CHARTER COMMISSION

Charter Commission Meeting

October 3, 2022

Agenda

Section	Time
Welcome & Commission business	10 min
Public comment	25 min
Climate & environmental justice	30 min
Expansion of voting rights	20 min
Bureau & Office proposals	25 min
Phase I City transition plan	35 min
Preview next steps	5 min

OMF

PHASE I AND PHASE II TIMELINES

	Oct 2022	Nov 2022	Dec 2022
Phase I Timeline	Public education → Transition planning → <u>Ballots drop</u> Oct. 19	<u>Election day</u> Nov. 8	<u>Implementation</u> Nov. 9 - - - -→
Phase 2 Timeline	Community engagement → Oct. 3 – Comm. meeting Oct. 11 – Comm. meeting w/ extended public comment Oct. 18 – Comm. work session Charter amendment drafting	Mid Nov. - Draft amendments released Mid Nov. - Public hearings	Early Dec. - Final vote

Public Comment

Climate & Environmental Justice

Community Listening Sessions Report

Listening Session Themes

- Bold climate action is needed
- The impacts of climate change are already being felt by Portlanders
- Direct relation between climate and housing
- Vulnerable populations should be given priority
- Climate-related Charter amendments need to have clear, binding requirements

Group Ideas

- Include a fossil fuel phase out directive directly in the charter
- Implement Participatory Budgeting by 2025
- Establish a climate assembly
- Add Environmental Rights & Responsibilities to City's core values
- Establish clear and accessible pathways for all Portlanders to engage in climate decision-making
- Include tribes in decision-making
- Increase urban tree canopy
- Expand public transportation system with a sustainable and reliable transportation network
- Establish better waste management systems and services for unhoused communities.
- Develop affordable and sustainable housing solutions
- Invest in and expand existing programs that will allow for community members to switch to clean energy

Climate Declaration

Relationship to Desired Outcomes

1. A participatory and growing democracy with more voices being heard in elections
2. An accessible and transparent government with Councilors who are easy to reach
3. A reflective government with Councilors who look like the community they represent
4. A responsive government with Councilors who understand your community needs
5. An accountable government with Councilors who answer to the people
6. A trustworthy government with Councilors who safeguard democracy

Declaration Parameters

1. Clear, binding requirements that promote accountability and set expectations about how the city evaluates and makes decisions related to climate and carbon emissions
2. Enable the city to adapt as science, technology, and public understanding of the climate crisis changes
3. Inclusive of both climate (impacts of emissions) and the environment (clean air and water)
4. Lead with justice and be explicit about a just transition
5. Support community resiliency
6. Applicable citywide and no new bureaus, offices or positions created in charter
7. Definitions section

Participatory Budgeting

Participatory Budgeting is a democratic process in which community members decide how to spend part of a public budget.

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Participatory Budgeting Parameters

1. Binding community-driven decision-making process.
2. From the beginning of the budget cycle through the final decisions for dedicated funding.
3. Open to all Portland residents.
4. Applicable citywide.
5. Require the City to identify and adequately fund a bureau or office responsible for implementation, but no new bureaus, offices or positions created in charter.
6. Include a Fiscal Year start date.

Starting place: To further public engagement and democratic involvement in city spending, the City of Portland shall create by City ordinance a citywide participatory budgeting program that is an equitable, inclusive and binding decision-making process open to all Portland residents by Fiscal Year 2026.

Expansion of Voting Rights

COMMUNITY LISTENING SESSIONS

- **Accessibility is the main barrier to participating in City Council elections**
  - Lack of voting education
  - Voter registration
  - Citizenship status
  - The process of voting
  - Language barriers
  - Location of ballot drop boxes
- **All Portlanders to be enthusiastic about voting** and **increase access to voting**
  - Increase the number of ballot drop boxes
  - Improve voter pamphlets and make them available in more languages
  - Permit same-day voter registration
  - Don’t require an address to register to vote
  - Make getting a replacement ballot easier
  - Expand voter access to Portland residents who are not citizens

STAKEHOLDER INPUT

- **Accessibility is the main barrier to participating in elections**
  - Lack of education on candidates, registration
  - Voters' pamphlet is not enough information for community to have an informed vote
  - Language barriers
  - Eligibility (not allowed to vote)

- **Portlanders should feel safe voting**
  - People should feel safe participating in democracy
  - Personal information must be protected

- **Community education and engagement is crucial**
  - Resources are needed for voter education and navigating ballots
  - Resources for community-based organizations to engage their constituents around voting expansion

- **Interest in City-County alignment**
  - Sentiment to do something bold in the charter
  - The alignment will reduce voter confusion

MULTNOMAH COUNTY MEASURE 26-231

Ballot Question: **Should charter require county to extend the right to vote, including to noncitizens, to the fullest extent allowed by law?**

VOTING RIGHTS PARAMETERS & CONDITIONS

Parameters

- Language like the County ballot measure
- Require the City to conduct periodic voter education campaigns to familiarize voters with voter eligibility

Conditions

- Measure 26-231 turnout and results – overall and City of Portland voters
  Campaign analysis: coalitions, voter education, media, messaging
- Public input on the Commission's proposal
- City & community capacity to educate Portlanders on the proposal

Bureau & Office Proposals

DRAFT LANGUAGE FROM CITY ATTORNEY

#	Bureau	Proposed Amendment(s)	Commission Decision
4	OCT	Sections of the Charter regarding the granting of franchises for public utilities, such as railways, pipelines, telecommunications, and electricity and methane transmission are from 1942. Remove these outdated, detailed, burdensome and redundant requirements for franchise agreements. §§ 10-205, 10-207, 10-208, 10-212, 10-213	Advanced to City Attorney's Office for amendment drafting
Draft Language from Attorney		**Section 10-205. Limited Time.** Franchises may be granted for a limited time in, ~~and~~ upon, under and above the streets, highways and public places and property of the City of Portland, in the manner and subject to the conditions hereinafter contained.	

DRAFT LANGUAGE FROM CITY ATTORNEY

4 Cont'd	
Draft Language from Attorney	**Section 10-207. Method of Granting.** Every franchise shall be embodied in an ordinance, which shall contain all the terms and conditions of the proposed grant~~, and shall be filed with the Auditor. Thereupon such proposed ordinance shall be published in full, once in the City official newspaper. There shall also be published, in a conspicuous place in such daily newspaper of the City having a circulation in excess of fifteen thousand (15,000), as the Council may direct, a notice prepared by the Auditor, that an application has been made for a franchise, giving the name of the applicant, the character and location of the proposed grant, and requesting any person having any objections to such proposed franchise or any provisions thereof to file the same in writing with the Auditor within twenty (20) days from the first publication of such notice. If the request is made therefor, the Council shall fix a time for a hearing upon such objections and give reasonable notice of the time thereof and not less than five (5) days. All of such publications and notices shall be at the expense of the applicants for such franchises.~~ ~~Such ordinances shall not come up for first reading until after the expiration of the said twenty (20) days. If such ordinance shall be amended, it shall be republished in the City official newspaper in full as amended. No such ordinance granting a franchise shall be put on final passage within thirty (30) days after the first reading nor within twenty (20) days after any amendment thereto, and the affirmative vote of four (4) Commissioners nine (9) Councilors shall be required to pass the same.~~

DRAFT LANGUAGE FROM CITY ATTORNEY

4 Cont'd	Sections of the Charter regarding the granting of franchises for public utilities, such as railways, pipelines, telecommunications, and electricity and methane transmission are from 1942. Remove these outdated, detailed, burdensome and redundant requirements for franchise agreements. §§ 10-205, 10-207, 10-208, 10-212, 10-213
Draft Language from Attorney	~~**Section 10-208. Effective Date.** No franchise shall take effect until sixty (60) days after its passage unless it shall receive a majority of the votes cast thereon at a referendum election held for that purpose within a less time. The filing of a petition for referendum shall defer the taking effect of a franchise until after the election. A petition signed by two thousand (2,000) registered voters shall be sufficient to call a referendum upon any franchise ordinance.~~
	~~**Section 10-212. Written Acceptance.** Every grantee of any franchise, right or privilege shall within thirty (30) days after the ordinance granting the same shall be enforced, file with the City Auditor Recorder a written acceptance of the same, and a failure on the part of the grantee to file such written acceptance within the time specified shall be deemed an abandonment and rejection of the rights and privileges conferred, and the ordinance granting the same shall thereupon be null and void; such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in the ordinance granting the same.~~

DRAFT LANGUAGE FROM CITY ATTORNEY

4 Cont'd	
Draft Language from Attorney	**Section 10-211~~3~~. Statements.** Within ninety (90) days after this Charter shall take effect, the holder of any franchise shall file with the Auditor a full and correct statement of the franchise, rights and privileges owned or claimed to be owned, and shall designate the same by the numbers and titles of the ordinances by which such franchises were granted, and any holder of any franchise, on failure so to do, shall be guilty of an offense punishable by a fine ~~of not less than ten dollars ($10) and not more than one hundred dollars ($100) per day while such refusal or neglect continue~~. The holder of every franchise, and the grantees of every franchise hereafter granted, on sale, transfer, mortgage or lease being made of such franchise, shall within sixty (60) days thereafter file with the Auditor a copy of the deed, agreement, mortgage, lease, or other written instrument evidencing such sale, transfer or lease, certified and sworn to as correct by the grantee, in person, if an individual, or by the president or secretary or authorized agent, if a corporation. Every sale, transfer, mortgage or lease of such franchise, whether voluntary or involuntary, shall be deemed void and of no effect unless the grantee shall, within sixty (60) days after the same shall have been made, file such certified copy as required by this Section and consented to as provided in Section 10-216 of this Charter, also unless the Council agrees to such sale by an ordinance expressly passed for that purpose, as provided by Section 10-216. ~~The Auditor shall file all such documents and shall make and keep an index of the same in a book to be kept by the Auditor for that purpose, which book shall be a part of the public records of the City.~~

DRAFT LANGUAGE FROM CITY ATTORNEY

#	Bureau	Proposed Amendment(s)	Commission Decision
8	PPR	Update language to reflect the city's and PPR's role in protecting, restoring, and enhancing natural systems and natural areas, and to mitigate against the public health, economic, and threats of climate change, biodiversity loss and invasive species. § 12-101	Advanced to City Attorney's Office for amendment drafting
Draft Language from Attorney		**Section 12-101. ~~Parks and Recreational Areas and Facilities.~~ General Authority.** The ~~Council~~ City may establish parks, playgrounds, forests, wetlands and human-built or natural recreation areas and facilities of all kinds, either inside or outside the City ("recreational and natural areas"). For that purpose, the ~~Council~~ City may acquire by purchase, condemnation, gift, grant, donation, exchange or otherwise, real and personal property and any interest therein~~;~~, and may rent or lease property of any kind for public use~~;~~. ~~and may construct, reconstruct, remodel, alter, repair, maintain, improve and equip areas and facilities which the Council City finds necessary, appropriate or desirable, either inside or outside the City.~~ The ~~Council~~ City may exchange any property for other property which it deems more suitable or convenient for the use or protection of recreational and natural areas ~~park and recreation use~~, and the City may dispose of ~~the~~ property not needed for those purposes. The City may construct, reconstruct, remodel, alter, repair, preserve, ...	

DRAFT LANGUAGE FROM CITY ATTORNEY

#	Bureau	Proposed Amendment(s)	Commission Decision
8 Cont'd		Update language to reflect the city's and PPR's role in protecting, restoring, and enhancing natural systems and natural areas, and to mitigate against the public health, economic, and threats of climate change, biodiversity loss and invasive species. § 12-101	Advanced to City Attorney's Office for amendment drafting
Draft Language from Attorney		...restore, maintain, improve and equip recreational and natural areas. The ~~Council~~ City may establish, alter or discontinue programs, services and exhibits ~~and conduct programs~~ for the education or enjoyment of the public or for the protection of recreational and natural areas. ~~the furtherance of public enjoyment and recreation, and may change, alter or discontinue them. The Council City may construct, reconstruct, alter, remodel, furnish and equip improvements found necessary or appropriate for the convenience of the public using park and recreation facilities, or of persons or employees conducting or assisting park or recreational programs or maintaining parks, areas, facilities, or improvements.~~ The ~~Council~~ Mayor may contract with any public or private person in any matter relating to programs, services or exhibits ~~programs~~. The ~~Council~~ City may do all things ~~it~~ the City finds necessary or convenient to promote recreational and natural areas. ~~facilities and aesthetic enjoyment of the people, and the beautification of City property.~~	

DRAFT LANGUAGE FROM CITY ATTORNEY

#	Bureau	Proposed Charter Amendment(s)	Information Provided
AA	BDS & OEHR	Make the lists of protected class status consistent and update to fuller list specified in other charter sections. § 12-102.	Subcommission requested language proposal from City Attorney
Draft Language From Attorney		**Section 4-101. Merit Principle.** All appointments and promotions to positions in the classified service shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other objective evidence of competence. Such appointments and promotions shall provide fair and equal opportunity without regard to protected classes under local ordinance, or state or federal law ~~race, religion, gender, marital and family status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, and such other criteria as determined by the City Council by ordinance~~. The goal of the merit system is a workforce that reflects the aspirations and values of the City it serves.	
		Section 12-102. Regulations and Restrictions. The ~~Council or the Commissioner to whom authority has been delegated~~ Mayor may make regulations and impose restrictions on public use of parks, recreational areas and facilities as found needed and appropriate, may exclude some or all kinds of vehicles from all or particular areas of any park or facilities, may limit to a particular class or classes of persons those permitted to use any particular area or facility if the limitation is not based on a protected class under local ordinance, or state or federal law ~~race, color, creed or national origin~~, and may restrict the kinds and times of public use.	

DRAFT LANGUAGE FROM CITY ATTORNEY

#	Bureau	Proposed Amendment(s)	Subcommittee Decision
	OEHR	Replace “disability” with “incapacity” in Charter Sections 2-110 and 2-206(g) because the use of disability is not necessary and ableist.	Advanced to City Attorney’s Office for amendment drafting
	Draft Language from Attorney	**Section 2-110. Organization.** At its first regular meeting each calendar year, or oftener at its option, the Council shall elect a President and Vice President by majority vote of those present. The ~~Mayor~~ President shall preside at all meetings of the Council. In the ~~Mayor's~~ President’s absence or ~~disability~~ incapacity, the Vice President of the Council shall perform the duties of the ~~Mayor~~ President. In the absence or ~~disability~~ incapacity of both President and ~~Mayor~~ Vice President, the other members of the Council shall select one of their number to perform the duties of President and ~~Mayor~~ Vice President during such absence.	

DRAFT LANGUAGE FROM CITY ATTORNEY

#	Bureau	Proposed Amendment(s)	Subcommittee Decision
	OEHR	Replace “disability” with “incapacity” in Charter Sections 2-110 and 2-206(g) because the use of disability is not necessary and ableist.	Advanced to City Attorney’s Office for amendment drafting
	Draft Language from Attorney	**Section 2-206. Vacancies in Office, Filling of Vacancies.** In the event of the death or ~~crippling~~ ~~disability~~ incapacity preventing the performance of ~~three (3)~~ six (6) or more ~~members of the City~~ Councilors due to natural disaster, calamity, accident or enemy attack, the following City officials in the order named ~~shall~~ succeed to the vacancies on the City Council: Chiefs of Staff of deceased or disabled Councilors, City Administrator, City Attorney, City Auditor and Mayor ~~City Auditor, City Attorney, Chief Administrative Officer, and the Chiefs of Staff of disabled Council members in the order of their seniority as an executive assistant~~. In the event of the death or disability preventing the performance of the Mayor due to natural disaster, calamity, accident or enemy attack, the Mayor’s Chief of Staff succeeds to the vacancy. A Councilor or Mayor may resume performance if the disability no longer prevents performance.	

INDEPENDENT PORTLAND ELECTIONS COMMISSION (1 of 4)

Issue	Small Donors Proposal	Subcommittee provisional consensus	Practices of some other jurisdictions
Should the Charter create an Independent Elections Commission (IEC)?	Yes	Yes	Not applicable
What should the scope of work of the IEC be?	"The [IEC] shall implement the City's public financing of elections program as adopted in City Code and in accordance with the vision and goals as set forward by the Council. The [IEC] may implement any other law or function related to elections, campaign finance, ethics, or other related subjects if delegated to it with appropriate resources."	Implement public financing of elections program as adopted in City Code. Implement any other law or function related to elections, campaign finance, campaign and election ethics, or other related subjects if delegated to it by City Code with appropriate resources	Not applicable

INDEPENDENT PORTLAND ELECTIONS COMMISSION (2 of 4)

Issue	Proposals	Subcommittee provisional consensus	Practices of some other jurisdictions
Who should appoint members of the IEC?	"To fill vacancies, the IEC [City Attorney: recommends] [Small Donors: nominates] candidates for Mayoral appointment and Council confirmation." [City Attorney's Office]	Mayor appoints members, subject to Council confirmation. No IEC recommendation or nomination process.	Albuquerque: Mayor appoints 3, Council appoints 3, 3+3 appoint 7th member Los Angeles: 5 different officials appoint 5 members New York: Same as Albuquerque & Seattle San Francisco: Same as L.A. Seattle: Same as Albuquerque & N.Y.
How long should the terms of IEC members be, and for how long may members serve?	No limit proposed	To be determined	Albuquerque: 4 years Los Angeles: 5 years New York: 5 years San Francisco: 6 years Seattle: 3 years

INDEPENDENT PORTLAND ELECTIONS COMMISSION (3 of 4)

Issue	Proposal from Small Donors	Subcommittee provisional consensus	Practices of some other jurisdictions
Should anyone be excluded from serving on the IEC?	No exclusions	To be determined	See below for examples of exclusions in California

Persons excluded from serving on the California independent districting commission:

Within the 10 years immediately preceding the date of application, the person or a member of the person's immediate family was

1. A candidate, electee or appointee for or to federal or state office
2. An officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office
3. An elected or appointed member of a political party central committee
4. A registered federal, state, or local lobbyist
5. Paid congressional, legislative, or tax board staff
6. A donor of $2,000 or more to any candidate for elective public office in any year
7. Staff or consultant to, contractor with, or immediate family of the Governor, a Member of the Legislature, a Member of Congress, or a member of the tax board

INDEPENDENT PORTLAND ELECTIONS COMMISSION (4 of 4)

Issue	Proposal from Small Donors	Subcommittee provisional consensus	Practices of some other jurisdictions
Should anyone be excluded from serving on the IEC?	No exclusions	To be determined	See below for examples of exclusions in Colorado

Persons excluded from serving on the Colorado independent Congressional districting commission (similar exclusions apply to state legislature districting commission):

A. Has been a candidate for federal elective office within the last 5 years
B. Has been compensated in the last 3 years by a member of, or a campaign committee of a candidate to, the U.S. Congress
C. Has been an elected public official at the federal, state, county, or municipal level in the past 3 years
D. Has been an elected political party official above the precinct level in Colorado or an employee of a political party in the past 3 years;
E. Is on the state legislature districting commission
F. Has been a professional lobbyist registered to lobby with the state of Colorado, with any municipality in Colorado, or at the federal level in the past 3 years

Phase I City Transition Plan

Next Steps

Date	Activities
Oct 4-10 (5 days)	City Attorney's Office drafts amendments
Oct 11	Commission Meeting with Extended Public Comment; updated vote
Oct 12-17 (4 days)	City Attorney's Office drafts amendments and revisions
Oct 18	Commission Work Session – vote on amendments to release for public hearings; notice public hearings
Oct 19-Nov 8	*Ballots mailed to Election Day*
Nov 10	Phase II progress report #2 released with redline amendments
Nov 17 & 19 (est.)	Public hearings
Nov 28 (est.)	Written public comment closes
Nov 29 (est.)	Commission Work Session – deliberate based on public input & vote on any revisions
Nov 30-Dec 1 (est.)	City Attorney's Office drafts revisions
Dec 2 (est.)	Commission Work Session – review revisions & final vote; Commissioners' terms end
Post	Present recommendations to Council & release final progress report