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NEWSPAPER SECOND CLASS POSTAGE PAID AT PORTLAND, OREGON

City Club *of Portland*

BULLETIN

Portland, Oregon

Vol. 58, No. 22

Benson Hotel, Mayfair Room

12:00 Noon

Friday, October 21, 1977

THE SPEAKER:

GERALD DURRELL

British Naturalist, Founder and Director
Jersey Wildlife Preservation Trust

THE TOPIC:

THE STATIONARY ARK

Gerald Durrell has introduced nature to millions. He is best known in this country as the author of more than 20 books about animals. His articles on the lives of animals have appeared in leading international magazines and his worldwide efforts have contributed to a public awareness of modern conservation.

Scientists estimate that nearly 1,000 kinds of animals and birds are in danger of joining the dodo and the passenger pigeon as extinct species. Why be concerned? Gerald Durrell founded and now directs the Jersey Wildlife Preservation Trust, Great Britain, which is dedicated to saving endangered animals from extinction through protected breeding programs. He will share some of the results of these programs with City Club members this Friday.

*"To inform its members and the community in public matters and to
arouse in them a realization of the obligation of citizenship."*

PROPOSED FOR MEMBERSHIP

If no objections are received by the Executive Secretary prior to November 4, 1977, the following applicants will be accepted for membership:

Zane R. Harper, Engineer, Bonneville Power Administration. Proposed by Robert L. McNeil.

Janet King, Auditor, Arthur Young & Co. Proposed by Michael Cobb.

William P. Buren, Attorney, Associate, Wood, Wood, Tatum, Mosser & Brooke.

Ann Paxton, Travel consultant, Kelly N-I Travel. Proposed by Anita Angus.

Gerald K. Weller, Executive Director, Portland Town Council. Proposed by Charles Hinkle.

John H. Biglin, Area Manager, Dillingham Construction Corp. Proposed by Jon R. Schleuning.

J. Duncan Campbell, Jr., Tax Manager, Arthur Andersen & Co. Proposed by Pauline Anderson.

ELECTED TO MEMBERSHIP

Elaine H. Grannis, Administrator, Title VII, Portland Public Schools. Sponsored by E. Shelton Hill.

Dorothea Richey, R.N., Patient Advocate, Holladay Park Hospital. Sponsored by Ruth C. Hocks.

Walter W. McMonies, Jr., Attorney, sole practitioner. Sponsored by James Kirkham Johns.

Michael T. Bailey, Attorney, partner, Bailey, Olstad & Rieke. Sponsored by Forrest N. Rieke.

Sally D. Kent, Homemaker. Sponsored by James R. Sitzman.

Brian L. Menten, Assistant Manager, Lockhart Financial Services. Sponsored by Gregg Sayre.

James S. Vahrenwald, Agent, Provident Mutual of Philadelphia. Sponsored by Forrest Rieke.

Maggie Andre, Senior Vice President, David Evans/Pacific Advertising. Sponsored by Marilyn L. Day.

Ann M. Chapman. Sponsored by Lloyd W. Weisensee.

CITY CLUB OF PORTLAND BULLETIN

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**PROGRAM SCHEDULE**

Senator Mark Hatfield is scheduled to speak to the City Club on *October 28*. This will be a *members only* meeting because of the limited space in the Crystal Room. There is a possibility that the Senator may be unable to keep this engagement if the Senate fails to recess as scheduled. Public Utility Commissioner *Charles Davis* has agreed to step in should Sen. Hatfield have to cancel.

Clay Myers will be our speaker on *November 4*. Members will also debate State Measures 1 and 2 at that time.

Tom McCall will address the Club at a special *members only* meeting on *November 11*.

ADDRESS CHANGES WANTED

Members are urged to keep the City Club staff posted on any changes in home or business phone or address, as well as occupation. Phone 228-7231.

REPORT ON
MULTNOMAH COUNTY MEASURE NO. 26-3
CHARTER AMENDMENT—REORGANIZATION OF
COUNTY COMMISSION

Purpose: Amends the Multnomah County Charter provisions concerning the election of Commissioners and Chairman; changes the term of office from two years to four years; eliminates single member districts; provides for filling vacancies by appointment; and establishes a Charter Review Committee to consider a specified minimum list of issues and submit proposed amendments, if any, for a vote at the 1978 general election.

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

I. INTRODUCTION

A City Club committee examined most of the issues which are the subject of this measure a year ago when an initiative petition to amend the Multnomah County Home Rule Charter was placed on the November 2, 1976 ballot. To avoid confusion in discussing these two measures in this report, the measure which appeared on the November 2, 1976 ballot will be called the 1976 measure, and the current measure which is the subject of this report will be called the 1977 measure.

The City Club adopted the committee's recommendation to oppose the 1976 measure. The voters, however, favored the 1976 measure by a vote of 96,951 to 93,170.

The primary purpose of the 1977 measure is to repeal the amendments made to the Multnomah County Home Rule Charter (the Charter) by the 1976 measure, and to provide for a Charter Review Committee which shall be convened to make a comprehensive study of the Charter. In addition all amendments proposed by the Committee shall be submitted to the people at the 1978 general election. If the 1977 measure passes, the Charter will be essentially restored to its original form as it was in effect from January 1, 1967 until November 2, 1976, except for the addition of the sections pertaining to the Charter Review Committee.

II. LITIGATION REGARDING THE SPECIAL ELECTION

The initiative petition for the 1977 measure requested that it be submitted to the voters at the primary election to be held on May 23, 1978. After the initiative petition was certified by the Director of Elections, the Board of County Commissioners ordered the election on the 1977 measure to be held concurrently with the statewide election on November 8, 1977. This order was based on the Board's findings that the earliest possible election date was requested by electors and was in the public interest because it would result in the early determination of the structure of county government for the 1978 elections, would allow more time for the work of the Charter Review Committee, and would enable the costs of the election to be shared with the state.

In response to this order changing the election date, a lawsuit was filed by Clyde Brummel, as a resident of Multnomah County, seeking, among other things, to enjoin the County from submitting the 1977 measure to the voters at any time other than the May 23, 1978 election. Baker County Circuit Judge William Jackson, acting pro tem for the Multnomah County Circuit Court, ruled that the election must be held on the May 23, 1978 ballot. At the time of this writing, his decision was being appealed to the Oregon Court of Appeals.

Although outside the scope of this report, your Committee noted two problems are created if the election is held on May 23, 1978. The first is that the voters would be

nominating candidates for commissioner from each of the five single member districts and for the chairman's position on the same ballot where they would be voting on the 1977 measure that eliminates those single member districts and changes the procedure for electing a chairman. If the 1977 measure carried, the election nominating the candidates for commissioner and the chairman's position would be nullified and there would be no candidates nominated for the three at large positions whose terms end December 31, 1978.

The second problem is that the Charter Review Committee to be convened under the 1977 measure is supposed to commence its study 60 days after the election and is required to submit its findings, recommendations and proposed amendments, if any, 75 days before the 1978 general election. That time frame leaves only about a one month period in which to make the study of the Charter.

III. SUMMARY OF PROPOSED CHARTER CHANGES

The following summary compares the proposed changes to the Charter with the existing provisions established by the 1976 measure.

1. Election of Commissioners

The 1977 measure will restore the former method of electing all five commissioners at large and will eliminate the single member districts established by the 1976 measure. The map in Appendix B shows an outline of the existing single member districts and the commissioner who was designated to serve in each district by the 1976 measure. Those districts were based on and defined by the census tracts from the 1970 federal census and are equally populous. They are to be reapportioned by the commission after every decennial U.S. Census.

2. Term of Office

The 1977 measure will change the term of office for commissioners back to four year terms from the two year terms established under the 1976 measure. As it is now, all five commissioners will have to run every two years. The 1977 measure will reestablish the pattern of electing the three commissioners for Position Nos. 1, 3 and 5 in one even-numbered year and the two commissioners for Position Nos. 2 and 4 in the next even-numbered year.

3. Election of Commission Chairman

The 1977 measure provides that the successful candidate for Commission Position No. 1 will be designated as chairman and serve a four year term.

Under the 1976 measure now in effect, the chairmanship is an elective office chosen by the following method: Any candidate for commissioner can also be a candidate for chairman. Those who wish to run for chairman will have their names on the ballot in two places, one for commissioner in the single member district and the other for chairman at large. The candidate who receives the most votes for chairman county-wide and who also is elected as a commissioner in his or her district will begin the term of office as chairman.

If the successful candidate for chairman receives a majority (more than 50 percent) of the votes cast for chairman, the term of office will be the same as the term of office for commissioner (two years). However, if no candidate for chairman receives a majority of the votes cast for chairman, then the person who receives the *most votes* (a plurality) would serve, but only at the pleasure of the commissioners, who could replace the chairman at any time by a constitutional majority vote of the entire commission.

4. Number of Commissioners

Under the 1977 measure the number of commissioners is fixed at five.

The 1976 measure now in effect contains a provision for increasing the number of commissioners, based upon the total population of the county as follows:

Population	Number of Commissioners
Under 600,000	5
600,001 to 800,000	7
Over 800,000	9

5. Vacancy in Office

As a result of the 1976 measure, vacancies in the office of commissioner are filled by an election held within the district served by the commissioner whose office is vacant. The 1977 measure provides that vacancies in any elective office of the county, including commissioner, are filled by the Board of Commissioners.

6. Repeal of Transitional Provisions

The 1976 measure included transitional provisions for the terms of office for commissioners serving then and those elected in November 1976 by designating that all five terms ended on January 1, 1979. The assignment of each commissioner to a district applied for all purposes, including the exercise of the right of recall and for filling vacancies.

The 1977 measure fixes the terms of office so that the odd numbered positions serve until December 31, 1978 and the even numbered positions serve until December 31, 1980. Each member would be elected from the county at large, and the chairman once again would be the commissioner serving in Position No. 1.

7. Charter Review Committee

The 1977 measure also adds new sections to the Charter requiring that a Charter Review Committee be convened to make a comprehensive study of the Charter, and if the committee chooses, to submit amendments to the people for a vote at the 1978 general election. This review committee will have a total of 16 members. Two members will be appointed from each of the eight state senate districts in Multnomah County by the senator and two representatives elected by the district. The two electors appointed from each senate district cannot be registered in the same political party, and persons who are state senators, representatives or commissioners in Multnomah County at the time the 1977 measure is adopted are not eligible to serve on the review committee.

The review committee must specifically consider the following four issues:

1. Whether commissioners should be elected to the Multnomah County Board of Commissioners from single-member districts within the County and, if so, the boundaries of such districts.
2. Whether commissioners should be elected for two or four year terms.
3. The method for choosing the chairman of the Multnomah County Board of Commissioners.
4. The method by which vacancies on the Board of County Commissioners should be filled.

It may also consider any other issues relating to the Charter. The review committee must commence its study 60 days after the adoption of the 1977 measure and is to conduct the study by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses. All findings, conclusions and recommendations, including any amendments proposed to the Charter, must be reported to the people and the Board of County Commissioners seventy-five days prior to the general election of 1978. If any amendments are proposed by the review committee, they must be submitted to the voters at the 1978 general election.

IV. DISCUSSION OF NOVEMBER 2, 1976 ELECTION

As part of its study, your Committee tried to find the reasons the 1976 measure received a majority vote.

The 1976 measure was submitted with a considerable number of other statewide and county measures at the November 2, 1976 general election (12 state-wide and 7 county) and some proponents of its repeal feel it got lost in the shuffle. It was argued by them that the substantial number of those not voting on this particular issue confirms this hypothesis, since 25.8% of the ballots did not have a vote cast on the measure. This was a larger percentage of blank votes than all but one of the other 18 measures on the ballot.

Proponents of the 1977 measure contend that many voters thought the 1976 measure was a routine "housekeeping" or "reorganization" measure which was supported by the Board of Commissioners and did not realize the significance of the changes it would make.

Your Committee also heard arguments that many affirmative voters favored a specific part or parts of the measure such as single member districts or two year terms but did not support other parts of the measure such as the method for electing the chairman or filling vacancies. Thus, they argue the entire Charter was changed because of the popularity of one or two elements of the measure.

Other arguments propounded by those advocating repeal of the 1976 measure are that the narrow margin of passage (3781 votes) combined with the substantial percentage of blank votes does not reflect a clear mandate of the citizens in the county. It was also contended that only the east part of the county favored it by a clear margin. These arguments are given particularly to support the premise that if the measure were submitted at a special election where it would not be included with a considerable number of other ballot measures, the voters would be better informed on the substance of the measure.

Those opposing the passage of the 1977 measure maintain that the voter turnout in a special election would be considerably less than the 1976 general election at which the original amendments were passed. Therefore, the will of the majority of those voters would be overruled by a smaller percentage of the county electorate. Opponents of the 1977 measure contend that the 1976 amendments passed because people were extremely dissatisfied with the present county commissioners and the organizational structure of the commission. Passage of the 1976 amendments requiring single member districts, two year terms, elections to fill vacancies and a modification of the method for selecting the chairman clearly indicates the desire for a more responsive and accountable elected county governing body. They further contend that people do not vote to reorganize governmental structure unless there is a strong dissatisfaction with the existing structure and that the ballot title was very explicit in enabling voters to clearly understand the substantive modifications of the 1976 amendments.

V. ARGUMENTS ADVANCED IN FAVOR OF THE 1977 MEASURE

1. The boundaries of the single member districts established by the 1976 measure do not follow precinct lines, were drawn without the benefit of public hearings and cause unnecessary problems in the election process such as creating more small election boards and having to disseminate divergent information in overlapping districts.

2. The single member districts clause of the Charter does not contain a residency requirement.

3. There is no proof that campaigns will cost less with single member districts, especially when the candidate must run every two years, and no proof that a low budget campaign produces a better candidate.

4. Commissioners should be elected at large to legislate for the county as a whole, and to avoid becoming embroiled in parochial attitudes.

5. It is very awkward for the chairman to be representing one district in a legislative capacity while at the same time representing the county as a whole in the executive capacity.

6. The county is not large enough to require single member districts.

7. Two year terms are too short for long range planning and for developing and retaining good staff.
8. The two year term of office forces commissioners to campaign for reelection on a full time basis.
9. Two year terms of office do not necessarily prevent an irresponsible incumbent from being reelected.
10. The provisions for electing the chairman are the worst feature of the existing Charter. The following specific reasons are cited:
 - a. A candidate could receive the most votes cast for chairman county-wide but not be elected to the board by a single member district. That candidate could not serve then as chairman because he or she would not be a member of the board.
 - b. The voters in one single member district could recall the person who was elected chairman at large.
 - c. If a chairman is elected by a plurality it will probably lead to very disruptive internal machinations and county government may grind to a halt as a result of the divisiveness.
11. Commissioners will not be more responsive simply because they elect the chairman themselves.
12. The provisions for electing a chairman violate the one man one vote rule.
13. The existing method for filling vacancies presents serious problems. Ordinances cannot be drawn to meet the requirements of the charter for even numbered years which comply with state election laws. For odd numbered years, the 90 day period allowed for holding both a primary and general election is very difficult to meet.
14. There is no provision for filling a vacancy in the office of chairman.
15. There is no reason to increase the number of commissioners.
16. This measure will establish a Charter Review Committee which is very much needed, and will provide a vehicle for orderly change with citizen input.

VI. ARGUMENTS ADVANCED AGAINST THE 1977 MEASURE

1. Single member districts result in better representation for the interests of a localized group of people, particularly when commissioners are acting in a legislative capacity.
2. In actual practice, commissioners do not have that much to do and may as well be the representative for one district. When the commissioners were elected at large they often did not know what was going on in the various districts.
3. A low budget candidate has a better chance to get elected from a single member district.
4. The existing arrangement gives Republicans a better chance to elect a commissioner, which is beneficial for the two party system.
5. Downtown Portland business interests and the media support the measure because their power in the county has been eroded without elections at large.
6. Single member districts have worked well in the state legislature in most areas.
7. There is strong public support for two year terms, they are more desirable when the office is legislative, and the commissioners are more responsive with them.
8. If four year terms were restored, commissioners can run for other offices during their term.
9. Two year terms provide an alternative to a costly recall effort for removing commissioners who are not doing a good job.
10. There is no reason why a chairman elected at large should serve if he cannot be elected by the voters in his own district.
11. Changes made by the charter amendment were necessary because the chairman had become too powerful.

12. Commissioners are more accountable when they have the authority to elect the chairman, which they will have whenever the chairman elected by the voters wins by a plurality.

13. The system now is similar to that used by most California counties where a county manager serves at the pleasure of the commissioners.

14. The 1976 measure should be given more time before being changed because most of the provisions have not been tested yet.

15. Increasing the number of commissioners is consistent with the single member district concept.

16. Filling vacancies is better accomplished by election than by appointment; the cost of elections is not that much of a factor when compared with problems created by the appointment process.

17. It is not fair that the smaller voter turnout at a special or primary election should overturn the will of a larger number who voted at the last general election.

18. It would be better to present each issue to the people for a vote rather than having them evaluated by a Charter Review Committee and placed on the ballot as one amendment.

VII. DISCUSSION

In evaluating the various issues underlying the changes proposed in the 1977 measure, your Committee had to balance the arguments against the fact that most of those changes have now been supported once by a popular vote and also that most of the changes as a practical matter have not taken effect yet. Since the 1976 measure passed by only a narrow margin and 25 percent of the ballots were blank concerning that measure, your Committee felt that asking for a second vote was reasonable and not inconsistent with political reality, particularly when it involves a fundamental change in the structure of county government. Also, all citizens do have a right to use the initiative petition.

With this in mind, the question then really is whether the changes in the Charter which are now in fact operative are such that they should be repealed immediately because of the potential problems that could arise. This is somewhat speculative since most of the changes have yet to be tested. The first election (primary) for five commissioners from single member districts will not be until May 23, 1978. Likewise, the new method for electing the chairman first will be in effect on the May primary ballot. The full impact of the two year terms will not be known for some time after that, and so far no vacancies have occurred and no recall movements instituted. Furthermore, there is an existing group of board members which have been functioning together for some time who might be able to get elected and function under the revised Charter, whereas a different board might not. In other words, the structure will remain after the individuals have left.

Your Committee found that the single member district concept is still the most appealing aspect of the revised Charter, particularly for commissioners acting solely in a legislative role. As before, it was generally agreed that such districts make legislators more responsive to their constituents and make it easier for citizens to find the right person to contact when they deal with county government.

Nevertheless, there is widespread concern that the lack of a residency requirement and the fact that no at large positions exist to ensure a balanced viewpoint are material deficiencies that should be corrected if the single member district concept prevails.

Although there are some undesirable elements with four year terms of office, such as the opportunity to run for other office during the term, your Committee is persuaded that two year terms of office are too short for effective Multnomah County government. The commissioners are likely to make more decisions that are politically expedient, are more likely to become obligated to interest groups that support their campaigns, and are less likely to provide creative and innovative leadership. The development and maintenance of a good staff and department heads will likewise be hindered by shorter terms; and even more so because of the procedures for selecting a chairman.

The procedures for selecting a chairman are the most objectionable feature of the revised Charter. It was generally agreed that no candidate will receive a majority vote and therefore the chairman, elected by a plurality, would be serving at the pleasure of the board. The chairman would have to serve with a coalition government and the strong executive role required by the Charter would be undermined. Some proponents of the 1977 measure argued the likely result would be that the staff would end up running the government and it would not be the most highly qualified staff because it would be more difficult to attract qualified people.

Your Committee members were also disturbed by the fact that a chairman could be elected county-wide and not be allowed to serve because he or she did not win the commissioner seat from the district.

The mechanics of trying to write an ordinance to meet the Charter requirements for holding an election to fill a vacancy have proved to be very difficult for the county counsel's office. In fact, it is apparently not possible to draft an ordinance to apply in an even numbered year that will comply with state election laws. The Charter only allows a period of 90 days to hold the election to fill a vacancy in an odd-numbered year and both a primary and a general election have to be held within that time.

That there is a need for a Charter review appears to be generally accepted. The performance by the commissioners was questioned by both the proponents and opponents and both sides agreed that some structural changes will serve to improve county government. Your Committee feels the nature of those changes will best be evaluated by a review committee which provides for public input and this measure requires such a committee to be convened.

VIII. CONCLUSION

Your Committee concludes that Measure 26-3 is the most sensible approach to evaluating necessary structural changes in county government. It minimizes what otherwise are substantial risks to the continued operation of Multnomah County government.

IX. RECOMMENDATION

The Committee recommends that the City Club of Portland go on record as supporting the Charter Amendment-Reorganization of the County Commission and urges a YES vote on Measure No. 26-3 at the November 8, 1977 special election.

Respectfully submitted,
Stephen T. Janik
Barbara Owens
Donald W. Williams
Thomas H. Hamann, *Chairman*

Approved by the Research Board October 6, 1977 for transmittal to the Board of Governors. Received by the Board of Governors October 10, 1977 and ordered published and distributed to the membership for consideration and action.

APPENDIX A**SCOPE OF RESEARCH**

The following persons were interviewed by the Committee during the course of this study:

Richard M. Botteri, Attorney. Co-petitioner Measure 26-3.

Ronald C. Cease, Professor, Public Administration, Portland State University

Donald E. Clark, Chairman, Multnomah County Board of Commissioners

Vernon Cook, State Senator, District 12

Thomas P. Dennehy, Associate Professor, Mathematics, Reed College;

Co-chairman, County Reform Committee

Floyd McKay, News Analyst, KGW-TV

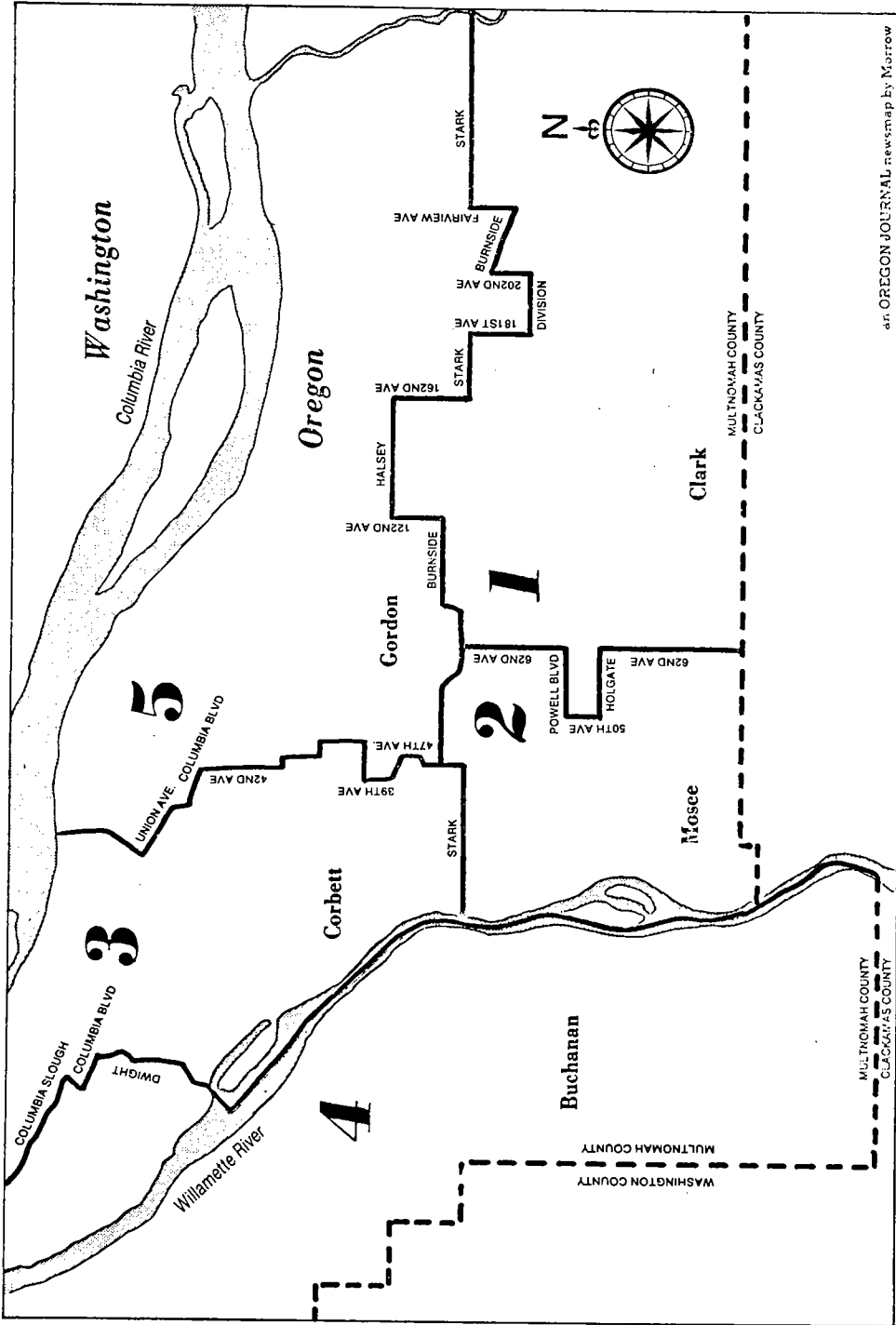
A. McKay Rich, former Director, Tri-County Local Government Commission

Alan Robertson, Assistant to Director, Elections Division, Multnomah County

Jeff Wohler, Assistant City Editor, *The Oregon Journal*

The Committee also reviewed clipping files from local newspapers, the previous City Club reports on Measure 26-13 (1976), monographs distributed by the League of Women Voters and Vern Cook, the comments made by Vern Cook and Sue Juba in a City Club debate and materials by Citizens for Good Government. Other related documents were reviewed including the pleadings file of *Clyde Brummel v. Donald Clark and others*, Multnomah County Circuit Court case No. A7708-12183.

APPENDIX B—PROPOSED DISTRICTS FOR MULTNOMAH COUNTY



an OREGON JOURNAL newsmag by Marrow

