



MULTNOMAH COUNTY
CHARTER REVIEW COMMITTEE
FINAL REPORT

Presented on August 2, 2022

Summary

Report on the work of the 2021-2022 Multnomah County Charter Review Committee, including amendments to the Home Rule Charter referred to Multnomah County voters.

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BACKGROUND

CHARTER REVIEW COMMITTEE CHARGE

The Multnomah County Home Rule Charter provides that every six years, a Charter Review Committee will be convened for the purpose of making a comprehensive study of the Charter and, if it chooses, to submit Charter amendments to the voters of Multnomah County.

The Charter Review Committee is charged with a study of the Charter by all appropriate means including open hearings and meetings, the taking of testimony and interviews. At the conclusion of its work the Charter Review Committee presents a report to the people and the board of county commissioners that includes its findings, conclusions, and recommendations including any amendments the Charter Review Committee proposes to the Charter.

COMMITTEE MEMBERSHIP AND LEADERSHIP

The 2021-22 Charter Review Committee (MCCRC) started with 16 members: J'reyesha Brannon, Ana del Rocio, Timur Ender, Samantha Gladu, Marc Gonzales, Ana González Muñoz, Maja Harris, Annie Kallen, Nina Khanjan, Danica Leung, [Theresa Mai](#), Georgina Miltenberger, Jude Perez, Donovan Scribes, Salma Sheikh, and Meikelo Cabbage. Meikelo Cabbage resigned from the committee in May 2022, reducing the size of the committee to 15 members.

At its meeting on December 15, 2021, the committee voted to be led by three chairs (known as tri-chairs). All 10 members present voted in favor of Ana del Rocio, Marc Gonzales, and Theresa Mai serving as tri-chairs.

OVERVIEW OF MCCRC'S WORK PROCESS AND TIMELINE

The MCCRC had its first meeting on September 28, 2021 and finished meeting on July 20, 2022.

The committee met seven times between September and January. During that time, committee members received education and training about the county, the Charter, members' responsibilities as public officials, and the application of the county's equity lens to the committee's work. The committee established its bylaws, its group agreements, and elected its leadership. It also formed four subcommittees and defined their purposes and memberships. MCCRC members self-selected which and how many subcommittees they served on.

The MCCRC's four subcommittees were:

- **Community Engagement:** tasked with developing strategies for engaging community members in the Charter review process.
- **Government Accountability:** tasked with exploring Charter topics related to the County Auditor, Office of Community Involvement, Charter review, salary commission, County Manager, and Charter language.
- **Safety & Justice:** tasked with exploring Charter topics related to the DA, Sheriff's Office, and the County Auditor (as relates to possible criminal justice oversight)
- **Equitable Representation:** tasked with exploring Charter topics related to voting methods, electing officials, campaign finance, districts, resolutions of tied elections, requirements for elected officials, number of commissioners, and the creation and/or filling of elected office vacancies.

The Government Accountability, Safety & Justice, and Equitable Representation subcommittees each met 8-9 times between January and early June. During this time, members selected subcommittee co-chairs, explored and identified subcommittees' research priorities, and reached agreements on recommendations that the full committee should consider referring to voters to amend the Charter. Each subcommittee referred amendment recommendations to the full MCCRC and also agreed on topics to recommend the next Charter Review Committee explore.

The Community Engagement Subcommittee met 6 times between January and April. Its work focused on strategies for engaging the community in Charter review and culminated in the Office of Community Involvement contracting with Espousal Strategies to facilitate a community survey and four community focus groups.

The full committee met four times from February to May. These meetings included identification of committee members' shared values, continued learning, and opportunities to hear from elected county officials. In April, the MCCRC voted to advance the Government Accountability Subcommittee's recommendation to make language in the Charter gender neutral.

The MCCRC had four meetings in June and July to review, discuss, and vote on additional recommendations made by the subcommittees:

- Extend the Charter review timeline, address committee's leadership structure, and add a public education and engagement process.
- Change the Charter Review Committee's membership requirements and selection process.
- Establish an ombuds office.
- Codify the county's existing Good Government Hotline.
- Add language explicitly requiring the Auditor's access to timely information, records, and materials related to audits. Add a requirement that the county include "right-to-audit" clauses in contracts and subcontracts.

- Require the board of county commissioners to increase inspections of county jail facilities with the participation of constituents.
- Adopt ranked choice voting in county elections.
- Extend voting rights in county elections to the furthest extend allowed by law.

Additionally, the committee voted to advance the specific language that would amend the Charter if approved by voters in November. The committee also discussed its final report to the board of commissioners and the people of Multnomah County.

SUBCOMMITTEE WORK, FINDINGS, & RECOMMENDATIONS

GOVERNMENT ACCOUNTABILITY SUBCOMMITTEE

MEMBERSHIP: MAJA HARRIS (CO-CHAIR), JUDE PEREZ (CO-CHAIR), MARC GONZALES, THERESA MAI, AND ANNIE KALLEN

The MCCRC formed the Government Accountability Subcommittee to explore topics related to governance, transparency, and accountability.

The subcommittee was tasked with the review of the process for adjusting compensation for commissioners, as required by the Multnomah County Charter. The subcommittee recommended no changes to this section.

At the onset of the review process, the Government Accountability Subcommittee identified several areas of interest, including the possibility of requiring a county manager to assist with county affairs. However, due to the compressed Charter review timeline and the subcommittee’s desire to be responsive to issues raised by elected county officials and county staff, the subcommittee voted to dedicate its limited time to exploring two sets of proposed amendments from the Multnomah County auditor and the Office of Community Involvement (OCI). The subcommittee also prioritized consideration for making Charter language gender neutral.

RECOMMENDATION TO AMEND THE CHARTER: GENDER NEUTRAL LANGUAGE

The subcommittee quickly resolved to recommend adopting gender neutral language in the Charter, making it a more inclusive document. This change would be consistent with a recent decision by the board of county commissioners to adopt gender neutral language in county code. Charter language can only be updated through the amendment process.

RECOMMENDED TO THE MCCRC:

- Adopt gender neutral language in the Charter that aligns with the gender neutral language already used in county code.

RECOMMENDATION TO AMEND THE CHARTER: AUTHORITY OF THE AUDITOR

The MCCRC received several proposed amendments from the Multnomah County Auditor. The Government Accountability Subcommittee dedicated a significant portion of its time to studying these proposals and reviewing testimony from county staff, elected county officials and current and former auditors with experience of county and city operations.

The most consequential proposal would have enshrined a budget floor for the auditor's office in the Charter. The auditor originally requested a guaranteed level of 1% of General Fund budgeted expenses for the annual operating budget of the Auditors office; later that request was amended to 0.5% of GF budget. This request included dedicating the amount to be over a 5 year rolling average. proposed that 0.5% 1% of the County's general fund expenditures budget over a rolling 5 year average be dedicated to the auditor's office. The auditor argued that having an elected official who is both responsible for responding to the auditor's reports and proposing the county's initial draft budget presents a conflict of interest and could lead to a chair proposing significant cuts to an auditor's budget in retaliation for an audit.

While the subcommittee was sympathetic to the auditor's request for stronger budgetary independence from the county chair, subcommittee members decided not to pursue an amendment to create a budget floor comprised of budgeted General Fund resources~~the budget floor amendment~~, voicing concerns about potential negative consequences to the budget in the event of major emergencies or economic downturns. However, the subcommittee decided to advance several other proposed amendments from the auditor's office.

STRENGTHENING MULTNOMAH COUNTY'S COMMITMENT TO GOOD GOVERNANCE

The Government Accountability Subcommittee supported the auditor's desire to codify the already existing Good Government Hotline in the Charter. The hotline provides county employees and the public with a method for reporting suspected fraud, waste, and abuse of position, as well as unethical county employee conduct and retaliation based on reports submitted to the hotline. Requiring the hotline's operation in the Charter will ensure that it cannot easily be eliminated in the future.

The subcommittee also voted to advance the Auditor's proposal to establish an ombuds office to protect the rights of the public in their interactions with Multnomah County and adopt best practices as suggested by the United States Ombudsman Association.

The auditor's office receives tips and complaints from the public about experiences with county staff, services, and processes for which a performance is not an appropriate response. The auditor's office is not currently equipped to investigate such

issues reliably and consistently. An ombuds office position would add another layer of accountability for county government and reinforce the county's commitment to professional and ethical treatment of community members in their interactions with county government.

CLARIFYING THE AUDITOR'S ACCESS TO INFORMATION

The Government Accountability Subcommittee supported the auditor's desire to emphasize the Multnomah County auditor's authority to get timely access to information. While this is an implied power of the auditor, explicit language about the office's access to information, records, materials, and people in the Charter would strengthen auditors' position in times when access to information is critical.

The requirement of a right-to-audit clause for outside contractors and subcontractors would extend the auditor's ability to fulfill its purpose of auditing the use of government funds.

RECOMMENDED TO THE MCCRC:

- Codify the already existing Good Government Hotline in the Charter under the auditor's office.
- Establish an ombuds office under the auditor's office. The purpose 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 will operate under generally accepted standards for public ombuds offices.
- Add language to the Charter to clarify and guarantee the auditor's timely access to records, information, and other materials related to audits. This would require County officials and employees who have access to confidential or limited-access property or records to fully cooperate with the auditor in developing a plan to provide and manage that property or records. The language also includes a "right to audit" clause in contracts and subcontracts so that the auditor's office can audit the use of government funds in contracted work.

RECOMMENDATION TO AMEND THE CHARTER: CHARTER REVIEW

The Multnomah County Charter Review Committee received several proposed amendments from the Office of Community Involvement that related to the Charter review process.

After a series of conversations with County staff and opportunities for MCCRC members to reflect on their own experiences, the subcommittee voted to recommend all

proposed amendments to the full committee for adoption. The subcommittee also voted to add a recommendation that OCI be required to implement a public education and engagement process alongside Charter review.

A MORE THOROUGH AND MEANINGFUL CHARTER REVIEW PROCESS

Reflections among members of the Government Accountability Subcommittee about their own experience revealed an overwhelming consensus that the current Charter review process is too compressed to allow for thorough exploration of topics. All of the subcommittees identified Charter changes they were interested in exploring, but did not have sufficient time to adequately study all of them. For example, the Government Accountability Subcommittee was interested in studying the addition of a county manager, which had to be left behind early in the process because it was clear there was not enough time to address all of members' priorities. The subcommittee also saw value in the auditor's proposal to increase that office's budgetary independence from the chair, but when members decided that the auditor's specific solution was not one they could advance, the subcommittee lacked time to explore alternative options.

In its current iteration, the Charter only allows the Charter Review Committee to work for up to 11 months. The subcommittee recommended extending the timeline to 18 months, as proposed by OCI.

MORE PURPOSEFUL COMMUNITY ENGAGEMENT

As the subcommittee evaluated its own experience with Charter review, members agreed that the public engagement and outreach process started too late to meaningfully educate the community about Charter review and involve community members in the process.

Therefore, subcommittee members agreed that a charter amendment explicitly requiring public engagement and community outreach was warranted to ensure that the process will be more intentionally designed and adequately budgeted for going forward.

STREAMLINING THE APPLICATION AND SELECTION PROCESS

In the current Charter Review Committee membership selection process, members are chosen based on residency in state senate districts that overlap with Multnomah County and the state legislators who represent those districts are tasked with choosing committee members who live within them. In the 2021-22 cycle, OCI ran an application process to provide legislators with a potential pool from which to select members. Through public comment and invited testimony to the subcommittee, the Director of OCI shared concerns with this existing process because legislators are not generally familiar with county Charter review and have limited capacity to deeply engage in application evaluation. Additionally, selection by state senate district resulted in County

District 1 being overrepresented on the 2021-22 Charter Review Committee (7 of 16 members), while County District 2 was underrepresented (2 of 16 members). OCI proposed putting the selection of committee members under its authority and using county districts for selection instead of state senate districts.

The subcommittee was supportive of an application and selection process that could be completed more quickly (the current process sets 4.5 months between application and appointment deadlines). The committee discussed concerns about putting membership selected in the hands of county elected officials or county staff, but after learning more about OCI's application process, agreed that their preference was to task OCI with membership selection.

The subcommittee also discussed eliminating the residency requirement for serving on the Charter Review Committee to include community members who may have been displaced from Multnomah County but still have ties to the community. However, the majority felt that requiring an even distribution of committee members from all four county districts was necessary to ensure geographic diversity on the Charter Review Committee. Some members also expressed that they thought it was important for members of the Charter Review Committee to have a higher stake in the outcomes of amending the Charter and viewed county residency as an important connection to that.

Other amendments related to the charter review process were believed to streamline the application and selection process and allow for a more flexible, inclusive, and democratic review process.

RECOMMENDED TO THE MCCRC:

- Revise the timeline of the Multnomah County Charter review process so that the Charter Review Committee's first meeting occurs in March rather than in September of the year preceding the year when amendments would be referred to the ballot. This would extend the committee's work timeline to 18 months. The recommendation includes removing specific dates for the application process.
- Revise Charter language to reflect that the Charter Review Committee may choose its own leadership structure.
- Task the Office of Community Involvement with running the application and selection processes for the Charter Review Committee, including outreach, application collection and evaluation, and appointment. The selection process should ensure an even distribution between county districts, requiring four members for each district for a total of 16 committee members. There would no longer be a requirement in the Charter that members serving within the same district be registered with different political parties.

- Include language in the Charter that clarifies that members of the Charter Review Committee remain eligible to serve if they move between districts after being appointed. The Office of Community Involvement would have the discretion to develop a process for filling Charter Review Committee vacancies.
- Include language in the Charter that explicitly requires the board of commissioners to budget for a meaningful public engagement process for the work of the Charter Review Committee.

SUGGESTIONS FOR THE NEXT CHARTER REVIEW COMMITTEE

The Government Accountability Subcommittee identified three areas of research that subcommittee members felt merited further exploration by a future charter review committee:

Explore adding a county manager to administer county affairs. The subcommittee saw several benefits to establishing a county manager position, ranging from an added layer of professional management to balancing the power of the county chair and other county commissioners.

Explore alternative structural changes to increase the auditor's budgetary independence from the chair. While the subcommittee did not agree that a budget floor for the auditor's office was an appropriate solution, it believes that other potential options are worth exploring. Such options might include allowing the auditor to present their proposed budget to an independent committee.

Explore enshrining the county's chief operating officer in the Charter. While the subcommittee did not think that this position is in any way at risk of being eliminated and thus did not find this to be an urgent priority, it did see some merit in suggestions from the public to ensure the protection of the position.

SAFETY & JUSTICE SUBCOMMITTEE

MEMBERSHIP: DONOVAN SCRIBES (CO-CHAIR), NINA KHANJAN (CO-CHAIR), DANICA LEUNG, ANA DEL ROCÍO, J'REYESHA BRANNON, AND SALMA SHEIKH

The MCCRC formed the Safety & Justice Subcommittee to explore topics related to community and criminal justice. Because the Charter currently has limited text connected to these issues, the subcommittee explored what changes or additions were possible and focused on looking at sections of the Charter related to the sheriff and the district attorney, with additional interest in the auditor's ability to provide oversight.

The subcommittee hosted a presentation from the county attorney's office to learn more about the legal authorities that govern the district attorney and sheriff. The auditor also presented to the subcommittee about her office's audit power and how that intersects with the county's criminal justice system.

The committee identified a number of areas members were interested in exploring:

- Health in county jails, sparked in part by a report that an accreditor had recently placed the Multnomah County Detention Center on probation.
- An oversight board for the sheriff's office.
- Establishing a budget requirement allocating county funds toward community investments for programs that would include jail diversion programs, alternatives to incarceration, and other services, similar to Measure J passed in Los Angeles County in 2020.
- Removing the sheriff's office from its involvement in eviction processes.
- Making the sheriff an appointed position.
- Addressing the district attorney's funding and staffing contract practices, in response to a public comment submitted to the committee.
- Increasing the number of times members of the board of county commissioners-~~visits to~~ county jail facilities, in response to a public comment submitted to the committee.
- Addition of an elected public defender to the county's roster of elected officials, in response to a public comment submitted to the committee.

The subcommittee did some preliminary exploration on many of these topics. Taking into consideration its limited time and concerns about whether the Charter was an effective vehicle to address some of these matters, the subcommittee came to agreement on several priority areas:

- Health in county jails and jail visits by the board of county commissioners.
- The sheriff's involvement in the physical removal of people during evictions processes.
- The addition of an elected public defender.

Ultimately, due to conflicts with state law, the subcommittee did not see a path forward for a Charter amendment that would prohibit the sheriff from physically removing people during evictions processes.

The subcommittee voted forward one recommendation to the MCCRC: that the Charter be amended to add a requirement that members of the board of county commissioners visit and inspect county jail facilities multiple times a year in the company of constituents.

The subcommittee also recommended that the next Charter Review Committee consider exploring the addition of an elected public defender.

RECOMMENDATION TO AMEND THE CHARTER: BOARD OF COMMISSIONERS' INSPECTIONS OF JAILS

The subcommittee received a public comment urging it to enshrine in the Charter a requirement that the board of county commissioners visit and inspect county jail facilities once a year. This is a practice currently required by state law and board resolution.

The subcommittee was interested in the general concept and its relationships to increased oversight, raising public awareness of jail conditions, and ensuring that county policymakers are very familiar with the experiences of people in county custody. The subcommittee also saw possibilities for increased awareness of and attention on county jails to help lead to improvements in health conditions for people in custody.

The subcommittee came to agreement that it believed members of the board of commissioners should visit and inspect county jail facilities multiple times a year and that to bring more public involvement and awareness to the process, commissioners should be accompanied by constituents who would write and publish a report about their observations.

RECOMMENDED TO THE MCCRC:

- Require that each member of the board of commissioners inspect the county jail facilities a minimum of four times a year.
- Each commissioner's office would be charged with convening a group of at least 3 constituents to join these visits, document their observations on the conditions of the jail after each visit and write a year-end report on the conditions to be shared with their commissioner and published for the public.
- Constituents will be reasonably compensated for their time.

SUGGESTIONS FOR THE NEXT CHARTER REVIEW COMMITTEE

The subcommittee also received a public comment urging them to recommend the addition of an elected county public defender. The subcommittee was alarmed by the current shortage of public defenders in Oregon and its impact on people in custody. They found the addition of an elected public defender compelling because someone in this position could advocate more strongly for public defense resources, as well as higher salaries for public defenders. They were also intrigued by an argument found in their research that having an elected public defender can have an impact on the

pipeline for judgeships and ultimately increase the number of judges who have experience with criminal defense.

While the subcommittee was in favor of this concept, it did not have sufficient time to determine how to integrate this role into the Charter and within Oregon's existing public defense system, which is run by the state. The subcommittee voted to recommend that the next Charter Review Committee continue exploring this idea.

EQUITABLE REPRESENTATION SUBCOMMITTEE

MEMBERSHIP: ANNIE KALLEN (CO-CHAIR), SAMANTHA GLADU (CO-CHAIR), TIMUR ENDER, MAJA HARRIS, JUDE PEREZ, AND MEIKELO CABBAGE (RESIGNED IN MAY 2022)

The MCCRC formed the Equitable Representation Subcommittee to explore topics related to elections. The subcommittee was interested in identifying ways to make local democracy more inclusive, equitable, and representative. In its early meetings, the subcommittee identified a list of topics to investigate:

- Adoption of a new voting method (such as STAR voting or ranked choice voting) + eliminating primary elections
- Increasing the number of county commissioners
- The adoption of proportional representation
- Extending the right to vote (for example: to incarcerated people, noncitizens, and/or people under 18)
- Campaign finance reform
- Changing the number of county districts and/or district boundaries
- Changing the timing of elections

Because of time constraints, the subcommittee eventually chose to deprioritize campaign finance and changing the timing of elections.

The subcommittee voted to forward recommendations for the MCCRC's consideration that would require the county to adopt ranked choice voting (RCV) and to extend voting to the fullest extent allowed by law.

The subcommittee also voted on a proposal to increase the number of county commissioners to a total of 12, with three commissioners serving each of the county's existing four districts. Of the four subcommittee members present, three voted against this proposal. However all four members agreed to recommend that the next Charter Review Committee explore the concepts of expanding the size of the board of commissioners and the number and apportionment of county districts.

A public comment raised the inequity of District Two's commissioner being the only member of the board elected in the same cycle as the chair, which means she cannot retain her commission seat and run for chair. The subcommittee was concerned by this but did not have enough time to discover an appropriate solution.

RECOMMENDATION TO AMEND THE CHARTER: EXTEND THE VOTE

The subcommittee identified early that it was interested in extending the right to vote in county elections to the fullest extent possible. Members particularly identified interest in extending the vote to noncitizens, folks incarcerated in Multnomah County, and people under 18. The subcommittee received a presentation of legal analysis from the county attorney's office that included information about the state's legal framework that could limit the county's power to extend the vote.

The subcommittee remained interested in exploring this topic, particularly in extending the right to vote in county elections to noncitizens, which other local jurisdictions around the United States have done. Two subcommittee members met with Jessica Maravilla (Policy Director, ACLU Oregon) and Ricardo Luján-Valerio (Policy Director, Office of Carmen Rubio) to hear more about the policy implications of extending the right to vote in local elections to noncitizens and shared information back to the subcommittee.

Initially the subcommittee voted to recommend to the MCCRC that noncitizens residing in Multnomah County be given the right to vote in county elections. However, subcommittee members expressed concerns that this narrow focus would eliminate the opportunity to extend the vote to other groups. These members were also concerned that if a court did determine that state law preempts Multnomah County from extending the right to vote to noncitizens in its elections that would nullify this chance to progress on voting rights expansion. Reflecting these considerations, the subcommittee voted to change its recommendation to be broader and more inclusive of other groups while also making it clear it hopes to see voting rights extended to noncitizen residents.

RECOMMENDED TO THE MCCRC:

- Multnomah County will extend the vote to fullest extent possible allowed by law, including but not limited to noncitizens.

RECOMMENDATION TO AMEND THE CHARTER: ADOPT RANKED CHOICE VOTING

The subcommittee invested a lot of its time exploring the concept of adopting a new voting method for county elections. Members were interested in an alternative method that would increase voters' ability to fully express their preferences on their ballot so they could choose their favorite candidate(s) without undue concern that doing so

would split the vote between two popular candidates, resulting in the election of a less popular candidate.

Subcommittee members hosted presentations from Equal Vote Coalition (advocacy group for STAR voting) and Oregon RCV (advocacy group for ranked choice voting). Presenters shared that both methods mitigate vote splitting, allow voters to rank or score multiple candidates, and ~~are more expressive~~ allow voters to express more information about their candidate preferences than the county's current voting system. The advocacy groups also imparted that elections using alternative voting methods allow for greater diversity of candidates, ~~friendlier campaigning~~, and better representation for voters. ~~Both methods can also incentivize friendlier campaigning because attacking voters' most preferred candidates may diminish a voter's willingness to rank or rate that attacking candidate highly on their ballot.~~

Commented [K01]: One committee members asked what was meant by "expressive" in this context.

Commented [K02]: A committee member asked for clarification on how this leads to friendlier campaigning.

The subcommittee did additional research on both STAR and RCV. One member also gathered information from the Multnomah County Elections Director about potential impacts of adopting an alternative voting method.

While several subcommittee members indicated interest in STAR voting at different stages of discussion, the subcommittee ultimately voted to recommend adopting RCV. The subcommittee added the requirement that RCV be adopted by 2026 to give the county's election office flexibility in its implementation timeline, but it supports earlier implementation if possible.

Of the four (out of five) subcommittee members present for the vote, three voted in favor of recommending the MCCRC adopt RCV in county elections. One member voted against.

The members who voted for adopting RCV cited the diverse list of groups advocating for RCV; the fact that it has been successfully adopted in other U.S. elections, including Benton County, OR; and polling that demonstrated the popularity of adopting RCV in Portland. The subcommittee also considered the recommendation made by the Portland Charter Commission that the City of Portland adopt ranked choice voting. Subcommittee members were concerned about the logistics, cost, and confusion of the county adopting a different voting method from the cities within it. Most members also saw potential benefits in allowing county and Portland voters to adopt the same new voting method in tandem.

~~The member who voted against adopting RCV. The member who voted against adopting RCV expressed concerns about transparency of results, potential conflicts with municipalities within the county considering other voting methods, inequity in the way that votes are counted, and that RCV mitigates vote splitting but does not prevent it. She explained her position: RCV mitigates but does not prevent vote splitting and would not perform better than the county's current system on that front. She does not find~~

~~RCV to be transparent or clear in presenting results that show levels of support for all candidates. She expressed concern about potential conflicts with municipalities within Multnomah County that are also currently considering amending their Charters to require alternative voting methods. She was also worried that the way votes are counted in RCV are inequitable.~~

RECOMMENDED TO THE MCCRC:

- Multnomah will adopt the use of Ranked Choice Voting in county elections by 2026.

SUGGESTIONS FOR THE NEXT CHARTER REVIEW COMMITTEE

The subcommittee heard from More Equitable Democracy (MED) about some of the potential benefits of increasing the size of the board of county commissioners and adopting proportional representation in concert with adopting RCV. According to MED, implementing these changes together would improve the ability of people of color and other minority groups to elect their candidate(s) of choice. MED also developed maps for the subcommittee that included projections of how different variations in the number and boundaries of county districts coupled with an increase in the number of commissioners could increase the voting power of residents of color.

The subcommittee found these arguments compelling, but a majority of members ultimately felt they did not have enough time to understand potential impacts and determine which configuration might best benefit the whole county community. The majority felt more community input was needed to determine what proposal to refer to voters. The member who voted in favor found MED's projections compelling and believed voters should have the opportunity to decide. All of the subcommittee members agreed that they would recommend the next Charter Review Committee explore these changes further.

Late in its process, the subcommittee also received a public comment about the inequity of the District Two commissioner being the only commissioner running for election in the same cycle as the chair, which means unlike the other commissioners she must choose between running for reelection and running for chair. This was an unintended consequence from a Charter amendment voters approved in 2016 that allowed commissioners to run for the office of chair without resigning their commissioner seats first.

The subcommittee explored the possibility of having all of the commissioners run in the same election cycle. They consulted with the chair and commissioners' offices about this possibility and determined that the high potential for complete board turnover in an election cycle would be too disruptive and detrimental to the board's work. A suggestion was floated to extend the chair's term to five years so that the position's

election would not always occur in tandem with the same commissioner district. However, the subcommittee did not have time to vet this proposal for potential negative impacts and agreed to recommend that the next Charter Review Committee make time to consider this issue and other possible solutions.

COMMUNITY ENGAGEMENT SUBCOMMITTEE

MEMBERSHIP: J'REYESHA BRANNON (CO-CHAIR), MAJA HARRIS (CO-CHAIR), DONOVAN SCRIBES, ANA GONZÁLES MUÑOZ, JUDE PEREZ, AND THERESA MAI

The Community Engagement Subcommittee focused on strategies for engaging county community members in Charter review. The subcommittee was not tasked with making any recommendations to amend the Charter.

Initially, the subcommittee focused on developing informational and educational graphics about Charter review to share with the community and consulted with the Office of Community Involvement (OCI) on distribution efforts.

The subcommittee advocated for a more extensive education and outreach process that would include elements like community surveys, listening sessions, and focus groups. Subcommittee members and staff did not have capacity to design and run this level of outreach, and the funds initially allocated to Charter review were not sufficient for this level of engagement.

The subcommittee developed a list of community outreach priorities and requested OCI seek additional funding from the county to implement them. OCI simultaneously pursued funding and worked to identify a contractor to design and implement community outreach efforts. In May 2022, OCI contracted with Espousal Strategies to develop a community survey and run four focus groups in June to provide education and input on Charter review.

SUGGESTIONS FOR FUTURE CHARTER REVIEW PROCESSES

The Community Engagement Subcommittee felt strongly that in the future funding for Charter Review Committees must pay for a robust community education and engagement process. Members believed this process should be aligned with the beginning of the Charter review process, perhaps initiated even before a Charter Review Committee's first meeting.

While the subcommittee was not tasked with making recommendations for amendments to the Charter, its membership overlap with the Government Accountability Subcommittee inspired that group to incorporate a requirement for OCI to run a community education and engagement process into its amendment to the Charter review process. If that full amendment is not passed by voters, the Community

Engagement Subcommittee strongly recommends that future boards of county commissioners account for the cost of community education and engagement when funding future Charter Review Committees.

MCCRC DELIBERATION AND RECOMMENDATIONS

MCCRC VOTING REQUIREMENTS

The MCCRC's bylaws required that the committee have a quorum of 50% + 1 members present to conduct committee business. For its April vote, the committee had 16 members and the quorum was 9 members. After a committee member resigned in May, the size of the committee reduced to 15 members, with a quorum of 8 members.

The MCCRC's bylaws also required that a vote by the committee could only pass if supported by 2/3 of committee members present.

All of the amendments proposed by the committee received at least two votes. The first vote indicated support for the amendment concept agreed to by the committee. Concepts that the committee voted affirmatively to advance were sent to the county attorney's office for attorneys to draft the language that would amend the Charter if approved by voters. Draft language was subsequently presented to the MCCRC to assess whether it reflected the committee's intent. The MCCRC had to vote to approve language that would amend the Charter in order to refer an amendment to voters.

GENDER NEUTRAL CHARTER LANGUAGE

At the MCCRC's meeting on April 20, 2022, the Government Accountability Subcommittee presented its recommendation to adopt gender neutral Charter language:

- Adopt gender neutral language in the Charter that aligns with the gender neutral language already used in county code.

Fourteen members of the MCCRC were present and they unanimously voted to advance the recommendation.

At the MCCRC's meeting on July 5, 2022, the committee voted to approve language drafted by the county attorney's office that would amend the Charter if approved by voters. Twelve members were present and voted unanimously to refer the amendment text to voters. The approved text can be found in the Appendix.

CHARTER REVIEW TIMELINE AND PROCESS

At the MCCRC's meeting on June 15, 2022, the Government Accountability Subcommittee presented recommendations which would impact the Charter review timeline and process:

- Revise the timeline of the Multnomah County Charter Review process so that the Multnomah County Charter Review Committee's first meeting occurs in March rather than in September of the year preceding the year when amendments would be referred to the ballot. This would extend the committee's work timeline to 18 months. The recommendation includes removing specific dates for the application process.
- Revise Charter language to reflect that the MCCRC may choose its own leadership structure.
- Include language in the Charter that explicitly requires the board of commissioners to budget for a meaningful public engagement process for the work of the Charter Review Committee.

To facilitate discussion, these recommendations were presented separately from the changes the subcommittee proposed to the Charter Review Committee membership requirements and appointment process.

Fifteen members of the MCCRC were present and they voted unanimously to advance the recommendation.

At the MCCRC's meeting on July 20, 2022, the committee voted to approve language drafted by the county attorney's office that would amend the Charter if approved by voters. The approved text can be found in the Appendix.

Commented [K03]: This language will be removed if the committee does not vote to approve. Additional language may be added to reflect committee discussion.

EXTENDING THE VOTE

At the MCCRC's meeting on June 15, 2022, the Equitable Representation Subcommittee presented its recommendation on extending the vote:

- Multnomah County will extend the vote to fullest extent possible allowed by law, including but not limited to noncitizens.

Committee members expressed the importance of community education if the right to vote is extended to new groups. Fifteen members of the committee were present and they unanimously voted to advance the recommendation.

At the MCCRC's meeting on July 5, 2022, the committee voted to approve language drafted by the county attorney's office that would amend the Charter if approved by voters. Twelve members were present they voted unanimously to refer the amendment text to voters. The approved text can be found in the Appendix.

RANKED CHOICE VOTING

At the MCCRC's meeting on June 15, 2022, the Equitable Representation Subcommittee presented its recommendation on adopting ranked choice voting (RCV):

- Multnomah will adopt the use of Ranked Choice Voting in county elections by 2026.

Subcommittee members shared their perspectives on the potential pros and cons of RCV as a system. One subcommittee member had voted against the subcommittee recommendation. A proponent of STAR voting, the member shared concerns with the committee that RCV would not actually deliver on promises to eliminate vote-splitting and elect the candidates who have voters' broadest support. Members on both sides of the debate shared resources with the committee supporting their points.

Discussion on adopting RCV continued at the committee's meeting on June 28, 2022. Staff shared results from a community survey developed for the MCCRC by Espousal Strategies that included a question about the county adopting an alternative voting method. The survey had 268 respondents overall. Of those who chose to answer the question about alternative voting methods, 74 respondents (35%) favored RCV, 62 (30%) favored the current voting method, 50 (24%) favored STAR, and 23 (11%) had no opinion.

Most of the MCCRC members favored adopting RCV, which led them to address how existing Charter language about primaries and tied votes fit with this recommendation. Since county elections are nonpartisan, the committee reached agreement to eliminate candidate primaries in favor of a single instant-runoff election held in November general elections. The committee also clarified that it would leave in place existing language that election ties would be resolved by the drawing of lots. For RCV that means a tie at any stage of the elimination process would be resolved by drawing lots.

The committee voted and of the 12 members present, 10 voted in favor of advancing the recommendation. One member voted against advancement and a second abstained because she did not have enough information to reach a decision.

On July 5, 2022, the committee reviewed language drafted by the county attorney's office that would amend the Charter to require ranked choice voting if approved by voters. It was raised by a committee member and through public comment that the language drafted was general enough that it could be interpreted to implement multiple kinds of preference voting systems. The committee agreed that it intended the adoption of instant-runoff voting and the Charter language should specify that. The committee voted to send the text back to the county attorney's office for additional drafting. Of the 12 members present, 11 voted affirmatively. One committee member voted "no"; she supported a more specific draft, but thought that the committee should also add text to state what happens when a voter's ballot is exhausted. Other committee members felt this was not needed.

At the MCCRC's meeting on July 20, 2022, the committee voted to approve language drafted by the county attorney's office that would amend the Charter if approved by voters. The approved text can be found in Appendix A.

Commented [K04]: This language will be removed if the committee does not vote to approve. Additional language may be added to reflect committee discussion.

JAIL INSPECTIONS

At the MCCRC's meeting on June 15, 2022, the Safety & Justice Subcommittee presented its initial recommendation concerning jail inspections:

- Require that each member of the board of commissioners inspect the county jail facilities a minimum of four times a year.
- Each commissioner's office would be charged with convening a group of at least 3 constituents to join these visits, document their observations on the conditions of the jail after each visit and write a year-end report on the conditions to be shared with their commissioner and published for the public.
- Constituents will be reasonably compensated for their time.

Committee members expressed support for the values of improving jail conditions and oversight. They raised questions about what the board of commissioners' current jail inspections are like and what were the intended outcomes of the recommendation.

In advance of the committee's June 28th meeting, staff gathered responses to committee members' questions from all of the members of the board of commissioners and the sheriff's office. Discussion continued on June 28th with suggestions to lower the required thresholds for the number of inspections and constituents involved. Committee members also raised concerns about whether the inspections would be impactful when access to areas of the jails and to people in custody is so controlled.

Committee members indicated interest in voting on this recommendation at its June 28th meeting, but needed additional time to clearly articulate the new parameters of the recommendation. It agreed to return to discussion at its meeting on July 5, 2022.

Ahead of July 5th, Safety & Justice Subcommittee members Nina Khanjan (co-chair) and Ana del Rocio worked to update the recommendation form to reflect the committee's previous conversations. The revised recommendation included:

- Commissioners/chair will increase frequency of their jail inspections.
- Along with commissioners/chair, constituents shall be part of conducting jail review to ensure transparency in Multnomah County corrections oversight. Constituents conducting this jail review will:
 - be independent of the Auditor's office;
 - be independent of the jail(s) being reviewed; and
 - have golden key access to visit any part of the facility at any time without prior notice; and

- o have the ability to talk to anyone confidentially, including interviewing current or released adults in custody with the individuals' permission and to review records; and
 - o issue publicly available reports on findings with recommendations; and
 - o may follow other practices to ensure transparency as recommended by directly impacted advocacy groups and trusted messengers
- No more than one year nor one budget cycle shall pass between constituent-led inspections of corrections facilities.
 - Constituents will be chosen through an application process and reasonably compensated for their time in this oversight process, and shall be adequately staffed.

Nina shared in the meeting that based on discussions with the county attorney's office, the recommendation could not supersede the sheriff's authority to ensure safety in the jail facilities or information protected by law, like medical records. She also explained the intention that any adults in custody or formerly in custody would only be interviewed with their express permission and steps should be taken to protect interviewees' anonymity in the published report. There was interest expressed in providing preparation or training to constituents engaged in this process, but that was not included as a requirement in the Charter.

Before proceeding with a vote on the recommendation, the committee also clarified that constituents would be defined as "members of the public, with preference provided to individuals who live or work in the county or have a demonstrated connection to Multnomah County." The committee also decided to require visits happen within a single year; that administrative measures that do not interfere with oversight may be put in place to ensure safety and security; and that "reasonable compensation" referred to stipends for volunteers, not compensation for employees.

The committee voted to advance the recommendation. Twelve members were present: 10 voted in favor of advancement and two abstained. The two members who abstained expressed support for the policy direction, but were concerned that the dynamic nature of the proposal made it highly likely that adjustments would be needed for implementation, making this perhaps more appropriate to implement through ordinance rather than Charter, since the Charter is difficult to change. One member chose to vote yes on advancing the recommendation, but said she shared these concerns.

At the MCCRC's meeting on July 20, 2022, the committee voted to approve language drafted by the county attorney's office that would amend the Charter if approved by voters. The approved text can be found in Appendix A.

Commented [K05]: This language will be removed if the committee does not vote to approve. Additional language may be added to reflect committee discussion.

At the MCCRC’s meeting on July 5, 2022, the Government Accountability Subcommittee presented its recommendation to add an ombuds office under the authority of the county auditor:

- Establish an ombuds office under the auditor’s authority.
- The purpose 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 would operate under generally accepted standards for public ombuds offices.

Based on public comment submitted by the county auditor, the committee agreed to add a requirement that the ombuds office issue reports on its investigations and that the chair of the board of commissioners or the responsible elected official respond to those reports, including what actions have been or will be taken in response to findings. The written response would be made to the board of commissioners and the auditor. The committee also agreed to include restrictions that prevent the ombuds office from investigating elected officials or their staff; matters related to collective bargaining grievance procedures; matters in litigation; and discrimination complaints from employees or applicants for employment. These were restrictions the auditor had included in her initial proposal for scoping the new role.

The committee also discussed broadly what an ombudsperson would add to existing accountability infrastructure and potential costs associated with adding a new office, which would include at least one dedicated staff person.

Twelve committee members were present for the vote and they unanimously voted to advance the recommendation.

At the MCCRC’s meeting on July 20, 2022, the committee voted to approve language drafted by the county attorney’s office that would amend the Charter if approved by voters. The approved text can be found in Appendix A.

Commented [K06]: This language will be removed if the committee does not vote to approve. Additional language may be added to reflect committee discussion.

GOOD GOVERNMENT HOTLINE

At the MCCRC’s meeting on July 5, 2022, the Government Accountability Subcommittee presented its recommendation to codify the Good Government Hotline in the Charter:

- Codify the already existing Good Government Hotline in the Charter under the auditor’s office.

Based on public comment submitted by the county auditor, the committee agreed that the concept of the hotline should be established in the Charter, but that the name

should not be specified so that future auditors retain the ability to change the name if deemed appropriate.

Ten committee members were present for the vote and unanimously voted to advance the recommendation.

At the MCCRC's meeting on July 20, 2022, the committee voted to approve language drafted by the county attorney's office that would amend the Charter if approved by voters. The approved text can be found in the Appendix.

Commented [K07]: This language will be removed if the committee does not vote to approve. Additional language may be added to reflect committee discussion.

AUDITOR'S ACCESS TO INFORMATION

At the MCCRC's meeting on July 5, 2022, the Government Accountability Subcommittee presented its recommendation to include explicit requirements related to the county auditor's timely access to information, materials, and records:

- Add language to the Charter to clarify and guarantee the auditor's timely access to records, information, and other materials related to audits.
- County officials and employees who have access to confidential or limited-access property or records are required to fully cooperate with the auditor in developing a plan to provide and manage that property or records.
- Require the addition of a "right to audit" clause in contracts and subcontracts so that the auditor's office can audit the use of government funds in contracted work.

Through public comment the county auditor requested that the committee clarify that this right to access information explicitly be extended to hotline and ombuds investigations as well as performance audits. The committee agreed to incorporate that sentiment into their recommendation.

Ten committee members were present for the vote and unanimously voted to advance the recommendation.

At the MCCRC's meeting on July 20, 2022, the committee voted to approve language drafted by the county attorney's office that would amend the Charter if approved by voters. The approved text can be found in Appendix A.

Commented [K08]: This language will be removed if the committee does not vote to approve. Additional language may be added to reflect committee discussion.

CHARTER REVIEW COMMITTEE MEMBERSHIP REQUIREMENTS AND SELECTION

At the MCCRC's meeting on July 5, 2022, the Government Accountability Subcommittee presented its recommendation to change the membership requirements and selection process for future Charter Review Committees:

- Task the Office of Community Involvement with running the application and selection processes for the Charter Review Committee, including outreach,

application collection and evaluation, and appointment. The selection process should ensure an even distribution between county districts, requiring four members for each district for a total of 16 committee members.

- Remove the requirement in the Charter that members serving within the same district be registered with different political parties.
- Include language in the Charter that clarifies that members of the Charter Review Committee remain eligible to serve if they move between districts after being appointed.
- Give the Office of Community Involvement discretion to develop a process for filling Charter Review Committee vacancies.

In the current iteration of the Charter, Charter Review Committee members are appointed based on state senate districts that overlap with the county and they are appointed by the state legislators who represent those districts. The committee received several public comments asking the MCCRC to maintain the use of senate districts as boundaries for selecting members out of concern that the use of county districts would lead to underrepresentation from rural parts of the county. MCCRC members discussed these concerns and the importance of representation from the county's rural communities. Members raised information provided by the Office of Community Involvement that even with selection based on senate districts, there is a lack of representation from rural communities on the current committee. The senate district requirement also led to an overrepresentation of members from County District 1 (7 of 16 original committee members) and an underrepresentation from County District 2 (2 of 16 original committee members).

Committee members discussed adding a general requirement for geographic diversity among Charter Review Committee members, but several committee members thought this would necessitate providing more detail about other types of diversity the committee should encompass. The committee ultimately agreed to add to its recommendation a general requirement that the Office of Community Involvement endeavor to appoint a diverse committee. Committee members expect this to include consideration of geographic diversity.

Eight committee members were present for the vote and unanimously voted to advance the recommendation.

At the MCCRC's meeting on July 20, 2022, the committee voted to approve language drafted by the county attorney's office that would amend the Charter if approved by voters. The approved text can be found in Appendix A.

Commented [K09]: This language will be removed if the committee does not vote to approve. Additional language may be added to reflect committee discussion.

APPENDIX

GENDER NEUTRAL CHARTER AMENDMENT TEXT

Commented [KO10]: Will add the text that the committee voted to approve.

(Language ~~stricken~~ is deleted; underlined language is new.)

4.10. Qualifications.

(1) An elective officer of the county shall have been a qualified elector of the county for a year and a half immediately before becoming such an officer and, if a candidate for, or appointee to, a county commissioner position, then a resident of the district for a year and a half immediately before becoming such a commissioner.

(2) Before the electee or appointee to an elective office takes the office ~~he or she~~ the electee or appointee shall be eligible to be bonded. The county shall maintain a corporate surety bond for the faithful performance of its employees and holders of elective office.

4.20. Terms Of Office; Successive Terms; Running For Office In Midterm.

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following ~~his or her~~ that person's election to the office and

(b) Shall continue four years.

(2) Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.

(3) Effective January 1, 2017, Commissioners of Multnomah County may run for the Office of Chair of Multnomah County mid-term without resigning their current elected office. No elected official of Multnomah County may run for another elective office in midterm without resigning first. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

* * *

4.40. Vacancies -- Causes.

An elective office of the county shall become vacant:

- (1) Upon the incumbent's
 - (a) Death,
 - (b) Adjudicated incompetence,
 - (c) Conviction of a felony, other offense pertinent to ~~his or her~~ the incumbent's office, or unlawful destruction of public records,
 - (d) Resignation from the office,
 - (e) Recall from the office,
 - (f) Ceasing to reside within Multnomah County or, if a commissioner, within the commissioner district, or
 - (g) Inability to obtain a corporate surety bond as required by section 4.10(2).
- (2) Upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for ~~his or her~~ the term of office to commence; or
- (3) In the case of a member of the board of county commissioners, upon ~~his or her~~ the board member's absence
 - (a) From the county for 30 consecutive days without the consent of the board or
 - (b) From board meetings for 60 consecutive days without like consent.
- (4) In the case of the chair of the board of commissioners, upon ~~his or her~~ the chair's absence from the county for 30 consecutive days without the consent of the board.

* * *

6.10. Chair Of The Board.

The chair of the board of county commissioners:

- (1) Shall be the chief executive officer and personnel officer of the county;
- (2) Shall preside over meetings of the board and have a vote on each matter before the board;

(3) Shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the county, except for the personal staff, employees or agents of elective county offices. Appointment of department heads shall be subject to consent of a majority of the board of commissioners;

(4) Shall execute the policies of the board and the ordinances of the county;

(5) Shall sign all contracts, bonds and other instruments requiring county consent;

(6) Shall prepare the county budget for submission to the board; and

(7) May delegate ~~his or her~~ the chair's administrative powers but shall retain full responsibility for the acts of ~~his or her~~ the chair's subordinates.

* * *

6.50. Sheriff.

The people of Multnomah County shall elect a county sheriff for the function of said office as prescribed by state law and ~~he or she~~ the sheriff shall have sole administration of all county jails and correctional institutions located in Multnomah County.

* * *

7.20. Civil Service Commission.

(1) There shall be a civil service commission consisting of three members appointed by a board of county commissioners.

(2) The term of office of each member of the commission shall be three years. Every year the term of one member of the commission shall expire.

(3) Each member of the commission shall be

(a) A citizen of the United States and

(b) A qualified elector of the county.

(4) No member of the commission shall receive compensation for ~~his or her~~ the commission member's services as such.

(5) The commission shall:

(a) Make recommendations to the board regarding the personnel policy of the county and

(b) Hear appeals from such persons in the classified service in such cases as the board shall by ordinance determine.

(6) An appellate decision by the commission may not be appealed further if unanimous. If not unanimous, it may be further appealed to the board of county commissioners and the courts.

* * *

7.40. Rights And Duties Of Personnel.

(1) The status of persons in the classified service shall, within the limitations of this charter,

(a) Be based on merit and fitness; and

(b) Be governed by the civil service ordinance and rules promulgated thereunder.

(2) No employee shall be refused employment or be discriminated against in any manner contrary to state law.

(3) Persons in the classified service shall be subject to the restrictions in the laws of the state concerning political activities of persons in county civil service.

~~(4) References to the masculine gender in this chapter shall refer to the masculine, feminine, neuter, or applicable noun, or appropriate combination thereof, where appropriate.~~

EXTENDING VOTING RIGHTS CHARTER AMENDMENT TEXT

(Language ~~stricken~~ is deleted; underlined language is new.)

CHAPTER XI. ELECTIONS

11.10. Right to Vote in County Elections.

11.15. Election Of Officers.

11.20. Tie Votes.

11.30. Initiative And Referendum.

11.40. Recall.

11.50. Charter Amendment And Repeal.

11.60. Campaign Finance.

11.10. Right to Vote in County Elections.

The county shall extend the right to vote, including but not limited to extending the right to vote to noncitizens, in elections for county officers and on county measures, to the fullest extent allowed by law.

DRAFT