

**AGENDA COVER MEMO**

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AGENDA DATE: December 2, 2009  
Memorandum Date: November 25, 2009

**TO:** LANE COUNTY BOARD OF COMMISSIONERS

**DEPARTMENT:** LANE COUNTY OFFICE OF LEGAL COUNSEL

**PRESENTED BY:** Liane I Richardson, County Counsel

**AGENDA ITEM TITLE:** IN THE MATTER OF DISCUSSING THE PLACEMENT OF VARIOUS AMENDMENTS TO THE LANE COUNTY CHARTER ON THE MAY 18, 2010 BALLOT

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**I. MOTION**

No motion at this time; this is a report back to the Board for further discussion and possible action.

**II. AGENDA ITEM SUMMARY**

Several members of the Board of Commissioners have expressed interest in putting amendments to the Charter on the May 2010 ballot. These amendments take various forms; some bring the Charter into compliance with current state law, some are “cleanup”; not changing the effect of the Charter but simply making language changes, and some are new items or significant changes to existing sections.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History** . The Lane County Charter was passed by the voters in November of 1962, and there have been many different amendments to the Charter over the years. There have also been suggestions made for additional language changes throughout the years, but because of the cost of elections, prior Boards have declined to put such measures on the ballot. The Board has decided to place a local option tax measure on the ballot in May to support Extension services, and as the cost of putting additional measures on the ballot is much less than the cost of putting the first measure on the ballot, several Commissioners felt that the time was right to discuss what, if any, proposed amendments to the Charter should be put on the May, 2010 ballot. Commissioners have asked staff to make numerous suggestions for changes to the existing Lane County Charter to either clean up existing language or add new language. There have been several discussions at Board meetings on the sections the Board of Commissioners wish to have addressed. This memo and attachments will address the various suggestions that have been made.

**B. Policy Issues** Having clear and concise direction in the Charter allows the County to function at the level necessary to provide services to the citizens of Lane County.

**C. Board Goals** The Board has expressed goals of being transparent in government, of trying to look at doing things differently, and of increasing efficiency within the organization. Many of the suggested amendments to the Charter addresses these goals.

**D. Financial and/or Resource Considerations** Placing a measure on the May 2010 ballot shall cost approximately \$60,000. The Board has already decided to place a measure

regarding the OSU Extension local option tax on the May 2010 ballot. Placing additional ballot measures on the ballot will increase the cost, but not dramatically. Depending upon the number of ballot measures, the County may see additional costs in ballot printing, printing of inserts, and the cost of filing ballot titles and explanatory statements in the voters pamphlet.

**E. Analysis** The Board has asked for proposed changes to the following sections of the Charter:

Chapter IV, Section 19 Administrative Departments

The Board has expressed interest in being able to be more flexible in how the County is structured. The current wording of the Charter requires that there be specified departments within the County. The County performs all of the functions listed, but not necessarily within the identified departments. In order to best serve the citizens of Lane County, a more fluid program based description of the County's functions, rather than department based description, is preferred by the Board.

Chapter IV, Section 21 Appointive Administrative Officers and Employees

The only changes to this section would allow the Board of Commissioners to designate a person to make changes to the functions of administrative officers and employees, and to assign functions to whatever administrative department the county administrator deems appropriate.

Chapter IV, Section 22 Changes in Administrative Departments

A couple of members of the Board of County Commissioners have indicated this section is confusing as written. I have provided two different options to the Board which may make this section more understandable.

Chapter IV, Section 23 Juvenile Department

This language has been deleted from this section and moved to Section 19 where it seems to fit better.

Chapter IV, New section 23 Charter Review Committee

This section would create a charter review committee. Although a charter change is not necessary for the Board to create a charter review committee, placing such a requirement in the charter would required such action every ten years (as this section is currently written). This section currently has the committee being formed in 2011, after the results of the census are available. The committee could be formed earlier, but staff would recommend that if the Board is contemplating forming a committee in 2010, it not put forward as many proposed charter amendments as is currently being considered.

Chapter IV, Section 24 Qualifications

This section is simply being modified to reflect that if there are state requirements for office, as there are for District Attorney and Sheriff, for example, those qualifications are also required by Charter.

Chapter V, Section 27 Compensation for Services

There are now three proposals available for the Board to review in regards to this section. Several members of the Board expressed concern that they are required to determine when and if they receive compensation increases, and that such a requirement puts them in a no-win situation. The three proposals for changes are: 1) have compensation increases for elected officials be based on the Portland-Metro CPI; 2) have an elected officials compensation board (which is what we currently use), but instead of the elected officials compensation board making recommendations to the Board of Commissioners for compensation increases, they have the ability to make such changes on their own, and 3) compensation for elected officials will be the average of compensation increases granted to all county employees as of July 1<sup>st</sup> of each year. There have been suggestions by Board members that the salaries for commissioners should be reset to what they currently are if a charter amendment to this section passes. I can include language in any of the above proposals to make that happen if the Board so directs.

## Chapter VI, Section 29 Nomination and Election of County Officers

There are minor language changes proposed for this section in order to have the charter language comply with current state law regarding the nomination and election of county officers.

### **F. Alternatives/Options**

The Board can place any, all or none of the proposed charter amendments on the May 2010 ballot. Each ballot measure increases the cost of the overall election, and if the Board wishes to place any of the ballot measures in the Voter's Pamphlet, there is a cost for that as well. The more ballot measures, the larger and heavier the ballots become. This adds costs to the printing and mailing of the ballots.

### **IV. TIMING/**

Decisions need to be reached soon (within the next week or two) so that any ballot measures the Board wishes to place on the May ballot can be finalized and submitted to Elections in a timely manner.

### **V. RECOMMENDATION**

If the Board wishes to establish a Charter Review Committee that is formed in 2010, I would suggest that no other changes be made to the Charter at this time. The Board does not need to place a ballot measure on the ballot in order to form a review committee, but that is certainly an option. If the Board wishes to establish a Charter Review Committee but not have it formed until after the census data is provided to the County, I would recommend moving forward with changes to at least Sections 24 and 29 to bring the Charter into compliance with state law.

### **VI. ATTACHMENTS** Charter Sections with changes noted in legislative format