

# WRITTEN PUBLIC COMMENTS AND TESTIMONY SUBMITTED TO THE 2021-22 CHARTER REVIEW COMMITTEE & ITS SUBCOMMITTEES

## Background

The 2021-22 Charter Review Committee opened its written public comment process ahead of its December 15, 2021 meeting. Written comments were accepted at each subsequent meeting. Subcommittees also accepted written public comments at every meeting except their first ones. This document also includes written testimony solicited by the committee or subcommittees as part of their research.

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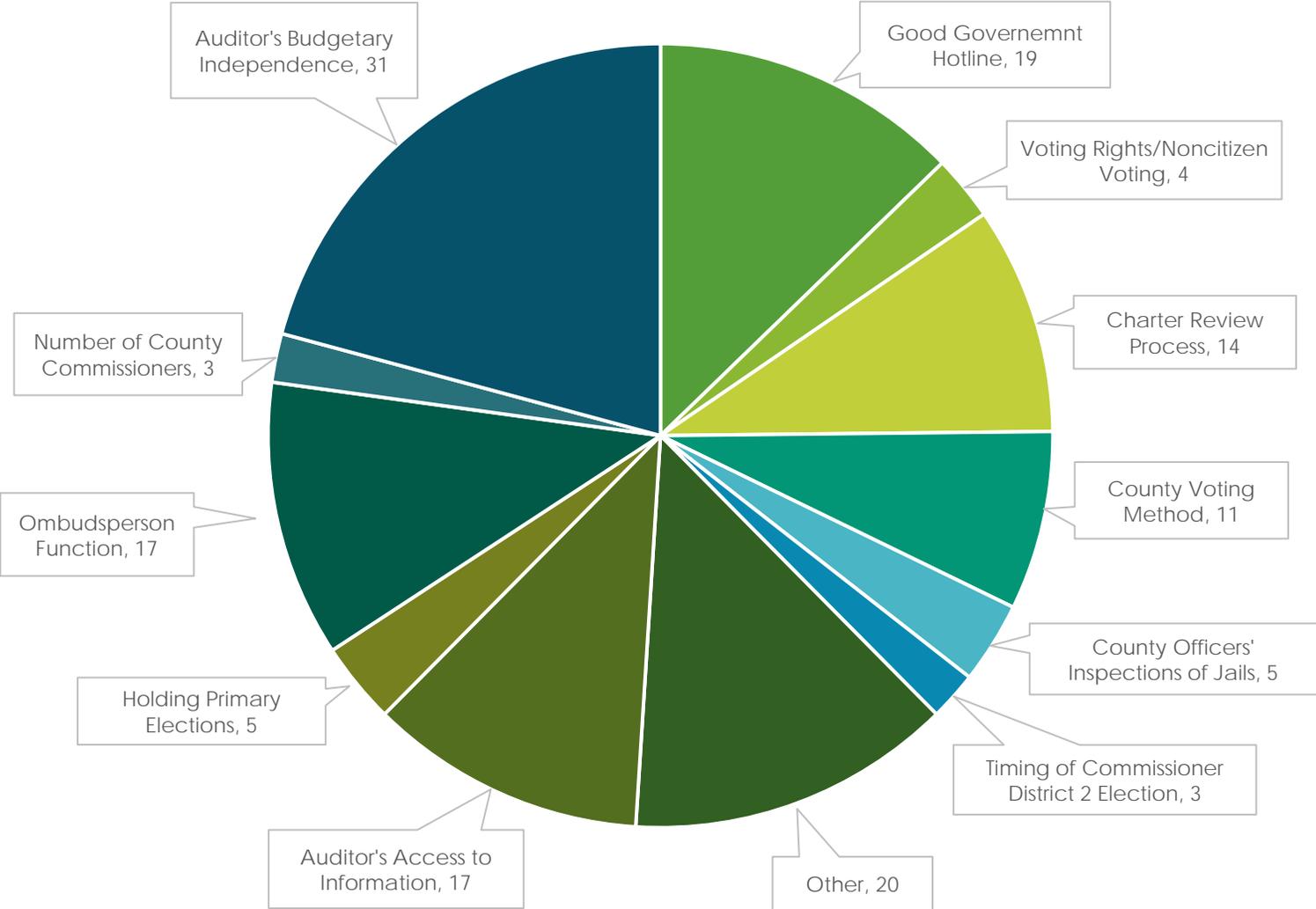
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## SUMMARY OF WRITTEN PUBLIC COMMENT TOPICS

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# Number of Written Public Comments Per Topic



## WRITTEN PUBLIC COMMENTS AND TESTIMONY

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SUBMITTED DECEMBER 10, 2021 BY AUDITOR JENNIFER MCGUIRK (PUBLIC COMMENT)

Dear Multnomah County Charter Review Committee members,

On behalf of the Multnomah County Auditor's Office, I would like to present proposed County Charter amendments to you.

My office developed these amendments to make our office more transparent and accountable to the public, and strengthen our independence from the county operations we audit. To prepare these amendments for your consideration, my staff and I studied the Association of Local Government Auditors' (ALGA) model legislation. We obtained feedback from ALGA's Advocacy Committee, elected Auditors at Metro and the City of Portland, and from my Community Advisory Committee, which played a central role in reviewing and shaping the proposed amendments.

The amendments I would like to bring to you for consideration would:

1. Remove an existing conflict of interest in budget-setting for the Auditor's Office. Everything the Auditor can audit reports to the Chair, Sheriff, or DA. The Chair, as county CEO, proposes the county's budget, including the Auditor's budget. This process conflicts with ALGA's guidance and with the generally accepted government auditing standards that Charter says the Auditor is to follow. The standards say that decisions about funding for auditors should not be controlled by officials subject to audit; this raises the potential for the official to cut the auditor's budget in retaliation for audit results that the official doesn't like, or to simply maintain a budget level that does not allow for the auditor's office to grow with the jurisdiction. Amending the Charter to ensure the Auditor's budgetary independence from the Chair will ensure the Auditor is operating in compliance with the generally accepted government auditing standards that Charter requires, and will also enable the Auditor to conduct audits without the fear of budgetary retaliation.

2. Increase the number of audits under way at any one time by increasing budget resources to the Auditor. Amending the Charter to ensure the Auditor's budgetary independence from the Chair will put the power to set the Auditor's budget in the peoples' hands. If the County Auditor's Office were funded similarly to the Metro Auditor and Portland Auditor's audit and ombuds functions, the County Auditor would receive an amount equal to at least 1% of a five-year rolling average of the county's adopted general fund expenditures budget. Currently, the Auditor receives

about 0.32% of the general fund expenditures budget per year. We anticipate that funding at a 1% level would enable us to double the number of audits we conduct at any one time, while also making it possible for us to have dedicated staff for community engagement and audit teams specialized in specific subjects, such as health and public safety, in order to speed up audit processes.

3. Ensure the ongoing existence of the Good Government Hotline, which is the county's fraud, waste, and abuse of position hotline. The County Auditor established the Good Government Hotline in 2007 to provide county employees and community members with a confidential method for reporting suspected fraud, waste, or abuse of position. In 2011, the state legislature passed a law called "Establishment of local government waste hotline." The Auditor has operated the Good Government Hotline in compliance with this law. But in 2019, the County Attorney and county leadership raised that the Good Government Hotline might not comply with the state's law because the Board of County Commissioners never established the hotline in Code. The County Attorney also indicated to the Auditor that the Board cannot pass Code governing the Auditor, presenting a conundrum for how to ensure that the hotline complies with state law. Putting the hotline in Charter would solve this problem.

4. Establish an ombuds office for the County. If the funding for the Auditor's Office increases to the 1% level described under Item 2, the Auditor would have the funding to establish an ombuds office. We seek to establish an ombuds similar to the one at the Portland Auditor's Office. An ombuds would respond to members of the public to resolve complaints about county services and practices. Ombuds conduct impartial investigations and resolve problems informally. They also have the authority to recommend remedial action or a change in policy. The hotline and ombuds functions would provide issue-specific accountability, while audits provide systems-level accountability.

5. Ensure the Auditor's Office's access to timely information. One principle of government auditing standards is that auditor should have access to records and government officials as needed to conduct each audit. Adding this language to Charter would help the Auditor avoid repeats of situations in which county programs have not provided necessary access in a timely manner. For example, the Auditor did not have audit-level, read-only access to the county's financial and human resources data system after it went live in 2019. This was despite repeated inquiries from the Auditor starting in the fall of 2017 to ensure we would have comparable access to the new system as we did to the prior one. It took until the end of 2019 – and multiple meetings, requests, and examples of how other jurisdictions had provided auditors with access – for our office to get the access we need to be able to serve our accountability function. Amending the Charter to specifically include information about the Auditor's access to information would improve transparency

with county employees and community members about the Auditor's authority to access information.

I appreciate your consideration of these proposed amendments and would be happy to meet with you or provide additional information. Thank you for your service to Multnomah County.

Dear Multnomah County Charter Review Committee,

I am a member of the community and have the pleasure of serving on the Multnomah County Auditor's Community Advisory Committee. I bring the lens of a mother, person living with an invisible disability, prosecutor, non-profit founder, former Congressional staffer, and law professor. I chose Multnomah County as my home, and I appreciate that the decisions you make will help our home thrive. The opinions in this letter are my own. I hope that my perspective on the Auditor's Office can be of service.

I call myself a democracy geek because I have always worked in a government sphere. My perspective after these many experiences has solidified: accountability, accessibility and transparency are essential to a strong, trusted democratic government. The Multnomah County Auditor's Office is essential to accountability, so the changes requested by Auditor Jennifer McGuirk are, too.

The Auditor's Office ensures our programs are running the way they are intended. The current office is also dedicated to including a diversity, equity, and inclusion lens, in order to serve all members of our community well. As the County has grown, the need for audits has grown. There are more programs and services to be assessed; however, the staffing and funding for the office has not changed. This hampers their effectiveness and has a negative impact on our community as a whole.

Auditor McGuirk has proposed Charter amendments to you, and I urge you to adopt them. First, she asks that conflicts of interests be removed, and that the ALGA's guidance be adhered to. When an elected official controls the Auditor's budget, there is an inherent conflict in the core tenant of independence for the Auditor's Office. This hampers the work and can degrade the people's trust.

Second, to meet the needs of our population, Auditor McGuirk requests increased budget resources. This will allow her office to not only act independently, but to increase how many audits can be conducted. Our communities deserve to know that their government is doing what they expect. The Auditor's Office provides this information, as well as recommendations for improvement where needed.

Third, the Good Government Hotline allows community members to easily report fraud, waste and abuse of position. It is essential that this service is maintained. Not only does it make sense, but tips from the Hotline have been acted on by the Auditor.

Fourth, establishing an ombuds office would allow better response to public complaints. Many complaints are specific, rather than about a system-level issue. In order to ensure

our community members have a responsive government, this ombuds office should be established for Multnomah County.

Lastly, a simple way to ensure the Auditor's work is effective, timely, and useful is to ensure timely access to information. While it is a principle of auditing standards, there have been incidents where the Auditor Office's inquiries were ignored for too long, impacting the effectiveness of their work. This should be remedied.

Our communities deserve to live in a place where the trust their government. The Auditor's Office provides accountability and transparency that promotes this trust. Each of the amendments requested by Auditor McGuirk should be adopted. They are reasonable, in line with best practices, and in the best interest of Multnomah County residents.

Thank you for your service to Multnomah County and your consideration of my letter.

Sincerely,

Rachel Sowray

Dear Multnomah County Charter Review Committee members,

I am writing you this letter today as a member of the Multnomah County Auditor Community Advisory Committee. I am also a 4th year PhD student with areas of emerging expertise in civic engagement and ethics as it pertains to equity in organizations.

As a community member of this committee, I have gained a lot of information as it pertains to audit work in Multnomah County. The County Auditor not only audits for financial improprieties (my initial, anecdotal thought), but acts as a primary mechanism of ensuring accountability to the community by performing audits related to best practices in terms of treatment and conditions. As you may know, accountability is a cornerstone of our democratic values—and this office in particular is uniquely situated to represent that value for Multnomah County. In order to do this properly, a clear independent authority for this office must exist. It helps align the office with best practices and can help them continue to follow the ethical principles set forth in the Government Accountability Officer's code of ethics which is largely centered on pursuing the public interest independent of conflicts of interest.

I have also been moved by the office's sensitivity to issues related to diversity, equity, and inclusion. In 2021, we are at a moment where this work is critical to maintaining the legitimacy of government work. This office takes the County's motto of "leading with racial equity" to heart by incorporating trauma- and equity-informed practices in the way they approach audits.

Despite this good work, capacity issues remain. The County Auditor and her staff have used many creative ways to add capacity to the organization, but the simple truth, in my opinion, is that resources are needed. Comparative to other institutions, the resources provided to this office has not kept up with the growing need within the community and inflationary financial landscape. It is my opinion that any resources provided would enhance the office's functioning by allowing them to engage in more projects in line with accountability and responsiveness to the community.

Please do not hesitate to reach out with further questions or concerns related to my letter.

Sincerely,

Diane L. Odeh, MPA

Graduate Research Assistant

Portland State University

Dear Multnomah County Charter Review Committee,

I served on the 2016 Charter Review Committee. Thank you for your service! I am pleased that you have been provided with more support resources than our committee had, and I think your public outreach is better too. Be aware that the end of your schedule will come faster than you expect and that there may be unexpected deadlines that appear at the end, so plan to finish your work early if possible. Better to have extra time at the end than to run out of time for critical work.

I have two topics that I want to suggest for your consideration.

First is an idea called "Rights of Nature" that could help limit environmental damage and fight climate change. I'm not an expert, so I'm providing you with a link to an article that explains the idea and its legal roots, a link to a newspaper endorsement of the charter amendment (later approved by voters) with Rights of Nature language in one Florida county, and that county's Charter Committee Report with the charter amendment language. I can't think of many things that could be added to a county charter to help fight climate change and environmental damage, but this looks like a viable option.

Here's a quote from the "Inside Climate News" article:

"The doctrine holds that nature and its component parts are not "things" or property but living beings with intrinsic value and an inherent right to exist. The idea is centuries old, existing primarily in Indigenous and other land-based cultures. But with pollution and deforestation threatening vast swaths of the planet and climate change amplifying sea level rise, extreme weather and mass migration, the concept of granting rights to nature has gained saliency and urgency across the globe over the last 15 years."

Article about the Rights of Nature doctrine and Charter Amendment measure: title of the article is "Does Nature Have Rights? A Burgeoning Legal Movement Says Rivers, Forests and Wildlife Have Standing, Too."

Link to the article: <https://insideclimatenews.org/news/19092021/rights-of-nature-legal-movement/?eType=EmailBlastContent&eld=aa098f8d-c36a-41ed-a381-f13b45319da4>

Orlando Sentinel Endorsement:

<https://www.orlandosentinel.com/opinion/endorsements/os-op-endorsements-orange-county-charter-amendments-editorial-20201015-nlufib6zjhrnbvbcprnqnfru-story.html>

Orange County 2020 Charter Committee Report (see page 21 for the relevant Charter Amendment, and page 46 for the relevant subcommittee report):

<https://www.occompt.com/wordpress/wp-content/uploads/2020/06/2020-CRC-Final-Report.pdf>

I currently serve as President of Forest Park Neighborhood (but this is a personal comment, not on behalf of the neighborhood). Our neighborhood includes a wide swath of unincorporated Multnomah County land (in addition to land inside Portland in and around Forest Park) that has many healthy headwater streams and high value forested wildlife habitat that helps keep Forest Park connected and healthy. We do our best to protect the natural resources in the area by working with the city and county, but a broad rule granting rights to natural resources could add critical protections for natural resources across a much wider area. This Rights of Nature idea was new to me when I read about it a few months ago -- it isn't something we considered in 2016.

The second topic relates to a Charter Amendment that we had little time to work on in 2016. We created a Charter Amendment, later adopted by voters, that limits campaign contributions. We all liked the idea of campaign contribution limits, but there was testimony on this topic from at least one person of color who was concerned that the rules in the Amendment would restrict their ability to raise campaign funds in ways that were not equitable. We did not have time to research the equity concern or to formulate changes to the proposal. Because several women of color have been elected to the County Board of Commissioners there may not be a problem, but you have time to research the details and equity considerations more thoroughly than we did, and you also have the fundraising results of a couple election cycles that might offer insights into whether the effects of the measure have been equitable. If the contribution limits that were adopted are not equitable you could propose improvements.

Best wishes,

Carol Chesarek

President, Forest Park Neighborhood

Dear Charter Review Committee:

The Office of Community Involvement (OCI) would like to propose changes to section 12.40 of the Multnomah County Charter, regarding the timeline of the MCCRC and the selection process for members. The current language created several key challenges in selecting members and convening the 2021-2022 MCCRC:

- The specific dates and deadlines outlined in Charter provide very little flexibility for staff to design a community friendly application process or to provide more time for the MCCRC to conduct its review of the charter. Applicants had to wait up to seven months between submitting their application and learning if they had been selected, and we could not convene the committee any earlier than September 2021.
- Selecting members by Senate district requires significant staff capacity to engage state legislators, who aren't very familiar with the MCCRC and have limited time to deeply engage in application evaluation. The current approach also results in unequal representation across County districts. Due to the way senate districts overlay our County districts, 7 of our 16 members reside in District 1 (Northwest & Southwest Portland and the inner Eastside), while only 2 live in District 2 (North & Northeast Portland). One Senate District has only 1,600 Multnomah County residents, and identifying a member from that district was challenging. In addition, with applicants evaluated and selected by Senate District, there is no opportunity to consider the makeup of the whole committee in making appointments.
- The current language does not address how to handle vacancies on the committee, or allow for flexibility if an MCCRC member moves between districts during their term, which could disproportionately impact renters and others more likely to move residences.

We propose the following changes to the Charter:

- Change the MCCRC's first meeting from September to the preceding March, providing the committee with an additional six months of work time, and remove the specific dates for the application process
- Select MCCRC members based on County district, requiring four members who reside in each district for a total of 16 MCCRC members, and task the Office of Community Involvement with application outreach, evaluation and member appointment
- If a member moves from their County district after being appointed, allow them to continue serving on the committee as long as they remain a Multnomah County resident
- Provide a general process for filling vacancies, allowing the Office of Community Involvement to fill vacancies from the applicant pool if reasonable given the timing of the vacancy

- Change the language around the committee selecting a “chairperson” to more explicitly allow for different leadership structures such as co-chairs

OCI can work with the County Attorney’s office to draft specific language that captures these changes, and present those to the MCCRC for consideration. We would also be happy to discuss the challenges and proposed changes with the MCCRC and/or a subcommittee, and look forward to working with the committee to improve this process for the future.

Thank you,

Office of Community Involvement

My name is Robert Noche. A Multnomah County resident who just has a few thoughts for Charter Review Committee. I am on the Portland TGA Ryan White Council and were on several county and Oregon Advisory Councils. I was a Co-chair of advisory group too I will take off all my advisory hats and just be an average "joe" resident in your peanut gallery watching your Zoom meeting.

The good points: Three Co-chairs will be an interesting concept and the smoothest election I saw. Never, I saw an effortless fist of five voting process ever. Honestly, I think you seem a cheerful group on Zoom.

The absent MCCRC member of Ana Rocio was a poignant and powerful chilling statement. I can relate to her since I am a member of BIPOC community. Hopefully, the County goes beyond lip service and wishful thinking. Yes, actions speaks louder than words. Yes, I did write in the chat when Ana's public testimony was over. Sorry, I left to eat dinner.

It would be nice if all Multnomah County advisory Councils got stipends. I think 50-75 dollars will be a good rate for MRCC. This is the average rate for advisory Councils in Oregon. I think that Multnomah County should set an overall standard for term limits for council members for county advisory members. Bylaws process for advisory Councils are messy and screaming matches. Sorry, your bylaws process were too ideallic. Maybe, colleges teaches something different when I went college a generation ago. I won't go into the faults of Robert Rules of Order since it will be a rabbit hole for some.

I like that that Office of Consumer Engagement is one of the topics your subcommittee will look into. Maybe a refinement of their range of scope. It was never mention in any of our county advisory boards. This stituation did happen. There was a staff member had a blatant disregard of bylaws and code conduct. The result was I left and the other Co-chairs all resigned over this issue. I left out the name off the staff and name of it's division since I don't want this to be a full rant. Maybe a better ombudsman process for advisory board members in the future.

I will end on a thought provoking thought. Cultural awareness and trauma informed care was good ten years ago. Now, decolonizing and restorative justice is need to move forward to make Multnomah County to feel truly democratic. Sorry, I went over two minute limit.

Robert Thurman-Noche

Dear Multnomah County Charter Review Committee -

My name is Brandon Goldner, and I'm a Portland resident and a member of the Multnomah County Auditor's Community Advisory Committee.

I appreciate all the time and energy you're giving as part of the Charter Review Committee. I can't imagine how much work it is, and all of it is really important.

I'm writing to ask for you to please support the charter amendments to the Auditor section of the Charter.

In my 10-ish years of public service, I've been lucky to work at many levels of government, both as staff and as an intern. At every level, the degree to which public programs are held accountable to actually DELIVER on what community members deserve and expect is far lower than most folks might know.

This is in no way to disparage the public servants who work extremely hard, sometimes doing the jobs of more than one person, because they want to do their jobs well in service to their community.

Quite the opposite; having a public sector auditing process that can take the time and attention to regularly examine public programs, make actionable recommendations, and follow up on those not only helps the public, it's in service to the folks working in those programs.

Auditing can be stressful for the public sector staff working in a program being audited. There's no doubt about it. But many times, those audits make a super effective case for why more resources, better structuring, or smarter tracking of work is needed... which can REALLY help the people working in those programs.

All of this is to say that a functional, healthy auditing structure helps everyone. In that spirit, I am asking for your support of the charter amendments to the Auditor section of the Charter.

Appreciate you all, and thank you again for your service!

Sincerely,

Brandon Goldner

Dear Multnomah County Charter Review Committee,

I served on the 2015/16 Multnomah County Charter Review Committee. Based on some of the discussion at the initial meeting of your Subcommittee #1, I am concerned that there may be some misconceptions about the current county management model. So I wanted to share some information and some history.

Multnomah County has a Chief Operating Officer (COO) who manages county operations and who reports to the Chair, instead of a traditional County Manager. This is considered a hybrid county manager model that is established through ordinances and other tools. The establishment of the role through these tools, instead of the Charter, makes the COO position more vulnerable but also more flexible to respond to changing needs because it can be changed by a majority of the County Board without waiting for a Charter Review and voter approval.

The current County COO, Serena Cruz, was the first Latina elected to the Multnomah County Board of Commissioners. The announcement of her appointment is here: [Chair Deborah Kafoury selects Serena Cruz as Chief Operating Officer | Multnomah County \(multco.us\)](#)

Her predecessor as COO was Marissa Madrigal, the first Latina to hold the job. She is now the COO at the Metro regional government, which I believe is generally seen as the top government COO job in the region. The announcement of her appointment is here: [Board appoints new chief operating officer, health department director | Multnomah County \(multco.us\)](#)

During our committee's deliberations, two (now former) County Commissioners proposed a County Manager charter amendment that would have both codified a County Manager position and shifted the responsibility for managing county operations away from the sole responsibility of the Chair to a shared responsibility of the Board. These changes were opposed, however, by Chair Kafoury (who was Chair at the time) and the other two Commissioners. The county Auditor and the District Attorney at the time also supported the current model.

While a majority of our committee supported the charter amendment proposal initially, after we learned more we decided not to send it to voters.

Here are some of the draft Findings that our Committee created for a proposed County Manager amendment to the charter while it was under consideration:

- d. Multnomah County has effectively created a hybrid county manager model through the adoption of ordinances and employee classification and compensation plans that establish the role of chief operating officer.
- e. The current hybrid structure lacks some of the elements of an appointed county manager found in other counties.
- f. The current hybrid structure could be reversed by the actions of a future board.
- g. The Chief Operating Officer currently performs two roles, one as the Director of the Department of County Management and another as a 'Department Director Principal' with the working title of 'Chief Operating Officer.'
- h. The current structure creates a broad portfolio of responsibilities for the Chief Operating Officer which are not specified in the Charter.
- i. Two current commissioners support a Charter amendment to establish a county manager who would be appointed and managed by the Board.
- j. The current chair and two commissioners oppose amending the Charter amendment to establish a county manager appointed and managed by the Board. The county Auditor and District Attorney also support the current model.

One of our committee's principles was that we shouldn't "fix" things that aren't broken, because you can easily and accidentally create unexpected problems. There are flaws in every governance model. Changes to reporting structures ripple through organizations and distract leaders and employees as they figure out how a new system works and jockey for power and influence.

Three of our current Commissioners have announced that they plan to run for County Chair. Chair Kafoury's term ends at the end of this year and term limits prevent her from running for re-election. Even if one of the current Commissioners is elected Chair, next year will be a time of tremendous change for the county Board. Adding significant changes to the COO's role at the same time could be extremely disruptive to county operations.

If you want to consider charter amendments that would formalize the County COO position by adding it to the Charter, or to change it to a more traditional County Manager position, I strongly urge you to ask Chair Kafoury, the current COO Serena Cruz, and any previous COOs who are available to speak with you ASAP. Our committee did not hear from Chair Kafoury or then-COO Madrigal until late in our process, and that was a mistake. Make sure you clearly understand the current hybrid system and the effects (positive and negative) of any proposed changes, including secondary effects that are less obvious such as disruption of major county projects.

I have many years of experience as a citizen advocate on Multnomah County and Metro committees, meeting with County Commissioners and Chairs, and testified at many Planning Commission and Board of Commissioners hearings not only in Multnomah County but also in Washington County, at Metro and City of Portland. Multnomah County, top to bottom, is by far the most responsive to citizens (which is not to say that it is perfect). I believe that this responsiveness is rooted in our unique management model.

There may be some minor Charter changes to codify the COO role that would be helpful (for example to require the COO appointment to be confirmed by the Board), but please be cautious and carefully research any changes you consider.

Thank you for your service, and best wishes on your journey.

Carol Chesarek

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Submitted February 2, 2022 by Emily von W. Gilbert (Public Comment)

I've noticed that the County has to contract with the City to collect taxes. Shouldn't it be able to do this on its own?

- Emily von W. Gilbert

I strongly favor getting rid of "first past the post" (FPP) ways of determining winners of elections. Among alternatives are Ranked Choice Voting (RCV) which, in its best-known form is not perfect; there are a number of alternatives that do slightly better, but RCV is usually pretty good and no voting system can be perfect.

I am strongly opposed to STAR and, frankly, bewildered that anybody purporting to favor equity would support it. STAR is in stark violation of what I consider to be the cardinal principle of fair elections that each voter's preference should count the same as each other voter's preference. Because STAR is based upon how passionate voters are about candidates, the passions of a few can outweigh the preferences of the many.

Here is an example. Consider an election with three candidates, who I will suggestively name Donnie, Bernie, and Joe. For simplicity, assume that there are 20 voters—multiplying that number by any constant does not change the point of the example. Nine voters are true believers in Donnie and give him five stars, while giving both Bernie and Joe zero stars. Three voters are true believers in Bernie and award him five stars. They detest Donnie and give him zero stars. Joe is regarded as a poor second-best and receives 2 stars from these voters. Finally, eight voters see the benefits and flaws of both Joe and Bernie, and on margin prefer Joe to Bernie, giving the former three stars and the latter two stars. These voters give zero stars to Donnie. Note that in an FPP election, Donnie wins, with 9 votes against 8 for Joe and 3 for Bernie. In an RCV election, Bernie is the gets the fewest number of first choices and Joe beats Donnie in the instant runoff, 11 to 9. In STAR, Bernie gets a total of 31 stars (15 from Bernie supporters, 16 from Joe supporters, and none from Donnie supporters), Joe gets a total of 30 stars (24 from Joe supporters, 6 from Bernie supporters, and none from Donnie supporters), and Donnie gets 45 stars (all from his own supporters). In the automatic runoff, Donnie (highest number of stars) loses to Bernie (second-highest number of stars). So Bernie wins even though 8 of 11 voters who see a difference between the two prefer Joe. Preferences, not passions, are what elections should be about.

Prohibit all funding and staffing contracts between the District Attorney's Office and outside entities, such as Clean & Safe. A conflict of interest this blatant would be illegal in many parts of the world. It is sad that Multnomah County officials even need the Charter to be revised to prohibit such a ridiculous practice. These dangerous practices have been covered in the media, such as here:

<https://www.portlandmercury.com/blogtown/2021/07/28/35461180/city-hears-opposition-to-continuation-of-downtown-clean-and-safes-contract>.

Kevin Machiz

Hello!

My name is Mont Chris Hubbard, I use he/him pronouns, I live in NE Portland, and I am the Chair of the Oregon STAR Voting Chapter. I want to tell you why I support STAR Voting over Instant Runoff Voting, commonly known as Ranked Choice Voting.

I have been a voting adult for 21 years, and I would say that in the majority of elections I have voted in, I've been forced to vote for a candidate I didn't believe in, because I wanted to make sure that the worst candidate didn't win. I didn't vote for who I thought the best candidate was. It feels terrible to do this. AND when these good candidates don't get the votes that they should, it makes it seem like they are less popular than they are. It's a vicious cycle—people think they are unelectable, so they don't vote for them, so they seem unelectable. So I bite my lip and vote for the lesser evil. Other people faced with this problem decide not to vote at all. Why bother, when you know it doesn't make a difference? This problem led me to Ranked Choice Voting as a solution, but I learned that Ranked Choice Voting wouldn't solve those problems, and it comes with some new problems of its own. Sure, Ranked Choice Voting lets me vote for my favorite candidate without harm, but only when that candidate has no chance of winning. In a competitive three-way race using Ranked Choice Voting, voting for my preferred candidate can cause my least favorite candidate to win. With Ranked Choice Voting, I will still feel immense pressure to vote for the lesser of two evils. I never want to feel that again.

Moreover, Ranked Choice Voting results are incredibly complicated to understand and to tabulate. You can't start counting the ballots until you have every single ballot in the same location. It's time-consuming, very unsecure, and very difficult to audit. Last summer, New York City used Ranked Choice Voting for their mayoral primary—it took two weeks to get the results! Two weeks! STAR Voting can be tallied across precincts, which makes it more secure and easier to tabulate. The results show the exact level of support for every candidate, which counteracts the electability paradox. It counts my whole ballot, which lets me vote my conscience. And it's easy to use—I am a member of a couple of organizations that use STAR Voting; my union, Local 99 of the American Federation of Musicians, and the Portland chapter of the DSA. Anyone can use it.

I am so excited for Multnomah County to lead the way on this; I am ready to table, to canvas, to knock on as many doors and talk to as many people as possible about STAR Voting; we can be a model to the State of Oregon and to the whole country for improving our elections in a simple, non-partisan way that will make more people want to vote.

Sincerely,

Mont Chris Hubbard

P.S. It can be hard to imagine what this simple change would look like, so a friend and I wrote an imaginary news article to demonstrate what Portland election results could look like if we have STAR Voting in the future. You can read it here:

<https://docs.google.com/document/d/1NIFZga7vPOH7IHkD-rEsC1ZaPp-wvNVw3G5OxFCIh2I/edit>

Dear MCCRC Government Accountability Subcommittee,

I served on the 2015/16 Multnomah County Charter Review Committee, and want to comment on the Office of Community Involvements (OCI) proposals.

My explanations are below, but in summary, I recommend:

- Keeping MCCRC appointments by legislators but consider adding committee members in under-represented areas.
- Ask OCI to track the demographics and geographic distribution of MCCRC committee members over time (not a charter change).
- If you want to extend the MCCRC term, add no more than one or two months. I would leave it alone.
- Instead of adding MCCRC members who live outside the county, work with OCI to do targeted outreach to minority communities in our county. The Portland Charter Review Committee provides a model. No charter change, and may be possible in your term.
- Allow replacement committee members to be named only before the first MCCRC meeting (appointment still by legislators, from the original applicant pool).
- MCCRC members remain eligible as long as they reside within Multnomah County (even if they move).
- Adjust the application process to allow more flexibility and reduce the calendar gap between application submission, selection, and the first MCCRC meeting.

The 2015/16 MCCRC considered moving away from having state legislators select MCCRC members but decided it was important to keep the selection independent of county operations so that it could not be biased by county employees. The Charter is effectively the county's constitution. The MCCRC influences the foundation of the county's operations.

We wouldn't want an OCI employee interested in a charter change to select CRC members based on that interest. There are no checks and balances – it is unlikely that a bias would even be detected. An OCI employee could also be influenced by someone in county government to bias selection of MCCRC members. Keeping selection of CRC members in the hands of elected state legislators provides independence while ensuring that appointments remain in the hands of elected officials who represent a range of local interests (each of whom has limited impact on committee membership).

I'd recommend keeping the current appointment system but consider adding committee members in under-represented geographic areas. Senate districts don't correlate to County districts, so you won't be able to guarantee a particular distribution,

and I'm not sure why you need to. With appointments by County district you could still end up with many committee members who lived in one area near a boundary. There are more than 4 Senate districts, so their use should ensure more geographic diversity than using

only 4 County districts. It seems like the goal should be fairly proportional representation across the county, and members that represent diverse voices (including rural voices). Multnomah County has diverse legislators who understand the importance of appointing diverse committee members.

The current MCCRC appears to be extremely diverse and relatively young. It would be interesting to ask OCI how it compares to the county's overall demographics – it doesn't look like minority voices are under-represented.

There are other ways that the OCI can assist and be a positive influence MCCRC appointments. What guidance and information did the OCI provide to legislators considering applications? The OCI affects the MCCRC selection process through recruiting applicants, and they appear to have done an excellent job based on the diversity of the current committee.

The CRC starts to bond as a team from their first meeting, and early meetings include equity training, so I would not replace members after the first CRC meeting. Otherwise, new members could object to bylaws and rules that you developed as a team. I would allow vacancies to be filled only before the first CRC meeting, and keep the appointments by legislators, using the original applicant pool. If the timing of the selection process is tighter, it seems unlikely that there would be many vacancies.

I support allowing committee members to continue as long as they reside in the county.

Extending the MCCRC's work from 12 to 18 months seems excessive unless you believe there are substantial structural problems in the county. You are only part way through your work. By August you are likely be tired and happy to see your term end. An 18-month term also seems likely to discourage people with competing responsibilities (like working more than one job), from applying and could lead to committee burn out. If the OCI makes your bylaws and group agreements available to future MCCRCs, they may be able to build on them and start faster. A shorter term keeps the committee focused on the highest priorities.

There was some discussion about allowing people who live outside of Multnomah County to serve on the MCCRC. The Charter is our constitution – would you want citizens of other countries to be able to alter our country's constitution? I'm skeptical that county voters would endorse that. The city prioritizing people with strong community ties makes sense when making reparations to individuals and communities for past injustices. But that's a very different program than membership on a committee

considering county charter updates. I agree with your goal of hearing from marginalized voices and minority communities, but you have a very diverse committee and can hear from more voices through targeted outreach, listening sessions, focus groups, etc. that OCI can facilitate. It would be extremely complicated and controversial to try to write rules about what individuals residing in other counties would qualify as deeply connected to Multnomah County for purposes of serving on the MCCRC. Why dilute the opportunities for individuals representing minority voices who do reside in

Multnomah County by offering those opportunities to people who live outside the county?

Best wishes and thank you for your service,

Carol Chesarek

I urge adding a "sunshine clause" to the charter.

A basic flaw of the Oregon Constitution is that it does not provide for an open meetings law or a public records law. The legislature could repeal these essential open government laws at any time. Similarly, the legislature continually adds exceptions to the public records law, and these automatically trickle down to the county. Ensuring open government through a charter amendment will provide for long-term protections.

Here's my stab at charter language:

"CHAPTER 13: Open Government"

13.10 (A) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of county staff and officials and shall be open to public scrutiny.

(B) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access.

(C) The Board of County Commissioners shall enact a sunshine ordinance to ensure the people's right of access to no less than that of the Oregon Public Records and Public Meetings laws as of the effective date of this subdivision. Amendments adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(D) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision.

(E) A people's basic right of access shall extend to non-profits that receive at least \$500,000 per year in funding from the County. Through grant agreement provisions, covered non-profits shall ensure at least two annual board meetings noticed at least 30 days in advance be open to the public with a designated period for public comment"

I urge the addition of this clause or something to its effect:

4.20 (4) "Upon taking office and thereafter no less than annually, all County Officers shall make an inspection of all jails and places of involuntary detention in the county both private and public, excepting facilities operated by the Federal government or the Oregon Department of Corrections."

This or something to its effect is a common provision in charters and state constitutions in the Western United States. It has the impact of exposing commissioners to the consequences of passing ordinances imposing jail time as well as reminding them that the commissioners are responsible for ensuring jail's humane conditions, capital/capacity needs, and adequate budgeting. Detention facilities extend to inpatient psychiatric centers, quarantine facilities, and juvenile detention facilities. Cities and some special districts have the legal right to establish detention facilities, but the county officers as agents of the state have the duty to ensure the general welfare of City-run and privately-run facilities. In addition, sometimes involuntary mental health holds take place in privately-run institutions of varying standards of operations. I myself had to take a constitutionally-mandated jail tour as a civil grand juror in California, and during a tour, we were approached by a whistleblower, and this led to the exposure and conviction of a group of rogue sheriff deputies who were deliberately setting up "fight club" duels between inmates for gambling purposes.

In Multnomah, this practice would have exposed the problematic involuntary sobering Center operated under a county health dept contract run through the City of Portland by Central City Concern where the walls were covered with blood and feces. The county has also settled to significant taxpayer expense a number of lawsuits related to inmate abuse, wrongful inmate death, and substandard jail healthcare. Personal familiarity with these facilities will allow county commissioners to make more informed decisions when accepting legal settlement or choosing to defend claims against the county.

I urge the County Charter be revised to institute a new elected County Public Defender. This is the practice in the county charter of San Francisco County, CA, and it would implement a practice of greater government involvement in Oregon public defense recommended by the American Bar Association in a report issued January 2022 to the legislature.

As it is, Oregon is the only state in the union to contract out most of its public defense work, and this is done at the state level - and is generally very poor. An essential element of home rule as enshrined in the Multnomah county charter is local voter oversight of the essential state function of public defense. In Multnomah county, this is not being done. The creation of an elected public defender with oversight authority of public defense in the county and authority to assign/reassign/assume caseloads will remedy this flaw. In San Francisco, the elected public defender has also been a voice to call out abuses in the county's district court, abuses by judges, abuses by the police and sheriff, fraud in the local crime lab, fraud by the local medical examiner, and abuses in the District Attorney's office. One associate public defender, Mr. Matt Gonzales, was a national vice presidential candidate in 2008, and in 2017, the elected public defender Jeff Adachi presented a zealous defense in the Kate Steinle shooting first-degree murder trial, securing an acquittal. Under Oregon's system, such a defense would have been highly unlikely.

An elected public defender (with an office and support staff) would also gather and centralize strategic intelligence and institutional knowledge on matters such as bad cops, warrant application perjury, entrapment operations, racial biases of law enforcement personnel, civil forfeiture abuses, expert witness strengths/weaknesses, or judge's temperaments. The current outsourced system is fragmented so that this information is not shared among attorneys performing public defense, enabling bad actors in the system. An elected office of the Public Defender would also create a more diverse pipelining of public officials. As it is, Oregon courts are overrepresented by judges with backgrounds as prosecutors.

According to a two-year ABA study funded by the legislature released in January 2022, Oregon has only a third of the constitutionally-required public defenders needed. The report found contract public defenders routinely violate Oregon Rules of Professional Responsibility, and there is no oversight or enforcement of these rules. ABA standard, which have been part of a US Supreme Court consent decree, require a public defender complete an investigation and study of a case before recommending a plea bargain to clients. In Multnomah county, this is often not done or is haphazard. As a result, local law enforcement and especially the DA's office are careless in terms of evidence handling and disclosure. Multnomah also has an excessive plea-bargain rate

compared to comparable cities - likely because the public defender pre-plea investigation is insufficiently thorough.

<https://www.registerguard.com/story/news/2022/01/25/oregon-needs-more-public-defenders-american-bar-association-study/6621273001/>

**Is the rubric your office uses to assess what audits you might take on published publicly? Can we access them?**

When I ran for office, I pledged to prioritize audits of programs that directly impact people's health and safety. I also think it is important to use robust criteria for determining which audits to devote staff resources to. For that reason, during my first month in office, I directed my staff to develop a risk matrix to help determine which areas may need our attention. We [describe the matrix](#) on our website. The matrix asks questions about each program, including:

- What is the overall annual budget?
- What is the general fund budget?
- How many employees do they have?
- Does the program enable other County programs to function?
- Have there been any significant changes?
- How many vulnerable or under-served people depend on the program for basic needs?
- Does the public care about this program?
- What is the life and safety impact if the program does not meet its mission?
- Is there external oversight other than the Auditor's Office?
- What is the program's score on the ethics survey that our office conducts every other year?
- Have we audited the program in the last five years?

Based on the answers to these questions, we create a risk score. The higher the score, the more likely we are to audit the program/issue. I recently directed that we add to the matrix a measure related to hotline complaints about a program/issue and am considering other measures to refine the matrix this year.

We have not published the risk matrix with all of the potential audits and their scores. This has been because the final decision on what to audit rests with the County Auditor. The matrix and resulting scores are important internal tools to me for setting the audit schedule. While we haven't published the complete matrix and scores, they are public records.

**Have there been other efforts by your team to connect more with the community directly and seek input from them? (This was the question asked in context of your presentation, so maybe is there any additional information you can share about how your team connects with the community?)**

My office strives to connect with community on an ongoing basis to keep them informed about our work and provide opportunities for community members to provide input and guidance. We also connect with community members to learn from them for

specific projects.

Prior to the pandemic, our regular engagement work involved attendance at community events, hosting constituent coffees in different parts of the county, and providing information to community members through our monthly newsletter, website, and social media. Toward the end of 2021 we started to be out in the community again by tabling at a couple of community events in Troutdale and at the Rosewood Initiative. I'm hopeful that this year my office can continue to be out in the community more. My staff and I are also happy to attend community meetings to present on our work and collaborate when we are invited to do so.

During our audits, my office seeks to learn from the experiences and wisdom of people who are on the receiving end of county services, as well as with the county's diverse employees and contractors. Before we engage with anyone, we start working with our equity lens tool. We developed this tool with guidance from the county's Office of Diversity and Equity after I took office and began to use it in projects started on or after July 2020. The tool helps us identify stakeholders and to continually keep in mind the people, places, processes, and kinds of power occurring with regard to a particular issue or decision.

From the beginning of our process, we strive to include people affected by the issue we're auditing through one-on-one interviews, focus groups, surveys, and other tools, using a trauma-informed approach. This enables stakeholders to participate in shaping audit objectives and scope. Our approach also strives to mitigate barriers to participation that community members may face, such as the need to communicate in languages other than English and the need for childcare. And we report back to the people we learn from about how their knowledge informed our audit objectives, reports, and recommendations.

### **How does the auditing office determine if an audit's recommendations have been implemented?**

The audit team evaluates the status of recommendations based on interviews, documentation, and other available evidence. Based on this work, the team determines whether the recommendation is:

- Implemented – Auditee has fully implemented, or auditee has resolved the issue to meet the recommendation's intent.
- In Process – Auditee has started implementation.
- Not Implemented – Auditee has not implemented, or does not intend to implement.

The team discusses their determinations with the County Auditor, and our office uses a quality assurance process to ensure our determinations about recommendation status are sound.

It is unfair that only the District 2 Commissioner is on the same election cycle as the Chair, meaning that the District 2 Commissioner cannot run for Chair without potentially losing their seat - they have to choose whether to run for re-election or for Chair. Since the District 1, 3 and 4 Commissioners are on the opposite two years, they can run for Chair without giving up their seat. This is particularly egregious since District 2 represents North and Northeast Portland, historically with more people of color. District 2 (both Commissioner and voters) is currently disadvantaged in this regard. It would be more fair for District 2 to be on the same schedule as the other three Districts, and only the Chair position on the opposite cycle. This could be accomplished by making the term of the District 2 position six years for one election, thus putting the position on the same cycle as the other three Districts.

Dear Equitable Representation Subcommittee,

I served on the 2015/16 Multnomah County Charter Review Committee and have been listening in on your recent meetings.

I am concerned that you are spending a great deal of time hearing from an organization, More Equal Democracy, that is based in Massachusetts and doesn't appear to have done any research into our local history or current conditions. I hope you will reach out to hear from a wider range of opinions and explore the effect of proposals on not only representation, but also on effective governance.

I can't make all the points I'd like to in this comment. I could be happy to meet with any or all of you to discuss alternate ideas – I'm good at finding alternate arguments.

To summarize the points I want to make in this comment:

- **We have had an all-female, majority minority board since 2017, and a majority female board since 1985 except for two relatively brief periods. We elected an African American woman as County Chair in 1987. We didn't need a huge number of Commissioners, multi-member districts, partisan elections, or proportional elections to elect them.**
- Because our Board positions are limited, each is influential but still accessible to individuals in their Districts.
- Influential positions attract strong candidates.
- Increasing the number of Commissioners would reduce the influence of each.
- Adding a large number of Commissioners will greatly increase the influence of lobbyists and donors vs. individual citizens.

I was unimpressed by the MED recommendation that we consider moving to partisan elections for County Commissioner because people needed party affiliation to signal them to vote for minority candidates. If that was true here, our current non-partisan positions on the Board wouldn't have had a majority minority board since 2017, and we wouldn't have elected an African American woman as Chair (a county-wide race) in 1987. We don't need more partisanship in our politics.

I'm also disappointed by MED's basic (and little unquestioned) core premise that women and minorities are under-represented on our County Board, and that minority representation would be improved by greatly increasing the number of Commissioners. We have had an all-female, majority minority board since 2017. We didn't need a huge number of Commissioners, multi-member districts, or proportional elections to elect them. We have a board that is all female and majority minority – clearly voters

are not only voting based on their own racial or sexual identity, or we wouldn't have elected an African American woman to be County Chair in 1987.

**So, what is the problem that you want to solve? What other consequences might different proposals have?** Representation is only one aspect that you need to consider – effective governance is also critical. The county currently has good female and minority representation and effective governance.

I wonder how many of you feel that our federal House of Representatives or Senate are effective legislative bodies? How about our State House and Senate? By the MED logic, those bodies should be much, much larger – do you think that would make them more effective?

Individual members of those large bodies don't have much influence unless they are in a small number of leadership roles – Speaker of the House or Senate President (or you are in Joe Manchin's position) and to some extent committee chairs. Because many votes need to be aligned to adopt policy, lobbyists and donors are far more influential in these places than individual voters – you need to have a lot of time to invest and be able to get meetings with many elected representatives, not just your own, to influence enough votes.

I've been to Salem, testified at hearings and met with elected representatives. It is very hard for an individual to have any influence there unless you are aligned with an influential lobby or agency, or there are a huge number of individuals motivated enough to communicate with their representatives. Most elected representatives in Salem ignore input they receive from folks who aren't in their district.

We have an effective County Board, with a strong history of electing women and minorities. With only 5 members, each Commissioner can have a strong influence on the county's direction. It is also a small enough group that they can (generally) work together effectively.

Because our Board positions are limited and influential, these positions attract strong candidates. Our elections (even before campaign contributions were limited) have been relatively inexpensive campaigns, so they've been more open to women and minorities, and attractive because they can make a difference if they're elected.

In my experience (with a recent exception of a Commissioner who is running for Chair), it is pretty easy to be heard by your Commissioner if you have an issue that relates to county business. On behalf of my neighborhood, I've arranged numerous meetings with Commissioners and their staff since 2007, and I know individuals who've been able to arrange their own meetings. Because there are only 5 Commissioners, they often arrange to have department heads and/or staff attend these meetings. You can sit down with your Commissioner and have a coherent conversation about an issue that

results in action. Once they know me, I can call or email a Commissioner's staff and get a helpful response.

If there were, say, 12 Commissioners, perhaps each would be more available, but you'd need to persuade not 3, but 7 board members to vote on your issue to get results. While it is easy to get a meeting with your own Commissioner, it isn't easy to get a meeting with a Commissioner from another district. With that many Commissioners, it seems likely that there would be too many requests for Department heads to attend constituent meetings.

That many Commissioners are also less likely to work together as a team, and more likely to break into factions. The influence of lobbyists would rise because they're the ones likely to have the time and access to meet with multiple Commissioners.

I sincerely hope that you will do more research and talk to people with other views, including the Chair and current county Commissioners.

I am attaching a paragraph about Gladys McCoy from the county's web site, and also the county's list of past Board members.

Thank you for your thoughtful work. Please let me know if you have any questions.

Carol Chesarek

### **Who was Gladys McCoy?<sup>1</sup>**

Gladys McCoy was Chair of the Multnomah County Board of County Commissioners from 1987 until her death in April 1993, having been elected to two terms. She previously served two four-year terms on the Commission representing North and Northeast Portland. Her first elected position was on the Portland School Board where she was a strong advocate for quality education. She was the first African-American to serve in these positions, and the first person of color elected to public office in Oregon.

### **Milestones on our county Board for women and people of color:**

**1975: the first woman, Alice Corbett, serves on the County Board**

**1978: two women Commissioners serve on the Board**

**1979: the first African American, Gladys McCoy, serves on the Board**

**1985: first female Chair, Pauline Anderson & majority female Board**

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<sup>1</sup> From the Multnomah County web page about the county's Gladys McCoy Lifetime Achievement Award <https://www.multco.us/oci/gladys-mccoy-lifetime-achievement-award>

**1987: first African American Chair, Gladys McCoy**

**1999: first Latina Commissioner, Serena Cruz**

**2001: two Latina Commissioners serve on the Board**

**2011: a second African American, Loretta Smith, serves on the Board**

**2017-2022: the Board is majority minority and all female**

By my accounting, our board has been majority female since 1985 except for two brief periods: April to July 1993, after Gladys McCoy died, and 2007-2008.

For reference, the county's 2022 adopted budget<sup>2</sup> says:

The US Census estimates that in 2018 Multnomah County's population was

77.8% White,

7.3% Asian,

5.4% Black or African-American,

0.6% Native Hawaiian or other Pacific Islander,

0.9% American Indian or Alaskan Native,

2.5% Other Races, and 5.5% people with two or more races.

Approximately 11.4% of the County's population is Hispanic.

From <https://www.multco.us/board/past-boards-commissioners> (as of April 4, 2022)

#### **Past Boards**

**GEORGE W. VAUGHN, EMSLEY R. SCOTT, JAMES F. BYBEE**

1854

**D. POWELL, ELLIS WALKER, S. FARMAN**

1855

**D. POWELL, ELLIS WALKER, M. M. LUCAS**

1856

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<sup>2</sup> Page 4, [https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/Tab%204%20-%20FY%202022%20Meet%20Multnomah%20County%20-%20ADOPTED\\_0.pdf](https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/Tab%204%20-%20FY%202022%20Meet%20Multnomah%20County%20-%20ADOPTED_0.pdf)

**D. POWELL, J. F. WILMOT, M. M. LUCAS**

1857

**JOSEPH H. LAMBERT, J. F. WILMOT, M. M. LUCAS**

1858

**EDWARD HAMILTON, WILLIAM S. LADD, CALEB RITCHEY**

1859

**EDWARD HAMILTON, JOHN S. WHITE, ELLIS WALKER**

1860-1861

**PHILIP A. MARQUAM, WILLIAM KERNS, M. S. BURRELL**

1862-1863

**PHILIP A. MARQUAM, HENRY W. CORBETT, ALVA COMPTON R. SHAW**

1864

**PHILIP A. MARQUAM, J. P. O. LOWNSDALE, ALVA COMPTON R. SHAW**

1865

**PHILIP A. MARQUAM, J. P. O. LOWNSDALE, HANS HANSON**

1866-1867

**PHILIP A. MARQUAM, HAMILTON BOYD, E. L. QUIMBY**

1868-1869

**EDWARD HAMILTON, JOHN KENULTY, E. M. BURTON**

1870-1871

**EDWARD HAMILTON, CLIEVE S. SILVER, S. J. MCCORMICK**

1872-1873

**J. H. WOODWARD, HANS HANSON, CHARLES HOLMAN**

1874-1875

**J. H. WOODWARD, TYLER WOODWARD, PENUMBRA KELLY**

1876-1877

**S. W. RICE, W. M. WIBERG, PHILO HOLBROOK**

1878-1879

**S. W. RICE, J. A. SLAVIN, GEORGE M. LONG**

1880-1881

**LOYAL B. STEARNS, CHARLES P. BACON, E. G. GIESE**

1882-1883

**LOYAL B. STEARNS, HENRY W. CORBETT, JOHN S. NEWELL**  
1884-1885

**JOHN CATLIN, HENRY W. CORBETT, JOHN S. NEWELL**  
1886-1887

**JOHN CATLIN, DAVID M. DUNNE, B. F. SMITH**  
1888-1889

**JOHN CATLIN, DAVID M. DUNNE, H. S. STONE**  
1890

**JULIUS C. MORELAND, DAVID M. DUNNE, H. S. STONE**  
1891

**JULIUS C. MORELAND, PHILO HOLBROOK, H. S. STONE**  
1892-1893

**HENRY H. NORTHUP, PHILO HOLBROOK, H. S. STONE**  
1894-1897

**W. M. CAKE, PHILO HOLBROOK, W. B. STEELE**  
1898-1899

**W. M. CAKE, J. G. MACK, W. B. STEELE**  
1900

**W. M. CAKE, J. G. MACK, WILLIAM SHOWERS**  
1901

**L. R. WEBSTER, J. G. MACK, WILLIAM SHOWERS**  
1902

**L. R. WEBSTER, F. C. BARNES, WILLIAM SHOWERS**  
1903-1904

**L. R. WEBSTER, F. C. BARNES, WILLIAM LIGHTNER**  
1905-1909

**T. J. CLEETON, D. V. HART, WILLIAM LIGHTNER**  
1910-1913

**T. J. CLEETON, D. V. HART, WILLIAM LIGHTNER, RUFUS HOLMAN**  
1914

**T. J. CLEETON, P. HOLBROOK, WILLIAM LIGHTNER, RUFUS HOLMAN**  
1915-1916

**GEORGE TAZWELL, P. HOLBROOK, A. A. MUCK, RUFUS HOLMAN**  
1917-1918

**RALPH W. HOYT, A. A. MUCK, RUFUS HOLMAN**  
1919-1920

**RALPH W. HOYT, CHARLES RUDEEN, RUFUS HOLMAN**  
1921-1922

**J. H. RANKIN, CHARLES RUDEEN, DOW V. WALKER**  
1923-1924

**AMADEE SMITH, GRANT PHEGLEY, ERWIN A. TAFT**  
1924-1926

**AMADEE SMITH, GRANT PHEGLEY, CLAY S. MORSE**  
1927-1928

**FRED GERMAN, GRANT PHEGLEY, CLAY S. MORSE**  
1929-1930

**FRED GERMAN, GRANT PHEGLEY, FRANK SHULL**  
1931-1932

**C. A. BIGELOW, GRANT PHEGLEY, FRANK SHULL**  
1933-1934

**C. A. BIGELOW, ERWIN TAFT, FRANK SHULL**  
1935-1939

**C. A. BIGELOW, FRANK SHULL, O. V. BRADLEY**  
1939-1940

**C. A. BIGELOW, FRANK SHULL, T. J. KREUDER**  
1941-1942

**FRANK SHULL, CHARLES C. BRADLEY, TOM H. WEST**  
1942-1943

**FRANK SHULL, TOM H. WEST, ALAN BROWN**  
1944-1948

**MIKE J. GLEASON, FRANK SHULL, GENE W. ROSSMAN**  
1949-1950

**MIKE J. GLEASON, FRANK SHULL, AL L. BROWN**  
1951-1954

**MIKE J. GLEASON, AL L. BROWN, JACK BAIN**

1955-1962

**MIKE J. GLEASON, JACK BAIN, L. W. AYLSWORTH**

1962

**MIKE J. GLEASON, DAVID ECCLES, MEL GORDON**

1963-1966

**MIKE J. GLEASON, DAVID ECCLES, MEL GORDON, L. W. AYLSWORTH, DAN E. MOSEE**

1967-1968

**MIKE J. GLEASON, DAVID ECCLES, MEL GORDON , L. W. AYLSWORTH, DONALD E. CLARK**

1969-1970

**MIKE J. GLEASON, BEN PADROW, MEL GORDON, L. W. AYLSWORTH, DONALD E. CLARK**

1971-1972

**MIKE J. GLEASON, BEN PADROW, MEL GORDON, DAN MOSEE, DONALD E. CLARK**

1973-1974

**DONALD E. CLARK, MEL GORDON, DAN MOSEE, ALICE CORBETT, DENNIS V. BUCHANAN**

1975-1978

**DONALD E. CLARK, DAN MOSEE, ALICE CORBETT, DENNIS V. BUCHANAN, BARBARA  
ROBERTS**

1978

**DONALD E. CLARK, DAN MOSEE, EARL BLUMENAUER, DENNIS V. BUCHANAN, GLADYS  
MCCOY**

1979

**DAN MOSEE, EARL BLUMENAUER, DENNIS V. BUCHANAN, GLADYS MCCOY, GORDON  
SHADBURNE**

1979

**DAN MOSEE, EARL BLUMENAUER, DENNIS V. BUCHANAN, GLADYS MCCOY, GORDON  
SHADBURNE**

1980

**EARL BLUMENAUER, DENNIS V. BUCHANAN, CAROLINE MILLER, GLADYS MCCOY,  
GORDON SHADBURNE**

1981-1982

**EARL BLUMENAUER, ARNOLD BISKAR, CAROLINE MILLER, GLADYS MCCOY, GORDON SHADBURNE**  
1983-1984

**RICHARD C. LEVY, ARNOLD BISKAR, CAROLINE MILLER, EARL BLUMENAUER, GORDON SHADBURNE**  
10-11/1984

**PAULINE ANDERSON, GRETCHEN KAFOURY, CAROLINE MILLER, EARL BLUMENAUER, GORDON SHADBURNE**  
1985-4/1986

**PAULINE ANDERSON, GRETCHEN KAFOURY, CAROLINE MILLER, BONNIE MORRIS, GORDON SHADBURNE**  
4-8/1986

**PAULINE ANDERSON, GRETCHEN KAFOURY, CAROLINE MILLER, BONNIE MORRIS**  
8-11/1986

**PAULINE ANDERSON, GRETCHEN KAFOURY, CAROLINE MILLER, BONNIE MORRIS, POLLY CASTERLINE**  
11-12/1986

**GLADYS MCCOY, PAULINE ANDERSON, GRETCHEN KAFOURY, CAROLINE MILLER, POLLY CASTERLINE**  
1987-1988

**GLADYS MCCOY, PAULINE ANDERSON, GRETCHEN KAFOURY, RICK BAUMAN, POLLY CASTERLINE**  
1/1989

**GLADYS MCCOY, PAULINE ANDERSON, GRETCHEN KAFOURY, RICK BAUMAN**  
2/1989-6/1989

**GLADYS MCCOY, PAULINE ANDERSON, GRETCHEN KAFOURY, RICK BAUMAN, SHARRON KELLEY**  
7/1989-12/31/90

**GLADYS MCCOY, PAULINE ANDERSON, GARY HANSEN, RICK BAUMAN, SHARRON KELLEY**  
1/1991-12/31/1992

**GLADYS MCCOY, DAN SALTZMAN, GARY HANSEN, TANYA COLLIER, SHARRON KELLEY**  
1/1993-4/1993

**HANK MIGGINS-INTERIM, DAN SALTZMAN, GARY HANSEN, TANYA COLLIER, SHARRON KELLEY**

4/1993-7/1993

**BEVERLY STEIN, DAN SALTZMAN, GARY HANSEN, TANYA COLLIER, SHARRON KELLEY**

8/1993-12/1997

**BEVERLY STEIN, DAN SALTZMAN, GARY HANSEN, SHARRON KELLEY**

12/1997-1/1998

**BEVERLY STEIN, GARY HANSEN, SHARRON KELLEY**

1/1998-6/10/1998

**BEVERLY STEIN, DIANE LINN, GARY HANSEN, SHARRON KELLEY**

6/11/1998-6/22/1998

**BEVERLY STEIN, DIANE LINN, GARY HANSEN, LISA NAITO, SHARRON KELLEY**

6/23/1998-12/31/1998

**BEVERLY STEIN, DIANE LINN, SERENA CRUZ, LISA NAITO, SHARRON KELLEY**

1/1999-12/2000

**BEVERLY STEIN, DIANE LINN, SERENA CRUZ, LISA NAITO, LONNIE ROBERTS**

1/2001-3/14/2001

**BILL FARVER-INTERIM, PAULINE ANDERSON-INTERIM, SERENA CRUZ, LISA NAITO, LONNIE ROBERTS**

3/15/2001-6/4/2001

**DIANE M. LINN, MARIA ROJO DE STEFFEY, SERENA CRUZ, LISA NAITO, LONNIE ROBERTS**

6/5/2001-12/2006

**TED WHEELER, MARIA ROJO DE STEFFEY, JEFF COGEN, LISA NAITO, LONNIE ROBERTS**

1/1/2007-12/31/2008

**TED WHEELER, DEBORAH KAFOURY, JEFF COGEN, JUDY SHIPRACK, DIANE McKEEL**

1/1/2009-3/11/2010

**JANA MCCLELLAN-INTERIM, DEBORAH KAFOURY, BARBARA WILLER-INTERIM, JUDY SHIPRACK, DIANE McKEEL**

3/11/2009-4/1/2010

**JEFF COGEN, DEBORAH KAFOURY, BARBARA WILLER-INTERIM, JUDY SHIPRACK, DIANE McKEEL**

4/1/2010-12/31/2010

**JEFF COGEN, DEBORAH KAFOURY, LORETTA SMITH, JUDY SHIPRACK, DIANE McKEEL**  
1/1/2011-9/16/2013

**MARISSA MADRIGAL-INTERIM, DEBORAH KAFOURY, LORETTA SMITH, JUDY SHIPRACK,  
DIANE McKEEL**  
9/16/2013-10/18/2013

**MARISSA MADRIGAL-INTERIM, LIESL WENDT-INTERIM, LORETTA SMITH, JUDY SHIPRACK,  
DIANE McKEEL**  
10/22/2013-6/5/2014

**DEBORAH KAFOURY, JULES BAILEY, LORETTA SMITH, JUDY SHIPRACK, DIANE McKEEL**  
6/5/2014-12/31/2016

**DEBORAH KAFOURY, SHARON MEIERAN, LORETTA SMITH, JESSICA VEGA PEDERSON, LORI  
STEGMANN**  
1/1/2017 - 12/31/2018

**DEBORAH KAFOURY, SHARON MEIERAN, SUSHEELA JAYAPAL, JESSICA VEGA PEDERSON,  
LORI STEGMANN**  
1/1/2018 - CURRENT

Dear Safety and Justice Subcommittee,

I served on the 2015/16 Multnomah County Charter Review Committee. I have been following some of the other subcommittees, but not yours. I apologize if this comment comes too late for your process, it is an idea recently heard from a friend and was intrigued enough that I thought I should share it.

During the last Charter Review Committee's work, the county had a Sheriff who was embroiled in controversy that I won't resurrect here. The Sheriff's office also had a long history of overrunning its budget with overtime spending on the jails that it operates, spending that the county board has few tools to rein in.

We explored several options for charter changes relating to the Sheriff – offer voters a recall option, giving the county board more control over the Sheriff's budget, but none of them passed muster with the County Attorney.

Fortunately, that Sheriff was eventually persuaded to resign and then Mike Reese was appointed and I think has served us well.

Jails (Corrections Operations and Corrections Services) dominate the Sheriff's budget (see link below) and employment. Law Enforcement has many fewer employees.

The new idea (to me, anyway) is to move management and operations of the jails away from the Sheriff and instead put it under the county chair and board. This appears to have several advantages:

- Jail operations, parole, and release could be coordinated more closely with county public health services, addiction and mental health treatment.
- Control over jail spending would move under the county board.
- Allows the Sheriff's office to focus on law enforcement and not incarceration.
- Because Corrections employment vastly outnumbered Law Enforcement division employment, I think the Corrections employees (and their union) have a substantial influence on Sheriff's races (both on who runs and who is elected). This can lead to election of Sheriffs who are sympathetic to Corrections staff and open to, for example, high overtime spending. If Corrections was moved in with other county operations under the Chair, Corrections staff would have little incentive to influence races for Sheriff.

These topics are far outside my area of expertise. I don't know if this change would be constitutional and legal (but the County Attorney could advise you). I'm not sure what

unintended consequences might result. But the potential advantages looked interesting enough that I thought I should share it with you in case you want to explore it.

Link to the Sheriff's adopted budget for 2022: <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/Tab%207%20-%20FY%202022%20Sheriff%27s%20Office%20-%20ADOPTED.pdf> as of 4/20/22

Best wishes, and thank you for your service,

Carol Chesarek

Dear MCCRC Government Accountability Subcommittee,

I hope you will recommend a set of small charter changes to name the Chief Operating Officer (COO) position in our charter. These changes would make the COO position more secure and ensure COO appointments are approved by the County Board. I don't expect the changes to be controversial because they simply add important current practices to the charter.

I discussed this proposal with the current COO, Serena Cruz. A former Multnomah County COO and department director, Joanne Fuller, supports these changes. Joanne and I like the idea of incremental charter changes to minimize unintended consequences.

This proposal just adds the COO to the charter, giving the COO the same basis in the charter that department heads (aka directors) enjoy and adding board approval of COO appointments.

These changes do not guarantee the Chair will hire a COO, but the charter does not guarantee any department directors will be hired. The changes should create a greater expectation that a COO will be hired, though.

Multnomah County has a COO who manages county operations and who reports to the Chair. Our COO position is considered a hybrid county manager model. It is established through ordinances, Executive Rule, and the employee classification and compensation plans.

Establishment of the COO role through ordinance, instead of charter, means our COO position could be eliminated by a future Board. Most charters seem to create a COO or County Manager type position but their duties and responsibilities are defined by ordinance so they can be changed by a Board without waiting for a Charter Review and voter approval. This gives a Board important flexibility to respond to changing needs without waiting for charter review and voter approval. Examples from Washington County and Metro charters are attached.

Identifying our COO in our charter makes it more secure. Our charter makes appointment of department heads subject to consent of the Board, but appointment of the COO is not.

As a side note, Portland charter recommendations to create a "strong mayor" + administrator would give the city a system similar to the county's "strong chair" + COO.

Thank you for being cautious and carefully researching all charter changes you are considering.

Best wishes and thank you for your service,

Carol Chesarek

### **Proposed changes to the Multnomah County Charter**

#### 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 and Chief Operating Officer 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 administrative powers but shall retain full responsibility for the acts of his or her subordinates.

#### 6.20. Administrative Departments And Functions.

- (1) For purposes of county services and the administration of county affairs, the board of county commissioners shall establish administrative departments and a Chief Operating Officer.

(2) The board of county commissioners may establish, alter and abolish administrative departments as provided in this section.

(3) The board of county commissioners

(a) Shall prescribe the functions of each administrative department of the county and

(b) May change the functions of any of the departments from time to time.

(4) With the affirmative concurrence of four or more commissioners, the board of county commissioners may

(a) Establish additional administrative departments,

(b) Abolish any department,

(c) Combine two or more departments into one, and

(d) Separate departments so combined.

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#### 7.10. Classified Service.

The classified service of the county shall consist of all positions in the government of the county except those of

(1) Elective officers,

(2) Their personal assistants and secretaries,

(3) Department heads and Chief Operating Officer,

(4) Employees excluded by county ordinance.

#### **Metro and Washington County Charter Language for COO and County Administrator**

Both the Metro and Washington County charters leave the definition of the COO or County Administrator's duties and responsibilities to be defined by ordinance. The duties and responsibilities are probably not defined in those charters to allow the Council / Board the flexibility to modify them as necessary between Charter reviews. As you know, Clackamas County is not a "home rule" county and does not have a charter.

The Washington County (Oregon) Charter<sup>3</sup> (page 5) says:

**Section 34. COUNTY ADMINISTRATOR.** The Board shall appoint a County Administrator who shall be responsible to the Board for the continuous administration of the affairs of County government. The County Administrator's duties and responsibilities shall be more specifically set forth in an ordinance adopted by the Board.

The Metro Charter<sup>4</sup> (page 11) says:

Section 25. Appointive Offices and Commissions.

(1) Chief Operating Officer. The Council shall provide by ordinance for the creation of the office of the Chief Operating Officer. The Chief Operating Officer's duties and responsibilities will be more specifically established by ordinance. The Council President appoints the Chief Operating Officer subject to confirmation by the Council. The Chief Operating Officer serves at the pleasure of the Council and is subject to removal by the Council President with the concurrence of the Council.

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<sup>3</sup> [Washington County Charter 2020.doc](#)

<sup>4</sup> [Metro Charter 2015.pdf \(oregonmetro.gov\)](#)

Dear Equitable Representation Subcommittee,

I served on the 2015/16 Multnomah County Charter Review Committee and have been listening in on your recent meetings.

I pay attention to politics and the work of our elected officials. I read a lot and research candidates so that I can make informed choices when I vote. People often ask me how I plan to vote.

To summarize the points I want to make in this comment:

- **Please make sure you understand the cost of adding County Commissioners.**
- **I value spring primaries that narrow crowded candidate fields**
- **I see value in alternative ballot structures but have a lot of concerns.**

**Please make sure you understand the cost of adding County Commissioners.** Today, each Commissioner has a budget that allows them to hire 3 staff who handle policy research and constituent communications. Each Commissioner is paid a good but not excessive salary (a little over \$100,000 if I remember correctly), which makes the positions attractive. I suspect that if you add up the Commissioners salary, salary for their staff, benefits, office space and overhead it totals something over \$500,000 per Commissioner. In a tight county budget, funding for additional Commissioners is money that isn't available for health care programs, addiction treatment, shelter and housing for the houseless. It is a tradeoff to be understand.

**I value having spring primaries that narrow crowded fields of candidates** so I can research fewer candidates in depth before fall elections. It can be difficult to get good information and judge voter support for a substantial number of candidates, even if you have the time and inclination to do that work. The primary shows which candidates have broad enough voter support to be worth the time investment. In a crowded race, I can't always pick out the best and most viable candidates before the primary, so while I'll pick someone to vote for, I'm often grateful for the primary weeding weaker candidates out before the fall.

**I am torn about adopting a new ballot structure.** Sometimes when faced with a field with 2 or more good candidates (consider some recent city council races), I wish we had a ballot structure that allowed me to indicate more than one choice. But the STAR voting system terrifies me, and I'm not sure I'd even want to fill out a ranked choice ballot for a big election with many candidates in a lot of races.

1. I've always loved filling out standardized multiple-choice tests by filling in ovals. But I've learned that what's easy for me is difficult for others. Filling out a STAR

ballot may seem easy to some, but filling it out fully requires a lot more information and many more complicated choices than a winner take all vote, and many more bubbles to accurately fill in. Remember (or look up if you are too young) the butterfly ballot disaster in the Florida Presidential election of 2000. I worry that voter participation would drop in the real world because some folks would find it confusing or intimidating. Can you find several examples of real world use on complex ballots, looking not just at voter satisfaction but also whether participation dropped over time (hard to judge, but an important question). Do fewer voters fully vote their ballots in those systems?

2. The potential for voter confusion and errors will be greatly exacerbated if voters have to use winner-take-all, ranked choice, and STAR voting on the same ballot.
3. To properly and fully vote the STAR system, you need to have perfect knowledge of all the candidates and be able to accurately evaluate their relative desirability. It looks easy on a hypothetical ballot, but I would find it daunting in a real election. In a winner take all system I only need to pick the best candidate - once I've done that, I can ignore the rest. In ranked choice I need to rank them, which is more work and more decisions, but I could probably manage despite needing to make more difficult choices. In the STAR system, though, I have the added option to give some candidates the same rating. I'd need to have good information about all the candidates to do that, and I need to make a lot of judgements. One of the reasons I love vote by mail is that I can see all the candidates and questions and make educated decisions instead of having to guess how to vote an unexpected question while standing in a voting booth. If I was faced with a long ballot with a lot of candidates for many offices, I can't imagine how I'd sort through all the decisions required. Races for judges with 2 candidates I can't get any information about except voter pamphlet statements (which often aren't very helpful). Races for the Tualatin Valley Fire and Rescue Board with three candidates that I can't get much information about. How do I vote a race with 3 candidates - one that I like, one that I strongly dislike, and one who entered just to see their name on the ballot? Do I need to rate them 1, 2, and 3? Can I rate them 1, 5, 5 or 1, 4, 5? What are the implications of each of those three options? Multiply those questions times a couple dozen races and I'm worn out.
4. I am also concerned about the effect these voting methods will have on voter confidence that their ballots have been accurately counted. I know our elections are well run and safe, but there are growing numbers of people deliberately calling vote counts into question and demanding audits. Will the complications of ranked choice voting or STAR vote counting undermine voter confidence that votes were properly counted?

5. Are the advantages of STAR or ranked choice voting lost if a large share of voters only vote for one candidate in each race? Would that give disproportionate influence to people who fully vote their ballots? Another question to see if there is real world data for.

Thank you for your thoughtful work. I appreciate the time you are taking to research the issues before you. Please let me know if you have any questions about my comments.

Carol Chesarek

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SUBMITTED MAY 5, 2022 BY TERESE KELLY (PUBLIC COMMENT)

Dear Government Accountability Subcommittee members,

I'm writing in support of the County Auditor's proposed amendments.

I was rather surprised to discover the County Chair decides which of the County Auditor's annual budget proposals are to be included in the proposed County budget, which appears to be a conflict of interest, and should be left to voters.

It also appears as though a budget amendment is necessary to get more staff into the County Auditor's office. Given the growth Multnomah County has been experiencing, this is rather crucial in continuing to provide necessary services.

Thank you for all your hard work.

Terese Kelly

NE Portland

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SUBMITTED MAY 6, 2022 BY PORTLAND OMBUDSMAN MARGIE SOLLINGER  
(PUBLIC COMMENT)



May 6, 2022

**Re: Auditor's proposal to establish an Ombuds Office for Multnomah County**

Dear Members of the Government Accountability Subcommittee:

I am writing to encourage you to move forward Auditor McGuirk's proposal to establish an Ombuds Office for Multnomah County.

The term "ombudsman" has its origins in Scandinavian languages and enjoys no English equivalent. It embodies a unique function with many facets that has existed for hundreds of years and at all levels of government around the world. A former Washington Post ombudsman described it as part fact-finder, part investigator, part systems analyst, part judge, part conciliator, and, if necessary, part advocate for community members.

In my decade as Portland's Ombudsman, I've found that the best way to understand the ombuds role and the value it brings to the public is through examples of how we've resolved complaints. Our resolution of complaints can determine whether community members remain in their home, keep the water from being shut off or stay in business. Below are several examples of our work, with many more on our [website](#).

- We investigated a whistleblower tip that a City-funded sobering station was an unsafe environment for patients. We reviewed dozens of accounts of people who seriously harmed themselves after they were placed in isolation safety cells. We discovered a lack of safety checks or any rigorous state regulation, as well as minimal oversight by the City of its contract with the service provider. In response to our investigation, the sobering station was permanently closed, and officials are working to develop alternatives that are modeled on current best practices.
- After years of receiving individual complaints about the City's system of enforcing property maintenance regulations, we conducted an analysis of the City's data. We found that the City's enforcement approach disproportionately affected communities of color and neighborhoods

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City of Portland

1221 SW 4<sup>th</sup> Avenue, Room 310, Portland, OR 97204

(503) 823-0144

[www.portland.gov/ombudsman](http://www.portland.gov/ombudsman)



vulnerable to gentrification. The system also perpetuated historical racist policies and undermined the City's equity goals. We recommended that the City engage with burdened communities to seek their recommendations on changes to the property maintenance code and identify an equitable enforcement mechanism and appropriate funding source that does not rely on fines and liens.

- We investigated a complaint about the City's emergency response to a house fire that resulted in the death of an elderly woman. Our investigation uncovered a technological flaw in the City's system for screening cell phone calls to 9-1-1. The flaw prevented operators from calling back thousands of emergency calls each year where the caller either hung up or was disconnected before speaking with an operator. The investigation also revealed that the City's 911 Center had been materially overstating how quickly operators answer 911 calls. In response to our recommendations, the City has taken steps to ensure it accurately measures call answer times, is working toward meeting national standards for emergency response, and is increasing staffing at the 911 Center.
- We investigated a complaint about an impending home demolition and the health risks associated with the spread of toxic lead dust. We found that the City's rules around home demolition unintentionally resulted in geographically disparate protections: residents living east of I-205 were exposed to toxic dust from demolitions, while closer-in neighborhoods benefited from the City's rules requiring suppression of lead dust. In response to our recommendations, the City addressed the disparity and extended lead dust protections to all Portland residents.

People often ask how an ombuds differs from the audit function. Although both seek to hold government accountable, they are compatible, not duplicative. An ombuds seeks justice for individual community members while pressing for systemic change when patterns of unfairness emerge through complaints. In addition to accomplishing broad changes to City policies, we have helped hundreds of individual community members deal with predatory towing practices, usurious property liens, unaffordable water bills and over-enforcement of nuisances.

Every level of government should have an ombuds office. This is especially true for governmental entities, like the County, that provide services to vulnerable and disenfranchised populations, such as people who are incarcerated, experiencing houselessness, receiving behavioral health services, or living in residential care settings, etc. Even the best functioning bureaucracy will sometimes make mistakes, treat people unfairly, craft policies that have disparate impacts, or simply reach the wrong decision. Through independent and impartial investigations, ombuds help correct those errors, seek redress for people who have been treated unjustly, suggest ways to eliminate inequities, and improve the public's trust in government.

The Ombuds Office proposed by Auditor McGuirk will fill a significant gap in the County's services. I'd like to highlight several key components of the proposed language:

1. **Independence.** Establishing the Ombuds Office in Charter and within the Office of the County Auditor provides it with the requisite structural independence. It will assure the public of its credibility and allow the Ombuds to scrutinize the actions of County government without fear of retribution.
2. **Perform investigations.** The authority to impartially investigate complaints will allow the Ombuds to be responsive to the public's concerns, as well as provide the basis to advocate for system-wide solutions.

3. **Issue public reports.** The ability to issue reports that apprise the public of the Ombud's findings, recommendations, and concerns is essential to being a trusted and effective agent of good government
4. **Access to information.** Complete, timely and unfiltered access to all County records is essential to providing the public with independent and impartial oversight of the County through audits, ombuds investigations, and hotline investigations.

I'd also like to clarify that the proposal will not conflict with or replace the existing responsibilities other County officials have for conducting personnel investigations into whether an employee violated the County's personnel rules. In the simplest terms, ombuds investigations are about issues not people. We assess the fairness of an administrative act in relation to its impact on community members. We are not looking to assign individual culpability. Ombuds investigations result in recommendations about how to correct a wrong or improve a practice - we do not have the power to impose discipline.

It is incredibly exciting that your subcommittee is considering the Auditor's proposal to establish an ombuds office modeled on our industry's best practices. Often ombuds offices are created in the wake of a crisis and are not structured to succeed. I was part of the hiring process when the County's Department of Community Services created an ombuds office in the wake of scandals coming out of the Animal Services division. I knew then that it was unlikely to succeed as it was both too narrowly scoped and lacked independence, among other foundational aspects. All County residents need an independent ombuds office that can field complaints about all services; indeed, the jail alone could likely sustain a full-time position within the ombuds office.

Please do not hesitate to reach out with any questions.

Sincerely,

Margie Sollinger  
Ombudsman, City of Portland

Additional resources:

[United State Ombudsman Association](#)

[King County Ombuds](#)

[State of Alaska Ombudsman](#)

[Ontario Ombudsman](#)



Jennifer McGuirk  
Multnomah County Auditor

Raymond De Silva  
Nicole Dewees  
Mandi Hood  
Annamarie McNeil  
Dorian Pacheco  
Marc Rose  
Mark Ulanowicz  
Caroline Zavitkovski

May 11, 2022

Dear members of the Government Accountability Subcommittee,

I appreciate your thoughtful consideration of the Auditor's Office's proposed amendments to the Auditor portion of the Multnomah County Charter. Thank you for the opportunity to speak with you on May 12. In the event that there is not enough time on May 12 for us to go into depth on all of my office's key proposed amendments, I wanted to provide you with this written information in advance.

One of the things I was most struck by in the presentations on April 28 by several of my county colleagues was concern about changing the Charter. And I appreciate that. Change is really hard—but it is often necessary.

The changes my office is proposing to the Charter are extremely necessary. These proposed amendments will solidify best practices into our Charter to ensure the Auditor's continued independence. Establishing measures in the Charter at this time ensures that years from now the Auditor's Office will still be able to carry out its independent accountability function, regardless of administration. The reason to bring these proposals forth to voters now is to give our community a voice in what our county constitution says about the Auditor, and to provide greater transparency about the Auditor's role.

In this letter, I will review my office's proposals and provide counter points to the testimony you heard on April 28. When I meet with you, I will cover key points contained in this document. I've provided the following links to help you move to specific sections of this document.

[Enforcement](#)

[Fraud, Waste, & Abuse Hotline and Ombudsman](#)

[Access to information](#)

[Proposed budget floor](#)

[Auditor's experience with current budget process](#)

[Rationale for proposed budget floor & options](#)

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### **Enforcement - removing proposed amendment from consideration**

I have talked about this proposal with this Subcommittee and the Safety & Justice Subcommittee; listened closely to your conversation with Gary Blackmer, former County Auditor, Portland Auditor, and State Auditor; had my own conversation with him and my Community Advisory Committee; and have talked with my team. Based on these conversations, I wish to remove from consideration the proposed amendment that reads as follows:

*Ensuring the implementation of their office's recommendations.*

### **Fraud, Waste, & Abuse Hotline and Ombudsman**

The proposed hotline language is based on state law, and the ombudsman language is based on the City of Portland Charter. Neither establishing the hotline in County Charter nor creating an ombudsman has any implications for the Chair's role. Neither tool for accountability gives my office the ability to discipline county employees, nor does my office seek that power. My office's role with the hotline, and if established, with the ombudsman, is to receive complaints, investigate them, and recommend improvements and/or corrective actions.

Portland Ombudsman Margie Sollinger provided helpful written testimony to this Subcommittee noting that the proposal does not conflict with existing protocols for conducting personnel investigations. She wrote: "In the simplest terms, ombuds investigations are about issues not people. We assess the fairness of an administrative act in relation to its impact on community members. We are not looking to assign individual culpability. Ombuds investigations result in recommendations about how to correct a wrong or improve a practice - we do not have the power to impose discipline."

I hope this Subcommittee will support giving voters the opportunity to vote on establishment of a county ombudsman in Charter.

I also ask you to give county voters the opportunity to vote on establishing the fraud, waste, and abuse hotline in Charter. I appreciate that Chief Operating Officer Cruz mentioned on April 28 that management would support having the hotline in Charter or in Code if it were properly scoped. My office developed language based very closely on the state law for local hotlines, which I believe should satisfy concerns.

### **Auditor's access to information needs to be protected and clarified**

Currently, there is a spectrum of responsiveness to my office's information requests. Many programs are very responsive and provide information quickly and within our requested time period. We also adjust time frames, as needed, in collaboration with programs. Previously, I mentioned the difficulty we had obtaining access to Workday. But that is just one example of the challenges my office faces to obtaining information. Other examples include:

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- Following a change in directors at Animal Services, our physical access to the shelter was reduced, and it took two months and multiple meetings to get the data access we needed. If our access to information were spelled out in Charter, changes in management personnel would be less likely to negatively impact our access to information.
- For our current audit of the Joint Office of Homeless Services, we did not receive the access we needed by our requested date to a system that contains data already reported to the U.S. Department of Housing and Urban Development. We learned that Joint Office staff asked the County Attorney's Office if we could access this Joint Office data. The County Attorney's review delayed our access and the start of an audit into a critical topic. If our access to data were spelled out in Charter, it is probable that we would not have experienced that delay.

While generally we do end up receiving the information we need, it is not uncommon for our requests to be questioned and delayed by weeks or months, which takes time away from our actual audit work, and adds to the workload of county staff who may be unclear about what they can and cannot share. Having access to information clearly spelled out in the Charter would reduce confusion with staff and minimize delays.

I also want to acknowledge Sheriff Reese's concern about access to sensitive data, such as data that falls under the Health Information Portability and Accountability Act or Criminal Justice Information Services. The proposed amendment does not remove protections that safeguard sensitive data. Auditor's staff will continue to follow all protocols for access to sensitive information, including additional background checks where required. My staff and I regularly take training to ensure our compliance with laws and best practices governing the use of personally identifiable information, health information, and other sensitive data. Staff in the Auditor's Office are experts in data analysis and take great pains to safeguard all data and information we obtain in our work.

The amendment also includes language specifying that my office will not disclose confidential information and shall maintain the confidentiality of the provider of information except as required by state law or authorized by the Board of County Commissioners.

Having this language in Charter will ensure the Auditor's access to information so that we can do our work efficiently on the public's behalf. I ask you to give voters the opportunity to vote on adding this language to the Charter.

**Proposed budget floor addresses Auditor's Office's capacity and a threat to Auditor independence**  
My office's capacity to audit the county has not kept pace as the county has grown in size and complexity. Since 2014, the county's general fund expenditures budget has grown from \$414 million to \$638 million. During that same time period, the number of county employees has grown 15%.

County government functions have grown significantly, including creation of the Joint Office of Homeless Services, and the new Preschool for All program. And the county takes on important and complex projects regularly, like making the Burnside Bridge earthquake ready and building the Behavioral Health Resource Center.

Performance audits lead to real improvements for county employees and the public we serve. For example, one of the recommendations from our 2019 audit of county primary care clinics was for management to develop procedures to ensure that all patients are notified timely of any abnormal lab results, such as a diagnosis of hepatitis C. Based on our recommendation, the Medical Director's Office strengthened procedures to ensure patients find out about abnormal lab results quickly. That's an important improvement for individual health care and public health.

Performance audits also provide transparency to the public about how the government spends taxpayer dollars. For example, our audit of how the county spent millions of dollars in pandemic-related funds enabled people to drill down into different spending categories to see which community-based organizations received dollars through the county and the kinds of things dollars went to. We also affirmed that the county appeared to spend the dollars in alignment with its stated commitment to leading with race.

Other audit outcomes have given Commissioners better insight into how the county spends state grants for mental health treatment, supported increased reimbursements from the Federal Emergency Management Agency, saved millions of dollars related to county mobile devices, helped recoup fraud losses, and have led to better internal controls governing payments to vendors.

The U.S. Government Accountability Office sets the generally accepted government auditing standards that Charter requires my office to follow. And in those standards, there is an in-depth discussion of auditor independence.

Multnomah County's audit structure is solid, because the Auditor is independently elected. But, there is another kind of independence threat that having an elected auditor does not mitigate. This is an undue influence threat. These include restrictions on funds or other resources provided to the audit organization that adversely affect the auditor's ability to carry out our responsibilities. That is the threat we are seeking to mitigate by defining the funds that will be made available to the Auditor's Office, removing the Chair from making that decision.

Commissioner Jayapal expressed reservations about putting numbers in the Charter. However, the Charter already includes numbers. For example, the Charter says the Auditor's salary will be 80% of a circuit court judge's, which makes the Auditor a neutral party when it comes to setting the salaries of other county elected officials.

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What my office is proposing is not new, is not unusual, and has been proven workable. A percent allocation is a way that a number of jurisdictions have chosen to budget for their accountability and oversight functions, primarily Offices of Inspector General and Auditor's Offices. For example:

- In its model legislation, the Association of Local Government Auditors notes some jurisdictions require that the audit function receive a minimum specific percentage of the annual budget.
- The City of Portland's voter-approved police oversight board requires that no less than 5% of the Police Bureau's Annual Operational Budget be dedicated to the board's operations.
- The Cities and Towns Act of Canada supports local government auditor independence through a funding allocation written into the legislation.
- The New Orleans' Charter includes that the Office of Inspector General shall receive an annual appropriation from the Council in an amount not less than 0.75% (three-quarters of one percent) of the General Fund operating budget.

Under current funding levels, my office is not able to provide the audit service to the county that is implied in Charter. The Charter states that the Auditor is to conduct performance audits of all county operations and financial affairs. I have an extremely skilled, dedicated team. But there is still no way for seven staff auditors to meet this mandate, or frankly, to even come close.

The April 28 presentation implied that increases to the Auditor's Office's budget would necessarily lead to decreases in key areas such as eliminating the Elections Division, reducing the number of available jail beds, and cutting 400 emergency shelter beds. These are provocative and alarming examples, and I do not believe they represent what would actually happen. A key function of the Auditor's accountability role is to help ensure that vital services are delivered to historically under-resourced communities and that people across the county can access general government services. If the Chair actually proposed cutting the Elections Division, for example, my team and I would be required to sound the alarm.

I acknowledge that there are always tradeoffs in budgeting; this happens every time a program is created or expanded. But the fact is, there are other areas of flexibility that play out every year: vacant positions go unfilled, departments shift dollars around, the county chooses to discontinue or reduce programs, and there are unspent general fund expenditures at the end of the year. For example, for the fiscal year that ended June 2020, general fund expenditures were \$50 million less than budgeted, and about \$8 million of this was within the Non-departmental area, which includes the Auditor's Office. For the fiscal year that ended in June 2021, general fund expenditures were \$62 million less than budgeted, and over \$5 million of this was within the Non-departmental area.

We value all the work that the county does. We are not saying we are any more or less important than any other county function. What we are saying is that we do not have the resources to keep pace with the expanding complexity and scope of the county. We also currently have a system that presents an

undue influence threat to the Auditor's independence; the Chair's participation in setting the Auditor's budget creates an undue influence threat to the Auditor's office.

#### **Auditor's experience with the current budget process**

Each year, I submit the Auditor's Office's proposed budget directly to the County Chair, the head of the organization my office audits. The Chair then decides what will move forward into the county's proposed budget. The Commissioners are not involved in this process. This all takes place before the budget deliberations officially begin. It is extremely difficult, if not impossible, to get items added to the budget after the Chair releases her proposed budget.

Because this was an area of discussion at the April 28 meeting, I want to clarify that my office does not have its own Community Budget Advisory Committee. There is a Non-departmental Community Budget Advisory Committee at the county, but it does not just serve my office; it serves all non-departmental offices. My office has no assurance that the Non-departmental Community Budget Advisory Committee will include us in its deliberations. It did not meet with my office during the budget process for fiscal year 2022. Also, the county's Audit Committee does not work for or advise my office. The Audit Committee serves the Board and is solely focused on the annual financial audit that is conducted by an external auditor and is required by state law. County management is the auditee, and my office holds the contract to provide for separation of duties.

During the April 28 presentation, Chair Kafoury asked if my office has ever made budget proposals, called program offers, that have not been funded. Until this year, the Chair has not included any new program offers from the Auditor's Office in her proposed budget.

For fiscal year 2020, I proposed a program offer that would enable my office to hire an auditor who was skilled in the discipline of diversity, equity, and inclusion, and to enable my office to participate in the College to County internship program. The proposed offer was for \$175,000. Chair Kafoury declined to include this program offer in her proposed budget.

Once budget deliberations officially began, I met with Commissioners to see if any would support the program offer. All declined. Two told me that they needed to support more pressing needs, and that my office could not compete with the other matters coming before them. When budget deliberations start it is extremely difficult to add expenditures to the budget, even when they are needed to keep the county's accountability office — that is, the Auditor's Office — effective.

When preparing the budget for fiscal year 2021, I tried a different approach to try to start improving my office's capacity. I again proposed a program offer to enable my office to participate in the College to County program and also to contract with a firm to enhance my office's regular county culture survey that is sent to all county employees. This latter part of our request built off of work by County Management's Evaluation and Research Unit when they contracted with an expert in culturally

responsive methods. For this program offer, I requested \$33,000. I also proposed a program offer to pilot a 24-month limited duration community engagement position. For that program offer, I requested \$115,000. I had to work with the Chair's Office to develop these program offers, which was inappropriate due to our office's roles, but was also my only option. The Chair declined to include the proposals in her proposed budget.

This table summarizes the requests my office has made in recent years and whether they were funded.

Budget Requests	FY2020	FY2021	FY2022	FY2023 (proposed)
<b>Funded</b>				
Auditor's Office	1,798,230	1,813,892	1,877,700	1,971,440
Restoration to baseline	60,240	14,851		
Building Audit Capacity				661,000
Software				100,000
<b>Not Funded</b>				
Advancing Equity & Inclusion	175,000			
Aligning with WESP		33,000		
Community Engagement		115,000		

I want to acknowledge that for fiscal year 2023, Chair Kafoury has included increases to my office's budget in her proposed budget. If included in the final adopted budget, I will be able to hire four staff auditors, and my office will receive about 0.39% of the general fund expenditures budget, compared with the 0.29% we received this year. My office still won't have the capacity to provide the oversight the county deserves, but we will be getting closer.

Chair Kafoury directed me to structure the program offer to hire additional staff auditors as a two-year ask. In year two, I would request five additional staff auditors. But there will be a new County Chair when I develop that proposal. And there is no guarantee that the two-year plan proposed by Chair Kafoury will actually become a two-year capacity increase for my office. There is no guarantee that my office will have this support in future years.

While I am grateful that my office will be getting closer to a more appropriate level of staffing for a jurisdiction of our size and complexity, the process I had to work through to get to this point is in direct conflict with generally accepted government auditing standards and the model legislation for local government auditors. While Chair Kafoury stated that this current process is more aligned with the model legislation than what my office is proposing, that is incorrect. The Chair's participation in setting my office's budget creates an undue influence threat to my office, as I described earlier. What my office is proposing is much more closely aligned with the model legislation.

**1% to provide best possible accountability service**

During the April 28 presentation, it was suggested that the proposed 1% was an arbitrary number. This is false. My office performed a great deal of analysis and research to arrive at the proposed 1% of the general fund expenditures budget, based on a five-year rolling average, so that we can provide what we believe is the best accountability service to the public. It would offer the public:

- 21 auditors able to focus on specific service areas (health, human services, public safety, internal operations, financial affairs, general government, and capital projects)
- 2 hotline investigators
- 2 ombudsman
- 2 communications/community engagement staff members to help ensure the public is aware of the work being done in the Auditor’s Office and to ensure culturally appropriate opportunities exist for community members to meaningfully participate in audits.
- With the elected Auditor and 1 administrative assistant, the Auditor’s Office would have a staff of less than 30 people. As a point of comparison, the office would be on par with the County Attorney’s Office, which has 26 staff members, including 19 attorneys.

**1% is not the only option**

However, if the Subcommittee has concerns about an allocation at that level, we have prepared other formulas for your consideration:

	If Auditor’s Office received ...			1% of general fund expenditures budget on annual basis		
	1% of general fund expenditures budget on 5-year rolling average	0.75% of general fund expenditures budget on 5-year rolling average	0.50% of general fund expenditures budget on 5-year rolling average	1% of general fund expenditures budget on annual basis	0.75% of general fund expenditures budget on annual basis	0.50% of general fund expenditures budget on annual basis
	Basis: FY19-FY22 actuals & FY23 proposed			Basis: FY23 proposed		
Total to Auditor	\$ 6,125,929	\$ 4,594,447	\$ 3,062,965	\$ 6,713,759	\$ 5,035,319	\$ 3,356,880
elected auditor	1	1	1	1	1	1
staff auditors	21	17	9	24	19	11
hotline investigators	2	1	1	2	1	1
ombudsman	2	1	1	2	1	1
communications & engagement staff	2	1	1	2	1	1
administrative staff	1	1	1	1	1	1
Total Staffing	29	22	14	32	24	16

Note: The above scenarios reflect salary, taxes, benefits, and other applicable personnel costs. Typically, personnel-related costs are about 80% of the Auditor’s Office’s budget. The remainder of the budget covers materials and supplies, required internal services fees, and the majority of fees associated with the state-required annual external financial audit. The Auditor’s Office holds this contract to support the audit’s integrity; county management is the auditee.

My office has proposed 1% of the general fund expenditures budget, on a five-year rolling average, as the method for ensuring the Auditor’s best ongoing service to the public. But stable funding at any of the above levels would meet the central goals of my office’s budget proposal:

1. to remove the undue influence threat that currently exists in the county’s budget process and weakens the Auditor’s independence, and

2. to ensure that the Auditor's Office grows proportionally to the county so that we can provide appropriate oversight to the public.

People in our county have repeatedly shown their support for government auditing. For example, in May 2017, more than 80% of Portland voters voted to amend their Charter to support the Portland Auditor's increased independence. Priorities change, emergencies come and go, but the public has always demanded accountability. This is a consistency in what people want out of government. The budget is a reflection of values and the people of Multnomah County should have an opportunity to weigh-in on funding for accountability and oversight.

I firmly believe that voters should get the chance to weigh in on these proposals. I hope you will give them the opportunity to do so.

Thank you for your consideration, and I look forward to talking with you on May 12.

Sincerely,



Jennifer McGuirk, MPA, CIA  
Multnomah County Auditor

TO: Multnomah County Charter Commission

RE: Multi-member districts

May 12, 2022

Members of the Commission,

I have been following the *Portland* Charter Commission's work very carefully for the last few months, and I see that your commission and the subcommittee are considering some of the same concepts. As your subcommittees begin to report out recommendations based on their research and deliberation, I feel compelled to write to you, as I've written to the Portland Commission, about the lessons learned in Baltimore about multi-member districts. Baltimore's experience is crystal clear: **multi-member districts were a direct cause of dysfunction and citizen frustration**, and the **single-member districts that Baltimore implemented in a citizen initiative are a dramatic improvement**.

1. Single-member districts offer clean, direct, understandable lines of accountability. Single-member districts have a distinct advantage over multi-member districts when it comes to access, accountability, efficiency, responsiveness, clarity of function, and representation. This is fundamentally because of the simplicity of the relationship between the voter and their representative: there is one person who is responsible for the interests, and accountable to constituents, of one district. A councilperson cannot hide from their direct responsibilities of representation and constituent service. The smaller the district (the more the council members), the more power accrues to individual voters and neighborhoods. A citizen can easily identify, communicate with and rely on "my councilperson."

2. Baltimore's switch to single-member districts resulted in a younger, more diverse, more active, and more representative council. In Baltimore, prior to 2003, Baltimore had six three-member districts. But the three members usually ran as a slate, voted similarly, and if they weren't long-time incumbents, they were hand-selected for their slate by the long-time incumbents. The three members either kept a unified front or passed the buck between each other when it came to accountability, legislation, and constituent service. After a charter reform citizen initiative in 2003, Baltimore implemented 14 single-member districts and the situation improved remarkably. Individual council members became much more accountable overnight. Longtime incumbents, who no longer could hide from accountability, retired or were defeated at the polls. The Council got younger, more diverse, more active, more independent, more creative, and more

productive legislatively. Oversight of the Mayor and city programs became more aggressive because individual legislators needed to answer to constituents directly.

3. More proof? Portland's failed City Council is essentially one multi-member district. Many of the failures of Baltimore's multi-member districts are evident in Portland. The current Portland City Council can be understood as one singular worst-case multi-member district. With all councilmembers purporting to represent all citizens, the accountability to individual citizens is as dilute as it gets. Neighborhood-level influence is practically impossible.

4. The demonstrable downsides of multi-member districts far outweigh any theoretical upsides of a proportional representation system. I understand that there are strong local proponents of proportional representation schemes, and although I'm agnostic on the proportionality concept, and the ranked-choice voting to facilitate it, I'm extremely skeptical that it can work in the County without a politically impossible increase in the number of councilmembers.

The main reason a proportional representation theory would be proposed is so that underrepresented portions of the electorate will be able to elect a councilperson to a multi-member district without requiring an impossible geographic gerrymander. But to be truly effective, this will require either districts that are too few and too large, or it will require a three- or four-fold increase in the number of council members. An electorate that's otherwise ready for reform may be easily turned off if it's told that it can't guarantee sufficient district representation, or it needs to elect (and pay for) way more councilmembers for it to work as advertised.

Proportional representation simply means that the complicated gerrymandering of districts to achieve an outcome is replaced by the even more complicated gerrymandering of election rules to achieve an outcome. But the outcomes are not guaranteed, and in fact, there is strong potential that some outcomes may be just the opposite of those desired. For one thing, proportional representation in a multi member district means, by design, that while it's theoretically possible that more citizens MAY be represented by their first choice, EVERY citizen will be represented by someone who is NOT their first choice.

While I understand the non-partisan nature of the Commission's work, it's important to understand the potential for partisan outcomes. For example, one of the largest "underrepresented" but well-organized segments of the county electorate would be minority party voters. In a complicated proportional representation system that rewards game theory over traditional majorities, partisan campaign apparatus is likely to be a big winner.

**In summary**, as your subcommittees narrow in on their research and recommendations, I cannot emphasize enough that **for good government, single-member districts are far**

**more preferable than multi-member districts.** At the very least, Multnomah County should wait until Portland decides whether to implement their multi-member district scheme. And if they do, Multnomah County should wait to see what happens.

Thank you for this opportunity to provide comment,

Terry Harris

Dear Safety & Justice Subcommittee,

The Office of Community Involvement has been following your subcommittee's emerging proposal regarding the requirements of county commissioners to visit and inspect jails with more frequency. We're aware that the subcommittee has identified a potential role for the Community Involvement Committee (CIC) in providing community members to participate in the visits, and wanted to provide the subcommittee with background information on the role of the CIC, and share some concerns about involving the CIC in your proposal.

The CIC serves as Multnomah County's advisory body on community engagement and involvement, and its members are appointed by the Board of County Commissioners. The committee was established in the County Charter, and the purpose and structure of the committee are outlined in County Code - the policies and laws of the County established by the Board. Their duties as stated in County Code include: (A) Identifying community needs, concerns and opportunities regarding community involvement in county-decision making, and providing information to the Office of Community Involvement ("OCI"). (B) Serving as a resource for the OCI in developing and evaluating community outreach and input plans, and providing recommendations for community members to involve in input processes. (C) Working with the OCI to develop countywide community involvement best practices and advise on reducing barriers to civic participation and engagement. (D) Assisting in facilitating communication between county elected officials, employees and the community by informing the community of involvement and input opportunities.

On an annual basis, the committee decides on two to three priority areas of study in the county's community engagement work, forms project subcommittees, and develops recommendations that are approved by the full committee and presented to the Board of County Commissioners.

Recent topics of study have included examining how the County engages with immigrant and refugee communities, community engagement around extreme weather events, and engaging BIPOC on advisory committees.

OCI Community Involvement Coordinator Olivia Kilgore, the primary staff support for the committee, and OCI Director Dani Bernstein have several concerns about a charter proposal that would involve the CIC in jail visits:

- Staff feel that visiting jails is outside of the scope and role of the CIC as stated in County Code, which establishes an advisory role for the committee specifically

on issues of community involvement, and does not involve the committee in studying or inspecting any particular county service or program.

- The committee and the Office of Community Involvement do not have any significant role with the public safety departments (Department of Community Justice, District Attorney, and Sheriff's Office) and do not have any decision-making authority regarding public safety policies and programs. Committee members would be obligated to give their time to an area of work over which they have no authority and very limited influence.
- Committee members don't necessarily bring personal, professional or lived experience with the criminal legal system. We recruit members with a variety of experiences and interests who are drawn to the committee's focus on community involvement in decision making and reducing barriers to civic participation.
- Our understanding is that background checks would be required to participate in jail visits. We intentionally do not conduct background checks as part of the committee application process. We feel this is an important equity practice to reduce barriers to participation and not dissuade members of our community who have been justice involved or do not have a social security number from applying. If this became a new responsibility for the CIC, it would only be open to committee members willing and able to undergo a background check.
- Almost all of the committee's meetings are held during the evening and members have limited daytime availability. We have concerns about creating an additional obligation for several committee members that asks for a significant amount of their volunteer time, and creates an obligation that needs to be met during 9-5 working hours.
- The committee has been operating virtually since March 2020 and will likely continue to hold the majority of its meetings virtually. Virtual engagement has become an important tool for participation and accessibility, and even for meetings held in-person, we always offer the option to participate remotely. Staff are concerned about adding a responsibility that requires in-person engagement, especially as our communities continue to navigate the challenges of the pandemic.
- Within their purpose outlined in County Code, the committee can choose any topics of study from year to year and requiring their involvement in jail visits would be a departure from the committee's typical practice of deciding their own areas of interest and study. We would have serious concerns about any changes made to the committee's responsibilities without engaging committee members, and changes that would be fixed in charter and limit future iterations of the committee from determining all of their own areas of study.

If the subcommittee would like to include community members in the visits and inspections of county jails, we would encourage the subcommittee to consider other avenues that are more aligned with public safety issues and systems, or to allow for more flexibility than naming a specific group provides.

We would be happy to answer any questions from the subcommittee or the full MCCRC at a meeting or in writing.

Thank you for all of your work,

Dani Bernstein, Director

Olivia Kilgore, Community Involvement Coordinator

Multnomah County Office of Community Involvement

Dear Government Accountability Subcommittee Members,

As the County Auditor-Elect of Washington County, Oregon, I want to express my strong support for the proposed amendments to the Auditor portion of the Multnomah County Charter. The goals of the County Auditor's proposed amendments are to support the independence of the Auditor's Office and to provide greater transparency to the public about the County Auditor's roles and responsibilities.

Specifically, I support the County Auditor's priority amendments to the Multnomah County Charter that will:

- Ensure that the existing fraud, waste, and abuse hotline reports to the County Auditor and will be operated in accordance with state law and with best practices for fraud, waste, and abuse hotlines.
- Establish a county ombudsman who reports to the County Auditor.
- Ensure the County Auditor's access to information, data, and officials.
- Remove the threat to County Auditor independence that exists in Multnomah County's budgeting-setting process.

The County Auditor portion of the Multnomah County Charter has not been updated for a couple of decades. Since that time, the Association of Local Government Auditors (ALGA) has developed and updated model legislation for local government auditing. The model legislation is based on Generally Accepted Government Auditing Standards (GAGAS). These are set by the U.S. Government Accountability Office, which is the top government auditing organization for the United States. Multnomah County's Charter Review process provides a unique opportunity for Multnomah County to align the Auditor portion of the Charter with ALGA's the model legislation and current government auditing standards.

Government auditing standards include, for example, that auditors should have access to records and documents related to the agency, program, or function being audited and access to government officials or other individuals as needed to conduct the engagement. Auditors are also to report when they experience denials of, or excessive delays in, access to certain records or individuals.

Auditors should have unrestricted access to local government employees, officials, records, and physical properties. As County Auditor Jennifer McGuirk has shared with the Subcommittee, the Auditor's Office's access to information and properties has been negatively impacted during audits. While the County Auditor has so far succeeded in eventually obtaining needed information, the delays have impeded the work of the County Auditor's Office. I have these challenges in my own audit

organization, and it is frustrating, because this work is carried out in the public interest and to support the transparency and accountability of government. There is also no guarantee that the Multnomah County Auditor's Office will continue to be successful in obtaining necessary access to records, officials, and properties. Having clear language in the Multnomah County Charter about the Auditor's access to information would provide a needed safeguard and improve transparency about the Auditor's information access.

Another way in which the proposed amendments will align the Multnomah County Auditor's Office with ALGA's model legislation and government auditing standards is to strengthen the Auditor's budgetary independence. The County Auditor's Office has correctly identified a threat to its independence in the form of restrictions on funds or other resources provided to the audit organization. These adversely affect the audit organization's ability to carry out its responsibilities. The audit activity must have funding appropriate to its responsibilities, and decisions about funding for the audit organization should not be controlled by managers or officials subject to audit. I have seen other jurisdictions establish a minimum threshold, or an allocation method, for the audit budget to address this issue. I encourage this approach, because it takes any politics out of the budget process when it comes to the County Auditor's Office.

I strongly advocate the proposed amendments to the Auditor section be made in the Multnomah County Charter, and not in code. The provisions should have the highest possible level of authority. The County Auditor is elected on a countywide basis and is directly accountable to voters. Voters should have the opportunity to weigh in on how their County Auditor's Office functions.

I ask you to support bringing the County Auditor's proposed amendments to the Auditor portion of the Multnomah County Charter to voters.

With many thanks,

Kristine Adams-Wannberg, CIA, CGAP

Washington County Auditor-Elect  
kristine4auditor@gmail.com  
1457 SE 53rd Ave  
Hillsboro, OR 97123

Cc: Multnomah County Auditor Jennifer McGuirk

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SUBMITTED MAY 20, 2022 BY ATLANTA CITY AUDITOR AMANDA NOBLE ON BEHALF OF THE ASSOCIATION OF LOCAL GOVERNMENT AUDITORS (PUBLIC COMMENT)



## Association of Local Government Auditors

May 20, 2022

Dear Government Accountability Subcommittee members,

The Association of Local Government Auditors recently became aware of proposed amendments to the Multnomah County Charter that will enhance the independence of the County Auditor's Office and provide greater transparency to the public about the County Auditor's roles and responsibilities. Specifically, the proposed amendments will:

- Ensure that the existing fraud, waste, and abuse hotline reports to the County Auditor and will be operated in accordance with state law and with best practices for fraud, waste, and abuse hotlines
- Establish a county ombudsman who reports to the County Auditor
- Ensure the County Auditor's access to information, data, and officials
- Remove the threat to County Auditor independence that exists in Multnomah County's budgeting-setting process

ALGA is a professional organization with more than 300 member organizations located primarily in the United States and Canada. ALGA is committed to supporting independent performance auditing in local governments, and membership includes local government auditors as well as local government inspectors general.

ALGA believes that an independent performance audit function, operating under applicable auditing standards, plays a key role in effective governance and public accountability. An independent audit function also provides assurance to elected officials, residents, and management that resources are protected by strong management controls and practices; reports on the results and outcomes of programs and services; and helps ensure compliance with laws, policies and procedures.

ALGA has published best practices for local government auditing on our website, at [www.algaonline.org](http://www.algaonline.org) under the "Build an Audit Function" tab. These publications include [Auditor Independence](#) and [Model Legislation Guidelines for Local Government Auditors](#). We note the proposed charter amendments are consistent with our guidelines and model legislation. For example:

- Model legislation states that auditors should have unrestricted access to local government employees, officials, records, and physical properties. Clarifying language in the Multnomah County Charter about the Auditor's access to information would provide a needed safeguard and improve transparency about the Auditor's information access.



## Association of Local Government Auditors

- Model legislation states, “Auditor’s budget shall be submitted to the governing body directly by the Auditor or by an Audit Committee independent of management” and notes that some jurisdictions allocate funding to the audit function through a percentage formula. Because the Multnomah County Chair is both the chief executive officer and a member of the legislative body, there is no budget consideration that is independent of management. The proposed amendment to set the Auditor’s budget by establishing an allocation formula removes a threat to independence based upon funding decisions being controlled by managers or officials subject to audit.
- Model legislation states that legislation to support auditor independence “should be enacted at the highest possible level of authority, such as by voter-enacted amendments to a city charter or other applicable legislation.” Enacting the proposed amendments in the County Charter enhances the Auditor’s independence.

ALGA's Advocacy Committee would be happy to offer additional information, or to meet with you to discuss these matters. You can reach me at [anoble@atlantaga.gov](mailto:anoble@atlantaga.gov) or 404-330-6750.

Sincerely,

Amanda Noble, CIA, CISA  
Atlanta City Auditor  
Chair, ALGA Advocacy Committee

CC: Justin Anderson, ALGA President

I support the amendments proposed by the current auditor. It is imperative that the auditor, like the CIC is supposed to be, be independent. I worked with Steve March when he was auditor as a volunteer and staff. Audits ensure that taxpayer funds are well spent and citizens receive the services they need. Auditors are part of the checks and balances. This office must be truly independent and not controlled by the chairs office as the Citizens Involvement Committee has become.

Dear MCCRC Government Accountability Subcommittee,

You provide a meeting agenda and time for public comment so that the community can engage in your process in a meaningful way. The community can't engage in the discussion during your meetings, so we rely on your agendas to know what the topics you'll be discussing, so we can provide appropriate comments.

This is particularly important when you move from preliminary discussion to making decisions, so that the community can provide input for consideration before decisions are reached. It is much harder to persuade a group to change a decision after it is made than to influence its making. Your group is on a limited timeline, making it difficult to revisit decisions you've made.

I want to provide timely comments that will be useful to you and won't waste your time. So I limit my comments to items on your agenda unless I'm asking you to consider something completely new, like the COO proposal I submitted in writing last month.

For your last meeting, there was a specific list of 3 topics from the OCI proposals provided on your subcommittee's web page in the "Charter Proposals Under Discussion" document.

I had been working on comments related to another topic -- having OCI take responsibility for appointing Charter Review committee members. I did not submit those written comments, or comment verbally on that topic, because it wasn't on your agenda.

So I was distraught to hear you not only discuss those changes, but to make a decision on a recommendation during your meeting. I missed an opportunity to provide timely comments because the topic wasn't on your agenda or list of proposals under discussion for that meeting.

I am sharing those comments today. I have four proposals related to Charter Review Committee member selection:

1. The current charter language requires that if two committee members come from a senate district, that they are not registered to the same political party. You have discussed changing the districts used to select members, but I haven't heard mention of this party requirement. I support eliminating it, but mostly want to urge you to make a conscious decision on this point.
2. That you add a diversity statement about committee member selection.

3. That you maintain the legislative districts (instead of county districts) as a basis for member selection to ensure wide geographic distribution across the county, but allow OCI to select committee members from each district. This would ensure representation from rural areas and small cities.
4. That committee members can be replaced, but only before the first committee meeting.

My detailed comments on these topics are below.

Relative to the Auditor's proposals, I offer a few reminders.

- Some problems can't be fixed in the charter.
- No system is perfect.
- Attempting to fix a problem can do more harm than good.

My charter review committee met during a time when we had a problematic Sheriff. We heard testimony from his sister that I found racist. The Sheriff ran background checks on our committee members because we explored options that would affect his office. The county has had several Sheriffs who were problematic. We looked at several proposals for reform, but we weren't able to find one was legal, had community support, and would solve a problem. In the end we made no recommendations about the Sheriff's office, even though we recognized that there were problems.

I've heard the Chair and others suggesting minor changes to the some of the Auditor's proposals, including those for the hotline and Ombuds, but haven't seen their proposed changes. I suggest that you ask for specific proposals for modified language so you can evaluate them.

I don't remember our committee hearing any requests from the Auditor. While Gary Blackmer and Mary Hull Caballero admitted there are some conflicts inherent in the current scheme for funding the Auditor's office, I did not get a sense that either was alarmed. They couldn't recommend an obvious alternative funding scheme, even though research was mentioned.

It is hard to see how the Auditor's budget could be made independent of the county board or provided with a floor without limiting the board's flexibility to modify that budget if confronted with a crisis. Even if there was an independent committee that recommended a budget for the Auditor's office, it seems ill advised to force the county board to adopt it – the board's job is to balance all needs across the county, and they are responsible to voters for their decisions (which a committee would not be).

I haven't heard evidence that there has been a problem with the Auditor's budget (such as retaliation for a negative audit), just that there is the possibility of one if we have a bad board. For many years the county's budget has been extremely limited and general fund departments had to absorb budget cuts. The last two years we've faced Covid-19, a homeless crisis, and massive wildfires. In those circumstances it isn't surprising that the Auditor's budget didn't grow significantly. The county budget is

normalizing now, and large increases to audit staffing have been proposed not just this year but also next year.

The full board must approve the Auditor's budget, so if the Chair proposed underfunding the Auditor's office the board can change it. I think the public would notice and object, and hold it against board members if they proposed unreasonable cuts to the Auditor's budget, particularly if they were politically motivated or retaliatory. If there is concern that the next Chair would not support hiring more auditors in the next budget cycle, I suggest that you ask the two remaining candidates for that office if they support adding those positions.

At some point we have to trust our elected officials to make good decisions, we can't legislate them in the charter.

### **Detailed comments about Charter Committee Member selection**

1. The current charter language says (from 12.40(2), "electors" means committee members):

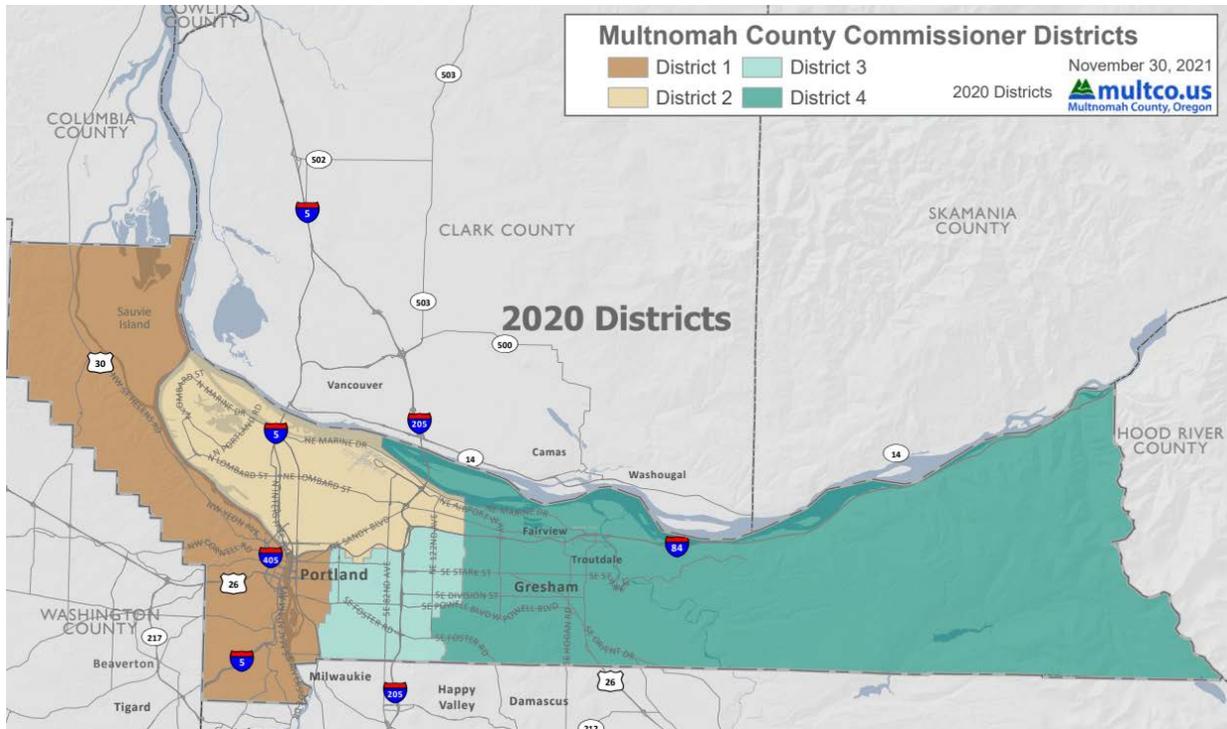
(d) If two electors are appointed from a senate district, they shall not be registered in the same political party.

The party requirement hasn't been mentioned during your discussions and is not in the OCI proposals. I support eliminating the party membership requirement, but would like you to make an active decision on this point.

2. Add a diversity statement for committee member selection. I pulled this from some existing county language and added the geographic distribution because I think this important aspect of committee diversity isn't getting much attention. If the county district maps are used for selecting committee members, every member could be a resident of the city of Portland. Smaller cities and rural areas in the county often provide different viewpoints but can easily be pushed aside by Portland's larger population base.

"The Committee should reflect the diversity of the population of the county, including representatives from a wide geographic distribution including rural areas and each city within the county."

This is the current Multnomah County District map:



3. Keep legislative District requirement to ensure geographic distribution across the county, but allow OCI to make appointments. If the county district maps are used for selecting committee members, every member could be a resident of the city of Portland. Smaller cities and rural areas in the county can provide different viewpoints but can easily be pushed aside by Portland’s larger population base.

One of your “shared values” is inclusive democracy: “Multnomah County’s government depends on active participation and representation of the communities people live in.”

Using the county district maps will not ensure representation of communities across the county in the way that the legislative maps would. It would greatly reduce geographic representation.

I am not persuaded that recruiting members representing legislative districts would be too difficult for OCI. These district maps cover large areas within our county. I suspect the district with only 1600 residents is the rural portion of northern Multnomah County. I know many people living in this area who are very actively involved in their community and who have served on county committees. In fact, I suspect that because that area, like a large part of my neighborhood (and my own home), is outside the city of Portland, we are much more aware of and dependent on county services and programs than city residents are. Through county committees that I’ve been involved with I’ve also met dedicated and involved community members from rural east county. To fail to include rural members in the charter

review committee would do a great disservice to these rural areas, and would deny the committee of valuable perspectives.

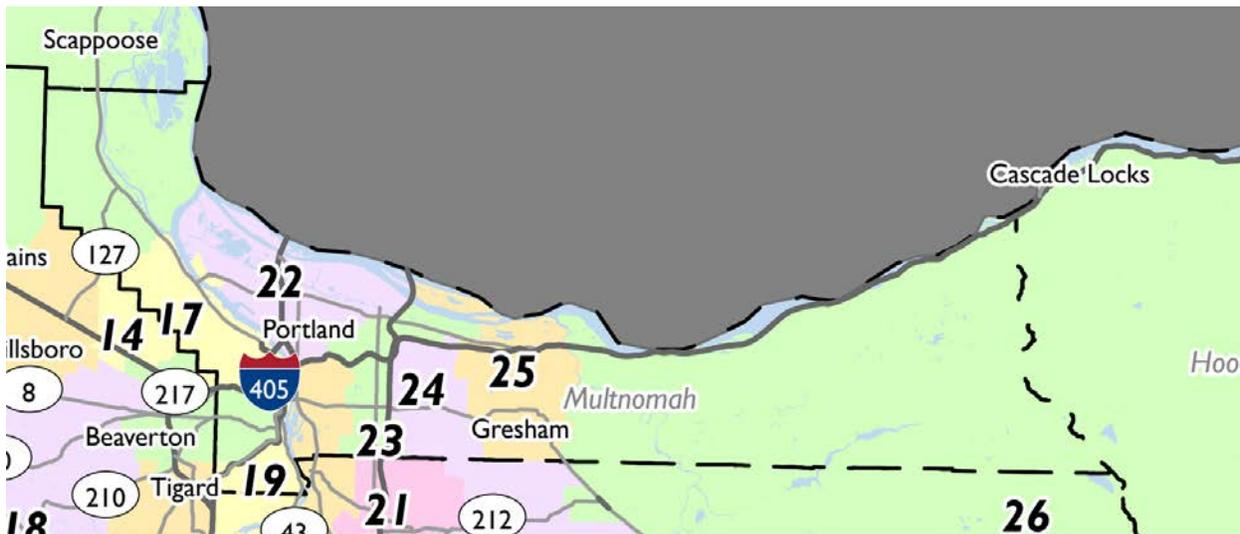
The current charter language says (from 12.40):

- (1) The committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voters within Multnomah County.

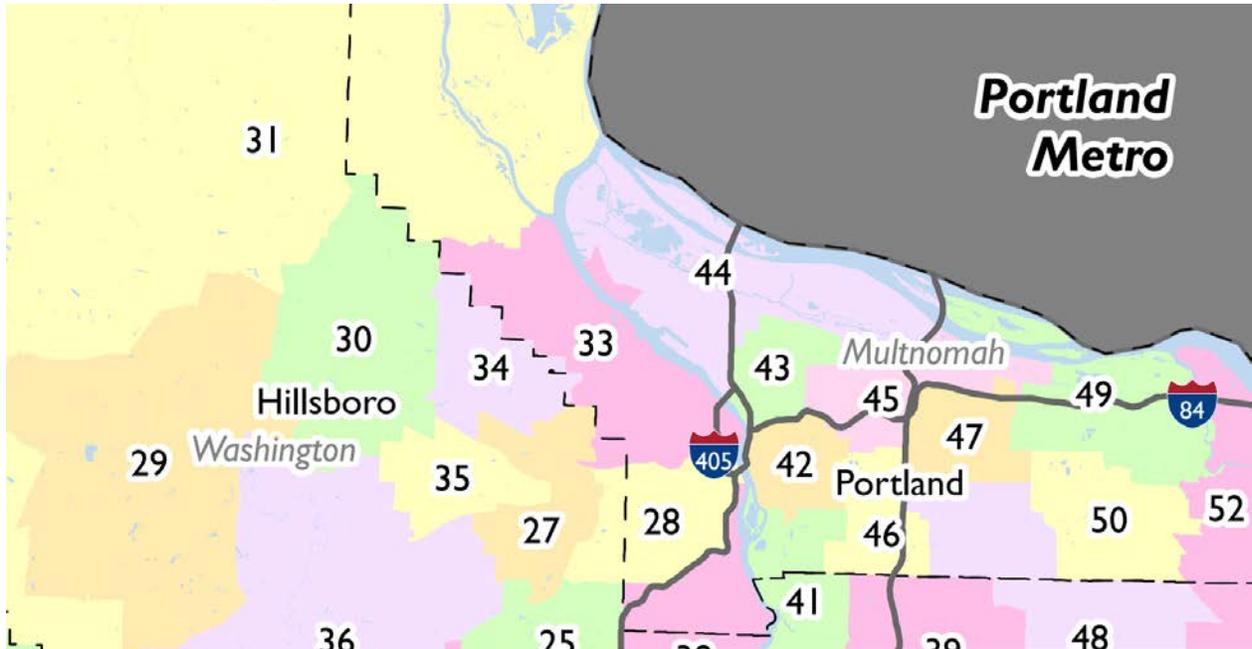
There are now 10 Senate Districts representing portions of Multnomah County and 15 House Districts. Here are two schemes that could be used:

- Maintain the current scheme with 2 representatives from each Senate District except Districts with fewer than 50% of their residents in Multnomah County, which would provide just 1 representative.
- One representative could be appointed per House District, of which there are 15.

This is the new Oregon Senate District Map:



This is the new Oregon House District Map



If you choose to recommend county districts instead of legislative districts as a basis for committee member selection, I hope you will ask OCI to track the demographics and geographic distribution of MCCRC committee members over time (not a charter change).

4. The CRC starts to bond as a team from their first meeting. Early meetings include equity training and development of committee values and bylaws, so I would not replace members after the first CRC meeting (before then would be fine). Otherwise, new members could object to bylaws, rules, and values that you developed as a team. I would allow vacancies to be filled only before the first CRC meeting.

Best wishes, thank you for your service, and thank you for considering these comments.

Carol Chesarek



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**Deborah Kafoury**  
Multnomah County Chair

Multnomah County Charter Review Committee  
via Kali Odell  
[Kali.Odell@multco.us](mailto:Kali.Odell@multco.us)

May 25, 2022

Dear Charter Review Committee Members:

Thank you for welcoming me to share my thoughts at the May 18, 2022 meeting of the Charter Review Committee. You are providing a critical public service to our community, and I appreciate the thoughtful and deliberative approach you are taking to the complex topics before you. I am writing to respond to several questions I was not able to address at the meeting.

**Q: If the Auditor's budget is not enshrined in the charter, is there another mechanism that could ensure budget independence for the auditor?**

It is my belief that the office of the Auditor has sufficient budgetary independence — they have the opportunity to grow with the County and do not face a self-interest threat from this or future administrations because the budget is adopted by the entire Board of Commissioners. The Auditor's budget, as with all County functions, is approved by the entire County Board after review and recommendations are given by an independent Community Budget Advisory Committee (CBAC). Moving into FY 2023, the County's economic outlook has improved significantly from recent years, and the proposed budget reflects that. The proposed budget includes a 34% increase of \$661,000 dollars to the Auditor's Office. This increase supports 4.00 new FTE, a 44% growth in the Auditor's total staff and a 57% increase in her auditing staff.

**Q: Do the speakers think that the charter, as it stands, guarantees the auditor's independence and ability to conduct a sufficient number of audits per year?**

Yes. The Auditor operates independently. The Auditor has independence to hire, fire, and direct the work of her staff. She decides what audits to do and the scope of each audit. As I mentioned, the Auditor has sufficient budgetary independence because the Auditor prepares her own budget, which is then reviewed by an independent CBAC. The Auditor presents her budget to the Board, the public has an opportunity to engage, and then the entire Board of Commissioners votes on adoption. That robust process guarantees that neither the Chair (or any other elected official) can interfere with the Auditor's independence to operate the Auditor's

Office. In the past, Auditors have completed a sufficient number of audits, and now, with the expansion of County programs and services, I supported her request to grow her team to accommodate additional audits.

**Q: Why not have the COO be accountable to the entire County board as opposed to just the chair? Would you support transitioning to a county manager model?**

I support the proposal to enshrine the COO position in the Charter. Multnomah County is a large and complex organization, and I have benefited from the assistance of a Chief Operating Officer who serves as the supervisor of all department heads and oversees the details of many of the day-to-day County operations. I believe the COO plays a valuable role in our organization and therefore would support the role being established in the Charter.

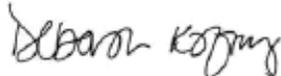
In my time with the County, through three chairs and two interim chairs, I have found its current structure — where the Chair has chief executive and chief personnel officer powers — to serve the organization and community well. Prior Charter Review Committees have looked at the possibility of a County Manager form of government and decided not to pursue it.

**Q: Do the speakers oppose all of the auditor's amendments or are there some that they support?**

I support the Good Government Hotline and Ombuds Office enshrined in the Charter if properly scoped. I look forward to reviewing the agreed upon language that the Auditor will develop with the County Attorney.

Again, I thank you very much for your service to our community and welcome any future questions you may have.

Sincerely,



Deborah Kafoury  
Multnomah County Chair

On the agenda for the meeting of June 3, 2022 is, "Adopting a new voting method for the county (e.g. STAR, Ranked Choice Voting, Approval Voting) and eliminating primaries."

I am strongly in favor of eliminating primaries with a fair voting system that is simple and equitable, while expressing as closely as possible the true preferences of the electorate in a manner that each person's vote carries the same weight as each other person's vote.

Among the three example options in the agenda, Ranked Choice Voting (RCV, in the version also known as Instant Runoff Voting) is the clear preference. STAR, because the votes of a minority of passionate believers can outweigh the more nuanced views of a majority of voters, violates the principle of each person's vote being of the same importance; moreover, this characteristic of STAR leads to strategic exaggeration of true preferences.

Approval voting too easily degenerates into a cynical "choice among the least bad options" that is also characteristic of the current "runoff between the first two candidates past the post" system.

Yes, RCV is not perfect (Professor Kenneth Arrow proved many decades ago that there is no such thing as a perfect voting system), but it does a good job the great majority of the time and has the important advantages of being relatively simple to understand and having seen lots of use. (Note: Yes, I know all about Burlington, Vermont, and it is an outlier--and is no reason to employ passion-based ballots). (Note: I personally favor variations of RCV that are superior to the Instant Runoff Voting current method, but the explanation of why delves into mathematics beyond what most people understand and I don't believe that the ideal should be the enemy of the good.)

I am prepared to discuss my position if that is desired.

Dear Equitable Representation Subcommittee,

I served in the 2015-16 County Charter Review Committee. Thank you for the opportunity to offer a few comments on some topics you are considering with some accompanying data.

#4 Electing Commissioner District 2 in the same election cycle as other districts.

Please speak with the Commissioner currently serving in District 2. This request was made by an outsider, not the Commissioner for the District.

Because their terms expire in the same year, depending on how the terms of the Chair and District 2 work out, there is a 50=50 chance over time that the District 2 seat will be term limited at the same time the Chair position is open. So District 2 may have an advantage in being able to serve one or two full terms before running for chair, while other Commissioners would sacrifice 2 years of a term they have been elected to.

Any changes you make will have uneven consequences, including some you can't see which may be worse.

#4a Whether to elect all Commissioners at the same time.

Our Charter limits elected officials to 2 consecutive terms. High rate of re-election. Electing all Commissioners at the same time is highly likely to result in complete board turnover for a long time. You'd lose a lot of valuable experience and get a lot of inexperienced Commissioners at the same time, which would be pretty disruptive for county operations. Ask Chair and Commissioners for input.

#6 Increase number of county commissioners + whether to have multi-member districts

More Equitable Democracy's numbers show that Multnomah County's population currently includes 34% People of Color (POC), of whom only 23% are Citizen Voting Age Population (CVAP). The maximum "power" for People of Color (POC) in their scenarios with additional Commissioners is 25%.

But Multnomah County has outperformed their 25% "maximum" model for 32 of the last 42 years (and is set to do so again for at least the next 2 years), even with lower populations of People of Color in previous populations. Moving to their model would likely result in fewer people of color being elected than we have historically achieved for the Multnomah County Board, and our elected people of color have all been women. The percentage of women of color we've elected has exceeded the total

non-white population (including non-citizens and those under-18), in all but the 1990s. The details are in the attached PDF.

Why would we get fewer people of color in their model? Because with additional commissioners, including candidates elected with as little as 25% of the vote, we are more likely to revert to averages and elect more white people than we do today. The white voters of Multnomah County have demonstrated that a majority of them will consistently vote for women of color. But there are more conservative folks in the community who will find it easier to elect white candidates if they only need 25% of the vote.

	% Women of Color Commissioners or Chair	People of Color % of Total Mult. Co. Population
1981-1990	32%	9.1%
1991-2000	8%	12.1%
2001-2009	28%	23.0%
2011-2020	36%	27.7%
2021-2022	60%	31.2%

Why are is the county different from the city? We have term limits and districts.

If you reduce or eliminate staff, Commissioners will have fewer resources to respond to and support constituents, will be able to do less independent research into topics before the Board, will be less educated representing the County on other Committees and Commissions. They will be more dependent on county staff & lobbyists for information when making decisions, so you get less independent oversight and less staff to help them meet with to constituents. You lose checks and balances and undermine the quality of governance.

Fewer office staff means fewer entry point jobs – good living wage jobs where staff gain experience that helps them run for office (and makes the more qualified – know how to do the job if elected). People who don't want to run can still serve and shape policy.

We have a system that consistently elects women and women of color to positions of power. Why would we take that power away from them? Change to 12 Commissioner and/or reducing staff will reduce their power and influence.

My experience is that County government is not perfect, but is much more effective, and that it is much easier to be heard and influence change at County than at legislature or any other local government.

#2. Eliminate the primary.

We can't "eliminate" the primary -- there will still be a May primary with voting for many offices and measures (federal and state offices, including the legislature, judges, Metro, local districts (SWCD boards, TVF&R), bond & ballot measures). So dropping the Multnomah County races will result in very little savings. If you remove county races, people will have even less incentive to vote.

I appreciate having only 2 candidates to deep research for the fall. Sometimes we learn valuable things about candidates between the primary and fall, can change vote in the fall. As an alternative, you could propose sending the top 3 (not just 2) to the fall ballot.

Be wary of being swayed by voter turnout -- automatic voter registration at the DMV started in 2016. While that has been great to increase voter registration, we can't compare turnout numbers to previous expectations because many people with little interest are now registered. Note that independent and unaffiliated voters have substantially lower turnout for primaries, probably because they can vote in many fewer races.

#5 Allowing candidates to indicate a party preference.

More Equitable Democracy proposed this to help voters feel comfortable voting for women and people of color elected. We are already electing lots of women of color, so I don't understand the problem this solves. It seems like this just adds partisanship and incentive to show party allegiance in office. Does partisanship make our state legislature more effective?

Thank you,

Carol Chesarek

Women on the Multnomah County Board of Commissioners

	1975-76	1977-78	1979-80	1981-82	1983-84	1985-86	1987-88	1989-90	1991-92	1993-94	1995-96	1997-98	1999-2000	2001-02	2003-04	2005-06	2007-08	2009-10	2011-12	2013-14	2015-16	2017-18	2019-20	2021-22	2023-24
Chair							X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X
Commissioner							X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Commissioner				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Commissioner	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
# of Women	1	1	1	2	2	3	3	4	3	3	3	3	3	4	4	4	2	3	4	4	5	5	5	5	
% of Board	20%	20%	20%	40%	40%	60%	100%	80%	60%	60%	60%	60%	100%	80%	80%	80%	40%	60%	80%	80%	100%	100%	100%	100%	

X = Women as Chair or Commissioner (regardless of District).

Note: I did not find anything in online records to indicate any of these women were not cis-gendered, but those records are limited and historical societal expectations may have limited gender exploration and expression, so the record is imperfect.

Women of Color as Chair or Commissioner (regardless of District).

	1975-76	1977-78	1979-80	1981-82	1983-84	1985-86	1987-88	1989-90	1991-92	1993-94	1995-96	1997-98	1999-2000	2001-02	2003-04	2005-06	2007-08	2009-10	2011-12	2013-14	2015-16	2017-18	2019-20	2021-22	2023-24
Chair							X	X	X																
Commissioner																									
Commissioner																									
Commissioner																									
Commissioner																									
# Women of Color	0	0	1	2	2	1	2	1	1	0	0	0	1	2	2	2	1	0	1	1	1	3	3	3	
% of Board	0%	0%	20%	40%	40%	20%	40%	20%	20%	0%	0%	0%	20%	40%	40%	40%	20%	0%	20%	20%	20%	60%	60%	60%	

X = Woman of Color (including Hispanic) as Chair or Commissioner (regardless of District).

Partial terms were rounded up or down to 2 year blocks

POC % of Mult. Co. Population	1980: 9.1%	1990: 12.1%	2000: 23.0%	2010: 27.7%	2020: 31.2%
% of positions filled by Women of Color:	1981-90: 8 of 25 = 32.0%	1991-2000: 2 of 25 = 8.0%	2001-10: 7 of 25 = 28.0%	2011 - 20: 9 of 25 = 36.0%	2021 - 22: 3 of 5 = 60.0%

Multnomah County Population based on US Census data.

	1980	1990	2000	2010	2020
% People of Color	9.1	12.1	23	27.7	31.2
% White	90.9	87.9	77	72.3	68.8

People of Color (POC) = residents who selected a non-white race on the census. For 2000, 2010, and 2020 this includes people who identify as Hispanic. For 2000, 2010, and 2020, this is the non-Hispanic white population.

Population and race data pulled from USAFacts on May 29, 2022:

[Multnomah County, OR population by year, race, & more | USAFacts](#)

Women of Color (including Hispanic) who have served on the Board:

Gladys McCoy	Commissioner, 1979-84, Chair 1987-93
Caroline Miller	Commissioner, 1981-88
Serena Cruz	Commissioner 1999-2006
Maria Rojo de Steffy	Commissioner 2001-2008
Loretta Smith	Commissioner 2011-2018
Marissa Madrigal	Interim Chair 2013-14
Jessica Vega Pederson	Commissioner 2017-2022
Lori Stegman	Commissioner 2017-2022
Susheela Jayapal	Commissioner 2019-2022 [re-elected to new term starting 2023]

I worked as a mental health commitment investigator for nearly 31 years, much of that with Multnomah County, before retiring 4 summers ago.

After a patient's suicide in 1999 while on a pass from the hospital where she had been committed, and the episode was swept under the rug by both the hospital and the County, I sought an avenue for independent oversight through the Auditor's office of psychiatric unit patient-safety failures and to be a resource for both mental health consumers and employees to express concerns.

I later gained support from the Auditor, Suzanne Flynn, and positive input from the City Auditor, Michael Mills, who was willing to help guide the process.

Unfortunately, the idea was nixed by Chair Diane Lynn's COO who also personally told me that my job was being eliminated, an obvious retaliation and example of conflict-of-interest.

My position was later restored as the result of a union grievance and a tort claim filed by my attorney.

I communicated with a subsequent County Auditor, LaVonne Griffin-Valade, who was also interested in providing oversight of the hospital system and a mental health ombudsman but the idea was nixed by Chair Ted Wheeler.

Later, I communicated with Auditor Steve March who was receptive to my concerns about the safety lapses of a local psychiatric hospital when no one else in management or in County government was.

After he termed out I talked with current Auditor Jennifer McGuirk who was also interested in the need for improved oversight and an ombudsman to whom mental health consumers and employees of the mental health system could take their concerns without fear of retaliation.

Though my specific area of concern was the mental health system over which Multnomah County has responsibility, my experiences illustrate the need for the Auditor's office to have as much overall independence as possible—both budgetary and otherwise— from the Chair's office and that it be adequately funded to provide necessary oversight that is unhindered by whatever the politics of County government happen to be.

I am 100% supportive of the decision NOT to import budget requirements into the Charter. Not for the Auditor, and not for any other elected official or department. The County's yearly budget process is robust and provides ample checks and balances to assure funding at proper levels. That budget process is going on right now. Yearly budget processes offer transparency, public engagement, and real-time responses to public issues. After reading the Oregonian article, I watched the Auditor's 5/19/22 budget presentation to the Board. You should watch out too.  
<https://youtu.be/FSZjGQmX8Kc>

I was shocked to hear nothing but praise and support by the Auditor for the budget process. The Auditor touted her office's work and is getting an office expansion of over \$600k! That's a totally different view than the one presented by the Auditor in the Oregonian story. I expected that the Auditor, of all people, to present a fair and balanced portrayal of the facts. Instead, she provides a skewed version of the facts and expresses "disappointment" in the charter review committee. Based on her defensive reaction, I question the necessity of ANY of her proposals that would expand the scope of the Auditor's control. The Auditor's request to subvert the budget process is nothing more than empire building.

I praise the committee for deciding not to forward the Auditor's self-serving request.

I just read Jennifer McGuirk's convincing editorial on the need for budgetary independence of the Auditor's office. We need transparency and accountability from our government services and officials. I have been sorely disappointed in the performance of the County's departments, especially JOHS. Having a staffed and functional audit division is critical to improving the performance of these departments and leaders. Getting a vote every 4 years is just not adequate voice that citizens need to have.

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SUBMITTED JUN 5, 2022 BY Michel Kolibaba (Public Comment)

I would like to support the county auditor's request to create a minimum level of funding for the auditor's office, based on the overall county budget.

Yes.

Jennifer McGuirk made a persuasive case for independence for the Multnomah County Auditor's Office to provide accountability in county functions and use of taxpayer money. Please make sure that the office is provided the funds to ensure their independence.

By the way, I'm very excited by what I'm hearing of the Charter Review Commission's work, and look forward to voting for it when we get the chance. I hope the provision for appropriately funding the auditor's office is a part of it!

Please reconsider your decision not to allow voters to consider a charter amendment to independently fund the Auditor's Office. As an auditor with the Secretary of State's Audits Division and former candidate for Multnomah County Auditor, I have learned that independence is key to effective performance auditing of government programs. It allows us to put the public and those served by government first. It protects us from pressure and retaliation. And it adds credibility to our conclusions, ensuring that we do not have even the appearance of being beholden to those in power. That's why the Portland City Auditor successfully used the city's charter amendment process to establish an independent budget. Please allow Multnomah County's voters to consider taking the same step.

We need to address independent audits of our public offices. We are dismayed that so little oversight is being done of the county and city agencies. We have noticed an increase in public employees and several new agencies created but not enough auditors to oversee these agencies. This is not equitable representation for the taxpaying public. We need to know how our money is being spent. Please consider increasing the staffing requests.

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SUBMITTED JUNE 6, 2022 BY KC JONES (PUBLIC COMMENT)

I fully support the elected auditor's proposed amendments, particularly around budgetary independence.

The auditor should have a budget equal to a set percentage of the county's budget. Having the people she is auditing set the budget gives them too much power over the auditor. That power hasn't been abused yet, but it could be.

TO BE TRULY INDEPENDENT, ELECTED PUBLIC AUDITORS MUST HAVE GUARANTEED, ADEQUATE FUNDING TO EXERCISE OVERSIGHT THAT ENSURES THAT PUBLIC POLICY-MAKING AND ADMINISTRATION ARE OPEN AND TRANSPARENT, ACCESSIBLE AND RESPONSIVE, EFFICIENT AND EFFECTIVE; THAT IS, ACCOUNTABLE. A LONG-TERM, CHARTER-BASED FUNDING FORMULA MUST BE DEVELOPED THAT FREES THE AUDITOR'S OPERATIONS FROM ANNUAL BUDGET WRANGLING. IT IS IMPOSSIBLE SIMULTANEOUSLY TO BE INDEPENDENT AND BEHOLDEN.

Please give consideration to reviewing Jennifer McGuirk's proposal of a 0.5% of the county's general fund expenditures budget, on a five-year rolling average, toward providing a reliable and independent capital resource to this office (see "County's auditor's office . . . independence", The Oregonian, OpEd, Sunday, June 5th, 2022). Independence in oversight necessitates independence in operation.

Re: Independence of the elected auditor must be in the Charter proposal to voters  
Citizens are frustrated and disappointed in their government's ability to resolve problems, spend money wisely, and achieve the results that matter to them. This is true nationally, and locally. Elected, independent Auditors are crucial to restoring public trust.

I spoke out strongly in public testimony in 2020 to the Portland City Commission on behalf of the elected Portland Auditor's call for full funding on a formula basis for that office to do the work the Charter specifies that it must. I worked to get the Charter amendment passed that called for more independence. The situation in Portland that dismayed me was the conflict of interest regarding who sets the budget for the Auditor's office. The Auditor cannot be independent unless they control, or a formula controls the size of their budget. Whether the formula is population based, or based on the size of the overall budget, elected officials are removed from the perception or reality of conflict of interest. Citizens' trust is enhanced.

I am writing with that same strength of opinion to state that the CRC for Multnomah County must address this issue in the Charter amendments put forward this November.

Performance audits come with a clear delineation of areas of concern and steps toward correction and give those in charge the chance to improve the organization's performance. As a citizen this is the feedback I want the government I support with my tax dollars to get and to act on.

Because audits can also bring public scrutiny to a bureau or departments inadequate functioning, the elected officials charged with overseeing the operation of the county, particularly the county chair should not control the size of the budget the auditor's office is given. It can quite clearly look, especially after critical audits, that a conflict of interest exists.

The proposals the Multnomah County Auditor has put forward for an ombudsman, the fraud, waste and abuse hotline, and access to information are all important. But independence trumps each of those. It is foundational. And that foundation rests on how the budget is developed. It should grow by formula independent of the county's elected officials.

Please carry this request of the Multnomah County Auditor, and citizens who are concerned, forward in the referral you make to voters. Nothing could please me more in November than to vote on a strong restructuring proposal from the City of Portland CRC, and a proposal from the Multnomah County CRC that strengthens the Auditors office in the ways the Auditor has requested.

The Multnomah County Audit office does not have budgetary and reporting structure required for Audit Staff to conduct independent audits which can guarantee accountable, effective, transparent, and equitable government.

The number of Audit Staff should correlate to Multnomah County population growth. In addition, the overall operating budget should correlate to increases in the County operating budget to provide adequate evaluation of county government. So, over a 10-year period, growth in Audit budget and staffing should correlate to growth in County budget and population.

An effective Audit function requires reporting structure independent of the entities which are audited. This should include independence from control of Audit office budget and influencing the audits to be performed. Audits would be performed according to risk defined by iterative evaluation of the entity. Results of Audits and participation in compliance would be most effective with independent reporting structure.

Although the Multnomah County Audit office is not presently set up to effectively function, this can be improved!! Please be aware that a subcommittee such as Charter Review Committee can have influence.

Dear Government Accountability Subcommittee Members,

As a former Multnomah County staff auditor, I want to express my support for the proposed amendments to the Auditor portion of the Multnomah County Charter. The County Auditor's proposed amendments reinforce independence of the Auditor's Office and provide greater accountability to the public.

I strongly support the County Auditor's proposed amendments to the Multnomah County Charter to:

- Ensure that the existing fraud, waste, and abuse hotline reports to the County Auditor and will be operated in accordance with state law and with best practices for fraud, waste, and abuse hotlines
- Establish a county ombudsman who reports to the County Auditor
- Ensure the County Auditor's access to information, data, and officials
- Remove the threat to County Auditor independence that exists in Multnomah County's budgeting-setting process

The mission of the Auditor's Office is to ensure that County government is efficient, effective, equitable, transparent, and fully accountable to all who live in our county. To meet this mission, the Charter requires the Auditor to perform duties including conducting performance audits of all County operations and financial affairs.

I want to express my strong support in favor of strengthening the Auditor's budget setting process. The resources allotted to the Auditor have not kept pace with the County's increasing size and complexity.

To accomplish Charter mandated responsibilities, the Auditor needs to have a funding mechanism in place to ensure adequate resources. The Auditor's budget should not be controlled by officials subject to audits. Establishing a minimum threshold would address this issue.

I also want to express my support for including the hotline in the Charter. In 2007, the then Multnomah

County Auditor created a hotline to provide a way for the public and county employees to anonymously report suspected fraud, waste of resources and misconduct. As an auditor, I worked on the hotline for several years and can testify that both employees and community members use the hotline to report suspected abuse

and misuse of county resources. The hotline should be included in the Charter to ensure it will be protected.

Thank you,

Fran Davison

Dear Multnomah County Charter Review Committee,

Congratulations on finishing your subcommittee work. I served on the 2015/16 Multnomah County Charter Review Committee, and have observed some of your meetings.

I want to share a few general thoughts before offering comments on two proposals.

- Some problems can't be fixed in the charter.
- No system is perfect.
- Attempting to fix a problem can do more harm than good (unintended consequences).

By the time you finish, you will know far more about these proposals than almost all voters. Please don't refer proposals to the ballot unless you are confident that they will benefit the county. Most voters know little about ballot measures beyond the ballot title, maybe the summary and a few points from ads. Please don't rely on them to reject a proposal you have doubts about – resolve your concerns or don't vote to put the proposal on the ballot.

Last month a friend who is a smart, well-educated executive, deeply involved in our community called me for advice as he was voting. I spent 2 hours explaining candidates, positions and endorsements, pros and cons. He knew almost nothing beyond a few well-known names.

Unintended consequences can result from seemingly simple measures. The Charter Review Committee (CRC) that I served on recommended a measure that was approved by voters. It allows sitting Commissioners to run for Chair without resigning if they are in the middle of their term. It didn't occurred to us that the change would disadvantage only one of four Commissioners -- District 2 is the only Commissioner who may have to choose between running for re-election and running for Chair.

I have one request, and also want to support a decision made by one of your subcommittees.

The request is that you recommend allowing the Office of Community involvement to select CRC members (as proposed by the Government Accountability subcommittee), but that we maintain the legislative districts (instead of county districts) as a basis for member selection to ensure representation of all communities in the county, including rural areas and small cities, instead of using county districts, as currently proposed.

I support the Government Accountability subcommittee's decision to reject the Auditor's request for a budget guarantee in the charter and recommend the next CRC explore the options further. The subcommittee did excellent research and made the right decision.

### Maintain Geographic Diversity in Charter Committee Member selection

Please consider keeping legislative districts to ensure geographic distribution of CRC members across the county, but allow OCI to select committee members. Shifting to district maps would greatly reduce guaranteed geographic representation currently provided by legislative maps.

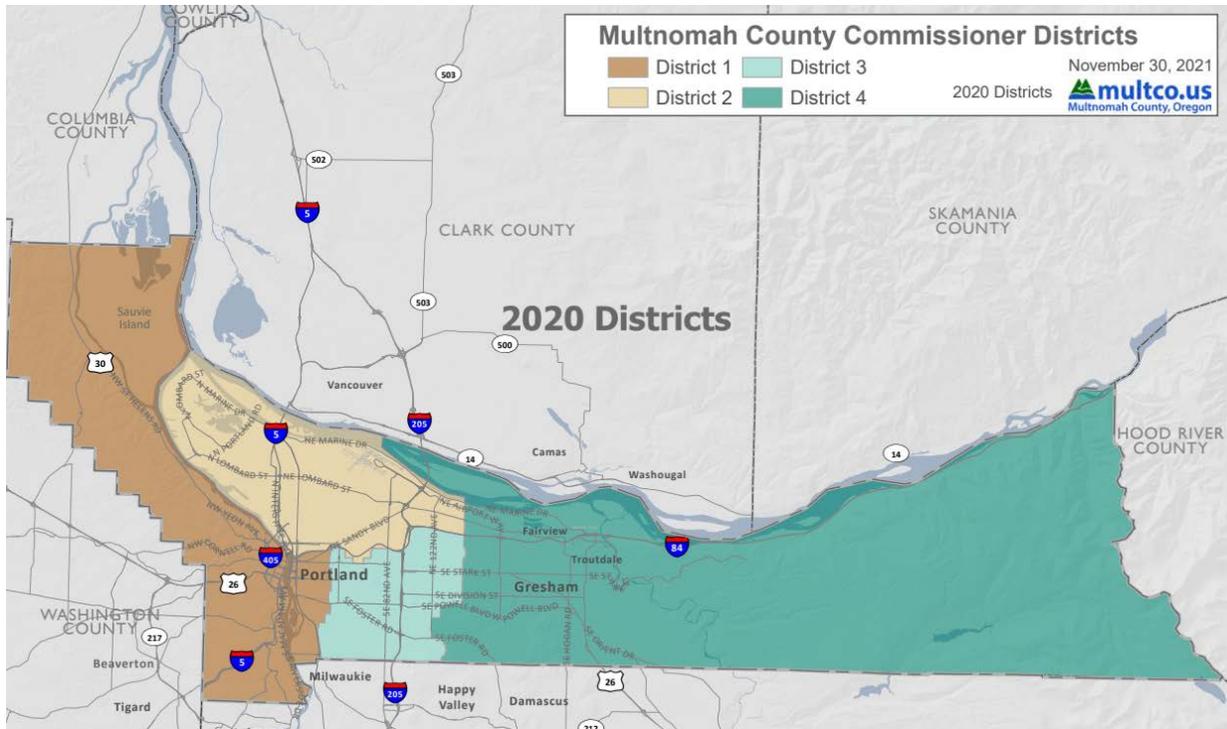
One of your Shared Values is inclusive democracy: **"Multnomah County's government depends on active participation and representation of the communities people live in."**

Using just the 4 county districts to select CRC members, as currently proposed, means that all committee members could come from the city of Portland, and there might be no members from downtown Portland, Gresham, Troutdale, or rural western or eastern Multnomah County (which stretches almost out to Cascade Locks). Alternatively, all of District 1's representatives could be drawn from downtown Portland, ignoring west side rural and suburban areas.

Smaller cities and rural areas in the county can provide different viewpoints but can easily be pushed aside by Portland's larger population base. Because our rural areas lack city services, rural residents tend to be more aware of and dependent on county services and programs than city residents are. Failing to include rural members in the charter review committee would deny the committee of valuable perspectives.

If you don't adopt this change, I ask you to add a diversity statement about committee member selection that mentions geographic distribution.

This is the current Multnomah County District map:



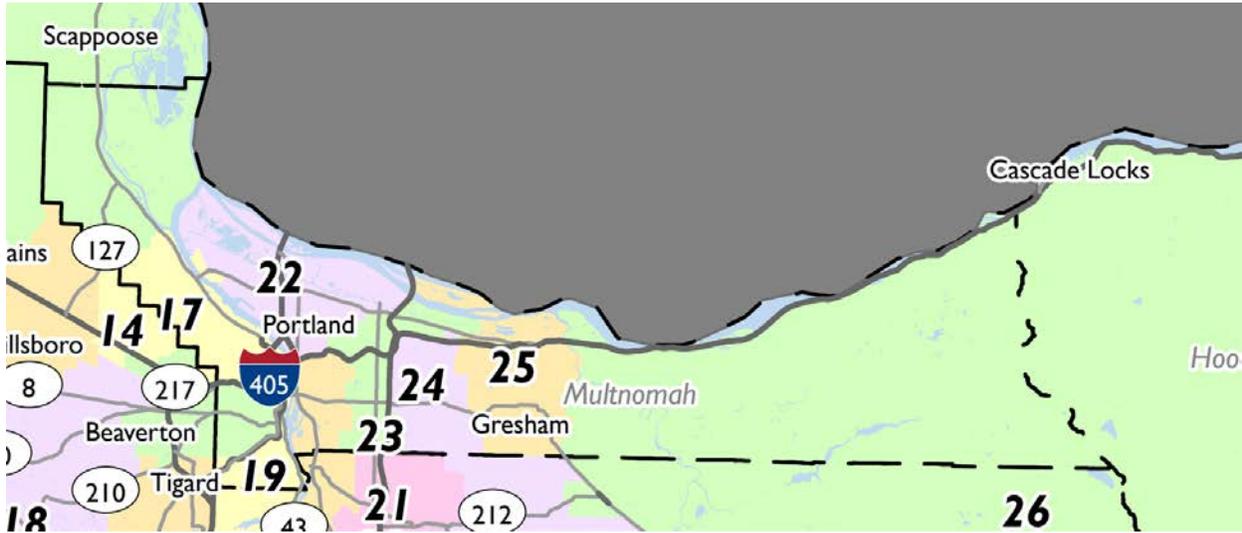
The current charter language says (from 12.40):

- (2) The committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voters within Multnomah County.

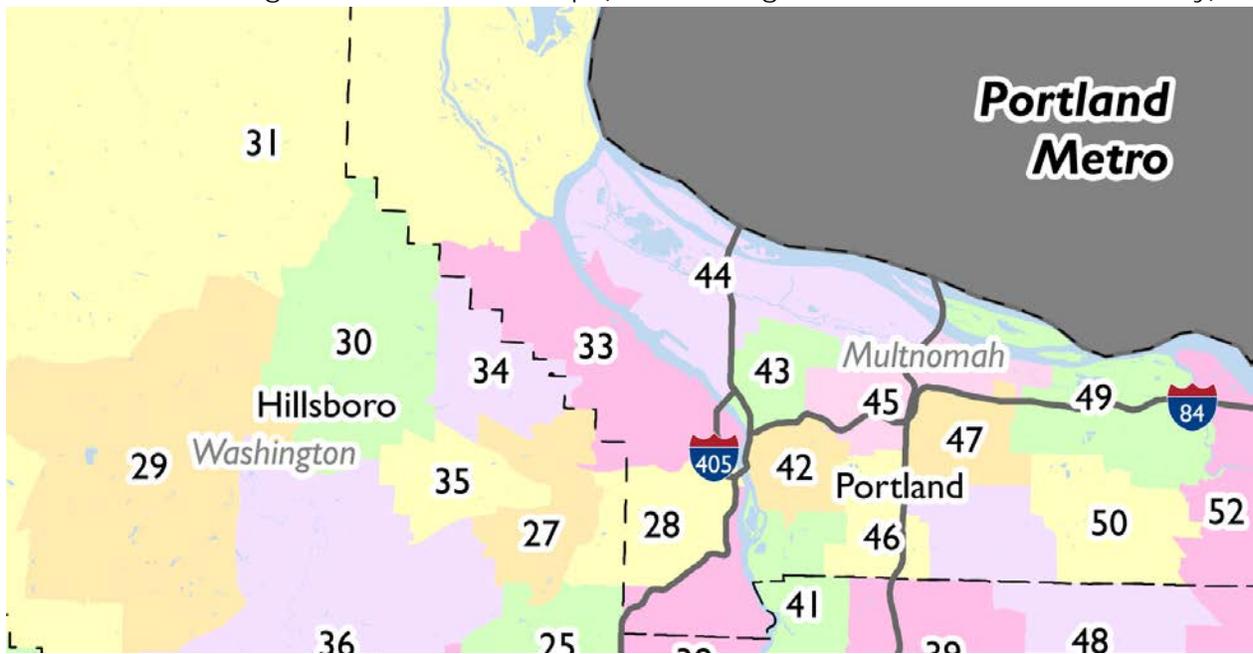
There are now 9 or 10 Senate Districts representing portions of Multnomah County and 15 House Districts. Here are two options:

- Keep the current language with 2 representatives from each Senate District except Districts with fewer than 50% of their residents in Multnomah County, which would provide 1 representative. Or,
- One representative could be appointed per House District, of which there are 15. This seems simpler.

This is the new Oregon Senate District Map:



This is the new Oregon House District Map (not showing all of rural east or west county):



If you choose to recommend using county districts instead of legislative districts, I hope you will at least add a diversity statement. Here's one option, using some existing county language but with geographic distribution added.

*The Committee should reflect the diversity of the population of the county, including representatives from a wide geographic distribution including rural areas and each city within the county.*

I wasn't able to present these options to the Government Accountability subcommittee in time for their deliberations because of a misunderstanding about a meeting agenda.

### **Budget Independence is important, but so is Budget Flexibility**

The Auditor would like to have her budget allocation guaranteed in the charter. She requested a 1% share of the general fund (based on a 5-year rolling average) – this would triple her department budget. This seems crazy to me, especially as we come out of a time of great budget uncertainty and a public health emergency resulting from Covid-19.

**The Government Accountability subcommittee made the right decision in not recommending the Auditor's request, but instead asking the next CRC to consider a range of options.**

Your Government Accountability subcommittee heard from many parties as they weighed the Auditor's proposal. They heard from the current Multnomah County Auditor, from two experienced Auditors, Gary Blackmer (former Multnomah County and Portland Auditor who also spent several years working for the state), and Mary Hull Caballero (current Portland and former Metro Auditor), the county Chair and a Commissioner, the District Attorney and Sheriff, the county budget director, Economist, and COO, in addition to the county attorney's office.

In the current budget process, each department proposes a budget. The Chair then builds a proposed county budget. Several budget hearings and work sessions are held, and public comment is accepted for more than a month. The board can modify the proposed budget before they vote to adopt it. The board is accountable to voters.

I don't remember our CRC hearing any requests from the Auditor -- there definitely wasn't a request for the guaranteed funding the current auditor is requesting. Neither Gary Blackmer nor Mary Hull Caballero recommended an obvious alternative budget model, even though Mary Hull Caballero had done extensive research into the topic. Gary Blackmer suggested basing the Auditor's budget on the number of county

employees instead of the size of the general fund. There were also discussions about budget caps and floors.

Part of the Auditor's argument for tripling her budget is that she needs to dedicate auditors to complex areas. But the other two auditors who spoke to the committee said that these needs could be better met by using expert contractors who can do the work much more efficiently.

I understand the benefits of providing the Auditor with budget independence, but I don't see a way to provide it that doesn't create more problems than it solves.

It is hard to see how the Auditor's budget could be made independent of the county board or provided with a floor in the charter without limiting the board's flexibility to modify that budget in a crisis. Even if an independent committee recommended a budget for the Auditor's office, it would be ill advised to force the county board to adopt it – the board's job is to balance all needs across the county, and they are responsible to voters for their decisions (which a committee would not be).

Putting any budget guarantee into the charter seems like bad policy. Let's consider what the proposal could do. If there was an emergency, like Covid or a massive earthquake, the county board could not rebalance the auditor's budget with other parts of the county budget to meet emergency needs. If county revenue dropped substantially one year, the 5 year rolling average would keep the auditor's budget artificially high relative to other departments, and the board would be forbidden to change it. Homeless Services, Mental Health and Public Health Services, and Emergency Management (among others) could be decimated, but the Auditor would remain untouched, sitting pretty while other departments laid off scores of employees.

Why should the Auditor be protected by charter from deep budget cuts that would affect all other county operations in case of a sharp drop in funding, or in an emergency?

If the Auditor's budget becomes guaranteed in the charter, other critical county services may request similar guarantees. If adopted, those would further limiting the board's ability to adapt to changing needs and emergencies.

I haven't heard evidence that there has been a problem with the Auditor's budget (such as retaliation for a negative audit), just that there could be a problem if we have a bad board. For many years the county's budget has been extremely limited and general fund departments had to absorb budget cuts. The last two years we've faced Covid-19, a homeless crisis, and massive wildfires. In those circumstances it isn't surprising that the Auditor's budget didn't grow significantly. The county budget is normalizing now, and large increases to audit staffing have been proposed not just this year but also next year.

The full board must approve the Auditor's budget, so if the Chair proposed underfunding the Auditor's office the board can change it. I think the public would notice and object, and hold it against board members if they proposed unreasonable cuts to the Auditor's budget, particularly if they were politically motivated or retaliatory. If there is concern that the next Chair would not support hiring more auditors in the next budget cycle, ask the two remaining candidates for Chair if they support adding those positions.

At some point we have to trust our elected officials to make good decisions, we can't legislate them in the charter.

Best wishes, thank you for your service, and thank you for considering these comments.

Dear members of the Multnomah County Charter Review Committee, my name is Sol Mora, I use she/her pronouns, and I am the Civic Engagement Manager at the Coalition of Communities of Color.

CCC is an alliance of culturally-specific organizations and service providers working to advance racial justice through cross-cultural collective action. For over twenty years, our coalition has worked to address institutional racism within our local government and create viable pathways for communities of color to obtain self-determination, justice, and access to opportunities.

Participating in our local elections affects the ability of communities of color, immigrants, and refugees to elect candidates that will champion issues that support their wellness and prosperity and reflect their values. The decisions of elected representatives impact every resident, regardless of whether they are eligible to vote. These decisions have material consequences on how and whether our communities are able to access local services, from housing and community health to transportation.

For years, we have heard from the communities we serve that many residents feel excluded from our systems of elections. The barriers our communities face range from lack of multilingual access to simply not having the right to vote due to immigration or citizenship status. The circumstances of an individual's citizenship status should not make them less than in the eyes of our local democracy.

Today, I testify on behalf of the Coalition of Communities of Color, which has endorsed noncitizen voting in Multnomah County charter reform. We ask that you ensure immigrants, refugees, and undocumented residents have a direct pathway to participate in our local democracy and see themselves reflected in our elected leadership. Research shows that civic engagement, including voting, increases individual wellbeing and contributes to positive public health outcomes by encouraging communities to shape their social, economic, and political environments. Additionally, voting promotes connection and relationship-building between individuals, neighbors, and elected officials.

This reform to expand our democracy will have a meaningful and lasting impact on communities across Multnomah County to feel that they belong and have a seat at the decision-making table. This step to enfranchise the communities that have felt most underrepresented will ensure our local government truly works for all of us.

Thank you for the opportunity to share the utmost importance this possibility reflects for the communities we serve.

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SUBMITTED JUNE 10, 2022 BY GARY BLACKMER, FORMER MULTNOMAH COUNTY AUDITOR (PUBLIC COMMENT)

To the Government Accountability Subcommittee,

I support the charter proposal of Auditor McGuirk to assure the relatively small, limited investment in the Multnomah County Auditor's office.

Multnomah County services make enormous and critical contributions to our community. Yet, many programs are the most difficult to manage and assess because they are intended to improve the lives of individuals who struggle with behavioral, economic, and social challenges. The needs will always outstrip the county's resources, making it even more imperative for an auditor to ensure that every public dollar has been spent fairly and wisely.

While an auditor's decision-making should always favor the greatest public benefit, outside factors can threaten that mission. Other county officials can make the same promise to the public while hiding their dislike of the auditor's work. The budget process is obscure enough to conceal attrition to an auditor's office without revealing their dislike. Worse, in Multnomah County, a displeased chair only needs two other votes to make harsh cuts. An auditor should not have to consider those possibilities in the performance of their duties.

I support all the proposals put forward by Auditor McGuirk to strengthen the role of auditing in Multnomah County. Please let me know if you have any questions.

Regards.



Jennifer McGuirk  
Multnomah County Auditor

Raymond De Silva  
Nicole Dewees  
Mandi Hood  
Annamarie McNeil  
Dorian Pacheco  
Marc Rose  
Mark Ulanowicz  
Caroline Zavitkovski

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June 10, 2022

Dear Multnomah County Charter Review Committee members,

Thank you all for serving on the Multnomah County Charter Review Committee. I appreciate your exceptional service to Multnomah County and its diverse communities.

I am grateful that the Government Accountability Subcommittee has voted to bring to you several Charter amendments that my office proposed. I write to express my appreciation for the subcommittee, to offer information about the language I had proposed for the amendments that are moving forward, and to make a final request that voters be given the opportunity to vote on the Auditor's budgetary independence from county management.

### Ombudsperson

I appreciated that the subcommittee has proposed language for the ombudsperson that specifies the ombudsperson's purpose and the standards they are to follow. I ask the full committee to advance the subcommittee's proposed language to voters.

I also ask the full committee to bring to voters language that requires county management to respond to the ombudsperson's reports. This language could be similar to existing language in the Charter, which currently pertains to performance audits, and reads as follows:

*The chair of the board of commissioners or the responsible elected official shall respond in writing to all audit reports stating what actions have been or will be taken to address the findings contained in the audit. The written response shall be made to the board and the auditor in the manner and time frame requested by the auditor.*

This language will 1) ensure that the public record reflects both the ombudsperson's determinations and management's perspective, and 2) align the ombudsperson portion of the Charter with the existing section on performance audits conducted by the Auditor's Office.

## Hotline

I am grateful that the subcommittee has recommended adding language to the Charter to codify the existing fraud, waste, and abuse hotline under the Auditor's office. I ask that the full committee present language to voters about the hotline that is similar to the proposed language for the ombudsperson.

I also want to point out that when my office recommended that the hotline be included in the Charter, we did not name it. This was intentional because a future County Auditor may identify that the hotline would benefit from a new name. Instead, my office recommended language that would speak to the hotline's purpose and the standards it is to follow. Those elements will be critical to ensuring the hotline is effective and transparent.

Much of my office's proposed hotline language is based on state law for local government hotlines, including how reports are to be referred to other agencies and how people who report to the hotline are to be protected. To ensure the hotline will comply with this law, I suggest that the full committee present the following language to voters with regard to the hotline's purpose and standards:

*The hotline is established within the office of county auditor. The hotline shall be under the supervision and control of the auditor, who is solely responsible for its operation and management. The purpose of the hotline is to provide County employees and members of the public with a mechanism to report suspected fraud, waste, and abuse by County government and its agents, and to conduct investigations of reports submitted to the hotline. The hotline investigator shall be guided by best practices and state law for local government fraud, waste, and abuse hotlines.*

I also ask that the proposed Charter language require county management to respond to all of the Auditor's reports on hotline activity for the reasons I outlined above with regard to the ombudsperson's reports.

## Access to information

I am relieved that the subcommittee has recommended adopting language in the Charter that explicitly guarantees the auditor's timely access to records, information, and other materials related to audits. I ask that the language presented to voters also include my office's access to county government employees, information, and records related to all of the Auditor's Office's work. In other words, this ability to access employees, information, and records should not just be related to audits, but also should be related to work of the hotline and ombudsperson.

I also appreciate that the subcommittee has recommended adopting language in the Charter specifying that Multnomah County include a right to audit clause in contracts, and that County officials and employees who have access to confidential or limited-access property or records will fully cooperate with the auditor in developing a plan to provide information related to those materials.

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Multnomah County Auditor  
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mult.auditor@multco.us multco.us/auditor

To report suspected fraud, waste, or misuse of County government resources, call 888-289-6839 or visit [goodgovhotline.com](http://goodgovhotline.com).

With regard to specific language to bring to voters, I ask that the language my office has proposed, which is based on the Association of Local Government Auditors' model legislation for local government auditors, be advanced to voters.

### Request to give voters the opportunity to vote on the Auditor's budgetary independence.

I also ask the full committee to give voters the opportunity to vote on the budget-related amendment that my office proposed. My office's initial proposed language was that the Auditor's budget be set at no less than 1% of the general fund expenditures budget on a five-year rolling average. That would support a sustainable office that would grow and shrink with the county and ensure the best audit service to the public.

I also provided the subcommittee with other options to mitigate the budgetary threat to the office's independence. These proposals were to provide 0.5% or 0.75% of the general fund expenditures budget based on a five-year rolling average, or to provide 0.5%, 0.75%, or 1% of the general fund expenditures budget on an annual basis.

At the Government Accountability Subcommittee's May 26 meeting, the subcommittee members discussed a budget floor for the County Auditor's Office that would be 0.5% of the general fund expenditures budget based on a five-year rolling average. However, the subcommittee members did not vote on whether to bring this proposed amendment to the full committee.

I want to ensure that the full committee is aware of the reasons my office presented this proposed amendment. I have attached an opinion piece I wrote that the *Oregonian* published on June 5. I ask you to read it in conjunction with this letter. Local government audit leaders have also submitted public comment supporting the proposed amendment, which I have attached for your convenience.

To reiterate a key point in my opinion piece, the County Chair oversees most areas that the County Auditor can audit. The County Chair's ability to shape my office's budget is a conflict of interest, given that my office's job is to assess and, often, criticize operations that report to the Chair. Generally accepted government auditing standards state that this budgetary structure presents a threat to my office's independence. In its model legislation for local government auditors, which is based on the standards, the Association of Local Government Auditors makes it clear that decisions about funding for the audit organization should not be controlled by managers or officials subject to audit. That is exactly the situation we have in Multnomah County because the Chair is both the CEO and a member of the Board of County Commissioners.

Funding at a set allocation would ensure that the Auditor has 1) the required budgetary independence from county management, and 2) an office that would grow and shrink with the county. In particular,

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funding at 0.5% of the general fund expenditures budget, whether based on a five-year rolling average or an annual basis, would help ensure that the office meets minimum staffing needs for audits, the ombudsperson, the hotline, and community engagement/communications. The proposed language at the 0.5% level could be as follows:

1. *In each annual budget, the board of county commissioners shall provide the auditor with the funding for the facilities, equipment, staffing, and services necessary for the office to perform its duties assigned under this Charter and County Code. Necessary funding shall be defined as an amount equal to at least 0.5% of a five-year rolling average of the county's adopted general fund expenditures budget.*

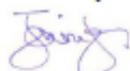
Or

2. *In each annual budget, the board of county commissioners shall provide the auditor with the funding for the facilities, equipment, staffing, and services necessary for the office to perform its duties assigned under this Charter and County Code. Necessary funding shall be defined as an amount equal to at least 0.5% of the county's adopted general fund expenditures budget.*

Providing voters with the opportunity to vote on the Auditor's budgetary independence would mean that Multnomah County could potentially join the ranks of jurisdictions, including the City and County of San Francisco and the City of New Orleans, that have created allocations in their charters to protect the independence of their accountability office. Charter is the right place for such an allocation; the Association of Local Government Auditors states that legislation to support auditor independence "should be enacted at the highest possible level of authority, such as by voter-enacted amendments to a city charter or other applicable legislation." Voters elect the County Auditor who is directly accountable to them; voters should have the opportunity to weigh in on the resources available to their Auditor. They very well may vote no. But they should be given this opportunity.

I hope you will give it to them.

Sincerely,



Jennifer McGuirk, MPA, CIA  
Multnomah County Auditor

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Multnomah County Auditor  
501 SE Hawthorne Blvd., Room 601 Portland, OR 97214 503-988-3320  
mult.auditor@multco.us multco.us/auditor

To report suspected fraud, waste, or misuse of County government resources, call 888-289-6839 or visit [goodgovhotline.com](http://goodgovhotline.com).

# Opinion: County auditor's office needs greater budget independence

Published: Jun. 05, 2022, 6:00 a.m.



Multnomah County Auditor Jennifer McGuirk talks with residents about county redistricting and her office's responsibilities at an event hosted by the Rosewood Initiative in September 2021. McGuirk writes that the current funding structure poses a conflict of interest that puts her office's independence at risk.

NEW!

By [Guest Columnist | The Oregonian](#)

**Jennifer McGuirk**

*McGuirk is the Multnomah County auditor.*

Multnomah County does not have a history of providing sufficient resources to the county auditor's office, the office dedicated to ensuring accountable, effective, transparent and equitable government. In 1998, the auditor wrote about having seven staff auditors and needing more. It's now 2022. Guess how many staff auditors I oversee as your independently elected Multnomah County auditor? Seven.

While the auditor's office has not grown, the county has. Since 2014, the county's general fund expenditures budget has grown from \$414 million to \$638 million and the number of employees has grown 15%. County functions have also expanded, including the creation of the Joint Office of Homeless Services and the Preschool for All program.

However, when the auditor's office does not keep pace with the county, the accountability we provide diminishes. We simply cannot conduct "performance audits of all county operations and financial affairs," as the charter mandates, nor can we provide the scrutiny voters deserve to make sure the county's taxpayer funded programs are operating efficiently and responsibly.

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Advertisement

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That's why my office is seeking greater independence from county management with a proposal to create a minimum level of funding for the auditor's office, based on the overall county budget. It's one of four proposals my team and I made as part of the charter review process that occurs every six years, in which community members examine possible amendments to put before voters in November. And while three of our ideas have advanced for further consideration – proposals to create an ombudsman, enshrine the fraud, waste and abuse hotline into the charter and ensure my office's access to information – our most critical proposal for budget independence is getting the cold shoulder.

The problem we're trying to solve is structural, not personal. As the chief executive officer, the county chair oversees most of the programs that the auditor can audit. But the chair also proposes the county budget, including how much to allocate to the auditor's office. That's a conflict of interest, given that my job is to assess and, often, criticize operations that report to the chair. Generally accepted government auditing standards state that this budgetary structure presents a threat to my office's independence.

In proposing the budget, the chair effectively defines the number of audits that the auditor's office can conduct. That means even as the county's spending and services greatly expand, I am limited in how many initiatives my staff can examine.

But more concerning is that nothing in the current structure could stop a county chair, unhappy with an audit, from retaliating by proposing to cut the auditor's budget.

That hasn't happened in my experience. In fact, at the same time I proposed the budget amendment, I requested additional resources for my office as part of the annual budget process. Chair Deborah Kafoury has included my office's request for four additional staff auditors in her proposed budget for the upcoming fiscal year. But this provides no assurance that the county's future growth will be complemented by commensurate growth in the auditor's office. It also does not change the fact that the process itself is deeply flawed.

Several auditors have already written in support of the proposal I put forward, and Portland voters have already approved changes granting greater independence for the city auditor. I have suggested an allocation as little as 0.5% of the county's general fund expenditures budget on a five-year rolling average.

But the subcommittee of volunteers vetting proposals chose not to advance the concept to the full Charter Review Committee for consideration at its June 15 meeting. This is very troubling because it essentially says that the chair's ability to propose the auditor's budget is more important than the auditor's budgetary independence from county management. The CEO of the organization, however, shouldn't get to set the size of your accountability office - or influence the number of audits it can carry out on your behalf.

I am disappointed by the subcommittee's decision. If you would like the opportunity to vote on this matter, I ask you to submit a public comment to the Charter Review Committee by 12 noon on Friday, June 10, prior to its next meeting. [Fill out this form to submit your comments](#), or you can send an email to [Kali.Odell@multco.us](mailto:Kali.Odell@multco.us) with the subject line "Public Comment."

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SUBMITTED JUNE 10, 2022 BY COMMISSIONER SUSHEELA JAYAPAL (PUBLIC COMMENT)

**Susheela Jayapal**



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Multnomah County Commissioner, District 2

June 10, 2022

Dear Charter Review Committee Members:

Thank you so much for your time and commitment to the work of the Committee. These are not easy issues to grapple with, and I greatly appreciate the thoughtfulness with which you have approached them.

I write to offer my thoughts on the subcommittee recommendations before you.

**Safety & Justice Subcommittee**

- Require members of the County Board of Commissioners to inspect county jail facilities a minimum of four times per year with the participation of constituents.

Ensuring that the Board of Commissioners has an understanding of the operations and conditions in the County jails is vital, and the current requirement of an annual visit is an essential component of creating that understanding. During the visit, we tour the two County jails, accompanied by the Multnomah County Sheriff and their leadership team, and have an opportunity to ask questions about jail operations at a level of detail that we aren't typically afforded during Board meetings or briefings. Seeing and being in the facilities also provides another important layer of perspective.

That said, and while I am not opposed to more frequent visits, I am not sure that additional visits would add greater value. I'd encourage you to consider what the objective of additional visits would be. These tours are necessarily fairly tightly controlled - they are not intended nor do they serve as spot inspections, for example - and repeating them more frequently is unlikely to yield new information.

If the intent is to deepen the Board's understanding of jail conditions and of the experience of adults in custody, there may be other ways to do that, such as requiring engagement with external stakeholders such as adults in custody and their families, advocates, and the like. The details of and mechanism for meeting such a requirement would take time to develop, but perhaps the Committee could enshrine a general such requirement in the Charter, leaving it to be more fully fleshed out in County Code.

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Multnomah County Commissioner, District 2

**Equitable Representation Subcommittee**

- Require Multnomah County to adopt Ranked Choice Voting in its elections.

I am supportive of ranked choice voting as a way to more accurately reflect the will of the voters.

- Require Multnomah County to expand voting rights in Multnomah County elections to the extent allowed by law.

I am very supportive of this recommendation. Multnomah County serves all residents (subject to federal and state restrictions) of the county. All residents, regardless of citizenship status, contribute to the economic, social, and cultural fabric of the County, and providing the right to vote on matters that affect their daily lives will encourage civic engagement and improve access to and delivery of the services and resources necessary for all County residents to thrive.

**Government Accountability Subcommittee**

- Change process for selecting Charter Review Committee members; extend Charter review process timeline.

I am supportive of these changes. As an aside, I would suggest that the Committee have an opportunity to hear from the Chair and Commissioners early in the process of their learning about the County's operations and governance structure.

- Codify the existing Good Government Hotline in the Charter; add language that explicitly requires the auditor's timely access to records, information, and materials related to audits; add a requirement that the county include "right to audit" clauses in contracts and subcontracts; establish an ombuds office within the office of the auditor.

I'm generally supportive of these recommendations, subject to the details of the scope and language that are developed.

The Government Accountability Subcommittee had previously asked that I answer two questions with respect to the Auditor's recommendations. I apologize for not providing answers prior to the

Susheela Jayapal



Multnomah County Commissioner, District 2

Subcommittee's final meeting - I was dealing with an inconvenient bout of COVID - but provide them now in case they are still of interest.

1. Does the charter, as it stands, guarantee the auditor's independence and ability to conduct a sufficient number of audits per year?

I don't think any structure or charter requirement would guarantee the auditor's independence and ability to conduct a sufficient number of audits per year.

The current structure does raise the possibility of influence on the independence of the audit function. This arises from the fact that the auditor's budget is determined, in the first instance, by the County Chair, who, as the Chief Executive Officer, is responsible for the operations being audited; and who also presides over the meetings of the Board and has a vote on the Board.

That said, I have seen no evidence that the current structure has actually impacted the auditor's independence, nor that there has been any attempt on the part of the Chair or the Board to do so. Budget decisions certainly impact the number of audits the auditor can conduct, just as they impact the size and scope of all County departments.

As I have previously stated during oral comment, I do not believe enshrining in the Charter a requirement of a specific percentage of the County General Fund for the auditor's budget is workable or advisable. I will not repeat here my reasoning, but I'm happy to discuss it further if Committee members have specific comments or questions.

2. Do you oppose all of the auditor's amendments or are there some that you support?

Please see above my comments on the recommended changes.

Again, thank you so much for your service to Multnomah County.

Sincerely,

Susheela Jayapal

Recommendations for Multnomah County Electoral Reform:

1. Adopt STAR Voting for all candidate elections.
2. Eliminate the primary election for local races.
3. If Multnomah County is not ready to recommend STAR Voting, do not put forward a recommendation for voting reform at this time. Allow the local reform movement to lead on this issue through the ballot initiative process.

Proposal Description and Rationale:

1. Equal Vote strongly encourages the Multnomah County Charter Reform Commission to recommend STAR Voting for county elections. With STAR Voting voters score candidates from 0 up to 5 stars, showing preference order and level of support for their candidates. STAR Voting is tallied in two rounds, a scoring round and an automatic runoff. In the first round the two highest scoring candidates are determined. In the automatic runoff the finalist who was preferred by more voters wins. For multi-winner elections the process can be repeated until all seats have been filled.

With STAR Voting if a voter's favorite is unable to win, their vote will automatically go to the finalist they prefer, ensuring that it's safe to vote their conscience and that their vote can still make a difference. STAR Voting empowers voters, incentivises more positive campaigns, helps combat polarization, reduces the influence of money in politics, and produces more representative results, electing majority preferred winners with strong popular support whenever possible.

STAR Voting does not require centralized tabulation, is compatible with key election officiation and auditing protocols required by Oregon law, and will allow Oregon to remain a leader in election integrity, with a modern voting method that can scale and be adopted by neighboring jurisdictions without increased risk of errors, delays, or other election officiation issues that may be more likely to occur with Ranked Choice Voting.

2. STAR Voting produces highly accurate results even with larger fields of candidates, allowing Multnomah County to skip the primary and just host a single November election for local races. The STAR Voting method allows factions or coalitions of voters to support as many candidates as necessary to prevent vote-splitting and the spoiler effect from distorting results. This addresses a root cause underlying gatekeeping and hostility towards new candidates, reduces barriers

to entry, and further lowers the expected cost for candidates to run for election. Money saved in election hosting costs will help offset the cost to transition to the new system. General elections consistently have higher turnout than primaries which translates to more representative results.

3. The Portland Charter Commission is poised to move forward with a recommendation for a version of Ranked Choice Voting which has been shown to ignore many of voter's rankings and waste votes in such a way that the system routinely gives some voters more voting power than others. Ranking candidates honestly can cause votes to literally backfire, ironically helping to elect a voter's worst case scenario. This is especially likely to occur in the competitive types of elections we know will be common here. Studies on the method's accuracy consistently show that the RCV system is almost as likely as the current system to yield unrepresentative winners. This is not what equitable representation looks like.

Furthermore, RCV requires centralized tabulation, which is incompatible with Oregon election law for jurisdictions that span county lines. We do not believe this proposal can be implemented at the city or state levels without the passage of a statewide legislative bill, which is unlikely to be politically viable and which would undermine our election integrity by removing requirements for local tabulation at the county level.

RCV and centralized tabulation of ballots would erode trust in our elections, would make our elections less transparent, and has the potential to increase the risk of serious errors such as we saw in the recent New York City mayoral election's rollout of RCV, where the New York Board of Elections did not realize that over 135,000 extra "test" ballots had been accidentally added to the count. The error was not caught until after preliminary results had been published and it was not the board of elections, but a candidate, who caught the error by comparing their internal exit polling records with the official tally. Final results were not certified until 14 days after the polls closed.

Though this error was ultimately resolved with a costly full recount, the election was a perfect example of a number of other issues with the RCV system itself. In the final tally it was revealed that over 140,000 ballots had been exhausted, (exhausted ballots are not able to be counted in the final tally), significantly more than the win margin. This is especially concerning because analysis suggests that there was vote-splitting between Maya Wiley and Katherine Garcia, both of whom may have had stronger majority support than the winner, ex NYPD officer Eric Adams. Because Garcia wasn't eliminated until the last round, voters who ranked Garcia 1st choice were unable to have their 2nd choices counted (and these 2nd choices strongly favored Wiley.) On average over 10% of ballots in competitive RCV elections are unable to be counted in the final round,

even if those voters did rank multiple candidates. As expected, due to the large field of candidates in NYC the percentage of ballots unable to be counted in the final round was over 15%.

Bringing the focus back to Oregon, the Gresham Charter reform commission is currently considering a recommendation for STAR Voting, which is currently legal for use in Oregon at any level, which is tabulated at the local level using basic addition, and which does not have these issues.

Multnomah County includes both of these jurisdictions, but having ranked and 5 star races on the same ballot would be confusing to voters and so the choice you make will be pivotal. If Multnomah moves forward with a recommendation for RCV it could undermine and derail local, grassroots reform efforts, including upcoming ballot initiatives and referrals currently underway at the local and state levels.

For this reason, we recommend Multnomah County either lead on this issue with a recommendation for STAR Voting, or not put forward any recommendation for voting reform at this time. When we look at outcomes, the Multnomah County Commission is currently the gold standard for equitable representation and every seat is currently held by a woman, a person of color, or a representative of both of these communities, which is not to be taken for granted in a country where women and people of color are still grossly underrepresented in elected office in general. This is not an accident. Our district based system with a nonpartisan primary and top two general election is not perfect, but peer review has consistently shown that this model outperforms larger or at-large districts and that the top two system at least eliminates vote-splitting in the general election. Both of these factors make Multnomah County elections more affordable, and more accessible for historically marginalized candidates to compete in with a more level playing field. This is why Multnomah elected officials are blatantly more diverse than both Portland and statewide elected officials.

The idea that any reform would be better than what we have now is a gross oversimplification of a complex field and getting this choice wrong has the potential to set back representation and the electoral reform movement significantly at a pivotal moment.

Much of the commission's time has been dedicated to necessary decisions regarding internal commission processes. This has left a very compressed timeline and too many issues to cover in depth with the remaining time.

Voting reform is a very in-depth and technical subject, and as the commission has seen, many conflicting claims have been made. A number of the proposals under consideration may have opposite or counter-intuitive implications than advocates claim depending on how they are combined. We need to make sure we avoid

unintended consequences from well-intentioned reforms that could actually end up hurting historically marginalized groups.

Sara Volk on behalf of Equal Vote

To Whom It May Concern;

I understand that the Charter Review Committee is considering changing the basis for selecting future Charter Review Committee members.

As I understand it, currently, members are selected by state legislators, and there are one or two committee members from each Senate District. This ensures that Charter Review Committee members come from all areas of the county -- not just Portland, but also Gresham/Troutdale and the rural areas of east and west county. There are 10 Senate districts that represent parts of Multnomah County.

One of the proposals under consideration by the full committee would change this to instead have 4 committee members to be selected from each of the 4 county districts. Using county districts would result in no members from Gresham, Troutdale, or the rural parts of the county.

As a resident of Corbett, a former Scenic Area Commissioner, a current Board member for Corbett Water District, and President of our local Columbia Grange, I am well aware of issues facing our rural area and peoples and we need every opportunity and venue to voice our needs and ideas. We are unincorporated and have no local government representative.

Changing your rules regarding Charter Review Committee members selection would be a big mistake. I am asking that you keep the current requirement using the 10 Senate districts instead. It is important for smaller cities and rural areas to be represented.

Respectfully Yours,

Sara Grigsby

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SUBMITTED JUNE 22, 2022 BY KAROL DIETRICH ON BEHALF OF RIVER HAWK FARM (PUBLIC COMMENT)

Charter Review committee - PLEASE keep the county's Charter as is when it comes to representation for rural areas. The suggested change from 8 to 4 representatives for the county would eliminate rural representation. This is not fair to all the small acreage owners and dwellers who choose this way of life, and we need the representation to continue. Thank you.

Karol Dietrich on behalf of River Hawk Farm

I strongly recommend you keep the current requirement that members of the Charter Review Committee be selected according to Senate districts, with members selected by state legislators. This will offer a greater probability that small cities and rural areas of the county would be represented. The rural areas of Multnomah County comprise over half the land mass of the county, and there are unique issues to governance of these areas. Please keep the current requirement to allow greater representation in rural areas.

John F. Christensen

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SUBMITTED JUNE 23, 2022 BY CAROL CHESAREK ON BEHALF OF THE FOREST PARK NEIGHBORHOOD ASSOCIATION (PUBLIC COMMENT)



Forest Park Neighborhood Association  
C/O Neighbors West Northwest  
2257 NW Raleigh  
Portland, Oregon 97210

June 23, 2022

Re: Proposal to change to using County Districts to select MCCRC members

Dear Multnomah County Charter Review Committee,

Forest Park Neighborhood runs from West Burnside to Cornelius Pass Road, and from Forest Park down to the Washington County line. Most of our neighborhood is in the city of Portland, but our boundary also includes a big chunk of rural unincorporated Multnomah County, outside the city.

At our meeting Tuesday, we discussed the Office of Community Involvement's proposal to select future MCCRC members using the four county districts instead of state Senate districts. **Our board voted unanimously to ask you to continue using Senate districts to select MCCRC members so smaller cities and rural areas are guaranteed a voice on county Charter Review committees.**

Our neighborhood is very aware of the services provided only by Multnomah County for our rural residents. At this week's meeting, we heard from two of the many Portland police officers who serve the urban parts of our neighborhood, and from a Multnomah County Sheriff Deputy who is on patrol here specific days each week. For much of the day, the Sheriff has only one Deputy who is on patrol in western rural Multnomah County. The Deputy offered to personally help us with several community concerns.

We are on a first name basis with many county land use and transportation staff. Pre-Covid, they regularly came to our meetings to give us updates and answer questions.

These are very different, more direct relationships with county staff than with the city. Rural residents depend solely on the county for land use and transportation services (including road maintenance and snow removal) and law enforcement.

Keeping legislative districts for selecting MCCRC members won't directly benefit our neighborhood. Our Senate district includes densely populated parts of Portland likely to generate many more applicants than our unincorporated area would. But rural voices can be represented by other rural areas in the county, providing valuable perspectives.

Thank you for your consideration.

Sincerely,

Carol Chesarek  
President, Forest Park Neighborhood Association

Susheela Jayapal



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Multnomah County Commissioner, District 2

June 27, 2022

Dear Charter Review Committee Members:

Please see below my responses to your questions about jail inspections.

**Question 1: How would the commissioner/chair describe the purpose of the current inspections of county correctional facilities?**

Under state law, the purpose of jail inspections is to “examine fully into the local correctional facility, including, but not limited to, the cleanliness of the facility and the health and discipline of the persons confined.” (ORS 169.040)

In my view, the purpose is broader. Inspections help the Board gain a better understanding of jail operations, which is necessary for informing policy and budget decisions; and also serve the broader oversight function of assessing and improving jail facilities, conditions, and services provided to people in custody, including physical and mental health care, enrichment, re-entry, and wrap-around services.

**Question 2: What information is typically provided to the board during these inspections?**

Because of COVID, I have only been on one jail tour. We were provided an overview of jail operations and services, and, as we walked through the facilities, a more detailed description of various parts of the facility, staffing, processes for taking people into custody, health care, and wrap around services.

**Question 3: Is there a report or some other form of public communication that happens after the board inspects correctional facilities to educate the public about the board's observations?**

No

**Question 4: Does the commissioner/chair think the inspections could be improved or expanded? If so, how?**

It would be very informative to have a chance to engage with people in custody, perhaps through a small group conversation.

**Question 4: What does the commissioner/chair think about the requirement to do four inspections a year with three constituents?**

The tour is time-intensive and difficult to schedule. As I stated in my memo to the MCCRC dated June 10, 2022, I do not believe additional tours would provide sufficient new information to make the time and effort required worthwhile. I do like the idea of including constituents, and would suggest that they be members of the MCSO Community Budget Advisory Committee. The CBAC would have some foundational understanding of MCSO operations that would help inform their experience on the tour, and conversely, the tour could inform their review of the budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Susheela Jayapal". The signature is fluid and cursive, with a clear start and end stroke.

Susheela Jayapal



**Jessica Vega Pederson**  
**Multnomah County Commissioner**

501 SE Hawthorne Blvd., Suite 600  
Portland, Oregon 97214  
Phone: (503) 988-5217  
Email: [district3@multco.us](mailto:district3@multco.us)

Dear Multnomah County Charter Review Committee members:

Thank you for receiving my written testimony on the recommendations being considered by the Multnomah County Charter Review Committee. I wanted to follow up on my oral testimony and share some thoughts I wasn't able to share at the June 15th, 2022 whole committee meeting.

As you all know, a county's home rule charter is its constitution. It contains important rights, principles, and responsibilities. So amending it is not something to be taken lightly. As this committee likely knows, the Oregon constitution in many ways is a mess of very specific policies now enshrined in the constitution due to special interests using the initiative process to their own narrow advantage. You see this in property tax limitations and gas tax limitations that now tie the hands of local and state officials in ways that have serious consequences for how our state is run. I know you'll be mindful of that as you consider changes to our county charter.

### **Expanding Voting Rights**

When it comes to elections, I'm very open to expanding our elections to non-citizens, and I've looked at doing so for non-citizens. My office has met with Samantha Gladu to discuss the recommendation put forth by the Equitable Representation Subcommittee, and I appreciate the thought that has gone into this recommendation. I support amending our County Charter to allow noncitizens to participate in our democratic process. We have one of the best Elections divisions in the nation, capable of expanding who we serve during elections.

### **Jail Inspections by Board of Commissioners**

1. How would the commissioner describe the purpose of the current inspections of county correctional facilities?

I would say that the purpose of the inspections is to familiarize the board with the facilities of the jails; the operations of the jails, including the process by which someone is brought into the jails; the programming and services offered; to meet with and understand the organization of the staff, learn about the medical services and processes delivered by Corrections Health, and to converse with Corrections leadership on the main issues and challenges the jails are facing, for example, staffing challenges, impact of the protests on jail staff and facilities, shut down of court operations during COVID on jail population, etc.

2. What information is typically provided to the board during these inspections?

See above. I would say that these tours are an opportunity to begin conversations in these areas, which then the board in its capacity to oversee the operations of the county, can dive into more detail and/or do follow up through board briefings, one on ones with corrections leadership, including the sheriff, or outreach with other partners in the public safety system.

3. Is there a report or some other form of public communication that happens after the board inspects correctional facilities to educate the public about the board's observations?

There isn't a report produced after the tours but there is a lot of public information, including the board meetings where corrections topics are discussed and the monthly jail report (please let me know if you haven't seen this and would like a copy) that are available to the public.

I think a report summarizing the tour and the issues discussed after a tour that's available to the public on a county website would be a good thing.

4. Does the commissioner/chair think the inspections could be improved or expanded? If so, how?

The sheriff's office has always been very open about hearing what the board is interested in learning about or observing prior to our tours. I've always gotten the sense that they strive to make these tours as informative to us as possible. The nature of these visits is very structured and I would characterize them more as thorough tours than inspections. Our visits happen during the day, and I think an improvement would be to have a visit during the evening or night time hours to observe the differences in operations.

I also think it would be good to have some kind of tie in between the board's visit, the work of the grand jury panel in reviewing jail operations, and information presented in the monthly jail reports. A requirement of a briefing to the board on the findings of the grand jury panel and follow up items from the jail tour would be more impactful than an additional tour of the jail, in my opinion.

5. What does the commissioner think about the requirement to do four inspections a year with three constituents?

I think four inspections a year is too many, and wouldn't yield more or better information than one or two visits a year. For me, I would like to get a sense of what the charter committee is trying to achieve by having more visits and see if we could reach the same outcome by changing the way the visits happen or adding something, like a report, instead of increasing the number of visits to four. If the charter committee feels strongly about adding another tour, I would recommend adding one more and request that one take place during evening hours.

The charter committee should know that members of the board normally go on a separate tour of the jails with a representative from the Corrections Deputies union. So in 2022, I have already visited the jails two times. Visiting with a corrections deputy yields different information and insights about the jails and their operation which I find very valuable. This tour happens 1:1 with a commissioner and union representative and is a great chance for deeper conversation about what's happening in the jails.

I do think having constituents join would be a great addition. I'm hesitant to put a number into the charter requiring three constituents. Perhaps something more flexible like at least one constituent would be better. I wouldn't want to be in a situation where a tour would have to be delayed or canceled if we weren't able to have three constituents attend with each board member.

#### **Public Financing (for the consideration of a future Charter Review Committee)**

The county's charter review process has often been a testing ground for ideas, like campaign finance, which we have implemented and are learning from. The campaign finance limits are intended to level the playing field of who can contribute to a political campaign. Having gone through this past election cycle under those limits, I do have some suggestions gained through my experience.

First, the same limit of a \$500 contribution applies to someone running for a district seat, which has less than 150,000 voters, and to someone running for a countywide seat, offices with over 570,000 voters. Having run both countywide and in a single district, I know it costs more to run a campaign countywide than in a district. But as it stands provisions that differentiate between the two situations are not in the charter, and perhaps should be reconsidered.

Second, campaign finance limitation without *public financing* makes it much more difficult to effectively communicate with voters in a campaign. I think it will be important to pair contribution limits with public financing, as the city has done, perhaps with a small donor match program. Because it can be difficult to raise sufficient funds to communicate with voters in a meaningful way. And we've seen in this past election cycle that wealthy candidates can still self-finance their campaign with ten of thousands of dollars in contributions to their own campaign.

Public financing would help level the playing field, as I assume the campaign finance limitations were originally intended to do. This may not need to be done in the charter, but in county code at some point in the future. This year, I have put forward a budget amendment to start looking at the county initiating a public campaign finance program.

Finally, campaign finance limitations are currently written in the charter with per election cycle, with election cycle defined as "the period between an election at which a candidate is elected and the next election for that same office, disregarding any intervening primary or nominating election, any recall election, or any special election called to fill a vacancy." The part of that refers to "disregarding an intervening primary" means that limitations apply to both the May and November elections. In practice if someone donated at the full limit for a May election, they are not allowed to donate anything for the November election. As a candidate, I must pay staff, and communicate to voters. I don't know if this charter review committee has the ability to make these changes to campaign finance rules this time around. However, I strongly encourage some fine tuning of the program to be considered for the *next* charter review committee.

I know this committee will think strategically, wisely, and humbly, and with the long term vision in mind as you consider your work. Again, thank you for your commitment and your work. I'd be happy to answer any questions you have. And I'm also happy to engage in conversation with any committee members who might want to follow up on my comments.

Sincerely,



Commissioner Jessica Vega Pederson  
Multnomah County, District 3

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE:

RECOMMENDATION ON JAIL INSPECTIONS

The Charter Review Committee is currently considering a recommendation that would amend the county Charter to require that each member of the Board of County Commissioners inspect county jail facilities a minimum of four times a year. For the inspections, each commissioner's office would convene a group of at least three constituents to accompany them. The constituents would be charged with documenting their observations of jail conditions, including conducting interviews with people who are incarcerated, and writing a year-end report on their findings, to be shared with their commissioner and the public.

The committee is interested in hearing from members of the Board of Commissioners about their experiences and thoughts on jail inspections. The committee hopes members of the board can provide a written response to committee members' questions in advance of their next meeting on June 28th. The committee is particularly interested in learning:

1. How would the commissioner/chair describe the purpose of the current inspections of county correctional facilities?
  - a. The Board of County Commissioners is required to visit the local correctional facilities (ORS 169.040). That statute reads:
    - i. The county court or board of county commissioners of each county is the inspector of the local correctional facilities in the county. The court or board shall visit local correctional facilities operated by the county at least once in each regular term and may visit local correctional facilities within the county that are not operated by the county. When the court or board visits a local correctional facility, it shall examine fully into the local correctional facility, including, but not limited to, the cleanliness of the facility and the health and discipline of the persons confined. If it appears to the court or board that any provisions of law have been violated or neglected, it shall immediately give notice of the violation or neglect to the district attorney of the district.
2. What information is typically provided to the board during these inspections?
  - a. The inspections usually take anywhere from 4 to 6 hours. They involve visits to the Multnomah County Detention Center (MCDC) and Inverness Jail (IJ). Regardless of starting location, Multnomah County Sheriff's Office (MCSO) leadership provides an

agenda for the day, an overview of the applicable laws governing jail facilities, and various information regarding programs and operations.

- b. The tour of MCDC includes inspection of the booking and holding areas; control centers; the fourth floor which houses the medical unit and corrections health office, administrative holding cells, disciplinary cells, and mental health cells; and at least two dorms. Staff are available at any point to answer questions. Interactions with any adults in custody are extremely limited.
  - c. Inspection of IJ usually involves talking with senior facility staff. This is followed by a tour of a control center, at least two dorms, and kitchen and laundry facilities. Brief interactions with adults in custody usually occurs, and conversations have been organized for people in the treatment readiness dorm.
3. Is there a report or some other form of public communication that happens after the board inspects correctional facilities to educate the public about the board's observations?
- a. No
4. Does the commissioner/chair think the inspections could be improved or expanded? If so, how?
- a. Potentially. Currently, there are a number of official inspections of the Multnomah County correctional facilities. They include a state audit, an audit done by the Oregon State Sheriff's Association, a state mandated "Corrections Grand Jury" convened by the local District Attorney, and the inspection by the Board of County Commissioners. Each has their own distinct requirements, but are united in an overall effort to ensure transparency in the respective institutions. Another option for meeting that goal is to arrange an additional visit by the Board of County Commissioners, allowing each to focus on a single facility at a time.
5. What does the commissioner/chair think about the requirement to do four inspections a year with three constituents?
- a. There are a number of complexities that come with implementing the proposal. Without more specifics on the process, it's challenging to understand what this would look like. For example, are the four inspections by the four commissioners done at separate times for 16 visits, or are they all coordinated? There is also no clarity on selection criteria for the constituents or how their report should be produced, or how the report would differ from the yearly report produced by the Corrections Grand Jury.

6. The committee would also welcome any additional information members of the board think would be valuable for the committee to consider in its decision-making process.
  - a. The County has a Central Community Budget Advisory Committee (CBAC) and an MCSO specific Community Budget Advisory Committee. They are composed of individuals who apply to our Office of Community Involvement. Successful applicants are referred to the Board of County Commissioners for their approval. We believe you could alternatively charge the CBAC with undertaking these tours, as there is an appointment process already in place and they could flesh out the additional details as part of their charge.

**How would the commissioner/chair describe the purpose of the current inspections of county correctional facilities?**

ORS 169.040: "The county court or board of county commissioners of each county is the inspector of the local correctional facilities in the county. The court or board shall visit local correctional facilities operated by the county at least once in each regular term and may visit local correctional facilities within the county that are not operated by the county. When the court or board visits a local correctional facility, it shall examine fully into the local correctional facility, including, but not limited to, the cleanliness of the facility and the health and discipline of the persons confined. If it appears to the court or board that any provisions of law have been violated or neglected, it shall immediately give notice of the violation or neglect to the district attorney of the district."

Multnomah County Commissioners visit local correctional facilities - Inverness Jail and the Multnomah County Detention Center - annually (except during COVID). During these visits, they tour various areas of the facilities, and presentations are provided by Multnomah County Sheriff's Office leaders and staff, as well as Corrections Health leaders and staff. These provide an overview of various services, and provide a brief window into how the correctional facilities are functioning.

The presentations and tours are carefully planned and choreographed, which can be necessary because otherwise it would be very difficult to coordinate all that needs to be covered with the number of people involved in the visit. But it makes less of an examination of the site and more of a presentation and viewing of the site.

As a Commissioner, I have appreciated the opportunity to visit the jails and develop a broad understanding of how they are laid out and how policies intersect with the reality of our correctional facilities. I believe that if I saw an egregious health or safety violation I would be equipped to call this out. However, we are not auditors, legal experts or other experienced professionals in the legal standards for inspecting jails. If the purpose of the visit is to actually inspect or examine facilities in terms of meeting legal requirements for health and safety, our single visit doesn't do this, and adding visits, including with other community members, would not make a significant impact. It would only create more bureaucracy and take many hours of valuable time away from people who could be doing meaningful work, without any benefit.

There is an issue, but the proposal is not the solution.

**What information is typically provided to the board during these inspections?**

We typically receive an overview of how the jails function, how they are staffed, what support is given to people in custody, what they eat, etc. We receive information about particular programs that are provided - for example, the Treatment Readiness dorm, where individuals prepare to go into substance use treatment on exiting jail. We learn about programs that are being planned, such as potentially the ability to access training and educational materials in jails to help develop skills that may be beneficial when exiting custody. And we hear from some healthcare providers about health services and visit the clinics.

**Is there a report or some other form of public communication that happens after the board inspects correctional facilities to educate the public about the observations?**

Not that I'm aware of. However, I think this would be a good idea. I'm not sure who would be responsible for it or what would be included, but it can help make our system more transparent to the public, and let people know that at the very least Commissioners are visiting the jails.

**Does the commissioner/chair think the inspections could be improved or expanded? If so, how?**

As I mentioned in detail in question 1, Commissioner visits do not and should not constitute official "inspections" because we simply do not have the expertise. Even if they were, the advance notice and need for planning makes it difficult to have an unfiltered window into day-to-day operations. I think that rather than expanding on the visits that do happen, there should be a different approach to jail examinations/inspections. I'm not an expert, but maybe if there was a way to have more spontaneous visits (a requirement that corrections facilities always be available for "spot checks" by Commissioners or their appointees, and requiring that Commissioners engage in at least one visit per year that is unannounced except to the extent that planning is needed for health and safety purposes).

**What does the commissioner/chair think about the requirement to do four inspections a year with three constituents?**

It depends what the desired outcome of the proposal is - what are we trying to change? If it is felt that there is not adequate inspection and problems may be flying under the radar, then this proposal would not help fix that.

In addition to not providing additional relevant information, adding visits would take a lot of hours of valuable time (staff, administrators, commissioners) away from a lot of people doing valuable work. The visits take weeks to prepare for, and without a clear added benefit, they do not seem worth the cost.

Having constituents join would also not improve the process. The three selected individuals might have an opportunity to hear information about policies and see the jails, but they do not have any additional expertise to help identify issues and potential solutions. Furthermore, it would raise issues of who the constituents would be and how they would be selected. And, as the proposal is described, the information would not get out to the broader public, so it's not clear what the purpose would be, except to provide some information to three additional people.

If we want a more accountable system (which I strongly believe in), then we need a very different approach to identifying what that system should be, and I think the outcome would not involve increasing the number of visits to the jails, or adding constituents to the jails visits, within the parameters of the system we have now. We need to elevate the role of audits, and should potentially hire a consultant familiar with this type of work to identify what our specific goals are, and then make some informed recommendations on how best to achieve them.

I believe in the premise of the proposal - that jails be appropriately inspected and held to account. However, I believe that this proposal does not actually address the problem it is seeking to address, and it will add layers of bureaucracy, cost and time for no clear gain.

Charter Review Committee Members,

Thank you so much for your contributions and time as valued members of the Charter Review Committee.

As you know the Board of County Commissioners is mandated to inspect County jail facilities annually. Increasing this requirement to four times a year is redundant and would have little to no effect on jail operations.

This year, in addition to the annual site visit, I have already made a jail site visit and plan to do so each year resulting in two visits per year. These one-on-one inspections are much more insightful and helpful than any annual site visit I have been on during the last five years. It is awkward to have 10-15 spectators come in and observe people in custody and it is certainly not trauma informed.

For me visiting on my own and having in-depth conversations with staff and volunteers is much more conducive to frank and open conversations.

Thank you for allowing me to share my testimony with you.

Lori Stegmann

Multnomah County Commissioner, District 4



Michael Reese, SHERIFF

**To: Multnomah County Charter Review Committee**

**From: Sheriff Reese**

**Date: June 28, 2022**

**RE: Recommendation on Jail Inspections**

**Addressing the Safety & Justice Subcommittee Recommendation: County Jail Inspections by Board of Commissioners**

*The subcommittee recommends requiring that each member of the county's board of commissioners inspect 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. The constituents would 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 would be reasonably compensated for their time.*

The Multnomah County Sheriff's Office is committed to transparency and continual growth through systems of accountability and within professional industry associations. The Sheriff's Office is interested in exploring more in depth both the outcome goals and the impacts, positive and adverse, of this recommendation. Specifically, possible affects to the adults in custody as a result of facilitating multiple tour groups to include the public within the corrections settings.

Impacts to evaluate:

- Maintaining dignity and respect for those in our custody,
- Ensuring access to programming,
- Reducing operational issues, to include possible post closures
- Required safety and security measures, such as a Criminal Records Check and Facility Entry Agreement for each attendee.

We participate fully in annual oversight models provided by the Board of County Commissioners visit and review as well as the Auditor's Office report and Corrections Grand Jury process, which is facilitated by the District Attorney's Office and conducted independently by Multnomah County residents. Additionally, other organizations have oversight authority such as Disability Rights Oregon and the Oregon Jail Standards that guide our policies and practices.

Finally, other county department and outside organizational staff, as well as volunteers, provide services within our corrections facilities specific to the adults in custody, allowing for diverse external access and participation in oversight.

*Michael Reese*

SHERIFF

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE:

RECOMMENDATION ON JAIL INSPECTIONS

The Charter Review Committee is currently considering a recommendation that would amend the county Charter to require that each member of the Board of County Commissioners inspect county jail facilities a minimum of four times a year. For the inspections, each commissioner's office would convene a group of at least three constituents to accompany them. The constituents would be charged with documenting their observations of jail conditions, including conducting interviews with people who are incarcerated, and writing a year-end report on their findings, to be shared with their commissioner and the public.

The committee is interested in hearing from the Sheriff's Office, as the administrator of county jails, concerning some of the administrative logistics of its proposal. The committee hopes the Sheriff's Office can provide a written response to members' questions in advance of their next meeting on June 28th. The committee is particularly interested in learning:

- **Would constituents accompanying commissioners be subject to background checks? If so, how would a criminal record impact a constituent's ability to participate?**

A signed MCSO Facility Entry Agreement and completed Records Check Authorization form are required for anyone requesting access to an MCSO facility. Participation in the tour would be facilitated after the Records Check Authorization has been approved. Those who do not meet the required criteria for access would be notified they were not able to be part of the tour. These forms should be provided at least 10 days in advance of the tour to ensure adequate time for processing. \*Examples of both forms are attached.

- **What do jail administrators see as some of the logistical hurdles to having each member of the board of commissioners inspect county corrections facilities a minimum of four times a year, each accompanied by at least three constituents?**

Treating everyone in our custody with dignity and respect is MCSO's top priority. Those in our custody often find themselves at an all-time low point in their life, a place where exposure to community members, compliance auditors and elected officials makes them particularly vulnerable to feelings of judgement and shame. Our jail population is subject to numerous required tours as mandated by federal, state and local standards. These include community reviews by the Corrections Grand Jury, as well as Oregon

State Jail Inspections, health and fire inspections, tours by members of the advocacy community, such as, Disability Rights Oregon and Commissioner and other elected officials' tours. To help minimize impact to the adults in our custody, we organize these tours in groups.

These types of tours are comprehensive and require the attention of our administrative team and line staff in equal measure, which takes away from the day to day operations serving our adults in custody. Tours often cause disruption to programming and daily housing activities that may be scheduled to occur during the tour, such as group and individual programming, clothing exchanges, recreation times and religious programs. MCSO is committed to transparency and accountability by providing access to our facilities, striking a balance between access and over exposing the vulnerable population we serve in our jails.

**• For the board's current inspections, how does your office determine what information to present to the board?**

Our tour agendas are driven by a comprehensive tour of each facility, updates we have made in our facilities or processes and specific requests by the Board of County Commissioners to better understand a particular piece of our operations.

**• Do you currently provide non-identifying information on numbers and status of mental health patients and physically unhealthy inmates in the county jails as part of commissioners' inspections? Do you see any barriers to making this part of the inspection process?**

MCSO is fortunate to partner with the Health Department's Corrections Health to provide medical and mental health care for our adults in custody. This information would best be provided from data they collect. While MCSO has no concerns with this information being part of the inspection process, we would defer to Corrections Health relative to any barriers they may have in releasing this information.

**• The committee is considering adding a requirement that as part of the new inspection process, constituents accompanying commissioners would interview people who are currently incarcerated about their experience in county jails. Are there security concerns for implementing this? If so, what are they?**

Adults in custody are interviewed by the Corrections Grand Jury as part of this annual process led by the District Attorney. Those selected to be interviewed must be sentenced to ensure there are no conflicts with a pending court process. Because the current census in the jail includes very few sentenced adults in custody, there is a limited selection of people available for interviews. Again, it is important to note that adding additional interviews places a burden on those in our custody who are eligible to have these types of conversations. Asking a simple question such as describing their jail

experience has the potential to cause additional trauma or re-traumatization in an already challenging environment.

Security concerns are less of an issue than the impact this would have on adults in custody. With a combination of a records check being completed, screening prior to entering the facility and an escorted tour, we are able to manage any security concerns.

**• The Sheriff's Office is also welcome to share additional information it thinks would be valuable for the committee to consider in its decision-making process.**

Providing transparency in our operations and facilities to the Commissioners and community is of utmost importance to MCSO. The concern we see with the expansion of in-person tours is not related to transparency, but is rooted in ensuring our operations continue to support everyone who is in our custody. We are interested in exploring ways in which we can create more shared awareness of work with our community that would not place unnecessary additional stress on the adults in our custody.

Grant budgetary independence to the Auditor's Office. Advance this initiative in full to Charter Review Committee. The current structure is biased, flawed, enables conflict of interest (and entertains corruption acts), already seen and committed by the subcommittee by not considering it.

Cesar Cortez

I have been watching the City and County's charter processes. Thank you for looking so closely at the County's charter.

The edits so far are right on track. However, I'm still chewing on the auditor's proposals. The auditor's budget ask was a bad idea from the start. Some of the other ideas may be fine, but the auditor is trying to push a whole bunch of new things through and it feels like too much without knowing how these proposals fit into the county. It leaves me wondering why she is using this committee's review process instead of working with the Board? This approach raises an eyebrow and creates more questions than answers.

The auditor function is obviously unique and very important, but the ombudsman and hotline seem similar, if not duplicative. Why include those functions in the charter? Also unanswered is why would both of those functions would be under the auditor? Isn't an ombudsman a management or customer satisfaction role? By requiring the auditor to also manage an ombudsman and hotline, won't the auditor function be watered down?

Government has to be accountable, but creating multiple layers of basically the same function is duplicative, expensive, and likely to confuse people who are looking for help.

From where I sit, the fact that unanswered questions remain about these proposals is a result of the auditor's venture to push through too much, too fast.

More bothersome is that the auditor's proposals are taking time from other important work! The next agenda gives 15 minutes for discussion and potential votes on gender neutral and voting. That is a tight timeline. Other ideas, like the proposed changes to the charter review process and selection process deserve more attention. Next time around the committee needs more time, support, and public engagement during this process.

I hope the committee can finalize voting, gender neutral, and changes to the process before devoting more time to other proposals.

Submitted by Sarah S.

Dear Multnomah County Charter Review Committee,

I support your goals for greater transparency and equity in our jail system, but was left with several questions after your last meeting. You may want to consider these as you refine your recommendation.

- How will the work done by these citizens differ from the Corrections Grand Jury, which is also made up of citizens? I don't question the value of the additional review, but answering this question may help clarify your goals and avoid duplication.
- Would all the constituents write one report together each year, or would there be separate reports for each Commissioner's office? If they are separate reports, would the Chair's constituents also write a report (only Commissioners are mentioned in some language)?
- If reports are written by citizens who have no expertise in corrections, would they be easily discredited or ignored?
- Could the group include experts in corrections who live outside Multnomah County, or outside a Commissioner's district? Including some experts with citizens might increase the credibility and influence of the findings. If you want to allow experts to participate, it isn't clear why you'd limit them to residents of Commissioner's districts.
- Will any inmate interview questions be reviewed in advance by experts in mental health and trauma to avoid creating stress or trauma? Untrained citizens might easily ask inappropriate questions that could result in harm.
- Are there people you want to exclude from participating as "constituents," such as corrections personnel or law enforcement personnel? From all jurisdictions (federal, state, local)? Their immediate families? The District Attorney and his staff?

Best wishes, thank you for your service, and thank you for considering these comments.

Carol Chesarek

Dear Multnomah County Charter Review Committee,

We recognize that with two more meetings, the committee could decide to devote its remaining discussion time to the highest priority topics and may not have time to discuss and advance some of the changes to the MCCRC member selection process proposed by the Government Accountability Subcommittee. You can view all of the subcommittee's recommendations [here](#).

While one of the proposed changes is more significant, has been the subject of multiple public comments and therefore may need more discussion time than the final two meetings allow, other changes are smaller but still valuable - and we would encourage the committee to advance any changes on which there is immediate consensus so those improvements to the process can go before the voters.

The largest change would task the Office of Community Involvement with appointing applicants by county district, rather than state legislators appointing applicants by senate district. If the committee does not have adequate time to consider this change, these are the smaller changes that we would encourage the committee to advance:

- If a member moves from their district after being appointed, allow them to continue serving on the committee as long as they remain a Multnomah County resident. This ensures that members remain eligible to serve on the committee, and is even more important if selection by senate district remains in place so eligibility isn't limited to a very small geographic area. This change ensures that a committee member's move during the process does not jeopardize their eligibility to serve.
- Provide a general process for filling vacancies, allowing the Office of Community Involvement to fill vacancies if reasonable given the timing of the vacancy. This change ensures the office is able to fill vacancies if a member resigns early in the process or if multiple resignations occur. If selection by senate district remains in place, this also gives the office the authority to fill vacancies if any legislators do not fulfill their responsibility.
- Remove the requirement that members serving in the same district be registered with different political parties. With the increase in non-affiliated voters since the adoption of automatic voter registration, staff feels this requirement is less relevant going forward and adds complexity without necessarily achieving the presumed goal of diverse political ideologies on the committee.

If the committee does not come to quick consensus on all of the above changes, we would still encourage the committee to advance any changes which do not require

extensive discussion. Any of these changes on its own would help improve and simplify the process for the 2027-2028 committee.

If the committee does have time to discuss the change to select by county district rather than senate district, our office did want to provide a response to the public comments received, and to do so here in writing rather than taking up time during a committee meeting. We do appreciate all of the community members who have submitted public comments on this issue and who have highlighted the importance of representation from rural communities on the MCCRC.

From our perspective as staff, no system is perfect or provides a guarantee of representation for a set of residents. Even under the current process, the 2021-2022 committee lacks representation from rural residents (though it should be noted that after new redistricting plans take effect in 2023, Senate District 26 will no longer include a part of Portland and the district would be largely rural). Appointing rural residents to the committee still depends on receiving applications from residents in rural areas, and state legislators fulfilling their responsibility and making the appointments for their district. Under any selection process, outreach will be grounded in the county's continued commitment and efforts to encourage diverse representation on all of our boards and committees, including geographic representation.

The current process creates challenges that make it difficult to elevate other aspects of diverse representation. Without the proposed change, challenges of selecting by senate district would remain, including:

- The significant staff capacity required to engage state legislators, their lack of familiarity with the process and limited time to deeply engage in applicant evaluation
- Unequal representation across County districts. Due to the way senate districts overlay our county districts, 7 of our 16 members reside in District 1 (Northwest & Southwest Portland and the inner Eastside), while only 2 live in District 2 (North & Northeast Portland). It should be noted that this may look a little different in 2027 due to redistricting, though looking at the new maps, staff still anticipate a similar imbalance.
- Challenges recruiting applicants and selecting members in senate districts with a very small number of county residents
- No opportunity to consider the makeup of the whole committee in making appointments, as applicants are divided into 11 small applicant pools and state legislators only consider the applicants in their districts

If the committee would like to address these challenges by making the change to selection by county district, and take additional steps to highlight the importance of geographic - and particularly rural - representation, the committee could include a recommendation in its final report to the Board of Commissioners that outreach for the

next MCCRC include targeted efforts to reach residents in rural communities. As shared in the public comments, there are county services of particular importance to rural areas, namely in the Sheriff's Office and Land Use & Transportation, and those program areas provide avenues for outreach that our office could utilize more effectively in future years.

It has been an honor to support your work over the last year. Thank you for all of the ways you are improving the committee's process and county governance for the future.

Sincerely,

Office of Community Involvement

"Auditor's access to timely information and right-to-audit clause" will do nothing to support an actual audit if the auditor's office is not adequately funded to do the job. Reconsider a 0.5% allocation of the county's budget to the auditor's office.

I write to express comments regarding the Adopting Ranked Choice Voting item on your July 5, 2022 meeting agenda.

There are both different types of ranked choice voting (RCV), and different ways of counting votes within various versions of RCV. However, almost all cities and counties in the United States which use RCV use a version called instant run off voting, in which the winning candidate is ultimately required to get 50% +1 of the vote.

The language drafted by the county attorney reads: "No later than 2026, and except as provided in section 4.50 for elections to fill a vacancy, all elective county officers will be elected at the general election using ranked choice voting. Ranked choice voting means an election method in which electors rank candidates for an office in order of electors' preferences and ballots may be counted in rounds."

I understand that there is no further language specifying which type of ranked choice voting and which method of counting votes are to be used. If correct, that lack of specificity leaves a lot up to elections officials and others as to what version of ranked choice voting method is to be used as well as how votes are to be counted, which is sure to lead to unnecessary conflict.

Instant runoff ranked choice voting, according to FairVote, a pro-RCV organization, means:

"If a candidate receives more than half of the first choices in races where voters elect one winner, that candidate wins, just like in a single-choice election. However, if there is no majority winner after counting first choices, the race is decided by an "instant runoff." The candidate with the fewest votes is eliminated, and voters who picked that candidate as 'number 1' will have their votes count for their next choice. This process continues until there's a majority winner, or a candidate won with more than half of the vote."

(see [https://www.fairvote.org/rcv#where\\_is\\_ranked\\_choice\\_voting\\_used](https://www.fairvote.org/rcv#where_is_ranked_choice_voting_used))

Recommendation: Request a redraft of the charter language so that the method of RCV voting to be used is clarified, such as the following language: "Ranked choice voting means instant runoff ranked choice voting in which electors rank candidates for an office in order of electors' preferences. If there is no majority winner after counting first choices, the candidate with the fewest votes is eliminated, and voters who picked that candidate as their first choice will have their votes count for their next choice. This process continues until there is candidate with a total vote of at least 50% +1."

In addition, ranked choice voting should only apply in elections in which there are three or more candidates running for a single seat, as there is no reason to use RCV if only two persons are running for one seat.

Current City Charter reform proposal submitted to the Portland City Council is too complicated! The first steps should be to designate districts; hire a city manager; and vote by rank process. Keep the reform simple, please.

I've been coming to Oregon to visit family for my entire life, and just this past week I finally moved to Portland permanently.

I've been a passionate voting nerd for years, and like everyone who has studied alternative voting mechanisms, I have been eagerly seeking any opportunity to improve on first-past-the-post.

I just want to commend the committee for taking up this issue, and I urge everyone to move an amendment out of committee and submit it to the popular vote.

I'm thrilled to see from prior meeting minutes that a lot of thought is going into the practical nuances of these systems. I personally would be happy with any change (I know not everybody feels that way) and I look forward to supporting any amendment that comes out of the discussions.

Please don't let this opportunity slip. Please don't let the amendment die in committee. Thanks.

Dear Multnomah County Charter Review Committee,

I want to respond to OCI's written comments dated 6.30.22 and raise an important question that I haven't heard addressed.

The OCI comments assume that continuing to use Senate Districts to select Charter Review Committee (CRC) members requires legislators to continue to select CRC members. But OCI can select CRC members using Senate districts.

**I don't care if OCI selects future CRC members, as long as legislative districts remain one basis for selection.** None of the written comments submitted suggest that legislators need to select committee members – the comments focus on using our 10 Senate Districts remain the geographic basis instead of changing to the 4 county districts. Using just 4 county districts means that all CRC members could come from inner east Portland, which could leave smaller cities and rural areas, and even downtown and North Portland, unrepresented. **Using the 10 Senate districts ensures smaller cities, rural areas and more of Portland will be represented.**

**I agree with OCI that it is more important to remove the party registration requirement, which seems outdated given our high number of unaffiliated voters.**

**I hope the committee will ask which races can be moved to the fall general election if the county's May primary is eliminated. As a follow-on question, if the May primary will remain for other jurisdictions, are you proposing using RCV for their May primary?** I haven't heard the second question answered. Based on some comments I've heard, it sounds like some folks may be assuming that the May primary can be eliminated altogether, generating substantial savings for the county. But can the county charter can control Metro (which has their own charter<sup>1</sup>), state, and federal elections to eliminate those primaries and move them to a single RCV vote in the fall? If other jurisdictions maintain a May primary, then moving only county races to the fall will further reduce May turnout. And removing just 3 or 4 county races from a

1 From the Metro Charter, page 13:

Section 29. Elections of Metro Officers.

(1) Generally. Except for certain elections to fill a vacancy in office, the first vote for Councilor, Council President or Auditor occurs at an election held at the same time and places in the Metro Area as the statewide primary election that year. If one candidate for a Metro office receives a majority of the votes cast at the primary election for all candidates for that office, that candidate is elected. If no candidate receives a majority of the votes cast at the primary election, the candidates receiving the two

largest numbers of votes cast for the office are the only names to appear on the general election ballot that year as candidates for that office. The candidate who receives the largest number of votes cast at the general election for that office is elected. long May primary ballot won't save the county much money, especially compared to the cost of implementing RCV.

The Portland Charter reforms are being referred to voters in a single group, which I think greatly decreases their odds of adoption. Grouping all the proposals together means that anyone who objects to a single element has a reason to vote "no" on the whole proposal. Here are 2 recent articles about organized opposition to the Portland proposal (links below).

<https://www.wweek.com/news/city/2022/06/29/portland-business-alliance-considering-legal-challenge-to-city-charter-reform-ballot-measure/>

<https://www.wweek.com/news/city/2022/06/28/two-political-action-committees-plan-to-push-back-against-portland-charter-reform-ballot-measure/>

**So please beware of counting on the city to underwrite the cost of moving to RCV and to do a large part of the necessary voter education.** Most folks I know are not at all or barely aware of the city charter proposals yet, and don't know anything about how RCV works.

Best wishes, thank you for your service, and thank you for considering these comments.

Carol Chesarek

Good evening Members of the Committee,

My name is KC Lewis, I am the managing attorney for the Mental Health Rights Project with Disability Rights Oregon. Disability Rights Oregon is Oregon's federally designated protection and advocacy agency for people with disabilities. Among our responsibilities, we are tasked with monitoring facilities where people with disabilities are held and with ensuring that their rights and well-being are protected. Unfortunately, due to our society's failure to invest in community mental health resources and our choice to criminalize mental illness, jail monitoring has become a key aspect of our work as more and more people with mental illness and other disabilities are funneled into our local jails.

I am testifying this evening in support of the recommendations of the Safety and Justice Subcommittee regarding ongoing constituent jail inspections. DRO staff are regular visitors to the Multnomah County Jail, and have had a collaborative and constructive relationship with the Multnomah County Sheriff's office working together to improve conditions in our jails for people with disabilities. But too often, those whose work doesn't require them to walk into our jails and talk to the people who are living there can struggle to understand how vulnerable many of the people we are jailing are and how important it is that we do everything that we can to keep them safe.

The proposal before the committee would create a new opportunity for our community to monitor conditions in Multnomah County's jails, and in doing so to gain a deeper understanding of what it means to be a disabled person in the criminal justice system and why a jail is not the right place for someone experiencing the symptoms of mental illness. It will push us to simultaneously improve conditions in the jails and rethink the policies of criminalization and community disinvestment that has led us to treat those jails as de facto mental health institutions. Disability Rights Oregon urges the committee to move forward with these recommendations.

KC Lewis

Subject: voting rights for non citizens

I think this is a big mistake. I live in Washington County but have lived in the Portland Metro area since 1978. Can't you wait until Feb 2025 to do this? Portland was a big reason so many voted for Trump and republicans, because of this ridiculous stuff. How about providing services to the mentally ill? Supporting non medicated addiction treatment? Cleaning up all the garbage around? Repealing the arts tax that poor people have to pay? There are a million things to be fixed before adding to the mess with this symbolic, wasteful, unconstitutional measure. I live in Washington County.

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SUBMITTED JULY 14, 2022 BY RACHEL ROBERTS (PUBLIC COMMENT)

Really would love the different pieces to the charter amendments be unbundled so voters can vote on the different pieces. I cannot vote 'yes' on the current form

This is just a quick comment in opposition to the changes you're proposing to the Charter Commission appointments process. I am concerned with the line of accountability to voters regarding such important appointments. I don't have any particularized problem with the Office of Citizen Involvement, but delegating appointments to an agency rather than elected officials makes the appointment process less accountable. Because the Charter Commission has some fairly extraordinary powers and responsibilities, appointments to the Commission should be the responsibility of someone directly accountable to voters. The appointment of members to the Commission is a political act, not a ministerial or administrative one.

Because the Director of the Office of Community Involvement reports to the Board Chair, would accountability for this appointment authority run solely to the Board Chair? Is this the line of political accountability the Charter Commission intends? If so, shouldn't the Charter Commissioner appointments be at least approved by the full County Board? What prevents the Office of Community Involvement from stacking the Charter Commission or rigging the evaluation process for a particular Charter outcome? Who do I, as a voter, hold responsible for a runaway Charter Commission?

I understand the administratively messy problem with legislative district lines that the Charter Commission is trying to solve by making these changes, but the delegation of authority chosen by the Charter Commission seems inappropriate and subject to influence and conflict of interest that could go unchecked and unbalanced.

I'm not yet sure I can attend, but I will try to provide oral comments at your upcoming meeting

I'm an internationally known expert in the field of election-method reform, yet I live here in Portland (OR). I'm the VoteFair guy. Please don't confuse me with the well-funded, east-coast FairVote organization.

You are wise to choose ranked choice voting for future elections. However, please don't believe everything the FairVote organization tells you. In particular, they claim that ranked choice voting cannot accept a ballot on which a voter marks two or more candidates at the same ranking level. That claim is false.

It's very important that a voter should be allowed to mark two or more candidates at the same ranking level. Here's why: (1) Fewer ballots are discarded as improperly marked -- because any marking pattern can be counted. (2) Voter education is easier and costs less money -- because voters don't need to be taught the unnatural, one-candidate-per-column limit. (3) Here in Oregon we mark paper ballots without assistance, so there are no polling volunteers to answer questions, and no machine is available to check the ballot and tell the voter it will be rejected because of how they've marked it. (4) A voter can rank their most-disliked candidate lower than every other candidate -- which is not possible when using the FairVote-endorsed ballot that limits the number of columns to fewer than the number of candidates. (5) Most importantly, the ballot only needs six or seven columns of ovals, regardless of how many candidates there are.

To make this ballot-marking concept easier to understand, I've created this infographic:

[https://www.rankedchoiceoregon.org/img/two\\_marks\\_same\\_column.png](https://www.rankedchoiceoregon.org/img/two_marks_same_column.png)

The link at the bottom of the infographic points to software I wrote to demonstrate how this counting can be done in a way that meets the requirements of the Oregon Constitution.

I've given this same advice to the Portland Charter Commission. I hope you coordinate with them so that future elections in Multnomah county and Portland will correctly count all the marks on all the ballots.

If any committee member wants to watch a video in which I quickly convey lots of important insights about election-method reform, here's a link:

<https://vimeo.com/690734251>

Thank you for helping Oregon move into a better future by wisely counting ranked choice ballots.

Richard Fobes

The VoteFair guy

Author of "Ending The Hidden Unfairness In U.S. Elections"

Dear Multnomah County CRC,

Congratulations on reaching the end of your service.

I have three final comments. Two suggestions for your report and a final comment about the costs vs benefits of implementing RCV before Portland votes to approve it.

1. Rural and smaller cities representation on the CRC.

You received several comments from rural residents about the importance of making sure the county's rural areas are represented on the Charter Review Committee (CRC), and the committee seemed to support that goal. The charter revisions you are recommending will allow all CRC members to be selected from a relatively small area in east Portland, with no representatives at all from rural areas or smaller cities (Troutdale and Gresham).

The proposed charter amendment language says "The Office of Citizen Involvement shall endeavor to appoint a committee that represents the diverse communities in the county." But there is no definition of "diverse communities." To many people, the phrase won't mean including representatives from rural and small cities communities. OCI could easily interpret the required use of the 4 commissioner districts to be sufficient to ensure adequate geographic diversity.

Your draft report doesn't mention a goal to include representatives from rural areas and smaller cities in the CRC.

The OCI does not currently appear to consider residents in rural communities or the small cities in Multnomah County as members of valuable geographically based communities when recruiting or selecting the members of any committee – in their eyes, rural residents of the county who rely solely on the county for law enforcement, land use, and transportation operations are no different than residents of the city of Portland who receive city services.

Even if the current OCI leadership has learned that there might be some value in recruiting voices from these non-Portland communities, there is nothing in the proposed Charter language or your draft report to instruct future OCI leadership on this point. If it is documented in your report then rural residents can push OCI to implement your goal.

Please add a sentence to your report to explicitly express a goal for OCI to include representatives from the county's eastern and western rural areas as well as our smaller cities (Troutdale and Gresham) in the CRC.

## 2. Clarify your basis for entrusting CRC member selection to OCI.

On page 9 of your draft report, you explain your willingness to empower OCI to select future CRC members:

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.

I heard only one very quick and somewhat vague verbal overview of the OCI application process in one subcommittee meeting – it went by so quickly that I couldn't even take notes. I believe I heard that OCI also recommended CRC applicants to legislators for their selection. I haven't seen those OCI processes documented for your committee. I suspect that OCI's application and selection process can change at any time. Since the basis for your decision was your trust in OCI's excellent processes, I suggest that you document in your report the key elements of those processes in your report. It would help readers understand your decision, and while it won't bind future OCI staff to continue processes you liked it documents your goals.

Also, the application and selection processes are related but can be considered separate processes --currently OCI runs the application process but does not officially select committee members. In this sentence, the draft report refers first to the application process as the basis for your trust in OCI, then to the selection process as if they were the same process, leading to the conclusion that because the application process you learned about was good you decided to also trust OCI to implement a selection process that you know nothing about. I suggest you clarify this in addition to documenting the key elements of the OCI process.

## 3. Cost/Benefit of implementing RCV for Multnomah County alone.

The county has 8 elective offices – Chair, 4 Commissioners, Auditor, District Attorney and Sheriff. On average there are 4 county offices on the ballot every 2 years. If the City of Portland's complex and increasingly controversial charter reform measure is not adopted but your proposal to implement Ranked Choice Voting (RCV) for county elections passes, Multnomah County will bear the full cost of implementing RCV for just those 4 races. That's a substantial cost burden with a small benefit -- money that could otherwise be spent on social services and public health.

Best wishes, thank you for your service, and thank you for considering these comments.

Carol Chesarek



Jennifer McGuirk  
Multnomah County Auditor

Raymond De Silva  
Nicole Dewees  
Mandi Hood  
Annamarie McNeil  
Dorian Pacheco  
Marc Rose  
Mark Ulanowicz  
Caroline Zavitkovski

July 15, 2022

Dear Multnomah County Charter Review Committee members,

As you prepare for your final meeting, I write once again to thank you for your service. I appreciate how thoughtfully you have undertaken your work to review and recommend amendments to the County Charter. I am very grateful for the Committee's support of amendments related to the Auditor's Office's efforts to support equitable, transparent, and accountable county government.

In addition to thanking you for your months of service to the county's people, I write to share a final suggestion regarding amendment language. I ask you to consider adding a sentence to the access to information amendment that clarifies the Auditor's Office's ability to access county facilities. This sentence was in the proposed amendments I submitted to the Government Accountability Subcommittee in March 2022 and is based on the Association of Local Government Auditors' model legislation. The sentence reads as follows: All officers and employees of the County shall provide timely access for the auditor to inspect all property, equipment, and facilities within their custody.

My office's work can include in-person verification of equipment and onsite observation of work environments. As I noted in my May 11, 2022 letter to the Government Accountability Subcommittee, my office experienced reduced access to the county's animal shelter following a change in directors at Animal Services. If our ability to inspect property, equipment, and facilities were spelled out in Charter, changes in management personnel would be less likely to negatively impact our ability to serve our accountability function. In turn, this would help ensure that my office can conduct our work efficiently on the public's behalf.

I appreciate your consideration of this suggested addition to the amendment.

Thank you again for your exemplary service,

A handwritten signature in blue ink, appearing to read "Jennifer McGuirk".

Jennifer McGuirk, MPA, CIA  
Multnomah County Auditor



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**Deborah Kafoury**  
Multnomah County Chair

July 19, 2022

TO: Multnomah County Charter Review Committee

Dear Committee Members,

I want to express my gratitude for your service on the Multnomah County Charter Review Committee. Your commitment to ensuring more equitable access to County services and better outcomes for all residents through this intensive, but intentional, review process is greatly appreciated. Your work to explore and ultimately recommend changes to the Charter is vital to making our government more accountable, accessible and equitable.

Before you move to finalize your recommendations to County voters, I'd like to address two of the recommendations you have been considering: inserting the Good Government Hotline and Ombuds Office into the Charter. To be sure, I strongly support the goal of having a dedicated and transparent process for residents and employees to share their concerns about County services and operations, and for those concerns to be adequately addressed in a fair and independent manner.

In my previous communications to the Review Committee, I offered my support for the Good Government Hotline and Ombuds Office to be enshrined in the Charter if they were properly scoped. Upon reflection, I want to acknowledge the rigidity that comes with including a defined service or program in the Charter.

As you well know, the process to change the Charter is extensive and relies on voter approval of any recommended change. Inserting the Ombuds Office and Good Government Hotline into the Charter risks tying the County's hands when it needs to make necessary and timely adjustments to ensure the effectiveness and responsiveness of those programs.

A look at the County's past ombuds efforts and the Good Government Hotline program will show that flexibility was required to assure efficiency, and avoid overlap and duplication of service. If these functions were affixed to the Charter, neither the Auditor or the Board of County Commissioners would be able to address program or service delivery redundancies in an effective or efficient manner to better meet the needs of residents and employees.

As the needs of our community become more diverse, maintaining the County's ability to be nimble will help ensure that services like the Good Government Hotline and

Ombuds Office remain successful, accessible and equitable. In this case, I believe the best way to do that is to adopt an ordinance codifying the two functions in the County Code. I encourage this committee to make a recommendation to the Board of County Commissioners to take this approach. I pledge to work with the Auditor, along with other stakeholders and community partners, to bring an ordinance before the Board of County Commissioners.

Thank you again for your service and dedication to this important work.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Kafoury". The signature is fluid and cursive, with the first name being more prominent.

Deborah Kafoury  
Multnomah County Chair

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SUBMITTED JULY 20, 2022 BY COMMISSIONER JESSICA VEGA PEDERSON (PUBLIC COMMENT)



**Jessica Vega Pederson**  
Multnomah County Commissioner

501 SE Hawthorne Blvd., Suite 600  
Portland, Oregon 97214  
Phone: (503) 988-5217  
Email: [district3@multco.us](mailto:district3@multco.us)

July 20, 2022

Dear Charter Review Committee Members,

Thank you again for your service on the Multnomah County Charter Review Committee. I appreciate your time, commitment, and focus on serving our community.

As you approach your final meeting, I wanted to reiterate the concerns I've shared about proposed changes to the County Charter that would better be addressed in county code. As I mentioned in my previous testimony to this committee, including things in the charter can unintentionally tie the hands of future board members and make needed changes or modifications difficult and time consuming.

It is my opinion that the language around an ombudsman and the Good Governance Hotline are two such issues.

I strongly support the Good Governance Hotline and the creation of an ombuds office, but do not believe inserting them in the county charter is prudent or responsible over the long term. The hotline could change and evolve in the future to meet the needs of a changing community or to improve accessibility. The creation of an ombuds office is needed, but will require additional planning and scoping, and similarly could look different in the years ahead to best serve its purpose, but I am committed to its creation.

As we've seen with prior charter changes, implementing policy at the charter level can be fraught, and should only be done in general terms and with a long range timeline in mind. The process to change the charter is extensive and relies on voter approval for any recommended change. As you approach this final meeting, I hope you will keep that front of mind, and reconsider inclusion of these two measures. With six likely changes being referred to voters, as well as others for the City of Portland's charter review process, removing these two would also help voters better understand the other changes before them.

Again, thank you for your service and time. Please let me know if you have any questions.

Respectfully,

Commissioner Jessica Vega Pederson  
Multnomah County, District 3