

Parks Local Option Levy
Oversight Committee Charter
September 28, 2021

Portland voters approved a 5-year Parks Local Option Levy (Parks Levy) on the November 2020 ballot. The Portland Parks & Recreation (PP&R) Director is establishing a community oversight committee to review and advise the Bureau on Parks Levy expenditures, commitments to voters, Parks Levy transparency and communication, and an independent audit. The committee will also prepare an annual report for City Council.

Purpose and Authority. The purpose and authority of the Parks Levy Oversight Committee (PLOC) is to convene quarterly to review progress and reporting the Parks Local Option Levy (Parks Levy).

The PLOC will review program progress, Bureau delivery on commitments to voters, and review results of an independent audit process. The PLOC shall report annually to City Council regarding program process and alignment with Parks Levy goals.

Parks Levy revenues will be allocated through the City's annual and supplemental budget processes. Parks Levy allocations will be submitted by the PP&R Director, reviewed by the PP&R Budget Advisory Committee, and ultimately approved or modified by the Portland City Council.

Membership. The PLOC is composed of 5 members, selected from an open applicant pool, all appointed by the PP&R Director. They will be appointed to two-year terms, all beginning and ending at the same time, and members may reapply to serve any number of terms not to exceed four years of total consecutive service. Members are to be individuals who live, play, worship, go to school, work or do business in the City of Portland. Members are to be individuals who have experience in overseeing, providing, or delivering parks and recreation services and/or culturally specific services and have lived experience of using parks and recreation services.

PLOC members shall receive no direct or indirect compensation from the City for their services as members of the committee. Should a conflict arise, it is the responsibility of the member to publicly announce such a conflict. The PP&R Director will determine if the member should abstain from participation in the discussion or step down from the committee. The PLOC may not include any employee or official of PP&R. City employees from other bureaus are eligible to serve on the PLOC.

PLOC members serve to advise the PP&R Director and Parks staff. If a PLOC member resigns, violates the Ethics Policy contained herein, fails to attend two consecutive committee meetings without reasonable excuse, or otherwise becomes unable to serve on the committee, the Director may declare the position on the PLOC to be vacant and appoint another qualified person to the committee. The Director has the sole discretion to determine if the proffered excuse is reasonable. The Director's decisions to appoint or remove members are final and not subject to City review.

Meetings. The PLOC will meet four times a year, at a time that works best for members. Meetings are anticipated to be two hours but may be adjusted if PLOC members agree. Parks staff will share information at the meetings on topics related to the Parks Levy.

PP&R staff will provide all the meeting logistics, including convening the meetings, providing space and support materials, taking and distributing notes, and any support needed in preparing the annual report. The meeting notes and annual reports will be posted for public viewing on the City web site.

The PLOC will exist for the duration of the current Parks Levy (anticipated to be fiscal year 2021-2022 through fiscal year 2026-2027). The PLOC is anticipated to be formed in July 2021 to accurately capture early expenditures authorized by City Council as part of the Supplemental Budget and Inter-fund Loan Ordinance in February 2021. To capture final fiscal year accounting and a final report, the PLOC will continue to meet through until Fall 2027. The PLOC shall be dissolved on September 1, 2027 or upon the issuance of a final report by the committee, whichever is earlier.

Duties. The PLOC will review information produced by PP&R to verify general compliance with the purposes set forth in the Parks Levy as approved by the voters. The PLOC will receive and review copies of Parks Levy program annual reports and the financial audit. Additionally, the PLOC will produce their own annual report to City Council of committee activities including advising on adherence to Parks Levy language, fiscal accountability, and transparency. Development of this annual report may involve a subcommittee or additional Committee work preparing the report and preparing for an annual presentation to City Council.

The PLOC will perform other reasonable duties requested by the PP&R Director or Parks Commissioner.

The responsibilities of the committee do not include:

- Approval of Parks Levy-funded contracts;
- Decisions on the appropriation of Parks Levy funds;
- Handling of legal matters;
- Approval of maintenance plans and schedules;
- Prioritization and order of implementation for the Parks Levy programs, operations, or maintenance;
- Selection of any professional service firms;
- The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the performance of the Parks Levy program;
- Establishment of PP&R goals;
- Establishment of PP&R policies; or
- Setting or approving schedules of program or operating activities;

General Operating Procedures.

- *Group Leadership.* The group will determine if the PLOC will have presiding officers and designated leadership such as a Chairperson (Chair). If utilizing a designated leadership structure, the group will select its own Chair. For specific projects or tasks, such as drafting the annual report, a task lead will be selected by the group.
- *Conflicts of Interest.* Per the Ethics Policy below, members must disclose any conflicts of interest or other connection. PLOC members are 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.
- *Consensus and Voting.* In advising the Bureau Director, the committee will work to reach full agreement on guidance and recommendations, using a consensus process that respects the

perspectives and contributions of all advisors. Whenever possible, the group will forward recommendations that are supported by the full group. If full agreement is not possible, the committee will use a simple majority vote of three or more members present to finalize recommendations. In the case of a majority vote, a minority report will be accepted and submitted along with the recommendation.

Ethics Policy:

Following are general guidelines for committee members to follow in carrying out their duties. Not all ethical issues that committee members face are covered in this policy. However, this policy captures some of the critical areas that help define ethical and professional conduct for committee members. In addition to the specific matters outlined in this charter, PLOC members are subject to the City's Human Resources Administrative Rules regarding ethics, HRAR 11.01, <http://www.portlandonline.com/auditor/index.cfm?c=39803&a=93454>, and 11.02, <http://www.portlandonline.com/auditor/index.cfm?c=39803&a=93455>.

Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

- 1) CONFLICT OF INTEREST. A Committee member shall not attempt to influence a PP&R decision related to:
 - a) any contract funded by the Parks Levy; or
 - b) any project which will benefit the committee member's outside employment, business, or provide a financial benefit to a family member, such as a spouse, child, parent or sibling.
 - c) In discussions on topics in which the committee member is a vendor, contractor, or consultant of PP&R (i.e. connected to financial support from PP&R), the member should disclose that conflict to PP&R staff and other PLOC members.
- 2) OUTSIDE EMPLOYMENT. A committee member shall not use his or her position on the committee to negotiate future employment with any person or organization that relates to:
 - a) any contract funded by the Parks Levy; or
 - b) A committee member shall not attempt to influence a PP&R decision related to any project or program involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind.
- 3) COMMUNICATIONS. As a public body deliberating topics of public interest, the PLOC shall not communicate privately with more than one other member of the committee outside of the quarterly meetings, including by email. If a topic needs further discussion between meetings, the committee needs to identify it as needing a sub-committee meeting and ask PP&R staff to publicly notice the meeting.
- 4) COMMITMENT TO UPHOLD LAW. A committee member shall uphold the United States and Oregon Constitution, the laws and regulations of the United States and the State of Oregon, and the policies, procedures, rules and regulations of the City of Portland.
- 5) COMMITMENT TO THE PUBLIC. A committee member shall represent the interests of the public and not the personal or business interests of the member.