

# CHARTER COMMISSION



## Charter Commission Work Session

June 14, 2022



# Agenda

Section	Time	
<b>Welcome &amp; Commission business</b>	10 min	
<b>Review changes from 6.6.22 work session</b>	15 min	
<b>Review redline charter Questions, technical edits, policy suggestions</b>	25 min	
<b>Phase I roll call vote</b>	35 min	
<b>Break</b>	15 min	
<i>If supermajority vote:</i> <b>Review timeline to election, including ballot measure filing, public education &amp; political activities restrictions</b>	<i>If not supermajority vote:</i> <b>Review options about how to proceed &amp; discuss next steps</b>	45 min
<b>Closing</b>	5 min	

# Engagement to date

<b>Engagement</b>	<b>Number</b>
<b>Survey responses</b>	4,022
<b>People receiving monthly email updates</b>	1,310
<b>Community listening sessions (partner &amp; Commission hosted)</b>	26
<b>Participants at listening sessions (partner &amp; Commission hosted)</b>	580
<b>Public comments received</b>	1,600
<b>Hours of verbal public comment</b>	15 hours
<b>Public meetings + hearings</b>	78
<b>Charter review briefings &amp; presentations</b>	111
<b>Policy discussions with community organizations</b>	34
<b>Media articles or interviews</b>	109

# 6.6 Direction to City Attorney's Office

- **Direction**
  - City Attorney's Office will review entire charter for internal consistency with Commission's agreed upon changes
  - Yes to the language as proposed regarding mayor proposing policy and voting to break ties
  - No to inclusion of independent Portland Elections Commission
  - Ballot measure construction: single ballot measure
- **Changes to review**
  - Initial salary commission edits: (1) confirmed by March 15, 2023, completing work by August 1, 2023; (2) mayor appoints, subject to council confirmation
  - Addition of "compact" to district criteria
  - Ranked choice voting: Yes to the revised language with the addition to the penultimate sentence of the first paragraph ", until another candidate has a vote count that is at least the threshold."
  - Succession: (1) reorder to chiefs of staff, city administrator, city attorney, city auditor, mayor; (2) clarify that elected officials can resume their role if they become able to perform; (3) add "deceased or" before "disabled Councilors;" and (4) if mayor dies or is unable to perform then filled by their chief of staff.



# Salary Commission

## **Section 2-207. Salaries.**

The Mayor appoints members of the first Salary Commission, subject to Council confirmation. Thereafter, the City Administrator appoints members of the Salary Commission, subject to Council confirmation. The Commission consists of five (5) City residents who are qualified human resource professionals with compensation experience who represent a diversity of race, age and geography. Elected or appointed City officials and employees, and candidates for elected City office who have filed and been qualified to the ballot by the City Elections Office, may not serve on the Commission.

The first Commission must be confirmed by March 15, 2023 and complete its work by August 1, 2023. Thereafter, the Commission must be confirmed by January 1 of each odd year.

The Commission sets the salaries for Councilors, the Mayor and the Auditor by the affirmative vote of at least three (3) Commissioners, documenting the basis of its decision. Adjusted salaries take effect July 1 of each odd year, except for the first Commission's adjusted salaries which take effect January 1, 2025.

# District Plan Criteria

## **Section 3-110. District Plan Criteria.**

The Commission, or the City Council if the Commission is unable to adopt a plan, ensures that each district, as nearly as practicable, will be contiguous **and compact**, utilize existing geographic or political boundaries, not divide communities of common interest, be connected by transportation links, and be of equal population. No district may be drawn for the purpose of favoring any political party, incumbent elected official or other person. No district may be drawn for the purpose of diluting the voting strength of any language or ethnic minority group. Additional criteria may be considered, consistent with state and federal law.

# Ranked choice voting in multi-winner elections

There are four City Council districts. Each district is represented by three Councilors for a total of twelve Councilors. Councilors of each district are elected using a proportional method of ranked choice voting known as the single transferable vote. This method provides for the candidates to be elected on the basis of a threshold. The threshold is determined by the number of seats to be filled plus one, so that it is the lowest number of votes a candidate must receive to win a seat such that no more candidates can win election than there are seats to be filled. In the initial round, the number of first rankings received by each candidate is the candidate's vote count. Candidates whose vote counts are at least the threshold are declared elected. Votes that counted for elected candidates in excess of the threshold are called the surplus. If fewer candidates are elected in the initial round than there are seats to be filled, the surplus percentage of all votes for the candidates who have received a surplus are transferred to the next-highest ranked candidates in proportion to the total numbers of next-highest rankings they received on the ballots that counted for the elected candidate. If, after all surpluses have been counted in a round, and no additional candidates have a vote count that is at least the threshold, then the candidates with the lowest vote counts are successively eliminated in rounds and their votes are counted as votes for the candidates who are ranked next highest on the ballots that had been counted for the eliminated candidates, **until another candidate has a vote count that is at least the threshold**. The process of transferring surpluses of elected candidates and eliminating candidates continues until all positions are elected.

# Succession

In the event of the death or crippling disability preventing the performance of 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. 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.



# Review redlined charter

- Questions
- Technical Edits
- Policy Suggestions

# Commission Questions

- Why is the last sentence of 2-611 deleted? The sentence reads “The Council may provide by ordinance that applicants for appointment or promotion in the classified service of the City be given preference for appointment or promotion if they are residents of the City at the time of application.”
- Do we need to edit charter language that requires seven Councilors considering we gave a Mayor a tie-breaking vote?
- How does district plan adoption work if the District Commission cannot agree?

# Commission technical edits

- 2-206(f), para. 2, replace “Members of the Council serve as City Council Members by this Charter” to “Members of the Council as thus constituted serve as City Council Members by this Charter.”
- 2-401, move the sentence “the Mayor is not a member of Council” from the section on the duties of the Mayor to section 2-102 on City Council.
- 2-606, para. 3, fix grammar from “no Councilor, or the Mayor, the City Administrator or the Auditor shall enter . . .” to “the Councilors, the Mayor, the City Administrator and/or the Auditor shall not enter . . .”
- The underlined period in section 9-806, para. 5 has been deleted – no edit was intended.

# Commission policy suggestions

- Remove the word “all” in 2-101 & 2-104 regarding “all legislative and quasi-judicial authority is vested in the City Council and all executive and administrative authority is vested in the Mayor.” Section 2-106 reads “The City Council may exercise any legislative or quasi-judicial power or authority, and the Mayor may exercise any executive or administrative power or authority.” “Any” is sufficient.
- 2-206(f), para. 2. Remove district residency requirement for Councilors’ successors. “Any individual serving under this Section ~~shall~~ must have all qualifications required in this Charter for an elected official, except that an individual succeeding to the vacancy of a Councilor does not need to reside in the Councilor’s district.”
- 2-207 & 3-108. Add gender diversity to the composition considerations of the Salary Commission and District Commission.
- 3-102, para. 3. Amend penultimate sentence to read “...until another candidate has a vote count that is at least the threshold or until the number of candidates remaining equals the number of seats that have not yet been filled.”

# 6.14.22 agreed upon changes

1. Change “seven affirmative votes of Councilors” to “seven affirmative votes”
2. 2-206(f), para. 2, replace “Members of the Council serve as City Council Members by this Charter” to “Members of the Council as thus constituted serve as Councilors by this Charter.” [minor edit pending]
3. 2-401, move the sentence “the Mayor is not a member of Council” from the section on the duties of the Mayor to section 2-102 on City Council.
4. 2-606, para. 3, fix grammar from “no Councilor, or the Mayor, the City Administrator or the Auditor shall enter . . .” to “neither an elected official nor the City Administrator may enter into . . .”
5. Delete the underlined period in section 9-806, para. 5.
6. Delete the word “all” in 2-101 & 2-104 regarding “all legislative and quasi-judicial authority is vested in the City Council and all executive and administrative authority is vested in the Mayor.” Section 2-106 reads “The City Council may exercise any legislative or quasi-judicial power or authority, and the Mayor may exercise any executive or administrative power or authority.” “Any” is sufficient.
7. 2-206(f), para. 2. Remove district residency requirement for Councilors’ successors. “Any individual serving under this Section ~~shall~~ must have all qualifications required in this Charter for an elected official, except that an individual succeeding to the vacancy of a Councilor does not need to reside in the Councilor’s district.”
8. 2-207 & 3-108. Add gender diversity to the composition considerations of the Salary Commission and District Commission.
9. 3-102, para. 3. Amend penultimate sentence to read “...until another candidate has a vote count that is at least the threshold or until the number of candidates remaining equals the number of seats that have not yet been filled.”

# Phase I vote

Commissioner	Vote
Commissioner Candace Avalos	Yes
Commissioner Melanie Billings-Yun	Yes
Commissioner Anthony Castaneda	Yes
Commissioner David Chen	No
Commissioner Salomé Chimuku	Yes
Commissioner Gloria Cruz	Yes
Commissioner Dave Galat	Yes
Commissioner Yasmin Ibarra	Yes
Commissioner Brenda Ketah	Yes
Commissioner Debbie Kitchin	Yes

Commissioner	Vote
Commissioner David Knowles	No
Commissioner Bryan William Lewis	Yes
Commissioner Vadim Mozyrsky	No
Commissioner Hanna Osman	Yes
Commissioner Debra Porta	Yes
Commissioner Raahi Reddy	Yes
Commissioner Andrew Speer	Yes
Commissioner Amira Streeter	Yes
Commissioner Becca Uherbelau	Yes
Commissioner Robin Ye	Yes

Vote Summary	
Yes	17
No	3



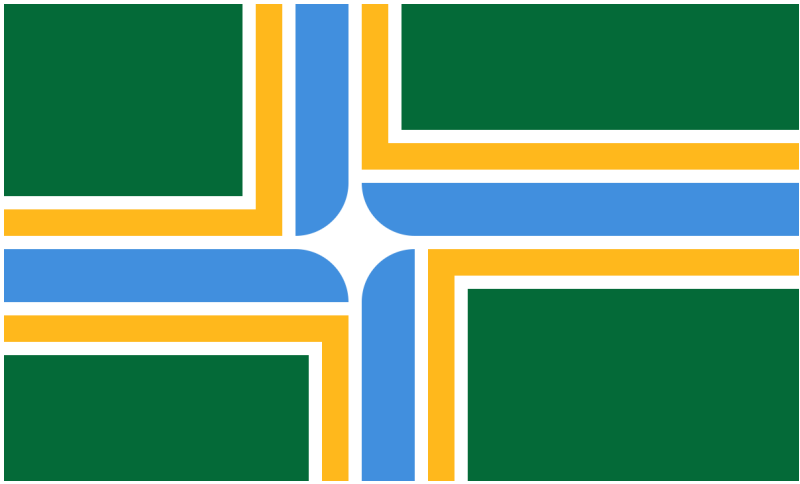
We are on a 15-minute bio break

We will be back at 7:15 pm



# Elections Approximate Timeline

Redlined charter and progress report to Auditor	June 17
Auditor report to Council with redlined charter and progress report	June 29
City Attorney drafts ballot title and explanatory statement (5 business days to complete from time of submission)	June 29 – July 11
Ballot title and explanatory statement to Auditor	No later than July 11
City Elections Official publishes ballot title challenge notice in newspaper (Oregonian)	Next available edition
Ballot title challenge period (7 business days from filing with Auditor)	July 12 – 21
Ballot title challenger notifies City Elections Official of filing	1 business day
City Elections Official files Notice of Measure with County Elections Official (upon completion/resolution of ballot title challenge process) <i>(triggers political activity restrictions)</i>	TBD No later than September 8
Arguments in Voters' Pamphlet due	September 12
Ballots start to drop	October 19
Election Day	November 8



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# ORS 260.432 Restrictions on Political Campaigning

## ORS 260.432: [restrictions.pdf \(oregon.gov\)](#)

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- General Rule:
  - Public officials may not use work time to participate in political campaigns.
- When does it apply:
  - Auditor files ballot measure with county elections officer
- Who is covered:
  - Charter Commissioners, when working in official capacity

# ORS 260.432

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- Official Capacity
  - At a meeting of the Charter Commission
  - Working on a duty assigned by the Commission
  - Working on official publications for the Commission
  - Appearing at an event as a Commissioner
- Use of Title
  - O.K.
    - Title is only indication that Commissioner is acting in official capacity
  - Not O.K.
    - Draft Op-Ed for Commissioners' signatures during Commission meeting or as duty assigned by the Commission

# ORS 260.432: Enforcement

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- Any Oregonian may file complaint with Elections Division
- Remedy:
  - Fine: \$75-\$1,000
  - Letter of Education
- Public Opinion:
  - Reduce credibility among residents





# Next Steps

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**Redlined charter to auditor**

**June 17**

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**Sixth progress report released**

**Est. June 20**

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**Auditor presents report at Council with redlined charter**

**June 29**

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**Phase II begins**

**Late June or  
Early July**

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