

TITLE IX

ELECTIONS

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CHAPTER 9.01

VACANCIES IN OFFICE

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9.01.010 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Director of Elections" means the Director of the Division of Elections of Multnomah County, or the authorized representative.

(b) "Elective office" means the office of:

- (1) Council President;
- (2) Metro Auditor; or
- (3) Councilor representing an individual subdistrict.

(Ordinance No. 93-517B. Amended by Ordinance No. 02-977, Sec. 1).)

9.01.020 Vacancy in Office

An elective office of Metro shall become vacant:

(a) Upon the incumbent's:

- (1) Death;
- (2) Adjudicated incompetence;
- (3) Recall from the office;

(4) Upon the failure of the person elected or appointed to the office to qualify for it within 10 days after the time for the term of office to commence;

(5) In the case of a member of the Metro Council, upon absence from all regularly scheduled meetings of the Metro Council within any 60-day period. Attendance at meetings of Council committees or other Metro or Metro-related bodies shall not be considered attendance at Metro Council meetings;

(6) Ceasing to reside in the subdistrict from which elected or appointed, except when subdistrict boundaries are reapportioned and a Councilor is assigned to a subdistrict where the Councilor does not reside and the Councilor becomes a resident of the reapportioned subdistrict within 60 days after the reapportionment is effective;

(7) Ceasing to be a qualified elector under state law;

(8) Conviction of a felony, or conviction of a federal or state offense punishable by a loss of liberty and pertaining to his or her office;

(9) Resignation from office;

(10) Becoming an elected officer of the state or a city, county or special district. As used in this chapter, special district does not include school districts;

(11) In case of the Council President or Metro Auditor, upon his or her ceasing to reside within the Metro Area; or

(12) In the case of the Metro Auditor, if the incumbent ceases to hold the designation of Certified Public Accountant or Certified Internal Auditor.

(Ordinance No. 93-517B. Amended by Ordinance No. 02-977, Sec. 1.)

9.01.030 Declaration of Vacancy

The Metro Council, upon becoming aware of grounds to find that a vacancy exists in an elective office, shall promptly determine and declare the date of vacancy by the adoption of a resolution. The incumbent shall be entitled to receive notice of the filing of a resolution to declare a vacancy by the mailing of such

notice to the incumbent's last known address. The incumbent shall be entitled to appear before the Council to show cause, if any may exist, why the Council should not declare the existence of a vacancy.

(Ordinance No. 93-517B.)

9.01.050 Appointments and Elections to Fill Vacancy

(a) Whenever a vacancy occurs in a Metro elective office, 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 than 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.

(Ordinance No. 93-517B. Amended by Ordinance No. 02-977, Sec. 1; Ordinance No. 04-1054, Sec. 2.)

9.01.060 Method of Making Appointments

(a) Whenever a vacancy occurs in a Council position representing a subdistrict on the Council, the Council shall commence a process to fill the vacancy by appointment by a majority vote of the remaining members of the Metro Council. The appointment process shall include the following:

(1) Notification of the appointment process and of the availability of application forms in a newspaper of general circulation in the Metro Area, in local newspapers which serve the Council subdistrict, and other journals, publications and circulars deemed appropriate at least four (4) weeks prior to the appointment.

(2) Notification of the appointment process and of the availability of application forms to official neighborhood organizations, cities, civic groups, and other recognized groups with territory within the vacant Council subdistrict at least four (4) weeks prior to the appointment.

(3) Notification may be given at the direction of the Council President in advance of any formal declaration of a vacancy by the Council.

(4) The Council President may establish a deadline for the receipt of applications which shall be no earlier than one (1) week prior to the date set for the making of the appointment at the time notice is given.

(5) Conduct of a public hearing in the vacant subdistrict before a subcommittee of the Council appointed by the Council President. The subcommittee shall report all testimony received to the full Council.

(6) Conduct of interviews with applicants for the vacant position before the Council.

(7) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The results of each ballot shall be announced following the vote and the result of each Councilor's ballot shall be recorded. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two (2) applicants who receive the most votes until an applicant receives a majority vote of the Council.

(b) If a vacancy occurs in the office of Council President or Metro Auditor, the Metro Council shall appoint a person to fill the vacancy subject to the following procedure. The appointment process shall include the following:

(1) Notification of the existence of the vacancy and that the Council will be making an appointment to fill the vacancy shall be given in a newspaper of general circulation within the Metro Area and in such other manner as deemed appropriate by the Council at the time the vacancy is declared.

(2) Conduct of interviews with applicants for the vacant position before the Council.

(3) The Council shall in a public meeting appoint the person to fill the vacancy from a list of applicants who have been nominated and seconded by Councilors. Voting for the person shall be by a written signed ballot. The results of each ballot shall be announced following the vote and the result of each Councilor's ballot shall be recorded. Any applicant who receives a majority of the votes by the remaining members of the Council shall be elected to the vacant position. If no applicant receives a majority vote of the Council on the first ballot, the Council shall continue to vote on the two (2) applicants who receive the most votes until an applicant receives a majority vote of the Council.

(Ordinance No. 93-517B. Amended by Ordinance No. 02-977, Sec. 1; and Ordinance No. 11-1251, Sec. 1.)

9.01.070 Emergency Succession

In the event of the death of the Council President or the declaration of a vacancy in that office, the Deputy of the Metro Council shall assume the duties of the Council President as provided for in Section 2.01 until a new Council President is elected or appointed.

(Ordinance No. 93-517B. Amended by Ordinance No. 95-602A, Sec. 3; Ordinance No. 02-977, Sec. 1.)
