

CHARTER COMMISSION



Charter Commission Work Session

December 3, 2022



Agenda

Section

Time

Welcome & Commission business

10 min

11.29 work session recap

5 min

Additional recommendations – substantive

40 min

- Proposals previously acted on
- New items

Proposals referred to voters

20 min

Proposals recommended to City Council

30 min

Final reflections

10 min

Next steps

5 min

Next Steps

DATE	ACTIVITIES
Today	Communications on phase II results
Dec 21	Finalize progress report Finalize Council presentation
Jan 5	Release final progress report
Jan 19	Commission Presentation & Auditor’s Report to City Council
No later than Jan 30	Ballot titles and explanatory statements to Auditor

11.29.22 Work Session Recap

Proposals not advanced

1. Clarify language to reflect the City's existing role to **protect and manage water, sewage, and stormwater.** (10-6)
2. Remove the 5% cap on **transient lodgings tax.** (10-6)

Proposals recommended to City Council

1. Create an **Independent Portland Elections Commission**. (14-2-1)
2. Create an **article dedicated to environmental issues** that includes environmental justice as a core value of the City, requires the City to assess the climate impact of its decisions and establishes a right to a clean and healthy environment. (13-2-1)
3. Establish **meaningful public engagement** as a core value of the City. (11-5)
4. Require the City to create by ordinance a **participatory budgeting** program open to all residents. (14-2)
5. Expand the **right to vote** in City elections to the fullest extent allowed by law. (14-2)

Proposals referred to voters

1. Delete the prohibition on mandating **weatherization** of structures built before September 1, 1979. (16-0)
2. Clarify language to reflect the City's existing role to **protect recreational and natural resources**. (15-1)
3. Delete vague and archaic language: "**roaming the streets at unseasonable hours**". (16-0)
4. Delete vague and archaic language: "**offensive**" **businesses**. (16-0)
5. Delete outdated, burdensome and redundant requirements for **franchise agreements**. (15-0-1)
6. Update, and make consistent, references to "**protected classes**". (16-0)
7. Replace "**disability**" with "**incapacity**" when referencing an elected official's inability to perform their duties. (16-0)

**Additional recommendations:
proposals previously acted on**

Proposed Revisions

Section 3-401. Authority and Duties.

The Independent Portland Elections Commission is established. The Commission implements the City's public financing of elections program as adopted by ordinance. The Commission may implement any other law or program related to elections, campaign finance or related subjects if delegated by City Council or the Auditor to the Commission.

The Independent Portland Elections Commission consists of nine City residents who collectively represent the City's diversity. To fill vacancies, the Commission **may make non-binding candidate recommendations** ~~and~~ candidates for Mayoral appointment and City Council confirmation.

Commission members may be removed prior to the completion of the member's term according to this Charter **or by a process outlined in the Commission's bylaws.**

The Independent Portland Elections Commission annually notifies the Mayor and City Council of the funding required to ensure the solvency of the public financing of elections program and other duties carried out by the Commission. The Commission has a budget as provided by Council.

Proposed Revisions

Section 3-401. Authority and Duties.

The Independent Portland Elections Commission is established. The Commission **exclusively** implements the City's public financing of elections program as adopted by ordinance. The Commission may **also** implement any other law or program related to elections, campaign finance or related subjects if delegated by City Council or the Auditor to the Commission.

The Independent Portland Elections Commission consists of nine City residents who collectively represent the City's diversity. To fill vacancies, the Commission **may make non-binding candidate recommendations** ~~and candidates~~ for Mayoral appointment and City Council confirmation.

Commission members may be removed prior to the completion of the member's term according to this Charter, or by a process outlined in the Commission's bylaws **and City Council confirmation.**

The Independent Portland Elections Commission annually notifies the Mayor and City Council of the funding required to ensure the solvency of the public financing of elections program and other duties carried out by the Commission. The Commission has a budget as provided by Council.

Vote on revised proposal

Commissioner	Vote
Commissioner Candace Avalos	Y
Commissioner Anthony Castaneda	Y
Commissioner David Chen	N
Commissioner Salomé Chimuku	Y
Commissioner Gloria Cruz	Y
Commissioner Dave Galat	Y
Commissioner Yasmin Ibarra	Absent
Commissioner Brenda Ketah	Y
Commissioner Debbie Kitchin	Y

Commissioner	Vote
Commissioner David Knowles	Y
Commissioner Bryan William Lewis	Y
Commissioner Hanna Osman	Y
Commissioner Debra Porta	Y
Commissioner Raahi Reddy	Y
Commissioner Andrew Speer	Y
Commissioner Amira Streeter	Y
Commissioner Becca Uherbelau	Y

Vote Summary	
Yes	15
No	1
A	

Proposal 7

Proposal 7

Remove the 5% cap on
transient lodgings tax.

Initiated by
Office of Management and Finance

Fiscal Impact

No direct financial impact, but may
result in the City's ability to collect
increased revenue

Transient Lodging Tax revote

Commissioner	Vote
Commissioner Candace Avalos	Y
Commissioner Anthony Castaneda	Y
Commissioner David Chen	Y
Commissioner Salomé Chimuku	Y
Commissioner Gloria Cruz	Y
Commissioner Dave Galat	Y
Commissioner Brenda Ketah	Y
Commissioner Debbie Kitchen	N

Commissioner	Vote
Commissioner David Knowles	N
Commissioner Bryan William Lewis	Y
Commissioner Hanna Osman	Y
Commissioner Debra Porta	Y
Commissioner Raahi Reddy	Y
Commissioner Andrew Speer	N
Commissioner Amira Streeter	Y
Commissioner Becca Uherbelau	Y

Vote Summary	
Yes	14
No	3
A	

BES Item Revote

Clarify language to reflect the City's existing role to protect and manage water, sewage, and stormwater.

Commissioner	Vote
Commissioner Candace Avalos	Y
Commissioner Anthony Castaneda	Abstain
Commissioner David Chen	Y
Commissioner Salomé Chimuku	Y
Commissioner Gloria Cruz	Y
Commissioner Dave Galat	Y
Commissioner Brenda Ketah	Y
Commissioner Debbie Kitchin	Y

Commissioner	Vote
Commissioner David Knowles	Y
Commissioner Bryan William Lewis	Y
Commissioner Hanna Osman	Y
Commissioner Debra Porta	Y
Commissioner Raahi Reddy	Y
Commissioner Andrew Speer	Y
Commissioner Amira Streeter	Y
Commissioner Becca Uherbelau	Y

Vote Summary	
Yes	15
No	0
A	1

**Additional recommendations:
new items**

Transparency

The proposal is meant to accomplish two things:

- Establishes transparency and openness as clear Portland values.
- Creates a meaningful position within City government that has the authority to uphold these values, assist the public and public servants with transparency-related processes, increase participation and trust, and promote efficiency.

Transparency

Chapter 2 Government

Article 8 Records

Section 1-801 Policy

Transparency in government is a cornerstone of democracy. Government must be performed in the open so that the public can hold their representatives accountable and trust their leaders. Therefore, it is the policy of the City of Portland to (a) construe all applicable laws, rules, and regulations pertaining to transparency, public records, access to information and open government in favor of disclosure as called for by those laws and by Oregon courts; (b) affirmatively make good faith disclosures of conditionally exempt information in the public interest; (c) acknowledge that transparency is an essential part of the mission of all City agencies and officials.

Transparency

Section 2-8012 Official Public Records

~~The All public records of all the officers mentioned in this Charter are City property~~ **belong to the public,** and **are entrusted to City employees** ~~must be kept as such by such officers~~ during their continuance in office, and then delivered to their successors or to the Auditor; and such public records may be inspected at any time, **subject to the provisions of the State Public Records laws,** by any member of the **public, any member of the Council,** by the Mayor, or by the Auditor. The Auditor shall receive and preserve in the Auditor's office all public records regarding City business filed with the Auditor according to the Public Records laws of the State of Oregon.

Section 2-8023 Inspection, **Retention** and Certified Copies.

All public records of every office and department of the City shall be **available to anyone upon request,** ~~open to the inspection of any citizen at any time during business hours~~ subject to the provisions of the State Public Records laws. ~~, except records of bureaus charged with law enforcement relating to investigations for possible prosecutions and interdepartmental or interbureau advice and memoranda, which records shall not be opened for such inspection unless such opening is ordered by a court or specific permission is given by the Council or Commissioner In Charge.~~ Certified copies or extracts from public records which are open to inspection shall be given by the officer in custody of the record to any person requesting the record who pays or tenders the fee prescribed by the Council for such copies or extracts.

Transparency

Section 2-514 Office of the Transparency Advocate

(a) The Office of the Transparency Advocate is established within the Office of the Auditor. The Office of the Transparency Advocate shall be under the supervision and control of the Auditor, who is solely responsible for its operation and management. The purpose of the Transparency Advocate is to provide an impartial office, readily available to the public, that is authorized to safeguard the rights of persons to know about and participate in their government and promoting high

standards of efficiency, accountability and transparency in the provision of City services. (b) The Auditor shall appoint and may remove the Transparency Advocate with confirmation by a majority vote of City Council. The Transparency Advocate can only be removed with cause. (c) The Office of the Transparency Advocate shall be guided by generally accepted standards for government transparency advocates or ombudsman offices serving the public's interest in access to information about government decisions and operations.

(d) Pursuant to a complaint or on the Transparency Advocate's own initiative, the Advocate is authorized to investigate any administrative act of a City department, bureau or other administrative agency relevant to records or transparency, including the Office of the Auditor; recommend changes to City policy, practice or procedures; and issue public reports. The Advocate is empowered to have access to all city records, even those which are confidential, though confidential records received must be protected from disclosure as prescribed by law.

Transparency

(e) Subject to collective bargaining obligations to the City's recognized bargaining units, the Transparency Advocate shall have timely access to all employees, information and records required to investigate or otherwise perform the Transparency Advocate's duties, including confidential and legally privileged information and records so long as privilege is not waived as to third parties. The Transparency Advocate shall maintain the confidentiality of any confidential or legally privileged information and records except as called for by state law or authorized by the City Council. (f) A City department, bureau and agency director or manager shall respond in writing to Transparency Advocate recommendations within the time specified by the Transparency Advocate. (g) The powers and duties of the Transparency Advocate may be further prescribed by ordinance in consultation with the Auditor. The powers and duties of the Transparency Advocate shall not be exercised in contravention of any collective bargaining obligations of the City.

Vote on Transparency Advocate

Commissioner	Vote
Commissioner Candace Avalos	Y
Commissioner Anthony Castaneda	Y
Commissioner David Chen	Abstain
Commissioner Salomé Chimuku	Y
Commissioner Gloria Cruz	Y
Commissioner Dave Galat	Abstain
Commissioner Brenda Ketah	Y
Commissioner Debbie Kitchin	Y

Commissioner	Vote
Commissioner David Knowles	Abstain
Commissioner Bryan William Lewis	Y
Commissioner Hanna Osman	Y
Commissioner Debra Porta	Y
Commissioner Raahi Reddy	Y
Commissioner Andrew Speer	Abstain
Commissioner Amira Streeter	Y
Commissioner Becca Uherbelau	Y

Vote Summary	
Yes	12
No	0
A	4

Proposals referred to voters:
ballot measure construction &
election timing

Ballot Measure Construction:

1. Delete the prohibition on mandating weatherization of structures built before September 1, 1979.
2. Clarify language to reflect the City's existing role to protect recreational and natural resources.
3. Delete outdated, burdensome and redundant requirements for franchise agreements.
4. Delete vague and archaic language: "roaming the streets at unseasonable hours".
5. Delete vague and archaic language: "offensive" businesses.
6. Update, and make consistent, references to "protected classes".
7. Replace "disability" with "incapacity" when referencing an elected official's inability to perform their duties.
8. Create an Independent Portland Elections Commission.
9. Clarify language to reflect the City's existing role to protect and manage water, sewage, and stormwater.

Ballot Measure Construction

1. Delete the prohibition on mandating weatherization of structures built before September 1, 1979.
2. If legally possible combine, clarify language to reflect the City's existing role to protect recreational and natural resources and clarify language to reflect the City's existing role to protect and manage water, sewage, and stormwater.
3. Delete outdated, burdensome and redundant requirements for franchise agreements.
4. Combine delete vague and archaic language: "roaming the streets at unseasonable hours", delete vague and archaic language: "offensive" businesses, update, and make consistent, references to "protected classes", replace "disability" with "incapacity" when referencing an elected official's inability to perform their duties.
5. Create an Independent Portland Elections Commission.



Elections Approximate Timeline

Auditor report to Council with redlined charter and progress report	January 19
City Attorney drafts ballot title and explanatory statement (5 business days to complete from time of submission)	January 24-30
Ballot title and explanatory statement to Auditor	No later than January 30
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)	January 31- February 7
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 but anticipates March or Sept 2024
Election Day	May or November 2024

**Proposals recommended to
City Council &
1.19 presentation**

Presentation to City Council

Report outline:

1. Overview of the charter review process
2. Phase I review
3. Phase I transition considerations
4. Phase II referrals to voters
5. Phase II recommendations to Council

Round robin discussion: Transition considerations

What are your top transition related priorities you want communicated?

Prompts:

- Strategies to keep the community engaged
- How to build on the foundation of the Charter Commission's engagement
- Milestones you would like to see information shared beyond what's in the charter
- About the City Administrator - are there elements you would like the City to have at the forefront of its planning and implementation when it comes to this role

Round robin discussion: Proposals recommended to City Council

Please share the one key thing you want highlighted per proposal in the progress report & presentation to Council?

1. Create an article dedicated to environmental issues that includes environmental justice as a core value of the City, requires the City to assess the climate impact of its decisions and establishes a right to a clean and healthy environment.
2. Establish meaningful public engagement as a core value of the City.
3. Require the City to create by ordinance a participatory budgeting program open to all residents.
4. Expand the right to vote in City elections to the fullest extent allowed by law.
5. Remove the 5% cap on transient lodgings tax.
6. Office of the Transparency Advocate.

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Vote

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Commissioner Amira Streeter	
Commissioner Becca Uherbelau	

Vote Summary	
Yes	
No	
A	