



## **League of Women Voters of Portland**

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Date: August 18, 2023  
To: Tate White, Diana Shiplet, and Shoshanah Oppenheim  
From: League of Women Voters of Portland  
Carolyn Buppert, president  
Re: LWV comments on draft revisions to Code Chapter 3.02 on  
Council Organization and Procedures

### **Introduction and Public Input Process Request**

The League of Women Voters of Portland (LWVPDX) appreciated the August 8 listening session on the draft revisions to Code Chapter 3.02 on Council Organization and Procedures. Accepting comments on draft code revisions as part of finalizing what is brought to the City Council is especially appropriate for charter implementation given the importance of this topic. We understand that public testimony can be made at the September 20 City Council hearing. Based on our long history of monitoring Council proceedings, however, we note that amendments are rarely made between first and second readings. We request, therefore, that public comment periods, in addition to listening sessions, be provided on materials related to major draft charter implementation decisions.

The following comments on draft revisions to Chapter 3.02 are guided by the League's position that our city government should meet these criteria: accountability, responsiveness, equity, efficiency, effectiveness, transparency, and nonpartisanship. Additionally, city code revisions to implement Measure 26-228 must not extend beyond what will be allowed under the new city charter.

The League is also committed to implementation of Measure 26-228 that reflects the interconnections between form of government reforms and the geographic and proportional representation that is facilitated by electing three Councilors from four districts using ranked choice voting. Appropriately, these interconnections warrant consideration of an approach to Council organization that may not be used in jurisdictions without ranked choice voting in multi-seat districts. We believe that the Council and Council's leadership should be as fully representative of Portland's population as possible.

### **The Mayor's role in Special Meeting requests in draft Chapter 3.02.010**

Draft Chapter 3.02.010,D on Special Meetings allows the Mayor to sign on with six Councilors to request a special City Council meeting. It was helpful to hear at the August 8 listening session that the rationale for giving the Mayor a role in requesting special meetings is extrapolated from two Charter Section 2-401 provisions that allow the Mayor to introduce agenda items and break Council ties.

The League has three concerns about equating a request for a special meeting with introducing an agenda item or breaking ties:

- This extrapolation misses important context: the Charter Review Commission did not view the Mayor as being a member of the new Council. This context leads us to conclude that the

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Commission's two exemptions regarding a mayoral role in Council operations in Charter Section 2-104 were intended to be the only exemptions.

- Allowing the Mayor to join six Councilors to request a special council meeting could force consideration of an agenda item that requires a tie-breaking vote by the Mayor.
- It also seems inappropriate to rely on current Chapter 3.02 language that is based on the current Mayor being a Council member and therefore allows for the Mayor to be one of three Council members to request a special meeting. The Mayor will no longer be a Council member in 2025.

Based on these three concerns and the background information currently available, the League recommends that draft Chapter 3.02.010 be amended so that a request signed by at least seven Councilors is the only option to request a special meeting. We will be interested to learn about further assessment of this topic by legal counsel.

(A note regarding emergency Council meetings: It is appropriate in draft Chapter 3.02.010,E that the Mayor is one of several people who can call an emergency meeting in the event of a natural disaster or similar calamity. That this is appropriate is tied to Charter Section 2-206 (f) that includes the Mayor in the order of succession to fill City Council vacancies in the event of a natural disaster or similar emergency. However, this rationale related to emergency meetings in Chapter 3.02.010,E should not be used to justify giving the Mayor a role in requesting special Council meetings.)

## **Council Leadership Discussion & Alternative Option in Chapter 3.02.040**

### Pertinent New Charter Provisions

Section 2-110 on Council Organization in Portland's charter was amended by Measure 26-228 as follows. Additions are highlighted in green and deletions are shown with strikeouts and highlighted in teal.

At its first regular meeting each calendar year, or oftener at its option, the Council shall elect a President **and Vice President** by majority vote **of those present**. The **Mayor** President shall preside at all meetings of the Council. In the **Mayor's** President's absence or disability, the **Vice President** of the Council shall perform the duties of the **Mayor** President. In the absence or disability of both President and **Mayor Vice President**, the other members of the Council shall select one of their number to perform the duties of President during such absence.

Section 2-111 on Rules of Procedures was amended by Measure 26-228 with added language highlighted in green.

The Council shall determine its own rules of procedure, **may establish Council committees and subcommittees**, may punish its members for disorderly conduct, and may compel the attendance of members.

The pertinent points for this discussion are that the charter only gives the new Council President and Vice President the authority to preside over Council meetings and that Councilors may establish committees.

### Council Leadership Provisions in Draft Chapter 3.02 on Council Organization and Procedures

The draft Chapter 3.02.040 on Council Rules requires the Council to select a Council President and Vice President at the beginning of each year. Appropriately, the goal is that these two leaders will be from different districts. This reflects significant public concern about longtime frequency of Council

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members residing in relatively few neighborhoods and was a contributing factor to amending the charter so Councilors are elected from districts.

In addition to presiding over Council meetings, however, the Council President is given the power to review and recommend proposed agenda items in terms of the timing of their consideration by the full Council and/or referral to a Council committee. The Council President would also serve as the primary point of contact between the Council and the Mayor and City Administrator. This gives significant additional powers to the Council President (or in their absence, the Council Vice President) compared to fellow Councilors.

#### Concerns about Draft Chapter 3.02.040 Council Leadership Provisions

Because draft Chapter 3.02.040 gives the Council President additional authority, it raises a concern about incompatibility with the following elements of Measure 26-228:

- The shift away from a Council elected citywide to Councilors elected from districts to achieve geographic representation.
- The shift away from winner-take-all elections to the use of ranked choice voting in multi-member districts that elect three Councilors to achieve proportional representation.

The intent of these provisions was to create a Council that more fairly represents the interests of voters in all of Portland's communities and to not concentrate power in one representative from any one district.

We believe that the draft Chapter 3.02.04 approach misses an opportunity to craft Council procedures that better facilitate a balance between citywide and district-specific interests.

#### An Alternative Option is a Council Leadership Committee

The League suggests consideration of a Council Leadership Committee (CLC) as an alternative to giving more power to the Council President. Specifically, a CLC would be given the point of contact role and the agenda review and recommendation authority instead of the Council President as in the proposed draft Chapter 3.02.04.

Therefore, at the beginning of each year, the Council would select the CLC with one member from each of the four districts. One member of the CLC would be the Council President and another member would be the Council Vice President. The only role given to the President and Vice President beyond their membership on the CLC, however, would be to preside over Council meetings as required by the charter. The charter does allow for committees such as the CLC.

The CLC, as a group that includes a member from each Council district, would have the following responsibilities:

- Review each submitted agenda item and recommend whether the item should be considered immediately by the full Council or referred to a particular committee.
  - A CLC recommendation about a submitted agenda item must be approved by the Council and the Council may vote to amend such a recommendation.
  - The CLC, in coordination with the Auditor, can determine when an agenda item is complete and at what Council meeting the item will be heard.
  - A tie vote of the CLC on how to proceed on a submitted agenda item would be viewed as a "yes" vote.
- Serve as the primary contact group with administrative branch leaders, the Mayor and City Administrator. The CLC could delegate the communication of specific information to the Council President.

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### CLC Benefits

The CLC has the following benefits:

- It takes advantage of having three councilors from each district who could be tapped to serve on the CLC.
- It avoids possible favoritism toward a Council President's district.
- It would foster collaborative leadership and facilitate Council agendas that more robustly consider both citywide and district concerns.
- It would allow more robust communication between the Mayor and City Administrator and the Council.

Another advantage of the CLC approach is that permanent staff could be assigned to the CLC and would work for this group as a whole and not any one member of that committee. This facilitates institutional memory and ensures continuity pertaining to Council actions over time even as membership in the CLC can change on an annual basis.

### Summary

The League would appreciate consideration of this CLC approach due to its alignment with multi-seat council district reform in Measure 26-228. Please recognize that this collaborative leadership approach may not be used in other jurisdictions since they rely on the single-seat council district approach that was rejected by the Charter Revision Commission and Portland voters.

## **Additional Suggestions**

### 1 – Public Comment – Terminology Improvement

The provision in draft Chapter 3.02.020,C,3 seems to be proposing using “public comment” as the label for the “request from the public to address Council” provision that is the current version of Chapter 3.02. Providing an option for people to request an opportunity to address the Council on topics that are not necessarily on the Council's agenda should be retained. Continuing the current practice of allowing three minutes for up to five people to speak to the Council at the beginning of meetings is also appropriate.

The public comment label, however, seems vulnerable to confusion with the public testimony terminology used in Chapter 3.02.030, especially since testimony during hearings is not limited to just five people. One alternative to the “public comment” label is “communication to council” but there may be better options. In general, replacing “public comment” with a label that is less likely to be confused with the public testimony term seems prudent.

### 2 – Council Leadership Change Options

The draft Chapter 3.02.040,A only addresses how a Council President or Vice President will be replaced if one of them resigns or leaves the Council. Our reading of Charter Section 2.110 is that its “or oftener” verbiage allows the Council to proactively select new Council leaders before the beginning of the next calendar year. Including that “or oftener” point in Chapter 3.02.040 seems like a simple addition that would be helpful for people who may not read both the charter and code language on this topic.

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## **Next Steps**

We appreciate your recognition that there are topics the new Council should have the prerogative to address. In general, it seems that your plan to is to provide information to the new Council. We suggest this take the form of a publicly available educational report. This report could include background on your recommendations for code revisions to be made by the current Council. It could also summarize public input on alternatives and research on possible future revisions.

Thank you for your hard work and consideration of these League of Women Voters of Portland comments.