



Multnomah County Charter Review

Government Accountability Subcommittee

March 31, 5:30 – 7:00 pm

SUBCOMMITTEE MEETING 4

Purpose: To review and discuss changes to the Auditor’s powers, the Charter review process, and the Salary Commission.

Attendees

Committee Members Present

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

- Theresa Mai (she/her)

Staff:

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

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

Welcome

Maja welcomed the subcommittee and gave an overview of the evening’s agenda.

Public Comment

Kali outlined the verbal comment process. One person signed up in advance to comment, but was not initially present. Carol Chesarek was observing and had indicated she would like to make a verbal comment, time permitting.

Carol Chesarek suggested that the subcommittee might be interested in enshrining the county’s existing Chief Operating Officer role in the Charter. She did not think this would be controversial or disruptive. She said that she planned to do some research and put together a proposal for the subcommittee to consider. She planned to speak to the current and former COOs and bring that forward as long as it is not too complicated of an addition.

Sara Wolk for NE Portland came to talk about voting reform and accountability. Under the current system, a majority of voters can remove an elected official from office to hold them accountable for failing to live up to expectations. She discussed how single districts, even using new voting methods like STAR, could still help elect candidates that she preferred. Proportional representation would change that. She acknowledged benefits of proportional representation, but raised her concern that it would be much more challenging to remove an official from office in a proportional system.

Maja thanked Sara for her comment and also suggested giving the same testimony to the Equitable Representation Subcommittee.

Marc said Commissioner Jayapal had recently met with him to ask about the subcommittee's focus on a county manager position. He said she expressed interest in the structural possibilities, specifically in relationship to the power of the Chair versus other members of the Board of Commissioners. The Chair has power in drafting the initial county budget and setting Board meeting agendas. Marc said he had shared that the subcommittee had already decided not to continue investigating the county manager position and was not sure whether that expanded to other changes that could affect the power of the commissioners. He said Commissioner Jayapal was hoping to raise her concerns with the full Charter Review Committee in the future.

Maja said she did not think they had closed the door on new business. She did recognize they were limited on time and bandwidth, so suggested that any new ideas be raised sooner than later.

Theresa said she thought it made sense for Commissioner Jayapal to speak with the Government Accountability.

Kali said the subcommittee had two speakers already scheduled for its next meeting. At the request of the subcommittee co-chairs, she had reached out to all of the commissioners' offices to invite responses to the Auditor's proposals. She said Commissioner Jayapal was available to speak to the subcommittee on April 28th.

The subcommittee was in favor of inviting Commissioner Jayapal to speak on her other concerns in addition to responding to the Auditor's proposals.

Auditor's Proposed Amendments

The subcommittee reviewed the document previously submitted by the Auditor, which outlined specific language she proposed including in the Charter to implement changes to her office.

Maja summarized the first proposed change: delegate at least 1% of a five-year rolling average of the county's adopted general fund expenditure budget to fund the Auditor's Office, and permit the Auditor to establish its own Community Budget Advisory Committee.

The rationale written in the document by the Auditor was that the budget change would retain the current source for the Auditor's budget and would ensure it kept pace with overall developments in county operations and finances. The Auditor also wrote that a budget floor for the Auditor eliminated the conflict of interest that existed from the Chair of the Board having budget power over the Auditor.

Marc said he had asked the Auditor about the 1% figure and whether there were fluctuations in county funding that could impact that number from year to year. He felt she had not answered that very thoroughly. For example, how would the influx of federal funds related to COVID have impacted the Auditor's budget? He also expressed concerns about her comparison between the county, City of Portland, and Metro budgets.

Maja asked what impact his questions would have on amending the Charter.

Marc clarified that if there was a significant fluctuation, the subcommittee would want to account for that in delegating a percentage of the county's budget. He also wanted clarity on where the 1% number came from and the rationale for that number.

Annie said that she thought the Auditor said the five-year rolling average was intended to account for fluctuations. She also wondered how to account for instances of funds coming in (like federal COVID dollars) that were not meant to be use for the Auditor's Office. She said she thought 1% was a little arbitrary and that they Auditor had said the percentage other jurisdictions devoted to their auditors varied widely.

Theresa said she wanted to understand how this budget change would potentially impact other county operations and services.

Marc wondered if there was anything in the Charter or elsewhere in Multnomah County government that set a base budget for any elected official's office.

Maja said she was interested in the conflict of interest raised by the Auditor, whose office is charged with investigations while the Chair has power over the office's budget. Maja said she would like to ask the Portland Auditor about that conflict.

Annie said she also saw the Auditor's Office as unique among elected officials because of its mission and could see putting more stuff like a budget in the Charter for that office.

Maja addressed the part of the proposal that would allow the Auditor to establish a Community Budget Advisory Committee, which would be new.

Annie asked about the Non-Departmental Budget Advisory Committee [the budget advisory committee that currently looked at the Auditor's proposed budget] and asked who served on it.

Kali told the subcommittee that members of the county's community budget advisory committees (CBACs) were selected through an application process run by the Office of Community Involvement Committee, similarly to the process used to select MCCRC members. She also explained that the Non-Departmental CBAC looked at the budgets for a number of smaller offices and departments within the county as they were not large enough to need their own CBACs. She said her knowledge beyond that was limited and could get more if needed.

Theresa said she was curious how necessary it was to include language about the Auditor's access to records and officials in a timely manner. How much did that impede the office's ability to audit?

Jude echoed Theresa's earlier question about how the 1% number would affect other county operations.

Maja asked the group what they thought about moving forward given how much time it was taking to work through just this first proposal.

Annie said she thought that this first proposal was the most complicated so she was not sure if it would take as much time to go through the rest of the document. She wondered if they could plan to make some kind of progress on their own outside of the meeting.

Maja asked the subcommittee if they wanted the co-chairs to send out some reflection questions so the subcommittee members could review the document on their own and bring questions to future meetings.

The subcommittee supported this idea.

Charter Review Process Proposals

Jude proposed starting with subcommittee members sharing their own experiences with the Charter review process. The subcommittee supported this plan.

Theresa expressed concerns about how long it took the Charter Review Committee to get into its work. She said she was also frustrated about limited engagement with county stakeholders.

Maja seconded Theresa's thoughts. She supported a longer process with more down time in between meetings to dig into material.

Jude said they felt the same and that it was difficult to balance with other priorities.

Annie also agreed that more time would have been helpful.

Jude noted that the Office of Community Involvement (OCI) had proposed extending the process by six months and asked subcommittee members how they felt about that.

Jude said they thought having an additional six months would have been helpful, but they wondered if the MCCRC was meeting in person if the beginning of the process would have moved more quickly, like the 2016 Charter Review Committee. They wondered if three months would make more sense, or if there was some other way to build in allowances for a longer timeline in the event of an emergency situation.

Annie said she was interested in allowing for flexibility and thought they could write that into the Charter.

Theresa said she thought an extra three months would feel fine for this committee. She did note that Kali wrote in the chat that allowing future Charter Review Committees six more months did not mean they had to continue meeting for all of that time. Theresa supported flexibility.

Kali explained that there is a start date in the Charter for when the Charter Review Committee must begin meeting and also requirements for the last day committees can present findings and recommendations to the Board of Commissioners. However, it is up to the committee how many times it needs to meet, and it can choose to finish meeting and present to the Board long before the last day allowed in the Charter if the committee decides its work is done. Kali said that if the subcommittee recommended moving the Charter

Review Committee's first meeting date six months earlier, future committees would have the option whether to meet for the full 18 months or whether they were ready to end earlier.

Theresa said her question was whether having the August deadline to present to the Board was the best option considering other steps like preparing the ballot measure and responses.

Maja said she favored adding three months. She supported flexibility but thought that future committees would always feel pressure to use all of the time allotted to them and 18 months might feel like a burden. She added that she also felt strongly about having a requirement in the Charter for a public education process along with Charter review. She felt there needed to be more funding and support for this if the county was going to live up to its values of equity and leading with race.

Marc said that he had thought that the one year of service on the committee would be focused on the work, but that there were a number of other things happening earlier in the process that shortened that time. He thought more time needed to be added to the front end, whether that was three months or six. He acknowledged that there were a lot of new things that were tried out for this committee because of the new selection process and virtual meetings.

Marc also supported Maja's proposal about a public education process with the goal of gaining more attention. He said he thought the Portland Charter Commission was getting more attention in part because there was a perception that the county was being run better than the City of Portland. But he thought voters should be better informed about this charter review process and have opportunities to weigh in on them.

Theresa agreed with Maja about a three month extension. She also said that if the public education piece was not put in the Charter, they could put it in the MCCRC's final report for county staff to take into account for future planning.

Jude raised Annie's comment in the chat that she thought it might be harder to get public comments if people had to make them in person instead of at virtual meetings.

Jude said they agreed with adding more time at the front end of the committee's work. They talked about how long it took after submitting their application to hear about their appointment, and how they had been looking for other involvement activities during that time which could have limited their ability to serve on this committee. They also wondered if future committees could get interested appointees involved in community engagement efforts before the full committee even started meeting. They agreed with Maja that the current efforts around community engagement were frustrating.

Maja said that including a required public engagement process in the Charter was a best practice recommended by the National Civic League. She said they did not have to include a lot of specificity, but that including it would get the ball rolling in future processes.

Maja said she wanted to be clear that county staff had been great and very supportive of the committee's work and that she was advocating for more of that support for public involvement.

Jude and Annie agreed that they felt well-supported by county staff.

Annie agreed with Maja that adding more in the Charter about public engagement would help future staff with resources. She also thought there should be more structure (e.g. bylaws) for the future Charter Review Committees to start with. She also wondered if it made sense to adjust the frequency with which the Charter Review Committee convened to ensure that it does not overlap with the City of Portland or Gresham in the future. She felt it was complicated having to consider how decisions being made simultaneously by other jurisdictions should be factored into the county process.

Theresa said she was interested in addressing representation on future Charter Review Committees and thought having four members from each commissioner district made sense given the uneven spread between county districts represented on the current committee.

Annie suggested that diverse representation might be tied to recruitment. She asked about recruitment methods and whether there had been a drop-off in people accepting their appointment to the committee during the long period between application and appointment.

Kali said that she was not part of recruitment, but there was a budget for that and that OCI recruited with community groups and had presented to NextUp, which generated a number of youth applicants. She said Dani Bernstein, Director of OCI, could provide more information about recruitment. She said that everyone who was appointed accepted their position. She also said that some senate districts received a number of applicants and some received two applicants. She informed the subcommittee that one member of the MCCRC had been selected from outside the application pool because the Charter did not require an application process, so technically legislators could choose whoever they wanted to serve. She also said that this was a bit of a niche volunteer opportunity, so she thought it was unlikely to ever attract hundreds of applications.

Jude wondered if the current committee could ensure that future committees have access to the MCCRC's bylaws and choose to adopt them. Jude felt the committee had spent too much time discussing them.

Salary Commission

Kali had shared a link to the [Salary Commission's website](#) to subcommittee members ahead of the meeting. She pointed out that subcommittee members could review the commission's most recent report, which detailed the commission's approach and recommendations. She thought perhaps the subcommittee members could surface any questions or concerns based on the report and then decide whether or not further action needed to be taken.

Theresa said she had read through the report and thought it was very thorough and a sufficient process.

Marc said that this process was similar to the one used at Clackamas County when he worked there. He said it seemed like a box to be checked to him.

Wrap-Up

Kali told the subcommittee that for their next meeting she had scheduled the current City of Portland Auditor and a former Multnomah County Auditor, who was also a former City of Portland Auditor and state auditor, to speak to the subcommittee. She did this at the request of the subcommittee and pointed out these were both people who the current County Auditor had suggested the subcommittee hear from. They would respond to the Auditor's proposals, give the subcommittee more information about what is typical in an audit shop and how some of the Auditor's proposals might be beneficial. There would also be time for questions.

Kali said that at the subcommittee's request she had informed all of the county's elected officials about the Auditor's proposals and asked whether they would want to address the subcommittee. She asked based on the evening's conversation if the subcommittee wanted to hear more from those involved in the budget process, specifically Chair Kafoury and/or the county's Budget Director.

APPENDIX A: ZOOM CHAT

00:17:41 Theresa Mai (she/her): I see carol here.

00:21:43 Annie Kallen she/ her: Thanks Carol!

00:26:35 Kali Odell (she/her): 3 minute mark!

00:27:37 Kali Odell (she/her): We can also share this recording with that subcommittee, as well.

00:38:50 Annie Kallen she/ her: Looking at the boxed information first makes sense to me.

00:39:09 Theresa Mai (she/her): Me too. I'm good with any approach too.

00:39:22 Jude Perez: Same!

00:57:31 Maja Harris (she/her): I have to run to open the door for someone, Kali/Jude, please take over

01:00:42 Theresa Mai (she/her): My question on #2: I would like to hear from the auditor's office on whether the office is getting the necessary access to records and officials on a timely manner.

01:08:55 Annie Kallen she/ her: I think that makes sense.

01:10:07 Kali Odell (she/her): Just a thought: there is not a requirement that folks meet until the end of the process. So if it takes a year, people can stop meeting when the MCCRC is done with its work.

01:21:31 Annie Kallen she/ her: I think we might have even fewer people providing public comment if they had to show up in person.

01:21:44 Maja Harris (she/her): Agreed, Annie.

01:28:48 Kali Odell (she/her): It will be!

01:30:59 Maja Harris (she/her): 100% Annie.

01:31:13 Maja Harris (she/her): Makes for a crowded ballot too

01:31:19 Theresa Mai (she/her): +1

01:31:28 Annie Kallen she/ her: Yes, it will be a big ballot this year!

01:33:15 Maja Harris (she/her): I have to sign off at 6:50, thanks everyone! Jude and I will be in touch with some homework and questions.

01:33:39 Jude Perez: Thanks for the heads up Maja! Thanks for being here and being a great co-chair

01:33:46 Theresa Mai (she/her): Question I have for OCI. How many applications were in District 1, 2, 3, and 4 respectively?

01:33:54 Maja Harris (she/her): Right back at you, Jude!

01:33:59 Theresa Mai (she/her): Thank you Maja!!!

01:36:00 Annie Kallen she/ her: Kali, you are breaking up