

# Multnomah County Charter Review Committee

## Yellow Subcommittee Partial Recommendations

May 18, 2016

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Our subcommittee was assigned three issues:

1. Term limit of two terms for county elected officials
2. County elected officials required to step down to seek another elected office
3. District Boundaries/Redistricting

The first two issues have been considered by several previous charter review committees, and measures to repeal these limitations were referred to the ballot in 1998, 2004, and 2010. According to information provided to the Charter Review Committee, these measures were defeated each time, often by substantial margins.

Our subcommittee reached consensus decisions to recommend smaller changes to the charter that might have a better chance to be approved than to offer the failed measures to voters again for a fourth (or fifth) time.

For the third issue, we decided that no action is needed.

### 1. Term limit of two terms for County elected officials

According to the Multnomah County Charter (4.20), the limit to two four-year terms in any 12-year period applies to all County elected officials – the Chair, Commissioners, Sheriff, and Auditor. If an elected official is elected or appointed to an elective county office for a term of less than four years, that partial term does not count against the two term limit.

This limit was enacted in 1982. The state governor, secretary of state and treasurer are similarly limited to two terms. Measures to overturn this county limit failed not only in 2010, 2004, and 1998, but also in 1990.

Question	Year	Yes	No	Yes %
Shall County Charter limit on voters' right to elect a person to more than two four-year terms be repealed?	2010	118,416	128,958	47.9%
Shall County Charter's limit on voters ability to elect a person to more than two four-year terms be repealed?	2004	140,209	163,454	46.2%
Shall the Charter term limits be repealed?	1998	60,046	104,704	36.4%

An October 2, 1990 editorial in the Oregonian entitled “Keep County’s Two-Term Limit” says that the term limit’s sponsors

“contended that the two-term limit was necessary to overcome the power of incumbency and allow more citizens to participate in representative government.”

Aside from the state’s term limits for statewide offices, Metro Councilors are limited to three four-year terms. Yamhill County limits elected officials to three four-year terms.

Douglas County voters supported a two-term limit. It was overturned in Circuit Court and is now on appeal. Douglas County does not have a home rule Charter.

33 other counties in Oregon have no term limits.

If current term-limited officials are included, 10 Multnomah County Commissioners, two Auditors, and one Sheriff have been limited to two terms due to term limits since 1982.

What is the problem with this restriction? Our committee considered recommending repeal of term limits again. There was considerable feeling among some subcommittee members that the term limits should be abolished to allow voters to determine who will serve. However, repeated defeats of similar measures in the past were a concern. Other committee members pointed to nearby counties with Commissioners who have served 31, 21, and 16 years, and the difficulty of defeating an incumbent as reasons to maintain some type of term limit. Some of us believe that voters aren’t feeling trusting enough of government to repeal term limits.

Rhys Scholes was able to identify only 5 occasions when Multnomah County incumbents had been defeated since 1990 (one Auditor, one Sheriff, one Commissioner, and two Chairs). In these examples in incumbents losing to challengers at the ballot box, the incumbent Auditor had only served one year, the incumbent Commissioner had faced a recall attempt, Interim Chair Miggins had served less than a year, the incumbent Sheriff had been appointed to fill out a term, and most recently incumbent Chair Diane Linn was defeated by Ted Wheeler after a controversial term. See the attached memo for details.

Turnover among county elected officials results in lost experience and expertise, and it takes new officials and their staff time to learn how to be effective, so county operations are less efficient after changes. On the other hand, new officials and staff can bring new energy and ideas.

The subcommittee agreed that it would be smarter to recommend a compromise than to try for another repeal of the term limits. A three term limit will reduce turnover and allow elected officials more time to complete a vision while still ensuring periodic change. We hope that a three term limit will also encourage office holders to see these jobs more as a career choice than a stepping stone to another elected office.

Framing the question as a limit of three four-year terms may also make this choice more appealing to voters – we aren’t asking voters to repeal term limits, we’re asking them to approve slightly longer term limit.

Since the limit applies to all county elected offices, we discussed the merits of the recommendation for each. We decided that it made sense to ask voters to approve a 3 term limit for all elected offices, that there was no objective reason based on the roles to differentiate between them. While there have been issues with the last three elected Sheriffs, those issues have surface during their first 8 years in office, and the office is subject to recall by voters. We did have some concern that extending the term for Sheriff might discourage voters from supporting the new term limits, but hope that won't be the case.

**Recommendation: Ask voters to approve a limit of three consecutive four-year terms for all elected officers of the county within any 16 year period. Partial terms would continue not to be counted against this limit on terms within any 16-year period.**

## 2. County elected officials required to step down to seek another elected office

According to the Multnomah County Charter 4.20(3), no elected official of Multnomah County may run for another office in midterm, filing for another office midterm is treated as a resignation as of the date of filing. This limit does not apply in the final year of an elected official's term. Like the term limits, this restriction applies to all county elected officials (Chair, Commissioners, Sheriff, and Auditor).

This limitation was enacted in 1982. Earl Blumenauer was elected county commissioner and took office January 1, 1978, but decided to run for Portland City Council less than two years after he was elected to county government. According to a September 30, 1982 article in *The Oregonian* entitled "Let's try voter's way",

"County Commissioner Blumenauer's decision to run for the City Council less than two years after voters elected him to serve four years in county government aggravated a long-standing complaint of many citizens against campaigning on the public payroll, and added to the support for the prohibition against midterm campaigning for another office."

Measures to repeal this limitation have failed in 2010, 2004, and 1998. A measure to extend the final year exemption to 18 months apparently failed in 1990. The article quoted above mentions another attempt to repeal the requirement in 1984.

Question	Year	Yes	No	Yes %
Shall County elected officials be allowed to run for another elective office in midterm?	2010	91,067	153,818	37.2%
Shall County elected officials be allowed to run for another elective office in midterm?	2004	128,589	176,755	42.1%
Shall County elected officials be allowed to run for another elective office in midterm?	1998	54,562	117,547	31.7%

According to research by Rhys Scholes, Multnomah County elected officials have resigned to run for another office only 5 times since 1982:

- Commissioner Tanya Collier in December 1997, to run for Portland City Council
- Commissioner Dan Saltzman in 1998, to run for City Council (against Tanya Collier)
- Chair Beverly Stein in 2001, to run for Governor
- Commissioner Diane Linn in 2001, to run for County Chair
- Commissioner Deborah Kafoury in 2010, to run for County Chair

What is the problem with this restriction? The essential tradeoff here is that while this restriction prevents elected officials from running for another office while on the public payroll and ensures that elected officials are focused on county business at least until their final year in office, it also creates unnecessary turnover. Commissioner Collier was not elected to City Council and Chair Stein was not elected Governor. Commissioners Linn and Kafoury were successful in their campaigns for Chair, but the county was without their leadership and experience for many months due to their forced resignations.

It seemed to us that part of voters' concern about running for another elected office is potential distraction from county business. But if a Commissioner is running for Chair, that concern would not apply.

It did not seem likely to us that an Auditor or Sheriff would run for other county office (and history since 1982 does not show any example), so we did not see a need to include them in our recommendation.

Again, we opted to recommend a small change that we felt had more chance of being approved by voters than a full repeal.

**Recommendation: Ask voters to allow Multnomah County Commissioners to run for County Chair midterm without resigning**

### **3. District Boundaries/Redistricting**

At our February meeting, we reviewed the 2011 Redistricting Plan for Multnomah County Commissioner Districts and information about Redistricting from the county web site. Multnomah County redistricting is done by the Auditor. We were impressed with the fairness and thoroughness of the process and the wide range of factors that the Auditor considers. We didn't find any reason to invest any more time in this issue because there don't appear to be any problems. The current charter provisions and auditor procedure are admirable and we extend our compliments to the County Auditor.

**Recommendation: No changes**