



League of Women Voters of Portland

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Board of Directors

May 12, 2022

Debbie Kaye
President

To: Portland Charter Commission
From: League of Women Voters of Portland
Debbie Kaye, President
Debbie Aiona, Action Chair
Audrey Zunkel-deCoursey, Board member

Marion McNamara
1st VP

Chris Cobey
2nd VP

Nancy Donovan
3rd VP

Re: Suggestions on Draft Amendments – Appendix B of 5th Progress Report

Adrienne Aiona
Treasurer

Anne Davidson
Secretary

Debbie Aiona

Carolyn Buppert

Judy Froemke

Linda Mantel

Amber Nobe

Margaret Noel

Audrey Zunkel-
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For over a century, the League of Women Voters has helped strengthen democracy and empower voters. As indicated by our previous testimony and oral testimony provided on May 12th, the League of Women Voters of Portland (LWVPDX) has been following the work of the Charter Commission with interest and enthusiasm.

LWVPDX is excited about the direction our city will be headed should the Commission's reforms pass. We particularly support these elements of your proposal:

- Expanding the size of Portland City Council
- Using ranked choice voting for Mayor and Auditor citywide
- Using multi-member districts with ranked choice voting for councilor elections to advance both proportional and geographic representation
- Ending the commission form of government and shifting the City Council to legislative functions

Off Board Leaders

Jen Jacobs
Budget

Ann Dudley
Nominating

Mary McWilliams
Membership

Philip Thor
Endowment Fund

We support your proposal to have the Mayor play an administrative and executive leadership role, even though our position on some aspects of the Mayor's role does not fully align with your recommendations.

Because it is so important to us that these historic reforms pass, we wanted to share a few comments about specific language in some of the amendments you have presented in Progress Report #5, which may have unintended negative consequences. We also have clarifying questions that we request the Charter Commission ask the City Attorney, to ensure that Appendix B of Progress Report #5 is more transparent and accessible for voters.

Our comments are on the topics outlined below. We appreciate your consideration of our suggestions.

- Clearer Budget Development Guidance
- Contract Authority to Mayor but with Council Oversight
- Draft Charter Clarity Suggestions
- Emergency Council Replacement Concern
- Charter Should Guide but Not Hinder Election Administrator Expertise

The League of Women Voters of Portland:
To promote political responsibility through informed and active participation in government.

1) Clearer Budget Development Guidance

Development of the city budget is one of the most important functions of our government. Overall guidance of the budget development process belongs in the charter, but LWVPDX suggests replacing the current draft since it contains a problematic date, does not adequately delineate roles of the Mayor and Council, and does not ensure financial analytical resources for the Council.

Current draft:

The Mayor must submit a proposed budget to the City Council by May 5 of each year. The Council functions as the budget committee and is responsible for approving the budget. City funds may only be expended in conformance with a budget approved by the Council.

The problematic date, May 5, seems to be based on when a Mayor submits their budget to the Council in time for adoption before the beginning of the next budget year, which runs from July 1-June 30. The actual budget process, however, starts the previous fall and begins with the Mayor issuing a budget guidance memo that identifies major priorities or budget constraints. The current charter provision could mean that the Council could have only two months to discuss the Mayor's budget prior to adoption.

Indeed, the Mayor does need to develop the budget, since they and their City Administrator will be running all the bureaus and handling other city operations, which confer essential knowledge for budget development. The Council, though, has an important role in the budget process: Council should set the budget development timeline that includes the Council providing initial budget guidance about its priorities to the Mayor. The budget process also needs to include public input, although the details of improvements (such as more public involvement from within Council districts) are too specific for the charter. The Council will appropriately serve as the budget committee and the final decision-making entity on budget adoption.

Given their administrative role, the Mayor and City Administrator will have financial and budget staff. The Council also needs its own financial budget capacity, independent of staff that answer to the Mayor and City Administrator.

Therefore, we suggest consideration of the following charter language for Section 2-128.

Proposed draft:

The Council establishes the budget development timeline that includes providing initial budget guidance to the Mayor and opportunities for public input. The Council will be provided financial and budget analytical staff capacity. The Mayor will develop a proposed budget. The Council functions as the budget committee and is responsible for approving the budget. City funds may only be expended in conformance with a budget approved by the Council.

2) Contract Authority to Mayor but with Council Oversight

LWVPDX is concerned about the draft charter's total transfer of contract authority to the Mayor. We are concerned that this could unintentionally lead to loss of transparency and public oversight.

Currently, contracts come before City Council for a vote. This process ensures that the public has access to background information and contract details. This decision-making transparency should be maintained in any charter reforms, not removed.

An example of how important this can be is that some years ago an advocacy organization noticed that the Council agenda included a Memorandum of Understanding (MOU) between the city and the FBI for Council approval. The draft MOU made available to the public shed light on the city's involvement with the FBI's Joint Terrorism Task Force. That knowledge has led to years of activism aimed at protecting Portlanders' First Amendment rights by limiting the city's involvement in the task force and requiring annual reports.

Another important example of Council oversight of city contracts pertains to whether or not contractors or others receiving city resources are meeting equity goals related to hiring and other contractor actions.

LWVPDX recommends the Charter Commission change the wording about city contracts. Contracts can be prepared by the Mayor, but should continue to come before City Council so the councilors and public are aware of and have a say in those decisions. This might take the form of a charter amendment that provides for Council hearings on contracts that exceed certain dollar amount thresholds (adopted by ordinance) and also contracts, MOU, or intergovernmental agreements of great community interest.

One response to the concern we raise here might be that the Mayor wouldn't be making contracts that aren't consistent with the adopted budget. However, the budget focuses on *how much* to spend on expense categories, but doesn't get into the details of exactly *how* city dollars are spent, particularly in regard to contracts. In this way, our suggestion for Council approval or some form of oversight of certain contracts is consistent with the Council's legislative function. It also advances the key value of transparency in city government.

3) Draft Charter Clarity Suggestions

The following are places in the draft amendments that raised confusion for us. We recommend reviewing these sections, to help voters better understand the changes they will be voting on.

- a) Given a commitment to transparency and facilitation of public involvement, LWVPDX requests that the Charter Commission ask the City Attorney to provide an annotated version of Appendix B of Progress Report #5. Annotations will enhance a reader's understanding of the draft charter amendments. This assistance to the reader is important because it is the specific language that warrants particularly diligent review and can't be replaced by the initial section of Progress Report #5. Chapter-specific summaries should explain the overall purpose of that part of the charter, any pertinent history, and key points about the amendments, with a focus on how city governance and elections will differ from current practices.
- b) We have a question about the repeated replacements of "Council" with "City" throughout Appendix B. Who at "the City" is meant by this new language? We might infer that the term "City" means "Mayor" when pertaining to administrative or executive functions and means "Council" when pertaining to legislative and quasi-judicial matters. Could the City Attorney confirm whether this assumption is correct? If our assumption is incorrect, then even more thorough review by the Charter Commission is recommended, to clarify to which person or entity the term "City" refers in each of these word replacements. Voters deserve to understand whether powers are being transferred from Council to Mayor; they also need to have faith that one branch or another will be responsible for specific city functions, and not have responsibilities fall through the cracks.
- c) Due to the League commitment to transparency and facilitation of public involvement, LWVPDX requests that the Charter Commission ask the City Attorney to identify replacements of "Council" with "Mayor" and prepare a list, with short descriptions of all the administrative/executive functions that are proposed to be transferred to the Mayor. This information will allow the Charter

Commission, LWVPDX, and the public to consider the tradeoffs and whether or not some administrative functions are important enough to merit involvement of a Council with a legislative focus. In an earlier section of this testimony, we highlighted this concern regarding contract authority, but a comprehensive list of the transferred administrative functions would facilitate identification of possible similar concerns.

4) Emergency Council Replacement Should Not Include the Mayor and City Administrator

Provisions pertaining to maintaining a seven-member Council quorum in the event of a natural disaster or similar calamity in Section 2-206 (f) include the Mayor and City Administrator in the sequenced list of persons who would fill these emergency Council vacancies. This seems inappropriate given the allocation of administrative and executive functions to the Mayor and City Administrator while the Council focuses on legislative matters. Additionally, the inclusion of City Auditor and City Attorney on this list merits discussion by the Charter Commission. Including Council chiefs of staff seems like a more suitable emergency provision.

It also is unclear how emergency replacement of the Mayor and Auditor is to be handled. In general, more discussion of this important section seems appropriate and could include review of how this issue is handled in other political jurisdictions.

5) Charter Should Guide but Not Hinder Election Administrator Expertise

We know that it is a challenge to achieve an appropriate balance between needed guidance and implementation details in charter language, but we suggest further review of Section 3-102 on ranked choice voting. It is not currently clear that an appropriate balance has been achieved. Our particular concern is that, although election administrators need adequate guidance, their implementation experience and expertise should not be hindered by charter provisions.

In closing, we are excited about the reforms you have proposed. Thank you for taking on big challenges with bold ideas. These comments are intended to strengthen the charter amendments and make them sustainable into the future.

This will be a historic year for our city. Thank you for your service.

Sincerely,



Debbie Kaye,
LWVPDX President



Audrey Zunkel-deCoursey,
LWVPDX Board Member

Debbie Aiona, LWVPDX Action Chair
Chris Cobey, LWVPDX Voter Service Chair
Linda Mantel, LWVPDX Development Chair