

PORTLAND CHARTER COMMISSION

Form of Government Subcommittee

November 2021

Problems with our form of government:

- i. Legislative & Executive Authority
- ii. Mayoral role
- iii. Appointments and removals
- iv. Policy development and budget preparations

LEGISLATIVE & EXECUTIVE AUTHORITY

Legislative Authority Current State: City Council has legislative authority.

Executive Authority Current State: City Council has executive authority. The Mayor designates one Council member to be Commissioner-in-Charge of each bureau. The Commissioner-in-Charge has the supervision and control of all the affairs which belong to that bureau. The distribution of bureaus may be changed by the Mayor.

Identified Problems with Current State

- There are not enough voices and people involved in decision-making
- Lack of public confidence due to lack of unified voice in city operations
- Council doesn't have enough time to engage constituents including in policy development
- Council staff devoted to bureau assignments rather than constituent needs
- Council doesn't have enough time to make laws
- Government responses don't address wider and longer-term problems partly because of high turnover in bureaus' Commissioner-in-Charge
- Government responses are uncollaborative and not cohesive partly because agendas reflect roles as Commissioner-in-Charge
- Government responses don't address community needs
- Government responses aren't timely
- Bureau overlap and inefficiency
- Council lacks expertise in the bureaus they oversee
- Inequitable distribution of government services
- There are no checks and balances on Council law-making or way to appeal Council decision, and no separation of powers
- It's hard to know who to hold accountable when bureaus are all led by different Commissioners who change frequently
- There are perceived conflicts of interest when Council makes laws due to individual Council members overseeing bureaus

Identified Positive Changes

- More voices and people involved in decision-making
- Public confidence increases with a unified voice overseeing city operations
- City Council has more time to engage constituents including in policy development
- Council staff more focused on constituent needs
- City Council has more time to make laws
- Government responses address wider and longer-term problems and there is more consistent supervision and control of bureaus
- Government responses are collaborative and cohesive, and Commissioner agendas are not based on what bureaus they supervise
- Government responses address community needs
- Government responses are timely
- Bureaus function efficiently and don't duplicate work
- Bureau oversight will include expertise in the work
- Equitable distribution of government services
- There are checks and balances on Council law-making including separation of powers
- Portlanders know who to hold accountable and there is more consistent supervision of bureaus
- There are not perceived conflicts of interest when Council makes laws

Gaps with Our Desired Outcomes

The identified problems represent gaps with all of our desired outcomes; but the most significant gap is with our desired outcome for a responsive government. Government responsiveness considers things such as City Council's ability to work collaboratively and spend more time making laws and developing policy; government's ability to plan city-wide and long-term and address the complex problems facing our city; and increased coordination and alignment of policy priorities. The identified problems represent gaps with all of our desired outcomes; but the most significant gap is with our desired outcome for a responsive government.

MAYORAL ROLE

Mayor is a member of Council Current State: Mayor is a member of City Council.

Mayor votes with Council Current State: Mayor votes with Council.

Mayor has veto authority Current State: Mayor does not have veto authority.

Identified Problems with Current State

- Portlanders don't know who is responsible for what
- Unclear roles and responsibilities create unclear pathways from community voice to government action
- Power is shared too equally among City Council members so no one is "on first" and this may create bureaucratic gridlock
- Mayoral power to assign and reassign bureaus creates high turnover in bureau management hampering government's ability to address long-term problems
- There are no checks and balances on Council law-making or way to appeal Council decisions

- The Mayor is viewed as the responsible party by constituents but has little power

Identified Positive Changes:

- Portlanders know who is responsible for what
- Clear roles and responsibilities and clear pathways from community voice to government action
- Mayor and Council roles and responsibilities make gridlock less likely, and government responds and responds in a timely manner
- Government responses address wider and longer-term problems and there is more consistent supervision and control of bureaus
- There are checks and balances on law-making
- There is a match between authority and responsibility

Gaps with Our Desired Outcomes

The identified problems represent gaps with the following desired outcomes in an equally weighted manner: an accessible and transparent government, a responsive government, and an accountable government.

APPOINTMENTS & REMOVALS

Highest Administrative Position Current State: The Chief Administrative Officer is appointed by the Mayor who serves as Commissioner-in-Charge of the Office of Management and Finance, unless the Council directs otherwise. There is no City Manager.

Bureau Directors Current State: The Council appoints and may remove the City Attorney. Other bureau directors are appointed and may be removed by the Commissioner-in-Charge of the bureau.

Identified Problems with the Current State:

- Portlanders are frustrated with and lack confidence in our city government
- The appointments are not transparent and seem based on relationships with the individual Commissioner-in-Charge rather than experience
- High turnover of Commissioner-in-Charge of bureaus hampers long-term planning and the city's ability to address long-term problems
- Inability to plan citywide
- Bureaucratic overlap and inefficiency
- Lack of trust in bureau director appointments

Identified Positive Changes

- Portlanders are excited by and have confidence in our city government
- The process for appointment bureau directors is transparent and based on experience
- There is more consistent supervision and control of bureaus, and government can plan long-term and address long-term problems
- Government can plan citywide
- Bureaus function efficiently and don't duplicate work
- People trust bureau director appointments

Gaps with Our Desired Outcomes

The identified problems represent gaps primarily with our desired outcome for a responsive government. Each of the following desired outcomes also saw gaps: a participatory and growing democracy, an accessible and transparent government, and a trustworthy government.

POLICY DEVELOPMENT & BUDGET PREPARATION

Policy Development Current State:

- Binding City Policies. Adopted by City Council ordinance or resolution, these policies have a binding effect or serve as mandatory approval criteria for future decision making.
- Non-Binding City Policies. Adopted by City Council ordinance or resolution, these policies express Council's opinion but do not have a binding effect or serve as mandatory approval criteria for future decision making.
- Administrative Rules Adopted by City Council. Adopted by City Council ordinance or resolution, these rules are binding requirements, regulations, or procedures which affect Portlanders or all City employees.
- Administrative Rules Adopted by Bureaus Pursuant to Rule making Authority. Adopted by the Bureau pursuant to authority expressly delegated by Council, these are binding requirements, regulations, or procedures which affect Portlanders or all City employees.

Budget Preparation Current State: Bureaus independently develop and submit requested budgets to the City Budget Office with the Commissioner-in-Charge's approval. The City Budget Office reviews requested budgets, provides analyses and makes recommendations to the Mayor and Council. The Mayor proposes the balanced budget. City Council votes to approve the budget. The Tax Supervising and Conservation Commission reviews the budget, holds a hearing on the approved budget, offers objections or recommendations with respect to the budget, and votes to certify the budget. City Council then votes to adopt the budget.

Identified Problems with the Current State:

- There are not enough voices and people heard in policy and budget development
- Lack of clear roles between Mayor and Council creates tension
- Council does not have enough time to engage constituents in policy development
- Council does not have enough time to develop policy
- City policies aren't responsive to local community needs
- City policies don't address long-term problems because Commissioners are distracted by their roles as Commissioners-in-Charge of bureaus
- Lack of coordination hampers Council's ability to act nimbly in emergencies
- Misalignment of priorities
- Everyone fighting for their interest
- Political pet projects sometimes get prioritized over pressing issues
- A budget that is just a sum of its parts doesn't support the policy imperatives of the city
- Minimal input from Councilors in budget development creates inequities and set it up for a legislative fight

Identified Positive Changes

- More voices and people heard in policy and budget development
- Clear roles between Mayor and Council
- Council has more time to engage constituents in policy development
- Council has more time to develop policy
- City policies are responsive to local community needs
- City policies address long-term problems
- Coordination by Council enables the city go nimbly act in emergencies
- Alignment of priorities
- Council works collaboratively
- Pressing issues are prioritized
- A more holistic budget that supports strategic priorities
- Increased input from Council in budget development

Gaps with Our Desired Outcomes

The identified problems overwhelmingly represent a gap with our desired outcome for a responsive government. Additional gaps exist with a participatory and growing democracy, an accessible and transparent government, and a reflective government.