



# Multnomah County Charter Review

## Government Accountability Subcommittee

May 26, 5:30 – 7:30 pm

### SUBCOMMITTEE MEETING 8

Purpose: Discuss and vote on recommendations to advance to the MCCRC.

#### Attendees

##### Committee Members Present:

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

##### Committee Members Absent:

- Annie Kallen (she/her)

##### Staff:

- Kali Odell (she/her), Charter Review Committee Program Coordinator
- Dani Bernstein (they/them), Office of Community Involvement Director
- Katherine Thomas (she/her), Assistant County Attorney

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

#### Welcome

Kali went over Zoom logistics. Maja welcomed those in attendance and overviewed the agenda.

#### Public Comment

Kali overviewed the verbal public comment process.

Carol Chesarek referred briefly to the comment she had submitted in writing and shared her dissatisfaction that the subcommittee had addressed matters that she viewed as outside of its agenda at its last meeting.

Carol wanted to clarify that when she served on the 2016 Charter Review Committee, they were told the Chief Operating Officer (COO) did not have to be confirmed by the Board; she had since learned that the COO also held the title Department Director for the Department of County Management, a role that does need to be confirmed by the Board. Some of the feedback Carol used in her proposal for adding the COO to the Charter

was from Joanne Fuller, who had served as COO. Her proposal focused on a broad structure for the position, which would leave more details about the role up to county ordinance, which she said was a common approach.

## **Discussion and Voting on Recommendations to the MCCRC**

Maja said that to save time, the co-chairs had packaged proposals together. If there were issues with specific pieces of a package, the subcommittee would be able to discuss them. She also told the subcommittee that since they had one more meeting scheduled, they could spend more time gathering information if needed.

Maja recapped for the subcommittee what it had already voted to recommend to the full committee:

- Extending the Charter review process by six months and removing specific dates from the Charter
- Removing state representatives from the Charter Review Committee appointment process and putting that in the hand of OCI, requiring committee members to represent county districts
- Making language in the Charter gender neutral

Maja also shared a list of items the subcommittee would be discussing and voting on:

- Eligibility of Charter Review Committee member to remain on the committee if they move between county districts
- Process for filling Charter Review Committee vacancies
- Broadening the language about Charter Review Committee leadership
- Including language about community engagement in the Charter Review process
- Adding the Good Government Hotline into the Charter
- Establishing an ombudsman in the Auditor's Office
- Adding language to clarify the Auditor's access to timely information during audits
- Providing a budget floor for the Auditor's Office
- Establishing a budget advisory committee for the Auditor's Office
- Adding the office of chief operating officer into the Charter

## **Charter Review Process**

The first package Maja shared with the subcommittee included clarifying that Charter Review Committee members would remain eligible to serve if they moved between county districts after appointment; establishing a process for filling vacancies on the committee; broadening language about the Charter Review Committee's leadership; and Maja's proposed addition of including language about community engagement in the Charter review process.

Kali explained that the Office of Community Involvement (OCI) had proposed explicitly addressing what happens if a Charter Review Committee member moves between districts during their service. She said that OCI suggested requiring that members reside in their district at the time of appointment, but remain eligible to

serve if they move to a new district within the county during their service. Second, OCI recommended establishing in the Charter that it had the ability to fill vacancies on the committee if they arose. She said the subcommittee could decide if it wanted more detail than that. Third, OCI recommended broadening the language about committee leadership. Kali said that the Charter currently referred to a chair of the committee, but that OCI thought that saying the committee would choose its own “leadership” would support future committees in deciding what kind of leadership model worked best for them.

Marc asked whether a Charter Review Committee member who moved out of the county after being appointed would still be eligible to serve.

Kali said OCI did not have a recommendation on that and it was up to the subcommittee to decide.

Maja proposed to the subcommittee additions to the Charter that would include stronger language about OCI’s duty to engage residents of Multnomah County to inform them about the Charter Review Committee and ability to serve on it. Her proposal would also require that funds allocated to the Charter Review Committee process by the Board of Commissioners pay for a public education, outreach, and engagement process to give the community the opportunity to meaningfully participate in the Charter review process. She specified that process would be required to be consistent with Multnomah County’s equity and inclusion values.

Theresa said her main concern was with filling vacancies. She said that if a new member were to join the committee late in the process, it would be hard to catch up on everything. She said maybe they should have a deadline after which vacancies could not be filled.

Maja said that she felt leaving it up to OCI would allow staff to determine whether it was appropriate to fill a vacancy or if it was too late in the process.

Jude agreed with Theresa that having someone join late in the process would be difficult. They said they were comfortable with language Kali suggested in the chat that OCI “may” fill vacancies, which would leave staff and committee leadership to use their judgment about whether it was too late to fill a vacancy.

Maja said she did not think it was critical to include the leadership structure piece in the Charter since the current MCCRC had already chosen a different leadership structure. She said she could take it or leave it. She felt comfortable voting on the package.

Maja initiated a fist of five to determine how ready the subcommittee was to move the package to a vote.

Five fingers meant enthusiastic support; three fingers meant neutral support or outstanding questions; one finger meant no support.

Maja, Jude, and Theresa held up five fingers. Marc held up four.

Marc commented on his four that he agreed with concerns about filling vacancies too late in the process and was actually comfortable not filling vacancies, but also thought that should be up to the next committee to decide.

The subcommittee briefly discussed how late in the process was too late to join.

Maja said that she wondered what would happen if there were a lot of vacancies for some reason, and filling them might help business move forward more smoothly even if new members were not able to get entirely up to speed on everything.

Theresa noted that the last Charter Review Committee's process was pretty different from the current one. She thought accounting for differences in process, as well as how much time a new member might be willing and able to devote to the process, left her inclined to leave guidelines for filling vacancies broad.

Maja initiated a subcommittee vote on the package she had outlined to the subcommittee, without any additional changes.

All four committee members voted in favor of sending the recommendation to the full committee.

Katherine asked for clarity about the packages and whether the subcommittee was packaging them for time efficiencies, or if the subcommittee intended these things to be packaged in the same way for full committee discussion and/or on the ballot.

Maja clarified that the packages were for time efficiency and should not lead to inferences about how the full committee should discuss them or how they would want them to appear on the ballot.

## **Good Government Hotline and Ombuds Office**

Maja asked the committee to discuss the additions of the Good Government Hotline and an ombuds office under the Auditor to the Charter.

Maja initiated a fist of five to gauge support for adding the Good Government Hotline to the Charter.

Marc and Theresa held up five fingers; Jude held up four fingers; Maja held up three fingers.

Maja said she was not against the Good Government Hotline. She initially supported it enthusiastically because she'd understood this was critical for the hotline's legal infrastructure. She said with additional information about the ability to put the hotline in to County Code she did not feel this was essential to enshrine in the Charter.

Theresa said she supported enshrining the hotline because the state bill governing the establishment of the hotline had been passed more than a decade ago with no action to establish the Charter in Code and she was in favor of just getting it done.

Marc said that this existed in other auditor offices and saw no reason not to include it in this one.

Maja initiated a fist of five to gauge support for the establishment of an ombuds office.

Maja, Theresa, and Marc held up five fingers; Jude held up four fingers.

Jude said they remembered hearing some potential concern about budgeting for the ombuds office. They said it did not carry a lot of weight with them, but was why they were a four instead of a five.

Maja asked Katherine if there were additional details the subcommittee needed to include from a legal standpoint.

Katherine said that was up to the subcommittee. She added that if the subcommittee wanted any additional details to be included in the Charter, members needed to determine what those were.

Kali said that the subcommittee could look at language proposed by the Auditor to see if there were any additional details the subcommittee thought should be included in its recommendation and the Charter.

Maja consulted Katherine about what level of specificity needed to be in the Charter since language proposed by the Auditor was very specific. She asked if additional specificity was needed, whether the County Attorney's Office would consult with the Auditor during drafting to add details.

Katherine said the level of specificity provided by the Auditor was not necessary to include in the Charter unless the subcommittee wanted to. She also clarified that she would not be including anything in draft Charter language that was not specifically included by the Charter Review Committee.

Marc asked if the full committee would be able to add details during its discussion.

Katherine said the full committee could make changes and add details, but that the subcommittee should keep in mind the limited timeline. She asked if the subcommittee members agreed with the general purpose included in the Auditor's proposal that the ombuds office to provide an impartial office readily available to the public that is authorized to investigate administrative acts of the county departments and operations.

Maja initiated a fist of five to gauge whether the subcommittee wanted to make a recommendation that included the details provided by the Auditor for the Good Government Hotline and ombuds office (versus keeping the recommendation more general).

Marc and Theresa held up four fingers; Maja and Jude held up three fingers.

Maja initiated a fist of five to gauge support for keeping the recommendation broad.

All of the subcommittee members held up four fingers.

Marc commented that ombuds offices and hotlines that exist in other jurisdictions had common guidelines for their work and so he did not see the need to be very specific in the Charter. Maja agreed.

The subcommittee unanimously voted to recommend adding the existing Good Government Hotline and establishing an ombuds office under the Auditor in the Charter.

### **Auditor's Access to Information, Budget Floor, and Budget Advisory Committee**

Maja presented the next package, which included adding language to clarify the Auditor's access to timely information during audits; providing a budget floor for the Auditor's Office; and establishing a budget advisory committee for the Auditor's Office.

Maja asked if the subcommittee could get the number for how much the Auditor's proposed budget for the upcoming year was. She said she had seen what seemed like conflicting numbers in different materials.

Maja also overviewed that the Auditor had originally proposed a budget floor of 1% of a rolling five-year average of the county's general fund. Later, the Auditor had given the subcommittee information about a budget floor at a lower level of 0.75% or 0.5%.

Maja led the group into discussion about the Auditor's access to timely information. She pointed out that the Auditor's proposal included a right to audit clause for county contracts, and that the Auditor would maintain confidentiality.

Maja initiated a fist of five to gauge subcommittee support for adding language about the Auditor's access to information to the Charter.

Theresa and Jude held up four fingers; Maja and Marc held up three fingers.

Marc said he felt that as they had continued to hear from the Auditor, this recommendation had seemed less important to her.

Maja said she supported the principle of the Auditor's access to timely information, but felt this was already an implied power of the Auditor. She said in the absences of concrete examples, she did not see a pressing need to add this to the Charter. She was interested in the right to audit clause and thought that was maybe more important to include.

Jude said that they felt like since access to timely information was already an implied power for the Auditor, there was no harm in including in the Charter. They noted the subcommittee had received a number of public comments in support of this. Jude said that if the county is providing that timely access already, as other county officials had said that they do, why there should not be support for this.

Maja agreed.

Theresa thought they might as well make the Auditor's power transparent since not everyone would make the same assumptions about implied powers.

Maja asked if they should separate this out and vote on it. The subcommittee agreed.

Katherine asked if the subcommittee was voting to support the policy objectives proposed by the Auditor in relation to her office's timely access to information.

Kali clarified with the subcommittee that this included the required addition of rights to audit clauses in county contracts. The subcommittee agreed before proceeding to vote.

The subcommittee unanimously voted in favor of the recommendation.

Maja directed conversation toward the Auditor's proposal for a budget floor and budget advisory committee. She asked Kali to show on the screen figures submitted by the Auditor in written testimony, which showed projections for what staff positions the Auditor could fund with a budget floor set at 1%, 0.75%, and 0.5% of a five-year rolling average of the general fund expenditures budget.

Maja also reminded the subcommittee that one of the primary principles behind the budget floor was to increase the Auditor's independence from the Chair.

Maja also told the subcommittee she had asked the Auditor if she still saw value in having a budget advisory committee if the subcommittee did not recommend establishing a budget floor in the Charter. She said the Auditor answered that she saw some value, but that it was primarily valuable in conjunction with the budget floor.

Maja initiated a fist of five to gauge subcommittee's general support for a budget floor for the Auditor's Office. Maja, Jude, and Theresa held up three fingers; Marc held up one finger.

Marc said he had experience with county budgeting and he was unaware of anyone who had access to a budget floor taken out of the general fund. He said that other than the Auditor, he had not heard any support from elsewhere in Multnomah County. He thought it was an odd departure from budgetary development. He noted that the Board of Commissioners served as the county's budget committee and did not know why one elected official should have this when the others did not.

Theresa said that she supported the principle of the Auditor's independence and she saw issue that the budget ended up going through the Chair, but was not sure she felt comfortable with a budget floor when there would be times when the county went through downturns with everyone desperate for money, and that was when flexibility was needed.

Jude said they had similar thoughts as Theresa. They also said they did not feel like they understood county budgeting very well, which was another block for their support.

Maja said her opinions were similar, although she was persuadable either way. She said that generally she did not think it was a good idea to put a budget floor in the Charter and it was unusual to have that level of specificity. She thought if there was an office where that was acceptable, it would be the Auditor's Office because it did make sense to avoid having that office's budget be set by the executive that it would be auditing. She said she had been impressed by the level of support from other auditors in the field. She said she could support pushing this to the full committee for discussion, but that she would be in support of a lower range for the budget floor.

Theresa said she was happy to push this forward to the full committee, as well, because she did have concerns about the conflict of interest with the Chair.

Jude said they would be okay pushing this to the full committee, but said they were not sure they could do that with the 1% number and asked if they could keep the recommendation squishy or broad on the number.

Maja said she thought they needed to include a number.

Marc said that one issue he saw was that this could lead to a cascade of other departments asking for a budget floor, causing problems.

Maja said she agreed with Marc and that had been in her thoughts. She did not think it was a good idea for offices other than the Auditor's.

Marc said his feelings about this concept were very strong.

Theresa said she worked with budgets, as well, and this is a weird case with the executive who was audited also involved in setting the budget. She pointed out that the 0.5% proposal was close to the Auditor's budget proposal for the upcoming fiscal year.

Katherine noted for the subcommittee that they had also heard from the county budget people that there might be another mechanism for setting the floor instead of a percentage of the general fund expenditures budget.

Kali said she would look for that information, but was not sure where or how it had been shared.

Marc said that from his recollection, neither of the auditors who had spoken to the subcommittee had been strong proponents for this budget floor, although he could be wrong about that.

Maja said that she thought they had both been in favor. She said she would have preferred a different mechanism for this. She noted that the Association for Local Government Auditors (ALGA) had raised that possibility of an independent budget review committee, but that was not the proposal in front of the subcommittee. Maja said that if this did not move forward, she would be supportive of including a recommendation in the MCCRC's final report that a future Charter Review Committee look at this issue of the Auditor's independence and explore other mechanisms that could achieve that.

Maja said that the subcommittee should include a number in its recommendation and proposed doing a temperature check on the different percentages suggested by the Auditor. She had not heard support for the 1% number, so she thought they would end up with a lower percentage.

Maja initiated a temperature check on setting the budget floor for the Auditor at 0.5% of the general fund expenditures budget on a five-year rolling average.

Maja, Theresa, and Jude held up three fingers; Marc held up one.

Maja said she did not think that this was strong enough support to make a recommendation to the full committee and suggested the subcommittee not vote on this. She asked if other subcommittee members agreed or wanted to move forward with a vote. Maja said she did not feel strongly about this proposal, but she did not want to vote it down, which was why she suggested not voting on it.

None of the subcommittee members indicated desire to hold a vote. The subcommittee ended consideration of the proposal.

Katherine asked the subcommittee if members still wanted to consider the addition of a community budget advisory committee (CBAC) for the Auditor's Office to the Charter.

Maja initiated a temperature check to gauge subcommittee support for moving forward with a recommendation about a CBAC now that members had decided not to recommend a budget floor for the Auditor.

Jude held up three fingers; Maja and Marc held up two fingers; Theresa held up one finger.

Jude said they do not have an opinion, which was why they went with the middle number.

Maja identified that since there was not much support for the proposal, the subcommittee would not move forward with it.

## **Enshrining the Chief Operating Officer (COO) Position**

Maja initiated a fist of five to gauge support for adding the already existing office of the COO into the Charter.

Maja held up five fingers; Jude held up four fingers; Marc held up three fingers; and Theresa held up two fingers.

With the varying levels of support expressed, Maja asked subcommittee members if they preferred to stay to discuss this issue even though they had reached the end of their scheduled meeting time, or if they preferred to defer this final topic to the meeting time they had reserved for next week.

Jude said that they would want to give this more thought and energy than they currently had, so they would not insist on deferring the COO discussion until the following week, but that would be their preference.

Marc said that he felt there was a lot to discuss on this topic and favored taking it up at the next meeting.

Maja and Theresa favored staying to work. Maja said since there was not strong consensus in favor of staying that evening, the meeting would adjourn.

## APPENDIX A: ZOOM CHAT

- 00:40:59 Kali Odell (she/her): Eligibility of Charter Review Committee members to remain on charter review committee if they move between county districts.  
Process for filling Charter Review Committee vacancies.  
Broadening language about Charter Review Committee leadership.  
Including language about community engagement in the Charter Review process.
- 00:42:14 Marc Gonzales (he,him): Are you referring to re-filling vacant spots?
- 00:42:46 Kali Odell (she/her): You can set s specific time frame or you can leave language that OCI "may" fill vacancies and the committee leadership can use its judgment when it's too late to fill.
- 00:43:01 Theresa Mai (she/her): @Marc, yes.
- 00:58:29 Theresa Mai (she/her):Just checked. It is \*Good Government Hotline
- 01:29:18 Dani Bernstein (they/them): For clarity - the language in the Auditor's proposal is that the Auditor "may establish a Community Budget Advisory Committee" - not that the committee is established
- 01:31:51 Dani Bernstein (they/them): The chair's proposed budget for the Auditor's Office in FY23 is \$1,958,440, if my math is right
- 01:32:40 Marc Gonzales (he,him): it couldn't hurt...
- 01:32:55 Theresa Mai (she/her):We all are so Pacific Northwest right now.
- 01:33:11 Dani Bernstein (they/them): \$100,000 is one time only money for a software purchase, and \$661,000 is new funding to hire 4 additional auditors
- 01:35:34 Katherine Thomas (she/her): Amendments are here: [https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/Charter%20Amendments%20Proposed%20by%20Multnomah%20County%20Auditor\\_2.pdf](https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/Charter%20Amendments%20Proposed%20by%20Multnomah%20County%20Auditor_2.pdf)
- 01:36:46 Dani Bernstein (they/them): Nope, my math was not right. Total budget for Auditor's Office in FY23 proposed by the Chair is \$2,732,440
- 01:46:37 Katherine Thomas (she/her): There is a screenshot in case that is helpful for anyone
- 02:13:03 Theresa Mai (she/her):We could put it on the record with our votes.
- 02:17:43 Kali Odell (she/her): Maybe do fist of fives on both proposals - CBAC and COO and if there's strong support for either you can make a decision about meeting next week