



Multnomah County Charter Review Committee

MINUTES

March 16, 2016
Multnomah Building
501 SE Hawthorne Blvd., Room 315
Portland, OR 97214

Meeting: Charter Review Committee was called to order at 5:30 p.m.

Members present: Kirsten Leonard, Carol Chesarek, Liz Trojan, Justin Freeman, Keith Mosman, Mark Sturbois, David Robertson, Samantha Alloy, Juan Carlos Ordonez, John Vandermosten, Victoria Purvine, Michael Cummings, Jeanna Hall, Moses Ross

Members absent: None

Staff Present: Marco Circosta, Jacquie Weber, Cate Schneider

Approved minutes: February 17, 2016 minutes approved

Welcome and Approval of previous meeting minutes: The committee meeting began with introductions and the approval of February 17, 2016 minutes.

Auditor Steve March comments: After providing his name for the record, Auditor March began giving background and history of his time as Multnomah County Auditor. "I have been the elected auditor since 2009, I was elected in a special session, a special election, and I am now in my last full term. Although I have a little longer history with the county, I started in 1991 as a staff auditor, and I also worked for Board Staff in the late '90s and into the 2000s."

Auditor March then began addressing the topics that are currently being discussed by the Charter Review Committee. He stated that if a change to term limits was put forth to voters that

it should be for all of the elected officers, Sheriff, Auditor, Commissioners, and Chair. “I was here during Bev Stein’s period with the county, I thought she was doing a great job as Chair, and the opportunity to run for governor came along, she took that. Had there not been term limits, it’s entirely possible she might not have left when she did. She left early – mid-term in her second term, kind of looking down the end as she would only have two years left.” Auditor March acknowledged that eliminating term limits has not been received well by voters and that he supports the concept of extending the term limits to three terms. He also noted that he would not seek a third term for himself since he was elected under the current system.

Auditor March began by discussing district boundaries: “The Auditor’s office has done redistricting under the Charter. I actually personally did the 1991 redistricting, and managed the 2011 redistricting. I think it’s been a very clean, straightforward process. The Charter gives us direction on the general shape of the districts, we also consider federal law, state law, and principles of good governance in our redistricting process, and I wouldn’t recommend a change to that.”

Auditor March then spoke to the county administrator topic. Washington County has a long-time county administrator who did both budgeting and administrating. “I think the model we have here, where the elected Chair gives direction to the budget and the Commissioners confirm that is a very good model. It puts the people in direction of having input on the budget itself as opposed to just an administrator...I would leave the power of budgeting in the hands of the elected Chair and Commissioners.”

Addressing compensation revisions, Auditor March explained that one of the duties of the Auditor, under the Charter, is to appoint the salary commission, which sets the salaries for the Commissioners, the Chair, the Sheriff, and a supplement to the District Attorney. “My particular salary is tied to 80% of a state judge’s salary. It wouldn’t be appropriate for the salary commission to set my salary, because I appoint them, so that would be a conflict of interest. Having an external marker would be a safe way of doing it. For a number of years the legislature didn’t let judicial salaries rise. They’ve gotten raises in the last few years – not as much as they wanted, but it has gone up. The only other marker would be to tie it to some percentage or median point of one of the directors or one of the management level salaries at the county. At this point I wouldn’t seek any changes in particular.”

Keith Mosman asked the first question of Auditor March, mentioning that the subcommittee had looked into how the auditor's salary is tied to a state judge. The jobs are very different and the cost of living in Multnomah County may be higher than other parts of Oregon. The subcommittee did not yet have a recommendation but thought the tie to a state judge salary may affect future interest in the job.

Auditor March acknowledged that it is challenging to find people, especially people who have not been serving in government. The private sector makes more money, but working in government is a calling. It is not competitive with the private sector, but a lot of government jobs aren't. Auditor March suggested asking the County's Human Resource Compensation folks if would be more appropriate to tie it to one of the non-represented classes at the County.

A committee member brought a letter received by the Charter Review Committee from the State Sheriff's Association and asked the Auditor to speak on the issue of the appointed or elected sheriff and if there is a balance of power in the County.

Per Auditor March, it is important to have some positions at the county to be independently elected. If someone is appointed they have to answer to someone else. The Auditor answers to the voters, giving him the ability to tell people things that they might not want to hear. "The County has had both models. We've had appointed sheriff's and we've had elected sheriffs. Both have had bright spots and both have had not-so-bright spots. A lot of it has to do with the individuals. There is always tension between the elected Board here at the county, and a sheriff who's also elected, and each sees their duties with a different perspective." To his mind, a balance needs to occur whether it is an appointed or elected sheriff. "I see arguments on both sides; I'll put it that way. I don't have a firm commitment to appointed or elected. I leave that to the voters."

David Robertson raised issue of the county administrator position. "What do we get from this [current] governance structure that maybe others don't have?" and continues asking "Why do you feel that the issue of the budget is so important to stay with the Board?"

Auditor March responded, "In many case where you have a county administrator model, you have more of a part-time board, and you'll have a full-time administrator. There is a slight power imbalance there in knowledge of the organization." In Washington County the long-term

administrator developed a very strong position with not a lot of input and change from Chair and commissioners around the budget. A county administrator does provide continuity. Term limits mean a lot of change in leadership. Some recommendations made by the Auditor's office could not be implemented because of that change in leadership. The COO deals with the day-to-day small fires and the bigger issues are brought to the Chair's office. "There are a lot of small decisions that should be above the department, but below the Chair. I think the current COO works well with that." Auditor March continues, "Having a strong elected presence in the budgeting process is important, and in some county administrator models, the legislative side and the Chair side isn't that strong."

Moses Ross asked if the COO's duties should be codified in the Charter.

Auditor March indicated that the current shared power model is working well and that having the current model added to the Charter could perhaps be an intermediary step.

Victoria Purvine asked the Auditor to expand on his thoughts of the appointed and elected sheriff topic.

Auditor March cautioned that he is not an expert in this area. He cited Wapato Jail as a political product of a strong elected sheriff. On the other side, an elected sheriff represents a lot of the areas that are underrepresented in the County, particularly with the enforcement side. East County has a close relationship with the sheriff.

Carol Chesarek indicated that her subcommittee reviewed the redistricting report conducted by the Auditor's office. She complimented him on an excellent process.

With no further questions, Chair Leonard thanked Auditor March.

Those who came in late introduced themselves.

Receive public testimony or submitted written testimony:

Kim Dodd introduced herself as a concerned citizen. Ms. Dodd discussed the topic of the appointed or elected sheriff issue. She indicated that she was concerned about criminal justice reform happening throughout the county as she feels that it has been pushed by slanted media views. She noted that all thirty-six counties in Oregon elect their sheriff. Ms. Dodd explained that politics and media have been pushing an agenda of racism toward African Americans nationwide. The newspaper provided too little information was given on the audit that was done and she felt it was slanted.

Ms. Dodd went on to explain that statistics do not support the assertions that law enforcement or the jail population is racist. She indicated that according to her research, African Americans committed two-hundred times more offenses against whites than vice versa. She feels a lot of people don't want to address African-American cultural issues that affect communities, their jail system and law enforcement. Ms. Dodd went on to detail her concerns about African Americans and gang-involvement. She suggested that more money should be devoted to gang violence and prevention.

Ms. Dodd described how year after year the current Sheriff has returned money to the Board and that overtime can be more effective than hiring a new employee. She cited the Grand Jury reports as indicating that management has been improving. Elaborating on her concerns about an appointed sheriff, Ms. Dodd discussed the patrol duties of the sheriff and how they would be allotted if the Board has control over an appointed sheriff. Ms. Dodd ended her comments by describing her concerns about superceding the State constitution with changes.

Juan Carols Ordonez asked Ms. Dodds for clarification that she stated there are cultural factors that lead to a greater incarceration rate for African Americans.

Ms. Dodds affirmed that by national statistics that is true.

Mr. Ordonez stated for the record that he finds this view offensive.

The Committee reviewed written testimony received from former County Auditor Gary Blackmer, Oregon State Sheriff's Association and from the Portland Immigrants Rights Coalition.

The Portland Immigrants Rights Coalition testimony said they have no position as a coalition as to whether they think an appointed versus elected sheriff would be effective in creating more oversight and accountability, but they have an interest in creating more oversight and accountability for the Sheriff's office. The Gary Blackmer testimony was from when he used to be a County auditor in 1998. He provided testimony to the Charter Review Committee at that time, saying an appointed sheriff would be better, mostly having to do with issues of the sheriff's duties, jail administration, and less to do with law enforcement. The Oregon State Sheriff's Association was in favor of keeping the elected sheriff noting the importance of checks and balances of the branches of government. The sheriff's powers in the executive branch and how a conflict of interest may arise should the sheriff serve at the pleasure of the Board.

Yellow Subcommittee status report:

Carol Chesarek discussed the subject of term limits, elected officials stepping down to pursue other offices and briefly commented on the topic of district boundaries. The Yellow Subcommittee is recommending that a proposal go forward that would extend the term limits to three terms. The Yellow Subcommittee is also recommending that a focus be placed on elected officials pursuing non-County offices. The elected official would need to step down from office to pursue any non-county office. Ms. Chesarek stated that the redistricting process that is currently in place works well and does not need a change.

The Yellow Subcommittee will continue to work on the topic of term limits and elected officials stepping down from office.

Green Subcommittee status report:

David Robertson informed the committee of the current progress on the issues of the county administrator and the appointed or elected sheriff. Work will continue to be done on both issues. Additional resources are being gathered from community members as well as relevant county staff. Outreach has been done to gather input from the community to further guide their recommendations on the county administrator position. The appointed or elected sheriff subject will be discussed at the full committee meetings and will continue to gather input from elected officials and community members.

Gray Subcommittee status report:

Keith Mosman spoke on behalf of the Gray Subcommittee. A motion was made to not recommend changes to any of the items under the purview of the Gray Subcommittee. The motion passed.

Purple Subcommittee status report:

John Vandermosten is currently looking into the topic of emergency preparedness and will continue to gather information for the full committee. Moses Ross discusses the memo received from the County Attorney's office around campaign finance reform. The Oregon Supreme Court has determined campaign contributions are a form of protected speech under the Oregon constitution; therefore it cannot be regulated in any way. Mr. Ross will return for input from the Purple Subcommittee. Juan Carlos Ordonez will continue his work on an idea regarding early education.

Discussion:

Procedural questions were asked regarding subcommittees bringing ideas to the full committee and eventually to the voters. A clarification is made that the Board of Commissioners are required to put to the voters whatever this committee brings forward.

The meeting was adjourned at 7:40 p.m.