

MULTNOMAH COUNTY HOME RULE CHARTER

[Amendments Approved November 8, 2016]



MULTNOMAH COUNTY HOME RULE CHARTER VOTER ACTIONS

May 24, 1966
Original Charter approved

January 1, 1967
Charter took effect

November 2, 1976
Initiative measure approved

November 7, 1978
Initiative measure approved

November 4, 1980
Board measure approved

May 18, 1982
Initiative measure approved

November 6, 1984
Charter Review Committee measures approved

May 20, 1986
Board measure approved

November 4, 1986
Board measure approved

March 28, 1989
Board measure approved

November 6, 1990
Charter Review Committee measures approved

November 3, 1998
Charter Review Committee measures approved

November 2, 2004
Charter Review Committee measures approved

May 16, 2006
Board measure approved

November 2, 2010
Charter Review Committee measures approved

November 8, 2016
Charter Review Committee measures approved

TABLE OF CONTENTS

PREAMBLE	1
CHAPTER I. PRELIMINARY PROVISIONS	1
1.10. NAME.....	1
1.20. NATURE.....	1
1.30. BOUNDARIES.....	1
1.40. COUNTY SEAT.....	1
CHAPTER II. POWERS	2
2.10. GENERAL GRANT OF POWERS.....	2
2.20. WHERE POWERS VESTED.....	2
CHAPTER III. GOVERNING BODY	3
3.10. MEMBERSHIP.....	3
3.15. APPORTIONMENT OF COMMISSIONER DISTRICTS.....	5
3.20. ELECTION.....	5
3.30. QUORUM.....	6
3.40. CONCURRENCE REQUIRED FOR ACTION.....	6
3.50. MEETINGS.....	6
3.60. PRESIDING OFFICER.....	6
3.70. ADVISORY BOARDS AND COMMISSIONS.....	7
3.75. CITIZEN INVOLVEMENT.....	7
CHAPTER IV. COUNTY OFFICERS IN GENERAL	8
4.10. QUALIFICATIONS.....	8
4.20. TERMS OF OFFICE; SUCCESSIVE TERMS; RUNNING FOR OFFICE IN MIDTERM.....	8
4.30. COMPENSATION OF THE CHAIR, COMMISSIONERS, SHERIFF AND DISTRICT ATTORNEY.....	9
4.40. VACANCIES -- CAUSES.....	9
4.50. VACANCIES -- FILLING.....	10
CHAPTER V. ORDINANCES	11
5.10. LEGISLATIVE ACTION.....	11
5.20. ORDAINING CLAUSE.....	11
5.30. ADOPTION.....	11
5.40. AUTHENTICATION.....	11
5.50. TIME OF EFFECT.....	12
CHAPTER VI. ADMINISTRATION	13
6.10. CHAIR OF THE BOARD.....	13
6.20. ADMINISTRATIVE DEPARTMENTS AND FUNCTIONS.....	14
6.50. SHERIFF.....	14
CHAPTER VII. PERSONNEL	15
7.10. CLASSIFIED SERVICE.....	15
7.20. CIVIL SERVICE COMMISSION.....	15
7.30. CIVIL SERVICE SYSTEM.....	16
7.40. RIGHTS AND DUTIES OF PERSONNEL.....	16
7.50. RETIREMENT.....	17

CHAPTER VIII. FINANCE	18
8.10. AUDITOR.....	18
8.20. BONDED INDEBTEDNESS.....	18
CHAPTER IX. LIBRARY DISTRICT	19
9.10 FORMATION.....	19
9.20 FINANCING.....	19
9.30 ADVISORY BOARD.....	20
CHAPTER X. PUBLIC IMPROVEMENTS	21
10.10. EXCEPTION.....	21
10.20. PROCEDURE.....	21
10.30. FINANCING.....	21
10.40. REFERENDUM.....	21
10.50. REMONSTRANCE.....	22
CHAPTER XI. ELECTIONS	23
11.15. ELECTION OF OFFICERS.....	23
11.20. TIE VOTES.....	23
11.30. INITIATIVE AND REFERENDUM.....	24
11.40. RECALL.....	24
11.50. CHARTER AMENDMENT AND REPEAL.....	24
11.60. Campaign Finance.....	24
CHAPTER XII. MISCELLANEOUS	29
12.10. EXISTING LEGISLATION.....	29
12.20. SEPARABILITY.....	29
12.30. CHARTER REVIEW COMMITTEE.....	29
12.40. APPOINTMENT OF COMMITTEE MEMBERS.....	30
12.50. SCOPE OF COMMITTEE REVIEW.....	32
12.60. REPORT OF COMMITTEE.....	32
12.70. SUBMISSION OF AMENDMENTS TO THE PEOPLE.....	32
12A. HISTORY OF MULTNOMAH COUNTY HOME RULE CHARTER	12A-1
12A.00 INTRODUCTION.....	12A-1
12A.01 ORIGINAL CHARTER.....	12A-2
12A.02 1976 AMENDMENTS.....	12A-2
12A.03 1977 AMENDMENTS.....	12A-2
12A.04 1978 AMENDMENTS.....	12A-3
12A.05 1980 AMENDMENTS.....	12A-4
12A.06 1982 AMENDMENTS.....	12A-4
12A.07 1984 AMENDMENTS.....	12A-5
12A.08 1986 AMENDMENTS.....	12A-6
12A.09 1989 AMENDMENTS.....	12A-7
12A.10 1990 AMENDMENTS.....	12A-7
12A.11 1991 AMENDMENT.....	12A-8
12A.12 1998 AMENDMENTS.....	12A-8
12A.13 2001 AMENDMENT.....	12A-9
12A.14 2004 AMENDMENTS.....	12A-9
12A.15 2006 AMENDMENTS.....	12A-10
12A.16 2010 AMENDMENTS.....	12A-10
12A.17 2016 Amendments.....	12A-11
12B. MULTNOMAH COUNTY CHARTER REVISIONS	12B-1

MULTNOMAH COUNTY HOME RULE CHARTER

PREAMBLE

We, the people of Multnomah County, Oregon, in recognition of the dual role of the county as a unit of local government and as an agency of the state, and in order to avail ourselves of local determination in county affairs to the fullest extent possible under the constitution and laws of the state, by this charter confer upon the county the following powers, subject it to the following restrictions, and prescribe for it the following procedures and governmental structure.

CHAPTER I. PRELIMINARY PROVISIONS

- 1.10. Name.**
- 1.20. Nature.**
- 1.30. Boundaries.**
- 1.40. County Seat.**

1.10. Name.

The name of the county as it operates under this charter shall continue to be Multnomah County.

1.20. Nature.

Under the charter, the county shall continue to be a body politic and corporate and an agency of the state.

1.30. Boundaries.

The boundaries of the county as it operates under the charter shall be its boundaries prescribed by or pursuant to the laws of the state.

1.40. County Seat.

The seat of government of the county as it operates under the charter shall continue to be in the City of Portland.

CHAPTER II. POWERS

2.10. General Grant Of Powers.

2.20. Where Powers Vested.

2.10. General Grant Of Powers.

(1) Except as this charter provides to the contrary, the county shall have authority over matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each particular power comprised in that general authority were specifically listed in the charter.

(2) The charter shall be liberally construed, and each power of the county under the charter shall be construed as a continuing power unless the charter or the grant of the power indicates the contrary.

2.20. Where Powers Vested.

Except as this charter or a state constitutional or statutory provision regarding the initiative and referendum provides to the contrary, the legislative power of the county shall be vested in and exercisable only by the board of county commissioners. Any other power of the county not vested by the charter elsewhere shall be vested in the board but may be delegated by it.

CHAPTER III. GOVERNING BODY

- 3.10. Membership.**
- 3.15. Apportionment Of Commissioner Districts.**
- 3.20. Election.**
- 3.30. Quorum.**
- 3.40. Concurrence Required For Action.**
- 3.50. Meetings.**
- 3.60. Presiding Officer.**
- 3.70. Advisory Boards And Commissions.**
- 3.75. Citizen Involvement.**

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.

(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 Steel Bridge, southeast along the Union Pacific Railroad to Interstate 84 east on Interstate 84 to 33rd Avenue, south on 33rd Avenue to Stark Street, west on Stark Street to 28th Avenue, south on 28th Avenue to Hawthorne Boulevard, east on Hawthorne Boulevard to Cesar Chavez Boulevard, south on Cesar Chavez Boulevard to 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 intersection of Johnson Creek Boulevard, then south to the Clackamas County line; and bounded on the west by Washington County.

(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 (coinciding with the northwestern boundary of census tract 102), southeast along the south channel of the Columbia River to the Gresham City Line, southwest along the Gresham City

Line to Interstate 84, west along Interstate 84 and following the Union Pacific Railroad to the Willamette River at the Steel Bridge; bounded on the west by the Willamette River.

(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 33rd Avenue and Interstate 84, east along Interstate 84 to 148th Avenue, south on 148th Avenue to Powell Boulevard, west on Powell Boulevard to 130th Avenue, south on 130th Avenue to Holgate Boulevard, west on Holgate Boulevard to 128th Avenue, south on 122nd Avenue to Foster Road, east on Foster Road to 131st Avenue, south on 131st Avenue to Claybourne Street, east on Claybourne Street to 134th Avenue, south on 134th Avenue to Deardorff Road, south on Deardorff Road to Clackamas County line; bounded on the south by Clackamas County; bounded on the west as follows: beginning at the intersection of Johnson Creek Boulevard and the Clackamas County line, north to the intersection of Johnson Creek Boulevard and the Portland Traction R.R. right-of-way (40 Mile Loop Trail), northwest along the Portland Traction R.R. right-of-way to the extension of Cesar Chavez Boulevard, continuing north on Cesar Chavez Boulevard to Hawthorne Boulevard, west on Hawthorne Boulevard to 28th Avenue, north on 28th Avenue to Stark Street, east on Stark Street to 33rd Avenue, north on 33rd Avenue to Ankeny Street, east on Ankeny Street to 32nd Avenue, north on 32nd Avenue becoming 33rd Avenue, north on 33rd Avenue to Interstate 84.

(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 at the Washington State line at 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 Road, north on Deardorff Road to 134th Ave., north on 134th Avenue to Claybourne Street, west on Claybourne Street to 131st Avenue, north on 131st Avenue to Foster Road, west on Foster Road to 122nd Avenue, north on 112nd Avenue to Schiller Street, east on Schiller Street to 128th Avenue, north on 128th Avenue to Holgate Boulevard, east on Holgate Boulevard to 130th Avenue, north on 130th Avenue to Powell Boulevard, east on Powell Boulevard to 148th Avenue, north on 148th Avenue to Interstate 84, east along Interstate 84 to the Gresham City Line, north/northeast along the Gresham City Line to south channel of the Columbia River, northwest along the south

channel of the Columbia River to the Washington State line at a point west of Government Island.

[Amendment proposed by initiative petition filed March 30, 1976, adopted by people Nov. 2, 1976; amendment proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment passed by board of commissioners, Ord. 272 §1, May 7, 1981; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984; Ord. 694 §3 (1991); amendment (ballot measure 26-76) adopted by people Nov. 3, 1998; Ord. 964 (2001); amendment passed by board of commissioners, Ord. 1303, January 6, 2022]

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 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 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.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 11), adopted by people Nov. 6, 1984; amendment (ballot measure 26-79) adopted by people Nov. 3, 1998]

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.

[Amendment proposed by initiative petition filed March 30, 1976, adopted by people Nov. 2, 1976; amendment proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment (ballot measure 26-57) adopted by people Nov. 2, 2004]

3.30. Quorum.

A majority of the board shall constitute a quorum for the transaction of board business, but a lesser number may meet and, in a manner prescribed by the rules of the board, compel the attendance of absent members.

3.40. Concurrence Required For Action.

Except as this charter provides to the contrary, the board may act at a meeting only with the affirmative concurrence of a majority of its members.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 27), adopted by people Nov. 6, 1984]

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. Copies of the notice shall be available to interested persons throughout the time that the notice is required. 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.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

3.60. Presiding Officer.

At its first meeting after the effective date of this section and at the first meeting of each calendar year thereafter, the board shall choose a vice-presiding officer from its members. The chair of the board of county commissioners shall

preside at board meetings. The vice-presiding officer shall preside whenever the chair of the board of commissioners is absent or is incapacitated from serving.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

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 chair of the board of commissioners with the approval of the board.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amended by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

3.75. Citizen Involvement.

(1) The office of citizen involvement is hereby established. The office of citizen involvement shall develop and maintain citizen involvement programs and procedures designed for the purpose of facilitating direct communication between the citizens and the board of county commissioners.

(2) A citizens' committee and the structure of the citizen involvement process shall be established by ordinance.

(3) The board of county commissioners shall appropriate sufficient funds for the operation of the office and the committee.

(4) The citizens' committee shall have the authority to hire and fire its staff.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 25), adopted by people Nov. 6, 1984]

CHAPTER IV. COUNTY OFFICERS IN GENERAL

- 4.10. Qualifications.**
- 4.20. Terms Of Office; Successive Terms; Running For Office In Midterm.**
- 4.30. Compensation Of The Chair, Commissioners, Sheriff and District Attorney.**
- 4.40. Vacancies -- Causes.**
- 4.50. Vacancies -- Filling.**

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.

(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.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 12), adopted by people Nov. 6, 1984; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

4.20. Terms Of Office; Successive Terms; Running For Office In Midterm.

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following his or her election to the office and

(b) Shall continue four years.

(2) 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.

(3) Effective January 1, 2017, Commissioners of Multnomah County may run for the Office of Chair of Multnomah County mid-term without resigning their current elected office. No elected official of Multnomah County may run for another elective office in midterm without resigning first. 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.

[Amendment (ballot measure 26-76) adopted by people Nov. 3, 1998; amendment (ballot measure 26-78) adopted by people May 16, 2006; amendment (ballot measure 26-182) adopted by people Nov. 8, 2016]

4.30. Compensation Of The Chair, Commissioners, Sheriff and District Attorney.

The auditor shall appoint a five-member salary commission, composed of qualified human resource professionals with compensation experience, by January 1 of each even year. The salary commission shall set the salaries for the chair of the board of county commissioners, county commissioners, sheriff and the county paid supplemental salary of the district attorney, documenting the basis of its decisions. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

[Amendment proposed by initiative petition filed Oct. 8, 1981, adopted by people May 18, 1982, reaffirmed Sept. 21, 1982; amendment proposed by Ord. 427 §2 (1984) (ballot measure 13), adopted by people Nov. 6, 1984; amendment proposed by Ord. 521 §1 (1986), adopted by people Nov. 4, 1986; amendment proposed by Ord. 603 §1 (1988), adopted by people March 28, 1989; amendment proposed by Ord. 659 §2 (1990) (measure 4), adopted by people Nov. 6, 1990; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998; amendment (ballot measure 26-58) adopted by people Nov. 2, 2004; amendment (ballot measure 26-111) adopted by people Nov. 2, 2010]

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 or her office, or unlawful destruction of public records,
 - (d) Resignation from the office,
 - (e) Recall from the office,
 - (f) Ceasing to reside within Multnomah County or, if a commissioner, within the commissioner district, or
 - (g) 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 or her term of office to commence; or

(3) In the case of a member of the board of county commissioners, upon his or her 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 chair of the board of commissioners, upon his or her absence from the county for 30 consecutive days without the consent of the board.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984; amendment (ballot measure 26-112) adopted by people Nov. 2, 2010]

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 May or November 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.

(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 office, 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).

[Amendment proposed by initiative petition filed March 30, 1976, adopted by people Nov. 2, 1976; amendment proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 14), adopted by people Nov. 6, 1984; amendment proposed by Ord. 604 §1 (1988), adopted by people March 28, 1989; amendment (ballot measure 26-80) adopted by people Nov. 3, 1998; amendment (ballot measure 26-113) adopted by people Nov. 2, 2010]

CHAPTER V. ORDINANCES

- 5.10. Legislative Action.**
- 5.20. Ordaining Clause.**
- 5.30. Adoption.**
- 5.40. Authentication.**
- 5.50. Time Of Effect.**

5.10. Legislative Action.

All legislative action by the county shall be by ordinance.

5.20. Ordaining Clause.

The ordaining clause for an ordinance of the county shall be, "Multnomah County ordains as follows."

5.30. Adoption.

(1) Except as this charter provides to the contrary with reference to emergency ordinances, before an ordinance is adopted it shall be read during regular meetings of the board on two different days at least six days apart.

(2) The reading of an ordinance shall be full and distinct unless

(a) A copy of it is available for each person at the meeting who desires a copy and

(b) The board directs that the reading be by title only.

(3) An ordinance to meet an emergency may be introduced, read once, and put on its final passage at a single board meeting by unanimous consent of all the board members present.

5.40. Authentication.

An ordinance adopted by the board shall, within three days of its adoption, be signed by the chair of the board of commissioners or the county commissioner who presided at the meeting at which the ordinance was approved.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

5.50. Time Of Effect.

(1) A nonemergency ordinance shall take effect on the 30th day after it is signed by the chair of the board of commissioners 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 signed by the chair of the board of commissioners.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984]

CHAPTER VI. ADMINISTRATION

- 6.10. Chair Of The Board.
- 6.20. Administrative Departments And Functions.
- 6.50. Sheriff.

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.

[Amendment proposed by Ord. 170 §4 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 245 §4 (1980), adopted by people Nov. 4, 1980; amendment proposed by Ord. 427 §2 (1984) (ballot measure 10), adopted by people Nov. 6, 1984; amendment proposed by Ord. 522 §1 (1986), adopted by people Nov. 4, 1986; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

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.

(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.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 15), adopted by people Nov. 6, 1984; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

6.50. Sheriff.

The people of Multnomah County shall elect 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.

[Amendment proposed by initiative petition, filed Oct. 8, 1981, adopted by people May 18, 1982, reaffirmed Sept. 2, 1982; amendment proposed by Ord. 427 §2 (1984) (ballot measures 16, 17, 18, 19, 20), adopted by people Nov. 6, 1984; amendment proposed by Ord. 500 (1986), adopted by people May 21, 1986; amendment proposed by Ord. 659 §2 (1990) (measure 3), adopted by people Nov. 6, 1990; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998; amendment (ballot measure 26-59) adopted by people Nov. 2, 2004; amendment (ballot measure 26-78) adopted by people May 16, 2006; amendment (ballot measure 26-111) adopted by people Nov. 2, 2010]

CHAPTER VII. PERSONNEL

- 7.10. Classified Service.**
- 7.20. Civil Service Commission.**
- 7.30. Civil Service System.**
- 7.40. Rights And Duties Of Personnel.**
- 7.50. Retirement.**

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) Employees excluded by county ordinance.

[Amendment proposed by Ord. 245 §4 (1980), adopted by people Nov. 4, 1980; amendment proposed by Ord. 659 §2 (1990) (measure 1), adopted by people Nov. 6, 1990; amendment (ballot measure 26-76) adopted by people Nov. 3, 1998]

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 three years. Every year the term of one member of the commission shall expire.

(3) Each member of the commission shall be

- (a) A citizen of the United States and
- (b) A qualified elector of the county.

(4) No member of the commission shall receive compensation for his or her services as such.

(5) The commission shall:

(a) Make recommendations to the board regarding the personnel policy of the county and

(b) Hear appeals from such persons in the classified service in such cases as the board shall by ordinance determine.

(6) An appellate decision by the commission may not be appealed further if unanimous. If not unanimous, it may be further appealed to the board of county commissioners and the courts.

[Amendment proposed by Ord. 245 §4 (1980), adopted by people Nov. 4, 1980; amendment (ballot measure 26-62) adopted by people Nov. 2, 2004]

7.30. Civil Service System.

The board of county commissioners shall, by ordinance and on the basis of recommendations by the civil service commission, prescribe the details of a civil service system for persons in the classified service of the county.

[Amendment proposed by Ord. 245 4 (1980), adopted by people Nov. 4, 1980]

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 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) References to the masculine gender in this chapter shall refer to the masculine, feminine, neuter, or applicable noun, or appropriate combination thereof, where appropriate.

[Amendment proposed by Ord. 170 §5 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 245 §4 (1980), adopted by people Nov. 4, 1980]

7.50. Retirement.

The board of county commissioners shall provide a retirement system for all persons in the county service who desire retirement benefits in return for their services to the county. The system shall afford them rights at least the equivalent of the rights that they have under the retirement system applicable to them under state law as it applies immediately before this charter takes effect.

CHAPTER VIII. FINANCE

8.10. Auditor.

8.20. Bonded Indebtedness.

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. 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 circuit court judge's salary.

(3) The auditor shall conduct 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 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.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 21), adopted by people Nov. 6, 1984; amendment proposed by Ord. 603 §1 (1988), adopted by people March 28, 1989; amendment (ballot measures 26-76 and 26-84) adopted by people Nov. 3, 1998]

8.20. Bonded Indebtedness.

(1) The board of county commissioners may issue and sell general obligation bonds only in accordance with state law.

(2) The board may issue and sell revenue bonds only in accordance with state law.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 22), adopted by people Nov. 6, 1984]

CHAPTER IX. LIBRARY DISTRICT

- 9.10 Formation.**
- 9.20 Financing.**
- 9.30 Advisory Board.**

9.10 Formation.

(1) Upon the approval of a majority of the voters in Multnomah County, the Board of County Commissioners may establish a Multnomah County Library District. The Library District will be established as a municipal corporation. The Library District has the powers granted by this Charter, and those granted by state law to library districts and public libraries.

(2) The Board of County Commissioners will be the governing body of the Library District. The Board will appoint a district librarian.

(3) A majority of the Board of County Commissioners may initiate the formation of the district, to be located entirely within the county, by an order setting forth (a) the intention of the Board to initiate the formation of the Library District in accordance with this Charter provision, (b) the name and boundaries of the proposed Library District, and (c) the date, time and place of a public hearing on the proposal. The hearing may not be held less than 30 days or more than 50 days after the Board's proposal to establish the Library District. Notice of the hearing will be posted in at least three public places and published by two insertions in a newspaper.

[Added (ballot measure 26-114) adopted by people Nov. 2, 2010]

9.20 Financing.

(1) The Library District may impose ad valorem property taxes sufficient to support its functions and services with a permanent rate limit for operating taxes approved by county voters

(2) The operating property, employees and debt associated with the Multnomah County Library may be transferred to the Library District pursuant to intergovernmental agreements. During the period of negotiation of the agreements, the Library District may be subsidized by the County. It will become financially independent from the County on a date no later than eighteen months following the voters' approval.

[Added (ballot measure 26-114) adopted by people Nov. 2, 2010]

9.30 Advisory Board.

There will be a Library Advisory Board of 17 members, including two youth members. The members will be appointed by the Chair subject to approval by the Board of County Commissioners. The term of office for each Library Advisory Board member will be four years and begin on July 1 with the exception of the initial members. The initial members and their terms will be the members of the then current Library Board and their respective terms. No Library Advisory Board member may serve more than a total of two consecutive terms.

[Added (ballot measure 26-114) adopted by people Nov. 2, 2010]

CHAPTER X. PUBLIC IMPROVEMENTS

- 10.10. Exception.**
- 10.20. Procedure.**
- 10.30. Financing.**
- 10.40. Referendum.**
- 10.50. Remonstrance.**

10.10. Exception.

In this chapter the term "public improvement" does not include public improvements of a county service district.

10.20. Procedure.

Subject to the requirements of this chapter, the procedure for making, altering, vacating, or abandoning a public improvement of the county shall be governed by state law and, to the extent not so governed, by ordinances of the county.

10.30. Financing.

(1) To the extent that the board of county commissioners finds that a public improvement of the county is a local improvement that specially benefits property, the cost of the improvement shall be defrayed by special assessments levied on the property specially benefited by the improvement.

(2) To the extent that the board finds that a public improvement of the county benefits the county generally, the cost of the improvement may be defrayed by revenue from other county sources.

(3) An order regarding such an improvement shall indicate the extent to which the cost of the action thus ordered is to be defrayed by special assessments on property specially benefited by the action and the extent to which the cost is to be defrayed by revenue from other sources.

10.40. Referendum.

Action by the board regarding a public improvement of the county shall be subject to the referendum in the same manner as legislative ordinances of the county.

10.50. Remonstrance.

Action by the board on a proposed public improvement

- (1) To be financed in whole or in part by special assessments and
- (2) Not declared by all members of the board to be needed at once to meet an emergency

shall be suspended for six months upon remonstrance thereto by the owners of two-thirds of the land to be specially assessed for the improvement, provided written notice of the remonstrance is delivered to the board within 15 days after the action is ordered. After the suspension the board may proceed with the action.

CHAPTER XI. ELECTIONS

- 11.15. Election Of Officers.**
- 11.20. Tie Votes.**
- 11.30. Initiative And Referendum.**
- 11.40. Recall.**
- 11.50. Charter Amendment And Repeal.**
- 11.60. Campaign Finance.**

11.15. Election Of Officers.

- (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.

[Amendment proposed by Ord. 170 §7 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measures 11, 23), adopted by people Nov. 6, 1984; amendment (ballot measure 26-63) adopted by people Nov. 2, 2004]

11.20. Tie Votes.

In the event of a tie vote for candidates for an elective office of the county, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the board of county commissioners.

11.30. Initiative And Referendum.

(1) Except as this charter or the ordinances of the county provide to the contrary, the voters of the county may exercise the initiative and referendum with reference to county propositions in the manner prescribed by state law.

(2) In no event may more than ten percent of the legal voters of the county be required to order the referendum or more than 15 percent be required to propose a measure by the initiative.

11.40. Recall.

An elective officer of the county may be recalled in the manner and with the effect prescribed by state law.

11.50. Charter Amendment And Repeal.

(1) This charter may be amended or repealed by the voters of the county at:

(a) A regular election or

(b) A special election called by the board of county commissioners.

(2) An initiative petition to submit a charter amendment or repeal to the voters shall be filed with the elections division at least 90 days before the election at which the measure is to come before the voters.

(3) An ordinance to refer a charter amendment or repeal to the voters shall be enacted at least 60 days before the election at which the measure is to come before the voters.

11.60. Limitations on Campaign Contributions and Expenditures.

(1) Contributions in Multnomah County Candidate Elections.

(a) An Individual or Entity may make Contributions only as specifically allowed to be received in this Section.

(b) A Candidate or Candidate Committee may receive only the following contributions during any Election Cycle:

(A) Not more than five hundred dollars (\$500) from an Individual or a Political Committee other than a Small

Donor Committee;

- (B) Any amount from a Small Donor Committee; and
- (C) No amount from any other Entity.

(c) Individuals shall have the right to make contributions by payroll deduction by any private or public employer upon the employer's agreement or if such deduction is available to the employees for any other purpose.

(2) Expenditures in Multnomah County Candidate Elections.

(a) No individual or Entity shall expend funds to support or oppose a Candidate, except those collected from the sources and under the Contribution limits set forth in this Section.

(b) An Entity shall register as a Political Committee within three (3) business days of making aggregate Independent Expenditures exceeding \$750 in any Election cycle to support or oppose one or more Candidates in any Multnomah County Candidate Election.

(c) Only the following Independent Expenditures are allowed per Election Cycle to support or oppose one or more Candidates in any particular Multnomah County Candidate Election:

- (A) An individual may make aggregate Independent Expenditures of not more than five thousand dollars (\$5,000).
- (B) A Small Donor Committee may make Independent Expenditures in any amounts from funds contributed in compliance with Section (1) above.
- (C) A Political Committee may make aggregate Independent Expenditures of not more than ten thousand dollars (\$10,000), provided that the Independent Expenditures are funded by means of contributions to the Political Committee by Individuals in amounts not exceeding five hundred dollars (\$500) per Individual per year.

(3) Timely Disclosure of Large Contributions and Expenditures.

Each Communication to voters related to a Multnomah County Candidate Election shall prominently disclose the Individuals and Entities that are the five largest true original sources, in excess of \$500 each, of the Contributions and/or Independent Expenditures used to fund the Communication.

(4) Implementation and Enforcement.

(a) The provisions of this Section shall be operative not later than September 1, 2017.

(b) Each violation of any provision in this Section shall be punishable by imposition of a civil fine, which is not less than two or more than twenty times the amount of the unlawful Contribution or Expenditure or Independent Expenditure.

(5) Adjustments.

All dollar amounts shall be adjusted on January 1 of each odd-numbered year to reflect an appropriate measure of price inflation, rounded to the nearest dollar.

(6) Severability.

For the purpose of determining constitutionality, every subsection, and subdivision thereof this Section, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsections, and subdivisions necessary to render this Section consistent with the United States Constitution and with the Oregon Constitution. Each section, subsection, and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.

(7) Definitions.

Unless otherwise indicated by the text or context of this Section, all terms shall have the definitions at Chapter 260 of Oregon Revised Statutes, as of November 8, 2016.

Terms found therein or defined below are capitalized in this Section.

(a) "Candidate Committee" has the meaning set forth at ORS 260.039 - 260.041, as of November 8, 2016, for the term "principal campaign committee."

(b) “Communication” means any written, printed, digital, electronic or broadcast communications but does not include communication by means of small items worn or carried by Individuals, bumper stickers, signs smaller than 6 square feet, or a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10-day period.

(c) “Contribution” has the meaning set forth at ORS 260.005(3) and 260.007, as of November 8, 2016, except it does not include (1) funds provided by government systems of public funding of campaigns or (2) providing rooms, phones, and internet access for use by a candidate committee free or at a reduced charge.

(d) “Election cycle” means:

(A) Generally, the period between an election at which a candidate is elected and the next election for that same office, disregarding any intervening primary or nominating election, any recall election, or any special election called to fill a vacancy.

(B) For any recall elections: the period beginning the day that the recall election is called or declared and ending at midnight of the day of the recall election.

(C) For any special election called to fill a vacancy: the period beginning the day that the special election is called or declared and ending at midnight of the day of the election.

(e) “Entity” means any corporation, partnership, limited liability company, proprietorship, or other form of organization which creates an entity which is legally separate from an Individual.

(f) “Expenditure” has the meaning set forth at ORS 260.005(8) and 260.007, as of November 8, 2016, except that it does not include Communication to its members, and not to the public, by a Membership Organization not organized primarily for the purpose of influencing the outcome of contests.

(g) “Individual” means a citizen or resident alien of the United States entitled to vote in federal elections; however, when this Amendment expresses a limitation or prohibition, “Individual” means any human being.

(h) “Membership Organization” means an incorporated or unincorporated nonprofit organization having members who pay dues or otherwise affirmatively join and support the organization.

(i) “Multnomah County Candidate Election” means an election, including a primary election, to select persons to serve (or cease serving) in public offices of Multnomah County.

(j) “Small Donor Committee” means a Political Committee which cannot accept Contributions in amounts exceeding one hundred dollars (\$100) per Individual contributor per calendar year.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 15), adopted by people Nov. 6, 1984; amendment (ballot measure 26-184) adopted by people Nov. 8, 2016; Sections 11.60(2)(a) and 11.60(2)(c) were held to be invalid in *Multnomah County v. Mehrwein*, 366 Or 295, 462 P3d 706 (2020)]

CHAPTER XII. MISCELLANEOUS

- 12.10. Existing Legislation.**
- 12.20. Separability.**
- 12.30. Charter Review Committee.**
- 12.40. Appointment Of Committee Members.**
- 12.50. Scope Of Committee Review.**
- 12.60. Report Of Committee.**
- 12.70. Submission Of Amendments To The People.**

12.10. Existing Legislation.

All legislation, rules, and regulations of the county or its governmental instrumentalities that are consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

12.20. Separability.

(1) If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby.

(2) If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter or provision to other persons or circumstances shall not be affected thereby.

12.30. Charter Review Committee.

There shall be convened a charter review committee for the purpose of making a comprehensive study of the Multnomah County home rule charter and, if the committee chooses, submitting to the people of Multnomah County amendments to the charter.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977]

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 appointment of electors shall proceed as follows:

(a) On January 1, 2021, and every six years thereafter, the Office of Citizen Involvement shall begin accepting applications for electors. The Office of Citizen Involvement shall take reasonable steps to inform the residents of Multnomah County of the purpose of the charter review committee and the opportunity to serve on the committee, and shall endeavor to produce a diverse pool of applicants. Only residents of Multnomah County are eligible to serve on the charter review committee.

(b) On April 1, 2021, and every six years thereafter, the Office of Citizen Involvement shall deliver each application to the state senator who represents the applicant.

(c) The state senator and the two state representatives who represent residents in each state senate district located in Multnomah County shall have until August 15, 2021, and every six years thereafter, to 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.

(d) If two electors are appointed from a senate district, they shall not be registered in the same political party.

(3) 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.

(4) The committee shall convene its' first meeting in September 2021, and every six years thereafter. The Office of Citizen Involvement shall convene the meetings of the charter review committee.

(5) The Board of County Commissioners shall appropriate sufficient funds for the Office of Citizen Involvement to carry out its duties herein.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §6 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 24), adopted by people Nov. 6, 1984; amendment proposed by Ord. 659 §2 (1990) (measure 5), adopted by people Nov. 6, 1990; amendment (ballot measure 26-78) adopted by people Nov. 3, 1998 Amendment (ballot measure 26-185) adopted by people Nov. 8, 2016]

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.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §6 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 24), adopted by people Nov. 6, 1984; amendment (ballot measure 26-78) adopted by people Nov. 3, 1998]

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, 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.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §6 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 24), adopted by people Nov. 6, 1984; amendment proposed by Ord. 659 (1990) (measure 5), adopted by people Nov. 6, 1990; amendment (ballot measure 26-78) adopted by people Nov. 3, 1998]

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 primary or general election, or both.

[Proposed by initiative petition filed April 22, 1977, adopted by people Nov. 8, 1977; amendment proposed by Ord. 170 §6 (1978), adopted by people Nov. 7, 1978; amendment proposed by Ord. 427 §2 (1984) (ballot measure 24), adopted by people Nov. 6, 1984; amendment proposed by Ord. 659 (1990) (measure 5) adopted by people Nov. 6, 1990; amendment (ballot measure 26-78) adopted by people Nov. 3, 1998]

12A. HISTORY OF MULTNOMAH COUNTY HOME RULE CHARTER

12A.00	Introduction
12A.01	Original Charter
12A.02	1976 Amendments
12A.03	1977 Amendments
12A.04	1978 Amendments
12A.05	1980 Amendments
12A.06	1982 Amendments
12A.07	1984 Amendments
12A.08	1986 Amendments
12A.09	1989 Amendments
12A.10	1990 Amendments
12A.11	1991 Amendment
12A.12	1998 Amendments
12A.13	2001 Amendment
12A.14	2004 Amendments
12A.15	2006 Amendments
12A.16	2010 Amendments
12A.17	2016 Amendments

12A.00 Introduction

Oregon counties were created on January 26, 1843. The first Oregon organic law provided for "not less than three, nor more than five, districts, subject to be extended to a greater number when an increase in population shall require it." The four original counties, Clackamas, Yamhill, Tuality (Washington), and Champoeg (Marion) performed the administrative functions of the provisional government (1843-1848). They tried court cases, enforced laws, conducted elections, assessed and collected taxes, and recorded documents. Under the territorial government (1848-1859), the county school commissioner and county surveyor functions were added. Most county offices were established before Oregon became a state in 1859.

By 1850 there were ten counties. Two of those counties (Clark and Lewis) became part of the Washington Territory in 1853 when Congress detached it from the Oregon Territory. Multnomah County was established by the Territorial Legislature on December 22, 1854. The western part of the new county came from Washington County and the area east of the Willamette River came from Clackamas County. Multnomah was the 16th of the 36 Oregon counties. The last county created was Deschutes on December 13, 1916.

Originally, the organization, functions and powers of counties were prescribed in detail by the state constitution and state statutes. State voters amended the Oregon Constitution in 1958 to permit county voters to adopt, amend, revise or repeal charters

for county government. Nine counties have home rule charters: Lane (1962), Washington (1962), Hood River (1964), Multnomah (1966), Benton (1972), Jackson (1978), Josephine (1980), Clatsop (1988) and Umatilla (1992). Each charter provides the organization and, to some extent, the functions and powers of county government.

In 1973 the legislature created "statutory home rule." ORS 203.035 grants all counties legislative authority over matters of county concern, whether or not they have a home rule charter. Twenty-four counties, including the nine with charters, now have a board of commissioners with three to five elected members. The other 12 less populated counties continue to be governed by a county court with a county judge and two commissioners.

12A.01 Original Charter

In 1964 the Multnomah County Board of Commissioners appointed an eleven member Home Rule Charter Committee. County voters adopted the Charter on May 24, 1966. An initiative petition to repeal the Charter was approved by voters at the November 1966 election. The courts invalidated the repeal measure election. The Multnomah County Home Rule Charter took effect January 1, 1967. It had 56 sections.

The Charter increased the county governing body from three to five full-time commissioners, including a chairman. Each member was nominated and elected by position from the county at large. After the November 1966 election, all terms were four years. The Board fixed the compensation of all county officers. The Board filled vacancies in county elective offices. The Board chairman was the chief executive who appointed and discharged administrative officers. The Board approved appointment of department heads.

12A.02 1976 Amendments

The original Charter was not changed until an initiative petition proposed measures adopted by voters on November 2, 1976. The measures amended three charter sections (3.10, 3.20 & 4.50). The nomination and election of the Commissioners changed from at large to single member districts. Commissioner terms reduced from four to two years. Five districts were created based on the 1970 federal census. The number of single member commission districts could increase based on county population growth. Elected office vacancies were filled by election rather than Board appointment.

12A.03 1977 Amendments

As the result of another initiative petition, the same three Charter sections (3.10, 3.20, & 4.50) were changed again at the November 8, 1977 election. The measure changed the nomination and election of Commissioners back to at large from single member districts. Board terms increased from two to four years. The Board chairman was

assigned Position No. 1. Elected office vacancies reverted to filling by appointment rather than election.

Five new Charter Review Committee sections (12.30, 12.40, 12.50, 12.60 & 12.70) were added. The committee had 16 members appointed within 30 days by the state senator and state representatives for each senate district in county. Issues listed for committee consideration included at large or single member district election of Commissioners, two or four year terms, method of choosing Board chair, and method of filling Board vacancies. A committee report to Board was required 75 days before 1978 general election.

12A.04 1978 Amendments

Based on the Charter Review Committee report, the Board adopted Ordinance 170 and referred to the voters five measures amending the Charter. Four of the measures were adopted on November 7, 1978. Fifteen Charter sections were amended, two new sections added and one section repealed. One measure was rejected by the voters.

Measures Approved

Measure 1 amended Section 3.10 to create five districts and described the boundaries of each. New Section 3.15 provided for apportionment of commissioner districts by the county auditor. Amended Section 3.20 provided for Commissioners elected by districts for four-year terms. Section 3.40 amended the requirement for Board actions from a majority of the Board to a majority present at a meeting. The chairman changed to presiding officer selected by the Board by amendment to Section 3.50. Section 3.60 was amended to provide for annual selection of a Board presiding officer.

Measure 1 amended Section 4.10 by adding residency in the district for a year and a half to the qualifications for election. Ceasing to reside within the county and inability to obtain a corporate surety bond added to the Section 4.40 list causing an office vacancy. Section 4.50(4) was added to prohibit a person appointed to fill a Commissioner vacancy from running for that office at next election.

Measure 1 also amended Section 6.10 and changed county administrative authority from the Board chair to an elected county executive. Section 6.10 was amended to provide for county executive authority over administrative officers and increased authority to sign contracts and prepare the budget. The county executive had no vote at Board meetings, but had authority to veto ordinances adopted by the Board. New Section 13.15 contained effective dates for the amendments. Revised Section 13.20 provided for election of the county executive and reassigned commission positions.

Measure 2 amended Section 7.40 to prevent refusal of employment or discrimination contrary to state law. It also provided that Charter words in the masculine gender also included the feminine.

Measure 3 amended the Charter Review Committee sections. Section 12.40 changed appointments to two electors who reside in the county from each senatorial district having the majority of its voters in the county. Appointments had to be made by June 30, 1983. Amended Section 12.50 changed scope of the committee review to the Charter and any issues relating thereto, including the role of the auditor. The committee report due date changed from 75 to 95 days before the general election. All proposed amendments were required to be submitted for 1984 general election.

Measure 4 added new Section 11.15 making all elective county offices nonpartisan. It also provided that with two or fewer candidates, the names appear only on a general election ballot. If there are more than two candidates, all names appear on a primary election ballot, and the two candidates receiving the most votes appear on the general election ballot.

Measure Rejected

Measure 5 would have amended Section 8.20 to expand Board authority to authorize revenue bonds. Voters did not approve that measure.

12A.05 1980 Amendments

Board Ordinance 245 proposed county personnel Charter amendments. Voters approved the measure at the November 4, 1980 election and amended four Charter sections. Section 6.10 made the county executive the personnel officer of the county. Civil service commission authority to exclude employees from classified service was deleted from Section 7.10. Section 7.20 was amended to permit the Board to determine cases the commission hears on appeal. The connection between county civil service system and state law was deleted from Section 7.30. Retention of civil service status by persons promoted into unclassified service and continuation of fringe benefits were deleted from Section 7.40.

Ordinance 272 proposed a measure to amend Section 3.10 to make changes to commission districts based on the 1980 decennial census. Voters approved this measure at the November 4, 1980 election.

12A.06 1982 Amendments

An initiative petition resulted in amendments to compensation for elected officials, and the number of county elected officials. Section 4.30 was amended to fix the compensation of all county elected officials by voters at primary or general elections. New Section 6.50 was added to provide for election of Sheriff, County Clerk, District Court Clerk and County Assessor. It added prohibition of paid county lobbyist. It restricted elective officers to eight years of service retroactive to 1976. It made filing for another office the same as a resignation. Voters approved the measure at the May 18, 1982 election.

12A.07 1984 Amendments

The 1984 Charter Review Committee recommended 17 ballot measures revising the Charter. Board Ordinance 427 submitted the proposed amendments to the voters. Voters approved 15 of the measures at the November 6, 1984 election. Two measures were rejected.

Measures Approved

Measure 1 amended Section 3.10 to provide for a Board chair elected from the county at large, and four commissioners elected from districts with revised boundaries. The county executive was eliminated. The Board chair became the presiding officer in Section 3.60. Section 5.40 was changed so that the Chair signs ordinances, but has no veto. The powers of the Chair are listed in amended Section 6.10.

Measure 2 changed the Section 3.15 time requirements for apportionment by the Auditor. It also conformed the Charter to state law by deleting the Section 11.15 provision for ballot slogans.

Measure 3 amended Section 4.10 to permit the county to obtain a corporate surety bond for elected officials rather than continuing to require individual surety bonds.

Measure 4 amended Section 4.30 to require the auditor to appoint a five-member salary commission. The commission makes salary adjustment recommendations for elected officials. The recommendations are submitted to voters at a primary election.

Measure 5 amended the Section 4.50 procedures for filling vacancies in elective offices. If more than one year remains in the term, the vacancy is filled at the next available election. If less than one year but 90 days or more remain, the Board appoints a person to fill the remaining term. If less than 90 days left in the term, the office remains vacant.

Measure 6 related to administrative departments and functions. It deleted references to existing and past departments. It repealed Sections 6.30 and 6.40 and incorporated some of their provisions into an amended Section 6.20. It clarified Board authority to create and alter administrative departments.

Measure 7 deleted the office of elected District Court Clerk. Measure 8 deleted the office of elected County Clerk. Measure 9 deleted the office of elected County Assessor. All three measures amended Section 6.50(2).

Measure 11 amended Section 6.50(4) to revise the limitation on eligibility for elective office to two consecutive full four-year terms in any 12-year period.

Measure 12 revised the duties of the auditor. Section 8.10 was amended to require the Auditor to conduct internal audits of all county operations and financial affairs. Elected officials were required to respond in writing to audit findings. Section 13.30 relating to the 1966 election of the auditor was repealed.

Measure 13 deleted from Section 8.20 the requirement of voter authorization before the Board could issue revenue bonds.

Measure 14 amended Section 11.15 relating to primary elections. Previously a primary was required only if there were more than two candidates. Candidates who receive a majority of the votes in the primary are elected. If no candidate receives a majority, the two candidates receiving the most votes are nominees and appear on the general election ballot.

Measure 15 proposed amendments to the Charter Review Committee provisions (Sections 12.40, 12.50, 12.60 & 12.70). It added a committee member from each senatorial district having less than a majority of voters in the county. It required the report at least 95 days before the primary or general elections in 1990.

Measure 16 created an office of citizen involvement. It added a new Section 3.75 to develop and maintain citizen involvement programs to facilitate direct communication between citizens and the Board. It required the Board to appropriate funds for the office and committee. It granted the committee authority to hire and fire its staff.

Measures Rejected

The voters did not approve two measures proposed by the Charter Review Committee. Measure 10 would have amended Section 6.50(3) to permit the county to employ a coordinator of intergovernmental relations. It would have repealed the lobbyist prohibition. Measure 17 would have repealed the prohibition against elected officials running for another office in midterm.

12A.08 1986 Amendments

The Board submitted Ordinance 500 to the voters at the May 20, 1986 election. This measure relating to elected officials approved and amended Section 6.50(5). It permits county elected officials to file for another office in the last year of their terms without resigning from office.

Voters approved Ordinance 521 at the November 4, 1986 election. It amended Section 4.30 to permit voters to fix compensation of elected officials at general as well as primary elections.

Voters also approved Ordinance 522 at the November 4, 1986 election. It amended Section 6.10 to provide that new county Chair would receive the same salary previously paid the county executive. The Chair took office on January 1, 1987.

12A.09 1989 Amendments

Ordinance 603 related to Auditor compensation. It proposed amendments to Section 4.30, Compensation and Section 8.10, Auditor. The change to 4.30 added "except as provided in section 8.10(2)." The Section 8.10 change required Auditor candidates to be certified public accountants or certified internal auditors. The Auditor salary was set at 4/5's of a district court judge salary. Voters approved the measure at the March 28, 1989 election.

Ordinance 604 amended Section 4.50 to change the procedure for filling vacancies. Section 4.50(1)(a) was changed to require a candidate to receive a majority of votes cast at an election for filling the balance of an unexpired term. Subsection (3) requires the Board to adopt ordinance procedures to designate interim occupants for the offices of Chair, Sheriff and Auditor. Voters also approved this measure at the March 28, 1989 election.

12A.10 1990 Amendments

The 1990 Charter Review Committee proposed seven measures for the November 6, 1990 general election. The Board adopted Ordinance 659 submitting the measures to the voters. Voters approved three measures, and rejected four measures.

Measures Approved

Measure 26-4 added new subsection (a) to Section 6.50(1) to require the Board to fix the Sheriff's salary at not less than that of any member of the Sheriff's office.

Measure 26-5 amended Section 4.30 to change the method of determining the compensation of the Chair and Commissioners. The section permits the Board to establish the salaries, but they shall not exceed the salaries recommended by the salary commission.

Measure 26-6 amended the Charter Review Committee sections. Section 12.40 was amended to require appointments by June 30, 1997. Sections 12.60 and 12.70 were amended to require the committee report and election in 1998.

Measures Rejected

Measure 26-2 would have transferred county administrative functions from the Chair to a County Manager. It would have made extensive changes to Section 6.10, Chair and created a new Section 6.15, County Manager.

Measure 26-3 would have amended Section 6.50 to repeal the subsection (3) prohibition on hiring a paid lobbyist and permit the county to employ an advocate for county interests before the legislature.

Measure 26-7 would have amended Section 6.50(5) to permit an elected official to file for another office in the last 18 months of a term. The section continues to permit filing in the last year of a term without resigning from office.

Measure 26-8 would have repealed Section 6.50(4) that prohibits elected officials from serving more than two consecutive four-year terms in any 12-year period.

12A.11 1991 Amendment

Section 3.15 requires the Auditor to reapportion Commissioner districts not later than August 1 after the release of each federal decennial census for Multnomah County. The auditor prepared and presented to the Board a plan to modify district boundaries. As required by Section 3.15, the Board adopted Ordinance 694 on August 29, 1991.

12A.12 1998 Amendments

The 1997 Charter Review Committee proposed 10 measures for the November 3, 1998 general election. The Board adopted Resolution 98-126 that submitted the measures to the voters. The voters approved six measures, and rejected four measures.

Measures Approved

Measure 26-76 repealed outdated parts of the Charter. It repealed nine Charter sections and parts of nine other sections. Measure 26-77 repealed three unneeded Charter sections relating to county service districts.

Measure 26-78 amended the Charter sections relating to the Charter Review Committee. The next committee will be appointed by August 30, 2003, and a committee will be appointed every six years thereafter.

Measure 26-79 amended Section 3.15 to reduce apportionment population differences of the four Commissioner districts. Now no district may have more than 102 percent of the population of any other district.

Measure 26-80 amended Section 4.50(3) to require designation of interim Commissioners as well as interim Chair, Sheriff and Auditor. Measure 26-84 amended Section 8.10 to require the Auditor to conduct "performance" audits rather than "internal" audits. It also allows the Auditor to conduct studies to improve county services.

Measures Rejected

Measure 26-81 would have repealed county term limits. Measure 26-82 would have repealed the requirement that an elected official who runs for another office in midterm must resign.

Measure 26-83 would have repealed the bar on a paid county lobbyist. Measure 26-85 would have amended the Charter to permit different runoff election procedures.

12A.13 2001 Amendment

Section 3.15 requires the Auditor to reapportion Commissioner districts not later than August 1 after the release of each federal decennial census for Multnomah County. The auditor prepared and presented to the Board a plan to modify district boundaries. As required by Section 3.15, the Board adopted Ordinance 964 on August 2, 2001.

12A.14 2004 Amendments

The 2003 Charter Review Committee proposed seven measures for the November 2, 2004, general election. The Board adopted Resolution 04-101 that submitted the measures to the voters. The voters approved five measures, and rejected two measures.

Measures Approved

Measure 26-57 amended Section 3.20 by removing subsection (3) to resolve an inconsistency and require all county elected officials to receive a majority of votes.

Measure 26-58 amended Section 4.30 to require the five-member salary commission appointed by the auditor to set county chair and commissioner salaries.

Measure 26-59 amended Section 6.50 to remove subsection (2) barring county paid lobbyists.

Measure 26-62 amended Section 7.20 to reduce Civil Service Commission terms from six to three years.

Measure 26-63 amended Section 11.15 by removing subsection (5) containing an outdated reference regarding selection of replacement candidates after a primary.

Measures Rejected

Measure 26-60 would have repealed county term limits. Measure 26-61 would have repealed the requirement that an elected official who runs for another office in midterm must resign.

12A.15 2006 Amendments

Based on the 2003 Charter Review Committee recommendation, the Board adopted Resolution 06-027 submitting a housekeeping measure to the voters at the May 16, 2006, election. The voters approved Measure 26-78 that moved subsections (2) and (3), relating to term limits and running for office midterm, from section 6.50, Sheriff, to section 4.20, Terms of Office.

12A.16 2010 Amendments

The 2009 Charter Review Committee proposed six measures for the November 2, 2010, general election. The Board adopted Resolution 2010-106 that submitted the measures to the voters. The voters approved four measures, and rejected two measures.

Measures Approved

Measure 26-111 amended Section 4.30 to require the Salary Commission to set Sheriff and District Attorney supplemental salaries and deleted 6.50(2) with respect to the Sheriff's salary.

Measure 26-112 amended Section 4.40 to cause a vacancy if a commissioner ceases to reside in the commissioner's district.

Measure 26-113 amended Section 4.50 to limit vacancy elections to the May or November elections.

Measure 26-114 added Chapter IX, Library District, allowing the Board to form a county library district by voter approval. Chapter IX includes Section 9.10, Formation; Section 9.20, Financing; and Section 9.30, Advisory Board.

Measures Rejected

Measure 26-109 would have repealed county term limits. Measure 26-110 would have repealed the requirement that an elected official who runs for another office in midterm must resign.

12A.17 2016 Amendments

The 2016 Charter Review Committee proposed five measures for the November 8, 2016, general election. The Board adopted Resolution 2016-075 that submitted the measures to the voters. The voters approved three measures, and rejected two measures. Following approval of Measure 26-184, the County initiated a validation proceeding to determine the constitutionality of the measure under the state and federal

constitutions. The Oregon Supreme Court validated in part, and invalidated I part, the measure. *Multnomah County v. Mehrwein*, 366 Or 295, 462 P3d 706 (2020).

Measures Approved

Measure 26-182 amended Section 4.20 to allow Commissioners to run for Chair midterm without resigning.

Measure 26-184 added Section 11.60 placing limitations on contributions to political campaigns for candidates running for county elective office, limitations on independent expenditures in support or opposition to any Candidate for a county elective office and requires that each Communication to voters related to a Multnomah County Candidate Election prominently disclose the five largest true original sources of funding (in excess of \$500) for the Communication.

Measure 26-185 amended Section 12.40 for the charter review committee appointment process, setting appointments and convening timelines.

Measures Rejected

Measure 26-181 would have repealed county term limits. Measure 26-181 would have extended the term limits to three consecutive four-year terms in any one office in 16 years.

Measure 26-183 would have amended Section 6.50 – Sheriff from elected to appointed.

Measures Litigated

After the approval of Measure 26-184 adding Section 11.60 to the Charter, the Board of County Commissioners adopted Ordinance 1243, which incorporated the Charter amendment, as written, into County Code and directed the County Attorney to initiate a validation proceeding to determine whether the amendment was constitutional under Article I, section 8, of the Oregon Constitution and the First Amendment to the United States Constitution.

A Multnomah County circuit court judge upheld the validity and constitutionality of the registration and payroll deduction provisions (Section 11.60(1)(c) and Section 11.60(2)(b)) (Case No. 17CV18006).

That same judge upheld a disclosure provision similar to that adopted by the County in a related case brought by the City of Portland (Case No. 19CV06544), and the County implemented its disclosure provision (Section 11.60(3)) based on that ruling.

In *Multnomah County v. Mehrwein*, 366 Or 295, 462 P3d 706 (2020), the Oregon Supreme Court held that the contribution limits (Section 11.60(1)(a) and (b)) are constitutional under Article I, section 8, of the Oregon Constitution. The Court

remanded the case to the trial court to review the contribution limits under the First Amendment, and those limits were upheld.

The Court in *Mehrwein* held that the County's expenditure limits (Section 11.60(2)(a) and (c)) are invalid.

12B. MULTNOMAH COUNTY CHARTER REVISIONS

YEAR	Amended		Year	Repealed
1976, 1977, 1978, 1981, 1984, 1991, 1998, 2001	Chapter III. Governing Body 3.10 Membership			
1984	3.11 Transition		1998	3.11 Transition
1978 1984 1998	3.15 Apportionment Of Commissioner Districts			
1976 1977, 1978 2004	3.20 Election			
1978, 1984	3.40 Concurrence Required For Action			
1978 1998	3.50 Meetings			
1978, 1984	3.60 Presiding Officer			

YEAR	Amended		Year	Repealed
1978, 1984	3.70 Advisory Boards And Commissions			
1984	3.75 Citizen Involvement		1978	3.80 Board Members And Administrative Personnel
1978, 1984, 1998	4.10 Qualifications			
2006, 2016	4.20 Terms Of Office; Successive Terms, Running For Office In Midterm			
1982, 1984, 1986, 1989, 1990, 1998, 2004, 2010	4.30 Compensation Of The Chair And Commissioners			
1978, 1984, 2010	4.40 Vacancies--Causes			

YEAR	Amended		Year	Repealed
1976, 1977, 1978, 1984, 1989 1998, 2010	4.50 Vacancies--Filling			
1978, 1984	5.40 Authentication			
1978, 1984	5.50 Time Of Effect			
1978, 1980, 1984, 1986, 1998	6.10 Chair Of The Board			
1984, 1998	6.20 Administrative Departments And Functions			
1984	6.30 Departmental Functions			
1984	6.40 Departmental Changes			

YEAR	Amended		Year	Repealed
1982, 1984, 1986, 1990, 1998, 2004, 2006, 2010	6.50 Sheriff			
1980, 1990 1998	7.10 Classified Service			
1980, 2004	7.20 Civil Service Commission			
1980	7.30 Civil Service System			
1978, 1980	7.40 Rights And Duties Of Personnel			
1984, 1989, 1998	8.10 Auditor			
1984	8.20 Bonded Indebtedness		1998	Chapter IX Service Districts 9.10 Authorization 9.20 Limitation 9.30 State Law
2010	Chapter IX Library District			

YEAR	Amended		Year	Repealed
2010	9.10 Formation			
2010	9.20 Financing			
2010	9.30 Advisory Board			
1978, 1984, 2004	11.15 Nonpartisan Offices		1998	11.10 Nomination And Election Of Officers
1984	11.50 Charter Amendment And Repeal			
2016	11.60 Limitations on Political Contributions			
1977, 2016	12.30 Charter Review 12.40 Appointment Process			