



## Multnomah County Charter Review Committee

### MINUTES

July 6, 2016  
Multnomah Building  
501 SE Hawthorne Blvd., Room 315  
Portland, OR 97214

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

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

Staff Present: Jacquie Weber, Cate Schneider, Katherine Thomas

**Welcome** – Chair Kirsten Leonard convened the meeting at 5:30 p.m. and invited members of the audience to introduce themselves. Adam Renon, Dominic Kugla, Noelle Brown, Meg Rapieo, Nick Stanley, Kirsten Everhard, Dan Meek, Katherine Thomas, Matt Ferguson, Jason Kafoury, Steve March, Bill Farver, Robin Gottlieb, Christian Gaston, Myra Powell, and Talia Richmond introduced themselves.

Kirsten asked for a show of hands for those wishing to testify. She announced that testimony would be limited to two minutes per person given the number of people. She cautioned the committee that they are almost at the end of the time. She asked if members of the committee could attend an additional meeting on Sunday.

Jacquie informed the committee that their deadline to submit ballot measures to the Board of County Commissioners is August 5. In order to make sure their report is on the agenda, it must be submitted to the Board clerk the prior Wednesday. This means that everything must be complete by the last week in July. There is not a lot of time left for the committee to complete their work.

After more date discussion, Kirsten asked the committee members to check their calendars for an additional meeting on Monday, July 18. The committee discussed possibly extending their meeting tonight.

**Approve minutes of May 18 and June 28, 2016 Committee Meetings:** Kirsten shared that there were no minutes available to approve. Full audio recordings of every meeting are available online.

**Receive public testimony or submitted written testimony:**

1. Kristen Everhard, introduced herself as from Sightline Institute in Seattle. She shared the success of the recent honest elections initiative in Seattle. The initiative limited contributions to \$500 per person. She noted that most election funders are wealthy white donors. Women and people of color are less likely to run for office because of the funding model.
2. Noelle Brown shared that she would be interested in politics if it was more accessible. She feels politics is a hard place for women's voices to be heard. She noted that most of our elected officials are white. She believes campaign finance reform would help more people run.
3. Matt Ferguson, introduced himself as a deputy sheriff in the Multnomah County Sheriff's Office and president of the deputy sheriff association. Speaking on behalf the Deputy Sheriff's Office, he believes it's important to keep the sheriff an elected position. He noted that that having an elected sheriff helps ensure long-term stability.
4. Jason Kafoury indicated that money and politics are the big issues of our time. He noted that there is massive wealth concentration in the top one percent. He questioned why we have no contribution limits in Oregon. He believes the voters should be able to decide this issue.
5. Steve March, introduced himself as the Multnomah County Auditor. He clarified that he is not against campaign finance reform, but that the current proposal will make Multnomah County the test case to challenge big legal issues. He shared that Chair Kafoury's campaign, the most expensive race in the county cost \$1.07 per voter. Multnomah County is not the problem and the county should not serve as a test case.
6. Commissioner Smith indicated that she is also in favor of campaign finance reform, but she is not in favor of a Multnomah-county reform. Multnomah County has historically put many women in office. This proposal will cause a disparity for women and communities of color to achieve office. She is opposed to the creation of a county manager. The Board of County Commissioners is the voice of the community and they involve the community in decision making. She is in favor of retaining the existing county structure.

Juan Carlos questioned Commissioner Smith as to why campaign finance would put women and communities of color at a disadvantage.

Commissioner Smith indicated that the costs of running a campaign will not change. This proposal will limit contributions and make anyone running work that much harder to raise money. Women and communities of color don't have the networks to enable them to easily raise money. Publicly financing campaigns would level the playing field.

7. Greg Malinowski indicated he has a farm on the border of Washington and Multnomah counties. He is also an elected county commissioner in Washington County. Washington County has a county manager. He feels this limits his ability to work on constituent issues. It's difficult for them to confer with one another.

8. Donald Cooper spoke in favor of campaign finance by reading a poem. He believes the voters should decide.
9. Kelvin Hall, introduced himself as the director of the York Institute of Policy. He believes we need publicly financed campaigns, not campaign finance reform. He is in favor of having the sheriff's position become appointed so that his son will have the ability to become sheriff one day.
10. Jason Kafoury addressed the committee again to emphasize that campaign finance and publicly financed campaigns go together.

**Invited testimony – Bill Farver:** Bill Farver shared that he worked for the county for almost 20 years. He was basically the Chief Operating Officer for Bev Stein and then served as interim county chair for a few months and later served as the Chief Operating Officer for Ted Wheeler. Most recently he spent three years working for Portland Community College.

He shared that he tried to act as a county manager while he served as COO and would be in favor of that position. He shared that he tried to operate apolitically and use data to make the county operate most efficiently.

He is in favor of an appointed sheriff. One reason is for policy coordination and another is for accountability. The public safety system is complicated. The various groups -- city police, district attorney, department of corrections, sheriff, etc -- must work together. Unless you have everyone working together, you're not an efficient organization.

The second piece is management accountability. A lot is made of accountability in terms of electing people. Bill does not feel that it's a very effective form of accountability. The media does not do a good job of providing details of what goes on. To his mind, accountability is a daily requirement: it's about ensuring work plans and staff accountability to one another.

He cited the fact that the sheriff's office and district attorney will always advocate for more jail beds because they're a free good for them. They get more money and have easier jobs. Multnomah County should not be run by ideology. He discussed the case of Wapato jail and how the previous sheriff pursued it independently and used his elected position to influence the Board and citizens. The levy was never able to be collected because of measures 47 and 50. The jail was never needed and the county is managing effectively without it by clearing cases quickly.

He recommends an appointed sheriff. In his opinion, the Charter Review Committee doesn't have to figure out how to structure a department of corrections, but can refer the appointed sheriff to the ballot and the Board can determine if they want to establish a department of corrections. He believes a department of corrections would be the ideal outcome to unify policy and unite the moving parts.

Bill feels that this is a unique opportunity to have the city and county work together to create a unified public safety system.

**Questions from Committee for Bill Farver:** Carol asked who Bill would have the sheriff and county manager report to. Bill indicated they should report to the Chair. Carol followed up with a question about the wisdom of having them report to the Board as a whole. Bill responded that the sheriff would be a department head and would report to whomever was in charge of the departments. He feels you need a central authority like the chair. He supports the creation of a county manager because the job of the chair is too big for one person.

Questions ensued as to how significant a change it would be to add a county manager position to the charter. Bill shared that his belief that it would not be a big change but that it would depend on the personality and style of the individual Chief Operating Officer. In his case, it would not have been a big change.

Victoria asked why the Chair would be qualified to select a sheriff over the entire community. Bill responded that voters are given limited choices and limited information. He compared that to the value of a robust national and local job search.

Carol asked if an appointed sheriff is a better option, why is there so much turn-over in the Portland Police chief role. Bill indicated he did not think the Portland position turn-over is a pattern.

Michael shared that the current proposal for county manager removes the Chair's executive authority as personnel officer and that would remove the chair's ability to hire a sheriff.

Jacque clarified that her written proposal is not an opinion, but simply an example of what the charter proposal could look like and that the committee needs to vote on what it should look like.

Bill recommended that the Chair run the hiring process and have the Board confirm, as is currently done now for department heads.

Chair Leonard thanked Bill for speaking with the committee.

**Discuss and vote on Sheriff Options:** Chair Leonard asked if anyone had a motion to begin the discussion.

Carol moved that the committee not create an appointed sheriff charter amendment and instead submit a resolution to the Board recommending that the Chair and the Board work with the next sheriff and district attorney to come up with long-term recommendations about how county corrections and associated operations can be re-worked.

Kirsten urged her to put a motion forward with a resolution. Jacque indicated that the Charter Review Committee's purpose is to recommend issues to be sent to the Board to

change the charter. There's nothing in the Charter that prevents or recommends that the committee advise the Board of Commissioners.

Carol moved that the Charter Review Committee present to the Board a recommendation that an expert committee be formed to make recommendations to reform the criminal justice system to make sure it is equitable and cost-effective. Any changes they identify should be recommended to the next charter review committee. Jeanna Hall seconded the motion.

Mark shared that he's ready to vote. Moses indicated that he's in agreement. Sami concurred.

John shared that during his time on the Gresham charter review committee, they submitted a resolution to the city council making a recommendation on a matter they on which they had insufficient information.

Keith indicated that he disagrees with this as an alternative to taking action on the sheriff issue.

Carol shared that before joining the committee, she had not thought much about the sheriff issue. She believes we need some sort of reform. However, listening to the testimony, she's changed her mind about the appropriateness of an appointed sheriff.

John recommended an amendment Carol's motion to have an interim charter review subcommittee to discuss the sheriff issue.

Carol indicated she was unsure there was any provision to allow this.

Jacque Weber indicated there had never been an interim charter review committee during her time at the county.

Moses called the question.

Kirsten called for a vote on the motion. One member of the committee voted in favor of the motion and eleven members voted in opposition. The motion failed.

Sami moved that the committee refer to the voters of Multnomah County that the sheriff position be appointed. Moses seconded.

Dave shared his opposition to Carol's statement that the committee should not refer the motion because three commissioners had recommended against it. To his mind, if the commission was not set up to be independent, then the group has been wasting their time for the last nine months.

Sami shared her belief that the voters should decide this question.

Michael shared his belief that the voters have the right to decide if their sheriff should not be removed.

Keith agreed with Sami that the voters deserve the chance to weigh in on this issue. Allowing the voters to keep the office would re-legitimize the office. It makes sense to him that the commissioners would be concerned about taking responsibility for the sheriff's office. He believes the more individuals with skin in the game, the more accountability will be introduced.

Victoria is fully in favor of keeping the current system intact. She believes having a second elected official in place helps add balance. More coordination is needed throughout the system.

John shared his understanding that law enforcement is a very specialized field. Putting another person over the sheriff position who lacks that specialized knowledge could be problematic. He feels retaining the position as elected ensures more stability than having the position of sheriff be subject to change based on a change in chair.

Juan Carlos indicated he's gone back and forth on this issue. In an ideal world, he thinks the position should be elected, however it seems there are a number of problems with this position. The small number of candidates is troubling. He finds himself on the fence on this issue, and with that the case, he is willing to let the voters decide.

Moses compared the sheriff issue to the campaign finance issue. Candidates for sheriff are well-connected politicians. He has a lot of faith in his commissioners. They are elected to represent the members of their districts. He trusts their ability. For him the question is, is the current system working. He wants the voters to decide.

Sami reminded the group that high-profile hirings are subject to a lot of public scrutiny and participation and that making the position appointed might actually give the public more influence.

Mark will vote for an elected sheriff because in today's climate where no one trusts the government, he is not in favor of taking a choice from the people. He feels we have a lot of choices in a lot of elections.

Jeanna echoed Juan Carlos' ambivalence. She feels it's an imperfect system. She feels the wise choice to allow voters the opportunity to decide. She's concerned about what else may be on the ballot and hopes the issue gets a good airing.

David feels business as usual has not been working well. He feels the role of the Charter Review Committee is to examine structural improvements. He feels this proposal will achieve it.

Carol clarified that she did not hear the Chair or commissioners voice opposition to taking the heat, but rather that they feel separation of powers is important. She feels

there are bigger problems with the system. Her impression is that the corrections union essentially picks the candidate. She questions who will appoint, manage, and potentially fire the sheriff? Who is it and why?

Sami indicated that in her ideal scenario, the chair would appoint. Or she would also be in favor of the Board as a whole making that decision. Sami declined to make the decision of who would have the hiring and supervising authority.

Keith stated that this proposal is in fact a vote to allow the voters to decide how their government should run.

Michael stated that he believes the motion should include who would hire and supervise.

Kirsten indicated to Sami that she need not change her motion. Moses asked Jacquie for confirmation that Sami is correct. Jacquie indicated that the ballot measure will reflect the direction of the charter review committee and any nuances they include. It was clarified that the committee could have a second vote to add details to the proposal.

Moses asked who would determine the detail of the proposal. Jacquie indicated that her office would appreciate direction.

Mark asked if the motion fails, does the group then go to another motion to create an appointed sheriff. The committee members clarified that it would not.

Victoria asked if anyone's vote would be influenced by tweaking the requirements of the position.

Juan Carlos stated that he would not be swayed by tweaks. He could be persuaded to remove jail administration from the sheriff's office.

Carol indicated that there isn't time to vet another proposal. She is frustrated that the committee hasn't had an opportunity to discuss, research, and vet options including this proposal before now.

Kirsten disagreed that the topic hasn't been sufficiently vetted.

Moses called the question.

Kirsten stated the motion and called for a vote. Seven members of the committee voted in favor of the motion, five members voted in opposition. Mark abstained. The motion passed.

Kirsten congratulated the entire group, regardless of their position, on having achieved this decision.

[The committee took a break from approximately 7:05 - 7:10 p.m.]

**Discuss and vote on Campaign Finance Reform:** Juan Carlos moved to adopt the Honest Elections Campaign Amendment proposed by the Purple Subcommittee on June 2. The motion was seconded.

Michael moved to separate the disclosure requirements would be separated from campaign finance limits. The motion died for lack of a second.

Juan Carlos noted that it's clear there's a lot of support for this proposal in the community and that voters should be given the chance to weigh in on this issue.

Sami indicated that she supports the motion, but she's concerned about what precedent might be set if it's struck down by the courts. However, she feels it's a step in the right direction. Local action may help build pressure to make change at a larger level.

Liz indicated that the Seattle experience contradicts the testimony that women and minorities would be harmed by campaign finance reform. Women and minorities would benefit. The list of endorsers in Seattle included lots of community groups and good government groups.

Keith spoke against the issue. He identified the lack of public financing as a critical flaw. He stated that under this proposal, anyone who is deeply networked will be able to significantly able to outspend their opponents. He suspects most candidates will be deeply under-financed. County elections are low information elections. It's incredibly difficult to get people to pay attention. This proposal will harm those who are poorly networked. He believes that the problem that this tries to address is a state and national issue, not a county issue.

John shared his personal experience running a campaign which relied on knocking on doors. He believes this ballot measure will decrease spending and increase the need to do the work of knocking on doors.

Juan Carlos noted that this proposal will even the playing field. People from communities of color are not deeply networked. He agreed with the idea of doing publicly financed campaigns.

Kirsten asked someone to address the question of who would provide the enforcement. Liz indicated that all candidates have to submit financial records to the state ORESTAR system. Enforcement is a matter of going through the ORESTAR data.

Commissioner Smith indicated that the Secretary of State is responsible for campaign finance.



Juan Carlos indicated that the county could police itself. The information is already gathered at the state level. The county commissioners should decide who will monitor that data. Moses agreed.

Kirsten provided a scenario where a county official would be limited in the scope of donors they could approach because of the contribution limit, but another candidate without the limits would have a better developed network and would have an advantage.

Juan Carlos refuted the idea that an elected official couldn't form connections while in county office. He pointed out that the county offices are not meant to be a launch pad for further office.

Victoria asked about costs to the county particularly in terms of legal challenges.

Jacque indicated that there would be both administrative costs and opportunity costs in the form of the county attorney's office time being diverted to handle a potential legal challenge.

Juan Carlos indicated that he believes the county attorney's office can handle the additional case load and that the additional costs will be minimal. The voters should decide.

Carol shared her concerns that ORESTAR reports are difficult to decipher and that the Charter is being used to launch a statewide legal challenge. She believes this is an inappropriate use of the charter. She cited Commissioner Smith's testimony that this may hurt women and communities of color. She feels there are problems throughout the proposal.

David asked Jacquie to clarify if the measure passed and was later challenged, would the county be likely to be prevented from implementing it until the legal challenge had been heard.

Jacquie indicated that she would guess, that if someone wanted to challenge this, they would likely do so in such a way that the county would be enjoined from moving forward until a determination was made on its constitutionality.

David indicated he would not be supporting the proposal because he believes it should be addressed at the state level. It's the right problem, but the wrong place.

Sami shared her belief that starting at the local level can often be the most effective.

John indicated the right place to start was wherever the people have the courage to do so.

Moses shared a personal example of his thought process about running for District 1. He feels that the contribution limit would force a candidate to deal with all voters at all

levels and listen to everyone. He believes this proposal is the best way to fix the problem.

Keith disagreed with Moses' premise that any member of the Board is not speaking with all voters. This proposal would limit a candidate's ability to pay staff or fund mailers. This proposal will make it harder for candidates to speak to voters. This will ensure an arms raise to fundraise. This proposal will create a lot of uncertainty and discourage potential candidates from running.

Carol shared her belief that while sometimes local action can lead to state action, she does not feel that is true in this case because a statewide measure has already been approved by voters. She believes this proposal will empower unions and could result in candidates genuflecting to them instead of large donors.

John indicated that this whole conversation is about how to get enough money in the election when it should be about getting money out of the system. He emphasized the power of contacting voters through knocking on doors.

David moved to call the question. The motion was to call the question was seconded and passed.

Kirsten restated the motion and called for the vote. Seven members of the committee voted in favor and six voted in opposition. The motion passed.

Kirsten congratulated the committee members who did a tremendous amount of research on this topic.

**Discuss Open Issues:** Discussion of the county manager options.

David indicated that the first option given in Jacquie's memo is line with the subcommittee's recommendation and the proposal that the committee passed. He believes that the committee has passed everything in the hopper. He feels it now falls to staff to create a pretty version of what the committee passed.

Kirsten indicated that she feels the committee does need to provide some clarification to staff.

Dave summarized the various options regarding the authority of the manager. For example, in option two, the committee could leave it to the Board to establish the county manager's responsibilities by ordinance. This is the clarity that staff seeks.

Carol asked for a written version of the options David referenced. Kirsten indicated that it was in writing and that the committee had received a copy earlier in the week. Carol disputed having received it.

Dave provided a brief overview of the options in Jacquie's memo. Carol questioned which memo this was. Members of the committee guided her to the correct document. She expressed concern that she did not have sufficient time to review it.

Kirsten read aloud from pertinent part of the document from Jacquie. Kirsten indicated that the committee should not reconsider the proposal, but could provide clarification on some elements of the proposal. She indicated that the committee will also need to address who will appoint the sheriff. The committee could also decide if they want to recommend publicly financed campaigns.

John indicated that ordinances can only be enacted by the chair and commission. They establish policy. If the sheriff is put at the same level as the county manager, the Board could appoint both the sheriff and county manager. Kirsten suggested he put this idea in writing and share it with Jacquie.

Michael asked a process question as to how issues will be handled at the next meeting. He referenced the budget as an issue.

Kirsten clarified her understanding that the chair always directs someone else to prepare the budget. Carol indicated there was more to the budget process.

Christian Gaston, from the Chair's Office, shared a brief overview of how the budget process worked this year and how the chair developed her executive budget. He indicated that it was similar to the State process. He indicated that question really amounts to what the confines of the budget process should be. If the budget responsibility is transferred to the county manager, presumably they will decide how to structure the process.

It was moved and seconded to extend the meeting by 10 minutes.

Commissioner Smith clarified that the chair prepares the budget. She is the manager. Any commissioner who wants to add or subject from the budget must get the votes to do so.

Dave confirmed that he understands that the chair prepares the budget. The charter says one thing, various other provisions create the chief operating officer, but the chair is really the manager. For him, this is really about structure, clarity and what is best for the county. There is tidying up to do between the charter, ordinances, etc. The committee previously voted 11-1 to create a county manager. Forty-three percent of counties nationally have a county manager. This decision should be based on facts. This is not a foreign form of government. He urged the committee to be intellectually honest about whether or not they want to do this.

Kirsten indicated that she does not want to readdress the county manager proposal. She feels more clarity is needed for the sheriff and asked if the committee can be more specific about what the manager should do.

Commissioner Smith indicated that the committee has already voted to take the executive powers from the chair and to give them to the manager.

Carol indicated that option one appears to not include part of the committee's proposal. She noted that the non-interference clause is missing. Jacquie indicated that its omission was her mistake.

Carol moved to defer a discussion on chapter six until she has more time to think about it. Kirsten indicated the committee has already passed a motion on this.

Jacquie clarified that the both options she provided to the committee honor to the intent of the committee to create a county manager position. One option leaves it to ordinance to delineate the responsibilities of the county manager and the other delineates in the charter the powers and responsibilities of the county manager as discussed in the subcommittee report.

Dave indicated that what was circulated last month is basically option one. Somewhere between last month and now option two was created. Option one is what the committee voted on. If there's interest and consensus on option two, he would appreciate getting consensus, but the committee previously approved option one.

Discussion continued on the question of affirming versus reconsidering the county manager proposal.

Jacquie indicated that the committee could select an alternative selection method for the sheriff.

Moses moved to table discussion of this matter until the next meeting. The motion was seconded. Kirsten called for a vote. The motion passed.

Mark indicated that he abstained because is not in favor of this proposal, but he likes horses too much to beat a dead one.

Kirsten indicated that at the next meeting, the committee will discuss who will appoint the sheriff. She does not feel the committee needs another meeting.

Juan Carlos suggested considering public campaign finance. Kirsten cautioned against introducing another topic at the eleventh hour.

**The meeting was adjourned at 8:28 p.m.**