



# Multnomah County Charter Review

## Government Accountability Subcommittee

March 17, 5:30 – 7:00 pm

### **SUBCOMMITTEE MEETING 3**

Purpose: To learn about and discuss Charter Review process changes proposed by Office of Community Involvement. Prioritize future topics and presentations.

#### **Attendees**

##### Committee Members Present

- Marc Gonzales (he/him)
- Annie Kallen (she/her)
- Jude Perez (they/them)
- Maja Harris (she/her)
- Theresa Mai (she/her)

##### Staff:

- Kali Odell (she/her), Charter Review Committee Program Coordinator

##### Invited Speaker:

- Dani Bernstein (they/them), Director of the Office of Community Involvement

In addition, members of the public were welcome to observe the meeting as non-participatory attendees. Two members of the public observed.

#### **Welcome**

Kali went over Zoom logistics. Jude welcomed Dani Bernstein from the Office of Community Involvement as an invited speaker.

#### **Presentation on Changes to the Charter Review Process Proposed by the Office of Community Involvement**

Dani told the subcommittee that section 12 of the County Charter includes requirements for the Charter Review Committee timeline, membership, and topics. They shared that the current application process was proposed by the last Charter Review Committee and adopted by voters in 2016. This was the first time the Office of Community Involvement (OCI) had been involved in the Charter review process.

Dani overviewed language in the Charter that establishes the purpose of the Charter Review Committee, its power, and its ability to choose its chairperson and establish its own organization and rules.

Currently members were selected by state senate districts, by their state senators and representatives. Districts with fewer than 50% of their residents in Multnomah County appointed one committee member and districts with more than 50% of their residents in Multnomah County appointed two committee members. State senators, representatives, and members of the Multnomah County Board of Commissioners were ineligible to serve. Only Multnomah County residents were eligible.

The timeline included in the Charter required OCI to begin accepting applications to the Charter Review Committee every six years on January 1<sup>st</sup>. OCI has to take reasonable steps to inform the community about the opportunity and to produce a diverse applicant pool.

Applications had to be delivered to state legislators on April 1<sup>st</sup>. Legislators had until August 15<sup>th</sup> to appoint. The committee was required to convene its first meeting in September.

The committee was tasked with studying the Charter by all appropriate means. The Charter explicitly requires the committee to review the section on compensation for elected officials.

The committee was required to report to the people and the Board of Commissioners at least 95 days prior to the primary or general election (or both). In this committee cycle, the last day to report to the board was August 4, 2022.

Dani gave an overview of the challenges OCI faced in this process. It was challenging to engage with state legislators, who were not familiar with the MCCRC and had limited time to deeply engage; they received applications in the midst of the legislative session. Dani also pointed out that the selection process resulted in unequal representation of County districts on the committee, with 44% of members from District 1, 13% from District 2, 25% from District 3, and 19% from District 4. Dani noted that one senate district only had 1,600 Multnomah County residents, which was challenging for recruitment.

Dani said that the current process meant committee members were chosen in silos and there was no opportunity to consider the makeup of the full committee when making appointments. There was no language for handling vacancies or clarification about eligibility if an appointed committee member moved between senate districts during the process. The dates in the Charter also limited flexibility for staff to design a community friendly application process- it took six months for committee members to hear about their appointment. It was also not ideal to require staff to open the application on a holiday. And currently committee work could only take up to 11 months.

Dani described the proposals OCI had submitted through the MCCRC's public comment process, which were designed to address OCI's concern about the current Charter Review Process. This included extending the committee's timeline by six months so it convened in March and had up to 18 months to work; removing specific dates for the application process; selecting members based on County districts; and tasking OCI with outreach, application evaluation, and member appointment. Dani raised a comment made by committee member Donovan Smith at the MCCRC's meeting that maybe residency should not be a requirement for

serving on the committee and that service should be open to people who live, play, work, or worship in the county. Dani said OCI's recommendations were only a starting point for the subcommittee to consider.

Dani continued describing additional proposals, including allowing committee members to remain eligible to serve even if they move to a new district (dependent on the committee retaining a residency requirement for service). They also recommended creating a process for filling vacancies and changing the language around the committee selection a "chairperson" to explicitly allow for other leadership structures.

Dani noted that there were some changes that could only be made through the Charter, but that other changes could be made through county processes, such as ensuring funding for community engagement. Dani said the advantage of having OCI responsible for convening the committee was that going forward they would build institutional knowledge about how to run and improve the process.

Maja asked about the balance between being too specific (like with dates) in the Charter and not specific enough.

Dani said the dates were too specific – they pointed out that if an emergency like COVID happens, there is no flexibility for working around that. They said that there was a balance to strike between flexibility and accountability. More details in the Charter build in accountability to doing things a certain way, but it was also important to allow people implementing it to have some flexibility to adjust to circumstances.

Maja rephrased to ask specifically about the lack of language addressing what happens if a committee member moves. She wanted to know if in the absence of language, the county could just act and allow the member to remain eligible. Would being more specific in this area cause unintended consequences?

Dani said that when they asked the County Attorney's Office what would happen if the applicant moved to a different district during the application process, the legal analysis provided was that it was implied that person would no longer remain eligible to serve. So this remained a concern to Dani throughout the rest of the committee's process, as well. In this situation, specificity would offer cover and clarity.

Annie asked Dani to share more information about why committee membership was distributed so unequally across county districts.

Dani said it was not related to the number of applications received from each district, but due to the way senate districts overlapped with the county.

Marc noted that there were three senate districts in the eastern part of the county and seven districts in the western part. He asked about the number of applicants so they could know whether there were more applicants from certain parts of the county. He thought population density was a factor.

Dani said they would need more time to figure out the exact distribution across the county, but noted that the senate district with the most applicants had 11 and a few of the districts only had two applicants. That made some of the pools more competitive than others.

Maja said she wanted to address Donovan Smith's written comment. He made the case that many people were being displaced from living in Multnomah County, but still spent most of their political lives in Multnomah

County. He suggested considering the removal of a residency requirement for serving on the committee in favor of a preference policy for people with ties to Multnomah County. Maja noted some advisory committees were open to people who were not residents. She asked Dani what they thought of this idea.

Dani said it would be in line with practices of some other county committees. They did not see any issue from their perspective. They said that the move toward county districts that OCI had originally proposed was made with the intention of accounting for geographic representation. They said if that was not accounted for in the Charter, it would still be possible to account for operationally in recruitment and selection processes. Dani agreed that there were a lot of reasons someone might be invested in the county's government structure other than just living in the county.

Maja asked how OCI would reconcile things if the subcommittee recommended both switching to selection by county districts and allowing nonresidents to serve on the Charter Review Committee.

Dani said one possibility was not to use districts at all and instead have a single pool of applicants who live, work, play, or worship in the county. Another possibility would be to allot a certain number of seats (3, for example) per district and then allot a few (3, for example) that did not have district requirements and were open to nonresidents. They said there was a county committee that only required having at least one member from each district serving.

Marc said he thought the residency requirement was simple to evaluate and it seemed like evaluating less specific ties to the county would be more complicated.

Jude asked subcommittee members what additional information they would need to move forward on this topic.

Theresa said that she would like to know about the legal ramifications of the preference policy suggested by Donovan.

Maja agreed that she would like to know more about preference policies. She said this was the one topic she did not feel like she needed as much background information on since they were living the experience.

Annie said she was concerned about conflicts of interest for whoever appointed committee members if the state legislators were no longer responsible for appointments. She wondered if there was someone else who could fill that role who did not work for the county.

Marc said he thought the duration of the committee's work had to be reviewed and changed as it was not long enough. He thought removing specific dates to make things easier on staff and future committee members made sense.

Jude agreed that the timeline for the committee's work felt rushed.

Maja said her first reaction was that she was on board with all of OCI's proposed amendments, but that she would like to further discuss the change to membership selection by county district, particularly in light of Donovan's suggestions about removing the county residency requirement. She said she was interested in hashing out some of the options. She was currently agnostic about the issue. She thought whoever applied for

a committee like this would be invested in Multnomah County. She said that as the committee is working to make decisions using an equity lens and leading with race, they should consider that the current policy benefits people who can afford to live in Multnomah County and burdens the people who cannot, even if they might consider it their home or a place they would like to influence. She saw that as an asset and wanted to talk about how to structure it in a way that made sense.

Theresa said that she liked the idea of opening up rather than focusing on districts. She was thinking of East County, where she is from. She said that gentrification has moved a lot of people into that area and was thinking that opening up the process more would allow for greater diversity.

## **Public Comment**

Kali provided an overview of the public comment process. One person had signed up for public comment in advance.

Carol Chesarek gave verbal comment. Served on the 2016 Charter Review Committee and serves on the Forest Park Neighborhood Association. Carol said she was happy to share her experience and history. She noted that Multnomah County is a Home Rule County and Clackamas is not, so if the subcommittee was interested in learning more about a county manager role, Carol recommended speaking to former Multnomah County COOs. She said Bill Farber spoke on this topic to the 2016 Charter Review Committee. She also recommended speaking to the county Chair. She said her committee has made the mistake of falling in love with the theory early in their process before doing more applied research.

On the topic of the Auditor's proposed Charter amendments, Carol encouraged the subcommittee to consider the budgetary implications and what tradeoff more funding for the Auditor's Office would have for other county services. She recommended incremental changes for the Charter.

Carol also responded to OCI's proposals. She said that when her Charter Review Committee was meeting there was a significant blowup in OCI, and while things seemed to be running smoothly now, the subcommittee should be aware that things can go wrong. She supported Annie's concern about OCI choosing committee members and said her Charter Review Committee had not wanted to put selection in the hands of people within the county government. She said she thought the tradeoff for extending the length of service on might result in fewer applicants because of the greater commitment. She also said that people who live outside the county could contribute to Charter review work through public comments.

Maja asked Carol how she felt about the timeline of the 2016 Charter Review Process. Did she feel like it gave enough time for systemic change?

Carol said she did not think it was enough time to do the kind of systemic work the Portland Charter Commission was currently tasked with, but felt that was much needed for the City, whereas she thought Multnomah County functioned pretty well. Of course there was always room for improvement. She thought the advantage of 11 months was that it forced committees to focus and choose a few things to do well. She also thought that it took a while for the MCCRC to get into the meat of its work and suggested some of the content

of preliminary meetings could be done faster. She said the 2016 committee did feel rushed, but felt some of that was because of process issues and some was because issues were brought to the committee too late for them to properly explore. She was concerned that adding 6 months to committee work would discourage some people like parents and students from applying.

Marc agreed the MCCRC had a slow start, but acknowledged that could be because a lot of people were new to this type of committee work and that it was more challenging to get to know one another in virtual meetings.

Annie asked if the committee could include bylaws and other processes the MCCRC had spent its early meetings focused on into the Charter with the caveat that future committees could change them. This would prevent future committees from starting with a blank slate.

Maja said on other boards she has served on in the past, they already had established bylaws. It was always an option to change rules, but gave them an established structure to work within.

Jude said they were also interested in providing future committees with an existing structure.

Kali said that OCI had not had easy access to past committee bylaws, assuming they had been written down somewhere. She said that OCI would keep a copy of the MCCRC's approved bylaws as a starting point for the next Charter Review Committee and that committee could choose to adopt them as well, with the information that they had already been successfully used by a Charter Review Committee. She said that a risk of putting something about specific bylaws in the Charter was that it could limit the flexibility of future groups to figure out how to best operate. She gave the example that many past committees used Robert's Rules of Order to govern their processes, but she had heard from many members of the current committee that they were specifically against using Robert's Rules. This exemplified how norms change over time and that this feedback might be more valuable at an operational level than trying to incorporate it into the Charter.

Kali pointed out that currently the Charter says the Charter Review Committee has the power to make its own rules, policies, and procedures, and OCI interpreted that as giving the committee the power to create its own bylaws. Kali drafted the bylaws because of time, but it was important for the committee to thoroughly review them. They could change the language in the Charter if they wanted to, though.

Theresa said she supported the current flexibility in the Charter so that committees have the flexibility to decide how to approach their work. She said they could include recommendations for the process in the MCCRC's final report.

Maja said she thought bylaws discussion had taken too much time away from the committee's main work and thought it was important to allow the committee to dive more quickly into its main purpose of studying the Charter.

Theresa said she felt that committee members were feeling out each other in the beginning and that they were figuring out their values. She also said that as a younger person and a student she thought a longer timeline would be helpful. She said that the current timeline was challenging as subcommittees were meeting twice a month and some members were serving on multiple subcommittees.

## Auditor's Proposed Amendments

Kali said she had followed up with the Auditor, sending her some questions at Maja's request. She said she would share the Auditor's responses and supporting documents as part of the subcommittee's next meeting packet.

## Future Meeting Plans

Maja said she and Jude had drafted a schedule with potential speakers listed. She asked subcommittee members to weigh in. She also suggested having a fist of five to gauge whether the subcommittee was interested in continuing to explore proposed changes to the Charter review process.

Five fingers indicated strong support and 0 indicated no support. Annie, Jude, Maja and Theresa indicated five. Marc indicated four.

Maja said that she thought it would be helpful to do a fist of five on exploring the addition of a county manager, taking into account whether members thought they had the bandwidth for that given their interest in the Auditor's proposed amendments and the Charter review changes. They could choose to hear from a speaker on the county manager topic and then decide whether to continue on that topic. But the subcommittee's decision would impact the proposed speaker schedule.

Theresa asked if the subcommittee planned to have a speaker on the topic of the salary commission.

Jude said they had not identified someone, but they could brainstorm if the subcommittee wanted someone.

Theresa said she was curious since she knew this was a topic the Charter required them to look into.

Kali typed in the chat that the Auditor might make the most sense at the speaker on that topic.

Maja said she and Jude has asked Kali to distribute some information to the subcommittee about the salary commission so that the subcommittee could read it and discuss how to proceed. She said that if the subcommittee wanted a speaker on that topic, that could be arranged.

Maja said the speakers listed on the schedule were those suggested by the Auditor as well as other county officials who would be impacted by the proposed amendments. Maja also mentioned having stakeholder conversations outside of meetings with organizations that would be impacted by the Auditor's proposals.

Marc asked if the salary commission could be discussed at the full committee level and skip over the subcommittee.

Kali offered more context on the Charter's requirement that the Charter Review Committee review the section of the Charter that contains the process for adjusting commissioners' salaries. She said the Charter does not have specific requirements about how to approach that review. She said that if the subcommittee did a quick review of how the process currently worked and thought the current process seemed sufficient, that would meet its obligation. She told them the Auditor was responsible for appointing members of the salary commission and said she would send the subcommittee the link to the Auditor's website that included

information about the salary commission. The commission's most recent report was available on the website, as well. She suggested the subcommittee members could review materials on the salary commission ahead of their next meeting and then decide if this was a topic they needed to devote more time to.

## **County Manager**

Marc said that he thought they had previously decided to hear pro and cons views on this topic. He thought it would be helpful to hear those views from more local people and also an outside, unbiased view of what a county manager does. He knew someone who could provide the latter.

Maja said she thought they needed to be honest about their bandwidth. She noted that the Auditor's proposed amendments would have significant impact, and the topic of a county manager was also a huge topic. She asked Kali how many subcommittee meetings they actually had ahead of them. She said that if they thought they might pursue the county manager topic, they should hear from someone on that topic at their next meeting.

Kali said it was theoretically possible for the subcommittee to meet into July, but that recommendations made at that point in time were much less likely to make it through the full committee process. She said she recommended wrapping up subcommittees' priority recommendations by the end of May. She would be speaking to the MCCRC tri-chairs about adding some additional full committee meetings in June and July. She recommended the subcommittee choose one or two things to focus on first, and add more topics later if they have the opportunity. Another option she suggested was dividing into pairs to research topics.

Jude initiated a fist of five to gauge support for moving forward on the county manager topic. Marc indicated four, Jude indicated three, Maja and Annie indicated two, and Theresa indicate one. The subcommittee determined they would not be pursuing this topic further.

Maja clarified that she thought this was a very important topic and she just felt hamstrung by their limited time.

Marc said he thought this would be a topic taken up by the next Charter Review Committee as an ongoing conversation about the power of the Chair.



## APPENDIX A: ZOOM CHAT

00:24:45 Kali Odell (she/her): This is them ^

00:24:57 Jude Perez (they/them): Thank you, Kali!

00:34:29 Maja Harris (she/her): Donovan Scribes has submitted a comment that we will share tonight

00:35:50 Maja Harris (she/her): For any non charter committee members, Donovan Scribes is a charter committee member

00:51:23 Dani Bernstein (they/them): 54 total applicants

01:03:31 Maja Harris (she/her): Agreed, Marc!

01:03:37 Theresa Mai (she/her):+1

01:08:55 Maja Harris (she/her): Thanks, Dani!

01:09:03 Jude Perez (they/them): Thanks, Dani!!!

01:09:45 Marc Gonzales: Dani - my thanks for the clarity and usefulness of your presentation.

01:09:53 Dani Bernstein (they/them): Thanks all! I'll stick around for public comment just because I'm curious, but then I'll hop off! Thanks for the careful consideration and great questions, and look forward to hearing more about what you all need next to move this forward

01:09:58 Annie Kallen she/her: Yes, thanks Dani.

01:10:01 Theresa Mai (she/her): Thank you, Dani!

01:14:08 Kali Odell (she/her): That's time Carol, if you can wrap up

01:15:17 Annie Kallen she/her: Thanks Carol.

01:16:13 Marc Gonzales: Thanks, Carol, for your thoughts!

01:24:37 Maja Harris (she/her): Thanks, Carol!

01:24:54 Jude Perez (they/them): Thanks, Carol!!!

01:31:22 Theresa Mai (she/her): I remember what I meant to say.

01:33:29 Dani Bernstein (they/them): Goodnight all!

01:38:22 Kali Odell (she/her): Charter review process

01:38:26 Theresa Mai (she/her): Five

01:41:15 Kali Odell (she/her): salary ommission

01:41:22 Kali Odell (she/her): \*commission

01:41:47 Kali Odell (she/her): The speaker would probably be the auditor

01:41:55 Marc Gonzales: I feel like it is a required process.

01:42:09 Kali Odell (she/her): I can fill more info in if you want

01:42:42 Theresa Mai (she/her): I think it's fine, since the auditor can explain it.

01:43:28 Theresa Mai (she/her): Ah, no need to worry. I just wanted to know if a speaker is needed or not for salary topic.

01:45:41 Marc Gonzales: Could the Salary Commission item be a part of the full committee meeting without referral from the Accountable Govt Committee?

01:54:09 Annie Kallen she/her: I agree, this topic might be too big for us to take on in addition to everything else we want to do.

01:56:13 Maja Harris (she/her): So is that 5 meetings?

01:57:33 Theresa Mai (she/her): One

01:57:40 Theresa Mai (she/her): Sorry, Marc 😊