

Portland State University

PDXScholar

City Club of Portland

Oregon Sustainable Community Digital Library

5-20-1966

Report on Multnomah County Home Rule Charter (Multnomah County Measure No.3)

City Club of Portland (Portland, Or.)

Follow this and additional works at: https://pdxscholar.library.pdx.edu/oscdl_cityclub



Part of the [Urban Studies Commons](#), and the [Urban Studies and Planning Commons](#)

Let us know how access to this document benefits you.

Recommended Citation

City Club of Portland (Portland, Or.), "Report on Multnomah County Home Rule Charter (Multnomah County Measure No.3)" (1966). *City Club of Portland*. 225.

https://pdxscholar.library.pdx.edu/oscdl_cityclub/225

This Report is brought to you for free and open access. It has been accepted for inclusion in City Club of Portland by an authorized administrator of PDXScholar. Please contact us if we can make this document more accessible: pdxscholar@pdx.edu.

REPORT
ON
MULTNOMAH COUNTY
HOME RULE CHARTER

(Multnomah County Measure No. 3)

Purpose: Gives county authority over matters of county concern. Prescribes the organization, procedures and powers of county government. Voters have initiative and referendum powers.

To the Board of Governors,
The City Club of Portland:

The Committee was established to study the proposed Multnomah County Home Rule Charter which is to be voted on at the election on May 24, 1966.

I. INTRODUCTION

The County Home Rule Charter has been drafted to "make available to the citizens of Multnomah County the privilege of self-determination in matters of county concern as authorized under the constitution and laws of the state."⁽¹⁾

At the election on November 8, 1958, the people of Oregon adopted a constitutional amendment allowing home rule for Oregon counties.⁽²⁾ In September, 1958, a City Club committee recommended, and the Club approved, the then proposed constitutional amendment.⁽³⁾ In 1959 the Legislature passed enabling legislation for home rule action.⁽⁴⁾ In March 1964, the Board of County Commissioners of Multnomah County filed its resolution establishing a Home Rule Charter Committee.⁽⁵⁾ That Committee has drafted the Charter under consideration in this report, and has referred it to the people for decision at the May 24 election.

⁽¹⁾ Statement of Home Rule Charter Committee of Multnomah County, Oregon, submitted with proposed home rule charter.

⁽²⁾ Constitution of Oregon, Article VI, Sec. 10 (as amended 1960).

⁽³⁾ "County Home Rule Amendment", a committee report, Portland City Club Bulletin, Vol. 39, No. 17, September 26, 1958.

⁽⁴⁾ ORS 203.710 through 203.810 (as amended 1963).

⁽⁵⁾ An eleven-man citizens' committee: four members appointed by the Board of County Commissioners; five by State Representatives from Multnomah County; two by State Senators from Multnomah County. All members are legal voters of Multnomah County; none are connected with county government.

II. SCOPE OF RESEARCH

In order to get viewpoints and information on the proposed Charter, the Committee has had interviews with the following:

David Eccles and Mel Gordon, Multnomah County Commissioners. (Commissioner M. James Gleason was unable to attend the interview meeting.)

Lloyd E. Anderson and William Brunner, Chairman and Vice-Chairman, respectively, of the Multnomah County Home Rule Charter Committee.

Orval Etter, Counsel to the Multnomah County Home Rule Charter Committee and the Metropolitan Study Commission, and consultant to the Lane County Home Rule Committee.

Terry D. Schrunk, Mayor, City of Portland.

Estes Snedecor, Jr., Chairman, Metropolitan Study Commission.

Alden Krieg, member of both the Metropolitan Study Commission and the Multnomah County Home Rule Charter Committee.

Edward J. Whelan, Executive Secretary-Treasurer, Oregon State Council AFL-CIO and a member of the Metropolitan Study Commission.

Edward Hargreaves, Field Representative, Oregon Public Employees Council.

Mrs. Owen Cramer, Local Government Chairman, League of Women Voters of Portland.

Mrs. George Casterline, League of Women Voters of East Multnomah County and member, Board of Directors, League of Women Voters of Oregon.

Orren W. Brownson, former chairman, Metropolitan Study Commission, and member, Citizens for Good Government, a group organized to oppose the County Home Rule Charter measure and Municipal Measure No. 51.

Clayton Nyberg, Chairman, Washington County Board of Commissioners.

Robert Nyman, County Administrative Officer, Washington County.

J. W. Barney, City Manager, Hillsboro, and a member of the original drafting committee of Washington County Home Rule Charter.

Telephone discussions were had with Mr. Jesse Hill, Chairman, Lane County Commission, and Hugh McKinley, City Manager, Eugene, Oregon.

III. THE COUNTY NOW

Multnomah County was created by the Territorial Legislature in 1854. It is an arm of the state government and administers its functions under state laws. It has no general power to enact ordinances and thus can supplement state laws to meet special conditions in the County only where state statutes specifically so provide. The chief administrative officers of the county are three commissioners who are elected for staggered four-year terms, in a partisan election. The Commissioners select one of their number to serve as chairman. The Commissioners appoint and have the power to review decisions of officials, boards and commissions within the framework of state law. They have budgetary control over all county offices, including those headed by elective officials.⁽⁶⁾

⁽⁶⁾The county budget for 1965-66 is \$39,020,377 as certified by the Multnomah County Tax Supervising and Conservation Commission. The county budget for 1964-65 was 16.8 per cent of the total budget for local government agencies in Multnomah County, as reported by the Tax Supervising and Conservation Commission.

The organizations directly under the Board of County Commissioners are:

- (1) Public Health Division
- (2) County Physician
- (3) Edgefield Manor (nursing home care for the aged and incapacitated)
- (4) Edgefield Lodge (emotionally disturbed children's care center)
- (5) Multnomah Hospital
- (6) Donald E. Long Home (juvenile detention home)
- (7) Division of Parks and Memorials
- (8) Division of Roads and Bridges
- (9) County Fair Division
- (10) Planning Division
- (11) Registration and Elections Division
- (12) Food Stamp Division
- (13) Veterans' Assistance Division
- (14) Land Division (management and sale of land acquired by city and county)
- (15) Horticulture Inspection
- (16) Veterinarian Division
- (17) Vance Pit (sanitary fill)
- (18) Dog Control

Directly under the County Commissioners also are functions which service the county's other activities. These include purchasing, data processing, motor pool, electrical and radio, courthouse maintenance, microfilm, civil service, and Edgefield Center which is a farm, and a site for Edgefield Manor, Edgefield Lodge and the minimum security jails.

The three County Commissioners, with four additional members appointed by them, constitute the County Public Welfare Commission. The Board of County Commissioners is required each year to levy a property tax to support the state's public welfare program within the county. The exact amount each year is certified to the Board of County Commissioners which must include it in the county's budget without change. The money is paid to the State Public Welfare Commission. The County Public Welfare Commission must follow policies set by the State Public Welfare Commission.

Other major services provided by elective officials are as follows:

- (1) *Assessor*—evaluates all taxable property in the county; computes taxes owed by property owners; keeps records of platted additions; makes up tax roll each year.
- (2) *County Clerk*—handles legal documents pertaining to the Circuit Courts, issues licenses; records all records affecting titles to real property in Multnomah County.
- (3) *Sheriff*—as chief law enforcement officer of the county: polices all unincorporated areas within the county; operates three jails; collects county taxes; serves legal papers for the Circuit Court and provides other court services such as transporting and lodging prisoners.
- (4) *Auditor*—head accounting officer; issues checks for bills and salaries against county funds and inspects the accounts of all other county operations for accuracy, completeness and legality.
- (5) *Treasurer*—receives deposits from other county divisions. The treasurer cashes checks drawn against their accounts and provides statements of these transactions, handles funds of other tax-levying districts such as schools or service districts; holds property tax collections and disburses them as required; invests idle funds.

- (6) *Surveyor*—provides basic survey information which is the basis for all legal descriptions of public and private property in the county and checks subdivision surveys before accepting subdivision plats for record and filing. Private surveys are checked for accuracy and completeness before they are filed as required by law.
- (7) *Coroner*—investigates violent deaths (and others where there is no attending physician) that occur in the county and operates the morgue.
- (8) *District Attorney*—as a state officer serving the county in which elected: prosecutes all criminal offenses committed within the county;⁽⁷⁾ acts as legal adviser to all county officials; acts as their defense counsel for any legal action taken against them while they are performing their county duties.
- (9) *Constable*—executes civil processes including serving legal papers for the District Courts, and provides other court services. He is an enforcement arm of the District Court on civil proceedings.
10. *District Court Clerk*—collects fines, handles bail money, and keeps records of the District Courts.

Thus, the county has thirteen elective officers, including the county commissioners.

Judiciary

Positions of judges of the Circuit and District Courts are state officers and are not affected by the proposed charter. Hence, their positions are not discussed.

County Service Districts

The county has authority to establish master plans and service districts for sanitary, drainage, street or road lighting services.

The Board of County Commissioners is required to hold a hearing following adoption by the Commissioners of a resolution to form a service district, or upon receipt of a petition, signed by sixty per cent or more of the owners of property in the proposed district. Prior to holding a hearing, the Commissioners are required to have plans prepared including estimated costs of construction, maintenance and operation. Formation of a county service district requires approval by a majority of the voters in the district to be served. Once a district is established, the County Commission continues as its governing body. There is an advisory body of district members.

Financing of a county service district may come from a revolving fund, assessments against the property in the district, service charges in the district, connection charges, district *ad valorem* taxes, sales of bonds, or any combination of the foregoing. Revolving fund monies may be raised from *ad valorem* taxes on all property located within areas to be served by the master plan and which are outside city boundaries.

County service recreational districts may also be established along the lines mentioned above. Time did not permit examination of their financing arrangements.

Special Service Districts

Communities within the county may also incorporate as municipal corporations to provide sanitary, water or fire services. If twenty-five or more freeholders residing within an area sign a petition and present it to the County Commissioners, the latter will examine the petition and set a date for public hearing. The Commissioners may alter the boundaries of a proposed district to include territory which may be benefitted by inclusion but they may not modify the territory to exclude any land which could be benefitted.

(7) The City Attorney prosecutes violations of city ordinances.

If a majority of the votes cast in the proposed district favor its establishment, the district is formed and the governing body is elected and takes office. (The governing body is not the County Commission as in the case of a county service district.) Thereafter the special district is an autonomous municipal corporation with authority to finance its activities and levy taxes in accordance with state law.

General Sanitary Activities

In addition to the functions in connection with county service districts and special service districts outlined above, the county has constructed, directly, the Fanno Creek Sewage treatment plant in Washington County.

Division of Service to City and County

Many county functions serve all residents of the county, including residents in the City of Portland. These include: tax assessment and collection; courts, including county clerk; public health; Willamette River bridges; auditor; treasurer; coroner; district attorney; surveyor; constable; county jails; county institutions including Multnomah Hospital; memorial park functions (Lone Fir Cemetery); veterans' assistance; county fair; horticulture inspection; Vance Pit (sanitary fill); land division in handling sale of tax delinquent property and other operations; registration and elections; marriage licensing, and the food stamp plan.

Some services are provided entirely, or mostly, outside the city. These include: county planning and zoning (entirely outside city); veterinarian division (mostly outside city); county law enforcement (entirely outside city); dog control (entirely outside city); county roads (mostly outside city, although there are county roads within the city), and parks (mostly outside city, although some parks, such as Blue Lake and Oxbow, also serve city residents).

IV. THE PROPOSED HOME RULE CHARTER

1. Powers

The proposed Charter would extend the powers of the commissioners, and it would clarify those powers, particularly with respect to service districts.

It would confer on the county commissioners broad authority over matters of county concern to the fullest extent granted or allowed by the constitution and laws of the United States and of the State of Oregon.⁽⁸⁾ The commissioners would thus have much more authority to provide urban and rural services, with certain exceptions that are discussed below. They could, consistent with state law, enact ordinances relating to county matters. The county would have extensive municipal corporate powers under the Charter. For example, power to finance would be provided through the issuance of revenue bonds, in addition to present bonding powers; control of garbage handling would be covered by ordinance, as would some other municipal regulations. The county also would be given the power, under the Charter, to establish county water and fire service districts in addition to the types of county service districts which may now be established.

The clarification of the Commissioners' powers with respect to service districts would relate to the following matters:

(a) Sanitary and water service may be provided *only* through county service districts. This provision would appear to curtail the county activities of building directly projects such as the Fanno Creek Sewage treatment plant in Washington County. On the other hand, the Charter gives the county authority to provide water services, an authority which it does not now have.

(b) The Commissioners may not provide water or fire protection to the public where that service is furnished by a city or special district. The purpose of this provision is to limit undesirable and expensive competitive services.

⁽⁸⁾Section 2.10 of the proposed charter.

The provision will not prevent orderly establishment, abolition, consolidation or annexation as provided by state law.

2. Organization Changes

In addition to both broadening and clarifying the powers of the county commissioners, as outlined above, the Charter provides as follows:

(a) It replaces the present three county commissioners with five full-time commissioners elected on a partisan basis,⁽⁹⁾ for four-year terms. The elections are to numbered positions.

(b) It makes the chairman of the commission, who is elected to Position No. 1, the chief executive officer of the county. It thus specifically provides for an elected chief executive, elected by the voters as such. The proposed Charter specifically provides that no board member except the chairman may give orders to an administrative officer or employee of the county.

The present elective offices of the county, except those of the County Commissioners, County Auditor and District Attorney, are not provided for and the functions of these positions are distributed among eight departments headed by officials appointed by the chairman and confirmed by the board. The functions of the elective auditor are changed to that of auditor only. Provision is made for elected county officials occupying positions not provided for in the Charter to serve after the effective date of the Charter as the Board of County Commissioners determines. An official continued in service is to serve in a position to which the chairman appoints him.

More specifically, the proposed Charter transfers the assessor's functions to a new Department of Finance.

The Sheriff's tax collection functions are also transferred to that department. The Sheriff's law enforcement functions are transferred to a new Department of Public Safety. His functions with reference to administration of the courts would be transferred to the Department of Judicial Administration.

The new Department of Judicial Administration exercises the administrative functions prescribed by state law for the county clerk, district court clerk, and constable, with reference to administration of the courts, except the service and execution of court orders in criminal and quasi-criminal cases.

The new Department of Finance has, exclusive of the functions of the elective auditor provided by the Charter, the functions prescribed by state law for the Auditor and for the Treasurer, as well as that of management of county property. It has the Assessor's and part of the Sheriff's responsibilities also.

The Charter provides that the functions of the proposed Departments of Finance, Judicial Administration and Public Safety shall be unchanged for the first two years after the Charter is in operation. It provides for five other departments: Records and Elections; Medical Services; Public Works; Public Services, and Administrative Services. With the concurrence of four or more Commissioners, the Board is empowered to establish additional departments, abolish departments, combine departments, or separate departments so combined.

Summary of Changes

Essentially the proposed Home Rule Charter does three things: First, it broadens the county's municipal powers generally; second, it extends and clarifies its powers with respect to county service districts; third, it provides for administrative reorganization and centralization of executive functions in the elected chairman of the board and reduces the number of elective county officials from twelve to six, excluding the office of District Attorney, a state office which continues to be elective.

It should be noted that the proposed Charter would change both the *authority* of county governments as well as its *form*.

⁽⁹⁾Election to be non-partisan in 1966.

V. THE CONTEXT

The proposed County Home Rule Charter is one of three efforts to strengthen local government in this metropolitan area. The other two are (1) the Strong Mayor-Council form of government for the City of Portland, also on the May ballot, and (2) the governmental study currently under preparation by the Metropolitan Study Commission, created by the State Legislature. That Commission has expressed its intent to present a proposal to the electorate within about two years.

Recently, the Metropolitan Study Commission passed, by a vote of 19 to 8, a resolution as follows:⁽¹⁰⁾

"The Commission is concerned lest pending proposals . . . will be confused with the objectives of the Commission. The Commission, of course, takes no position on the merits of the . . . proposals since they are not directly related to the responsibilities given the Commission by the Legislature.

"The Commission is concerned that in the event . . . the proposed [Multnomah County Home Rule Charter]⁽¹¹⁾ is adopted, the voters might be reluctant to consider immediately thereafter our unsolved metropolitan problem, and would be unwilling to consider a change in . . . county government . . . only two years after adopting a new . . . county charter.

"The Commission, therefore, respectfully urges all citizens to accept the likelihood that if . . . proposal is approved this May it would not solve our metro problems and might be modified or superseded two years from now by a new governmental structure for the whole metropolitan area which the Study Commission intends to place before the people."

For reasons discussed below, the Committee does not agree that voters will be unwilling to consider a change in county government only two years after adopting a new county Charter, should the Study Commission then propose changes in county government.

Washington, Lane and Hood River county governments have home rule charters. Time did not permit the Committee to do more than look briefly at the experience in Washington and Lane Counties. Inquiry into experience in Hood River County was not made.

Washington County was considered because of its juxtaposition and the publicity it has had, and Lane County because it includes a large city, i.e., Eugene, and a metropolitan area as does Multnomah County.

In Washington County it appears that the problems that county has had may be more a result of differences between the officials than any inherent characteristics of the form itself.

In Lane County the experience with home rule appears to have featured county cooperation in annexations to the central city of Eugene.

(10) *Portland Oregonian*, April 8, 1966.

(11) Wording in brackets supplied.

VI. DISCUSSION OF ARGUMENTS AGAINST

The arguments against the plan are given below and the Committee's conclusions with respect to them follow each one.

Argument 1: Powers

The powers granted the county, while broadened in some respects, are limited in others. This is particularly true with respect to sanitary service and the general result is overall weakening of county authority. The failure to give the county a stronger hand in dealing with autonomous special districts ignores the most important way to eliminate confusion in local government.

Discussion: The Charter broadens the county's powers to provide urban and rural services. For example, it would have new power to establish county water service and fire prevention service districts and it would have the power of revenue bond financing. The Charter would also clarify the county's powers in providing sanitary services.

The referendum and remonstrance rights provided citizens by the proposed Charter in connection with public improvements are fair. They subject county officials to proper public accountability.

The fact that the Charter does not strengthen the hand of the county in dealing with autonomous special districts would be a most serious defect if the forthcoming metropolitan government proposals do not deal with these services. Experience indicates, however, that sewer service is the most likely candidate for metropolitan area performance. For example, the Seattle area has achieved metropolitan sewer service as a first function of its Metro Seattle government.

The Committee concludes, therefore, that the powers conferred on the county under the proposed Charter provide the county with broader powers to deal with local governmental problems.

Argument 2: Five-man Commission

The five-man full-time commission will encourage interference in administration by the four commissioners who are supposed to concentrate on legislative matters. This result will come about because there isn't enough legislative work to keep these four full-time legislative commissioners busy. In spite of the explicit provision in the proposed charter against board members other than the chairman giving orders to county employees, the authority of these commissioners to review budgets will guarantee their ability to interfere in the making of administrative decisions. In addition, the full-time provision may serve to prevent the service of well-qualified people from other fields, which a part-time service arrangement would permit.

Discussion: The Committee agrees that the provision of four full-time legislative commissioners may produce the results stated in argument. The Committee is of the opinion, however, that the five commissioner proposal will certainly provide representation for a wider range of interests than does the present three-man commission structure and this is an important advantage. It has also been argued that the full-time service provision will permit much needed attention to county policy, planning matters, and service districts. The Committee concludes that the full-time commissioner proposal is superior to the present arrangement.

Argument 3: Civil Service

The Charter permits the civil service commissioners to destroy the civil service system if they wish to do so. The appeals procedure provided is cumbersome and is not sufficiently independent of the commissioners.

Discussion: The Charter explicitly protects the civil service rights of civil service employees. It is believed that in view of the provisions of state law and

the Charter, the legal basis for any destruction of the civil service system would be challenged in the courts. In addition, any commissioners who attack the merit system would be accountable to the voters in the next election. The Committee concludes that the Charter provision preserves and strengthens the county merit system. By improving the organization structure and administrative machinery, the morale of county employees should be improved and the desirability of county service to able persons should be increased.

Argument 4: Reduction in number of Elected Officials

The reduction in the number of elected officials will make the county government less responsive to the voters. The positions of county assessor, sheriff and others are too important to entrust to appointed officials.

Discussion: The Committee disagrees with this argument. It is impossible for citizens to be acquainted with the qualifications of a long list of county officials that they are now called upon to elect. The duties of the elected officials which are proposed for transfer to new departments headed by appointive officials are primarily technical and managerial in character. The successful political official is not necessarily a competent and professional manager.

An extremely important and valuable feature of the proposed Charter is the centralization of executive authority in the elected chairman as Chief Executive Officer. The reduction in the number of elective officials is an essential step to the accomplishment of this objective. The proposed arrangement centralizes and simplifies administrative responsibility and accountability. The departmental structure recommended in the Charter is simpler and more rational than the present structure. It groups related functions in a way that should further achievement of more efficient and economical management of the county's business. The power conferred on the commissioners to reorganize provides improved flexibility over present arrangements, under which many functions are fixed by state law.

The Committee concludes that the reduction in the number of elected officials is therefore desirable and will make the county government more responsive and, when coupled with the proposed executive arrangement, will permit more effective and economical management.

Argument 5: City-County Cooperation

Establishment of county home rule will reduce city-county cooperation. It will build a wall around the City of Portland and create a second city with even more power to duplicate common functions. City-County consolidation would be a better remedy.

Discussion: The Committee rejects this argument. The reduction in the number of elected officials, the resulting much clearer responsibility of the county commissioner, and, particularly, the strengthening of the executive functions would increase city-county cooperation. The voters can more readily insist on cooperation where and when they want it. The Committee can see no reason why, for example, county service districts should not be able to cooperate with the city at least as well as autonomous special service districts. In fact, the Committee thinks that they can cooperate better. The Charter prohibits costly competition between the county, city and special districts by providing that the county cannot furnish water and fire prevention service in areas where these are already provided by the city or by a special district.

The suggestion that the city-county consolidation is a better solution raises many problems. Because (1) the metropolitan area includes several counties, (2) there would remain a geographically large rural area in the eastern end of Multnomah County and (3) the county functions as an arm of state government would still need to be performed, this proposal would not solve the problems of the metropolitan area either.

In any event, no proposed city-county consolidation is on the ballot.

Argument 6: Metro

The establishment of home rule in the county will hinder establishment of metropolitan area government. The public will not be interested in change two years from now if the proposed charter is adopted at the May election. The costs of dismantling those county urban functions which are to be transferred to a metropolitan government will be too great.

Discussion: The Committee does not agree that the adoption of the proposed charter will obstruct future change to some form of metro government. If the Committee felt it would do so, it might well have affected the thinking of the members of the Committee. The Committee believes that if local citizens make changes and become accustomed to them, this will encourage further changes and improvements. Because the Charter has not given the county the same authority as a city over the special service districts and because it retains the county service districts, it leaves much work for a metro plan to do. A better managed, more responsible county government should facilitate work toward a metropolitan government.

In any event, the metro plans will not eliminate basic county governmental functions. These are going to be in existence for a long time, regardless of the outcome of the Metropolitan Study Commission's work. Therefore, more efficient and economical county government will be needed far into the future.

The Committee concludes that the Charter should advance Metro rather than obstruct it.

VII. CONCLUSIONS

The Committee concludes that the proposed Charter will:

- (1) give the county desirable broader powers to provide services in the county;
- (2) provide a basis for representation of a wider range of interests in the county;
- (3) create opportunity for more effective, efficient and dynamic management of the county's business through better executive arrangements and improved and more flexible administrative arrangements;
- (4) improve opportunities in county civil service through continued protection of civil service rights, and, of equal importance, by providing a more dynamic, challenging environment;
- (5) promote city-county cooperation; and
- (6) improve the ability of the county to cooperate in efforts to create a viable metropolitan area government.

VIII. RECOMMENDATION

Your Committee recommends that the City Club go on record as favoring the Multnomah County Home Rule Charter and urges a vote of "Yes" on County Ballot Measure No. 1.

Respectfully submitted,*

Kenneth E. Davis
Howard E. Perkins
Jesse H. Settlemier
Louis Stern
John M. Swarthout
Kenneth M. Winters
Phillip M. Mayer, *Chairman*

*Charles McKinley served as technical adviser to the Committee in its early investigation.

Approved May 5, 1966 by the Research Board for transmittal to the Board of Governors.
Received by the Board of Governors May 12, 1966 and ordered printed and submitted to the membership for action.