

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING CHAPTER)
9.01 OF TITLE IX OF THE METRO CODE,)
RELATING TO VACANCIES IN METRO)
ELECTIVE OFFICES)

ORDINANCE NO. 04-1054
Introduced by Metro Councilor Carl Hosticka

WHEREAS, Metro Code Title IX, Chapter 9.01 provides for Vacancies in Metro elective offices;

WHEREAS, the Oregon Constitution requires that certain vacancies in office be filled by election if the vacancy occurs soon enough before a general election for candidates to be nominated and file for the office;

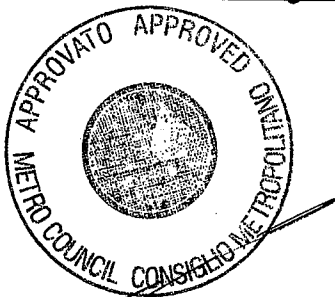
WHEREAS, the Metro Council desires to ensure that vacancies in office be filled expeditiously and with minimal expense to the public; and

WHEREAS, it is in the public interest to amend the provisions of Chapter 9.01 to add clarity and to ensure that the citizens of the Metro Area are adequately represented in the decisions of the Metro Council; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Section 9.01.040 is repealed.
2. Metro Code Section 9.01.050 is amended as set forth in attached Exhibit A of this Ordinance.

ADOPTED by the Metro Council this 8th day of July, 2004.



[Signature]
David Bragdon, Council President

Attest:
[Signature]
Christina Billington, Recording Secretary

Approved as to Form:
[Signature]
Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 04-1054
Metro Code Chapter 9.01

9.01.050 Appointments and Elections to Fill Vacancy

(a) Whenever a vacancy occurs in a Metro elective office ~~other than that of Council President~~, the Council shall make an appointment to fill the vacancy. The term of the appointment shall be for the period until a successor is elected and qualified as provided in this section. If no election to fill the vacancy is required to be held under this section, then the appointment shall be for the remainder of the term of the vacated office.

(b) If the vacancy is declared in a Metro elective office before the filing deadline for the next subsequent nominating primary election, and at the time of the declaration of vacancy there are more two (2) years remaining in the term of the vacated office, the Council shall make an appointment to fill the vacancy for a period extending until the first Monday of the year following the next subsequent general election. At the next subsequent nominating primary election, an election shall be held to fill the vacancy for the remainder of the term of the vacated office in accordance with Oregon law.

(c) If a vacancy is declared in a Metro elective office after the filing deadline for the next subsequent nominating primary election but 70 days or more before the next subsequent general election, and at the time of the declaration of vacancy there are more than two (2) years remaining in the term of the vacated office, then at the next general election, an election shall be held to fill the vacancy for the remainder of the term of the vacated office.

(d) If a vacancy is declared in a Metro elective office less than 70 days before the next subsequent general election, and as of the first Monday of the year following the next such subsequent general election, there will be two (2) years or less remaining in the term of the vacated office, the Council shall make an appointment to fill the vacancy for the remaining term of the office.

(e) The candidate receiving the most votes at any general election held pursuant to this section shall be elected notwithstanding the fact that such candidate may not have received a majority of the votes cast. Nominations for elections to fill a vacancy shall be made by the method established by Oregon law for the selection of candidates for nomination at a primary election. Except as otherwise provided by Oregon law for nominations to fill a vacancy at a general election, such petition or declaration shall be filed with the Director of Elections not later than the 70th day prior to the date of the election.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1054, FOR THE PURPOSE OF AMENDING CHAPTER 9.01 OF TITLE IX OF THE METRO CODE, RELATING TO VACANCIES IN METRO ELECTIVE OFFICES

Date: June 8, 2004

Prepared by: Daniel B. Cooper, Metro Attorney

PROPOSED ACTION

An amendment to Metro Code Title IX Elections, Chapter 9.01 is necessary relating to Metro elective offices.

BACKGROUND

The provisions of Metro Code Chapter 9.01 Vacancies in Offices, Section 9.01.040 needs to be repealed, wherein Metro Code Section 9.01.050 is amended to reflect the above amendment.

ANALYSIS/INFORMATION

1. **Known Opposition.** None.
2. **Legal Antecedents.** Metro Code Title IX Elections, Chapter 9.01, Section 9.01.040, adopted by Ordinance No. 93-517B, on December 9, 1993; Section 9.01.050, adopted by Ordinance No. 93-517B, on December 9, 1993 and amended by Ordinance No. 02-977, on November 21, 2002.
3. **Anticipated Effects.** Vacancies in the Metro Council will be filled expeditiously.
4. **Budget Impacts.** No unanticipated budget impacts are expected.

RECOMMENDED ACTION

The adoption of Ordinance No. 04-1054 is recommended.