

## Public Comments Submitted to the MCCRC Ahead of June 15, 2022

### General Meeting

Submitted June 5, 2022

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.

Greg Monaco

Submitted June 5, 2022

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.

Leo

Submitted June 5, 2022

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.

John Chen

Submitted Jun 5, 2022

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.

Michel Kolibaba

Submitted June 5, 2022

Yes.

Amanda Caldera

Submitted June 6, 2022

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!

Judy McNally

Submitted June 6, 2022

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.

Scott Learn

Submitted June 6, 2022

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.

Char Pennie



Submitted June 6, 2022

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

KC Jones

Submitted June 7, 2022

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.

Constance Cleaton

Submitted June 7, 2022

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.

ROBERT M. LANDAUER

Submitted June 8, 2022

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.

Andrew Harbison

To: Multnomah County Charter Review Commissioners

Fr: Christine Neilsen, Multnomah County Resident at 1221 SW 10th Ave Portland OR 97205

Re: Independence of the elected auditor must be in the Charter proposal to voters

Dt: June 8, 2022

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.

Submitted June 8, 2022

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.

Sally Kenney  
Retired CISA (Certified Information Systems Auditor)

Submitted June 10, 2022

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

Submitted June 10, 2022

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 occur 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.



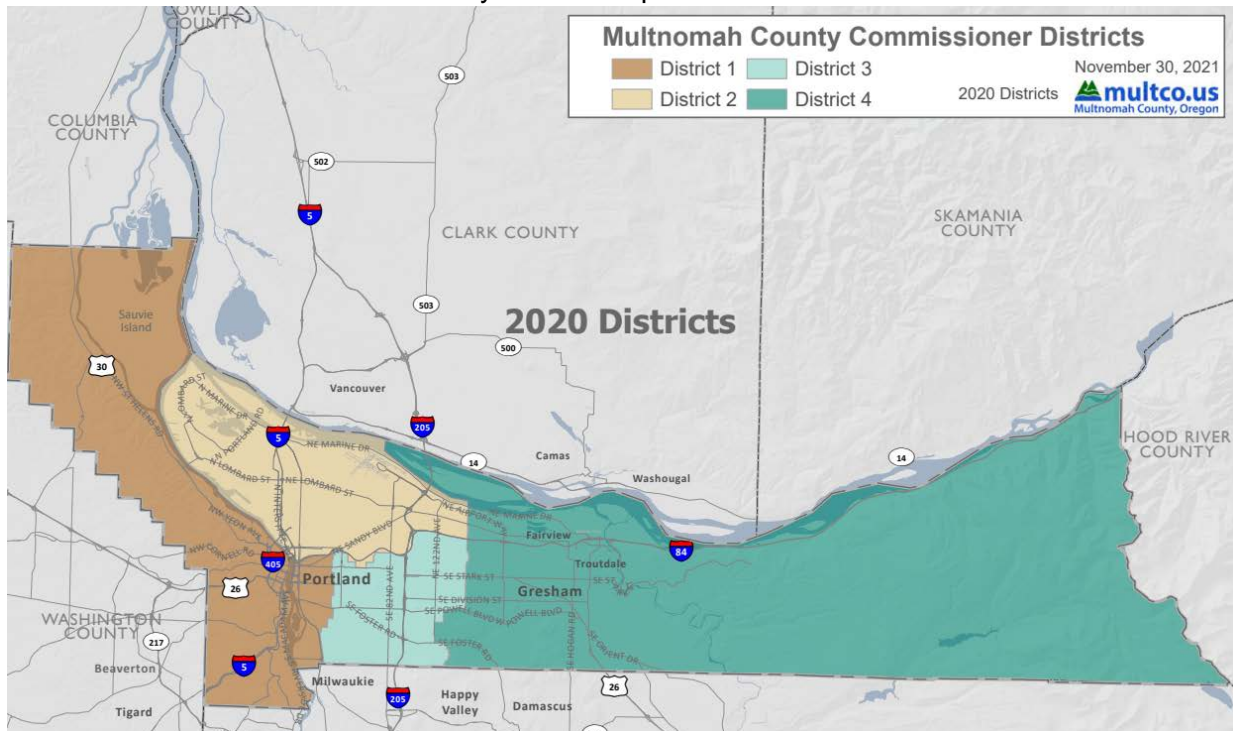
One of your Shared Values is inclusive democracy: **“Multnomah County’s government depends on active participation and representation of the communities people live in.”**

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):

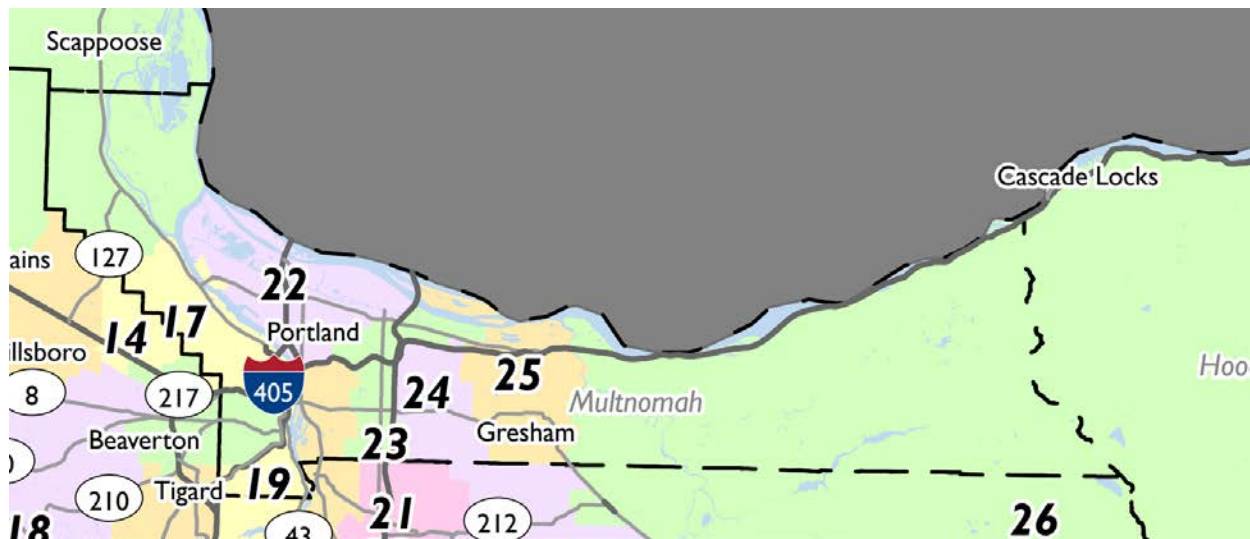
- (1) The committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector

appointed from each senatorial district having less than a majority of its voters within Multnomah County.

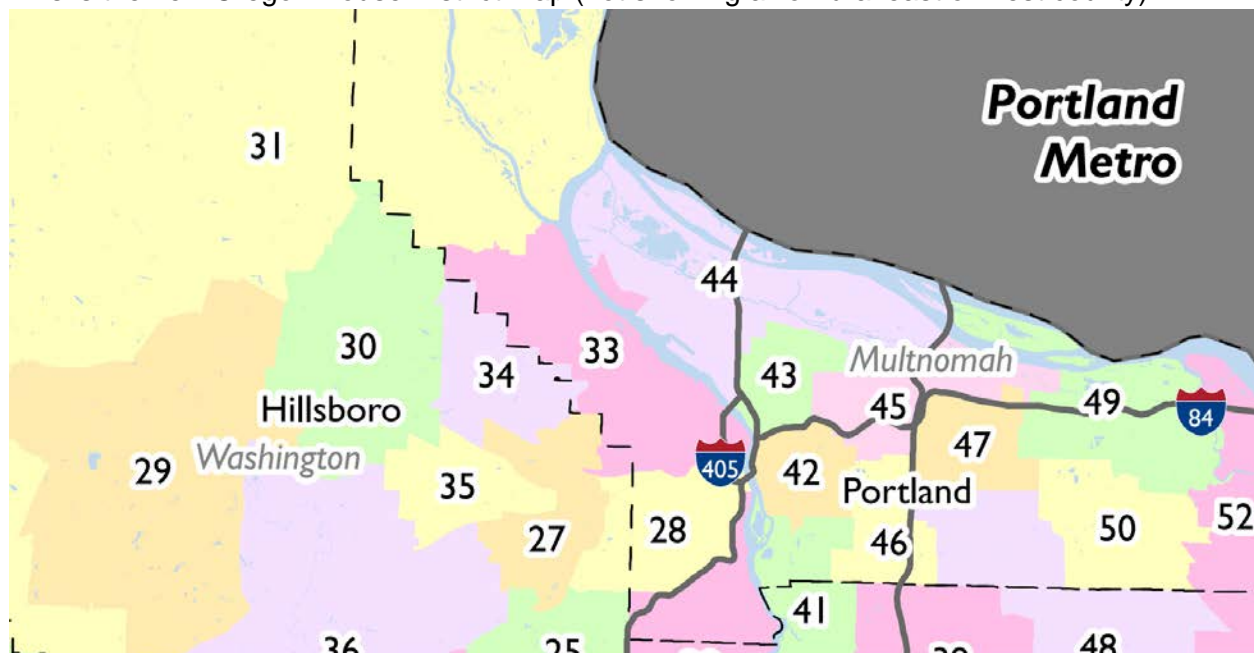
There are now 9 or 10 Senate Districts representing portions of Multnomah County and 15 House Districts. Here are two options:

- 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 under-funding 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.

Carol Chesarek

Submitted on June 10, 2022

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.

Sol Mora, on behalf of Coalition of Communities of Color

Submitted June 10, 2022

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,

Gary Blackmer  
Former Multnomah County Auditor