

## **CHARTER COMMISSION MEETING**

March 28, 2011 - Portland City Hall, Rose Room

### Commissioners Present:

Jeff Bissonnette, Jan Campbell, Cassie Cohen, Ann Collins, Brian Heron, Rebecca Kirk, Tricia Knoll, David Martinez, Sue Pearce, Ayoob Ramjan, Shelli Romero, Tricia Tillman, Steve Weiss, Mark White, Anita Yap.

### Commissioners Absent:

Sue Dicile, Bonny McKnight, Hank Miggins, Lai-Lani Ovalles.

### Staff:

Afifa Ahmed-Shafi (Office of Neighborhood Involvement); Milena Hermansky (Commissioner Fritz's Office); Vanessa Holguin (Commissioner Fritz's Office); Ryan Kinsella (Office of the City Auditor); and Linly Rees (Office of the City Attorney).

Co-Chair Mark White called the meeting to order at 6:32 pm.

### **1. Welcome and Introductions**

Committee and audience members introduced themselves with a brief statement.

### **2. Approval of March 3 minutes**

MOTION: Mr. Brian Heron moved, and Ms. Jan Campbell seconded, to approve the minutes as amended.

Discussion: Ms. Tricia Knoll noted that meeting materials were not attached. Ms. Campbell amended her comment on page 7 to strike out the word *physical* ("...persons with ~~physical~~ disabilities.")

ACTION TAKEN: With all in favor and one abstention (Ms. Knoll), the motion passed.

### **3. Public Testimony**

Mr. Dan Handleman of Portland Copwatch requested that the Commission pursue making the Citizen Review Committee, Human Rights Commission, and the Office of the Ombudsman independent bodies from the City. Co-Chair White suggested Mr. Handleman provide this input on the Charter Commission website once it starts operating.

Ms. Diana Rogero of Northeast Portland stated that she went to a Neighborhood Association meeting to see if any of her neighbors shared her interest in the Charter Commission. She was surprised to find that many neighborhood association members were indeed very interested.

She asked Commissioners not to waste money on a frivolous election for housekeeping amendments. She urged members to wait until a presidential primary to place amendments on the ballot. Ms. Rogero stated that a substantial discussion would take much longer than six months, and urged Commissioners to please not spend money and time the way Council requests. Co-Chair White noted that voters would only be offered amendments in a primary or general election.

#### **4. Form of Government Presentation from Metro Councilor Rex Burkholder**

Councilor Rex Burkholder appreciates the work of the Charter Commission. Government structure is critical to success. Councilor Burkholder has lived in Portland and been active in Portland politics for thirty years. He has been an elected official for the past 10 years and has worked under 2 systems of government at Metro.

Metro has been around since 1978. The Metro Charter was approved in 1992 and became effective in 1994. In 2000 there was another revision to change the charter and evolve the agency. Metro has been evolving its structure to become more effective at its mission. Metro is a complex government, and in that sense is analogous to the City of Portland, although it's budget is about half the size.

Councilor Burkholder briefly summarized the current structure of Metro: The Council President speaks on behalf of the agency and asks as a liaison to the wider community. Council members are elected from districts. Council members do focus on issues that come out of their respective districts, but they also consider how issues affect the region as a whole. In that sense, one might compare the Metro Council with a Board of Directors.

The Metro Council is in charge of two hires: the Chief Operating Officer and the Metro Attorney. Council is directly responsible for the health of the agency. The key is that they are working together, thinking regionally, and thinking of the agency as a whole. Policies are developed as a group rather than strictly by individual Councilors working with a particular part of the agency. The process is highly transparent, with everything taking place in public, and with all players at the table together. Rather than "here is my idea and you are going to vote for it," the process is much more collaborative. The result is shared knowledge, shared responsibility, and a far more tempered discussion. The Metro Council does delegate various roles and outside assignments to Council members, but the basic guideline is a responsibility to the Council as a whole.

Before 2001, the Chief Operating Officer (COO) was elected rather than hired. During the 1990's, the Council and the COO were *suing* one another. There was a sense that management was not telling the whole story to Council, and this created a very unhealthy political dynamic. Everything was political; for example the COO would become defensive if Council inquired about the budget. The process moved very slowly, with a lot of back-and-forth. Moreover, an

elected manager is not necessarily the best manager; a hired manager makes more sense. At Metro, a Councilor can approach the COO and ask for help solving a problem. At the City, an Elected appears unlikely to engage at the same level with a bureau head unless that bureau is in his or her portfolio.

The City's Commission form of government also presents difficulties for partner agencies. For example, the Bureau of Environmental Services (BES), Portland Parks and Recreation (PP&R), and the Portland Bureau of Transportation (PBOT) all have an interest in Metro's Springwater Corridor. Metro must thus work with three different bureaus under three different Commissioners. All three bureaus want different outcomes, and communication is very challenging. Likewise, when working with the City on Zoo issues, Metro must contend with different expectations from BES, PP&R, PBOT, and the Bureau of Planning and Sustainability.

Metro's current form of government is most common for municipalities. Council is able to worry about policy and oversight rather than day to day management. Metro has the highest bond rating of any agency in the state; although government structure is not the sole factor in this high bond rating, Councilor Burkholder is certain that it would not be attainable under the old structure. The new form is effective, efficient, and operates with a performance-based budget.

After his presentation, Councilor Burkholder answered questions from Commission members and the public:

- Ms. Sue Pearce asked what the responsibilities of the Council President are.
- Councilor Burkholder explained that the President represents the agency to the outside, i.e. acts as the unified voice of Council; and manages the legislative flow, i.e. running Council meetings, scheduling items, etc.
  
- Mr. Heron asked Metro's form of government compares with the County Commission. There seems to have been a shift in the County's culture from 5-6 years ago—it's more collaborative now. Is that from a shift in structure, or just culture?
- Councilor Burkholder explained that the shift is likely the result of reporting structure. The Counties have a strong Chair. Joanne Fuller is currently filling the managerial position at Multnomah County. Again, people who get *elected* with broad public support based on ideas and policy expertise do not necessarily possess managerial skill.
  
- Co-Chair Yap asked what initiated Metro's charter change.
- Councilor Burkholder explained that the major change in 1992 came through the legislature because Metro did not have home-rule authority. The agency's scope of work had expanded and had become daunting, and it was difficult to get people to run for Council (the positions were unpaid). In 2000, the Council recognized that the structure was no longer working. The change was initiated by Council itself.

- Ms. Knoll asked whether Metro’s Charter revision process could be replicated by this Charter Commission given its time and budget. Also, is Metro’s high bond rating directly related to the Charter?
- Councilor Burkholder explained that the government structure is not directly related to the bond rating. However, the structure allows Council to have frank discussions. Council is able to prioritize issues for the COO. With regard to Ms. Knoll’s first question, Councilor Burkholder will have to get back to her. The Charter was revised via a Commission process. The Committee was made up of very knowledgeable people. In general, citizens showed very little interest Metro’s Charter. Councilor Burkholder will find out the details and let Ms. Knoll know.
  
- Mr. Jeffrey Delaney asked Councilor Burkholder to describe in further detail the analogy between Metro’s government structure and a Board of Directors. Does the President or Council hire the COO?
- Council Burkholder explained that Council hires the COO, and also the Metro Attorney. Almost all peer cities have a Council-Manager form of government. The result is more effective government, and a better connection with citizens. Councilors don’t have to worry about their individual bureaus’ budgets, and can instead focus more on constituent relationships. Under the Council-Manager form of government, the COO executes what Council asks them to do. The Council and COO have a very close relationship. The COO attends every Council session, and is evaluated annually by the Council.
  
- Mr. Martinez stated that he is interested in vetting issues with broad public input. In Councilor Burkholder’s opinion, what does that look like? Also, with such a high-profile issue, how much time, outreach, etc. is needed?
- Councilor Burkholder explained that he thought that previous City Charter revisions have gotten caught up in politics. This Commission has the opportunity to at least set the ground for future commissions. Ten years is a long time to wait—especially when times are tough—and new thinking would be helpful. This Charter Commission can look at bigger pictures without being driven by personal or political agendas. Few people cared about Metro; interest in the City’s charter is much greater, so it’s a different challenge. This Commission has not been told to solve any particular problem, which makes it more difficult to ultimately take action. Councilor Burkholder is thinking about creating another Charter Review Commission for Metro. Just like any other structure, governments need to evolve—yet it can be difficult to make happen, even if they don’t work as well as they could.
  
- Ms. Tricia Tillman noted that Metro’s Charter revision process was pushed by leadership, but in the City’s process, leadership is not doing that. In fact, this Commission’s charge was very narrow. With Metro nobody cared, but with the City, voters have said “no” twice, and they really do seem to care.

- Councilor Burkholder suggested the current Commission might decide to take care of small issues itself, but could *recommend* to future Commissions that bigger changes be made. His experience in Portland is that people will indeed be interested. He is not here to tell the Commission to fly in the face of the charges they've been given by Council, but they can at least bring issues up and make recommendations. He knows that a number of City Commissioners have been frustrated with the form of government too, but what can they do about it? It's better for a citizen group to undertake the issue because they have no personal interest.
- Ms. Rogero (member of public) stated that citizens on the east side of Portland often feel neglected by City government. Metro's council is elected by district—can Councilor Burkholder elaborate on that aspect?
- Councilor Burkholder explained that Metro's charge is regional: e.g. clean air, transportation, etc. Each Councilor's main role to his/her individual district is that of liaison—to keep citizens informed and updated. The Metro Council does not focus so much on "bringing home the bacon," but rather on building relationships with citizens from their respective district.
- Ms. Ann Collins expressed that she is very upset with the result of the Zoo Bond passed two years ago. The Bond was supposed to improve the Orangutan exhibit, but she went to the zoo recently and the exhibit is horrible.
- Councilor Burkholder explained that Ms. Collins' frustration illustrates a positive aspect of Metro's form of government in that *each* Councilor is responsible for the outcome of the Zoo Bond. It is his responsibility to listen to Ms. Collins and consider her perspective, rather than to pass her concern along to the Commissioner-in-Charge of the Zoo. Councilor Burkholder offered to discuss this particular issue with Ms. Collins at a later date.
- Ms. Tillman asked whether the form of government has implications for racial and gender equity. Does one form of government have a better outcome in this regard?
- Councilor Burkholder stated that he believes the equity component is a result more of the person in the seat than the form of government. However, the issue of Councilors' salary can have an effect: currently the salary is so low that people must have another form of income in order to even consider running. The pool of candidates is limited as such.

## 5. Committee Reports

### 5a. Communications Committee

#### Draft Press Release

Mr. Jeff Bissonnette referred to the draft news release titled *City of Portland Charter Review Commission Requests Citizen Input* and asked Commissioners for comments/input.

Referring to paragraph number 5, Ms. Shelli Romero noted that—according to section 13.302 of the Charter—the Commission can recommend changes, but items must go to Council before appearing on the ballot. Co-Chair Yap clarified that Council does not have to give authority for an item to go on the ballot unless that item gets less than a majority vote by the Charter Commission. Co-Chair White further clarified that an item must receive an affirmative vote by 15 Commissioners—rather than a simple majority of 11— in order to go directly to the ballot.

Referring to paragraph 1, Mr. Martinez suggested the word “pursue” be changed to “consider.” Also, he asked whether paragraph 5 should include a sentence about process.

Mr. Tillman asked what the phrase “fully vetted” (paragraph 4) means in this context. What is the vetting process given the Commission’s time and budget? If the Commission commits to vetting each item, then the phrase ought to be defined. Co-Chair Yap commented that the Commission can either fully vet each item or it can stick to the parameters set by Council.

Mr. Ayooob Ramjan commented that ten years is a long time to wait between Charter Commissions. How can one fully react to the future when this world is changing so rapidly? Mr. Steve Weiss noted that a Commission will be formed *at least* every ten years. Mr. Ramjan asked whether the Commission is offering electronic access and/or a website for citizens; Co-Chair White responded that there is already a draft website.

Ms. Cassie Cohen suggested that throughout the document, the word “citizen” should be changed to “community.” Also, the word “city” should be capitalized when referring to the government, but not when referring to the city as a whole. Finally, in paragraph 3, the word “ability” should be changed to “opportunity.”

Ms. Pearce suggested that—regardless of time and dollars—the Commission should not be hasty, and the decision to delve into this process has not yet been made.

Mr. Heron commented that he wants to be sure the Commission is ready to follow through with this process before the document is released.

Co-Chair Yap verified that members feel okay including a quote from her in the document.

Ms. Campbell noted that some of the language in the document may be difficult for the average reader to understand. Statements to the public should be written at the sixth-grade level. Referring to paragraph 5, Mr. Heron suggested the word “vet” be changed to “review.” Also, Co-Chair White suggested striking out the adjective “fully” (*...issues to be ~~fully vetted~~ reviewed by the broader Portland community...*). Mr. Heron stated that he believes “fully” is a good public relations word. Ms. Tillman stated that she wants to make sure the Commission is willing to

move forward and act on these statements; what if they don't have enough time and resources?

Mr. Weiss commented that he, like, Co-Chair Yap, does not want to be hampered by constraints. However, like Ms. Tillman he does not want to mislead the community. He suggested paragraph 5 be amended to read "*It is our intention to fully review...*"

Ms. Collins noted that the Commission can have at most two items on the ballot, and they must be related. This document however gives the impressions that the Commission is going to make waves, but the Commission does not have the budget or the time for that.

Mr. Martinez clarified that City Attorney Linly Rees is looking into the issue of how many items can go to the ballot, and she will report back to the Housekeeping Committee with an answer. He does not believe only two items are allowed.

Ms. Campbell commented that the telephone triage system should be equipped with a Telephone Device for the Deaf (TDD) system.

Mr. Heron declared that the Commission needs to talk about how long they are going to work. If they are only a six-month group, they should not send out a press release of this nature.

Mr. Bissonnette commented that there is value in seeing what issues get brought to the table. If this Commission does not have the time and budget to complete the task at hand, they can at least make recommendations to future Commissions. Even if they close down in June, knowing—for example—that a certain issue was put forth by a dozen community members is very valuable knowledge.

Co-Chair White noted that items will only go to the ballot in a primary or general election; if this Commission does end in June, almost a full year will pass before a vote occurs.

Ms. Tillman asked whether the statement in Paragraph 5 is supposed to convey the message that community input is valuable and the Commission will select issues that will be fully vetted *at some point in the future*, and not necessarily by this Charter Commission?

Ms. Pearce stated that she agrees with Ms. Tillman. When she reads this statement, it sounds like the Commission is doing everything right now. This statement tells the public that the Commission will look at all the ideas and fully vet them *right now*. However, it is not clear how long this group will exist in its current form, versus forwarding issues along to a future Commission. It needs to be made clear that this Commission may not be around to fully vet everything.

Co-Chair Yap said that this is just a first step, and then Commission members will reach out to the community individually.

Co-Chair White asked members if they would like to approve the document with suggested changes.

MOTION: Ms. Knoll moved, and Ms. Tillman seconded, to approve the press release as amended.

ACTION TAKEN: With all in favor, the motion passed.

### **DRAFT FAQ/INFO DOCUMENT**

Mr. Martinez suggested that the document clarify the difference between the *City of Portland* as an entity versus the Charter. There are a lot of things people do not like about the City, and he wants to be sure people understand exactly what the role of the Charter is.

Referring to the fourth bullet under “Key Messages,” Ms. Tillman noted that there is indeed an agenda; to help the community. She suggested phrasing the issue as a positive rather than negative.

Ms. Collins suggested changing the word “cognizant” because some readers may not know its meaning.

Mr. Heron suggested that bullet number 5 include “economic challenges” faced by the city. He also noted that “economic challenges” and “unemployment” are essentially the same things.

Mr. Bissonnette offered to spend some more time on this piece if the Commission feels the high-level messages are not there. He will work on the message of the document a little more and make sure all members see it before it is finalized.

Co-Chair White reminded members that the Commission will get a telephone triage system in place. He would like to find out the cost of getting a TDD system in place. Milena Hermansky (staff) said she would look into it.

### **5b. Communications Committee**

Mr. Martinez summarized the Housekeeping Committee’s meeting with City Attorney Linly Rees.

Mr. Ryan Kinsella (Office of the City Auditor) said that he and Ms. Rees are researching whether two or more items can be bundled into one ballot item. Voters cannot be forced to make a

decision on 2 different subjects in the same vote. However if there is a series of housekeeping-type amendments, those may be able to go under one vote.

Mr. Martinez noted that the answer to this inquiry really makes a difference in what the Commission can accomplish.

In reviewing the Housekeeping Committee minutes, Mr. Kinsella clarified that he does not believe it to be the case that the Commission can only send two items to the ballot; rather, two items cannot be combined into one.

Mr. Martinez told the Commission that the Housekeeping Committee got through only three agenda items with the City Attorney before realizing that each item had much greater implications than they had originally realized. Commission members should be aware that these “housekeeping” items are pretty extensive and should consider that fact as they move forward and prioritize.

### **5c. Steering Committee**

Co-Chair Yap briefed Commission members on the Steering Committee meeting. Items discussed included:

- How to ensure diversity on future Commissions. Suggestions included:
  - Interview process with resumes
  - Recruitment Sub-committee to recruit future members
- How to decide whether issues should go through the Charter Commission versus by Ordinance or Resolution; and
- Timeline, terms of the Commission, and budget.

The Steering Committee agreed that the Charter Commission should give an update to Council at an upcoming meeting. Since Council is in the middle of the budget process, now is an appropriate time to ask if any unspent money can be carried over into the next fiscal year.

Ms. Romero suggested that Co-Chairs White and Yap brief Council members individually on the ask for a carry-over before springing it upon them at a Council meeting.

Ms. Cohen also suggested members can meet with Commissioners’ Chiefs of Staff.

Ms. Knoll stated that the combination of the minutes from the last Charter Commission meeting [from which Ms. Knoll was excused] and the discussion taking place today leaves her very confused. If the Commission does not know how long it will exist, they may require more money. If the Commission really intends to continue “until a majority votes to resolve,” then a simple carryover may not be enough money.

Ms. Romero noted that if Council does approve a carry-over amendment, they may require a sunset date.

Mr. Heron stated that, politically speaking, there is a problem. City Council asked the Charter Commission to focus on housekeeping amendments. Now the Commission is not doing at all what Council asked, yet asking for more money.

Mr. Martinez countered that asking for a carryover allows the Commission to present the reality that this work will take longer than six months.

MOTION: Mr. Weiss moved, and Ms. Romero seconded, that Co-Chairs White and Yap represent Charter Commission members in their request to City Council to carry over any money remaining from their \$20,000, and that the Commission continue to be allowed to use City facilities for free, and that the Commission provide a briefing at an upcoming City Council meeting.

Discussion: Ms. Cohen stated that, for her, this request would be a minimum requirement. Ms. Cohen suggested that the Commission get somebody from the Portland Plan to make a statement that this process works in conjunction with—and not against—the Portland Plan. Co-Chair Yap noted that she spoke with Joe Zehnder of the Bureau of Planning and Sustainability (BPS), and he has no idea how it fits in with the Portland Plan. Ms. Knoll suggested that BPS devote staff time to answering that question. Ms. Pearce asked Co-Chairs White and Yap whether they have met with Commissioner Leonard. Co-Chair White said that yes, they have met with him, but they did not ask for the carry-over amendment because they met with him before the Steering Committee made this decision.

ACTION TAKEN: With all in favor, the motion passed.

## **6. Wrap Up and Final Words**

Mr. Weiss asked that Steering Committee minutes be distributed to Commission members.

Co-Chair White noted that he and Co-Chair Yap are scheduled to meet with Commissioner Saltzman the next day, Commissioner Fritz on Friday, and with Auditor Griffin-Valade and Commissioner Fish the following week. They are still in the process of scheduling a meeting with Mayor Adams.

The meeting was adjourned at 8:34 pm.

Respectfully submitted,

Milena Hermansky  
Recording Secretary

ATTACHMENTS TO THE RECORD:

Document: *Charter Commission meeting minutes 03.03.11* (Prepared by Milena Hermansky)

Document: *Key Messages Q&A* (Prepared by Jeffrey Bissonnette)

Document: *Press Release Draft* (Prepared by Jeffrey Bissonnette)

Document: *Housekeeping Committee minutes 02.23.11* (Prepared by Sue Pearce)

Document: *Charter Commission Operating Protocols 2011* (Prepared by Anita Yap)

*(Please contact Milena Hermansky, 503-823-4124 or milena.hermansky@portlandoregon.gov for copies of any of the above documents)*