election ballot. The two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot.
- (6) If a candidate dies, withdraws, or becomes ineligible on or after the primary election date, candidates for the office shall be nominated by petition or assembly in the manner provided by state law for the nomination of independent candidates.

*There shall be
no primary
election for that
position.*

AGENDA

FIRST: RESOLVE OPTIONS ON MEASURES 1 and 5.

Measure No. 1

1. Section 3.20: Term limitation? *Failed - 3 supporting 10 - opposed*
2. Section 4.10, .40: District residence requirement? *passed - 13 opposed - 1*
3. Section 4.30: Options:
 - (1) Freeze Board alone, or *- 4 in favor*
 - (2) Freeze Board and Exec separately, or *- 1 in favor*
 - (3) Freeze Board and Exec in lump sum freeze. *- 7 - in favor - passed*
4. Section 4.50: Vacancies. Options: *motion - to not allow salaries of comm. be raised or lowered during their term of office - defeated*
 - (1) Election with caretaker clause, or *- 0*
 - (2) Election without caretaker clause or *- 0*
 - (3) *4.50 new caretaker provisions is present charter language* Caretaker clause only, no election, or *- 10 in favor*
 - (4) Leave as is.
5. Section 4.50: Vacancies. If we adopt a caretaker clause,
 - (1) Does it apply only to county commissioners, or
 - (2) Does it also apply to the county executive, auditor?*leave as is do not add anything*
6. Section 13.20: Transition. Options:
 - (1) Keep original lines, put Commissioner No. 2 in East District, or *- 8 opposed 4 - favor*
 - (2) Keep original lines, put No. 2 in Central District, with waiver of residency clause, or *8 passes grandfather for next term.*
 - (3) Change district lines to include No. 2 in Central District. *4 favor*

Measure No. 5

Section 11.15(5): Options if more than two candidates:

- (1) If one gets majority in Spring, is elected, or 5
- (2) Top two run off in Fall, regardless of vote in Spring. 9

SECOND: VOTE ON APPROVAL OF MEASURES.

- 1- Reorganization.
- 2- Combined: Discrimination in employment, gender changes in Charter.
- 3- Auditor.
- 4- Revenue binding.
- 5- Non-partisan elections.
- 6- Continuing Charter review.

THIRD: DETERMINATION OF PRIORITIES. WHICH GO ON THE BALLOT?
IN WHAT ORDER?

FOURTH: IF WE APPROVE SOME MEASURES BUT DECIDE NOT TO
PUT THEM ON THE BALLOT THIS YEAR, SHOULD WE RECOM-
MEND THEM FOR INCLUSION ON THE NEXT GENERAL ELECTION
BALLOT?

FIFTH: IF MEASURE NO. 6 IS TO GO ON THE BALLOT, OPTIONS:

- (1) What year?
- (2) Should we stipulate certain issues for study?
- (3) If yes on (2), what issues?

as revised
7/25/78

Originals

18 15

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

401 Wilcox Building, 506 S.W. 6th Avenue
Portland, Oregon 97204 · 227-1631



John R. Faust, Jr., Chairman
Robert A. Burkholder
Del Greenfield
Jean Haliski

Terry Hannon
Kenneth Innis
Norman Lindstedt
Robert L. Mitchell

Larry Mylnechuk
Jay K. Owen
Kay Pankratz
Vern B. Pearson

Anne F. Picco
Robert D. Scholz
William D. Williams
James W. Winters

Julie Keller Gottlieb,
Administrative Secretary

July 26, 1978

TO: CHARTER REVIEW COMMITTEE

FROM: JULIE

Enclosed are the amendments passed at the 7/24/78 meeting with revisions made by Dick Roberts 7/25/78. Also attached is the non partisan language which was defeated. If you have any questions, please call.

jkg

MEASURE 1

PROPOSED AMENDMENTS SEPARATING COUNTY EXECUTIVE & LEGISLATIVE FUNCTIONS, CREATING DISTRICT REPRESENTATION AND PROVIDING FOR TRANSITION

Chapter III

GOVERNING BODY

3.10 Delete in its entirety.

3.10 MEMBERSHIP. The governing body shall be a board of five county commissioners, elected from districts as herein established and described. Descriptions for each district are based on enumeration districts, block groups and census tracts as employed by the United States Department of Commerce, Bureau of The Census, in compiling the 1970 decennial census.

- (1) Position No. 1 shall be occupied by that Commissioner elected from or appointed to the West District, the boundaries of which are as follows:
- (2) Position No. 2 shall be occupied by that Commissioner elected from or appointed to the North District, the boundaries of which are as follows:
- (3) Position No. 3 shall be occupied by that Commissioner elected from or appointed to the Central District, the boundaries of which are as follows:
- (4) Position No. 4 shall be occupied by that Commissioner elected from or appointed to the South District, the boundaries of which are as follows:
- (5) Position No. 5 shall be occupied by that Commissioner elected from or appointed to the East District, the boundaries of which are as follows:

3.15 APPORTIONMENT OF COMMISSIONER DISTRICTS.

Within thirty days of the official release of each federal decennial census for Multnomah County, the auditor shall determine the population distribution among the commissioner districts specified by this charter. If the population of any commissioner district is more than 115 percent of the population of any other commissioner district, the auditor, in consultation with the Multnomah County Elections Division, shall prepare and

present to the board of county commissioners, within that thirty-day period, a plan for modifying the boundaries of the districts so that the population of no commissioner district will be more than 110 percent of the population of any other commissioner district, notwithstanding the delineation of commissioner districts by this charter. The board of county commissioners shall, within 45 days of the submission of the report, alter the boundaries of the commissioner districts as necessary by ordinance to provide for an approximately equal population distribution. Change in boundaries of the districts shall not affect taking of office of a commissioner-elect with respect to the term of office for which elected prior to the adoption of the reapportionment. The auditor shall, as nearly as possible, retain the general geographic characteristics of districts in the plan as when districts were first established.

3.20 ELECTION. Except as this charter provides to the contrary,

- (1) each member of the board shall be nominated and elected [from the county at large,] from a district, by position;
- [(2) at the general November election in 1978 and every fourth year thereafter a commissioner shall be elected to each odd-numbered position on the board;
- (3) at the general November election in 1980 and every fourth year thereafter a commissioner shall be elected to each even-numbered position on the board; and]
- (2) commissioner terms shall be four years; and
- [(4)] (3) at each [of the] election[s], of the candidates for position on the board, the one who receives the highest number of votes cast for any candidate for that position shall be the one elected or nominated to it.

3.40 CONCURRENCE REQUIRED FOR ACTION. Except as this charter provides to the contrary, the board may act only with the affirmative concurrence of a majority of its members[.] present at a meeting.

3.50 MEETINGS.

- (1) The board shall adopt and publish rules for the conduct of its meetings and shall conduct the meetings in accordance with the rules.

- (2) The board shall schedule its regular meetings in accordance with the rules.
- (3) The [chairman] presiding officer or three other board members may call special meetings of the board, provided each board member not issuing the call is sent notice of the call in accordance with the board's rules. No board action at a special meeting, except adoption of an emergency ordinance, shall have effect after the next regular board meeting unless ratified at the meeting.
- (4) Notice of the time and place of a board meeting, including an agenda of all action to be considered at the meeting, shall be posted in a conspicuous place in the county courthouse
 - (a) at least 72 hours immediately preceding the meeting, in case of a regular meeting, and
 - (b) at least [3] 24 hours immediately preceding the meeting, in case of a special meeting.Copies of the notice shall be available at the courthouse to interested persons throughout the time that the notice is required to be posted. The board may, however, take action on an item not on the agenda if the board deems that an emergency requires the action and if all the members of the board who are present affirmatively concur in the action.
- (5) The board shall keep a journal of its proceedings. The journal shall be accessible to the public during regular office hours.

3.60 [VICE CHAIRMAN.] PRESIDING OFFICER. At its first meeting each calendar year the board shall choose a [vice chairman] presiding officer and vice-presiding officer from its members. [He] The presiding officer shall preside at board meetings. The vice-presiding officer shall preside whenever the [chairman] presiding officer is absent [therefrom and shall serve as chairman pro tem of the board when the chairman] or is incapacitated from serving. [as such, but his administrative acts as chairman pro tem shall have effect only if ratified by the other board members exclusive of the chairman.]

3.70 ADVISORY BOARDS AND COMMISSIONS.

- (1) The board may by ordinance create such advisory county boards and commissions as in its judgment the interests of the county require.
- (2) Members of the boards and commissions shall be appointed by the [board chairman] County Executive with the approval of the board.

[3.80 BOARD MEMBERS AND ADMINISTRATIVE PERSONNEL. No board member except the chairman may give orders to an administrative officer or employee of the county.]

4.10 QUALIFICATIONS.

- (1) An elective officer of the county shall have been a qualified elector of the county for a year and a half immediately before becoming such an officer[.] and, if a candidate for, or appointee to, a county commissioner position, then a resident of the district for a year and a half immediately before becoming such a commissioner, except as provided in Section 13.20.

4.40 VACANCIES -- CAUSES. 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;] ceasing to reside within Multnomah County, or inability to obtain a corporate surety bond as required by Section 4.10(2).
- (2) upon the failure of the person elected or appointed to the office to qualify for it within ten 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.

- (4) in the case of the County Executive, upon his absence from the county for 30 consecutive days without the consent of the board.

4.50 VACANCIES -- FILLING.

- (1) The board of county commissioners shall promptly fill any vacancy in an elective office of the county.
- (2) 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
- (a) the term of the appointee shall run until the beginning of the first odd-numbered year after the vacancy occurs and
 - (b) at the first general November election after the vacancy occurs, a person shall be elected to fill the vacancy for two years.

The board of county commissioners shall by ordinance prescribe one or more procedures by which candidates to fill such a vacancy may be nominated and elected for the two-year term.

- (3) If the office becomes vacant 21 months or more after the beginning of the term of office of the person last elected to the office, the term of office of the appointee shall be the remainder of the term of office of the electee.
- (4) Persons appointed to fill a vacancy as county commissioner shall not be a candidate for election to that position at the next election.

5.40 AUTHENTICATION. An ordinance adopted by the board shall, within three days of its adoption, be signed [by the presiding officer of the board] or vetoed by the County Executive. A veto shall be accompanied by a statement of objections and filed with the presiding officer of the board of commissioners. The board may override a veto by a vote of four members of the board no later than, or at, the next regular meeting of the board. The veto power shall extend only to legislative ordinances, and shall not apply to adoption of the county budget.

5.50 TIME OF EFFECT.

- (1) A nonemergency ordinance shall take effect on the thirtieth day after it is [adopted,] signed by the County Executive unless
 - (a) it prescribes a later date for it to take effect or
 - (b) it is referred to the voters of the county, in which event it shall take effect only upon receiving their approval.
- (2) An emergency ordinance may take effect immediately upon being [adopted] signed by the County Executive.

6.10 [CHIEF] COUNTY EXECUTIVE. The [chairman of the board of county commissioners] County Executive

- (1) shall be the chief executive officer of the county;
- (2) [shall preside over] may attend and be heard at meetings of the board [and have a vote on each matter before the board;] but shall have no vote;
- (3) [may] shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, [except that his] except for the personal staff, employees, or agents of the commissioners, auditor, judges and district attorney. [a]Appointment of department heads shall be [with the board's approval] subject to consent of the board of commissioners;
- (4) shall execute the policies of the board and the ordinances of the county; [and]
- (5) shall sign all contracts, bonds, and other instruments requiring county consent;
- (6) shall prepare the county budget for submission to the board; and
- [(5)] (7) may delegate his administrative powers but shall retain full responsibility for the acts of his subordinates.

13.15 EFFECTIVE DATE OF AMENDMENT. This amendment shall take effect July 1, 1979; provided, however, it shall take effect

November 7, 1978 for the purpose of electing the county executive, and commissioners and determining the position for which elected or to be elected.

13.20 [delete existing]

- (1) The commissioner elected to Position No. 1 on November 7, 1978, shall occupy the position of County Executive for a term ending December 31, 1982. The County Executive shall be elected at large thereafter.
- (2) The commissioner occupying Position No. 2 prior to November 7, 1978, shall occupy Position No. 3 for a term ending December 31, 1980.
- (3) The commissioner elected to Position No. 3 on November 7, 1978, shall occupy Position No. 4 for a term ending December 31, 1982.
- (4) The commissioner occupying Position No. 4 prior to November 7, 1978 shall occupy Position No. 1 for a term ending December 31, 1980.
- (5) The commissioner elected to Position No. 5 on November 7, 1978, shall occupy Position No. 2 for a term ending December 31, 1982.
- (6) Position No. 5 shall be filled by a special election to be called by the board to be held no later than June 28, 1979, for a term ending December 31, 1980. Candidates shall be nominated by a petition signed by 250 or more voters within the district in the manner prescribed by the ordinance adopted by the board which calls the election.
- (7) Commissioners in office on July 1, 1979 may be re-elected to the position to which they are assigned by this section in the next succeeding election without being a resident of the district which corresponds to the position number to which elected.

13.25 SPENDING LIMITATION. Total appropriations for the board of county commissioners and the County Executive for the 1979-80 fiscal year shall not exceed the total of appropriations for the board of county commissioners and the county chairman for the 1978-79 fiscal year, and annual increases thereafter shall be only such as are necessary and consistent with economical management.

MEASURE 2

PROPOSED AMENDMENT CLARIFYING DISCRIMINATION

7.40 RIGHTS AND DUTIES OF PERSONNEL

- (1) The status of persons in the classified service shall, within the limitations of this charter,
 - (a) be based on merit and fitness and
 - (b) be governed by the civil service ordinance and rules promulgated thereunder.
- (2) No employee shall be refused employment or be discriminated against in any manner [because of race, religion, color, or national origin.] contrary to state law.
- (3) Persons in the classified service shall be subject to the restrictions in the laws of the state concerning political activities of persons in county civil service.
- (4) Persons in the classified service who are promoted into the unclassified service shall retain their civil service status in the grade from which so promoted.
- (5) References to the masculine gender in this charter shall refer to the feminine, neuter, or applicable noun, or appropriate combination thereof, where appropriate. The board shall, upon advice of legal counsel, make such changes in the next printing of the charter.

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PROPOSED AMENDMENT
REVISING REVENUE BOND AUTHORITY

8.20

[(2) The board may issue and sell revenue bonds only for purposes and in amounts authorized by the voters of the county.]

(2) The board may, by ordinance, authorize the issuance and sale of revenue bonds to provide funds with which to acquire, construct, equip or improve revenue producing public purpose facilities. Such bonds shall be secured solely from the unobligated revenues produced by the facility, or similar facilities, and by, in the discretion of the board, mortgage or similar encumbrance upon the facility, and shall not be payable in any manner from taxes. The ordinance authorizing such issuance and sale shall be subject to referendum in accordance with Section 11.30 of this charter.

MEASURE 4

PROPOSED AMENDMENT REQUIRING
CHARTER REVIEW COMMITTEE IN 1988

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have [16] 2 members[,] appointed from each senatorial district having the majority of its voters within Multnomah County, who will choose their chairperson from among themselves and who shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state senate district located in Multnomah County shall[, within 30 days after the adoption of this Section,] appoint two electors resident of Multnomah County to the Committee. If the three appointers from any senate district cannot agree on either or both of the two persons they are to appoint, any two of the three appointers may choose one or both of the persons to be appointed.
- (3) The two electors appointed from each senate district shall not be registered in the same political party.
- (4) The following persons are not eligible for appointment to the Committee: The state senators and representatives who represent districts located in Multnomah County, [at the time of the adoption of this Section and], the Members of the Multnomah County Board of Commissioners [including Commission Chairman] and the County Executive, if any serving at the time of [adoption of this Section.] appointment.
- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the senate district from which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than June 30, 1983.

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- [(2) The Committee shall specifically consider each of
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Commissioners from single-member districts
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 - (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.
- (3) The Committee may also consider any other issue
relating to the Charter.]
- (2) The Committee shall review the county charter and any
issues relating thereto, including the role of the county
auditor.

12.60 REPORT OF COMMITTEE. Seventy-five days prior to the
general election of [1978] 1984, the Committee shall report to
the people and to the Board of County Commissioners their
findings, conclusions and recommendations including any amendments
they propose to the Charter.

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MEASURE ____

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