



**BYLAWS OF THE
PARKS LOCAL OPTION LEVY OVERSIGHT COMMITTEE**

Parks Local Option Levy Oversight Committee (“Body”)

I. Body created on July 1, 2021, by

- Portland City Code _____
- Council Resolution _____
- Council Ordinance _____
- Bureau Portland Parks & Recreation; by Adena Long, Director
- Other _____

A. Purpose

The purpose of the Body is to review and advise Portland Parks & Recreation Director on the progress and annual expenditures for the five-year Parks Local Option Levy (Parks Levy) passed by the voters of the City of Portland in November 2020. The Body is required to exist for the duration of the current Parks Levy (anticipated to be fiscal year 2021-2022 through fiscal year 2026-2027). To accurately capture early expenditures authorized by City Council as part of the Supplemental Budget and Inter-fund Loan Ordinance in February 2021, and to capture final fiscal year accounting and a final report, the Body is anticipated to be formed in July 2021, and be in place through July 2027. City Council resolution 37498 is attached to these bylaws as Appendix 1 and outlines the ballot measure language.

B. Sponsor Bureau: Portland Parks & Recreation

C. Staff/Bureau liaison title: Claire Flynn, Levy Coordinator

D. Advise to

- City Council
- Elected-in-Charge¹ _____
- Bureau Director
- Designated bureau staff (title) _____

II. City Role

The Bureau will provide a staff person to assist with technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the Body. The Bureau will also provide public notice of all meetings, post materials to a webpage, and prepare meeting

¹ The term Elected-in-Charge refers to any of the five elected Commissioners (including the Mayor) plus the City Auditor.

summaries that outline the issues discussed, the areas in which there is agreement, and any remaining issues on which agreement was not reached.

III. Frequency of Meetings

The Body shall meet four times each fiscal year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with the operating procedures specified herein.

IV. Membership and Term

Members of advisory bodies are public officials. They must become familiar with rules and responsibilities described at the “Oregon Government Ethics Law - A Guide for Public Officials” (Oregon Government Ethics Commission).

A. Total membership five seats, each of which serve 2-year terms.

B. Terms (select one)

- Staggered
- All terms begin/end at the same time

C. Term Limits

1. Members will serve two-year terms and may reapply to serve any number of terms not to exceed **four years of total consecutive service**. Completion of an unexpired term does not apply toward the four-year cumulative.
2. At the completion of each term, regardless of term length, incumbents are required to complete notice of intent to continue to serve and discuss mutual benefits of continuing on the Body with the designated bureau staff liaison.
3. Members interested in continuing service beyond four years must sit out for (select one)
 - two years (if the body does not have set terms)
 - one term of two years before reapplying to serve on the same advisory body.

Members may not have alternates and all serving members are selected and appointed to full terms. Whether a seat is filled for the remainder of the vacated term or anew will be determined by the appointing entity. If there are vacancies, including if a position becomes vacated during a term, normal recruitment processes should follow. The process includes recruitment applications, vetting and selecting members, and appointment by the bureau director.

D. Quorum

Simple majority: 3 or more members present of 5 to hold a meeting of this Body.

E. Voting

A quorum of members shall be necessary to make decisions that represent the position of the Body and to fulfill any other responsibilities. Proxy/absentee voting is not allowed.

As an advisory body advising the Bureau Director, an individual City official rather than the City Council, this Body is not required to administer a formal vote to make

recommendations. In advising the Bureau Director, the Body will work to reach full agreement on the Body's official position, guidance and recommendations, using a consensus process that respects the perspectives and contributions of all members.

Whenever possible, the Body will forward recommendations that are supported by the five members of the Body. If full agreement is not possible, the Body will use a simple majority vote of three or more members present to finalize recommendations that will represent the Body's position. In the case of a majority vote that is less than the position full (five) votes of the Body, a minority report will be accepted and submitted along with the Body's position.

V. General Operating Procedures

A. Disclosure of Conflicts of Interest [or other connection]

- A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- Bureau liaison and/or staff are obligated to record and keep all conflicts of interest that are announced during each meeting.
- If it is found that a member did not disclose a conflict of interest, staff must alert the Bureau Director of the instance as soon as the incidence is known.
- Any potential or actual conflict of interest noted by staff will be included in the recommendations provided to the Director.

B. Meetings will be conducted to foster collaborative decision-making using Consensus Decision Making (including Modified Consensus Decision Making). This option still requires a quorum and a final vote. For example, if there are no vetoes, all voting members' names are listed as "yay", and abstentions are also noted.

VI. Removal of Members and Resignations

A. All members serve at the pleasure of the Director and may be asked to resign or be removed at the Director's discretion at any time unless authority (for instance, Code, statute, etc.) exists requiring a different process.

B. Any member who does not give notice and reasonable excuse that they intend to be absent from two consecutive scheduled meetings will be removed by the Director. The Director has the sole discretion to determine if the proffered excuse is reasonable.

C. Process for removal for unexcused absences: Bureau liaison keeps attendance and informs the Director of absences, who in turn informs the member in writing that they have been removed as a member of the Body.

D. Resignation process

Members are expected to make a good faith effort to complete their term. In cases where this is not possible, members are expected to act in a professional manner and provide timely notice to the City staff liaison in writing (preferred) or verbally. Members are encouraged to complete the Resignation Form and submit to City staff liaison.

VII. Officers and Subcommittees

The presiding officers of the Body may consist of positions in sequential presiding order.

- Chairperson (Chair)
- Vice-chairperson(s) (Vice-Chair)
- Coordinating committee (or similar)
- Other _____

and will act as designated leadership appointed by:

- Elected-in-Charge.
- Bureau Director.
- Majority vote of members or consensus decision-making.
- Other _____

The designated leadership shall be responsible for conducting the meetings and will be voting members of the advisory body. A presiding officer will be designated at all times. The designated leadership may look to staff liaison to facilitate meetings.

The designated leadership will encourage full and safe participation by representatives in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the Body's operating procedures. The

- Chair and the Bureau staff liaison
- Bureau staff liaison
- Other _____

will also serve as liaison between the members of the Body and the City. In consultation with the facilitator (if there is one) and staff liaison, the designated leadership will develop meeting agendas, establish subcommittees if needed, and ensure an efficient advisory process.

The Body may divide its members into subcommittees authorized to act on behalf of the full Body for an assigned purpose.

VIII. Communications

A. Members agree that transparency is essential to all deliberations. In that regard:

Members are required to notify Staff Liaison of verbal communications with interest groups and all communications with media. Members are required to copy the Staff Liaison on all written communications from/to interest groups (other than a group specifically represented by a member) commenting on the Body's deliberations. These communications will be included in the public record as detailed below and copied to the Chair and/or full Body as appropriate. Members must clarify in any verbal communications with interest groups and media that their statements are not representative of the Body and not official communication of the Body, Bureau, or City.

B. On rare occasions, some advisory bodies may ask or be asked to write position letters to external groups or governments in support or opposition of policy issues that are relevant to the purpose and scope of the Body. This is accomplished by first proposing the position to the Staff Liaison to the advisory body. The Staff Liaison, in partnership with bureau leadership must approve the position before the letter has been drafted. The Staff Liaison and/or bureau leadership must work with the Office of Government Relations if the external communication is with a state, federal or tribal government.

This process is required in accordance with Administrative Rule 3.01, which establishes the Office of Government Relations as the central coordinating body for this external intergovernmental outreach.

IX. Public Meetings and Records

Meetings of the full body and subcommittee meetings are open to the public. The Bureau liaison will provide notice to the public regarding the dates, times, and locations of all meetings:

- Regular meetings:
 - Best practices: at least one week,
 - Minimum requirement: at least 48 hours,
- Special meetings: at least 24 hours.

Advisory body members can participate through virtual or remote calls. All records of the Body, including formal documents, meeting summaries, and exhibits are public records and will be posted to the Body’s webpage. Communications among members related to the subject matter of this Body should not be treated as confidential and may be subject to public records requests. “Communications” refers to all statements and votes made during meetings, memoranda, work projects, records, documents, text messages, pictures, or materials developed to fulfill the charge, including electronic mail correspondence by and among the members. The personal notes of individual members taken at public meetings might be considered to be public record to the extent they “relate to the conduct of the public’s business,” (ORS 192.410(4)). Members are not allowed to deliberate towards a decision over e-mail, as public participation should be guaranteed in that process.

X. Amendment of Bylaws

The Body may vote to recommend to the Director suggestions for amendment or repeal of these Bylaws. The Bureau may also recommend changes to the Director. The Director must sign off on original bylaws and any amendments to the bylaws, in consultation with the City Attorney’s Office. Bylaws are subject to legal review. Members have no authority to amend bylaws without approval.

Original Bylaws Created by: Claire Flynn, Levy Coordinator, on July 1, 2021.
(name/title) (date)

Approved by: , on October 12, 2021.
(Elected/Bureau Director) (date approved)

APPENDIX 1

RESOLUTION No. 37498

Refer to the voters a five-year local option tax levy for the November 3, 2020 General Election to restore recreation programs and protect parks and natural areas (Resolution)

WHEREAS, Portland's parks, natural areas, trees, and recreational opportunities improve public health, add beauty to our city, are essential public assets, and connect people to place, nature, self, and community; and

WHEREAS, the City of Portland's park system, which is managed by Portland Parks & Recreation (PP&R), includes 11,712 total acres, 8,000 acres of which are natural areas, across 5 watersheds, over 300 park properties 14 community and art centers, 13 community pools, 1.2 million trees, and more, together serving Portlanders across the city; and

WHEREAS, Portland's residents treasure and care for this legacy, and value equitable access for all Portlanders; and

WHEREAS, in November 2019, Portland City Council held a Sustainable Future work session where PP&R shared their research into the financial trajectory of the bureau and outlined service level scenarios and potential sources for additional funding; and

WHEREAS, PP&R is not appropriately funded to deliver the service levels that the community and City Council have called for, and the bureau's reliance on fees for program and service delivery is inequitable and causes a structural funding issue that has caused service level cuts for several consecutive years, and would continue to lead to cuts in future budget years; and

WHEREAS, the COVID-19 pandemic has highlighted this structural funding issue, with many recreation facilities and programs closed and PP&R team members losing their jobs; and

WHEREAS, COVID-19 has also highlighted the importance of parks and natural areas as essential community assets; and

WHEREAS, a five-year levy would help PP&R meet service level goals, community and Council expectations, and budget needs to prevent additional closures and layoffs; and

WHEREAS, equity is achieved when one's identity cannot predict the outcome, and today's park system is inequitable in its distribution of parks, playgrounds, tree canopy, and more; and

WHEREAS, the levy would better enable PP&R to center equity in their work and delivery of services; and

WHEREAS, cost is also an inequity and barrier to program access for 20% of Portlanders, but it is a larger barrier for Portlanders of color (25%), and East Portland residents (28%), and so long as PP&R relies on user fees to deliver programs, cost will continue to be a

barrier; and

WHEREAS, with facilities and programs closed since early March due to COVID-19, PP&R has missed months of needed revenues that fund staff and operations in the Recreation Division, meaning that the bureau would be unable to offer recreation programming in the summer of 2021; and

WHEREAS, the levy would allow PP&R to restart recreation programming, end reliance on user fees to deliver programming, and center equity and affordability as outcomes; and

WHEREAS, safety was a barrier to park visitation for 30% of all Portlanders, but was a barrier to park visitation for 37% of Portlanders of color, and 45% of East Portland residents; and

WHEREAS, the levy would keep parks and restrooms cleaner and safer for all Portlanders, improving service in existing parks and ensuring new parks funded through System Development Charges and other non-levy sources receive appropriate service levels; and

WHEREAS, Portlanders value trees, and trees provide essential benefits by improving air quality, reducing heat island effects, decreasing heating and cooling costs, sequestering carbon, increasing property values, and more, but today, the benefits of our urban tree canopy are not equally distributed; and

WHEREAS, Portland's 8,000 acres of natural areas need additional resources to preserve habitat, improve water quality, and protect from invasive species; and

WHEREAS, the levy would provide resources to protect natural areas, improve the health and equitable distribution of our tree canopy, enable PP&R to proactively maintain existing park trees, and plant hundreds of new trees each year in parks and natural areas with low canopy; and

WHEREAS, while PP&R augments its funding by seeking grants, public-private and inter-bureau partnerships, and volunteerism, funding is still insufficient to deliver promised services and outcomes to the community, to provide an equitable and affordable parks system, and to meet rising internal costs; and

WHEREAS, if approved, the levy tax rate would be \$0.80 per \$1,000 of assessed value, about \$13 per month for a median residential property owner; and

WHEREAS, if approved, a Parks levy would raise an estimated average of \$48 million per year to restart recreation programming, improve existing parks and natural area services, expand the urban tree canopy, and more; and

WHEREAS, as outlined in Exhibits A, B, and D, an oversight committee would be appointed to review levy expenditures and would report annually to the Council, and the levy would be audited to ensure that services and programs funded by the levy are consistent with voter intent; and

WHEREAS, PP&R is committed to working with local government partners with existing

property tax levies, including the Portland Children’s Levy, Metro, and the Oregon Historical Society, to reduce financial impacts to their levies caused by compression under Oregon property tax law; and

WHEREAS, if this levy is not approved by voters, this measure would not change the annual tax rates; and

WHEREAS, if this levy is not approved by voters, fewer park services would be provided; And

WHEREAS, over the last century, Portlanders have created and maintained today’s park system through a series of capital investments, including voter-approved bonds and levies such as the last Portland Parks & Recreation levy, which was passed by voters in 2002 and expired in 2007;

NOW, THEREFORE, BE IT RESOLVED that the Council submits an Act, attached hereto as Exhibit B, entitled: “A Measure directing a five year local option ad valorem property tax levy within the City of Portland at a rate of \$0.80 per \$1,000 of assessed value, outside certain constitutional limitations, commencing in fiscal year 2021-22, for parks and recreation purposes,” and hereby submits to the legal voters of the City of Portland, Oregon, for their adoption or rejection at the General Election in the City of Portland, Multnomah County, Clackamas County, and Washington County, to be held on November 3, 2020. Each voter who votes upon said proposed measure shall vote “yes” or “no” in the space indicated for such vote on the City ballot at said election; and

BE IT FURTHER RESOLVED that the Council submits the ballot title, question, and summary for the November 3, 2020 General Election ballot, as shown in the attached Exhibit C; and

BE IT FURTHER RESOLVED that the Council directs the Auditor to publish the ballot title as shown in Exhibit C in accordance with City Code; and

BE IT FURTHER RESOLVED that the Council directs the Auditor to submit the explanatory statement attached as Exhibit D to the Multnomah, Clackamas, and Washington County elections offices for publication in each county’s voters’ pamphlet; And

BE IT FURTHER RESOLVED that the Auditor is directed to forward to the Multnomah, Clackamas, and Washington County elections offices all material necessary to place this measure on the November 3, 2020 General Election ballot; and

BE IT FURTHER RESOLVED that, upon passage of this levy by Portland voters, Council will make an appropriation in the annual budget from the Parks Local Option Levy Fund to the Children’s Investment Fund for changes in revenue caused by compression from the Parks Local Option Levy under Oregon property tax law.

Adopted by the Council: July 22, 2020

Mayor Wheeler

Prepared by: Robert Taylor, Sarah Huggins

Date Prepared: 7/13/2020

Mary Hull Caballero

Auditor of the City of Portland

By *Keelan McClymont*

Deputy

Attachments:

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D