

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 98-116

**SUBMIT TO THE VOTERS CHARTER AMENDMENTS PROPOSED BY THE
COUNTY CHARTER REVIEW COMMITTEE**

The Multnomah County Board of County Commissioners (Board) finds:

- A. The Multnomah County Home Rule Charter (Charter) creates a Charter Review Committee (Committee) and directs it to review the Charter and any issues relating thereto.**
- B. The Charter requires the Committee to report to the people and the Board its findings, conclusions, and recommendations including any amendments proposed to the Charter.**
- C. The Committee has concluded its comprehensive study of the Charter and submitted its report to the Board. The Committee recommends ten separate measures amending the Charter for submission to the people of Multnomah County at the 1998 general election.**
- D. The Charter requires all amendments proposed by the Committee to be submitted to the People of Multnomah County at the 1998 general election.**

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:

- 1. The ten measures proposing amendments to the Charter recommended by the Committee are submitted to the people of Multnomah County at the November 3, 1998 general election.**
- 2. The ballot titles, explanatory statements and changes to the language of the Charter as approved by the Committee for the ten measures are attached as Exhibits A, B, C, D, E, F, G, H, I, and J.**

3. The ten measures, ballot titles, explanatory statements and Charter text are certified to the Director of the Multnomah County Division of Elections (Director).
4. The Director shall publish these measures submitted by the Charter Committee as if they were measures referred by the Board, and shall include them in the county voters' pamphlet.
5. All measures approved by a majority of voters at the November 3, 1998 election shall take effect November 4, 1998.

ADOPTED this 20th day of August 1998.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By



BALLOT MEASURE A

CAPTION: Multnomah County Charter Outdated Provisions

QUESTION: Shall the outdated parts of the County Charter be repealed?

STATEMENT: The County Charter Review Committee studied the words of each Charter section. Many sections and parts of sections are outdated and no longer needed. This measure repeals parts of nine Charter sections and repeals nine whole other sections. It makes no changes to county government. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

The Multnomah County Home Rule Charter took effect January 1, 1967. It began with 56 sections. It now has 64 sections. The voters have amended the Charter 32 times; 57 sections have been changed, many of them several times. Twelve new sections have been added. Four original sections have been repealed.

The Charter Review Committee carefully studied the Charter. It reviewed the words of each section. Some parts are outdated and no longer needed or useful. These parts can be repealed without changing county government structure or operations. The Committee proposes this measure. It will repeal nine outdated Charter sections. It will also delete parts of nine other sections.

The nine sections repealed were used to make transitions for earlier Charter amendments. The parts of sections deleted include: the 1980 legal descriptions of commission districts, notices requirement outdated by state law, an old reference to the county manager, and six references to dates that have past.

The measure takes effect on November 4, 1998.

CHAPTER III. GOVERNING BODY

3.10. Membership.

The governing body shall be a board of five county commissioners. The chair of the board shall be elected from the county at large. Four county commissioners shall be elected from districts as herein established and described. ~~Descriptions for each district are based on block groups and census tracts as employed by the United States Department of Commerce, Bureau of the Census, in compiling the 1980 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:

Bounded on the north by Columbia County; bounded on the east as follows: Washington State line at the Columbia River, south to Willamette River, south on the Willamette River to the Union Pacific R.R. at the Steel Bridge, east on the Union Pacific R.R. parallel to the Banfield Freeway to 21st Ave., south on 21st Ave. to 20th Ave., south on 20th Ave. to Stark St., east on Stark St. to 30th Ave., south on 30th Ave. to Hawthorne St., east on Hawthorne St. to 39th Ave., south on 39th Ave. and its extension to the Portland Traction R.R. right-of-way (40 Mile Loop Trail), southeast on the Portland Traction R.R. right-of-way to the Clackamas County line; bounded on the south by Clackamas County; and bounded on the west by Washington County. ~~This district consists of the following census tracts, block groups and blocks:~~

~~All of census tracts 1, 2, 9.01, 9.02, 10, 11.01, 11.02, 12.01, 12.02, 13.02, 21, 43, 45, 46.01, 46.02, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60.01, 60.02, 61, 62, 63, 64.01, 64.02, 65.01, 65.02, 66.01, 66.02, 67.01, 67.02, 68.01, 68.02, 69, 70, 71, 106.98, and 107.98; and those portions of census tracts as follows: that portion of tract 3.01 west of 39th Ave. consisting of blocks 106, 107, 108, 109, 110, 111, 114, 115, 116, 117, 118, 119, 123, 124, 125, 202, 203, 213, 214, 215, 216, 217, 219, 220, 221, 222, 223, 224, 225, 226, 228, 233, 234, 235, 236, 255, 256, 260, 262, and block group 3; and those portions of tract 3.02 south of the Portland Traction R.R. right of way (40 Mile Loop Trail), and west of 39th Ave. consisting of blocks 401, 402, 403, 404, 405, 406, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, block groups 5, 6, 7, and that portion of block 327 south of the Portland Traction R.R. right of way (40 Mile Loop Trail).~~

- (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:

Bounded on the north by the Washington state line at the Columbia River; bounded on the east and south as follows: beginning at the Washington State line and the Columbia River at a point west of Government Island, southeast along the south channel of the Columbia River to I-205, south on I-205 to Sandy Blvd., southwest on Sandy Blvd. to 82nd Ave., south on 82nd Ave. to the Union Pacific R.R. at the Banfield Freeway, west along the Union Pacific R.R. parallel to the Banfield Freeway to the Willamette River at the Steel Bridge; bounded on the west by the Willamette River. ~~This district consists of the following census tracts, block groups and blocks:~~

~~All of census tracts 22.01, 22.02, 23.01, 23.02, 24.01, 24.02, 25.01, 25.02, 26, 27.01, 27.02, 28.01, 28.02, 29.01, 29.02, 30, 31, 32, 33.01, 33.02, 34.01, 34.02, 35.01, 35.02, 36.01, 36.02, 36.03, 37.01, 37.02, 38.01, 38.02, 38.03, 39.01, 39.02, 40.01, 40.02, 41.01, 41.02, 42, 44, 44.99, 72.01, 72.02, 72.99, 74, 75, 76; and those portions of census tracts as follows: that portion of tract 73 west of I 205, consisting of block group 1; and that portion of tract 77 west of I 205, consisting of blocks 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, and block group 2, and that portion of block 102 west of I 205.~~

- (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:

Bounded on the north and east as follows: beginning at the intersection of 21st Ave. and the Union Pacific R.R. at the Banfield Freeway, east along the Union Pacific R.R. parallel to the Banfield Freeway to 82nd Ave., north on 82nd Ave. to Sandy Blvd., northeast and east on Sandy Blvd. to 121st Pl.; south on 121st Pl. to 122nd Ave., south on 122nd Ave. to the Portland Traction R.R. right-of-way (40 Mile Loop Trail), east on the Portland Traction R.R. right-of-way to 136th Ave., south on 136th Ave. to Foster Rd., west on Foster Rd. to 134th Ave. south on 134th Ave. to Deardorff Rd., south on Deardorff Rd. to the Clackamas County line; bounded on the south by Clackamas County; bounded on the west as follows: beginning at the Clackamas County line and the Portland Traction R.R. right-of-way (40 Mile Loop Trail) near Johnson Creek Blvd. and 45th Pl., northwest along the Portland Traction R.R. right-of-way to the extension of 39th Ave., north on the extension of 39th Ave. and 39th Ave. to Hawthorne Blvd., west on Hawthorne Blvd. to 30th Ave., north on 30th Ave. to Stark St., west on Stark St. to 20th Ave., north on 20th Ave. to 21st Ave. north on 21st Ave. to the Union Pacific R.R. at the Banfield Freeway. ~~This district consists of the following census tracts, block groups, and blocks:~~

~~All of census tracts 4.01, 4.02, 5.01, 5.02, 6.01, 6.02, 7.01, 7.02, 8.01, 8.02, 13.01, 14, 15, 16.01, 16.02, 17.01, 17.02, 18.01, 18.02, 19, 20, 29.03, 78, 80.01, 80.02, 81, 82.01, 82.02, 83.01, 83.02, 84, 85, 86, 87, 88; and those portions of census tracts as follows: that portion of tract 3.01 east of 39th Ave., consisting of blocks 101, 102, 103, 104, 105, 112, 113, 126, 127, 201, 204, 205, 206, 207, 208, 209, 210, 211, 212, 218, 242, and 243; that portion of tract 3.02 east of 39th Ave. and north of the Portland Traction R.R. right-of-way (40 Mile Loop Trail), consisting of blocks 407, 408, and 409, and block groups 1, 2, and 3 (except that portion of block 327 south of the Portland Traction R.R. right-of-way); that portion of tract 79 south of Sandy Blvd., consisting of blocks 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125 and 126, and block group 2; and, that portion of tract 89 generally west of 136th Ave., Foster Rd., 134th Ave., and Deardorff Rd., consisting of block groups 2, 3, and 4.~~

- (4) Position No. 4 shall be occupied by that commissioner elected from or appointed to the East District, the boundaries of which are as follows:

Bounded on the north by the Washington State line and the Columbia River; bounded on the east by Hood River County; bounded on the south by Clackamas County; and bounded on the west as follows: beginning at the intersection of the Clackamas County line and Deardorff Rd., north on Deardorff Rd. to 134th Ave., north on 134th Ave. to Foster Rd., east on Foster Rd. to 136th Ave., north on 136th Ave. to the Portland Traction R.R. right-of-way (40 Mile Loop Trail), west on the Portland Traction R.R. right-of-way to 122nd Ave., north on 122nd Ave. to 121st Pl., north on 121st Pl. to Sandy Blvd., west on Sandy Blvd. to I-205, north on I-205 to the south channel of the Columbia River, northwest on the south channel of the Columbia River to the Washington State line at a point west of Government Island. ~~This district consists of the following census tracts, block groups, and blocks:~~

~~All of census tracts 90, 91, 92.01, 92.02, 93, 94, 95, 96.01, 96.02, 97.01, 97.02, 98.01, 98.02, 99.01, 99.02, 99.03, 100, 101, 102, 103.01, 103.02, 104.02, 104.04, 104.05, 104.06, 104.07, and 105; and those portions of census tracts as follows: that portion of tract 73 east of I-205, consisting of block 1; that portion of tract 77 east of I-205, consisting of blocks 101, 129, 130, and that portion of block 102 east of I-205; that portion of tract 79 north of Sandy Blvd., consisting of blocks 101, 102, 103, and 108; and that portion of tract 89 generally east of 136th Ave., Foster Rd., 134th Ave., and Deardorff Rd., consisting of block group 1.~~

3.11. Transition.

~~This measure shall take effect January 1, 1987; provided, however, that it shall take effect January 1, 1986 for the purpose of electing the chair of the board and, if required, commissioners. Incumbent commissioners, otherwise qualified and eligible for holding office, may continue to hold the office for the term to which elected or appointed.~~

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 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 actions to be considered at the meeting, shall be **given in accordance with state law.** ~~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 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.

CHAPTER IV. COUNTY OFFICERS IN GENERAL

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.~~
- (2) Before the electee or appointee to an elective office takes the office he or she shall be eligible to be bonded. The county shall maintain a corporate surety bond for the faithful performance of its employees and holders of elective office.

4.30. Compensation of the chair and commissioners.

The auditor shall appoint a five-member salary commission, composed of qualified people with personnel experience, by January 1, ~~1986, and by January 1 in~~ **of** each even year ~~thereafter~~. The commission's salary adjustment recommendations, if any, for the chair of the board of county commissioners and the commissioners shall be submitted to the board. The board shall establish salaries for the chair and the commissioners, and such salaries shall not exceed the salaries recommended by the salary commission. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

CHAPTER VI. ADMINISTRATION

6.10. Chair of the board.

The chair of the board of county commissioners:

- (1) Shall be the chief executive officer and personnel officer of the county;
- (2) Shall preside over meetings of the board and have a vote on each matter before the board;
- (3) Shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, except for the personal staff, employees or agents of elective county offices.

Appointment of department heads shall be subject to consent of a majority of the board of commissioners;

- (4) Shall execute the policies of the board and the ordinances of the county;
- (5) Shall sign all contracts, bonds and other instruments requiring county consent;
- (6) Shall prepare the county budget for submission to the board; and
- (7) May delegate his or her administrative powers but shall retain full responsibility for the acts of his or her subordinates.
- (8) ~~The chair of the board of commissioners shall perform all functions assigned in this charter to the county executive. The chair shall receive the same salary as the county executive unless changed in accordance with section 4.30 of this charter. This charter may be restated by the office of county counsel to replace all references to the county executive with references to the chair of the board of commissioners.~~

6.20. Administrative departments and functions.

- 1. For purposes of county services and the administration of county affairs, the board of county commissioners shall establish administrative departments.
- 2. The board of county commissioners may establish, alter and abolish administrative departments as provided in this section. ~~All administrative departments in existence on January 1, 1985 shall continue until altered or abolished in accordance with this section.~~
- 3. The board of county commissioners
 - (a) Shall prescribe the functions of each administrative department of the county and
 - (b) May change the functions of any of the departments from time to time.
- 4. With the affirmative concurrence of four or more commissioners, the board of county commissioners may
 - (a) Establish additional administrative departments,
 - (b) Abolish any department,

- (c) Combine two or more departments into one, and
- (d) Separate departments so combined.

6.50. Sheriff; paid lobbyist[; successive terms, running for office in mid-term].

The people of Multnomah County shall elect:

- (1) A county sheriff for the function of said office as prescribed by state law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
 - (a) Notwithstanding any other charter provision to the contrary, the salary for the sheriff shall be fixed by the board of county commissioners in an amount which is not less than that for any member of the sheriff's office.
- ~~(2) [Amendment proposed by Ord. 427 § 2 (1984) (measure 8) (ballot measure 17) deleted elected county clerk (measure 7) (ballot measure 16) deleted elected district court clerk, and (measure 9) (ballot measure 18) deleted elected county assessor, adopted by people Nov. 6, 1984]~~
- (2)~~(3)~~ Multnomah County shall not employ or hire a paid lobbyist.
- (3)~~(4)~~ Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.
- (4)~~(5)~~ No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as a resignation, effective as of date of filing. "Mid-term" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

CHAPTER VII. PERSONNEL

7.10. Classified service.

The classified service of the county shall consist of all positions in the government of the county except those of

- (1) Elective officers,
- (2) Their personal assistants and secretaries,
- (3) Department heads,
- (4) ~~The county manager, and~~
- ~~(4)~~(5) Employees excluded by county ordinance.

CHAPTER VIII. FINANCE

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. A candidate for auditor shall be a certified public accountant or certified internal auditor as of the date of filing for office, subject to the following provision. ~~For the 1990 elections only, if a person is not a certified public accountant or certified internal auditor at the time of filing for office, the person elected or appointed to the office must obtain such certification not later than one year after taking office.~~ The office of auditor shall become vacant when the person serving as auditor ceases to be certified. Effective upon certification, the salary for the auditor shall be four-fifths of a [district] **circuit** court judge's salary.
- (3) The auditor shall conduct internal audits of all county operations and financial affairs and make reports thereof to the board of county commissioners according to generally accepted government auditing standards.

The chair of the board of commissioners or the responsible elected official shall respond in writing to all internal audit reports stating what actions have been or will be taken to address the findings contained in the audit. The written response shall be made to the board and the auditor in the manner and time frame requested by the auditor.

- (4) The board shall retain each report of the auditor and each response as a public record for at least three years after receiving the report and response.

~~11.10 Nomination and election of officers.~~

~~Except as this charter provides to the contrary, the manner of nominating and electing county officers shall be the manner prescribed by state law for the nomination and election of county officers in general.~~

CHAPTER XIII. TRANSITION

~~13.10. Time of effect.~~

~~This charter shall take effect January 1, 1967, except that it shall take effect July 1, 1966, insofar as necessary for the election of a board of county commissioners and an auditor at the general November election in 1966.~~

~~13.15. Effective date of amendment.~~

~~The amendments adopted at the general election of 1978, which are incorporated herein, shall take effect July 1, 1979; provided, however, they 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. County commissioners.~~

- ~~(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.~~

~~13.40. Nominating petitions.~~

~~A petition for nominating a candidate for election at the general November election in 1966 shall state that the candidate is a candidate for a political party or is a nonpartisan candidate. The ballot at the election shall indicate the party affiliation of each partisan candidate and shall identify each nonpartisan candidate as such.~~

~~13.50. Civil service commission.~~

~~This charter shall not affect the terms of office of members of the county civil service commission who are such at the time the charter is adopted.~~

~~13.60. Other officers.~~

~~(1) After January 1, 1967, and until the administrative departments that this charter establishes are set in operation, the board of county commissioners may continue in operation any office of the county that is in operation when the charter is adopted.~~

~~(2) The tenure in the service of the county of a county officer who is not mentioned in previous sections of this charter but who is in office at the~~

~~time this charter is adopted shall be for such time after the effective date of the charter as the board determines.~~

- ~~(3) The functions of an officer thus continued in the service of the county shall be the functions of the position to which the board chairman appoints him or her.~~

BALLOT MEASURE B

CAPTION: Multnomah County Charter Service Districts

QUESTION: Shall the service district parts of the Charter be deleted?

STATEMENT: The Charter Review Committee studied each Charter section. Some sections are no longer needed. This measure repeals the county service district sections. State law allows the county to create these districts. The measure does not change county power or services. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

The Multnomah County Home Rule Charter took effect January 1, 1967. Three sections are about county service districts. They were part of the original Charter. The sections have not been amended. The sections are have not been used.

The sections are not needed. State law gives counties power to create special districts. Part of one current section may limit county legal authority to provide water or fire services. The county does not provide these services so the limit is not a real one.

The Charter Review Committee recommends passage of this measure. It will repeal three unneeded Charter sections. It will not change county power or services.

The measure takes effect on November 4, 1998.

~~[CHAPTER IX. SERVICE DISTRICTS]~~

~~9.10. Authorization.~~

~~Subject to the limitations of this chapter, the board of county commissioners may provide through county service districts, for the special benefit of persons and property there,~~

- ~~(1) — Public water supply,~~
- ~~(2) — Public fire protection, and~~
- ~~(3) — Any service that the county may provide through such a district by authority of state law.~~

~~9.20. Limitation.~~

~~The county~~

- ~~(1) — May provide sanitary service only through county service districts and~~
- ~~(2) — May not provide water or fire protection to the public in territory where that service is furnished by a city or a special district.~~

~~9.30. State law.~~

~~The procedure for establishing, operating and dissolving a county service district and for changing its boundaries shall be the procedure prescribed for such action by state law.~~

BALLOT MEASURE C

CAPTION: Multnomah County Charter Review Committee.

QUESTION: Shall the Charter continue a Charter Review Committee?

STATEMENT: The Charter created the Charter Review Committee. The Committee believes a committee should study the Charter every six years. This is long enough for stability and short enough to make needed changes. This measure forms the next committee by August 30, 2003. It amends Charter sections 12.40, 12.50, 12.60 and 12.70. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

The Charter was amended in 1977 to create the Charter Review Committee. Amendments have been made to change the way appointments are made. As recommended by the 1990 Committee, the voters approved the current Committee.

A Charter Review Committee is a good way to keep the Charter current and effective. The Committee suggests a six-year period between Charter Committees. That period is a good balance between stability and change.

The Committee recommends passage of this measure. It will change the date of committee appointments from June 30 to August 30. State legislators will still make the appointments. This change will give them more time to act. There will be a committee in 2003 and then every six years.

12.40. Appointment of committee members.

The charter review committee shall be composed as follows:

- (1) The committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voters within Multnomah County. The committee shall choose their chairperson from among themselves and 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 appoint the electors for the district. Appointees shall reside in the district and Multnomah County. If the three appointers from any senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.
- (3) If two electors are appointed from a senate district, they 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 state representatives who represent districts located in Multnomah County, the members of the Multnomah County board of county commissioners, and the chair of the board, if any, serving at the time of appointment.
- (5) Any vacancy in the committee shall be filled by the senator and representatives from the senate district who had authority to make ~~from which the previous member was appointed, using the same method as used for~~ the original appointment.
- (6) Original appointments shall be made by ~~[not later than]~~ August ~~[June]~~ 30, 2003, and every six years thereafter ~~[1997]~~.

12.50. Scope of committee review.

- (1) 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 county charter and any issues relating thereto. **The committee shall review the section 4.30 process for adjusting compensation for commissioners.**

12.60. Report of committee.

At least 95 days prior to the primary or general election or both of **2004 and every six years thereafter** 1998, 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 county 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 **2004 and every six years thereafter** 1998 primary or general election, or both.

BALLOT MEASURE D

CAPTION: County Commissioner Districts

QUESTION: Shall the Charter require smaller population differences in commissioner districts?

STATEMENT: There are four county commissioner districts. The districts should have about equal population. The county auditor must check the districts each 10-years. No district may have more than 15 percent more people than any other district. If it does, then the auditor must change district boundaries. After the change, no district may have more than 10 percent more people than any other district. Computers now allow less size differences. This measure reduces the 15 percent trigger to 3 percent. It reduces the 10 percent limit to 2 percent. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

There are four county commissioner districts. The law requires that the districts have about equal population. The Charter says the county auditor must reapportion the districts every ten years. No district may have more than 115 percent the populations of any other district. If it does, the auditor must change the boundaries. After the changes, no district may have more than 110 percent the population of any other district.

The Auditor suggested the change. The Charter Review Committee studied this section. It feels that computers now permit the auditor to reduce district size differences. It backs passage of this measure. The measure will amend the Charter to reduce the trigger to 103 percent. It will reduce the limit to 102 percent. It takes effect on November 4, 1998.

3.15. Apportionment of commissioner districts.

Not later than August 1 in the year 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 **103** ~~[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 not later than August 1, a plan for modifying the boundaries of the districts so that the population of no commissioner district will be more than **102** ~~[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 established by this charter.

BALLOT MEASURE E

CAPTION: Interim County Commissioner.

QUESTION: Shall the Charter allow designation of interim county commissioner?

STATEMENT: This measure amends county Charter. The Charter now allows an interim person to fill some offices. They may fill a vacancy in the office of county Chair, Sheriff or Auditor. The current Charter does not allow an interim to fill a vacancy in the office of county Commissioner. Vacancies can make it hard for the county Board to do business. County services and programs can suffer if the Board cannot meet. It needs a quorum to meet. The Charter Review Committee backs this measure. It allows an interim commissioner to serve until someone is elected or appointed to fill the office. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

The Charter allows an interim to fill a vacancy in some county offices. They may fill a vacancy in the office of Chair, Sheriff or Auditor. In 1989 the Charter was amended for this purpose. The Charter does not allow an interim to fill a vacancy in the office of commissioner.

Vacancies in the office of commissioner can make it hard for the Board of Commissioners to conduct county business. The Board needs a quorum to meet. County services and programs can suffer if the Board cannot meet.

The Charter Review Committee recommends passage of this measure. It amends the Charter to permit an interim commissioner. An interim will only serve until someone is elected or appointed to fill the office.

The measure takes effect on November 4, 1998.

4.50. Vacancies--Filling.

- (1) If a vacancy occurs in an elective office of the county and the term of office expires:
 - (a) One year or more after the vacancy occurs, then a person shall be elected at the next available election date to fill the vacancy for the remainder of the term of office. If no candidate receives a majority of votes cast at that election, the board of county commissioners shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term. The board of county commissioners shall by ordinance prescribe procedures for nominating and electing persons to fill vacancies under this subsection.
 - (b) Less than one year but 90 days or more after the vacancy occurs, then the board of county commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.
 - (c) Less than 90 days after the vacancy occurs, the vacancy shall not be filled.
- (2) For purposes of this section 4.50, "term of office" means the term of office of the last person elected to the office which is vacant.
- (3) In the event of a vacancy in an elective ~~the office of chair, sheriff or auditor,~~ the board shall by ordinance prescribe procedures to designate an interim occupant of the office. The person so designated shall serve as acting chair, commissioner, sheriff or auditor, as the case may be, until the office is filled by election or appointment, as appropriate under section 4.50(1).

BALLOT MEASURE F

- CAPTION:** County Term Limits.
- QUESTION:** Shall the Charter limit on voters ability to elect a person to more than two four-year terms be repealed?
- STATEMENT:** The Charter limits public service in county elective offices. No person can serve more than two four-year terms. Voters cannot decide to keep a person in office. The Charter Review Committee feels that this rule costs the public. It leads to elected officials with less county experience and knowledge. The measure repeals Charter section 6.50(4). It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

This measure amends the Charter. It now limits a person to two full four-year terms in an elective office in any 12-year period. Voters cannot decide to keep a county elected official in office. A person is no longer eligible for county elected office.

The Charter Review Committee feels the limit costs the public. Elected officials gain useful experience and knowledge. The limit prevents voters from benefiting from it. Most other counties and cities do not have limits.

The Charter Review Committee recommends passage of this measure. It will repeal the county term limits.

It takes effect on November 4, 1998.

6.50. Sheriff; paid lobbyist; successive terms, running for office in mid-term.

- ~~(4) Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four year terms in any one elective county office within any 12 year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12 year period.~~

BALLOT MEASURE G

- CAPTION:** Multnomah County Running for Office Midterm.
- QUESTION:** Shall County elected officials be allowed to run for another elective office in midterm?
- STATEMENT:** The measure amends the Charter. It allows county elected officials to file for another office. The Charter now treats filing as a resignation. It cuts short county elected terms. It creates office vacancies. It causes more elections to fill offices. The Charter Review Committee feels this rule limits public service. The measure takes effect November 4, 1998.

EXPLANATORY STATEMENT

The county Charter does not allow running for another elective office in midterm. If a county official files for another office, it is the same as a resignation. Only in the last year of the term may the official file for another office.

The measure amends the Charter. It repeals the mid-term ban. It allows elected officials to file for another office. The Charter Review Committee feels that the current rule is unfair. It limits public service in county elected offices. It cuts short elected terms. It creates office vacancies. It results in more elections to fill offices.

The measure takes effect November 4, 1998.

6.50. Sheriff; paid lobbyist[; successive terms, running for office in midterm].

- (5) ~~No elected official of Multnomah County may run for another office in mid-term. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.~~

BALLOT MEASURE H

CAPTION: Multnomah County Lobbyist.

QUESTION: Shall County Charter be amended to repeal bar on county lobbyist?

STATEMENT: This amends county Charter. The Charter Review Committee favors passage. The measure allows the county to hire a lobbyist. The Charter now bars a paid county lobbyist. Applies to the state legislature in Salem. The county is not represented. The Committee believes this rule hurts the county and its citizens. All other counties and cities may have lobbyists. County interests are at a disadvantage. Takes effect November 4, 1998.

EXPLANATORY STATEMENT

The Charter Committee Review Committee recommends this measure. It repeals the bar on a paid county lobbyist. It allows the county to hire an advocate. This person will represent the county and its citizens at the state legislature in Salem.

A lobbyist provides information and advocates for issues. The county cannot fully represent its interests under the current Charter rule. County services and programs depend on many decisions made in Salem. The taxes paid by county citizens are also affected by state decisions.

The Committee thinks that county elected officials and county state legislators do not have the time, resources or expertise to act as county lobbyists.

The Committee feels it is in the best interests of county citizens for the county to repeal this bar.

The measure takes effect November 4, 1998.

6.50. Sheriff; paid lobbyist[; successive terms, running for office in midterm].

~~(3) Multnomah County shall not employ or hire a paid lobbyist.~~

BALLOT MEASURE I

- CAPTION:** Multnomah County Auditor
- QUESTION:** Shall County Charter be amended to allow auditor to perform performance audits?
- STATEMENT:** The Charter creates an elected county auditor. It now says the auditor must do "internal" audits. The Charter Review Committee believes that the auditor should do "performance" audits. It also wants the auditor to get more data about county services. It feels that this will do more for county citizens. This measure amends the Charter. It will make the auditor's job bigger. It takes effect November 4, 1998.

EXPLANATORY STATEMENT

This measure amends the auditor section of the county Charter. It now requires the auditor to conduct "internal" audits of county services. The Charter Committee thinks the auditor should be required to do "performance" audits.

This measure will change "internal" to "performance" audits. It will also allow the auditor to conduct studies to improve county efforts. The Committee found that county citizens will benefit if this measure is adopted. It concluded that the auditor's role should be increased.

The measure takes effect November 4, 1998.

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. A candidate for auditor shall be a certified public accountant or certified internal auditor as of the date of filing for office, subject to the following provision. ~~For the 1990 elections only, if a person is not a certified public accountant or certified internal auditor at the time of filing for office, the person elected or appointed to the office must obtain such certification not later than one year after taking office.~~ The office of auditor shall become vacant when the person serving as auditor ceases to be certified. Effective upon certification, the salary for the auditor shall be four-fifths of a district court judge's salary.
3. The auditor shall conduct ~~internal~~ **performance** audits of all county operations and financial affairs and make reports thereof to the board of county commissioners according to generally accepted government auditing standards. **The auditor may also conduct studies intended to measure or improve the performance of county efforts.**
4. The chair of the board of commissioners or the responsible elected official shall respond in writing to all ~~internal~~ audit reports stating what actions have been or will be taken to address the findings contained in the audit. The written response shall be made to the board and the auditor in the manner and time frame requested by the auditor.
5. The board shall retain each report of the auditor and each response as a public record for at least three years after receiving the report and response.

BALLOT MEASURE J

CAPTION: Multnomah County Elections

QUESTION: Shall County Charter be amended to allow instant runoff elections?

STATEMENT: The Charter now provides that the candidates who receive the most votes in a primary are in a runoff. The Oregon Constitution permits local laws to allow voters to mark first, second or additional choices among the candidates for any office. This measure amends the Charter to allow the Board of Commissioners to use an instant runoff election process. It does not require instant runoff. It takes effect November 4, 1998.

EXPLANATORY STATEMENT

This measure amends the election sections of the county Charter. They now require a runoff if no candidate receives a majority of the votes cast. The Charter Committee feels the Board of Commissioners should be able to adopt an instant runoff election process.

This measure will remove the automatic runoff provisions from the Charter. It will permit the Board to adopt a different runoff process.

The measure will take effect November 4, 1998.

4.50. Vacancies--Filling.

- (1) If a vacancy occurs in an elective office of the county and the term of office expires:
 - (a) One year or more after the vacancy occurs, then a person shall be elected at the next available election date to fill the vacancy for the remainder of the term of office. ~~If no candidate receives a majority of votes cast at that election, the board of county commissioners shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.~~ **The board of county commissioners shall by ordinance prescribe procedures for nominating and electing persons to fill vacancies under this subsection. The Board may provide for voters direct or indirect expressions of first, second or additional choices among the candidates for any office.**
 - (b) Less than one year but 90 days or more after the vacancy occurs, then the board of county commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.
 - (c) Less than 90 days after the vacancy occurs, the vacancy shall not be filled.

11.15. ELECTION OF OFFICERS [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.
- (4) The names of all candidates shall appear on the primary election ballot. If a candidate receives a majority of the votes cast for a position at the primary election, the candidate shall be elected to the position. If no candidate for a position at a primary election receives a majority of the votes cast for the position, ~~the two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot~~ **Board of County Commissioners**

shall by ordinance prescribe procedures for electing a candidate under this section. The board may provide for voters direct or indirect expressions of first, second or additional choices among the candidates or any office.

- (5) If a candidate dies, withdraws, or becomes otherwise 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.

[Amendment proposed by Ord. 170 § 7 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 § 2 (1984) (measures 2, 14) (ballot measures 11, 23), adopted by people Nov. 6, 1984]

BOARD OF
COUNTY COMMISSIONERS

98 SEP -9 AM 10:10

MULTNOMAH COUNTY
OREGON

FILED
SEP 04 1998
CLERK OF MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

GEORGE M. JOSEPH,

Petitioner,

v.

MULTNOMAH COUNTY, et al.

Respondents.

STATE OF OREGON ex rel. PHIL
KEISLING, in his capacity as Secretary of
State,

Co-Petitioner,

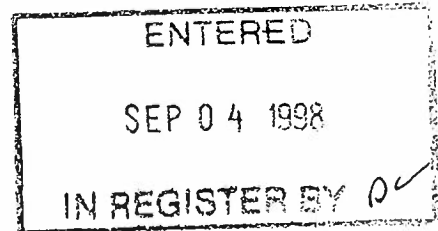
v.

MULTNOMAH COUNTY, et al.

Respondents.

No. 9808-06377

OPINION AND ORDER



This matter came before the Court at 9:30 a.m. on Thursday, September 3, 1998, pursuant to a PETITION TO CHALLENGE BALLOT TITLES AND EXPLANATORY STATEMENTS filed under Multnomah County Code Section 5.105(D) and ORS 250.195. The Petitioner was present and represented by counsel, Mr. Robert C. Cannon, OSB 72046. Respondents were represented by Multnomah County Counsel, Mr. Thomas Sponsler, OSB 75006. Intervenor and

Page 1 - OPINION AND ORDER

1 Co-Petitioner State of Oregon on relation of Secretary of State Phil Keisling was represented by
2 Assistant Attorney General William F. Cloran.

3 Submitted to the Court were the PETITION of elector George M. Joseph, the CO-
4 PETITION of the State of Oregon, the MOTION FOR SUMMARY JUDGMENT and
5 MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT of the State
6 together with exhibits and the AFFIDAVIT OF SCOTT S. TIGHE, the RESPONSE AND
7 MOTION TO DISMISS PETITIONER'S CHALLENGE of the County with exhibits, the
8 RESPONSE AND MOTION TO DISMISS CO-PETITIONER'S CHALLENGE of the County,
9 the STATE'S REPLY MEMORANDUM to the County's motion and the Petitioner's TRIAL
10 MEMORANDUM and suggested ballot title and explanatory statements.

11 No party challenged the Petitioner's status as an elector in Multnomah County. The Court
12 will accept it as established. Co-Petitioner's MOTION TO INTERVENE pursuant to ORCP 33C
13 was unopposed and was previously allowed. All parties are properly before the Court.

14 No exception was taken by any party to any of the exhibits submitted. The Court may
15 take judicial notice of the laws of the State of Oregon and the Charter and ordinances of
16 Multnomah County pursuant to ORE 202. Notice is so taken. There is no dispute among the
17 parties as to any evidentiary matter or as to any matter of fact, all exhibits submitted are properly
18 before the Court.

19 Upon consideration of the evidence submitted, the law and the statements and arguments
20 of counsel and the Petitioner, the Court finds:

21 1. The submission of proposed Multnomah County Charter amendments A through J
22 to the voters for approval or rejection at the 1988 general election is the submission of a
23 "measure" as defined in ORS 250.005(3).

24 2. The measures being submitted are referenda within the meaning of ORS
25 250.041(1).

26 3. The ballot titles and explanatory statements for the proposed measures must

1 comply with ORS 250.035 as well as other applicable State and county elections laws.

2 4. The proposed ballot titles as submitted to the County Director of Elections do not
3 comply in that portions of them identified on the record by the Court are not impartial or do not
4 concisely and accurately describe the measure being submitted to the voters.

5 5. The proposed explanatory statements as submitted to the County Director of
6 Elections do not comply in that portions of them identified on the record by the Court are not
7 impartial or do not concisely and accurately describe the measure being submitted to the voters.

8 6. Petitioner and Co-Petitioner have standing to challenge the ballot titles and
9 explanatory statements under Multnomah County Code Section 5.105(D) and ORS 250.195.

10 Consequently, the PETITION and CO-PETITION are ALLOWED. Co-Petitioner's
11 MOTION FOR SUMMARY JUDGEMENT is GRANTED. Respondent's MOTION TO
12 DISMISS PETITION and MOTION TO DISMISS CO-PETITION are DENIED.

13 The ballot titles and explanatory statements are revised and approved as shown in Exhibit
14 1 to the order. They and each of them is certified by the Court in that form.

15
16 JUDGMENT is rendered for the Petitioner and Co-Petitioner and against the Respondent.

17 SO ORDERED this 4th day of September, 1998.

18
19 
20 **HONORABLE MICHAEL MARCUS**
21 **CIRCUIT COURT JUDGE**

22
23
24 Submitted by: William F. Cloran
25 Assistant Attorney General
26 of Attorneys for Co-Petitioner

BALLOT MEASURE 26-76 (A)

CAPTION: Multnomah County Charter Outdated Provisions

QUESTION: Shall the outdated parts of the County Charter be repealed?

STATEMENT: The County Charter Review Committee studied the words of each Charter section. Many sections and parts of sections are outdated and no longer needed. This measure repeals parts of nine Charter sections and repeals nine whole other sections. It makes no changes to county government. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

The Multnomah County Home Rule Charter took effect January 1, 1967. It began with 56 sections. It now has 64 sections. The voters have amended the Charter 32 times; 57 sections have been changed, many of them several times. Twelve new sections have been added. Four original sections have been repealed.

The Charter Review Committee carefully studied the Charter. It reviewed the words of each section. Some parts are outdated and no longer needed or useful. These parts can be repealed without changing county government structure or operations. The Committee proposes this measure. It will repeal nine outdated Charter sections. It will also delete parts of nine other sections.

The nine sections repealed were used to make transitions for earlier Charter amendments. The parts of sections deleted include: the 1980 legal descriptions of commission districts, notices requirement outdated by state law, an old reference to the county manager, and six references to dates that have passed.

The measure takes effect on November 4, 1998.

BALLOT MEASURE 26-77 (B)

CAPTION: Multnomah County Charter Service Districts

QUESTION: Shall the service district parts of the Charter be deleted?

STATEMENT: The Charter Review Committee studied each Charter section. This measure repeals the county service district sections. State law allows the county to create these districts. The measure does not change county power or services. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

The Multnomah County Home Rule Charter took effect January 1, 1967. Three sections are about county service districts. They were part of the original Charter. The sections have not been amended. The sections are have not been used.

The Charter Review Committee thinks that the sections are not needed. State law gives counties power to create special districts. Part of one current section may limit county legal authority to provide water or fire services. The county does not provide these services so the limit is not a real one.

The Charter Review Committee recommends this measure. It will repeal three unneeded Charter sections. It will not change county power or services.

The measure takes effect on November 4, 1998.

BALLOT MEASURE 26-78 (C)

- CAPTION:** Multnomah County Charter Review Committee.
- QUESTION:** Shall the Charter continue a Charter Review Committee?
- STATEMENT:** The Charter created the Charter Review Committee. This measure proposed to have the Charter Review Committee meet every six years. This measure creates the next committee by August 30, 2003. It amends Charter sections 12.40, 12.50, 12.60 and 12.70. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

The Charter was amended in 1977 to create the Charter Review Committee. Amendments have been made to change the way appointments are made. As recommended by the 1990 Committee, the voters approved the current Committee.

A Charter Review Committee can help keep the Charter current and effective. The Charter Review Committee thinks that a six-year period between Charter Committees is a good balance between stability and change.

The Committee recommends this measure. It will change the date of committee appointments from June 30 to August 30. State legislators will still make the appointments. This change will give them more time to act. There will be a committee in 2003 and then every six years.

BALLOT MEASURE 26-79 (D)

CAPTION: County Commissioner Districts

QUESTION: Shall the Charter require smaller population differences in commissioner districts?

STATEMENT: There are four county commissioner districts. The districts should have about equal population. The county auditor must check the districts each 10-years. No district may have more than 15 percent more people than any other district. If it does, then the auditor must change district boundaries. After the change, no district may have more than 10 percent more people than any other district. Computers now allow less size differences. This measure reduces the 15 percent trigger to 3 percent. It reduces the 10 percent limit to 2 percent. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

There are four county commissioner districts. The law requires that the districts have about equal population. The Charter says the county auditor must reapportion the districts every ten years. No district may have more than 115 percent the populations of any other district. If it does, the auditor must change the boundaries. After the changes, no district may have more than 110 percent the population of any other district.

The Auditor suggested the change. The Charter Review Committee studied this section. It feels that computers now permit the auditor to reduce district size differences. The Charter Review Committee recommends this measure. The measure will amend the Charter to reduce the trigger to 103 percent. It will reduce the limit to 102 percent. It takes effect on November 4, 1998.

BALLOT MEASURE 26-80 (E)

CAPTION: Interim County Commissioner.

QUESTION: Shall the Charter allow designation of interim county commissioner?

STATEMENT: This measure amends county Charter. The Charter now allows an interim person to fill some offices. They may fill a vacancy in the office of county Chair, Sheriff or Auditor. The current Charter does not allow an interim to fill a vacancy in the office of county Commissioner. Vacancies can make it hard for the county Board to do business. County services and programs can suffer if the Board cannot meet. It needs a quorum to meet. It allows an interim commissioner to serve until someone is elected or appointed to fill the office. It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

The Charter allows an interim to fill a vacancy in some county offices. They may fill a vacancy in the office of Chair, Sheriff or Auditor. In 1989 the Charter was amended for this purpose. The Charter does not allow an interim to fill a vacancy in the office of commissioner.

Vacancies in the office of commissioner can make it hard for the Board of Commissioners to conduct county business. The Board needs a quorum to meet. County services and programs can suffer if the Board cannot meet.

The Charter Review Committee recommends ~~of~~ this measure. It amends the Charter to permit an interim commissioner. An interim will only serve until someone is elected or appointed to fill the office.

The measure takes effect on November 4, 1998.

BALLOT MEASURE 26-81 (F)

CAPTION: Repeals County Term Limits

QUESTION: Shall the Charter term limits be repealed?

STATEMENT: The Charter limits public service in county elective offices. No person can serve more than two four-year terms. Voters cannot decide to keep a person in office. The measure repeals Charter section 6.50(4). It takes effect on November 4, 1998.

EXPLANATORY STATEMENT

This measure amends the Charter. It now limits a person to two full four-year terms in an elective office in any 12-year period. Voters cannot decide to keep a county elected official in office. A person is no longer eligible for county elected office.

The Charter Review Committee thinks term limits costs the public experienced elected officials. Most other counties and cities do not have term limits.

The Charter Review Committee recommends this measure. It will repeal the county term limits.

It takes effect on November 4, 1998.

BALLOT MEASURE 26-82 (G)

- CAPTION:** Multnomah County Official Running for Office Midterm.
- QUESTION:** Shall County elected officials be allowed to run for another elective office in midterm?
- STATEMENT:** The measure amends the Charter. It allows county elected officials to file for another office. The Charter now treats filing as a resignation. It ends county elected terms. It creates office vacancies. It causes more elections to fill offices. The measure takes effect November 4, 1998.

EXPLANATORY STATEMENT

The county Charter does not allow running for another elective office in midterm. If a county official files for another office, it is the same as a resignation. Only in the last year of the term may the official file for another office.

The measure amends the Charter. It repeals the mid-term ban. It allows elected officials to file for another office. It limits public service in county elected offices. It ends elected terms. It creates office vacancies. It results in more elections to fill offices.

The Charter Review Committee recommends this measure. The measure takes effect November 4, 1998.

BALLOT MEASURE 26-83 (H)

CAPTION: Multnomah County Lobbyist.

QUESTION: Shall County Charter be amended to repeal bar on county paid lobbyist?

STATEMENT: This amends county Charter. The Charter Review Committee favors passage. The measure allows the county to hire a lobbyist. The Charter now bars a paid county lobbyist. Applies to the state legislature in Salem. The county is not represented. All other counties and cities may have paid lobbyists. Takes effect November 4, 1998.

EXPLANATORY STATEMENT

The Charter Committee Review Committee recommends this measure. It repeals the bar on a paid county lobbyist. It allows the county to hire an advocate. This person will represent the county and its citizens at the state legislature in Salem.

A lobbyist provides information and advocates for issues. The county cannot fully represent its interests under the current Charter rule. County services and programs depend on many decisions made in Salem. The taxes paid by county citizens are also affected by state decisions.

The Charter Review Committee thinks that county elected officials and county state legislators do not have the time, resources or expertise to act as county lobbyists.

The measure takes effect November 4, 1998.

BALLOT MEASURE 26-84

(I)

CAPTION: Multnomah County Auditor

QUESTION: Shall County Charter be amended to allow auditor to perform performance audits?

STATEMENT: The Charter creates an elected county auditor. And requires the auditor to do "internal" audits. This measure amends the Charter. It requires the auditor to do "performance" audits of county services. It will make the auditor's job bigger. It takes effect November 4, 1998.

EXPLANATORY STATEMENT

This measure amends the auditor section of the county Charter. It now requires the auditor to conduct "internal" audits of county services. The Charter Review Committee thinks the auditor should be required to do "performance" audits.

This measure will change "internal" to "performance" audits. It will also allow the auditor to conduct studies to improve county efforts. The Charter Review Committee recommends this measure.

The measure takes effect November 4, 1998.

BALLOT MEASURE 26-84 (J)

CAPTION: Multnomah County Elections

QUESTION: Shall County Charter be amended to allow different runoff election procedures?

STATEMENT: The Charter now provides that if no candidate receives more than half the votes, a runoff election must be held. This measure repeals the requirement for runoff elections. The measure requires the County Board of Commissioners to adopt procedures for elections. It permits (but does not require) the Board to give voters first, second, and additional choices. It takes effect November 4, 1998.

EXPLANATORY STATEMENT

This measure amends the election sections of the county Charter. They now require a runoff if no candidate receives a majority of the votes. The Oregon Constitution permits local laws to allow voters to mark first, second or additional choices among candidates for any office.

This measure repeals the Charter requirement for a runoff election. It permits the Board of Commissioners to provide by ordinance for election procedures. It permits the Board to give voters first, second, or additional choices so a runoff election is not needed if no one receive a majority of votes. It does not require the Board to do this.

The Charter Review Committee recommends this measure. The measure will take effect November 4, 1998.

FILED
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CLERK OF COURT
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

GEORGE M. JOSEPH,
Petitioner,

v.

MULTNOMAH COUNTY, et al.
Respondents.

STATE OF OREGON ex rel. PHIL
KEISLING, in his capacity as Secretary of
State,

Co-Petitioner,

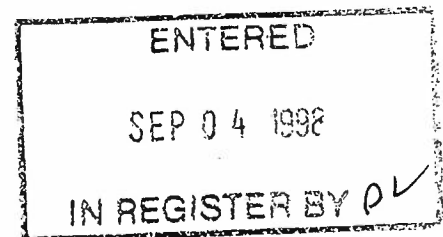
v.

MULTNOMAH COUNTY, et al.

Respondents.

No. 9808-06377

JUDGMENT



Pursuant to the ORDER entered herein JUDGMENT is given for the Petitioner and Co-Petitioner and against the Respondent. The ballot titles and explanatory statements are CERTIFIED in the form and language contained in Exhibit 1 to the ORDER.

///

///

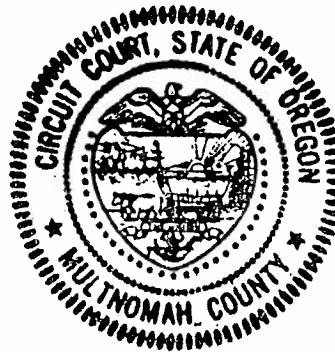
1 Petitioner and Co-Petitioner are the prevailing parties and are entitled to recover costs and
2 disbursements in the manner provided by ORCP 68.

3 DATED this 4th day of September, 1998.

4
5 

6 HONORABLE MICHAEL MARCUS
7 CIRCUIT COURT JUDGE

8
9 Submitted by: William F. Cloran
10 Assistant Attorney General
of Attorneys for Co-Petitioner



STATE OF OREGON }
County of Multnomah } ss.

The foregoing copy has been compared and
is certified by me as a full, true and correct
copy of the original in my office and in
my custody.

In Testimony Whereof, I have hereunto set
my hand and affixed the seal of the

Court on: Sept 4, 1998

CIRCUIT COURT

Administrator

By 

Deputy