

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-101

Submitting to the Voters Multnomah County Home Rule Charter Amendments Proposed by the County Charter Review Committee

The Multnomah County Board of Commissioners 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 county charter.
- c. The Committee has concluded its review and submitted its report to the Board. The Committee recommends seven separate measures amending the Charter for submission to the people of Multnomah County at the 2004 general election.
- d. The Charter requires all amendments proposed by the Committee to be submitted to the people of Multnomah County at the primary or general election.
- e. Under MCC 5.107(B), measures referred by the Board will be designated on the ballot as referred to the people by the Board.
- f. The Board wants to clearly inform voters that the Committee recommended these seven measures.

The Multnomah County Board of Commissioners Resolves:

1. The seven measures proposing amendments to the Charter recommended by the Committee shall be submitted to the people of Multnomah County at the November 2, 2004, general election.
2. The ballot titles, explanatory statements and changes to the language of the Charter for the seven measures are attached as Exhibits A, B, C, D, E, F and G.
3. The words "as recommended by the Multnomah County Charter Review Committee" shall be added to the ballot designations required by MCC 5.107(B). The designation for each measure shall read as follows:

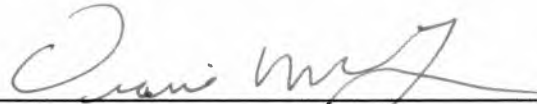
"Referred to the People by the Board of County Commissioners as recommended by the Multnomah County Charter Review Committee."

4. The seven measures, designations, ballot titles, explanatory statements and Charter text are certified to the Director of the Multnomah County Division of Elections (Director).
5. The Director shall publish these designations and include them in the county voters' pamphlet.
6. All measures approved by a majority of voters at the November 2, 2004, election shall take effect November 3, 2004.

ADOPTED this 22nd day of July, 2004




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

BALLOT MEASURE 26-57

CAPTION: Majority Vote Required To Elect Multnomah County Officers

QUESTION: Shall all County elected officials be required to receive a majority of the votes cast?

STATEMENT: The measure amends the Charter. It resolves an inconsistency in the current Charter which requires fewer votes to be elected to a full term board position than the majority vote required for other officers, or for board members for a partial term. The measure repeals the inconsistent provision. The result is that in all elections for County officers, a majority of the votes cast are required for election. The measure takes effect on November 3, 2004.

EXPLANATORY STATEMENT

The county Charter has inconsistent provisions for election to board positions. One provision requires that for election to a board position, the candidate with the highest number of votes is elected. Another provision requires that for election to all county offices, the candidate with a majority of votes cast at the election is elected. Another provision requires that in an election to fill a county officer vacancy, a majority vote is required.

The measure amends the Charter. It repeals the provision allowing election to a board position to require only the highest number of votes. With this repeal, the remaining provisions require that all elections to county offices, both those on the board and others, require a majority vote. If a candidate does not receive a majority of the votes cast at the primary election, the two candidates receiving the highest number of votes shall run against each other at the general election.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2004.

Text of Charter Amendments for Ballot Measure A - Majority Vote Required

(Crossed out language is deleted; double-underlined language is new)

3.20. Election.

Except as this charter provides to the contrary,

(1) Each member of the board shall be nominated and elected from a district, by position; and

(2) Commissioner terms shall be four years.; ~~and~~

~~_____ (3) At each election, 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.~~

BALLOT MEASURE 26-58

CAPTION: Salary Commission

QUESTION: Should the Salary Commission set County Chair and Commissioner salaries?

STATEMENT: The Charter permits the county board to set chair and commissioner salaries not exceeding the salaries recommended by the salary commission. The auditor appoints the five-member salary commission. The measure amends Charter Section 4.30 to require the salary commission to set the county chair and commissioner salaries. It takes effect on November 3, 2004.

EXPLANATORY STATEMENT

This measure amends the Charter. The Charter currently allows the county board to set its own salaries as long as the salary commission's recommendations are not exceeded. A five-member salary commission is appointed by the auditor by January 1 of each even year.

The Charter Review Committee does not believe it is appropriate for elected officials to set their own salaries.

The Charter Review Committee recommends this measure. It will require the salary commission to set county chair and commissioner salaries.

The measure will take effect November 3, 2004.

Text of Charter Amendments for Ballot Measure B - Salary Commission

(~~Crossed out~~ language is deleted; double-underlined language is new)

4.30. Compensation Of The Chair And Commissioners.

The auditor shall appoint a five-member salary commission, composed of qualified ~~people~~ human resource professionals with ~~personnel~~ compensation experience, by January 1 of each even year. The salary commission's ~~salary adjustment recommendations, if any,~~ shall set the salaries for the chair of the board of county commissioners and the county commissioners, documenting the basis of its decisions ~~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.

BALLOT MEASURE 26-59

CAPTION: Multnomah County Lobbyist

QUESTION: Should 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 employ a lobbyist. The Charter now bars a paid county lobbyist. This applies to the state and federal legislatures. County services and programs depend on many decisions made in Salem as well as federal funding. The county cannot proactively represent its interests. All other counties and cities may have paid lobbyists. The measure repeals Charter Section 6.50(2). It takes effect on November 3, 2004.

EXPLANATORY STATEMENT

The Charter Review Committee recommends this measure. It repeals the bar on a county lobbyist. It allows the county to have an advocate to represent the county and its citizens at the state legislature in Salem and to promote its interests in Washington, D.C. for federal funds for projects like the Sauvie Island Bridge.

Although testimony may be given when requested by legislators, currently county employees cannot urge support or opposition on a bill. Only elected officials of the county may recommend that legislators vote in favor or against bills. A lobbyist provides information and advocates for the passage or defeat of bills. While the County is a member of organizations that employ lobbyists, the position taken by an organization cannot always represent the specific interests of the County.

Multnomah County is the only county in Oregon prohibited from employing a lobbyist to advocate their interests in Salem and Washington, D.C. In addition, no other government or private enterprise is under such a restriction. County services and programs depend on many decisions made in Salem as well as federal funding. The taxes paid by county citizens are also affected by state decisions.

The Charter Review Committee concluded that county elected officials do not have adequate time to fulfill their official duties while at the same time acting as lobbyists for the County's interests on a regular basis.

The measure will take effect November 3, 2004.

Text of Charter Amendments for Ballot Measure C - Lobbyist

(Crossed-out language is deleted; double-underlined language is new)

6.50. Sheriff; ~~Paid Lobbyist~~; Successive Terms, Running For Office In Midterm.

~~————(2)——Multnomah County shall not employ or hire a paid lobbyist.~~

BALLOT MEASURE 26-60

CAPTION: County Term Limits

QUESTION: Shall County Charter's 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 measure repeals Charter Section 6.50(3). It takes effect on November 3, 2004.

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 cost 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.

The measure will take effect November 3, 2004.

Text of Charter Amendments for Ballot Measure D - Repealing Term Limits

(~~Crossed out~~ language is deleted; double-underlined language is new)

6.50. Sheriff; Paid Lobbyist; ~~Successive Terms~~, Running For Office In Midterm.

~~_____ (3) _____ 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 26-61

- 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 without ending their current term of office. The Charter now treats filing as a resignation resulting in ending county elected terms, creating office vacancies and causing more elections to fill offices. The measure takes effect on November 3, 2004.

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. This limits public service in county elected offices, creates office vacancies and results in more elections to fill offices.

The measure amends the Charter. This measure repeals the midterm ban and allows elected officials to file for another office without ending their current term. This measure will reduce the number of elections to fill offices.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2004.

Text of Charter Amendments for Ballot Measure E - Midterm Resignation

(Crossed out language is deleted; double-underlined language is new)

6.50. Sheriff; Paid Lobbyist; Successive Terms, ~~Running For Office In Midterm.~~

~~_____ (4) _____ No elected official of Multnomah County may run for another office in midterm. 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 26-62

- CAPTION:** Civil Service Commission Terms
- QUESTION:** Shall County Charter be amended reducing term of Civil Service Commission members?
- STATEMENT:** The Charter now provides that the term of office of each member of Multnomah County's Civil Service Commission be six years, with the term of one member of the commission expiring every two years. This measure amends the Charter to reduce the term of office from six years to three years, with one member's term expiring each year.

EXPLANATORY STATEMENT

This measure amends the Civil Service Commission section of the county Charter. It now requires that the term of office of each member of the commission be six years, with the term of one member of the commission expiring every two years.

This measure will reduce the term of office of Civil Service Commission members from six years to three years, with one member's term expiring each year.

The measure will take effect November 3, 2004.

Text of Charter Amendments for Ballot Measure F - Civil Service Commission Terms

(~~Crossed-out~~ language is deleted; double-underlined language is new)

7.20. Civil Service Commission.

(1) There shall be a civil service commission consisting of three members appointed by a board of county commissioners.

(2) The term of office of each member of the commission shall be ~~six~~-three years. Every ~~two~~-years the term of one member of the commission shall expire.

BALLOT MEASURE 26-63

CAPTION: Nomination of Replacement Candidates After Primary

QUESTION: Shall the County select replacement candidates after primary in accordance with current state law?

STATEMENT: The measure amends the Charter. It is a housekeeping measure. Currently the Charter provides that 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. State law does not provide a manner for selection of independent candidates. The measure takes effect on November 3, 2004.

EXPLANATORY STATEMENT

This is a housekeeping measure. The county Charter provides that 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. State law does not provide a manner for selection of independent candidates. However, state law no longer contains any provision for the selection of independent candidates, making the Charter provision outdated and with no meaning.

The measure amends the Charter. It repeals the outdated provision. With this repeal, the County would follow current state law for the nomination of replacement candidates after the primary election.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2004.

Text of Charter Amendments for Ballot Measure G - Nomination of Replacement Candidates

(~~Crossed-out~~ language is deleted; double-underlined language is new)

11.15. Election of officers.

(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.

~~————(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.~~