

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2022-076

Referring Charter Review Committee Proposed Amendments to the Voters and Certifying Ballot Titles and Explanatory Statements.

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Home Rule Charter (“Charter”) provides that a Charter Review Committee will be convened every six years to comprehensively study the Charter, and, if the committee chooses, to propose amendments to the Charter.
- b. The Charter requires the committee to report to the people and to the Board of County Commissioners its findings, conclusions, and recommendations, including any amendments the committee proposes to the Charter, at least 95 days prior to the general election.
- c. The Charter requires the Board of County Commissioners to submit all amendments proposed by the committee to the people of Multnomah County at the November 2022 general election.
- d. The 2021-2022 Multnomah County Charter Review Committee (“MCCRC”) convened in September 2021 and held its final meeting in July 2022. The full committee held 15 public meetings, and four subcommittees held an additional 30 public meetings.
- e. The MCCRC presented its final report to the people and the Board of County Commissioners on August 2, 2022.
- f. The MCCRC proposed seven measures that would amend the Charter, and those measures must be submitted to the people of Multnomah County at the November 2022 general election.
- g. The Board wants to clearly inform voters that the measures are proposed by the MCCRC and are being submitted to the voters as required by the Charter.

The Multnomah County Board of Commissioners Resolves:

1. The seven measures proposed by the MCCRC, which would amend the Multnomah County Home Rule Charter if adopted, shall be submitted to the people of Multnomah County at the general election on November 8, 2022.
2. The measure text and associated ballot titles and explanatory statements for the seven measures are attached to this Resolution as Exhibits A, B, C, D, E, F, and G.

3. The Board certifies the text of the seven measures, along with the ballot titles and explanatory statements in the attached Exhibits, to the Director of the Multnomah County Elections Division.

4. The County Attorney shall file the measure text and the ballot titles and explanatory statements in substantial conformance with the attached Exhibits with the Director of the Multnomah County Elections Division, including filing the SEL 805 and SEL 801.

5. The words "as recommended by the Multnomah County Charter Review Committee" shall be added to the ballot measure header for Board referrals required by MCC 5.107(B). The ballot measure header for the seven measures in the attached Exhibits shall be: "Referred to the People by the Board of County Commissioners as recommended by the Multnomah County Charter Review Committee."

ADOPTED this 11th day of August, 2022.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jenny M. Madkour, County Attorney

SUBMITTED BY: Jenny M. Madkour, County Attorney

EXHIBIT A

Gender Neutral Charter Amendment Text

(Language ~~stricken~~ is deleted; underlined language is new.)

4.10. Qualifications.

(1) An elective officer of the county shall have been a qualified elector of the county for a year and a half immediately before becoming such an officer and, if a candidate for, or appointee to, a county commissioner position, then a resident of the district for a year and a half immediately before becoming such a commissioner.

(2) Before the electee or appointee to an elective office takes the office ~~he or she~~ the electee or appointee shall be eligible to be bonded. The county shall maintain a corporate surety bond for the faithful performance of its employees and holders of elective office.

4.20. Terms Of Office; Successive Terms; Running For Office In Midterm.

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following ~~his or her~~ that person's election to the office and

(b) Shall continue four years.

(2) Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.

(3) Effective January 1, 2017, Commissioners of Multnomah County may run for the Office of Chair of Multnomah County mid-term without resigning their current elected office. No elected official of Multnomah County may run for another elective office in midterm without resigning first. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

* * *

4.40. Vacancies -- Causes.

An elective office of the county shall become vacant:

- (1) Upon the incumbent's
 - (a) Death,
 - (b) Adjudicated incompetence,
 - (c) Conviction of a felony, other offense pertinent to ~~his or her~~ the incumbent's office, or unlawful destruction of public records,
 - (d) Resignation from the office,
 - (e) Recall from the office,
 - (f) Ceasing to reside within Multnomah County or, if a commissioner, within the commissioner district, or
 - (g) Inability to obtain a corporate surety bond as required by section 4.10(2).
- (2) Upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for ~~his or her~~ the term of office to commence; or
- (3) In the case of a member of the board of county commissioners, upon ~~his or her~~ the board member's absence
 - (a) From the county for 30 consecutive days without the consent of the board or
 - (b) From board meetings for 60 consecutive days without like consent.
- (4) In the case of the chair of the board of commissioners, upon ~~his or her~~ the chair's absence from the county for 30 consecutive days without the consent of the board.

* * *

6.10. Chair Of The Board.

The chair of the board of county commissioners:

- (1) Shall be the chief executive officer and personnel officer of the county;
- (2) Shall preside over meetings of the board and have a vote on each matter before the board;

(3) Shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, except for the personal staff, employees or agents of elective county offices. Appointment of department heads shall be subject to consent of a majority of the board of commissioners;

(4) Shall execute the policies of the board and the ordinances of the county;

(5) Shall sign all contracts, bonds and other instruments requiring county consent;

(6) Shall prepare the county budget for submission to the board; and

(7) May delegate ~~his or her~~ the chair's administrative powers but shall retain full responsibility for the acts of ~~his or her~~ the chair's subordinates.

* * *

6.50. Sheriff.

The people of Multnomah County shall elect a county sheriff for the function of said office as prescribed by state law and ~~he or she~~ the sheriff shall have sole administration of all county jails and correctional institutions located in Multnomah County.

* * *

7.20. Civil Service Commission.

(1) There shall be a civil service commission consisting of three members appointed by a board of county commissioners.

(2) The term of office of each member of the commission shall be three years. Every year the term of one member of the commission shall expire.

(3) Each member of the commission shall be

(a) A citizen of the United States and

(b) A qualified elector of the county.

(4) No member of the commission shall receive compensation for ~~his or her~~ the commission member's services as such.

(5) The commission shall:

(a) Make recommendations to the board regarding the personnel policy of the county and

(b) Hear appeals from such persons in the classified service in such cases as the board shall by ordinance determine.

(6) An appellate decision by the commission may not be appealed further if unanimous. If not unanimous, it may be further appealed to the board of county commissioners and the courts.

* * *

7.40. Rights And Duties Of Personnel.

(1) The status of persons in the classified service shall, within the limitations of this charter,

(a) Be based on merit and fitness; and

(b) Be governed by the civil service ordinance and rules promulgated thereunder.

(2) No employee shall be refused employment or be discriminated against in any manner contrary to state law.

(3) Persons in the classified service shall be subject to the restrictions in the laws of the state concerning political activities of persons in county civil service.

~~(4) References to the masculine gender in this chapter shall refer to the masculine, feminine, neuter, or applicable noun, or appropriate combination thereof, where appropriate.~~

Gender Neutral Charter Amendment Ballot Title & Explanatory Statement

Caption (10/10): Amends charter: replaces gender binary pronouns with gender neutral terms

Question (20/20): Should county charter be amended to replace gender binary pronouns (including he, she, his, and her) with gender neutral terms?

Summary (143/175): The existing county charter uses gender binary pronouns including he, she, his, and her, throughout the document in sections 4.10 (Qualifications), 4.20 (Terms Of Office; Successive Terms; Running For Office In Midterm), 4.40 (Vacancies – Causes), 6.10 (Chair Of The Board), 6.50 (Sheriff), and 7.20 (Civil Service Commission). In addition, existing charter section 7.40(4) provides that references to the masculine gender in that chapter of the charter refer to the masculine, feminine, neuter, or applicable noun.

This charter amendment would replace gender binary pronouns throughout the charter with gender neutral terms appropriate to the context. For example, use of the pronouns “he or she” in section 6.50 to refer to the sheriff would be replaced with the term “the sheriff.”

This amendment also would remove existing charter section 7.40(4) because that section would no longer be necessary after removal of all references to gender.

Explanatory Statement (358/500): Existing county charter uses gender binary pronouns in charter sections 4.10 (Qualifications), 4.20 (Terms Of Office; Successive Terms; Running For Office In Midterm), 4.40 (Vacancies – Causes), 6.10 (Chair Of The Board), 6.50 (Sheriff), and 7.20 (Civil Service Commission). In addition, existing charter section 7.40(4) provides that references to the masculine gender in that chapter of the charter refer to the masculine, feminine, neuter, or applicable noun.

In 2019, Multnomah County updated its County Code to include a statement that the Code is gender inclusive and to replace gender binary pronouns with gender neutral pronouns. Similar changes have not yet been made to the charter.

This charter amendment recommended by the Charter Review Committee would replace gender binary pronouns in the charter, including he, she, his, and her, with gender neutral terms. The amendment would replace gender binary pronouns throughout the charter (in sections 4.10, 4.20, 4.40, 6.10, 6.50, and 7.20) with gender neutral terms appropriate to the context.

For example, use of the pronouns “he or she” in section 6.50 to refer to the sheriff would be replaced with the term “the sheriff.” Existing charter section 6.50 provides, “The people of Multnomah County shall elect a county sheriff for the function of said office as prescribed by state law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.” As amended, charter section 6.50 would provide, “The people of Multnomah County shall elect a county

sheriff for the function of said office as prescribed by state law and the sheriff shall have sole administration of all county jails and correctional institutions located in Multnomah County.”

As another example, existing charter section 4.10(2) provides, in part, “Before the electee or appointee to an elective office takes the office he or she shall be eligible to be bonded.” As amended, charter section 4.10(2) would provide, “Before the electee or appointee to an elective office takes the office the electee or appointee shall be eligible to be bonded.”

This amendment also would remove existing charter section 7.40(4) because that section would no longer be necessary after removal of all references to gender.

EXHIBIT B

Extending Voting Rights Charter Amendment Text

(Language ~~stricken~~ is deleted; underlined language is new.)

CHAPTER XI. ELECTIONS

11.10. Right to Vote in County Elections.

11.15. Election Of Officers.

11.20. Tie Votes.

11.30. Initiative And Referendum.

11.40. Recall.

11.50. Charter Amendment And Repeal.

11.60. Campaign Finance.

11.10. Right to Vote in County Elections.

The county shall extend the right to vote, including but not limited to extending the right to vote to noncitizens, in elections for county officers and on county measures, to the fullest extent allowed by law.

Extending Voting Rights Charter Amendment Ballot Title & Explanatory Statement

Caption (10/10): Amends charter: voting rights to be extended as legally allowed

Question (20/20): Should charter require county to extend the right to vote, including to noncitizens, to the fullest extent allowed by law?

Summary (171/175): State law provides that county residents who are United States citizens 18 years of age or older are eligible to register to vote. Registered voters can vote in local, state, and federal elections, with limited exceptions (for example, under state law a person sentenced to a term of incarceration for a felony is not eligible to vote during the term of incarceration). Current county charter does not address voter registration or qualifications for elections for county officers and on county measures.

This charter amendment recommended by the Charter Review Committee requires the county to extend the right to vote, including to noncitizens, to the fullest extent allowed by law. This amendment would apply to the right to vote in elections for county officers (chair, commissioner, sheriff, and auditor) and on county measures (initiatives, referenda, and referrals of county ordinances or charter amendments).

This amendment would not immediately change existing voting rights in county elections, but directs the county to take action to extend the right to vote as allowed by law.

Explanatory Statement: (234/500): State law provides that county residents who are United States citizens 18 years of age or older are eligible to register to vote. Registered voters can vote in local, state, and federal elections, with some limited exceptions (for example, state law provides that a person sentenced to a term of incarceration for a felony is not eligible to vote during the term of incarceration). Current county charter does not address voter registration or voter qualifications for elections for county officers and on county measures.

This amendment recommended by the Charter Review Committee would add a provision to the county charter requiring the county to extend the right to vote, including to noncitizens, to the fullest extent allowed by law. This amendment would apply only to the right to vote in elections for county officers (chair, commissioner, sheriff, and auditor) and on county measures (initiatives, referenda, or referrals of county ordinances or charter amendments).

This amendment would not immediately change existing voting rights in county elections, but directs the county to take action to extend the right to vote as allowed by law. If this amendment is adopted by voters, the county first would determine whether and to what extent the law allows the county to extend the right to vote to additional individuals, and the county then would take steps to extend the right to vote if and to the extent allowed by law.

EXHIBIT C

Instant Runoff Ranked Choice Voting Charter Amendment Text

(Language ~~stricken~~ is deleted; underlined language is new.)

CHAPTER IV. COUNTY OFFICERS IN GENERAL

- 4.10. **Qualifications.**
- 4.20. **Terms Of Office; Successive Terms; Running For Office In Midterm.**
- 4.30. **Compensation Of The Chair, Commissioners, Sheriff and District Attorney.**
- 4.40. **Vacancies -- Causes.**
- 4.50. **Vacancies -- Filling.**

* * *

4.50. Vacancies -- Filling.

(1) If a vacancy occurs in an elective office of the county and the term of office expires:

(a) One year or more after the vacancy occurs, then a person shall be elected using instant runoff ranked choice voting, as described in section 11.15, at the next May or November election date to fill the vacancy for the remainder of the term of office.

(i) If a vacancy occurs before instant runoff ranked choice voting is implemented under section 11.15, then the election to fill the vacancy will be conducted under the terms of this subsection 4.50(1)(a)(i). If no candidate receives a majority of votes cast at that election, the board of county commissioners shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.

(ii) Subsections 4.50(1)(a)(i) and (ii) are repealed when instant runoff ranked choice voting is implemented under section 11.15.

(b) Less than one year but 90 days or more after the vacancy occurs, then the board of county commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.

(c) Less than 90 days after the vacancy occurs, the vacancy shall not be filled.

(2) For purposes of this section 4.50, "term of office" means the term of office of the last person elected to the office which is vacant.

(3) In the event of a vacancy in an elective office, the board shall by ordinance prescribe procedures to designate an interim occupant of the office. The person so designated shall serve as acting chair, commissioner, sheriff or auditor, as the case may be, until the office is filled by election or appointment, as appropriate under section 4.50(1).

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CHAPTER XI. ELECTIONS

- 11.15. Election Of Officers.
- 11.20. Tie Votes.
- 11.30. Initiative And Referendum.
- 11.40. Recall.
- 11.50. Charter Amendment And Repeal.
- 11.60. Campaign Finance.

11.15. Election Of Officers.

(1) All elective county offices shall be nonpartisan.

(2) The manner of nominating and electing officers shall be the same as that established by state law for nominating and electing circuit court judges, except as this charter provides to the contrary.

(3) Petitions or declarations of candidacy shall contain no reference to any political party ballot or to the political party affiliation of the candidate.

(4) No later than 2026, and except as provided in section 4.50 for elections to fill a vacancy, all elective county officers will be elected at the general election using instant runoff ranked choice voting.

(a) Ranked choice voting means an election method in which electors rank candidates for an office in order of electors' preferences and ballots may be counted in rounds.

(b) Instant runoff voting elects the candidate who has a majority of the vote after the initial round of counting based on the number of first rankings each candidate receives. If no candidate receives a majority of the vote in the initial round of counting, ballots are counted in subsequent rounds in which:

(i) Candidates retain the number of votes counted for them in the first and any subsequent rounds that already occurred; and

(ii) The candidate having the fewest votes in each round is eliminated and ballots that had been counted as votes for the eliminated candidate instead are counted as votes for the candidate who is ranked next on those ballots; and

(iii) The process of eliminating candidates and transferring votes for eliminated candidates to the next-ranked candidates on those ballots repeats until a candidate has a majority of the vote and is elected.

(5) Until instant runoff ranked choice voting is implemented, the names of all candidates shall appear on the primary election ballot. If a candidate receives a majority of the votes cast for a position at the primary election; the candidate shall be elected to the position. If no candidate for a position at a primary election receives a majority of the votes cast for the position, the two candidates receiving the highest number of votes shall be declared nominees and their names shall appear on the general election ballot. This subsection 11.15(5) is repealed when instant runoff ranked choice voting is implemented.

11.20. Tie Votes.

In the event of a tie vote for candidates for an elective office of the county, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the board of county commissioners.

Instant Runoff Ranked Choice Voting Ballot Title & Explanatory Statement

Caption (10/10): Amends charter: instant runoff ranked choice voting in county elections

Question (20/20): Should county officials be elected at general election (vacancies filled in May or November) using instant runoff ranked choice voting?

Summary (174/175): Under current charter, candidates for county office appear on primary election ballot; voters can cast one vote per office; candidate receiving majority is elected. If no candidate receives majority, two candidates receiving highest number of votes appear on general election ballot; candidate receiving majority is elected. For vacancies filled by election, candidate receiving majority is elected at next May or November election. If no candidate receives majority, two candidates receiving highest number of votes appear on special election ballot; candidate receiving majority is elected.

Under amendment recommended by Charter Review Committee, by 2026, officers would be elected at general election, vacancies filled at next May or November election, using instant runoff ranked choice voting (voters rank candidates by preference). Candidate with majority of votes based on first rankings is elected. If no candidate receives majority, ballots are counted in subsequent rounds: candidates retain votes from prior rounds; candidate with fewest votes eliminated each round; votes for eliminated candidate transfer to candidate ranked next on those ballots. Process repeats until candidate with majority is elected.

Explanatory Statement (494/500): Under the current charter, candidates for county elected office (chair, commissioners, auditor, sheriff) appear on the primary election ballot. Voters may vote for only one candidate per office. A candidate who receives a majority of the votes cast in the primary election is elected. If no candidate receives a majority, the two candidates that received the highest number of votes appear on the general election ballot, and the candidate who receives a majority is elected. For vacancies, if the term of office expires one year or more after the vacancy occurs, the replacement is elected at the next May or November election if a candidate receives a majority of the votes cast in that election. If no candidate receives a majority of the votes cast in that election, the board calls a special election in which the names of the two candidates who received the highest number of votes appear on the ballot. The candidate who receives a majority of the votes cast is elected to fill the remainder of the term.

This charter amendment recommended by the Charter Review Committee would change the method of electing county officers. By 2026, county officers would be elected at the general election using instant runoff ranked choice voting. Ranked choice voting is an election method where voters rank candidates for an office in order of preference and ballots may be counted in rounds.

In the initial round of counting, a candidate who has a majority of the vote based on the number of first rankings each candidate receives is elected. However, if no candidate receives a majority of the vote in the initial round of counting, ballots are counted in subsequent rounds. In those subsequent rounds, candidates keep the number of votes counted for them in the first and any subsequent rounds that already occurred. Then, the candidate having the fewest votes in each round is eliminated and ballots that had been counted as votes for the eliminated candidate instead are counted as votes for the candidate who is ranked next on those ballots. That process of eliminating candidates and transferring votes to the next-ranked candidates on those ballots repeats until a candidate has a majority of the vote and is elected. Because the instant runoff ranked choice voting method elects an official in a single election, no primary election would be necessary for county officers.

A similar process would be used for filling vacancies where the term of office ends one year or more after the vacancy occurs. In that case, a replacement would be elected at the next May or November election to fill the remainder of the term of office using the instant runoff ranked choice voting method described above. Because the instant runoff ranked choice voting method elects an official in a single election, no special election would be necessary.

The current system of electing county officers and filling vacancies would remain in place until instant runoff ranked choice voting is implemented.

EXHIBIT D

Jail Inspections Charter Amendment Text

(Language ~~stricken~~ is deleted; underlined language is new.)

CHAPTER III. GOVERNING BODY

- 3.10. Membership.
- 3.15. Apportionment Of Commissioner Districts.
- 3.20. Election.
- 3.30. Quorum.
- 3.40. Concurrence Required For Action.
- 3.50. Meetings.
- 3.60. Presiding Officer.
- 3.70. Advisory Boards And Commissions.
- 3.75. Citizen Involvement.
- 3.80. Inspections of County Jails and Correctional Institutions.

* * *

3.80. Inspections of County Jails and Correctional Institutions.

(1) To ensure transparency and oversight, and as described in this section, the county shall conduct inspections of county jails and correctional institutions administered under section 6.50.

(2) In addition to inspections required by state law, each board member shall conduct at least one inspection of county jails and correctional institutions under this section per calendar year.

(3) At least one volunteer member of the public shall be selected to participate with each board member in inspections required under this section.

(a) Board members shall use an application process to select volunteers, with preference given to individuals who live or work in the county or have a demonstrated connection to the county.

(b) Volunteers must be independent of the county auditor and the county jail or correctional institution being inspected.

(c) The county shall provide administrative support and reasonable stipends to volunteers.

(4) To facilitate inspections under this section, and subject to reasonable measures to ensure safety and security in accordance with section 6.50, the sheriff shall provide access:

(a) To any part of the county jail or correctional institution being inspected at any time without prior notice;

(b) For confidential interviews with individuals who have consented to be interviewed, including adults in custody; and

(c) To review records related to the county jail or correctional institution being inspected.

(5) Volunteers will issue publicly available reports with findings and recommendations.

Jail Inspections Charter Amendment Ballot Title & Explanatory Statement

Caption (10/10): Amends charter: annual jail inspections by commissioners with volunteers, reporting

Question (20/20): Should charter require county commissioners, with selected volunteers, inspect county jails annually, with interviews, record review, unannounced access, public reports?

Summary (175/175): State law requires the board of county commissioners to visit county operated local correctional facilities at least once each regular term to fully examine the facilities, including health and discipline of people in custody and cleanliness.

This charter amendment recommended by the Charter Review Committee would require county commissioners to conduct at least one additional inspection of county jails and correctional institutions administered by the sheriff per calendar year to ensure transparency and oversight. Commissioners would use application process to select at least one volunteer member of the public to participate in inspections, with preference for individuals who live in, work in, or have demonstrated connections to county. Volunteers would be independent of county auditor and facilities inspected and provided reasonable stipends and administrative support.

Subject to reasonable measures to ensure safety and security, the sheriff would provide access for the county commissioner and volunteer to any part of inspected facilities any time without prior notice; for confidential interviews with consenting individuals; to records related to facilities. Volunteers would issue public reports with findings, recommendations.

Explanatory Statement (294/500): State law (ORS 169.040) provides that the board of county commissioners is the inspector of local correctional facilities in the county. For purposes of state law, Multnomah County currently has two local correctional facilities: Multnomah County Inverness Jail (Inverness) and Multnomah County Detention Center (MCDC). State law requires the board to visit local correctional facilities operated by the county at least once in each regular term to examine the facilities fully, including the health and discipline of the persons confined and the cleanliness of the facilities. As a result, the board visits Inverness and MCDC at least once a year.

This charter amendment recommended by the Charter Review Committee would require county commissioners to make at least one additional visit per calendar year to county jails and correctional institutions administered by the sheriff under section 6.50 of the Charter (Sheriff) to ensure transparency and oversight.

County commissioners would be required to select at least one volunteer member of the public to participate in inspections. Volunteers would be selected using an application process, with preference given to those who live or work in the county or have a

demonstrated connection to the county. Volunteers would be required to be independent of the county auditor and the facility or facilities being inspected. The county would provide volunteers with reasonable stipends and administrative support.

To facilitate inspections, and subject to reasonable measures to ensure safety and security, the sheriff would be required to provide access for the county commissioner and volunteer to any part of a county jail or correctional institution being inspected at any time without prior notice; for confidential interviews with consenting individuals, including adults in custody; and to records related to the facility being inspected. Volunteers would issue public reports with findings and recommendations.

EXHIBIT E

Charter Review Committee Amendment Text

(Language ~~stricken~~ is deleted; underlined language is new.)

CHAPTER XII. MISCELLANEOUS

- 12.10. Existing Legislation.
- 12.20. Separability.
- 12.30. Charter Review Committee.
- ~~12.40. Appointment Of Committee Members.~~
- 12.50. Scope Of Committee Review.
- 12.60. Report Of Committee.
- 12.70. Submission Of Amendments To The People.

* * *

12.30. Charter Review Committee.

(1) There shall be convened a charter review committee for the purpose of making a comprehensive study of the Multnomah County home rule charter and, if the committee chooses, submitting to the people of Multnomah County amendments to the charter.

~~12.40. Appointment Of Committee Members.~~

(2) ~~The charter review committee shall be composed as follows:~~

~~(1) The committee shall have two four electors appointed from each senatorial commissioner district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voters within Multnomah County. The committee shall choose their chairperson leadership from among themselves and shall have authority to establish their own procedures and organization.~~

(23) The appointment of electors shall proceed as follows:

(a) ~~On January 1, 2021, and every six years thereafter, the Office of Citizen Involvement shall begin accepting applications for electors. The Office of Citizen Involvement shall administer the charter review committee application and evaluation process. The Office of Citizen Involvement shall take reasonable steps to inform engage the residents of Multnomah County with- of the purpose of informing them about the charter review committee and the opportunity to serve on the committee, and shall~~

endeavor to produce a diverse pool of applicants. Only residents of Multnomah County are eligible to serve on the charter review committee.

~~(b) On April 1, 2021, and every six years thereafter, the Office of Citizen Involvement shall deliver each application to the state senator who represents the applicant.~~

~~(c) The state senator and the two state representatives who represent residents in each state senate district located in Multnomah County shall have until August 15, 2021, and every six years thereafter, to appoint the electors for the district. Before the charter review committee's first meeting, electors for each district shall be appointed by the chair of the board of commissioners with the approval of the board. The board shall endeavor to appoint a committee that represents the diverse communities in the county. Appointees shall reside in the district they are appointed to represent and Multnomah County. An appointee who moves between commissioner districts after appointment may continue to serve on the committee. If the three appointers from any senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.~~

~~(d) If two electors are appointed from a senate district, they shall not be registered in the same political party.~~

~~(3)(c) The following persons are not eligible for appointment to the committee: the state senators and state representatives who represent districts located in Multnomah County, the members of the Multnomah County board of county commissioners, and the chair of the board, if any, serving at the time of appointment.~~

(d) The Office of Citizen Involvement may fill vacancies on the committee.

(4) The committee shall convene its' first meeting in ~~September 2021~~March 2027, and every six years thereafter. The Office of Citizen Involvement shall convene and staff the meetings of the charter review committee.

(5) The Office of Citizen Involvement shall work with the committee to include public education, outreach, and engagement that aligns with the county's equity and inclusion values as part of the committee process.

(6) The Board of County Commissioners shall appropriate sufficient funds for the Office of Citizen Involvement to carry out its duties herein.

12.50. Scope Of Committee Review.

(1) The committee shall commence study of the charter by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses.

(2) The committee shall review the county charter and any issues relating thereto. The committee shall review the section 4.30 process for adjusting compensation for commissioners.

12.60. Report Of Committee.

At least 95 days prior to the primary or general election or both of 2004 and every six years thereafter, the committee shall report to the people and to the board of county commissioners their findings, conclusions, and recommendations including any amendments they propose to the county charter.

12.70. Submission Of Amendments To The People.

All amendments proposed by the committee shall be submitted to the people of Multnomah County at the 2004 and every six years thereafter primary or general election, or both.

Charter Review Committee Amendment Ballot Title & Explanatory Statement

Caption (10/10): Amends Charter Review Committee qualifications, appointment, length; requires public engagement

Question (20/20): Should charter require county board to appoint Charter Review Committee by commissioner district for 18 month process with public engagement?

Summary (174/175): Under current charter, state legislators appoint Charter Review Committee after application process with timelines, with two electors appointed from each senatorial district with majority of voters in county, and one elector appointed from each senatorial district with less than majority of voters in county. Appointees from same district cannot be registered in same political party. Committee can meet from September to August (up to 11 months). Committee chooses chairperson.

Under amendment recommended by Charter Review Committee, timeline for application and appointment would be removed. After application process, county board would appoint four electors from each commissioner district (16 members) and endeavor to appoint committee that represents diverse communities in the county. Removes restriction on appointee political party; appointee moving between districts after appointment could continue to serve. Committee could meet from March to August of the following year (up to 18 months). Committee to choose leadership. Office of Citizen Involvement could fill vacancies and would be required to staff committee and conduct public education, outreach, engagement that aligns with county's equity and inclusion values.

Explanatory Statement (500/500): Every six years, Multnomah County convenes a Charter Review Committee to make a comprehensive study of the County's home rule charter, and, if it chooses, the committee can recommend amendments to the charter to be submitted to the voters.

Under current charter, the Charter Review Committee is composed of two electors appointed from each senatorial district having the majority of its voters within the county, and one elector appointed from each senatorial district having less than a majority of its voters within the county. The committee is appointed by the state senator and two state representatives who represent residents in each state senate district located in the county. The Office of Citizen Involvement begins accepting applications in January of the year that the committee convenes, and forwards those applications to the state senator who represents each applicant. The state legislators appoint committee members in August of that same year. Appointees from the same district cannot be registered in the same political party. The current charter does not address how vacancies are filled or whether a committee member can continue to serve if they move out of the district they were appointed to represent. The charter provides that the committee will choose a chairperson. Under current charter, the committee convenes in September and must make its final report by the following August, allowing up to 11 months for the committee to study the charter and determine whether to make recommendations.

This charter amendment recommended by the current Charter Review Committee would change the Charter Review Committee member qualifications and appointment process. It would also extend the length of the time during which the committee could meet and would require the process to include public engagement.

In particular, this amendment removes the application and appointment timeline. The Office of Citizen Involvement would continue to administer the committee application and evaluation process, but appointments would be by the county chair with the approval of the board of county commissioners. Appointments would be by county commissioner district, rather than senate district, with four electors appointed per district, for a 16 member committee. There would be no requirement that appointees from the same district be from different political parties. The amendment would require the board to endeavor to appoint a committee that represents the diverse communities in the county. The committee would choose its own leadership structure.

The committee would convene in March of the year before it is required to make its final report, allowing up to 18 months for the committee to study the charter and determine whether to make recommendations.

The amendment would clarify that an appointee who moves between commissioner districts can continue to serve on the committee and would allow the Office of Citizen Involvement to fill vacancies.

The amendment would require the Office of Citizen Involvement to staff the committee and include public education, outreach, and engagement that aligns with the county's equity and inclusion values as part of the committee process, including as part of the application process.

EXHIBIT F

Ombudsperson Amendment Text

(Language ~~stricken~~ is deleted; underlined language is new.)

CHAPTER VIII. FINANCE

8.10. Auditor.

8.20. Bonded Indebtedness.

8.10. Auditor.

(1) The office of county auditor is hereby established.

(2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected. A candidate for auditor shall be a certified public accountant or certified internal auditor as of the date of filing for office, subject to the following provision. The office of auditor shall become vacant when the person serving as auditor ceases to be certified. Effective upon certification, the salary for the auditor shall be four-fifths of a circuit court judge's salary.

(3) The auditor shall conduct performance audits of all county operations and financial affairs and make reports thereof to the board of county commissioners according to generally accepted government auditing standards. The auditor may also conduct studies intended to measure or improve the performance of county efforts.

(4) The ombudsperson function is established within the office of auditor.

(a) Under the auditor's direction, the ombudsperson is readily available to the public as an impartial resource authorized to receive and investigate complaints and make related reports about administrative actions of the county with the goal of safeguarding the rights of the public and promoting high standards of fairness, competency, efficiency and justice in the provision of county services.

(b) The ombudsperson shall not investigate the acts of an elected official or the official's personal staff, matters currently in litigation, matters subject to collective bargaining agreement grievance procedures, violations of county personnel rules, or discrimination complaints from an employee or applicant for employment.

(c) The ombudsperson shall be guided by generally accepted standards for governmental ombudsmen serving the public.

(5) The chair of the board of commissioners or the responsible elected official shall respond in writing to all audit and ombudsperson reports stating what actions have been or will be taken to address the findings contained in the audit or ombudsperson

report. The written response shall be made to the board and the auditor in the manner and time frame requested by the auditor.

~~(5)~~(6) The board shall retain each report of the auditor and each response as a public record for at least three years after receiving the report and response.

Ombudsperson Ballot Title & Explanatory Statement

Caption (9/10): Amends charter: establishes ombudsperson function in county auditor's office

Question (20/20): Should charter establish ombudsperson function in auditor's office to impartially investigate complaints about county administrative actions, make reports requiring response?

Summary (175/175): Under current charter, the county auditor conducts performance audits, makes reports; may conduct studies to measure, improve county performance; assists with redistricting; appoints salary commission.

This charter amendment recommended by the Charter Review Committee would expand the auditor's duties by establishing an ombudsperson function in the auditor's office. The ombudsperson would, under auditor direction, be available to the public as an impartial resource to receive and investigate complaints and make related reports about administrative actions of the county. Goal of ombudsperson is safeguarding rights of the public and promoting high standards of fairness, competency, efficiency and justice in provision of county services. Responsible elected officials would be required to respond in writing to ombudsperson reports.

The ombudsperson would not be authorized to investigate acts of an elected official or an elected official's personal staff, matters currently in litigation, matters subject to collective bargaining agreement grievance procedures, violations of county personnel rules, or discrimination complaints from employees or applicants for employment. The ombudsperson would be guided by generally accepted standards for governmental ombudsmen serving the public.

Explanatory Statement (318/500): Under the current county charter, the county auditor conducts performance audits of all county operations and financial affairs and makes reports about those audits to the board of county commissioners. The auditor may conduct studies intended to measure or improve the performance of county efforts. In addition, the auditor's duties include a role in redistricting, including determining the population distribution among the commissioner districts after the federal decennial census and, if needed, preparing and presenting to the board of county commissioners a plan for modifying the boundaries of commissioner districts. The auditor also appoints a salary commission.

This charter amendment recommended by the Charter Review Committee would expand the auditor's duties to include an ombudsperson function in the office of county auditor. Under the auditor's direction, the ombudsperson would be available to the public as an impartial resource authorized to receive and investigate complaints and make related reports about administrative actions of the county. The goal of the ombudsperson would be to safeguard the rights of the public and promote high standards of fairness, competency, efficiency and justice in the provision of county services.

Similar to county audit reports, the chair of the board of county commissioners or the responsible elected official would be required to respond in writing to all ombudsperson reports stating what actions had been or would be taken to address the findings in the report. The written response would be given to the board and the auditor in a manner and time frame requested by the auditor.

The ombudsperson would not be authorized to investigate the acts of an elected official or the elected official's personal staff, matters currently in litigation, matters subject to collective bargaining agreement grievance procedures, violations of county personnel rules, or discrimination complaints from an employee or applicant for employment.

In carrying out its functions, the ombudsperson would be guided by generally accepted standards for governmental ombudsmen serving the public.

EXHIBIT G

Auditor Access to Information Amendment Text

CHAPTER VIII. FINANCE

8.10. Auditor.

8.20. Bonded Indebtedness.

8.10. Auditor.

(1) The office of county auditor is hereby established.

(2) At the general November election in 1966 and at the general November election every four years thereafter an auditor shall be elected. A candidate for auditor shall be a certified public accountant or certified internal auditor as of the date of filing for office, subject to the following provision. The office of auditor shall become vacant when the person serving as auditor ceases to be certified. Effective upon certification, the salary for the auditor shall be four-fifths of a circuit court judge's salary.

(3) The auditor shall conduct performance audits of all county operations and financial affairs and make reports thereof to the board of county commissioners according to generally accepted government auditing standards. The auditor may also conduct studies intended to measure or improve the performance of county efforts.

(a) The auditor shall be provided unrestricted, timely access to county employees, information and records required to perform duties of the auditor. The county and the auditor shall determine how to provide and manage confidential or limited-access records or property consistent with any legal obligations.

(b) All contracts with outside contractors and subcontractors shall contain a "right-to-audit" clause and provide for auditor access to the contractor's employees and to all financial and performance related records, property, and equipment purchased in whole or in part with county funds.

(4) The chair of the board of commissioners or the responsible elected official shall respond in writing to all audit reports stating what actions have been or will be taken to address the findings contained in the audit. The written response shall be made to the board and the auditor in the manner and time frame requested by the auditor.

(5) The board shall retain each report of the auditor and each response as a public record for at least three years after receiving the report and response.

Auditor Access to Information Ballot Title & Explanatory Statement

Caption (10/10): Amends charter: auditor unrestricted access to information, requires “right-to-audit” clause

Question (19/20): Should charter provide county auditor timely, unrestricted access to employees, information, records, and require “right-to-audit” clause in county contracts?

Summary (175/175): Under current charter, the county auditor conducts performance audits and makes reports according to generally accepted government auditing standards; may conduct studies to measure and improve county performance; assists with redistricting; appoints salary commission. Other than the reference to generally accepted government auditing standards, the charter does not expressly address or limit the method or means of conducting audits, including the auditor’s access to employees, information, or records.

Under this amendment recommended by the Charter Review Committee, the charter would require that the auditor be provided with unrestricted, timely access to county employees, information, and records required to perform auditor duties. The county and the auditor would determine how to provide and manage confidential or limited-access records or property consistent with any legal obligations.

The amendment would require all county contracts with outside contractors and subcontractors to contain a “right-to-audit” clause. Contracts would also be required to provide for auditor access to the contractor’s employees and to all financial and performance related records, property, and equipment purchased in whole or in part with county funds.

Explanatory Statement (268/500): Under the current county charter, the county auditor conducts performance audits of all county operations and financial affairs and makes reports about those audits to the board of county commissioners according to generally accepted government auditing standards. The auditor may conduct studies intended to measure or improve the performance of county efforts. In addition, the auditor’s duties include a role in redistricting, including determining the population distribution among the commissioner districts after the federal decennial census and, if needed, preparing and presenting to the board of county commissioners a plan for modifying the boundaries of commissioner districts. The auditor also appoints a salary commission. Other than the reference to generally accepted government auditing standards, the charter does not expressly address or limit the method or means of conducting audits or performing other duties of the auditor. In particular, current charter does not expressly address or limit the auditor’s access to employees, information, or records.

Under this amendment recommended by the Charter Review Committee, the charter would require that the auditor be provided with unrestricted, timely access to county employees, information, and records required to perform duties of the auditor. The county and the auditor would determine how to provide and manage confidential or limited-access records or property consistent with any legal obligations.

The amendment would require all county contracts with outside contractors and subcontractors to contain a “right-to-audit” clause. Contracts with outside contractors and subcontractors also would be required to provide for auditor access to the contractor’s employees and to all financial and performance related records, property, and equipment purchased in whole or in part with county funds.