



**MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE
WORK SESSION – July 18, 2016
5:30 – 7:30 p.m.
Multnomah Building, Basement Room 14
501 SE Hawthorne Blvd.**

Staff: Jacquie Weber, Attorney's Office
Marco Circosta, Chair's Office
Catherine Schneider, Department of County Management

[This meeting is intended to be a work session. The committee will resume public comment at its regularly scheduled meeting on July 20.]

- 5:30 **Welcome** – Chair Kirsten Leonard
- 5:35 **Approve minutes of May 18 and June 28, 2016 Committee Meetings**
- 5:45 **Overview of Staff Report** – Jacquie Weber
- 5:55 **Review and Provide Feedback to Staff:**
Measure A (County Manager)
- 6:25 **Review and Provide Feedback to Staff:**
Measure B (County Sheriff)
- 6:55 **Review and Provide Feedback to Staff:**
Measures C (Term Limits), D (Charter Review Committee), and E (Campaign Finance)
- 7:15 **Review and Finalize:**
Draft Findings, Conclusions and Recommendations
- 7:25 **Invitation to Attend the August 4 Board Meeting** – Kirsten Leonard & Victoria Purvine
- 7:30 **Adjourn Meeting**



Multnomah County Charter Review Committee

MINUTES

May 18, 2016
Multnomah Building
501 SE Hawthorne Blvd., Room 315
Portland, OR 97214

Meeting: The Charter Review Committee was called to order at 5:30 p.m.

Members present: Kirsten Leonard, Carol Chesarek, Liz Trojan, Keith Mosman, David Robertson, Juan Carlos Ordonez, John Vandermosten, Victoria Purvine, Michael Cummings, Jeanna Hall, Moses Ross, Mark Sturbois, Samantha Alloy

Staff Present: Marco Circosta, Jacque Weber, Cate Schneider

Minutes: Minutes for April 20th were approved with edits.

Welcome: Chair Leonard welcomed all and asked the audience to introduce themselves. Kirsten made changes to the April 20th meeting minutes. Her edits included asking for clarity around the Purple subcommittee moving forward with recommendations. She also asked for a revision to her question to Julie Cieloha-Whitney regarding an expenditure in the sheriff's office that resulted in a lawsuit and how that may have affected the budget. She wanted it noted that when Sheriff Staton began his presentation he brought with him packets of information for committee members and that she asked committee members to review those materials after the meeting. Chair Leonard also wanted it noted that after she recalled the statement from Sheriff Staton about not needing to seek people outside of the county for the sheriff position she suggested the statement sounded isolationist. The last edit included the

addition of language clarifying that the legislature has many priorities during legislative session and that selection of the Charter Review Committee members may not rank as a high priority. April 20th meeting minutes were approved with friendly amendments.

Received public testimony or submitted written testimony: Lightning testified on behalf of Lightning Watchdog PDX. Lightning is concerned about the investigations and ongoing media attention of Sheriff Staton and how it affects the review of the charter. He would like the sheriff to remain an elected position but is not opposed to the jails having an oversight committee.

John Vandermosten asked Lightning if he is concerned that the committee will use the current events around the sheriff to make their determination around the appointed vs. elected sheriff issue. Lightning expressed his concern about the timing of the discussion and how it might affect charter changes.

John noted that the subcommittee reminded themselves during their discussion that the focus of their work is to look longer term towards beneficial changes and not be distracted by any controversy.

Joe Walsh testified as a representative of Individuals for Justice. He commented that the Board of Commissioners has a lot of power over the sheriff's office with their control of the sheriff's office budget. Joe is in favor of keeping an elected sheriff.

Kirsten Leonard noted that a letter has been received from the Partnership for Safety and Justice. Kirsten then congratulated DA Underhill for his victory in the election the previous night and invited him to speak.

District Attorney Rod Underhill Comments: District Attorney Underhill expressed his views of the issue regarding elected vs. appointed sheriff topic. He feels the position of sheriff of Multnomah County should remain an elected position. His belief is that citizens

should have as much say in good government and good government officials in the administration of justice as possible.

His views are informed by his 27 years as a prosecutor. His position relies on citizens to make incredibly difficult decisions in the administration of public safety. Juries make the determination of guilt or innocence beyond a reasonable doubt. Oregon has the death penalty and critical questions such as that are entrusted to citizens in our community. Mr. Underhill noted that he speaks to the committee with the awareness of the law as it relates to not just Oregon but around the country, which we think is the best form justice in the world which and that is heavily reliant on citizens weighing in and giving their opinion.

Mr. Underhill explained his background and experience working in the District Attorney's office and how the office functions. He must delegate responsibility to experts in his office and allow them to be his "eyes and ears" for a number of different issues. He employs experts in areas outside of his expertise. He imagines that this need would be similar in the sheriff's office. He listed several areas of special expertise required in the sheriff's office. The office of the sheriff is a highly complicated and very important position in this community and the citizens should vote for the person they feel is the best qualified and then entrust that person to hire the experts they need.

Chair Leonard requested that District Attorney Underhill also address the question of creating an appointed county manager. District Attorney Underhill indicated that he feels less qualified to address this question. He shared that one of his long-time friends is the City Manager in Gresham. While that format works really well in Gresham, the county is not Gresham. Mr. Underhill supports the current structure and does not believe the county should move in the direction of a county manager. He again clarified that it's not an area he feels as qualified to address.

A committee member asked his thoughts on the residency eligibility requirement for the sheriff and Mr. Underhill shared that he has not always lived in Multnomah County while

working in the District Attorney's office. Over time, he has come to better understand that part of serving the community is being a member of the community. He believes the district attorney should live in the county and the sheriff should as well. He feels it's beneficial to have elected officials be members of the community. There are different challenges in different parts of the community. Residency and community roots do matter. He suggested that voters may consider these issues when weighing different candidates.

Keith Mosman shared that the committee learned that elections for sheriff are often not very competitive and asked the District Attorney to weigh in that concern. Mr. Underhill noted that he had just been successfully re-elected without a formal competitor. He also noted that judges are often uncontested. There are several professional requirements imposed on the positions of District Attorney and Sheriff. There is a high degree of specialization; the positions involve more than just management. The required skill sets are complicated. He feels citizens should retain their ability to vote on both. He suggested that strong candidates may naturally rise to the top in both organizations.

Carol Chesarek expressed her concern that the last three sheriffs have had significant problems. She worries this is a trend and wonders if we're getting well-qualified candidates who know how to run the office. She asked the District Attorney to weigh in on those concerns. Mr. Underhill shared the contents of a letter that his predecessor, Mr. Schrunk wrote to the 2009-2010 Charter Review Committee. Mr. Schrunk also supported an elected over appointed sheriff.

Dan Meek, Co-Chair Independent Party of Oregon: Chair Leonard welcomed Dan Meek. Mr. Meek passed around documents relating to his testimony. He noted that he is not speaking to the committee in his capacity as co-chair of the Independent Party of Oregon.

Dan has been a resident of Multnomah County for the past 35 years and an attorney in Oregon for the past 38 years. He proposes that the Charter Review Committee refer to

voters a measure to limit campaign contributions in Multnomah County races and also require the major funders of political ads in those races be identified in the ads themselves.

Dan referenced the material he provided to the committee. National studies of Oregon fighting corruption routinely grade Oregon an “F” in political financing. The State Integrity Investigation Center for Public Integrity last year ranked Oregon 49th when it came to political financing.

Dan referenced the charts he passed out and how they show campaign financing has skyrocketed since 1996 in races for the legislature and governor. Oregon races per capita are the most expensive races in America except for New Jersey. Oregon is really down at the bottom when it comes to political finance regulations in the United States. Dan explains that it is similar at a local level and referenced examples including Mayor Hales, Treasurer Wheeler, and Multnomah County Chair campaigns.

Kirsten asked to clarify if Dan Meek was speaking on behalf of the purple subcommittee. Juan Carlos indicated that it is invited testimony; the purple subcommittee invited him.

Dan Meek continued to explain the campaign finance restrictions that are in place in Washington. Candidates are limited in receiving campaign contributions up to \$700 from any single person or entity. The voters in Seattle passed an initiative to reduce that limit to \$500 in Seattle races. Seattle also adopted a system of public funding. The Portland City Council will be considering some sort of public funding measure in the near future but not a measure to limit campaign contributions or expenditures.

Dan referenced the ‘Multnomah County Honest Election Charter Amendment’ included in the committee’s packet. It limits campaign contributions from corporations and other entities in Multnomah County races. It limits individuals to contribute \$500 and it establishes small donor committees those committees can receive up to \$100 dollars

per year per individual and they can donate or spend those funds however they wish. The amendment also requires the five largest contributors, if there are contributors in excess of \$500 dollars, be listed on the political communication including their name and primary businesses and that includes folks who make independent expenditures. The measure also does limit individual expenditures to \$10,000 per individual or an individual to \$5,000 or a political committee of \$10,000. Contributors to those efforts must be identified in ads that those contributions fund.

Moses Ross noted that the Purple Subcommittee analyzed this proposal and believes it is appropriate for full committee review.

Purple Subcommittee Report: Juan Carlos Ordonez began by reintroducing the amendment to section 12.40 of the County Charter. Juan Carlos addressed the concerns raised at the previous committee meeting. He noted the concerns included keeping the requirements for political and geographic diversity as well as shortening the timeline of the appointment process.

Carol Chesarek brought up a concern around ensuring that it is a distributed system. The ability for the Office of Citizen Involvement to appoint individuals if the elected officials neglect to appoint committee members by a certain date would allow of those officials to “take the night off”. It’s concerning that the proposal could potentially concentrate those appointments to the Office of Citizen Involvement.

Juan Carlos explained that the idea is to open up the process and make it more transparent and better known to the people of the county. The idea is that the Office of Citizen Involvement publicizes the opportunity, invites people to apply and collects applications. Those applications are then sent to the state senators and representatives for review.

Carol indicated that she does not have a problem with that part of the proposal. She isn’t positive that it requires a charter amendment.

Juan Carlos indicated that the proposal is meant to address a couple of problems with the current process, specifically state elected officials appointing someone they know or delaying the appointment process.

Carol suggested that the first half of the proposal would make it easier for the state elected officials and may solve the problems earlier addressed. The second part of the proposal makes her uncomfortable.

John Vandermosten asked what the underlying problem the proposal seeks to address.

Juan Carlos restated that the proposal is revising the appointment process so that it can have a diverse committee with time to conduct their work. The process favors those who are politically connected and is not as open to the public as it could be. The proposal would also help create a committee that is reflective of the population of Multnomah County.

Gary Marschke, Director of the Office of Citizen Involvement came forward to speak to the committee.

Gary stated the Office of Citizen Involvement has no agenda in taking over the process other than to help it become as open and transparent as possible and to ensure that the legislators have the support that they need in order to make the appointments on a timely basis. This is the primary responsibility of the Office of Citizen Involvement, to recruit members of the public to be on Citizen Advisory Boards.

Kirsten Leonard asked Gary to go over the process in which they establish lists and conduct outreach.

Gary referenced a document which he provided for the group which talks about how the office is organized and what they do as well as a draft outreach plan. Gary described different events and methods of conducting outreach.

John Vandermosten asked if the Office of Citizen Involvement has a diverse group of volunteers that are more representative of the community.

Gary indicated that while the process is still evolving, that some committees look similar to the Charter Review Committee and some look very different.

Yellow Subcommittee Report: Carol presented a slightly revised version of the Yellow subcommittee's proposal. The recommendation is to ask voters to establish a new limit of three consecutive four year terms for elected offices of the county over a 16 year period. Carol also included language from the current charter around partial terms.

The Yellow Subcommittee also discussed whether or not the sheriff position term limits should be extended along with the other elected official's term limits. The result was that there was no objective reason for why the sheriff position would not be extended with the other elected offices.

The second recommendation from the Yellow subcommittee is to amend the charter language that requires elected officials to step down to pursue another elected office. The subcommittee continues to recommend that current county commissioners be allowed to run for county chair midterm without resigning.

Michael Cummings asked for an explanation behind proposing three consecutive four year terms rather than 12 out of 16 years. Carol indicated that if an elected official steps down during that period they give up their incumbent advantage.

Samantha Alloy stated for the record that she has very serious concerns with extending the term limits for the sheriff without first making any other reforms to the office.

Keith Mosman noted that making commissioners able to run for the chair position midterm without stepping down will incentivize running against a chair they don't like without consequence. A similar situation is occurring in Clackamas County.

Carol commented that she views what is occurring in Clackamas County as a good thing.

Keith asked why it would be limited to pursuing the County Chair position rather than a position as mayor.

Carol responded that the work would continue to be focused on the county. Running for a different jurisdictional office requires a lot of time, energy and focus that would be spent on potentially non-county issues. The goal was to keep the elected officials focused on Multnomah County.

Samantha Alloy noted that she is in favor of doing away with the requirement for commissioner to step down to pursue another office; however voters have rejected the proposal in the past. The proposal to allow commissioners to run for a county office without stepping down would be a compromise that may be more appealing for voters.

Kirsten suggested that the committee begin determining which proposals should move forward in June.

Green Subcommittee Report: David Robertson presents on the county manager topic discussed by Green Subcommittee. The Subcommittee voted four in favor and one opposed to propose a ballot measure amending the charter to create an appointed county manager. He explained that the county's current structure has the chair as the chief executive of the council and the staff administrative head. This is different from many other counties.

The Green Subcommittee has attempted to determine what structure will best position the county for success going forward. He noted that this proposal is not about the current incumbents.

Dave shared that the committee, over the course of five months, found that an appointed county manager is a common, successful model, particularly in the West. The county has created a hybrid model of this through the creation of the position of Chief Operating Officer (COO). However, the committee found discrepancies: the charter says one thing, and ordinances and personnel policies that say something different, and then there's human behavior. Authority depends on relationships. This creates the potential for mis-communication and misunderstanding.

According to Dave, while we have great people in place now, that hasn't always been the case. Two commissioners weighed in on the issue. There's professional support for professional county managers: both a representative from the International County/Managers Association (ICMA) and a professor from Portland State indicated that this is a good tool. Dave feels that this proposal isn't actually a radical change; the county already has a hybrid county manager model. Putting this in the charter is a way to codify and add coherence to the current model. The next chair, along with a majority of the board, could change the hybrid model and go back to having the chair serve as the top staff person for the county. We should take the hybrid model and codify it through the charter.

He also noted that it's been 26 years since voters last said no to this proposal. He believes this issue deserves another airing. The county's population has grown and changed. Dave stated that this proposal is not a criticism of anyone currently serving. He feels that everyone has great respect for the current chair and COO.

The subcommittee supports making this position truly a county manager. This means that this person would serve at the pleasure of the Board, is appointed by the Board, functions as the chief staff person, and develops the budget. This proposal does not

take one authority away from the chair, other than administrative authority. The chair would remain the top elected official.

Dave noted that the subcommittee does not have a recommendation on the timeline for implementation or what the budget costs associated with implementation might be.

Kirsten noted that a number of members of the subcommittee had the opportunity to speak confidentially with a few department heads and that some of their input was distilled into the subcommittee's proposal.

John asked if the intent of the proposal is to insulate the county manager from the commission with regard to running the county without interference. Dave indicated that that was not a specific intention. He noted that it's the job of the county manager to implement the decisions of the Board.

John shared an example from the city of Gresham's structure which prohibits the council and the mayor from interfering with personnel decisions. John asked how the county manager would differ from what the county has with the current COO.

Dave explained that the COO has authority that's close to a county manager model. However, a subset of individuals in the county indicated that the COO functions more as a facilitator and liaison than a county manager. The chain of authority is really to the chair.

Jacque indicated that in her experience the chair selects department directors.

Mark shared that he voted against the subcommittee's recommendation. He indicated that when he votes for county chair, he's voting for their vision and values. His concern is that a county manager can over-ride that and may be a hindrance for the chair and commissioners to advance their visions.

Kirsten indicated to Mark that the board creates policy and the manager implements.

Michael suggested that there may need to be firewalls between the commission and county staff. He shared that in his experience working for school districts, when districts lacked a firewall, school board members meddled in the schools and it was a disaster.

It was noted that the 'appointed sheriff discussion' under the Green Subcommittee's agenda section was in error.

Purple Subcommittee: Campaign Finance Reform

Juan Carlos shared the purple subcommittee's proposal, which has three components: (1) limiting campaign contributions; (2) limiting independent expenditures; and, (3) strong disclosure requirements.

Dave inquired if there was a downside to the county tackling this issue alone.

Juan Carlos indicated that this would be new to Oregon. There is no current limit.

Jeanna asked if this issue is within the purview of the Charter Review Committee and if it had ever been proposed in the past. Another committee member indicated that it is within the purview of the committee. Juan Carlos indicated that he was unaware if it had ever been proposed before.

Moses provided some history on campaign finance in Oregon. He believes this proposal would be the first to include the 'big three' of contributions, expenditures, and disclosure.

Mark asked if this proposal addressed outside PACs that may do attacks without being part of a campaign. Moses indicated that if their work was for a Multnomah County race, then yes, they would be under the purview of these regulations.

Dan Meek provided further examples of how the proposal might work.

Carol asked if this just applied to county elected offices. Juan Carlos indicated that was correct. Carol indicated she was uncomfortable with the language currently in the opening paragraph about the corrupting influence of campaign finance.

Keith raised the issue of enforcement and his concerns that the requirements for contributors to interact with the state that will be difficult to enforce.

Jeanna indicated that there are overlapping issues of administration and enforcement.

Wrap-Up:

Kirsten suggested that the committee now has the nucleus of all 6 proposals before them. The County Chair is scheduled to address the committee in June. Kirsten shared her hope that the subcommittee's listen to the feedback given to them tonight and take it into account when they return with proposals next month.

Carol asked about the elected versus appointed sheriff issue. No one has written a report or proposal for the issue. It would be helpful to have an analytical report of pros and cons. Keith Mosman volunteered to take on the responsibility of drafting a report.

Carol brought up an article she read in the Oregonian on Mayor-elect Wheeler that noted he suggested splitting off responsibility for the jails during his time as county chair. Mark indicated that he spoke with Ted about this earlier. His decision hasn't changed from what was reported in the article. He's still in favor of a jail administrator.

Sami noted an important semantic distinction that the committee would not changing the office of the sheriff to appointed but would be voting to voters to do so.

The meeting adjourned at 7:32 pm.

TO: Chair Kirsten Leonard
Members of the Charter Review Committee

FROM: Jacquie Weber, Deputy County Attorney

SUBJECT: **Proposed Charter Amendments**

DATE: July 14, 2016

BACKGROUND

The Charter Review Committee (committee) will present its final report and recommendations to the people of Multnomah County and the Board of County Commissioners on August 4, 2016. The committee, at its June 8 and July 6, 2016 meetings, approved five measures for referral that would amend the Charter. The Charter requires that all amendments proposed by the Committee be submitted to Multnomah County voters. The measures will be on the November 8, 2016, general election ballot.

The five measures approved by the committee are:

Measure A – County Manager: Creates the position of an appointed county manager who is the head of county administration and responsible for carrying out the policies of the Board of County Commissioners.

Measure B – County Sheriff: Amends Charter section 6.50 to make the county sheriff an appointed position rather than an elected position.

Measure C – Term Limits: Amends Charter section 4.20 to increase term limits for all county elected officials to three consecutive four year terms within a 16 year period, and to allow commissioners to run for the Office of Chair without resigning their current office.

Measure D – Charter Review Committee: Amends Charter section 12.40 selection process for appointment of electors to the Charter Review Committee. Requires the Citizen Involvement Committee to coordinate the creation of a pool of candidates for consideration for appointment to the Committee, and to convene the meetings of the Charter Review Committee.

Measure E – Campaign Finance: Creates a new Charter provision limiting contributions and expenditures for political campaigns for the elected offices of Multnomah County.

DISCUSSION

Staff drafted language for the proposed charter amendments based on the subcommittees' written recommendations and the committee's oral discussions and votes. Proposed language to amend the Charter is included in the attachments. The wording for the measures is staff's understanding of the committee's intent and will go to the voters as currently written unless the committee wishes to direct otherwise.

REQUESTED ACTION

The Committee is requested to review the attachments and be prepared to discuss and provide final direction to staff at the July 18 meeting, including identifying and deciding on any final changes to the wording of the charter amendments.

ATTACHMENTS

- A. (Measure A) County Manager: Charter sections 6.10, 6.30 and 7.10
- B. (Measure B) County Sheriff: Charter sections 4.30, 4.50 and 6.50
- C. (Measure C) Term Limits: Charter section 4.20
- D. (Measure D) Charter Review Committee: Charter section 12.40
- E. (Measure E) Campaign Finance: Charter section 11.60

<i>[Brackets]</i> – remove

Bold – add

CHAPTER 6. ADMINISTRATION

6.10. Chair of The Board

Effective January 1, 2019, the chair of the board of county commissioners:

- (1) *[Shall be the chief executive officer and personnel officer of the county;]* **Shall be the chief spokesperson for the board; and**
- (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;]*
- (3) *[Shall sign all contracts, bonds and other instruments requiring county consent;]*
- (4) *[Shall prepare the county budget for submission to the board; and]*
- (5) *[May delegate his or her administrative powers but shall retain full responsibility for the acts of his or her subordinates.]*

[Brackets] – remove

Bold – add

6.30. COUNTY MANAGER

The board of county commissioners shall, effective January 1, 2019, appoint a County Manager who shall be the head of County Administration and shall:

- (1) Appoint, supervise, transfer and remove all administrative officers and employees of the county, with the exception of employees, staff and agents of elected officials and the County Attorney;
- (2) Appoint department heads;
 - a. Appointments of department heads are subject to confirmation by a majority of the board of county commissioners;
 - b. The County Attorney shall be appointed by and serve at the pleasure of the Board;
- (3) Prepare the county budget for submission to the board;
- (4) Have custody and management of all County property and facilities;
- (5) Sign all contracts, bonds and other instruments requiring county consent;
- (6) May delegate said administrative powers but shall retain full responsibility for the acts of his or her subordinates.
- (7) Perform such other duties and exercise such other responsibilities as the board directs.

The County Manager shall serve at the pleasure of the board, and shall be appointed by and removed by the board.

No Board member shall directly or indirectly, by suggestion or otherwise attempt to influence or coerce the Manager in matters of staff appointment or removal. Nothing in this section prohibits, however, the board, in open session, from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county.

[*Brackets*] – remove

Bold – add

CHAPTER 7. PERSONNEL

7.10. Classified Service

The classified service of the county shall consist of all position in the government of the county except those of

- (1) Elective officers,
- (2) Their personal assistants and secretaries,
- (3) Department heads,
- (4) Employees excluded by county ordinance,
- (5) **The County Manager.**

[*Brackets*] – remove

Bold – add

4.30. Compensation Of The Chair, Commissioners, Sheriff and District Attorney.

The auditor shall appoint a five-member salary commission, composed of qualified human resource professionals with compensation experience, by January 1 of each even year. The salary commission shall set the salaries for the chair of the board of county commissioners, county commissioners, sheriff and the county paid supplemental salary of the district attorney, documenting the basis of its decisions. **As of January 1, 2019, the salary commission shall not set the salary of the sheriff.** All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

[<i>Brackets</i>] – remove

Bold – add

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 at the next May or November election date to fill the vacancy for the remainder of the term of office. 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.

(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).

[Brackets] – remove

Bold – add

6.50. Sheriff.

[The people of Multnomah County shall elect a county sheriff for] **The county sheriff shall be the head of the Sheriff's Department and perform** 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 of January 1, 2019, the sheriff shall be appointed in the same manner as all other department heads.**

[Brackets] – remove

Bold – add

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 election to the office
and

(b) Shall continue four years.

(2) Effective January 1, [1985] **2017**, no incumbent or future elected officer of the county shall be eligible to serve more than [two] **three** full consecutive four-year terms in any one elective county office within any [12] **16**-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] **16**-year period.

(3) **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**. 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.

[Brackets] – remove

Bold – add

12.40. Appointment Of Committee Members.

The charter review committee shall be composed as follows:

- (1) The committee shall have two electors appointed from each senatorial 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 from among themselves and shall have authority to establish their own procedures and organization.

(2) 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 take reasonable steps to inform the residents of Multnomah County of the purpose of 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) **By April 1, 2021, and every six years thereafter, the Office of Citizen Involvement shall deliver each application to the state senator and/or state representative 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. Appointees shall reside in the district and Multnomah County. If the three appointers from any senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.

[a]

[b]

- (d) [3] If two electors are appointed from a senate district, they shall not be registered in the same political party.

[4] **(3)** 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.

[(5) Any vacancy in the committee shall be filled by the senator and representatives from the senate district who had authority to make the original appointment.]

(6) Original appointments shall be made by August 30, 2003, and every six years thereafter.]

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

(5) The board of county commissioners shall appropriate sufficient funds for the Office of Citizen Involvement to carry out its duties herein.

[Brackets] – remove

Bold – add

11.60 Limitations on Campaign Contributions and Expenditures.

- (1) **Contributions in Multnomah County Candidate Elections.**
 - (a) **An Individual or Entity may make Contributions only as specifically allowed to be received in this Section.**
 - (b) **A Candidate or Candidate Committee may receive only the following contributions during any Election Cycle:**
 - (A) **Not more than five hundred dollars (\$500) from an Individual or a Political Committee other than a Small Donor Committee;**
 - (B) **Any amount from a Small Donor Committee; and**
 - (C) **No amount from any other Entity.**
 - (c) **Individuals shall have the right to make contributions by payroll deduction by any private or public employer upon the employer's agreement or if such deduction is available to the employees for any other purpose.**

- (2) **Expenditures in Multnomah County Candidate Elections.**
 - (a) **No Individual or Entity shall expend funds to support or oppose a Candidate, except those collected from the sources and under the Contribution limits set forth in this Section**
 - (b) **An Entity shall register as a Political Committee within three (3) business days of making aggregate Independent Expenditures exceeding \$750 in any Election cycle to support or oppose one or more Candidates in any Multnomah County Candidate Election.**
 - (c) **Only the following Independent Expenditures are allowed per Election Cycle to support or oppose one or more Candidates in any particular Multnomah County Candidate Election:**
 - (A) **An Individual may make aggregate Independent Expenditures of not more than five thousand dollars (\$5,000).**
 - (B) **A Small Donor Committee may make Independent Expenditures in any amounts from funds contributed in compliance with Section (1) above.**
 - (C) **A Political Committee may make aggregate Independent Expenditures of not more than ten thousand dollars (\$10,000), provided that the Independent Expenditures are funded by means of contributions to the Political Committee by Individuals in amounts not exceeding five hundred dollars (\$500) per Individual per year.**

- (3) **Timely Disclosure of Large Contributions and Expenditures.**
Each Communication to voters related to a Multnomah County Candidate Election shall prominently disclose the Individuals and Entities that are the five largest true original sources, in excess of \$500 each, of the Contributions and/or Independent Expenditures used to fund the Communication.
- (4) **Implementation and Enforcement.**
(a) The provisions of this Section shall be implemented by ordinance to be operative not later than September 1, 2017.
(b) Each violation of any provision in this Section shall be punishable by imposition of a civil fine, which is not less than two or more than twenty times the amount of the unlawful Contribution or Expenditure or Independent Expenditure.
- (5) **Adjustments.**
All dollar amounts shall be adjusted on January 1 of each odd-numbered year to reflect an appropriate measure of price inflation, rounded to the nearest dollar.
- (6) **Severability.**
For the purpose of determining constitutionality, every subsection, and subdivision thereof of this Section, at any level of subdivision, shall be evaluated separately. If any section, subsection or subdivision at any level is held invalid, the remaining sections, subsections and subdivisions shall not be affected and shall remain in full force and effect. The courts shall sever those sections, subsections, and subdivisions necessary to render this Section consistent with the United States Constitution and with the Oregon Constitution. Each section, subsection, and subdivision thereof, at any level of subdivision, shall be considered severable, individually or in any combination.
- (7) **Definitions.**
Unless otherwise indicated by the text or context of this Section, all terms shall have the definitions at Chapter 260 of Oregon Revised Statutes, as of November 8, 2016.
Terms found therein or defined below are capitalized in this Section.
(a) "Candidate Committee" has the meaning set forth at ORS 260.039 - 260.041, as of November 8, 2016, for the term "principal campaign committee."
(b) "Communication" means any written, printed, digital, electronic or broadcast communications but does not include communication by means of small items worn or carried by Individuals, bumper stickers, signs smaller than 6 square feet, or a distribution of five hundred (500) or fewer substantially similar pieces of

- literature within any 10-day period.
- (c) "Contribution" has the meaning set forth at ORS 260.005(3) and 260.007, as of November 8, 2016, except it does not include (1) funds provided by government systems of public funding of campaigns or (2) providing rooms, phones, and internet access for use by a candidate committee free or at a reduced charge.
 - (d) "Election cycle" means:
 - (A) Generally, the period between an election at which a candidate is elected and the next election for that same office, disregarding any intervening primary or nominating election, any recall election, or any special election called to fill a vacancy.
 - (B) For any recall election: the period beginning the day that the recall election is called or declared and ending at midnight of the day of the recall election.
 - (C) For any special election called to fill a vacancy: the period beginning the day that the special election is called or declared and ending at midnight of the day of the election.
 - (e) "Entity" means any corporation, partnership, limited liability company, proprietorship, or other form of organization which creates an entity which is legally separate from an Individual.
 - (f) "Expenditure" has the meaning set forth at ORS 260.005(8) and 260.007, as of November 8, 2016, except that it does not include Communication to its members, and not to the public, by a Membership Organization not organized primarily for the purpose of influencing the outcome of contests.
 - (g) "Individual" means a citizen or resident alien of the United States entitled to vote in federal elections; however, when this Amendment expresses a limitation or prohibition, "Individual" means any human being.
 - (h) "Membership Organization" means an incorporated or unincorporated nonprofit organization having members who pay dues or otherwise affirmatively join and support the organization.
 - (i) "Multnomah County Candidate Election" means an election, including a primary election, to select persons to serve (or cease serving) in public offices of Multnomah County.
 - (j) "Small Donor Committee" means a Political Committee which cannot accept Contributions in amounts exceeding one hundred dollars (\$100) per Individual contributor per calendar year.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

COUNTY MANAGER

Committee Findings

- a. Section 3.10 of the Multnomah County Charter establishes a board of five county commissioners as the governing body. The chair of the board is elected at large and the four commissioners are elected from districts.
- b. Charter Section 6.10 outlines the role of the chair of the board of county commissioners. It specifies that the chair shall be the chief executive officer and personnel officer of the county with the sole authority to appoint, order, direct and discharge administrative officers and employees of the county.
- c. The chair has a dual role, acting in a political and legislative capacity, and serving as the county's chief administrator.
- d. The role of the chair in the Multnomah County Charter contrasts with the governance model found in many urban and suburban counties in Oregon and nationally where administrative functions are vested in a professional county manager appointed by the governing body as a whole.
- e. According to a 2014 report by the Association of Oregon Counties, Multnomah County is the only home rule county in Oregon where the chair serves as the administrator.
- f. Multnomah County has effectively created a hybrid county manager model through the adoption of ordinances and employee classification and compensation plans that establish the role of chief operating officer.
- g. The current hybrid structure lacks some of the essential elements of an appointed county manager found in other counties.
- h. The current hybrid structure could be reversed by the actions of a future board.
- i. The Chief Operating Officer currently performs two roles, one as the Director of the Department of County Management and another as a 'Department Director Principal' with the working title of 'Chief Operating Officer.'
- j. The current structure creates a broad portfolio of responsibilities for the Chief Operating Officer which are not grounded in the Charter.

k. The creation of an appointed manager in the Charter would reduce the risk of political influence on administrative staff.

Committee Conclusions

1. An elected legislative body with an appointed county manager is a common and successful model of local government in the United States and in Oregon.
2. This model of government has proven to be a valuable tool for good government and professional management in urban and suburban counties with diverse populations, broad programmatic responsibilities, large capital infrastructure portfolios and projects, and complex budgets. Multnomah County would benefit by embracing it.
3. A successful county manager would allow the chair and board members to focus on articulating and advancing their policy visions for their community while the county manager oversees day-to-day administrative management.
4. Multnomah County has created a variation of a county manager model through ordinances and the classification and compensation plan. This hybrid model may have gaps and inconsistencies that weaken the benefits of strong, professional county management and create the opportunity for political influence in county administration.
5. Day-to-day administration and implementation of the Board's policy direction should be based on authority grounded in the Charter, not in transitory ordinances and personnel policies or the relationships between the Chair, Chief Operating Officer, Commissioners and department directors which will vary with elections, personnel changes and personalities.
6. It has been 26 years since voters turned down the appointed county manager measure in 1990. Since then the county has experienced a 30 percent increase in population, rising from 586,617 in 1990 to 766,135 in 2013. County voters may now be more attuned to the arguments in support of an appointed county manager.
7. Recommending the creation of an appointed county manager position is not a criticism of the performance of the current elected or appointed officials, but rather a desire to strengthen the integrity and effectiveness Multnomah County's governance structure now and in the future.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending the charter to establish an appointed county manager who shall be the head of County Administration and shall:

- Appoint, supervise, transfer and remove all administrative officers and employees of the county, with the exception of employees, staff and agents of elected officials and the County Attorney;
 - Appoint department heads;
 - a.Appointments of department heads are subject to confirmation by a majority of the board of county commissioners;
 - b.The County Attorney shall be appointed by and serve at the pleasure of the board;
 - Prepare the county budget for submission to the board;
 - Have custody and management of all County property and facilities;
 - Sign all contracts, bonds and other instruments requiring county consent;
 - May delegate said administrative powers but shall retain full responsibility for the acts of his or her subordinates.
 - Perform such other duties and exercise such other responsibilities as the board directs.
- The County Manager shall serve at the pleasure of the board, and shall be appointed by and removed by the board.
 - No Board member shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the county manager in matters of staff appointment or removal. Nothing in this section shall prohibit the Board, in open session, from fully and freely discussing with, or suggesting to, the manager any matter that pertains to county affairs or the interests of the county.

SHERIFF

Committee Findings

- a. The vast majority of American counties, including every county in Oregon, elect their sheriffs.
- b. Multnomah County has previously had an appointed sheriff position.
- c. Recent history of the Multnomah County Sheriff's Office (MCSO) demonstrated that when public concerns about the sheriff's fitness for office arise, the public's options are to initiating a costly recall campaign or to enduring a months-long process of scandal.
- d. Potential candidates for Sheriff must be Multnomah County residents and must meet the State's qualifications laid out in ORS 206.015, which includes law enforcement experience and licensing with the State.
- e. Candidates for sheriff typically come from within the Multnomah County Sheriff's Office.
- f. The Sheriff provides law enforcement to only certain areas of the County, but the entire County votes for sheriff.
- g. Most recent elections for county sheriff have not been competitive.

Committee Conclusions

- 1. The State requirements in ORS 206.015 create a limited pool of possible sheriffs.
- 2. The county residents most served by the sheriff have a diluted voice in selecting him or her.
- 3. The three unions representing MCSO employees are special interests with great influence on elections for sheriff.
- 4. The sheriff should be hired for professional qualifications instead of political ambitions.
- 5. The current system results in a lack of coordination on criminal justice policy between the Multnomah County Sheriff's Office and the Board of County Commissioners.
- 6. Returning to an appointed sheriff position would increase accountability, expand the candidate pool, and improve the county's ability to coordinate criminal justice policy.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending Charter section 6.50 to make the county sheriff an appointed position rather than an elected position.

DRAFT

TERM LIMITS

Committee Findings

- a. Multnomah County Charter Section 4.20 limits the term of office for all Multnomah County elected officials -- the Chair, Commissioners, Sheriff and Auditor -- to no more than two full consecutive four-year terms in any 12-year period.
- b. If an elected official is elected or appointed to an elective county office for a term of less than four years, that partial term does not count against the two term limit.
- c. The two-term limit was enacted in 1982. Multiple measures to overturn it -- in 1990, 1998, 2004, and 2010 -- have failed.
- d. While Yamhill County elected officials and Metro councilors are limited to three four-year terms, thirty-three Oregon counties have no term limits.

Committee Conclusions

1. The difficulty of defeating an incumbent is a reason to maintain some form of term limit.
2. Turnover among county elected officials results in lost experience and expertise and it takes new officials and their staff time to learn how to be effective, rendering county operations less efficient after changes.
3. A compromise position of a three four-year term limit would reduce turnover and allow elected officials more time in office to realize their initiatives while still preventing the power of incumbency from extending indefinitely.
4. A three term limit may encourage county elected officials to see their jobs more as a career choice than a stepping stone to another elected office.
5. Since the current two-term limit applies to all county elected offices, it makes sense to suggest a new three four-year term limit also apply to all elected county offices.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending section 4.20 (2) to state that no incumbent or future elected officer of the county shall be eligible to serve more than three full consecutive four-year terms in any one elective county office within any 16-year period.

TERM LIMITS: MIDTERM RESIGNATION

Committee Findings

- a. Multnomah County Charter section 4.20(3) prohibits an elected official of Multnomah County from running for another office in midterm. Filing for another office is treated as a resignation effective the date of filing. Only in the final year of their term may an official file for another office without it compelling their resignation.
- b. This limitation was enacted in 1982, ostensibly in response to a board member's decision to run for Portland City Council less than two years after he was elected to county government. From news media coverage at the time, it can be inferred that citizens were opposed to the idea of an elected official campaigning for another office while on the public payroll.
- c. Measures to repeal this limitation failed in 1984, 1998, 2004 and 2010.
- d. Multnomah County elected officials have resigned to run for another office only five times since 1982.
- e. Of those five resignations, two were sitting county commissioners who resigned to run for the office of county chair.

Committee Conclusions

1. While this restriction helps ensure elected officials are focused on county business, at least until their final year in office, it creates unnecessary turnover.
2. Assuming that part of voters' concern about a county official running for another elected office is potential distraction from county business, this would not apply in the case of a county commissioner running for county chair.
3. Since multiple previous measures to repeal the midterm resignation requirement have failed, it seems reasonable to recommend a smaller change that would lift the resignation requirement solely in the case of county commissioners running for the office of county chair midterm.
4. Since the offices of auditor and sheriff require specialized knowledge, and there have been no examples of an auditor or sheriff resigning to run for county chair since 1982, there does not seem to be a need to include them in this proposed change.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending section 4.20(3) to allow county commissioners to run for the office of county chair midterm without resigning

DRAFT

CHARTER REVIEW COMMITTEE

Committee Findings

- a. The Multnomah County Home Rule Charter contains section 12.30 which establishes the Charter Review Committee.
- b. Charter section 12.40 sets out the process for selecting the members of the Charter Review Committee.
- c. Responsibility for selecting the members of the Charter Review Committee currently falls on state senators and state representatives from senatorial districts in the county.
- d. Placing this responsibility with state senators and representatives has the advantage of impartiality; they have no direct stake in the outcome of the committee's deliberations.
- e. The fact that those charged with selecting committee members have no direct stake in the process can also be an impediment, as appointing Charter Review Committee members is not necessarily a high-priority task for state senators and representatives.
- f. County staff put a great deal of effort into helping fill the slots for the 2015-16 committee.
- g. Charter sections 12.40(1) and 12.40(3) are structured to produce geographical and political diversity among committee members but are silent on other forms of diversity.
- h. The Office of Citizen Involvement is an office created by section 3.75 of the charter for the purpose of developing and maintaining citizen involvement programs.

Committee Conclusions

1. The current process is cumbersome and uneven. Some senators and representatives are engaged in the process and others are not.
2. The recruitment and selection process relies heavily on the efforts of staff members within the County Chair's Office. This is potentially problematic since it negates the theoretical benefit of having impartial actors carry out the selection of committee members.
3. The current process favors those who are politically connected as their names are more likely to be known to state senators and representatives.
4. The geographical and political diversity created by charter sections 12.40(1) and 12.40(3) does not translate into racial and ethnic diversity.

5. The composition of the 2015-16 Charter Review Committee is not reflective of the diversity found in the county's population.
6. The Office of Citizen Involvement is a natural fit to coordinate recruitment duties for the Charter Review Committee.
7. The Office of Citizen Involvement should have the responsibility of convening the Charter Review Committee.
8. It is in the best interest of the county to improve the Charter Review Committee selection process by shortening the timeline and transferring the recruitment coordination duties to the county's Office of Citizen Involvement.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure amending section 12.40 selection process for appointment of electors to the Charter Review Committee. Requires the Citizen Involvement Committee to coordinate the creation of a pool of candidates for consideration for appointment to the Committee, and to convene the meetings of the Charter Review Committee.

DRAFT

Campaign Finance

Committee Findings

- a. Oregon is one of only six states in the country that have no limits on campaign contributions.
- b. Contested races in Multnomah County are becoming increasingly expensive.
- c. The race for Multnomah County Chair in 2014 broke previous spending records.
- d. In Seattle, a city with a population similar to that of Multnomah County, voters recently approved a ballot measure enacting campaign finance reform.
- e. The Seattle measure set a \$500 contribution limit for mayoral candidates and a \$250 limit for city council candidates.
- f. Polling shows that a majority of Oregonians support limiting campaign contributions.

Committee Conclusions

- 1. Excessive money in politics undermines our democratic institutions and confidence in government.
- 2. Without limits on the size of campaign contributions and independent expenditures, the wealthy and corporations have undue power to influence election outcomes.
- 3. Limits on contributions and independent expenditures are likely to be challenged in court.
- 4. A campaign finance reform charter provision will strengthen our democratic institutions and instill greater confidence in our government.

Committee Recommendations

Submit to the people of Multnomah County at the November 8, 2016 general election a measure creating a new Charter provision that limits contributions and independent expenditures in Multnomah County candidate elections. This Charter provision will also require the disclosure of large campaign contributions and expenditures related to Multnomah County candidate elections in the advertisements funded by such contributions or expenditures.

July 12, 2016

To: Charter Review Committee
From: Bill Farver
Re: Appointment Process

Thank you again for the opportunity to speak to you last week.

At the time, I did not know you had already approved a County Manager referral to voters and were undecided about the appointment and supervision process. I should have been clearer in how I answered your questions.

I would treat the hiring and supervision of a County Manager and Appointed Sheriff as the County treats County Department Managers. Voters still elect the County Chair as the Chair of the Board and chief executive. I would view the County Manager as the chief administrative officer or chief operating officer. The Chair should run the recruitment and selection process and forward the nominee for Board approval. (There are many ways to informally and formally involve County Board members, department heads, and others in the selection process that should be left to the Chair's discretion.)

After that, the County Manager would serve at the Chair's discretion, subject to regular performance reviews. If the Board had concerns about the County Manager's performance, they could share them with the Chair, in much the same way they currently can with the performance of Department Managers.

If you start blurring the lines on hiring and supervision between the Chair and Board, I fear you create problems. After serving on Pauline Anderson's staff for eight years, I was hired by the County Board to serve as a "senior" staff to the entire Board. I served in that role for a few months before eventually being hired by Gretchen Kafoury, then a City Council member.

In the role of "Board staff", I tried to work with all Board members on policy matters of joint interest and importance. Problems inevitably came when I received differing directions from different Board members. Without a single point of direction and accountability, the job was not as productive and rewarding as it should have been.

I fear a similar dynamic if the County Manager is hired and serves at the pleasure of the entire Board. I believe that would lead to confusion and potential politicizing of the role.

The strength in a County manager position should come from the training and qualifications the person would bring and the focus on cooperative, efficient administrative practices based on policy direction from the Board and the approved budget.

As to the Sheriff, I can think of no reason why this wouldn't be handle as another Department Head hire. The position is both an advocate for the services he or she supervises and also a member of a team that has the interests of the County at heart. Wearing multiple hats is a skill all Department Managers need to weigh.

I hope this is helpful. I would be happy to clarify or answer questions if that would be helpful,

Bill Farver

**WRITTEN STATEMENT
DAVID ROBERTSON, MEMBER
MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE
JULY 18, 2016**

Dear Kirsten and Committee Members:

First, please accept my apology for being unable to attend today's important meeting. The Committee should be very proud of the five proposed measures receiving final review today. I look forward to participating by conference call on Wednesday when we will vote for approval and bring our ten months of collective work to a successful close.

Like other Committee members I was asked by staff to provide input on the proposed measures so that any remaining issues or corrections can be resolved prior to Wednesday's vote. Since I will not be present in person on Monday, my input which follows will serve as my final feedback and comment as I hope that Wednesday will be a final, unanimous vote in support of all five measures and a well-deserved victory lap by the Committee and staff.

I carefully reviewed the consolidated five measures document and the findings, conclusions and recommendations document and believe both accurately reflect the discussions and actions of the Committee and will I support their approval on Wednesday.

The agenda for Monday has the county manager measure wisely docketed first for review and feedback as this measure has triggered reservations by some Committee members, in part due to the strong objection by the County Chair. This is understandable. While it is important to consider the input of County elected officials and staff, the Committee was charged with taking a fresh, independent view on matters of County governance. Other measures approved by the Committee to date also yielded some opposition by elected officials and staff; however the Committee concluded that the measures were in the long-term best interest of the County and residents. I hope the Committee does not reverse its past support (in three separate votes, once by the Green Subcommittee and twice by the Committee) for the county manager measure.

The Committee record in support of the county manager measure is well documented and was made available to the Committee at each of its meetings and does not require re-statement here. Instead, I will highlight several core principles that should remain unchanged in the county manager measure and comment on a few issues that have prompted additional concern and possible options going forward.

Principles That Should Remain Unchanged

I urge that the Committee not revisit the following elements of the county manager measure that are core to its integrity and effectiveness.

- The County Charter should be amended to establish an independent, professional county manager. The current Charter vests all executive, administrative and personnel responsibilities in the County Chair. The proposed charter amendment should transfer these responsibilities to the county manager.
- This should be a transfer of responsibilities not a delegation. The current Charter vests the County Chair with these responsibilities but County ordinance delegates many of these responsibilities to the Chief Operating Officer. Several County directors identified conflicts in this arrangement.

- The county manager’s responsibilities should be defined by County ordinance or by the Charter itself. Responsibilities should align with the functions most commonly performed by appointed managers in other large urban and suburban counties, with some flexibility to respect any unique circumstances that may apply to Multnomah County. There is no point in establishing an appointed county manager if he/she is given a thin portfolio of responsibilities significantly out of step with professional county managers in other urban and suburban counties.
- The county manager should be appointed and removed by a majority vote of the Board, preferably a super-majority vote of 4-1 given the importance of the county manager position and the need for Board consensus on the appointment and removal of the manager.

Issues That Have Prompted Concern

When struggling to wrap up a project it’s sometimes useful to revisit how the project began. In the case of the Committee, it was told by the Deputy County Attorney at its first meeting that the Charter is similar to the U.S. Constitution in that it described the governance framework but left to ordinance, policies and administrative rules how the framework is filled in. Just as the County Board has adopted ordinances to delegate some of the Chair’s responsibilities, it may adopt ordinances to further define how responsibilities are executed by the manager.

- The discussion of who is in charge of the budget has prompted some concern. Section 6.10 of the Charter simply states that the Chair of the Board “shall prepare the county budget for submission to the board.” It doesn’t define how that is accomplished. In many large urban and suburban counties that function is performed by the county manager. Whether led by the County Chair or a county manager, the work is performed by county budget staff with input from department and office directors, citizen budget committees and Board budget hearings. Guidance and direction by the Board as a whole is not lessened or replaced.
- Another issue that has generated some discussion surrounds the possibility of an appointed sheriff and who is responsible for managing the sheriff. The simplest solution should both measures be approved by voters is to treat the appointed sheriff as a department director who would report to the county manager. If for whatever reason the Chair desires greater accountability for the appointed sheriff, the measure or possibly ordinance could be written for the Chair to retain direct responsibility for the appointed sheriff given the uniqueness of this position.
- Who manages the manager is an additional concern for some. The measure states that appointment and removal are the responsibility of the Board. Managers must be responsive to all members of a governing board and not just the chair; however, supervisory management by committee can be challenging. Greater clarity in the language of the measure (or subsequent ordinance if approved) may specify that the Chair is responsible for direct supervision of the county manager, with the Chair leading the Board’s recruitment and selection process for the manager and the Board’s performance evaluation of the manager.

Conclusion

One or more of my colleagues has said that the appointment of a county manager is not a minor change. That is correct. But it is not a radical change either. Establishment of an appointed county manager will provide independent, professional and non-political management for County staff and will implement the actions of the County Board. Adoption of a county manager measure will require additional review of ordinances and policies and procedures. The measure allows two years for this transition. This governance model is working successfully today in hundreds of counties, including many of the most populous urban and suburban counties. If approved by voters the County is capable of making the change. Let’s give County voters the chance to add Multnomah County to this list in 2016.

DATE: July 17, 2016

TO: Charter Review Committee members

CC: Jacquie Weber, Deputy County Attorney
Catherine Schneider

FROM: Jeanna Hall

RE: **Comments/proposed changes to language for County Manager, 6.10 and 6.30**

In the event that I don't have cell service for the July 18 meeting, I would like to submit comments/proposed changes to the draft charter review changes for ADMINISTRATION and COUNTY MANAGER.

As has been noted in discussions at earlier meetings, the proposed changes approved by the Charter Review Committee greatly reduce the chair's authority by removing all of her/his functions as an Executive officer. I was among those who regretted my vote for County Manager position after further reflection and input from the County Chair and others.

One option to restore some of the Chair's authority has been suggested in the July 12 written testimony from Bill Farver. I concur with his opinion that the County Manager should report to one person rather than all commissioners. I propose that the following changes be made to the draft language under 6.10 ADMINISTRATION:

(3) County Chair shall serve as the County Executive by managing the recruitment and selection process for the County Manager position; appointment and removal of the County Manager shall be subject to consent of a majority of the board of commissioners;

(4) County Chair shall serve as direct supervisor of the County Manager.

I also propose the following change to the draft language under 6.30 COUNTY MANAGER:

The County Manager shall serve at the discretion of the County Chair; appointment and removal of the County Manager shall be subject to consent of a majority of the board of commissioners.

Please note that these proposed changes would also change the language under "committee recommendations" for the County manager.

Thank you for your consideration.

Memorandum

To: Multnomah County Charter Review Committee

Date: July 18, 2016

From: Steve March, PhD, Multnomah County Auditor

Re: COUNTY MANAGER Proposed Charter Amendment – Deep Concerns

I previously testified to the Charter Review Committee that I felt the existing system, with a Chief Operating Officer (COO) answering to the Chair was working well and at that time no one appeared to disagree with that statement. I went on to express concern that under a County Administrator model, essentially what is being proposed here under the name of County Manager, too much power was vested in one individual who may or may not reflect the interests of the public, as the Chair currently does. You further heard testimony from a Washington County Commissioner who echoed this sentiment. I would urge you NOT to proceed down this path; here are some reasons:

1 – This is a fundamental change to Multnomah County government, yet no case has been made that the current system is broken. I would point to the Auditor's Office ability to effect change by working with the County Chair as well as the COO. The current structure has been called a hybrid, but it is a successful one. In terms of audit recommendations, we enjoy over a 90% implementation rate – the system is not broken. I will also add that my counterpart in a county with this model does not enjoy the same access and response that our office does with an elected chair.

2 - A County Manager does not answer to the citizens of the County as the Chair does. A County Manager is not subject to recall should the citizens disagree with the direction that the County is being taken nor can they vote for a change in direction or leadership as they can now.

3 – There are unforeseen and unaddressed issues in this proposal. For example, the County Charter requires, "The chair of the board of county commissioners or the responsible elected official shall respond in writing to all internal audit reports stating what actions have been or will be taken to address the findings contained in the audit." [8.10 (4)] I don't see that this has been addressed and there may be other unaddressed issues as well.

If it isn't broken, it really shouldn't be "fixed" with a change so fundamental and that weakens the electorate's ability to vote and recall the leadership of their choice. There are certainly other local governments that need fundamental change, but Multnomah County doesn't need this.

COUNTY MANAGER

Chapter 6. ADMINISTRATION

6.30 County Administrator

The County Administrator shall be responsible to the County Chair for the administration of the affairs of County government. The County Administrator's duties and responsibilities shall be more specifically set forth in an ordinance adopted by the Board. The County Administrator shall be appointed in the same manner as all other department heads.

Advantages:

Defines the County Administrator's job in the Charter, assuring its continuation. Requires Board approval of the job description and role, as well as confirmation of the person appointed. Charter should provide high level guidance of the role, not specific job definition, so the board can adapt as needed to changing conditions. Chair retains appointment and sole responsibility for county operations, limiting disruption of important county operations, maintaining Commissioner's ability to advocate for constituents, and retaining a sole point of clear authority and accountability.

Committee Findings

- a. Section 3.10 of the Multnomah County Charter establishes a board of five county commissioners as the governing body. The chair of the board is elected at large and the four commissioners are elected from districts.
- b. Charter Section 6.10 outlines the role of the chair of the board of county commissioners. It specifies that the chair shall be the chief executive officer and personnel officer of the county with the sole authority to appoint, order, direct and discharge administrative officers and employees of the county.
- c. The chair has a dual role, acting in a political and legislative capacity, and serving as the county's chief administrator.
- d. Multnomah County has effectively created a hybrid county manager model through the adoption of ordinances and employee classification and compensation plans that establish the role of chief operating officer.
- e. The current hybrid structure lacks some of the elements of an appointed county manager found in other counties.
- f. The current hybrid structure could be reversed by the actions of a future board.

- g. The Chief Operating Officer currently performs two roles, one as the Director of the Department of County Management and another as a 'Department Director Principal' with the working title of 'Chief Operating Officer.'
- h. The current structure creates a broad portfolio of responsibilities for the Chief Operating Officer which are not specified in the Charter.
- i. Two current commissioners support a Charter amendment to establish a county manager who would be appointed and managed by the Board.
- j. The current chair and two commissioners oppose amending the Charter amendment to establish a county manager appointed and managed by the Board. The county Auditor and District Attorney also support the current model.

Committee Conclusions

1. An elected legislative body with an appointed county manager is a common and successful model of local government in the United States and in Oregon.
2. This model of government has proven to be a valuable tool for good government and professional management in urban and suburban counties with diverse populations, broad programmatic responsibilities, large capital infrastructure portfolios and projects, and complex budgets.
3. A successful county manager would allow the chair and board members to focus on articulating and advancing their policy visions for their community while the county manager oversees day-to-day administrative management.
4. Multnomah County has created a variation of a county manager model through ordinances and the classification and compensation plan. This hybrid model may have gaps and inconsistencies that weaken the benefits of strong, professional county management and create the opportunity for political influence in county administration.
5. Day-to-day administration and implementation of the County's policy direction should be based on authority grounded in the Charter, not in transitory ordinances and personnel policies or the relationships between the Chair, Chief Operating Officer, Commissioners and department directors which will vary with elections, personnel changes and personalities.
6. It has been 26 years since voters turned down the appointed county manager measure in 1990. Since then the county has experienced a 30 percent increase in population, rising from 586,617 in 1990 to 766,135 in 2013. County voters may now be more attuned to the arguments in support of an appointed county manager.

7. Recommending the creation of an appointed county manager position is not a criticism of the performance of the current elected or appointed officials, but rather a desire to strengthen the integrity and effectiveness Multnomah County's governance structure now and in the future.