

**Charter Commission
Bureau & Office Proposals Subcommittee
August 18, 2022, 6:00 p.m.
Minutes**

Attendance

Commissions Members					
Name	Present	Absent	Name	Present	Absent
David Chen	X		Hannah Osman	X	
Dave Galat		X	Andrew Speer	X	
David Knowles	X		Amira Streeter		X

Staff Present			
Diana Nunez	Julia Meier	Sofia Alvarez-Castro	Diana Shiplet

Welcome

Diana N. welcomed the group and provided Zoom logistics for the meeting. Interpreters explained how to access interpretation. She informed the group that Commissioners Galat and Streeter are unable to attend.

Co-chair Chen provided an overview of the meeting agenda. Diana N. provided information the current timeline for subcommittee and full commission work.

Review of August 11th Subcommittee Meeting

Co-chair Chen stated he would like to clarify his prior decision regarding the proposals from Parks and Recreation and Bureau of Environmental Services, he originally state that he was okay with moving those to the full commission with some reservations but instead things that they are not ready to be moved forward, particularly after discussing with bureau representatives. He would rather spend more time on more substantive proposals. Comm. Speer questioned why the more transactional changes were not proposed by bureaus through their commissioners in charge for sending to the ballot by City Council.

Follow up of Bureau Proposed Amendments

Office of Community Technology

Director Elizabeth Perez provided information on why the Office of Community Technology is proposing amendments to Sections 10-205, 10-207, 10-208, 10-212, 10-213. Co-Chair Chen proposed sending the recommended amendments from the Office of Community Technology to the full Commission. Group gave a thumbs up to this recommendation.

Office of Management & Finance

Co-chair Chen provided an overview of the meeting held with Scott Karter of the Bureau of Revenue and Finance regarding their proposals. He recommended declining amendment to 1-102, accepting 2-105 and 7-113. Group gave a thumbs up to this recommendation.

Office of Management and Finance

Co-chair Chen provided an overview of the conversation held with Chief Administrative Officer, Michael

Jordan. He recommended declining advancing the proposed amendments regarding removing time limits on city contracts (Section 2-105(a)(3) and (6)). Group gave their thumbs up to his recommendation to not forward the amendments.

Review of Technical Bureau Proposed Amendments

Bureau of Development Services

Co-chair Chen recommended advancing to the full commission recommended amendments from Bureau of Development Services to 2-105 (a) item 36 and 2-105(a) item 50. Group gave a thumbs up to this recommendation.

Group discussed concerns with adding the word, “design” to the list of elements of buildings and structures regulated by Council. Co-chair Chen raised concerns that we were overly complicating the chapter. Comm. Speer raised concerns that this felt too proscriptive for the group to consider. Co-Chair Chen recommended not advancing this amendment to the full commission. Group gave their thumbs up to his recommendation to not advancing the amendment.

Office of Equity and Human Rights

Co-chair Chen recommended that in section 2-110, rather than remove the word “disability”, that the city attorney provided recommended, modern language to describe when an elected official is unable to perform their duties. Group discussed the intent of the recommendation. Comm. Speer raised concerns about the amount of time required to iterate new language with the city attorney’s office before making a recommendation to the full Commission. Group requested that Office of Equity and Human Rights propose new language before the subcommittee consider sending any recommendation to the full Commission.

Co-chair Chen stated that Sections 1-102, all are referring to protected classes but without any consistency. Group discussed whether they would like to have bureaus propose new language or whether City Attorney can provide recommended language. Group generally gave thumbs up to requesting that the City Attorney provide either recommended language or a recommendation on whether these amendments are necessary.

Auditor Proposed Amendments

Vacancies in elected offices (2-206)

Co-chair Chen was concerned that some changes from Phase I may cause inconsistencies in these proposed amendments. Auditor Hull-Caballero informed the group that this amendment is proposed after the confusion discovered when Commissioner Fish passed away. The language proposed was initially drafted in conjunction with the City Attorney’s office. Auditor Hull-Caballero offered to work with the City Attorney’s office to ensure that any proposal matches with Phase I recommendations.

Change name of Office of the Auditor (2-501, and any other references)

Co-chair Knowles stated that the name as it currently stands is known to voters and is a long-standing office and is concerned with disconnecting what is known about what the Auditor does with what is being proposed. Auditor Hull-Caballero informed the group that the proposal came after an independent consultant, who was tasked with crafting a community outreach plan, suggested the name change. Group generally was not interested in recommending the change because it would require more time and discussion than the subcommittee currently has time for. Group thumbs up tabling the item.

Auditor Hull-Caballero suggested that she is willing to have her office (or her successor) move any recommendations they can to the Council for consideration so that the subcommittee can focus on things related to Auditor's office independence. Group generally agreed to this proposal.

Auditor Hull-Caballero provided an overview of recommended changes to section 2-503. Group discussed whether there are any other municipalities with similar language. None that Auditor Hull-Caballero is aware of due to the unique independence her office received in 2017. Co-chair Chen questioned whether the Auditor's office is capable of being sued independent from the Council or the city as a whole. Group discussed concerns related to whether the proposal would have unintended consequences.

Auditor Hull-Caballero stated that the other two items she would like the subcommittee to consider are related to the Auditor's budget independence and simplifying the article related to Campaign Finance in Candidate Elections. Group determined that the three items are policy decision which will require further discussion if they are to be considered fully. Concerns were raised about the lack of time for making any informed recommendation on these issues. Group agreed that they will focus their efforts on technical proposals or housekeeping issues and work further on the Auditor's recommendations.

Group thanked City Auditor Hull-Caballero for attending and discussing her proposals.

Community Engagement

Diana N. outlined a community engagement approach. Group agreed to her approach of providing technical language and rationale in a packet of materials for community to consider.

Meeting adjourned, 8:00 p.m.

Minutes respectfully submitted,
Diana Shplet, Executive Assistant to the CAO and CFO

Meeting Chat

18:06:38 From Victor (interpreter) to Everyone:

Can you turn off interpretation please

18:09:19 From Victor (interpreter) to Everyone:

Thank you for having us!

18:29:44 From Comm. Hanna Osman to Everyone:

I agree as well

18:30:23 From sofia Alvarez-Castro to Everyone:

raised hand might be easier

18:33:38 From Comm. Hanna Osman to Everyone:

None on my end, thanks!

18:35:52 From Comm. Hanna Osman to Everyone:

These look good!

18:44:51 From Comm. Hanna Osman to Everyone:

You are saying, to remove "disability" or "crippling" but replace it to something else?

18:46:07 From Diana Nunez (Staff) to Everyone:

<https://www.portland.gov/sites/default/files/2021/all-bureau-proposed-amendments.pdf>

18:46:14 From Diana Nunez (Staff) to Everyone:

Page 10 for the complete memo

18:49:38 From Julia Meier (Staff) to Everyone:
As a reminder the phase I charter amendments remove the word "crippling" from 2-206

18:51:46 From Comm. Hanna Osman to Everyone:
I agree with Commissioner Spears that it is overwhelming

18:52:12 From Julia Meier (Staff) to Everyone:
Could we ask OEHR if they want to update the proposal?

18:52:15 From Comm. Hanna Osman to Everyone:
I am interested in seeing if there is another word to use, but if it is too much, I am okay with removing only.

18:52:22 From Comm. Hanna Osman to Everyone:
I think that is a good idea Julia.

18:52:28 From Comm. Hanna Osman to Everyone:
I am for that.

18:53:12 From Comm. Hanna Osman to Everyone:
Sorry, Speer* my computer is always changing your name.

18:53:22 From Comm. Hanna Osman to Everyone:
+Comm Speer

18:57:06 From Julia Meier (Staff) to Everyone:
We did get proposed language from both OEHR and BDS, but their proposals differed from each other. [re protected class]

19:00:14 From Julia Meier (Staff) to Everyone:
The City Attorney's Office may prefer the lists are consistent throughout the Charter.

19:11:48 From Julia Meier (Staff) to Everyone:
<https://www.portland.gov/charter-code-policies/changes/2020/12/ordinance-number-190204>

19:14:59 From Julia Meier (Staff) to Everyone:
I'll be right back

19:19:09 From Comm. Hanna Osman to Everyone:
I think we should discuss with the larger group if possible. I understand it would take time for the adjustment, but if engagement was done previously to get this policy change, I think it is important.

19:28:19 From Diana Nunez (Staff) to Everyone:
The Auditor and the Office of the Auditor are administratively independent of the Mayor, City Council, and City departments, bureaus and other administrative agencies in the exercise of the Auditor's duties under this Charter. The City Auditor may commence and maintain an action or proceeding against the Mayor, City Council, or City departments, bureaus or other administrative agencies in any court of competent jurisdiction, to seek declaratory, injunctive, or other appropriate relief regarding, any provision of this Article. Before the filing of any such action or proceeding, the City Auditor must make a good faith effort to resolve any conflict outside of court. Should such an action or proceeding be initiated, the parties shall be represented by qualified counsel independent of the City Attorney's Office.

19:50:28 From Comm. Hanna Osman to Everyone:
Agree with Comm Speer

19:54:52 From Julia Meier (Staff) to Everyone:
thank you Auditor for joining!

19:54:59 From Mary Hull Caballero to Hosts and panelists:
Thank you for your consideration.