

CHARTER COMMISSION



Charter Commission Meeting

October 11, 2022



Agenda

Section	Time
Welcome & Commission business	5 min
Current proposals	10 min
Extended public comment	65 min
Independent Portland Elections Commission	30 min
Climate commitment	35 min
Review redlines	30 min
Preview next steps	5 min

**Proposals advanced to
City Attorney's Office for drafting
by the full Charter Commission**

Proposals 1-3

1. Delete the charter provision that prohibits the City from mandating weatherization of structures built before September 1, 1979. *Delete Charter Section 1-108.*
2. Update language to reflect the City's and Portland Parks & Recreation's role in protecting, restoring, and enhancing natural systems and natural areas, including the urban forest, rivers and streams, to mitigate against the public health, economic, and threats of climate change, biodiversity loss and invasive species. *Amend Charter Section 12-101.*
3. Add as one of the City's specific powers and amend the City's authority regarding its sewage disposal and purification system to include various specific actions related to the protection and management of water, sewage and stormwater. *Amend Charter Sections 2-105(a) and 11-301.*

Proposals 4-5

4. Delete the charter provision granting the City the power and authority “to prohibit persons from roaming the streets at unseasonable hours.” *Delete Charter Section 2-105(a)(50).*
5. Remove the reference to “offensive” businesses in the City’s power and authority to regulate, restrain and to provide for the exclusion from the City trades, occupations or businesses which may in the opinion of the Council create or constitute a nuisance and to regulate uses of land and structures within the City. *Amend Charter Section 2-105(a)(36).*

Proposal 6

6. Remove outdated, burdensome, and redundant requirements for franchise agreements
 - Clarify that the right of way includes the spaces under and above the streets and highways. *Amend Charter Section 10-205.*
 - Delete the detailed formal process pending franchises such as the requirement to publish the proposed ordinance in full in the newspaper. *Amend Charter Section 10-207.*
 - Delete the requirement that franchises cannot take effect until 60 days after passage. *Delete Charter Section 10-208.*
 - Delete the requirement for written acceptances. *Delete Charter Section 10-212.*
 - Delete the reference to fine amounts and delete the requirement that the Auditor retain the records. *Amend Charter Section 10-213.*

Proposals 7-8

7. Remove the 5% cap on transient lodgings tax imposed by the City. *Amend Charter Section 7-113.*
8. Increase claims negotiation, compromise and settlement authority from \$5,000 to \$25,000. Payments exceeding \$25,000 must be authorized by ordinance. *Amend Charter Section 1-106. *only if voters do not approve phase I recommendations which include a proposed increase*

Proposals 9-10

9. Require the City to create by ordinance a participatory budgeting program open to all residents. *Add Charter Section 2-129.*

10. Require the City to extend the right to vote, including to noncitizens, to the fullest extent allowed by law and require the City to conduct periodic voter education campaigns. *Add Charter Section 3-111.*

**Proposals advanced to City Attorney's
Office for drafting
by Bureau & Office Proposal Subcommittee**

Proposals 11-12

11. Update and make consistent references to “protected classes” in the Charter. *Amend Charter Sections 2-1008, 4-101 and 12-102.*
12. Replace “disability” with “incapacity” and “disabled” with “incapacitated” when referencing an official’s inability to perform their duties. *Amend Charter Sections 2-206 and 2-110.*

Topics to be considered today:

- **Independent Portland Elections Commission**
- **Climate & environment related provisions**

Public Comment

We are on Break
Back at 7:07pm

Bureau & Office Proposal Subcommittee: Independent Portland Elections Commission

- **Scope of work**
- **Appointment process**
- **Term duration and limits**
- **Categories of folks excluded**

INDEPENDENT ELECTIONS COMMISSION (1 of 3)

Issue	Small Donors Program proposal	Subcommittee's provisional consensus	Other jurisdictions
Should the Charter create an Independent Elections Commission (IEC)?	Yes	Yes	N/A
What should the scope of work of the IEC be?	<p>“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.”</p>	<p>Implement public financing of elections program as adopted in City Code.</p> <p>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</p>	N/A

INDEPENDENT ELECTIONS COMMISSION (2 of 3)

Issue	Small Donors Program proposal	Subcommittee's provisional consensus	Other jurisdictions
Who should appoint members of the IEC?	<p>“To fill vacancies, the IEC [City Attorney: recommends] [Small Donors: nominates] candidates for Mayoral appointment and Council confirmation.”</p>	<ul style="list-style-type: none"> As of September 27, Mayor appoints members, subject to Council confirmation, with no IEC recommendation or nomination process. As of October 10, there is no Subcommittee consensus 	<p><u>Albuquerque</u>: Mayor appoints 3, Council appoints 3, 3+3 appoint 7th member</p> <p><u>Los Angeles</u>: 5 different officials (mayor, city attorney, controller, council president & council V.P.) appoint 5 members</p> <p><u>New York</u>: Same as Albuquerque. & Seattle</p> <p><u>San Francisco</u>: Same as L.A.</p> <p><u>Seattle</u>: Same as Albuquerque. & N.Y.</p>
How long should the terms of IEC members be, and for how long may members serve?	<p><i>No limit proposed</i></p>	<ul style="list-style-type: none"> As of October 10, no Subcommittee consensus 	<p><u>Albuquerque</u>: 4 years</p> <p><u>Los Angeles</u>: 5 years</p> <p><u>New York</u>: 5 years</p> <p><u>San Francisco</u>: 6 years</p> <p><u>Seattle</u>: 3 years</p>

INDEPENDENT ELECTIONS COMMISSION (3 of 3)

Issue	Small Donors Program proposal	Subcommittee's provisional consensus	Other jurisdictions
Should anyone be excluded from serving on the IEC?	No exclusions	See below	Examples available if needed

Any person who:

1. Has been a **candidate** for any elective office in Portland **within the last 5 years**
2. Has been **compensated in the last 3 years** by a person elected to, a campaign committee of a candidate for, or a political action committee advocating for a candidate for, any elective office in Portland
3. **Has been elected as a public official** at the federal, state, county, regional or municipal level in the past 3 years
4. **Has been an elected political party official** above the precinct level in Oregon or an employee of a political party in the past 3 years
5. **Has been a lobbyist registered or required to register** to lobby with the state or any county, regional, or municipal government in Oregon or the Federal government in the past 3 years
6. **Donated \$2,000 or more** to any candidate for elective office in Portland in any year in the past 5 years
7. **Concluded within the past 4 years serving 2 or more terms on the IEC** or any other entity implementing the Small Donors Election program or other elections laws
8. Is an immediately family member of any person who is described by 1—7 above.

INDEPENDENT ELECTIONS COMMISSION

- Independence – send to City Attorney for drafting as proposed
- Scope of work – send to City Attorney for drafting as proposed
- Appointment process – send to City Attorney for drafting - IEC can recommend, elected officials confirm
- Term limits – none in charter, in code
- Exclusions – send to City Attorney to draft - Council should create some exclusions

Climate & Environment

Climate & Environment – Draft Language

CHAPTER 2 – GOVERNMENT. ARTICLE 11. ENVIRONMENT.

Section 11-1101. Environmental Justice.

Environmental justice is a core value of the City. Environmental justice means the fair treatment and meaningful involvement of all people, regardless of protected classes under local ordinance, or state or federal law, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice is achieved when all Portland residents enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, work, learn, and play. The City Council may adopt additional core values of the City.

Section 11-1102. Climate Commitment.

By July 2026, the City must develop a method based on the best available science and environmental justice to assess the climate impact of projects and policies; prevent projects and policies inconsistent with the City's climate action goals; and ensure City decisions are informed, particularly decisions that impact capital investments or areas where the City exercises environmental, safety, land use, zoning or design review authority.

The City must actively manage the decline of fossil fuel use within its boundaries, consistent with environmental justice and the best available climate science, public health and seismic resiliency.

Section 11-1103. Environmental Right.

All Portland residents including those of future generations have a right to a clean and healthy environment. The City must equitably protect this right for all its residents.

Climate & Environment

- Revise Section 11-1101 - the City must develop **a method** based on the best available science and environmental justice to **assess** the climate impact of projects and policies *to feel stronger & more robust*
- *Public engagement be advance as a charter value not specific to environment.*

Public Engagement

Considering additive intent around public engagement:

Example Language:

- *The local government has the responsibility to provide regular, consistent, transparent and accessible mechanisms engagement to Portland Residents.*
- *The City must include sufficient notice for outreach and engagement*
- *Resident feedback, is an integral part of the process of decision making, especially to residents who have been historically excluded.*
- *Proceedings of public engagement convenings shall be made public record and shall be made accessible to the public.*

Review Redlines

- Right to vote in city elections
- Participatory Budgeting

Right to Vote – Draft Language

Add Charter Section 3-111. Right to Vote in City Elections.

The City must extend the right to vote, including but not limited to extending the right to vote to noncitizens, in elections for City elected officials and on City measures, to the fullest extent allowed by law. The City must conduct periodic voter education campaigns to familiarize voters with voter eligibility.

Participatory Budgeting – Draft Language

Add Charter Section 2-129. Participatory Budgeting.

To further public engagement and democratic involvement in city spending, the City must create by ordinance a Participatory Budgeting Program open to all residents, consistent with the Oregon Local Budget Law. Annual funding for the Program must be no less than 0.5% of the City's General Fund, and the public's funding allocation decisions must be binding. The Program must begin operating no later than July 2026.

Next Steps

Phase II Timeline

Date	Activities
Oct 12-17	City Attorney's Office drafts amendments and revisions
Oct 18	Commission Work Session – vote on amendments to release for public hearings
Oct 19	Notice public hearings
<i>Oct 19-Nov 8</i>	<i>Ballots mailed to Election Day</i>
Nov 10	Phase II progress report #2 released with redline amendments & narrative summaries
Nov 17 & 19	Public hearings
Nov 28 at 7am	Written public comment closes
Nov 29	Commission Work Session – deliberate based on public input & vote on any revisions
Nov 30-Dec 2	City Attorney's Office drafts revisions
Dec 3	Commission Work Session – review revisions & final vote; Commissioners' terms end
Post	Present recommendations to Council & release final progress report

Bureau Proposed Amendment Review

Bureau	Proposed Amendment(s)	Commission Decision
OMF	One of the City's specific powers is to grant licenses to raise revenue. Some obligors to the City have argued that this language limits the City's taxing authority. Remove the reference to license(s) because it could appear to be a limitation in revenue-raising powers. § 2-105(a)(17)	Voted on 8.30.22 Full Commission Meeting – 9 affirmative votes, incorrectly stated in meeting that it did advance

Climate as a Core Value

Considering additive intent

Example:

The City will incorporate environmental justice and address the reality and science of a changing climate as core values in the City's charter, and respond meaningfully with policies, programs and practices integrated across and implemented across bureaus in order to sustain a healthy environment for the residents of the City. Portland, Oregon, as in the rest of the United States bears the legacies of past policies that targeted, excluded and directed discriminatory practices towards Indigenous, Black and communities of color that resulted in unequal access to a healthy environment as well as housing, and areas that were less resourced received less of the public dollars in the city which included vacuous areas with less distribution of trees to residents that resulted in urban heat islands and lack of access to green infrastructure as a community resource.

Environmental Rights & Equity

Considering additive intent

Examples:

*The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Portland's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the City of Portland shall conserve and maintain them for the benefit of all people.**

*Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.***

*All City residents including those of future generations have a right to a clean and healthy environment, including access to clean and affordable water, air that is clean and unpolluted free of the chemicals of industries that harm health and exacerbate existing health conditions.****

INDEPENDENT ELECTIONS COMMISSION (4 of 5)

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

- I. A candidate, electee or appointee for or to federal or state office
- II. An officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office
- III. An elected or appointed member of a political party central committee
- IV. A registered federal, state, or local lobbyist
- V. Paid congressional, legislative, or tax board staff
- VI. A donor of \$2,000 or more to any candidate for elective public office in any year
- VII. 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 ELECTIONS COMMISSION (5 of 5)

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

Current Participation in Budgeting

Bureau Budget Advisory Committees

Each bureau is expected to have a Budget Advisory Committee that includes management, labor, customers, and internal and external experts. These committees review the bureaus' draft budget requests and provide input on proposed decision packages.

Community Budget Advisory Board

The Community Budget Advisory Board consists of five members and are nominated and confirmed by City Council. They serve staggered three-year terms and may be reappointed. They participate in Council budget deliberations.

Public Comment, Town Halls, Public Hearings

For 2022-23, the City convened two virtual town halls open for public comment, one public hearing on the proposed budget, took public testimony at a Budget Committee hearing and during the adopted budget, and accepted public comment online and via email.

Participatory Budgeting in Charters

New York City - *Create a Civic Engagement Commission that would implement, no later than the City Fiscal Year beginning July 1, 2020, a Citywide participatory budgeting program established by the Mayor to promote participation by City residents in making recommendations for projects in their communities.*

BOSTON - *To further public engagement and democratic involvement in city spending, the City of Boston shall create by City ordinance an independent Office of Participatory Budgeting with an external oversight board, to create and oversee an equitable and binding decision-making process open to all Boston residents by Fiscal Year 2024.*

PARIS - *25% of the investment budget of the City of Paris will be decided in a participatory manner during this term of office; the participatory budget is one of the mechanisms to establish this commitment, by offering possibility to all Parisians to propose projects which, if voted on, will be implemented or financed by the City.*

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.