



# Multnomah County Charter Review Government Accountability Subcommittee

March 3, 5:30 – 7:00 pm

## SUBCOMMITTEE MEETING 2

Purpose: Hear from the County Auditor about the Charter amendments she has proposed; determine the topics the subcommittee plans to focus on exploring.

### Attendees

#### Committee Members Present<sup>1</sup>

- 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:

- Jennifer McGuirk (she/her), Multnomah County Auditor

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

### Welcome

Maja opened the meeting with a brief overview of Zoom logistics and the agenda. She welcomed Auditor Jennifer McGuirk as the subcommittee's inaugural speaker.

### Presentation on Charter amendments proposed by the county auditor

The Auditor thanked the subcommittee members for their service. She [shared a presentation](#) with the subcommittee.

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<sup>1</sup> Ana Gonzáles Muñoz resigned as a member of this subcommittee and there are now five members

Auditor McGuirk provided an overview of what her office does. Her office is dedicated to helping the public understand how its government works, what it's doing well, and what it needs to change, based on audits conducted into county offices and programs. Her office puts pressure on county management to address problems and implement recommendations.

The Auditor's office does this work by conducting performance audits (similar to evaluations) and operating the Good Government Hotline to help catch and prevent fraud, waste, and abuse of position in County government.

Auditor McGuirk went over the basic components of an audit, and said that each one typically takes about a year. With her current staff, she has the capacity to conduct 3-4 audits annually.

Current staff in the office include the County Auditor, 7 staff auditors, and a constituent relations staff member. Auditor McGuirk shared that since fiscal year 2014, the County's total full-time equivalent employees increased 15% while the staffing in the Auditor's office has remained the same.

Auditor McGuirk stated that the section of the Charter on the Auditor has not changed since the 1980s. In 2019, Auditor McGuirk spoke with the County Attorney about establishing County code about the Auditor to align with model legislation recommended by the Association of Local Government Auditors. The County Attorney responded that having the Board of Commissioners establish this through the Code could interfere with the Auditor's independence; it would make more sense to put language before the voters and establish this in the Charter. This is why the language the Auditor is proposing is more detailed than language typically found in a charter. She thinks this will protect the Auditor from fear of retaliation by the Chair, and remove fear that they will be prevented from accessing government materials and record.

Other Charter amendments Auditor McGuirk would like to see put before voters are the establishment of the Good Government Hotline her office already runs and the addition of an ombudsperson.

## **Auditor's budget**

Auditor McGuirk's top priority is using the Charter to establish budgetary independence from the Chair and Board of Commissioners. She reported that generally accepted auditing standards say that funding for an auditor should not be controlled by officials who are subject to audits. In Multnomah County the Chair is the CEO and proposes the County's budget, which means that the person responsible for almost everything the Auditor audits is also the one who gets to decide how much money is allocated to that office. This opens up the possibility of budget cuts to the Auditor's office in retaliation for audit outcomes. Auditor McGuirk offered Peoria, Illinois as an example of this. In Multnomah County, she said, funding for the Auditor's office has remained flat.

She clarified that this is a structural issue independent of who is serving as Chair and who is serving as Auditor. She would like the issue of funding to be in the people's hands.

Auditor McGuirk shared that since fiscal year 2014, the County's general fund expenditures budget has increased 54%, while the percentage allocated to the Auditor's office has decreased slightly, but has typically been about 0.3% of the general fund expenditure budget.

Auditor McGuirk argued that a Charter amendment designating 1% of the County's general fund budget to the Auditor's office would allow her to double the number of audits her office can execute, allow her staff to always be conducting an audit in each core service area, and maintain subject matter expertise to help move audits more quickly. A funding increase would allow for timelier follow up on audit recommendations; an investigator dedicated to issues reported through the Good Government Hotline; improving communications with the public; and hiring an ombudsperson.

### **Good Government Hotline**

Auditor McGuirk shared that her second priority is establishing the Good Government Hotline in the Charter. The hotline has been operated by the Auditor's office since 2007. In 2011, the Oregon State Legislature passed "Establishment of Local Waste Hotline." The Auditor has operated Multnomah County's hotline in compliance with this law, but the County Attorney and County management recently raised concerns to her that the Multnomah County hotline might not be in compliance with this law because the Board of Commissioners never established it in Code. Auditor McGuirk noted that this coincided with her election, which she ran with a commitment to investigating as many hotline calls as possible.

Auditor McGuirk said the County Attorney also expressed concerns that establishing code related to the Auditor could undermine the independence of that office. Putting the hotline in the Charter would remedy that concern and ensure that the Auditor can continue running the hotline in accordance with state law.

### **Ombuds office**

Auditor McGuirk said her third priority is the establishment of an ombuds office. This role would respond to community members in order to resolve complaints about County services and practices. The ombuds would focus on individual complaints that need immediate response, but that are outside the current scope of the Good Government Hotline.

### **Access to information**

The fourth priority Auditor McGuirk discussed was access to information. She said the Auditor needs to have access to materials, records and government officials related to an audit. Adding clear language to the Charter would help the Auditor's office avoid situations where information and access are not given in a timely manner.

## Additional suggestions

Auditor McGuirk proposed some additional language to add or change in the Charter, but she identified these as lower priority. These suggestions were outlined in the [amendments proposal](#) she shared with the subcommittee.

Auditor McGuirk shared resources in her presentation that the subcommittee could use to further explore her Charter amendments proposals.

## Questions for the Auditor

Marc asked if the growth in the general fund was related to unusual sources, like pandemic funds.

Auditor McGuirk said she believed most of those funds had been ear-marked for specific areas, like direct services. The general fund had been increasing before the pandemic, though. This is also a reason why she suggested increasing the Auditor's budget to 1% based on a 5 year rolling average of the general fund.

Theresa asked if Auditor McGuirk could shed more light on why the percentage of the fund going to the Auditor's office has not increased over the last several years.

Auditor McGuirk said that she had requested increased funding in her first two budget cycles and did not receive an increase. She has requested that increase again in the current cycle and is not sure yet whether that request will be met. She said that the Auditor prior to her had not asked for additional positions or funding.

Maja asked whether the failure to establish the hotline in Code or Charter was an administrative oversight or if there had been a debate about whether the hotline should exist.

Auditor McGuirk shared that the hotline was established in 2007 in response to an embezzlement case. The County Attorney and Board of Commissioners at the time supported establishing the hotline in the Auditor's office. She is not sure if the assumption at the time was that if the Charter did not prohibit something that meant they could just move forward with it.

Marc asked what issues exist in the Auditor's office that hinder transparent communication with the public.

Auditor McGuirk clarified that her concern about transparency is to make it clear in the Charter what the Auditor does. She said that her office already does communications work, but that additional funding would help them be able to keep audit report findings in the public's attention, which adds pressure to the County to address the issues raised in an audit report.

Annie noted the Auditor had mentioned the 1% budget figure would align with other local auditor offices, but asked where else the subcommittee may be able to look to for comparisons.

Auditor McGuirk said that there is not a benchmark, and funding for other Oregon auditors is all over the place. Some offices consist of one appointed auditor and no additional staff. She thought King County, WA is probably most similar in terms of complexity. She acknowledged that it's unusual to have a dedicated budget floor for an audit shop and that it is more common in inspector generals' offices. The City or County of San

Francisco does have a dedicated audit fund that is a set percentage of the budget. She said the Association of Local Government Auditors does a benchmarking study every few years. The last study found audit shops were funded between 0.14% and 0.39% of the overall jurisdictional budget. The Multnomah County Auditor's budget is about 0.09% if you look at the overall jurisdictional budget.

Marc asked if there was any form of an ombuds role happening elsewhere in the County, like out of the Chair's office.

Auditor McGuirk said there is no ombuds. She clarified that an ombuds does independent fact finding and issues a report, which would be different from other roles like a constituent response person. She noted that it is not good practice to have an ombuds that reports to the head of the organization they are investigating, so while an ombuds could be positioned elsewhere in the County, she felt that the independence and impartiality of the Auditor's office made that an appropriate home.

Theresa asked Auditor McGuirk to provide more details about how she reached the 1% funding figure.

Auditor McGuirk said this would bring them on par with other audit offices in the region. She also estimates that this is a funding level that would allow the Auditor to improve services to the community. She noted her office currently has a list of 80 topics for potential audits that have come from internal and external suggestions and while she does not foresee being funded to a level to pursue all of them, she would like to make more progress through those topics. She also noted that 1% is an easy figure to discuss.

Annie asked to learn more about what an ombudsperson does and what the potential outcomes of their investigation are.

Auditor McGuirk said they might recommend a change in policy or administrative procedure, but relief would also ideally be provided to the individual who brought the issue forward. She mentioned an ombudsperson typically has a different set of skills than an auditor; an ombudsperson might have a background in law or civil rights. Also, if an individual complaint is made to the Auditor's office, it is unlikely to trigger an audit response, whereas an ombudsperson would be better positioned to investigate and address individual, one-off complaints.

Marc asked about other elected officials who report to the Chair.

Auditor McGuirk clarified that no elected officials report to the Chair. The Commissioners serve the legislative function and the Chair is like a CEO. The Chair proposes the budget for the entire County, which covers all of the elected officials' offices and the programs they oversee. Auditor McGuirk also shared that when she finishes an audit, the responsible elected official has to respond to the audit. Most of the time, the responsible elected official is the Chair.

Marc asked about the Auditor's goal of having audit specialists and whether she was looking to hire specialists directly, provide more training to current auditors, or contract out to specialists.

Auditor McGuirk responded that currently all of her auditors are generalists, but with additional auditors she could establish teams in specialized areas. If the auditors could focus in an area, there would be less of a learning curve at the beginning of each new audit, which would make audit processes go more quickly.

## Subcommittee's approach to work

Maja opened up a conversation about how the subcommittee wanted to approach its work. She suggested starting by identifying what topics the subcommittee is interested in focusing on and then figuring out how to move forward, both as a group and individually.

## Exploring the topic of a county manager

Marc said that he remained interested in the topic of a county manager and felt that when the Auditor discussed the conflicts of having the Chair as CEO, a county manager might be a solution to some of those issues. A couple of community members have raised the idea of a county manager to him, and he said he would be happy to gather more information on the topic if the subcommittee wants that. Marc was employed by Clackamas County before he retired and said one of the former county managers he had worked with there would be happy to talk to the subcommittee. He pointed out there were some stark differences in governance structure, having a chair of the board versus a county manager.

Maja asked the subcommittee to do a fist of five to indicate whether members supported exploring the county manager topic. Maja, Jude, and Theresa held up three fingers; Annie held up four fingers; Marc held up five fingers. They felt this warranted exploration of the topic.

Jude asked the subcommittee if they wanted to hear from Marc's contact as a group, or if they wanted 1-2 people to take this on and report back to the group.

Annie commented that she would like to hear from someone with expertise on Multnomah County, but wasn't sure who that would be. Annie pointed out they could also come up with a list of questions and send it out to a variety of people.

Maja mentioned Rhys Scholls as a potential speaker; he is an historian on Multnomah County and spent many years working for the County. She also asked if the subcommittee wanted to do a fist of five on inviting Marc's contact to speak at a future meeting.

Marc clarified that he did not think his contact would be there to push an agenda, but rather to describe how a county manager system works in conjunction with a board that is structured differently from the Multnomah County Board of Commissioners.

The subcommittee did a fist of five on whether to invite Marc's contact. Jude, Theresa, and Marc held up five fingers; Maja held up four fingers; and Annie held up three fingers. Annie said she did not feel strongly one way or the other.

Jude revisited Annie's question about who they should talk to at Multnomah County who might be impacted and able to speak about the potential consequences of a change. Theresa seconded, noting that they had previously received a public comment from Carol Chesarek, who served on the 2016 Charter Review Committee, about why that committee chose not to recommend the change to a county manager. Theresa suggested they might invite some past Charter Review Committee members to speak more on that. She also mentioned hearing from Chair Kafoury.

Kali brought up the value of hearing from the Chair and current County COO, who currently perform many of the duties a county manager would carry out. She acknowledged that they have a personal stake in this conversation, but that they would have valuable knowledge about how the County's current system works.

## Exploring the Auditor's amendments

Maja called for a fist of five on continued exploration of the Auditor's proposed amendments. All of the subcommittee members held up five fingers, signaling that they would move ahead on this topic area.

Maja asked if there were other people they already knew they wanted to hear from on this topic. She suggested hearing from Serena Cruz, the COO, might be helpful.

Jude asked whether there are other counties that have similar language written into their charters, and if it would be possible to invite people from those jurisdictions to speak with the subcommittee or to connect with them individually.

Marc pointed out that not all of the counties in Oregon are Home Rule counties, and only Home Rule counties have charters.

Kali noted that a number of the subcommittee's questions had to do with why the Auditor's budget has not increased, and said that the Chair's Office would have the most direct answer to that since the Chair proposes the budget. She also suggested that the subcommittee would need to research other counties if they wanted to look for similarities to the Auditor's proposals.

Marc pointed out that comparisons may be challenging since Multnomah County is the most populous county in the state.

Maja noted that the Auditor mentioned King County, WA as a potential comparison point. Marc remarked that he thought King County is significantly larger than Multnomah.

Annie put forward that it might be helpful to identify some comparably sized counties to help with their research.

Marc pointed out that the many different forms of government might make comparisons challenging.

Maja said she thought it was helpful to determine what outcomes they want first. Comparisons can be useful, but the different systems and environments in different jurisdictions can make comparison difficult.

Annie supported that, since they did not have time to understand the nuances of a number of different counties to the point where they could identify which parts of those other counties were responsible for them working well (or not).

Theresa asked for clarity on the group's research plan.

Jude explained that they and Maja want to gather which topics the subcommittee wants to focus on and develop a schedule that includes potential speakers to focus the subcommittee's work going forward.

## Exploring the Charter review process

Theresa raised that the subcommittee's past discussions had indicated support for looking at the Charter review process. She felt that along with the Auditor's recommendations, that should be a high priority.

Maja brought up that the Office of Community Involvement (OCI) had submitted a public comment to the full MCCRC in December with some proposed changes to Charter review. Since the Charter review process is supported by OCI, Maja said she would like to hear from that office about its proposals and the Charter review process generally. The rest of the subcommittee supported that invitation.

Jude asked if it would be helpful to hear from someone who served on a previous Charter Review Committee about their experiences with the process.

Kali mentioned that a survey had gone out to the 2016 Charter Review Committee after their service was complete and that she can work on locating the results to share with the subcommittee.

Maja and Jude committed to working on a topic and speaker schedule ahead of the subcommittee's next meeting.

## Gender neutral language in the Charter

Maja initiated a conversation about an amendment to the Charter that would make its language gender neutral. She referenced two articles that Kali had shared with the subcommittee about [Multnomah County](#) making its Code gender neutral and [Portland making its Charter](#) gender neutral. She also raised that in the past the subcommittee seemed to be in general agreement that this is something they would like to recommend for the Multnomah County Charter. She asked if there were any reactions to the information provided in the articles.

Marc said that a change in the language seemed inevitable and he was in favor of supporting that change.

Maja suggested doing a fist of five to determine if the subcommittee was ready to vote to recommend this amendment to the full MCCRC. All of the subcommittee members held up five fingers in support of voting to recommend the amendment.

Kali gave an overview of how voting should proceed: they needed to do a roll call vote. It would also be useful to have one or two sentences they could share with the full MCCRC about what they are recommending. She asked if there was a specific approach they wanted to take to gender neutral language, or if they supported having the County Attorney's Office draft it in alignment with the changes they made to the County Code.

Jude said that they supported substituting the singular they/them/their pronouns for she/her/he/him, and using the title of a role where that is an appropriate substitute.

Maja clarified that Jude's suggestion is in line with the practices of the County in the Code. She drafted language for the recommendation and shared it in the chat (Appendix A).

## **Vote on gender neutral language in the charter**

Kali asked the subcommittee members if they voted to support the recommendation: “We recommend giving Katherine the authority to draft a version of the Charter that aligns with the gender neutral language already used in County Code.”

All five of the members voted in favor of making the recommendation to the full MCCRC.

## **Future meeting dates**

Maja asked how frequently the subcommittee wanted to meet in March. Because there are five Thursdays in the month, the subcommittee had the option to meet twice in the month (March 3<sup>rd</sup> and March 24<sup>th</sup>) or to meet every other Thursday (March 3<sup>rd</sup>, March 17<sup>th</sup>, and March 31<sup>st</sup>). After March, the subcommittee would continue meeting every other Thursday, which would be twice each month.

Subcommittee members expressed mixed feelings, but no strong preference. The group ultimately decided to meet three times in March.

## Appendix A: Zoom Chat

17:55:24 From Annie Kallen she/her to Everyone:

Thank you!

18:16:17 From Maja Viklands Harris (she/her) to Everyone:

Jude, you're next

18:16:47 From Jude (They/them) to Everyone:

I'm ok with Marc finishing his questions

18:20:08 From Maja Viklands Harris (she/her) to Everyone:

There are no crazy questions! ;-)

18:20:40 From Jude (They/them) to Everyone:

Thank you, Jennifer!

18:21:23 From Marc Gonzales to Everyone:

Many thanks for your time and expertise!

18:23:15 From Marc Gonzales to Everyone:

stepping away for one moment.

18:26:52 From Jude (They/them) to Everyone:

Thank you, Marc

18:38:21 From Annie Kallen she/her to Everyone:

Is the COO position appointed by the chair?

18:43:23 From Jude (They/them) to Everyone:

That makes sense to me.

18:43:51 From Maja Viklands Harris (she/her) to Everyone:

I believe it is Annie

18:44:00 From Carol Chesarek (she/her) to Kali Odell (she/her)(Direct Message):

Just to you. Oregon has 9 home rule counties. Clackamas County is not among them. King County has a very unusual governance model.

18:44:36 From Kali Odell (she/her) to Carol Chesarek (she/her)(Direct Message):

Thanks, Carol.

18:47:09 From Annie Kallen she/her to Everyone:

That would be interesting to see.

18:50:08 From Jude (They/them) to Everyone:

Can we do a fist to five?

18:54:17 From Annie Kallen she/her to Everyone:

Somehow I missed those articles. When were they sent?

18:54:42 From Jude (They/them) to Everyone:

<https://www.opb.org/article/2020/11/12/portland-gender-language-city-charter/>

18:55:03 From Theresa Mai (she/her) to Everyone:

<https://www.multco.us/multnomah-county/news/commissioners-vote-make-county-code-gender-inclusive-pronouns-they-them-and>

18:55:05 From Jude (They/them) to Everyone:

<https://www.multco.us/multnomah-county/news/commissioners-vote-make-county-code-gender-inclusive-pronouns-they-them-and>

18:55:09 From Jude (They/them) to Everyone:

Jinx

18:55:17 From Annie Kallen she/her to Everyone:

:) Thanks!

18:58:12 From Maja Viklands Harris (she/her) to Everyone:

We recommend giving Katherine authority to draft a version of the charter that aligns with the gender-neutral language already used in county code

19:01:37 From Annie Kallen she/her to Everyone:

Option 1:

March 3

March 17 (just want to note that this is the day after a full MCCRC meeting)

March 31

April 14

April 28

May 12

May 26

or

Option 2:

March 3  
March 24  
April 14  
April 28  
May 12  
May 26

19:01:47 From Annie Kallen she/her to Everyone:

From Kali's email.

19:05:42 From Annie Kallen she/her to Everyone:

Rather than voting, can we do fist of 5? I don't feel strongly so I want to cede the decision to people who are more impacted.

19:11:18 From Annie Kallen she/her to Everyone:

Thanks everyone!