



# Multnomah County Charter Review

## Government Accountability Subcommittee

June 1, 5:30 – 7:00 pm

### SUBCOMMITTEE MEETING 9

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)
- 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. Three members of the public observed over the course of the meeting.

#### Welcome

Kali went over Zoom logistics.

#### Public Comment

No one had signed up in advance for verbal public comment. Kali asked if anyone in attendance wanted to make a public comment and there was one volunteer.

Kali overviewed the verbal public comment process.

Carol Chesarek said she had asked Joanne Fuller, a former Multnomah County Chief Operating Officer (COO) to testify to the subcommittee that night, but she had an urgent family matter come up. Carol read from Joanne's emailing saying that she hoped the subcommittee could find its way to enshrining the COO in the Charter. Carol said Joanne added that she thought moving to a county manager model would be a really big lift for the county at this time.

Carol said she knew that the way the COO was set up was unusual, but she thought it worked for the county. She thought the subcommittee had wisely decided it did not have the time to research the adoption of a county manager system, so the COO would remain for the foreseeable future, whether or not it was in Charter. Carol said that she was not wedded to any of the specific language she had included in her proposal to the subcommittee that it add the COO to the Charter. She said other jurisdictions leave it up to ordinance to more deeply define the role of COO.

Marc asked Carol why she thought it would not be ideal to have the COO report to the Board of Commissioners instead of only the Chair.

Carol said that when she served on the 2016 Charter Review Committee, they did have a county manager proposal. But the further they got into it, the more issues they ran into, and they did not end up sending it to the voters. It was opposed by two of the then-commissioners and Chair. It was not supported by the other elected county officials. From what she remembered, it helped give more flexibility for action. She also said she knew from her own experiences that it was much easier to have single boss than five bosses. She thought it was easier to get the support of one person rather than continually negotiating with the Board to get three votes aligned; the last Charter Review Committee was concerned about the COO getting into situations of trading favors for votes. Carol said they had heard from other jurisdictions with county manager models, and that it depended on how other aspects of the government were set up, but they did hear from a Washington County commissioner at the time that he was not allowed to speak to department heads without permission from the county manager. Carol said she saw this model as creating more barriers. Currently if she asked to meet with a Multnomah County Commissioner, she said they often brought county staff to the meeting. Commissioners could speak to county staff and suggest changes. She said she could see how it would seem like the Chair and the COO model would limit access, but in her experience it was the opposite.

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

Maja said she could find a job description for the COO but had not found it in County Code. She said she wanted to see more detailed language to make sure the subcommittee was not making a rushed decision that would unintentionally change the current system. She also wanted to be clear that typically a COO role was focused on carrying out operations versus a more managerial role that included hiring and firing, like a chief administrator would have. She noted that some of the subcommittee members would have preferred exploring the addition of a more managerial role, but the subcommittee had not had time for that. She noted that language proposed by Carol Chesarek included language about an administrator, so she wanted to clarify that she thought the subcommittee should keep these roles separate.

Annie agreed that she would like to go over the COO's role. She said she could favor moving what was in the Code into the Charter, but thought if they were creating completely new language that could be complicated.

Katherine told the group that she was not aware of language in the Code about the COO, although she had not searched the Code exhaustively for it. She said she thought the job description Maja referred to was probably the most detailed documentation of the existing role. She also clarified that the subcommittee would need to be

clear on its policy goals when making a recommendation in order for the County Attorney's Office to draft language amending the Charter.

Maja volunteered to paste the job description in the chat (Appendix A). She suggested the subcommittee could keep its recommendation very general and say that it just wanted the COO to be added in the Charter. She said she would be okay with that. She would be more concerned about adopting language provided by Carol Chesarek because she did not know much about how the current system worked; for example she did not know if requiring Board approval of the COO deviated from current practice. If that was a change from current practice, it could be a positive one, but it was not a change she felt comfortable making without more information.

Marc said he appreciated Maja's points and felt more discussion was needed.

Theresa said she felt they had spent more time workshopping other subcommittee proposals. She said she would also want a better understanding of this role before making a detailed recommendation.

Jude agreed that they did not have enough answers to a lot of questions. It was a topic they had not heard as much about.

Maja said that even if a proposal did not make it out of the subcommittee, like the budget floor for the Auditor, the subcommittee could still include a recommendation in the MCCRC's final report for future Charter Review Committees to explore the idea further. She said she did not see an immediate threat to the COO position, so it did not feel urgent to address immediately. She acknowledged that she had thought this would be an easier decision to make, but that since her attention had been focused on other proposals, she was just realizing how many questions she had and unfortunately the subcommittee did not have more time or meetings to devote to the topic.

Jude noted that it seemed like the subcommittee did not seem prepare to move forward with a recommendation. Other subcommittee members indicated agreement.

Jude asked if that meant the subcommittee's work was done.

Kali clarified that they could end whenever they were ready, but suggested that if there were recommendations that the subcommittee would like included in the MCCRC's final report about what future Charter Review Committees might explore, it would be most helpful for the group to make a clear agreement about what those recommendations were.

## **Ombuds Office Language**

Maja raised that when she was filling out the subcommittee recommendation form for establishing an ombuds office, it seemed to her that more detail about the office would be useful. She adapted some of the language about that office proposed by the Auditor and wanted to know if the subcommittee supported including it in its recommendation to the MCCRC.

Kali read the language Maja had proposed including on the subcommittee recommendation form: “We propose establishing an ombuds office under the Auditor’s Office. The purpose of the office would be to provide an impartial office that is authorized to investigate administrative acts of county departments and offices, with the goal of safeguarding the rights of persons and promoting high standards of fairness, competency, efficiency and justice in the provision of county services.”

Maja clarified that as a Swede, she could say that ombudsman did mean “man” even if it was used to refer to people of all genders. She said she thought they should use the term “ombudsperson”, instead.

Marc said he was fine with ombudsperson, which he had heard in use before.

Jude said they also supported “ombudsperson”, and brought conversation back to the broader language Maja proposed.

Theresa said she liked the language, and would only suggest adding that it would be done in a confidential manner as allowed. She was concerned about the potential for retaliation.

Marc suggested adding confidentiality as a principle in the list of qualities Maja had shared.

Maja asked Katherine if that would be legally sufficient for protecting confidentiality or if it should be a separate section.

Katherine said it would probably be insufficient for meeting the subcommittee’s intent to add confidentiality to that list since the list was describing the goals of the investigation rather than how investigations would be conducted. She suggested a separate statement of intent from the subcommittee and recommended they elaborate on what would be confidential from whom, and also specifying that confidentiality would be protected as allowed by law; public records or other laws might prevent the county from withholding certain information.

Marc said he felt the confidentiality should be established based on who needs to know and wondered if there was a way to establish that as a standard.

Maja pointed out that the Auditor’s original proposal included language that the ombuds office should be guided by generally accepted standards for ombudsmen offices serving the public. She asked Katherine if that would be sufficient, assuming that best practices for ombudsmen included an aspect of confidentiality.

Katherine said she was not familiar with the standards, so could not say if that would include confidentiality. Figuring that out would require more research by the subcommittee.

Maja noted there could not be complete confidentiality in the process because part of the intent was for the ombudsperson to make reports so that county departments could improve practices. Her understanding was that they were talking about protecting people’s private information. She also noted that the Auditor had included in her original proposal that the ombudsperson “shall not investigate the acts of an elected official or the official’s personal staff, matters currently in litigation, matters subject to collective bargaining, agreement to grievance procedures, or discrimination complaint.” She asked Katherine if that would be helpful in establishing what was not within the ombudsperson’s purview.

Katherine said that was up to the subcommittee to decide if members wanted to scope the office's work. She was not sure it would address the confidentiality issues raised by members.

Kali posted a [PDF link](#) in the chat to the standards the Auditor had referenced in her original proposal, which were established by the United States Ombudsmen Association. She said that included information about what confidentiality might entail.

Jude directed subcommittee members to a paragraph in the document addressing confidentiality.

Theresa said she thought this paragraph addressed her concerns about confidentiality.

Maja said she was comfortable with that, as well, and proposed that the subcommittee include the Auditor's language that the ombuds office be guided by generally accepted standards.

Katherine said that to help with drafting, the subcommittee should clarify if they wanted to adopt language similar to the confidentiality paragraph specifically, or if they wanted to support adopting the Auditor's proposed language about generally accepted standards, which would require the ombuds office to be guided by the whole document, not just the confidentiality section.

Maja said she would be fine adopting the Auditor's suggested language that the ombuds office be guided by generally accepted standards for ombudsmen offices serving the public. She understood this to mean that if anyone at Multnomah County had any questions about how to conduct the ombuds office, they would refer to the standards document put out by the United States Ombudsmen Association.

Marc, Annie, and Theresa expressed support for Maja's suggestion.

Katherine recommended the subcommittee vote on amending its original recommendation to include this additional language.

Jude asked the subcommittee members if everyone was ready to vote on this. Marc, Maja, Theresa, and Annie all indicated yes with a thumbs up.

Kali ready the statement the subcommittee would be voting on: "We propose establishing an ombuds office under the Auditor's Office. The purpose of the office would be to provide an impartial office that is authorized to investigate administrative acts of county departments and offices, with the goal of safeguarding the rights of persons and promoting high standards of fairness, competency, efficiency and justice in the provision of county services. The ombudsperson's office shall be guided by generally accepted standards for government ombuds offices serving the public."

All five subcommittee members voted in support of the updated recommendation.

## **Recommendations for the MCCRC Final Report & Charter Review Committee Members' Political Party Registration**

Maja said that there were three general areas she wished the subcommittee had had more time to get into. First was a county manager and the role of the Chair. She also thought it would be good for a future Charter

Review Committee to explore the relationship between the Chair and the Auditor to see if there were other mechanisms to consider, such as proposing the Auditor's budget to the full Board or an independent commission. She felt there were possibilities they did not have time to discuss since they had focused on the Auditor's proposed solutions. Lastly, considering whether to add the COO to the Charter, although she noted that if the county manager discussion found legs, it would impact the role of the COO, so it would be good for those to be looked at in tandem.

Marc said he was in favor of the county manager discussion. He said he was not as concerned about the relationship between the Auditor and Chair. He did think the role and responsibilities of the COO would also be a good area of discussion for the next committee.

Theresa noted that the current Charter required that Charter Review Committee members serving from the same district be registered with different political parties, and she thought that might be addressed in the future.

Annie agreed with the recommendations summarized by Maja.

Maja returned to the requirement that Charter Review Committee members representing the same district be registered with different political parties. She said that the subcommittee would be removing this requirement with its recommendation to change how Charter Review Committee members were selected from state senate districts to county commissioner districts. She said that none of the subcommittee members had mentioned keeping that element within their recommendation.

Marc said he supported the removal of that requirement, particularly as he had seen more people moving away from political parties in favor of being unaffiliated. He thought this was a timely change.

Maja suggested the subcommittee vote on what recommendations to include in the final MCCRC for future Charter Review Committees to address.

Marc clarified that he would support recommending a future Charter Review Committee look at the relationship between the Chair and the Auditor, it just was not a big motivator for him, personally.

Annie said she was intrigued by this issue about political party and asked Kali if that had been a challenge for selecting committee members.

Dani said it came into play a little bit and noted the increase in the number of unaffiliated voters. Dani pointed out that since the committee was recommending a change from a maximum of two committee members from a state senate district to four members from each county district, it, by nature of the change, eliminated the party affiliation element.

Annie said she appreciated the idea of diversity of thought.

Katherine said she was hearing that maybe the subcommittee was not on the same page about eliminating this requirement, which, for example, could be revised to require that no more than two of the four members representing a county district be registered with the same political part. She suggested clarifying the subcommittee's intention and voting.

Kali summarized the concept the subcommittee would be voting on: to eliminate the section of the Charter that made reference to appointing committee members from the same senate district from different political affiliations. That would effectively eliminate any requirement to consider political party registration as part of committee member selection.

Marc, Maja, Jude, and Theresa voted in favor of eliminating this requirement. Annie voted no and said that she was in favor of Katherine's suggestion that no more than two members representing a county districts be registered with the same political party. She thought this would not be a cumbersome requirement.

Maja asked if there needed to be a formal vote on recommendations about what the subcommittee thought future Charter Review Committees should consider exploring.

Kali and Katherine said a formal vote was not necessary, but a vote or a fist of five could be valuable in indicating where subcommittee members stood in order to help with drafting the MCCRC's final report. Kali said that confirming subcommittee members' agreement now would hopefully reduce the need for making major changes to the final report later. Kali also clarified that more recommendations for future Charter Review Committees could still be added into the final report if subcommittee members had additional ideas later.

Maja said she did not have specific proposals she thought a future Charter Review Committee should explore, so unless other members did, she was in favor of keeping these recommendations for potential future action very general.

Annie asked if the Auditor's budget floor was included in the suggestion that a future Charter Review Committee look at the relationship between the Auditor and the Chair.

Maja said that could be something a future committee explored and thought it would be helpful to provide future committees with some context around their decision about the Auditor's budget proposal.

Kali and Jude initiated a fist of five to assess subcommittee members' support for including in the MCCRC's final report a recommendation that a future Charter Review Committee look at the addition of a county manager, the role of the Chair, the relationship between the Auditor and the Chair with a specific eye toward the issue of budgetary independence, and codifying the COO in the Charter. Five fingers meant strong support, three fingers meant neutral or still had questions, and one finger meant no support.

All subcommittee members held up five fingers.

Jude asked if there were any other issues to discuss before the subcommittee adjourned.

Subcommittee members shared their appreciation for one another, for the public, and for people who participated in their process.



## APPENDIX A: ZOOM CHAT

- 00:15:54 Jude Perez: Hi everyone! Eating dinner but I'm here
- 00:22:16 Annie Kallen she/ her: Thanks Carol.
- 00:22:30 Jude Perez: Thanks Carol!
- 00:35:26 Maja Harris (she/her): <https://www.multco.us/compensation/job-profile/department-director-principal-coo>
- 00:43:41 Kali Odell (she/her): We recommend establishing an ombudsman office under the Auditor's office. The purpose of the office would be to provide an impartial office that is authorized to investigate administrative acts of County departments and offices with the goal of safeguarding the rights of persons and promoting high standards of fairness, competency, efficiency and justice in the provision of County services.
- 00:44:15 Theresa Mai (she/her): swedish
- 00:45:03 Katherine Thomas (she/her): Ombudsperson is also a word
- 00:46:28 Annie Kallen she/ her: I like it
- 00:51:33 Kali Odell (she/her): <https://www.usombudsman.org/site-usoa/wp-content/uploads/USOA-STANDARDS1.pdf>
- 00:54:15 Jude Perez: C. Confidentiality  
The Ombudsman should have the privilege and discretion to keep confidential or release any information related to a complaint or investigation. This standard balances the need to protect sensitive information so that a complainant can come forward, and witnesses and subjects can speak openly, with the need to disclose information as a part of an investigation or public report.
- 00:54:43 Maja Harris (she/her): The Ombudsman should have the privilege and discretion to keep confidential or release any information related to a complaint or investigation. This standard balances the need to protect sensitive information so that a complainant can come forward, and witnesses and subjects can speak openly, with the need to disclose information as a part of an investigation or public report.
- 00:56:35 Annie Kallen she/ her: I think this makes sense.
- 01:00:08 Maja Harris (she/her): The ombuds office shall be guided by generally accepted standards for government ombudsperson offices serving the public.
- 01:00:46 Kali Odell (she/her): We recommend establishing an ombudsperson office under the Auditor's office. The purpose of the office would be to provide an impartial office that is authorized to investigate administrative acts of County departments and offices with the goal of safeguarding



the rights of persons and promoting high standards of fairness, competency, efficiency, and justice in the provision of County services. The ombuds office shall be guided by generally accepted standards for government ombudsperson offices serving the public.

- 01:02:20 Maja Harris (she/her): Thanks everyone for working through that!
- 01:12:52 Theresa Mai (she/her): No, it's good on the clarification. I guess my brain is waiting for dinner, Maja!
- 01:16:22 Maja Harris (she/her): Should we take a vote to strike it?
- 01:17:00 Katherine Thomas (she/her): "If two electors are appointed from a senate district, they shall not be registered in the same political party."
- 01:19:07 Maja Harris (she/her): Does this look right? Addition of a county manager, role of chair, structural relationship between auditor and chair, codifying COO in Charter
- 01:19:32 Annie Kallen she/ her: Looks right to me
- 01:25:21 Maja Harris (she/her): Should we open up the floor to anyone who wants to make a specific recommendation? And if someone has a recommendation we can vote on it now. Otherwise keep it general unless someone brings it up in the full committee.
- 01:27:47 Annie Kallen she/ her: "budget independence"
- 01:28:13 Marc Gonzales (he/him): I'm comfortable with the recommendations as they stand.
- 01:29:32 Maja Harris (she/her): This is plenty for a future committee to look at! :-D
- 01:34:34 Maja Harris (she/her): We'll collaborate!
- 01:35:41 Annie Kallen she/ her: Thanks Maja!
- 01:36:24 Annie Kallen she/ her: Agreed!
- 01:37:23 Maja Harris (she/her): Yes! Thanks for the engagement!
- 01:37:57 Maja Harris (she/her): You're a rockstar, Jude! :-)