

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 08-012**

In Support of Memorandum of Understanding Between Chair Ted Wheeler and Sheriff Bernie Giusto

**The Multnomah County Board of Commissioners Finds:**

- a. Reports from the 2006 and 2007 Grand Juries and from the January, 2008, Post Factor Study raise substantial concerns about the cost controls and management practices in place within the Corrections Division of the Sheriff's Office. Many of the concerns are similar to those brought to the Board in 2005 when the Board created a County Management and Sheriff's Office Internal Service Task Force.
- b. It is in the best interests of Multnomah County for the Board to play a much more active role in the fiscal oversight of the Sheriff's Office and for the Chair to play a much more active role in the daily administration of the Sheriff's Office to address those concerns.
- c. The County Board has discussed potential Multnomah County Charter changes and state law changes that would shift authority over Multnomah County corrections to a Department of Corrections under the Chair, or to changing the Sheriff from an elected to an appointed position answerable to the Chair to address the concerns. Either change would require voter or legislative enactment and would not be able to be effectively implemented within the next year.
- d. Chair Wheeler and Sheriff Giusto have discussed options for shared administration of costs controls and management practices in the Sheriff's Office and have come to an agreement of duties and responsibilities detailed in a Memorandum of Understanding, Exhibit A, attached.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board of County Commissioners supports the Memorandum of Understanding between the Chair and Sheriff. (Exhibit A)
2. The Chair is directed to charge appropriate staff with providing regular reports to the Board on their progress in implementing the provisions of the MOU and any barriers they are encountering. The reports will include information about the number of vacancies within the Sheriff's Office, the savings generated by those vacancies, the cost of overtime on a monthly basis, and the use of overtime, sick, vacation, and comp time by the Sheriff's Office staff.

3. The Board will evaluate the effectiveness of the MOU in August, 2008. At that time the Board will decide whether to continue to endorse this agreement or pursue potential changes to the County Charter and/or state law.

ADOPTED this 7th day of February, 2008.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Agnes Sowle, County Attorney

SUBMITTED BY:  
Ted Wheeler, Multnomah County Chair

## **EXHIBIT A**

### **MEMORANDUM OF UNDERSTANDING AGREEMENTS ON GOALS AND PHILOSOPHY**

**Chair Ted Wheeler and Sheriff Bernie Giusto agree that it is in the best interests of the people of Multnomah County that:**

- a. The Chair plays a much more active role in the daily operations of the Sheriff's Office as they relate to the Chair's fiscal oversight authority granted by the County Charter. Also, the Board should play a much more active role in reviewing regular progress reports regarding fiscal issues within the Sheriff's Office as required by County Charter. Changes within this agreement will provide a more uniform, consistent business model for Multnomah County governance and make the Sheriff's Office personnel subject to the same rules governing all County employees.
- b. The Chair and Sheriff have a shared responsibility to manage the jails, personnel, and budget. Both parties agree, in concert with the Board of County Commissioners, to remove barriers to developing long term availability and stability of capacity to incarcerate and treat offenders within the County system. The long term goals of this agreement are to:
  - 1) Manage cost and resources and increase transparency of expenditures.
  - 2) Increase the number of hours employees are at work and hold all employees accountable.
  - 3) Operate a safe system for offenders and employees.
  - 4) Reduce the barriers to implement reductions in use of overtime within the Sheriff's Office.
- c. Immediate action is required in:
  - 1) Providing financial controls and decisions on the use of sick, vacation and comp time among employees in current jail operations.
  - 2) Prioritizing the cost effective allocation of current County resources in the initial implementation of the 2007 Post Factor Study recommendations to reduce ongoing costs and increase safety within the jails.
  - 3) Opening the Wapato Facility in a cost effective manner designed to decrease recidivism and increase overall public safety in the community.
- d. The Chair and Sheriff shall work in conjunction with the Multnomah County Corrections Deputy Association to provide effective management of the sick, vacation, and comp time use. The Multnomah County Corrections Deputy Association expressed strong and positive desire to work with the Chair's Office and the Board to change current practices
- e. If successful, the Chair and Sheriff will recommend continuation of this agreement to their successors.

## **SPECIFIC AGREEMENTS ON OPERATIONAL AUTHORITY**

1. The Sheriff's budget will be managed in accordance with the Board adopted budget and in compliance with GAAP, public budgeting laws, and current case law. Both parties agree to embark upon a meaningful transparent budget development process ensuring that the budget represents a sensible balance of services within current financial realities.
2. The Chair and Sheriff agree to direct their staff to have a working relationship between County Budget/Fiscal and MCSO Budget/Fiscal that is similar to and in some cases exceeds the relationship expectations currently in place with Departments. The goal is to ensure that MCSO meets or exceeds County standards and that County Budget/Fiscal is able to aid and be engaged in MCSO's development, performance monitoring, and accountability.
3. Chair Wheeler and the Sheriff agree to assign the County Human Resources Director the following duties:
  - a) Ensure that all applicable County rules and regulations regarding personnel are followed. The County Human Resource Director and the MSCO Human Resources Director will assume the same relationship as with other County departments. The County Human Resources Director will have an increased role in all labor management issues and in the delivery of employee discipline within MCSO. This involvement will include the responsibility, as needed, to initiate investigations or inquiries which may lead to discipline, decide on final discipline, and respond to grievances concerning disciplinary proceedings relating to MCSO staff.
  - b) Will be involved and advise in the delivery of employee discipline with MCSO.
  - c) Provide directives to the Sheriff's Human Resources Unit to implement County human resources policy and labor relations policy consistent with County practices and a 24/7post driven organization.
  - d) Implement new practices and procedures relating to these issues allowable by the collective bargaining agreement.
  - e) Provide leadership in the development of training to MCSO managers and supervisors on enforcing contract language, holding employees accountable, initiating discipline, and effective methods of increasing attendance in the workplace.
  - f) Work with the Sheriff's Office to initiate uniform manager and employee evaluations throughout the Sheriff's Office in FY2009. Provide input to the performance evaluation of managers regarding their performance in managing sick, vacation and comp leave use and disciplinary actions. As a member of the management team in labor relations, advise, facilitate the development of and monitor implementation of practices and procedures relating to issues allowable by contract.

- g) Pursue agreements with the Multnomah County Corrections Deputy's Association consistent with the Association's publicly expressed desire address issues including the control of comp time, reform vacation sign up procedures, reform overtime sign up procedures, pilot 12 hour shifts, and cooperate with the consistent, fair enforcement of County rules regarding sick leave.
  - h) Monitor the Sheriff's Office probationary procedures to ensure that the Sheriff's Office follows the County's probationary review process.
  - i) Review and set recruitment qualifications, practices and processes in conjunction with the Sheriff's Office Human Resources Unit to improve recruitment. Work cooperatively to fill all corrections deputy and other backfilled/post driven vacancies.
  - j) Monitor that MCSO FMLA practices continue to be consistent with County policy and federal law.
  - k) Work with the Sheriff's Office to compile reports on sick leave and time categories and overtime.
  - l) Assist the Deputy Chief Operating Officer for Public Safety in providing regular reports to the Chair and the Board on issues relating to these responsibilities.
4. The Sheriff will assign to the Sheriff's Office Human Resources Director the following duties:
- a) Serve as a liaison to the County Human Resources Director and facilitate an effective working relationship.
  - b) Be involved and advise all labor management issues.
  - c) Be involved and advise in the deliver of all employee discipline.
5. The Chair will hire a Deputy Chief Operating Officer for Public Safety in the Chair's Office and will assign to the Deputy the following duties. The Deputy Chief Operating Officer will be paid out an annual appropriation of state funding for corrections.
- a) Oversee implementation of commitments in this MOU; schedule regular reporting sessions; provide independent assessment of progress in the areas. Work with the County Human Resources Director, Sheriff's Office Human Resources Director, and the Sheriff's Office Internal Affairs Inspector to develop processes and measurable standards that ensure the goals described in this agreement are met.
  - b) Align budget, policy and operations relating to County public safety policy, including Corrections Health, Sheriff's Office services, Community Justice services, the District Attorney's Office and emergency management.
  - c) Advise the Chair and Board of appropriate budgetary actions to meet the goals of this agreement, align system resources, increase effectiveness of the public safety system, and decrease potential for risk. Consideration will be given to prudent implementation of the recommendations of the Post Factor Study to reduce ongoing overtime and comp time use.
  - d) Schedule regular corrections managements meetings with representatives of DCJ, the DA's Office, State Courts, Corrections Health, and the Sheriff's Office on operational issues of mutual concern.

- e) Participate in the Public Safety Policy and Practice Forum on Public Safety (Mult Stat), including review of standard measures of public safety health that involve all public safety organizations.
6. The Chair will consider realigning or will realign certain support services process and/or administration from the Sheriff's Office to general County support services. The Chair will direct the Department of County Management to provide the assessments listed below. The Sheriff directs his staff to fully engage in the assessments. The Chair and Sheriff also direct their staff to review processes and infrastructure limitations that create technological and policy barriers to responding to the Post Factor Study and other reports. Realignment of processes and/or administration will occur in areas where costs of County infrastructure will be decreased to ensure service stability, increase accountability and transparency in managing public resources, and limit technological and policy barriers. Generally, the goal is for support services to be provided uniformly across the County. Areas considered for realignment assessment are:
- a) Fleet management. The Sheriff's fleet policy shall be reviewed and approved by the County FREDS (Fleet, Records, Electronics, Distribution, and Stores) Manager for continuity with County business practices and adherence to laws and government standards. The County FREDS Manager will approve all MCSO recommendations for take home cars and government plates. County FREDS and MCSO will enter into a service level agreement to ensure the above directives are met and applicable to a 24/7 organization. Appeal regarding appropriateness of assignment will be to the Deputy COO for Public Safety.
  - b) Information technology. The County's Chief Information Officer (CIO) will report to the Chair and Board by April 1, 2008, regarding the potential to realign information technology services for the Sheriff and District Attorney in accordance with current County practices. This report will include elements that could be included in service level agreements, expected savings and efficiencies, and impact on services. In addition, areas where unique service needs may dictate a different structure will be identified.
  - c) Warehouse. The FREDS Manager will report to the Chair and Board by April 1, 2008, regarding the realignment of warehouse operations for the Sheriff. This report will include elements that could be included in service level agreements, expected savings and efficiencies, and impact on services.
  - d) Payroll and SAP system. The Chief Finance Officer will report to the Chair and Board by April 1, 2008, following a review of current payroll and SAP policies in conjunction with Sheriff's Office staff. The review will determine whether there are barriers in the operation of the current systems which hinder the Sheriff's Office ability to respond to recommendations from the Post Factor Study and the Auditor.

SIGNED this 30th day of January, 2008.



*TED WHEELER*

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Ted Wheeler, Chair

*Bernie Giusto*

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Bernie Giusto, Sheriff