

Charter Commission

May 4, 2021

Minutes

Welcome

Allison welcomed the group and gave overview of the agenda. She informed the group that the meeting will be recorded.

Mayor Ted Wheeler

Mayor Wheeler thanked group for their services and reiterated the importance of the work. He knows that there is great interest in their work in the community and hopes they work to include many viewpoints.

He wants to be clear that the commission form of government is no longer appropriate for a city the size of Portland. Modern governance and issues are more complicated and require a different kind of leadership. Commission form of government is not responsive to current needs and not representative of all people in Portland. He outlined the current disconnect between his assumed responsibility as Mayor and his actual authority. Most believe that as Mayor he's responsible for or has authority over all concerns, but truly is only responsible for the bureaus he has assigned to himself.

Mayor offered some examples as to why the current form of government doesn't work. These included:

- Permit process – multiple bureaus under separate commissioners and therefore often different priorities, all part of the permit process. Creates inconsistencies and confusion for developers.
- Customer service – no consistency across the City
- Public Safety – work of fire, police, dispatch, and emergency preparation all separated by commissioners, who may or may not coordinate on work
- Homelessness response – work spread across multiple bureaus and commissioners often with little collaboration which further complicated coordination with outside agencies
- Collaboration with other Cities – challenges in collaborating with other cities, as the Mayor may not have authority over the bureau(s) or area(s) included in the collaboration topic.

Mayor stated that the City is most successfully when we work against our form of government, not because of our form of government. He also raised concerns that there are no checks and balances in the current form of government. In other cities where the council (legislative body) has policy making authority the power of a Mayor's veto can moderate or improve ideas. In Portland there is no moderation of legislative ideas.

An additional concern is that very few people have all the skills and experience necessary to fulfill the role of commissioner. If you're an advocate, community leader and policy creator you likely don't also have experience managing large organizations with thousands of people. Other cities have experienced people to handle the management of staff on behalf of the council.

Mayor asked that the group go beyond the work of the City Club in researching forms of government, including strong mayor form. He feels it is important to consider all options and how they may work for Portland.

Mayor stated that there are currently some conflicts between role of the Auditor and role of the Council and hopes that the commission review and consider these conflicts to see where they can provide clarity. In particular, auditor functions and budget.

Finally, Mayor stated that no mayor or commissioner should be Police commissioner and he hopes the commission will consider police accountability as a topic for their focus.

Auditor Mary Hull-Caballero

Auditor Hull-Caballero thanked the group for their commitment to serve on the Charter Commission. She stated that she agrees with the Mayor that the form of government must be looked at. It's a relic from the Jim Crowe era and frequently means that City Commissioners represent the bureaus rather than the community. She suggested that the group also consider whether district elections provided better representation.

Auditor gave a presentation regarding current issues. One is that there are currently only six elected officials for all of Portland, which is too few for a city of its size. Also, the auditor is currently the only one to provide any checks and balances. She gave an overview of the Auditor's office and the areas of work provided by its 51 employees.

Auditor asked the group to help provide charter clarity in Chapter 2, article 5 regarding budget language, which is currently too over-broad and causing confusion. She has submitted a proposal for consideration to the commission. She has additionally submitted proposals on things such as:

Removing historical duties of the auditor which are better executed by professionals – such as accounting

Changing the Auditor's office, which currently causes confusion with community members believing that the office performs IRS-related tax audits

Eliminating redundancies such as requiring Mayor and Auditor to sign all documents or to carry out street name changes

Updating terms such as clarifying ability to use fair & moral claims tool, which is currently rarely used but it's recent use by the ombudsman highlighted how outdated the language is.

Funding/budgeting language – to respect both the Council and the Auditor's funding control

Auditor stated that the recent election highlighted the needs for updates and clarifications regarding campaign financing, particularly related to the Auditor's role in this process.

Question and Answer Time

Question: Given that you've said the current form of government is not representative, would at-large or district elections be any more representative?

Mayor: The way the current charter is written all five commissioners could live in the same apartment. This clearly doesn't represent all areas or concerns of the community. Having all elected officials run city-wide is prohibitive – commissioners have to "sell" themselves to the entire city, rather than focus on the issues critical to one area. He provided an example of floodplain issues being vital to one area but not to people who live away from the river.

Mayor stated that the City of Boston is a good example in his opinion, as they have a hybrid model with both district-based commissioners and city-wide commissioners to provide both neighborhood- and citywide-focused policy decisions.

Question: We often talk about how uncommon our commissioner form of government is, but what is the history of having an elected auditor? Is that common? What are the pros and cons of having an elected auditor?

Auditor: Portland has had an elected auditor since 1898, and people in the Portland area seem to appreciate them being elected. There are lots of potential auditor models, but the only model that directly answers to the public is an elected auditor model. A con of having an elected auditor is if the charter is not structured in a way to make the auditor's office independent.

Question: Are elected officials willing and/or able to step back and allow the Charter Commissioners and interested community members to lead this process and the election-related work?

Mayor: That is an important calculation – he's seen charter-related processes go sideways when they are seen to be led by or pushed by elected officials. He is aware, though, that as Mayor he will be asked about his views and will need to be able to give his opinions while allowing the community to take the lead.

Auditor: Appreciates the question because it's clear that the Charter Commissioners are asking for independence, which is important. She also offered to take the housekeeping-related changes to Council in order free up the commission to get more challenging issues to election.

Question: What do we do if we only have 1-2 councilors who care about East Portland? How can we ensure collaboration to still serve all of Portland? Same for City Manager - how can we ensure a Manager would be accountable to the Council, Mayor, and people?

Mayor: There is no thing as a perfect form of government, but options like Boston give broader options. No matter if City elected officials are city-wide or district-based they may have very specific areas of concern. In other forms of government though the Mayor is available to help provide city-wide focus.

Auditor: The current form of government is the worst form, so no matter what form the group considers they can't go wrong.

Question: If the City has a budget shortfall, is there anything procedurally to prevent stripping Auditor's office budget?

Auditor: No, and if relationships change or sour commissioners could mess with the Auditor's budget. It's human nature to not want to support or fund an office who's job it is to keep your work in check.

Mayor: It's true that there is nothing in the charter to preclude this, but it would be political suicide to attempt to do so.

Commissioner Galat requested a later meeting for further discussion with the City Auditor to discuss her many charter-related proposals.

Meeting Chat

18:00:55 From Karol Collymore (she/her) to All panelists : HI Friends

18:01:12 From Steven Phan : Hi Karo!!!

18:02:38 From Comm. Chimuku (She/Her) to All panelists : dog needs water. one second

18:38:24 From Candace Avalos : Question: We often talk about how uncommon our commissioner form of government is, but what is the history of having an elected auditor? Is that common? What are the pros and cons of having an elected auditor?

18:41:46 From Amira Streeter : Question related to this - what do we do if we only have 1-2 councilors who care about East Portland? How can we ensure collaboration to still serve all of Portland? Same for City Manager - how can we ensure a Manager would be accountable to the Council, Mayor, and people?

18:46:56 From Auditor Caballero to All panelists : Access audit reports here
<https://www.portlandoregon.gov/auditservices/73320>

18:50:16 From Auditor Caballero to All panelists : Access Ombudsman reports and services here
<https://www.portland.gov/ombudsman>

18:58:48 From Allison Brown (she/her) : Access audit reports here
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Access Ombudsman reports and services here <https://www.portland.gov/ombudsman>

18:59:20 From Angela Jones to All panelists : Thank you!

18:59:23 From Karol Collymore (she/her) : Thanks, Mayor and Auditor!