

MULTNOMAH COUNTY HOME RULE CHARTER

[Amendments Approved May 16, 2006]



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

TABLE OF CONTENTS

CHAPTER 1 - PRELIMINARY PROVISIONS..... 1	CHAPTER 5 - ORDINANCES.....9
1.10. Name. 1	5.10. Legislative Action. 9
1.20. Nature. 1	5.20. Ordaining Clause. 9
1.30. Boundaries. 1	5.30. Adoption. 9
1.40. County Seat. 1	5.40. Authentication. 9
CHAPTER 2 - POWERS 2	5.50. Time Of Effect..... 9
2.10. General Grant Of Powers. 2	CHAPTER 6 - ADMINISTRATION10
2.20. Where Powers Vested..... 2	6.10. Chair Of The Board..... 10
CHAPTER 3 - GOVERNING BODY 3	6.20. Administrative Departments And Functions. 10
3.10. Membership..... 3	6.50. Sheriff. 11
3.15. Apportionment Of Commissioner Districts. ... 4	CHAPTER 7 - PERSONNEL12
3.20. Election. 5	7.10. Classified Service. 12
3.30. Quorum. 5	7.20. Civil Service Commission..... 12
3.40. Concurrence Required For Action..... 5	7.30. Civil Service System. 12
3.50. Meetings..... 5	7.40. Rights And Duties Of Personnel..... 12
3.60. Presiding Officer..... 5	7.50. Retirement. 13
3.70. Advisory Boards And Commissions. 5	CHAPTER 8 - FINANCE14
3.75. Citizen Involvement..... 6	8.10. Auditor..... 14
CHAPTER 4 - COUNTY OFFICERS IN GENERAL7	8.20. Bonded Indebtedness..... 14
4.10. Qualifications..... 7	CHAPTER 10 - PUBLIC IMPROVEMENTS15
4.20. Terms Of Office; Successive Terms; Running For Office In Midterm. 7	10.10. Exception..... 15
4.30. Compensation Of The Chair And Commissioners. 7	10.20. Procedure..... 15
4.40. Vacancies -- Causes. 8	10.30. Financing. 15
4.50. Vacancies -- Filling..... 8	10.40. Referendum. 15
	10.50. Remonstrance..... 15

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 11 - ELECTIONS 16

- 11.15. Election Of Officers. 16*
- 11.20. Tie Votes. 16*
- 11.30. Initiative And Referendum. 16*
- 11.40. Recall. 16*
- 11.50. Charter Amendment And Repeal..... 16*

CHAPTER 12 - MISCELLANEOUS..... 17

- 12.10. Existing Legislation. 17*
- 12.20. Separability. 17*
- 12.30. Charter Review Committee. 17*
- 12.40. Appointment Of Committee Members. 17*
- 12.50. Scope Of Committee Review. 18*
- 12.60. Report Of Committee. 18*
- 12.70. Submission Of Amendments To The People. 18*

CHAPTER 1

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 2**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 3

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 Union Pacific R.R. at the Steel Bridge, east on the Union Pacific R.R. parallel to the Banfield Freeway (I-84) to 33rd Ave., south on 33rd Ave. becoming 32nd Ave. to Stark St., east on Stark St. to 33rd Ave., south on 33rd Ave. to Salmon St., east on Salmon St. to 39th Ave., south on 39th Ave. and its extension to the Portland Traction R.R. right-of-way (40 Mile Loop Trail), southeast on the Portland Traction R.R. right-of-way to Clackamas County line; bounded on the south by Clackamas County;

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 I-205, south on I-205 to Sandy Blvd., northeast and east on Sandy Blvd. to 122nd Ave., south on 122nd Ave. to the Union Pacific R.R., west along the Union Pacific R.R. parallel to the Banfield Freeway(I-84) 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 33rd Ave. and the Union Pacific R.R. at the Banfield Freeway (I-84), east along the Union Pacific R.R. parallel to the Banfield Freeway (I-84), to 148th Ave., south on 148th Ave. to Powell Blvd., west on Powell Blvd. to 130th Ave., south on 130th Ave. to Holgate Blvd., west on Holgate Blvd. to 122nd Ave., south on 122nd Ave. to Ramona St., east on Ramona St. to 136th Ave., south on 136th Ave. to Foster Rd., west on Foster Rd. to 134th Ave., south on 134th Ave. to Deardorff Rd., south on Deardorff Rd. to the Clackamas County line; bounded on the south by Clackamas

Multnomah County Home Rule Charter

County; bounded on the west as follows: beginning at the Clackamas County line and the Portland Traction R.R. right-of-way (40 Mile Loop Trail) near Johnson Creek Blvd. and 45th Pl., northwest along the Portland Traction R.R. right-of-way to the extension of 39th Ave. and 39th Ave. continuing north on 39th Ave. to Salmon St., west on Salmon St. to 33rd Ave., north on 33rd Ave. to Stark St., west on Stark St. to 32nd Ave., north on 32nd Ave. becoming 33rd Ave. to the Union Pacific R.R. parallel to the Banfield Freeway (I-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 and the Columbia River; bounded on the east by Hood River County; bounded on the south by Clackamas County; and bounded on the west as follows: beginning at the intersection of the Clackamas County Line and Deardorff Rd., north on Deardorff Rd. to 134th Ave., north on 134th Ave. to Foster Rd., east on Foster Rd. to 136th Ave., north on 136th Ave. to Ramona St., west on Ramona St. to 122nd Ave., north on 122nd Ave. to Holgate Blvd., east on Holgate Blvd. to 130th Ave., north on 130th Ave. to Powell Blvd., east on Powell Blvd. to 148th Ave., north on 148th Ave. to the Union Pacific R.R. parallel to the Banfield Freeway (I-84), west along the Union Pacific R.R. parallel to the Banfield Freeway (I-84) to 122nd Ave., north on 122nd Ave. to Sandy Blvd., west and southwest on Sandy Blvd. to I-205 Freeway north on I-205 Freeway to the 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)]

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 4

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 And Commissioners.**
- 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) 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.

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

4.30. COMPENSATION OF THE CHAIR AND COMMISSIONERS.

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 and the county commissioners, 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]

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, or
 - (f) Ceasing to reside within Multnomah County, or inability to obtain a corporate surety bond as required by section 4.10(2).
- (2) Upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for his 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]

4.50. VACANCIES -- FILLING.

(1) If a vacancy occurs in an elective office of the county and the term of office expires:

(a) One year or more after the vacancy occurs, then a person shall be elected at the next available election date to fill the vacancy for the remainder of the term of office. If no candidate receives a majority of votes cast at that election, the board of county commissioners shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.

(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]

CHAPTER 5

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 6
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:

(1) A county sheriff for the function of said office as prescribed by state law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.

(2) Notwithstanding any other charter provision to the contrary, the salary for the sheriff shall be fixed by the board of county commissioners in an amount which is not less than that for any member of the sheriff's office.

[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]

CHAPTER 7**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 8**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 10

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 11**ELECTIONS**

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

11.15. 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.

[Amendment proposed by Ord. 427 §2 (1984) (ballot measure 15), adopted by people Nov. 6, 1984]

CHAPTER 12

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 state senator and the two state representatives who represent residents in each state senate district located in Multnomah County shall appoint the electors for the district. Appointees shall reside in the district and Multnomah County. If the three appointers from any senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.

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

(4) The following persons are not eligible for appointment to the committee: the state senators and state representatives who represent districts located in Multnomah County, the members of the Multnomah County board of county commissioners, and the chair of the board, if any, serving at the time of appointment.

(5) Any vacancy in the committee shall be filled by the senator and representatives from the senate district who had authority to make the original appointment.

(6) Original appointments shall be made by August 30, 2003, and every six years thereafter.

[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]

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]