

AGENDA ITEM FOR ADMINISTRATIVE MEETING () Discussion only
(X) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Charter Review Committee Report

<p>Background:</p> <p>The Board appointed members to a Charter Review Committee in January, 2023, and requested the committee complete a review of the Umatilla County Charter. The goal was to have a report in six months. The Committee has completed its review as required by the Charter. The committee is submitting a report along with recommended amendments to the Charter at the August 2, 2023 Board meeting, and some members will be present. The Board will then have 60 days to consider the recommendations, and may place all, or part, or none of the Committee’s recommendations on the ballot.</p>	<p>Requested Action:</p> <p>Accept report of the Charter Review Committee and discuss next steps for the Board</p>
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ATTACHMENTS: Report

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: August 2, 2023

Action taken:

Follow-up:

2023 UMATILLA COUNTY CHARTER REVIEW COMMITTEE

REPORT

On September 9, 2022, the Umatilla County Board of Commissioners initiated the required review of the Umatilla County Charter. On January 18, 2023, individuals were appointed to the Umatilla County Charter Review Committee. The goal was to have the review complete and a report to the Board within six months. The appointed members that completed the review are:

1. Donald E. Miller, Milton-Freewater, retired educator, elected Chair;
2. Thomas Spoo, Hermiston, high school principal, elected Vice-Chair;
3. Robert (Bob) Barton, Hermiston, business owner;
4. Mark F. Gomolski, Hermiston, non-profit executive director;
5. Klaus J. Hoehna, Weston, retired;
6. Tony Justus, Pendleton, retired;
7. Patricia A. Maier, Hermiston, business owner;
8. Elaine Redner, Pendleton, nurse, case management;
9. David W. Smith, Hermiston, business owner.

The Committee held a brief meeting on February 8, 2023, and its organizational meeting on February 21, 2023. Thereafter, the committee met on a monthly basis, including March 21, 2023; April 27, 2023; May 16, 2023; and June 14, 2023;

The Committee invited the Board of Commissioners and the Sheriff to speak and meet with the Committee, and to discuss any changes desired in the Charter.

After reviewing the Charter, discussing potential changes, and hearing of desired changes, the Committee voted to recommend to the Board of Commissioners two items to change to the Umatilla County Charter.

- I. Sheriff Age Requirement - Any candidate for office of sheriff shall present to the county elections officer a written certification from the Oregon Board of Public Safety Standards and Training showing that the candidate meets the qualification of a citizen of the United States of America at least 25 years of age.
- II. Sheriff Residency Requirement - A person must be a resident of Umatilla County to hold the position of sheriff.

Supporting Documents:

1. Proposed Ballot Measures
2. Umatilla County Charter Review Committee Meeting Minutes

Ballot Measure I – Sheriff Age Requirement

Caption: Increases Minimum Age of Sheriff

Question: Shall the age requirement for Sheriff be increased from 21 to 25 years of age?

Summary: If adopted, this proposal requires the Umatilla County Sheriff be at least 25 years of age to be a candidate for the office.

Charter changes:

1. Any candidate for office of sheriff shall present to the county elections officer a written certification from the Oregon Board of Public Safety Standards and Training showing that the candidate meets the qualifications, is a citizen of the United States of America, and is at least 25 years of age.

Ballot Measure II – Sheriff Age Requirement

Caption: Adds Residency Requirement for Sheriff

Question: Shall there be a Umatilla County residency requirement for Sheriff?

Summary: If adopted, this proposal requires the Umatilla County Sheriff be a resident of Umatilla County at the time of taking office and during term of office.

Charter changes:

1. A person must be a resident of Umatilla County to hold the position of sheriff.

MINUTES
UMATILLA COUNTY CHARTER REVIEW COMMITTEE
Meeting of February 21, 2023
6:30 p.m., Room 114, Umatilla County Courthouse
Pendleton, Oregon

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Committee Members Present: Chair Don Miller; Vice-Chair Tom Spoo; Bob Barton (Remote); Mark Gomolski (Remote); Klaus Hoehna; Tony Justus; Pat Maier; Elaine Redner, Dave Smith

Absent: None

County Counsel: Doug Olsen

Guests Present: None

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CALL TO ORDER

The meeting began at 6:34 p.m.

1. Introduction – Doug Olsen began introductions at 6:34.

2. Elections of Officers – The first item of business was the elections of officers for the committee. Mr. Hoehna moved to appoint Don Miller as Chair, seconded by Mr. Smith. Mr. Miller moved to appoint Tom Spoo as Vice-Chair, second by Mr. Gomolski. Mr. Barton moved to close nominations and elect those nominated, seconded by Mr. Hoehna – Carried 9-0

3. Taking of minutes – Mr. Barton moved to have Mr. Olsen take minutes of the committee meetings, second by Ms. Redner, motion carried 9-0.

4. Review of Charter – The Chair began the discussion of the process of the committee, its function and the review of the charter. Mr. Olsen provided a brief history of the Umatilla County Charter and a cursory review of the charter. He will provide a chart of the county governing structures in Oregon.

The Committee then started a review of chapters of the Charter, and which provisions warranted further discussion and review. Articles and areas for more detailed review included:

- A. Number of Commissioners – including method of election, term limits

- B. Sheriff – including hiring practices, method of selection (elected or appointed), impact of recent legislation on office

- C. District Attorney – adding to list for elected officials

- D. Appointed officers – serving at the will of the commissioners

- E. Charter Review – recommendation of changes and Board discretion of election

Further review of the Charter and materials will result in further items to discuss in future meetings.

5. Next Meeting. The consensus was to have monthly committee meetings. Tuesday was the best day, with the third Tuesday of each month for the meeting. The next meeting will be in Room 114, Umatilla County Courthouse, March 21, 2021 at 6:30 p.m.

The meeting was adjourned by the Chair at 8:00 p.m.

Respectfully submitted,

Douglas R. Olsen

Umatilla County Counsel

MINUTES
UMATILLA COUNTY CHARTER REVIEW COMMITTEE
Meeting of March 21, 2023
6:30 p.m., Room 114, Umatilla County Courthouse
Pendleton, Oregon

Committee Members Present: Chair Don Miller; Vice-Chair Tom Spoo; Bob Barton; Mark Gomolski; Klaus Hoehna; Pat Maier; Elaine Redner (remote), Dave Smith
Absent: Tony Justus
County Counsel: Doug Olsen
Guests Present: None

CALL TO ORDER

The meeting began at 6:30 p.m.

1. Call to Order – The Chair called the meeting to order at 6:30 and reminded everyone that this is a public meeting.
2. Public Input - None
3. Minutes of Previous Meeting – The minutes had been emailed to the committee members. Mr. Barton moved to approve the minutes, seconded by Mr. Spoo – Carried 7-0
4. Additions to Agenda - None
5. Business Items:
 - A. Continued Discussion and review of Charter

(1) Number of Commissioners – Ms. Redner thought a comparison of other counties would be helpful. The Association of Oregon Counties handout provided a table by county (page 34-35). Cost of increasing number was a consideration. It could allow for easier access to a commissioner. The consensus was that a change was not warranted and to continue with three commissioners.

Method of selection of commissioner was discussed, utilizing zones or districts. The consensus was to leave alone--at large.

Term limits for commissioners had been listed for discussion. There was not any interest in adding any term limits.

(2) Sheriff

Question was raised if there was any new legislation that was passed that would impact the provisions for the Sheriff. One concern was protection of constitutional rights, and enforcement of the Second Amendment. Input from the Sheriff on legislative impacts would be helpful.

The option to change from an elected to an appointed position was raised. There was no interest in changing.

Another item reserved for discussion are prerequisites for Sheriff. These items will be discussed when Sheriff can attend meeting.

- (3) District Attorney – Should the District Attorney be added to list for elected officials, along with duties. The Committee asked for information on other home rule counties' provisions.
- (4) Appointed officers serving at the will of the commissioners – discussion was tabled to allow Ms. Redner to review notes on the topic.
- (5) Charter Review – Should the Board be required to provide written explanation of why did not refer Charter Review Recommendations to the voters. It could be put into the minutes of the Board for documentation.

The Committee will continue the review of the Charter and the discussion at the next meeting.

- 5. Next Meeting. The next meeting will be in Room 114, Umatilla County Courthouse, April 27, 2023 at 6:30 p.m. The Sheriff will be invited to attend the meeting. The Commissioners will be invited to attend the meeting in May.

The meeting was adjourned by the Chair at 8:04 p.m.

Respectfully submitted,

Douglas R. Olsen

Umatilla County Counsel

MINUTES
UMATILLA COUNTY CHARTER REVIEW COMMITTEE
Meeting of April 27, 2023
6:30 p.m., Room 114, Umatilla County Courthouse
Pendleton, Oregon

Committee Members Present: Chair Don Miller; Vice-Chair Tom Spoo; Bob Barton; Mark Gomolski; Klaus Hoehna; Pat Maier; Elaine Redner; Tony Justus
Absent: Pat Maier; Dave Smith
County Counsel: Doug Olsen (remote)
Guests Present: Commissioner Daniel Dorrان, Commissioner John Shafer, Commissioner Cindy Timmons, Lori Smith, Executive Secretary

CALL TO ORDER

The meeting began at 6:32 p.m.

1. Call to Order – The Chair called the meeting to order and reminded everyone that this is a public meeting.
2. Public Input - None
3. Minutes of Previous Meeting – The minutes had been emailed to the committee members. Mr. Spoo moved to approve the minutes, seconded by Mr. Barton – Carried 6-0
4. Additions to Agenda - None
5. Business Items:
 - A. Discussion with Board of Commissioners

Mr. Miller wanted to use the minutes from the last meeting for topics to discuss, and if the commissioners have identified anything they would like to change in the charter. Items previously discussed included the number of commissioners, method of selection of the commissioners at large, and term limits for commissioner.

Commissioner Dorrان. Commissioner Dorrان expressed his appreciation to the members serving on the committee. His requested change would be to have a county administrator. This would bring continuity to the county, and eliminate the Commissioners from having to make a choice to handle an administrative matter or a policy matter, and provide more time for advocacy. The funding for an administrator was a consideration. In the past, there was not the funding, but with sustained growth, there is available funding. At the time of the last charter review, the cost was estimated in the \$300,000 range. The possibility of funding through reduced cost of commissioners was also discussed during the last review.

The concern was raised that currently the county commissioners are elected by the people and serve the people, if you have a county administrator the citizens do not have the ability to change that, this takes away the options of the voters. How do you hold an administrator responsible? Could the administrator be an elected official?

Commissioner Shafer. Commissioner Shafer read a letter from Commissioner Givens that he wrote for the Association of Oregon Counties, when another county was considering this option. Commissioner Shafer agreed with the sentiment of the letter. He does not see the need for a county manager. The Board can hire a county manager, but are not required to do so. He wants to have the flexibility. He has never had a conflict in having to choose an administrative matter versus a policy or advocacy matter. At this time, it does not make fiscal sense to hire a county manager.

A change Commissioner Shafer would like to see in the charter is in Article 3, Section 3, regarding elections. If there are three or more candidates for nomination, if a candidate receives more than 50 percent of the vote, should be elected, rather than having to run again in November. To have another election is a waste of time and money. This has occurred twice now.

There was a discussion if had zones if this issue would be eliminated. The consensus was that zones were not an option and would hurt representation of the county as a whole.

The option of making a commissioner position part time was also discussed during the last charter review. Commissioner Timmons indicated that would still leave Commissioner Dorran at 40 hours a week, based on the number of hours he spends currently. The three commissioners work well together, and approach matters in three different ways. There are no complaints from the commissioners about the number of hours that they have to put in. A county administrator would be about \$400,000 in cost to the county, which would be difficult to sell to the voters. It was pointed out that an administrator would lessen the duties for a commissioner, and allow time for matters other than administrative.

It was asked if there are job duties or description for a commissioner, or division of labor. There is not a job description, each commissioner establishes own duties and hours. Liaison assignments are decided on by the commissioners, dividing up responsibilities. There is also now a commissioner manual, which does provide guidance.

If there is a county administrator, would a commissioner be more efficient, and not be spread too thin. Commissioner Shafer stated that it makes him a better commissioner knowing all of the details about daily operations. Would additional commissioners be a solution? Additional commissioners would provide more input and different ideas, and allow more commissioner interaction without constituting a quorum. It is an interesting idea, but probably would not work in this county.

Mr. Hoehna asked if there are any standards for department heads, or any type of review for quality assurance? Department heads do have an annual performance review, which includes self-assessment. An outside analysis might be a good option.

Comm Timmons stated that the thing that everyone has to realize is that you make the job what you make the job. People have sat in our spots and they weren't in the courthouse. You take the job and you make it and you do with it what you will. If had five people, they have to work closely. If you got a number bigger than what we have right now we wouldn't have that closeness.

Chair Miller summarized what had been discussed. Issues that have been raised are Article 3, Section 3 dealing with elections, administrator, work load, 3 or 5 commissioners. It appears that the consensus is not to address the issue of county administrator.

Commissioner Timmons. One matter that was raised in the last election was the qualifications for a commissioner. She did not want the charter changed to require additional qualification, such as education requirement. Just leave the current language of the charter in place for the qualifications.

The Commissioners were asked what is the biggest time waster? Commissioner Dorran indicated emails. He would prefer to handle issues in a conference or meeting. Commissioner Shafer agreed, and also misinformation. Commissioner Timmons added security.

The Commissioners were thanked for their attendance and input.

B. Continued discussion and review of Charter – None.

C. The next meeting will be in Room 114, Umatilla County Courthouse, May 16, 2023 at 6:30 p.m. The Sheriff has been invited to attend the meeting.

The meeting was adjourned by the Chair at 7:56 p.m.

Respectfully submitted,

Douglas R. Olsen

Umatilla County Counsel

MINUTES
UMATILLA COUNTY CHARTER REVIEW COMMITTEE
Meeting of May 16, 2023
6:30 p.m., Room 114, Umatilla County Courthouse
Pendleton, Oregon

Committee Members Present: Chair Don Miller; Vice-Chair Tom Spoo; Bob Barton; Mark Gomolski; Klaus Hoehna; Tony Justus; Elaine Redner; Dave Smith (remote)

Absent: Pat Maier

County Counsel: Doug Olsen

Guests Present: Sheriff Terry Rowan

CALL TO ORDER

The meeting began at 6:30 p.m.

1. Call to Order – The Chair called the meeting to order and reminded everyone that this is a public meeting.
2. Public Input - None
3. Minutes of Previous Meeting – The minutes had been emailed to the committee members. Mr. Barton moved to approve the minutes of April 27, 2023, seconded by Mr. Hoehna – Carried 8-0
4. Additions to Agenda - None
5. Business Items:

A. Discussion with Sheriff Rowan

Sheriff Rowan started with a discussion of the three elected offices in Umatilla County – Commissioner, Sheriff, and District Attorney. Each has various duties. There are three spheres of government – administrative, legislative and judicial. Each of the elected offices has some of the spheres.

There is not any pending legislation that would impact the existing charter. The Sheriff has not seen anything that would add to or reduce his duties. This may change before the legislature adjourns.

Mr. Hoehna asked if there is anything that has changed related to the Second Amendment that should be added to the Charter. The Sheriff is in support of the Second Amendment. There are conflicts between Oregon law and the Second Amendment. He still is not sure what to do. Ballot Measure 114 includes impacts on right to bear arms under the Constitution. Any enforcement of law depends on the circumstances. Until there is clarification under higher authority, that is what he will be doing. It also depends on resources and priority of case, and is within the discretion of the Sheriff.

Are there any changes that can be added to the Charter that can help address these issues? The Sheriff raised an issue on his ability to hire and pay staff within his discretion. Under the Charter, he is in charge of the Sheriff’s Office. At this time, he does not have the authority to pay staff what he feels

should be appropriate, that authority remains with the Commissioners. He believes the Board should have control over the budget and broad issues, but day to day matters and expenses ought to be up to the Sheriff. There was further discussion of getting good people and process to set pay for staffing.

The Sheriff was asked if the method of selection of the sheriff should be elected or appointed. He said elected.

Should the Charter qualifications for sheriff be changed? One county does have a residency requirement. The Charter requires DPSST certification. An individual must be employed to go to the academy. The academy has requirements for a physical ability, level of education, and psychological examination. As a result, the current certification requires past law enforcement experience for at least two years. The Sheriff thought the current requirements should be sufficient.

Should there be an age requirement? To have the certification would require a candidate of at least 21. The discussion included a 25 age minimum. The Sheriff was supportive.

The Sheriff was requested to draft up language he would propose to change in the Charter to address his needs. The Sheriff was thanked for his participation and information. He remained for the rest of the meeting.

B. The Chair summarized items previously raised for discussion and possible change to the Charter. For each item, the members provided a yes or no for further discussion and consideration by the Committee:

- (1) Sheriff in charge of department – Yes
- (2) Minimum age for Sheriff – Yes
- (3) Appointed or elected Sheriff – No
- (4) Change number of Commissioners – No
- (5) County administrator – No
- (6) Requirement for Commissioner written explanation for denial of recommendation vote – Yes
- (7) Residency requirement for Sheriff – Yes
- (8) Commissioner primary election with candidate receiving majority of vote – Yes

For the five items with an affirmative vote, the Committee will discuss at the next meeting to determine if want to move any items forward as part of the Committee recommendation to the Board. A potential recommendation might be made by July.

C. The next meeting will be in Room 114, Umatilla County Courthouse, June 14, 2023 at 6:30 p.m.

The meeting was adjourned by the Chair at 7:50 p.m.

Respectfully submitted,

Douglas R. Olsen

Umatilla County Counsel

MINUTES
UMATILLA COUNTY CHARTER REVIEW COMMITTEE
Meeting of June 14, 2023
6:30 p.m., Room 114, Umatilla County Courthouse
Pendleton, Oregon

Committee Members Present: Chair Don Miller; Vice-Chair Tom Spoo; Bob Barton; Mark Gomolski; Klaus Hoehna; Pat Maier; Elaine Redner
Absent: Tony Justus; Dave Smith
County Counsel: Doug Olsen
Guests Present: None

CALL TO ORDER

The meeting began at 6:30 p.m.

1. Call to Order – The Chair called the meeting to order and reminded everyone that this is a public meeting.
2. Public Input - None
3. Minutes of Previous Meeting – The minutes had been emailed to the committee members. Mr. Hoehna moved to approve the minutes of May 16, 2023, seconded by Mr. Gomolski – Carried 7-0
4. Additions to Agenda - None
5. Business Items:
 - A. Discussion of itemizations of potential changes

At the last meeting, there was consensus of the committee to discuss five potential items to change in the Charter. After discussion, one other item was added to the list--the prerequisite education of the Sheriff to be in a related field. The committee proceeded to discuss the six items and vote on if the item should be recommended for change to the Board of Commissioners.
 - B. Sheriff in Charge of Department – Article IV, Section 2(2)

Sheriff Rowan had not provided any proposed language to change in the Charter on this subject. Mr. Spoo moved to stay with current language, seconded by Mr. Gomolski, carried 5-1, with Ms. Redner in opposition.
 - C. Minimum Age for Sheriff – Article IV, Section 2(3)(a)

Mr. Hoehna moved to change the minimum age of the Sheriff from 21 to 25 years, seconded by Mr. Gomolski, carried 6-0.
 - D. Requirement for Commissioner written explanation for denial of recommendation vote – Article VII, Section 1(5)

Mr. Barton moved to not make any changes, seconded by Mr. Hoehna. The consensus was that there would be documentation in the Board minutes, and also added to the Committee report, if any recommendation was not referred to the voters, and the reason for the decision. Carried 6-0.

E. Residency Requirement for Sheriff – Article IV, Section 2

Mr. Hoehna moved that the Sheriff be required to be a resident of Umatilla County, seconded by Mr. Spoo, carried 6-0. The residency would be at the time the Sheriff took office.

F. Commissioner primary election with candidate receiving majority of vote – Article III, Section 1(3)

Mr. Gomolski moved to add change that if at the primary election a candidate receives a majority of the vote, the candidate is elected to the position of Commissioner, seconded by Mr. Barton. The vote resulted in a tie, with the Chair then voting in favor, 4-3. Following further discussion, Mr. Spoo moved to reconsider the question and remain with current language, seconded by Mr. Gomolski, carried 4-2.

G. Education of Sheriff to be in a related field – Article IV, Section 2(3)(b)

The experience component for a sheriff includes at least two years post high school education. Motion made by Ms. Redner that the education be in a related field, seconded by Mr. Hoehna. The vote was 1-5 in favor of the motion. Mr. Barton moved to retain current language, seconded by Mr. Spoo, carried 6-0.

H. There were no additional items proposed to discuss or to recommend change to the Charter.

6. Report

A draft of a committee report will be prepared and sent to the members. The report will be presented to the Board at its August 2, 2023 meeting.

The meeting was adjourned by the Chair at 7:40 p.m.

Respectfully submitted,

Douglas R. Olsen

Umatilla County Counsel