

# City of Portland Charter Commission Meeting Minutes

April 27, 2022

1. **Call to Order.** Chair Kebede called the meeting to order at 6:13 p.m.

**Present were:** Chair Kebede; Commissioners Barowitz, Buxton, Chann, Eglinton (joined 6:30), Houston, Lizanecz, O'Brien, Sheikh-Yousef, Stewart-Bouley, Washburn (joined 6:57), Waxman.

2. **Review and Approval of Minutes.** On motion by Commissioner Lizanecz, seconded by Commissioner Sheikh-Yousef, the Commission voted to approve the draft meeting minutes of April 20, 2022 by unanimous roll call vote of 10 to 0 (Eglinton, Washburn absent).

3. **Ratification of Final Language for School Budget Process from Education Committee**

Description: Commissioners will deliberate and vote to approval final language for this proposal.

Relevant document(s):

- a. Proposal for school budget process

Commissioner O'Brien expressed his concerns that this is likely to lead to a costly lawsuit and that there are other ways to address this, such as clarifying or amending State law.

On Motion of Commissioner Houston, seconded by Commissioner Lizanecz, the Commission voted by roll call vote of 8 (Kebede; Barowitz, Buxton, Chann, Houston, Lizanecz, Sheikh-Yousef, Stewart-Bouley) to 2 (O'Brien, Waxman ) (Eglinton, Washburn absent) to ratify the final language to include in the Preliminary Report.

4. **Ratification of final language for Capital Improvement Program Process Proposal from Education Committee**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Proposal for capital improvement program process

On Motion of Commissioner Houston, seconded by Commissioner Lizanecz, the Commission voted by roll call vote 10 to 0 (Eglinton, Washburn absent) to ratify the final language to include in the Preliminary Report.

## **5. Deliberation and Vote on final language for Mayor’s Economic Development Leadership Amendment**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Final language for Mayor’s Economic Development Leadership Amendment

Commissioner O’Brien presented the proposal to allow mayor to work with City staff on large economic development proposals.

Commissioner Buxton asked if public comment was needed before final ratification of this language. Chair Kebede regarded this as an amendment to the Governance Model.

Commissioner Chann thought the proposal was too specific - why not include other tasks the mayor can do? Commissioner Waxman stated she won’t be supporting it because this power already exists. Chair Kebede was comforted by statement of this authority of mayor.

On Motion of Commissioner Barowitz, seconded by Commissioner O’Brien, the Commission voted by roll call vote 7 (Houston, O’Brien, Barowitz, Lizanecz, Buxton, Sheikh-Yousef, Kebede) to 4 (Chann, Waxman, Eglinton, Stewart-Bouley) (Washburn absent) to include the language in the Preliminary Report as an amendment to the Governance proposal.

## **6. Ratification of Final Language for Governance Model**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Governance Model in charter language from Perkins Thompson

Main Motion. Commissioner Houston made a motion, seconded by Commissioner Sheikh-Yousef, to approve the Governance Model proposal language to and include it in the Preliminary Report.

Amendment. Commissioner Lizanecz moved to amend the motion to add language with regard to the mayor’s powers, seconded by Commissioner O’Brien. The proposed language read:

The mayor shall not interfere with the daily operations of the City.

The mayor shall not independently direct department heads, the COO, or their subordinates.

Commissioner Buxton was concerned about the breadth of this language; Commissioner Barowitz shared this concern. Chair Kebede understand wanting to avoid a meddlesome mayor, but worry about language, and suggested adding “unless authorized to do so by City Council.”

Commissioner Lizanecz was concerned about this potential Council loophole. He also suggested adoption of this language as a concept to be mentioned in Preliminary Report and anchored later.

On a roll call vote of the Commission, the amendment failed by vote of 4 in favor (O'Brien, Houston, Lizanecz, Kebede) and 7 opposed (Barowitz, Waxman, Sheikh-Yousef, Washburn, Stewart-Bouley, Buxton, Eglinton) with one abstention (Chann).

Amendment. Commissioner Buxton proposed an amendment for the City Council to elect a council president and vice-president to serve with mayor as Executive Committee, seconded by Commissioner Washburn.

Attorney Katsiaficas made a note to fix language in Section (e) that the Commission previously had agreed to – the mayor's duties include to set agendas and preside over council meetings, but not to be a member of the Council.

Commissioner Barowitz noted that Jeff Levine thought it a poor idea to blend the executive mayor and City Council. Commissioner O'Brien observed that he didn't want a council president at loggerheads with mayor, and so couldn't favor this amendment. Chair Kebede favored a clear separation of powers. Commissioner O'Brien noted that the mayor's role under the proposal is not to seek a result but to run a process – that he doesn't want to create a second position of power in City government.

On a roll call vote of the Commission, the amendment failed by vote of 6 in favor (Buxton, Barowitz, Houston, Washburn, Kebede, Sheikh-Yousef) and 6 opposed (O'Brien, Lizanecz, Chann, Waxman, Stewart-Bouley, Eglinton)

Amendment. Commissioner O'Brien moved to amend the Mayor, Article I, Section 2 language to make the division of mayor/council authority less divisive than it appear to be in the Westbrook charter language that was used as a model, seconded by Commissioner Lizanecz.

Chair Kebede agreed the amendment is better language because the Westbrook mayor has hiring/firing authority, and the Portland mayor would not. Commissioner Barowitz asked to change "supervision" to "oversight" as a friendly amendment, which was accepted.

On a roll call vote of the Commission, the amendment passed by vote of 8 in favor (Barowitz, Lizanecz, Buxton, Houston, Sheikh-Yousef, O'Brien, Washburn, Kebede) and 4 opposed (Chann, Waxman, Stewart-Bouley, Eglinton)

Amendment. Commissioner Chann moved to amend the proposal amendment to among other matters: remove executive/legislative" language in Article I, Section 2; move mayor back to Council as Chair; restore City Manager; Mayor to work with City Manager on budget and CIP; . remove executive committee since mayor would be on Council; clarify Council-staff communications; and place department heads back under City Manager subject to Council confirmation, seconded by Commissioner O'Brien. Commissioner shared his written draft amendment by email.

Commissioner Washburn asked why this was necessary. Commissioner Chann responded that this amendment would assure more than six people would support the Governance proposal, which would give mayor more authority and would break down firewalls and is in keeping with existing charter language.

Commissioner O'Brien stated this was the first time he'd seen the amendment and that he was inclined to support it. He said it was consistent with guidelines of the governance committee proposal – that Commissioner Chann had pulled much of this from the s from governance committee.

Commissioner Buxton noted the desire to have a mayor run on a policy agenda, but the mayor's policy options are limited in and left to the Council as reflected in sections (3)(a) and (b) and (f) also remains – implementation of city policies.

Commissioner Sheikh-Yousef asked why the amendment eliminated the executive committee. Commissioner Chann responded that the mayor would be the parliamentarian – the executive committee is not needed if don't have to keep mayor or council in loop through executive committee. Mayor would be in addition to the 9 to 12 Councilors. Commissioner Lizanecz thought this was something City can get behind – it moves the needle.

Commissioner Buxton stated she won't support this and had discomfort with this as a different proposal that doesn't fit with the Governance Proposal before them that it was a new proposal offered as an amendment to the proposal. Chair Kebede thought a wholesale change could be offered this way. Commissioner Barowitz had the same concerns as Commissioner Buxton -- This is a complex amendment that reverting to current system with a few minor enhancements to mayor's role.

On a roll call vote of the Commission, the amendment failed by vote of 6 in favor (O'Brien, Stewart-Bouley, Waxman, Chann, Lizanecz, Eglinton) and 6 opposed (Houston, Barowitz, Buxton, Washburn, Kebede, Sheikh-Yousef).

Motion to table was made by Commissioner O'Brien, seconded by Commissioner Lizanecz; motion retracted. Commissioner Lizanecz asked if further possible changes could be brought forward during May and June Commission meetings, and this was agreed to – proposed changes could be made by amendments.

Main motion. On a roll call vote of the Commission, the main motion to include this Governance Model proposal in the Preliminary Report and to ratify the final language to include in the Preliminary Report passed by vote of 8 in favor (to include this governance proposal in Preliminary Report in favor of ratification of the final language to include in the Preliminary Report.) and 4 opposed (Chann, Waxman, Stewart-Bouley, Eglinton).

## **7. Ratification of Final Language for Peaks Island Council Proposal**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Final language for Peaks Island Council proposal

Commissioner Stewart-Bouley noted that while she is an Island resident, she was not a part of this proposal nor was she approached on it, but that she supports it.

On Motion of Commissioner Washburn, seconded by Commissioner O'Brien, the Commission voted by unanimous roll call vote 12 to 0 to ratify the final language to include in the Preliminary Report.

## **8. Ratification of Final Language for Clean Elections Proposal**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Final language for Clean Elections proposal
- b. Perkins Thompson memorandum

Attorney Katsiaficas provided explanation of language and question of whether necessary to include Section 13 since it duplicates State law provisions that apply to Portland municipal elections.

Commissioner Buxton stated that although the Section 13 language duplicates State law, it is important to have it in the Charter in case State law is changed or overturned.

On Motion of Commissioner Washburn, seconded by Commissioner Waxman, the Commission voted by unanimous roll call vote 11 to 0 (Eglinton absent) to ratify the final language to include in the Preliminary Report

## **9. Ratification of Final Language for Redistricting Proposal**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Final language for Redistricting Proposal

Motion by Commissioner O'Brien, seconded by Commissioner Barowitz, to ratify the final language to include in the Preliminary Report.

Commissioner Houston asked whether there should be 12 councilors, or 13 to avoid ties.

Commissioner Sheikh-Yousef moved to amend to enlarge the number of districts for City Council from 9 to 12, seconded by Washburn; after discussion, motion to amend was withdrawn.

Commissioner O'Brien moved to amend the motion to provide one School Board member from each district and no at-large seats, for a total of 9 seats. Commissioner Buxton seconded the motion, observing that the School Board feels it would be unwieldy at 12 seats. Amendment passed by vote of 9 to 2 (Waxman, Stewart-Bouley; Eglinton absent)

Motion to amend by Commissioner O'Brien so that expanded council votes by majority of councilors present and voting so long as a quorum (7) is present, seconded by Commissioner Buxton. Motion approved by a vote of 10 to 1 (Washburn; Eglinton absent)

Main motion as amended passes by vote of 10 to 1 (Waxman; Eglinton absent).

#### **10. Ratification of final language for Ethics Proposals**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Final language for Ethics Commission/Code of Ethics Proposals
- b. Ethics Commission Introduction and Summary

Commissioner Barowitz moved to ratify the final language to include in the Preliminary Report, seconded by Commissioner Washburn.

Commissioner Barowitz offered a friendly amendment to his own motion to replace “and” with “or” in place of “and” in the sixth line of (c).

The motion passed by unanimous roll call vote of the Commission, 11 to 0 (Eglinton absent).

#### **11. Ratification of final language for Proportional Ranked Choice Voting Proposal**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Final language for Proportional Ranked Choice Voting Proposal

Commissioner Chann noted that the language was obtained from the ranked choice voting (RCV) expert. It allows for proportional RCV in a multi-seat municipal election instead of using multipass RCV to fill each seat individually, with its 50% requirement.

Commissioner Washburn moved to approve with a change from “shall” to “may” in the second line, seconded by Commissioner Buxton.

Commissioner Barowitz offered a friendly amendment to delete second sentence from the proposal. amendment. Commissioner O'Brien was opposed to this, believing the election rules should be solidified and can be changed by referendum; Commissioner Chann agreed that the choice of vote counting method shouldn't be at discretion of Clerk and Council.

The amendment failed by roll call vote of 5 in favor (Barowitz, Washburn, Lizanecz, Sheikh-Yousef, Kebede) and 6 against (O'Brien, Chann, Waxman, Buxton, Houston, Stewart-Bouley) (Eglinton absent).

On the motion, the Commission voted by roll call vote of 9 in favor (O'Brien, Chann, Waxman, Washburn, Lizanecz, Buxton, Houston, Stewart-Bouley, Kebede) and 2 against (Barowitz; Sheikh-Yousef) (Eglinton absent) to ratify the final language to include in the Preliminary Report.

## **12. Ratification of final language for Universal Resident Voting Proposal**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Final language for Universal Resident Voting Proposal
- b. Perkins Thompson memorandum

Commissioner O'Brien stated that he supports this proposal deeply as a matter of justice, but that he is not willing to put these people at risk given the legal uncertainty of this proposal Chair Kebede responded that there will be time for a legal opinion May/June, and in the meantime, he supported including this proposal in the Preliminary Report.

On Motion of Commissioner Washburn, seconded by Commissioner Lizanecz, the Commission voted by roll call vote of 8 in favor (Chann, Barowitz, Washburn, Lizanecz, Sheikh-Yousef, Kebede, Buxton, Houston) to 3 against (O'Brien, Waxman, Stewart-Bouley) (Eglinton absent) to ratify the final language to include in the Preliminary Report.

## **13. Ratification of final language for Vacancies Proposal**

Description: Commissioners will deliberate and vote to approve final language for this proposal.

Relevant document(s):

- a. Final language for Vacancies Proposal

On Motion of Commissioner Chann, seconded by Commissioner Waxman, the Commission voted unanimously by roll call vote 11 to 0 (Eglinton absent) to ratify the final language to include in the Preliminary Report.

## **14. New Business**

a. Reconsideration. Commissioner Lizanecz moved for reconsideration of Governance Proposal vote, seconded by Chann; Commission voted by roll call vote of 7 in favor (O'Brien, Chann, Lizanecz, Waxman, Stewart-Bouley, Sheikh-Yousef, Buxton) and 4 against (Barowitz, Washburn, Houston, Kebede) (Eglinton absent) to reconsider the Governance Proposal vote. e

Discussion on how to proceed followed, with some Commissioners considering a tabling motion to a Wednesday May 4 meeting for preparation and circulation of amendments, and others not aware this was part of the motion to reconsider.

On motion by Commissioner Washburn, seconded by Commissioner Sheikh-Yousef, to reconsider the reconsideration motion vote, the Commission by roll call vote voted unanimously (11-0; Eglinton absent) to reconsider the reconsideration motion vote.

b. Preliminary Report. Additional discussion followed regarding whether to direct Attorney Katsiaficas to compile the ratified final language for all proposals and the Committee summaries into the Preliminary Report and to submit that Preliminary Report to the City Council for May 9. Executive Committee members would individually review the draft and send any revisions and sign off on the draft to Attorney Katsiaficas, who then would send the draft to Commission members for their individual review and sign off by the end of day Thursday, May 5, so that the Preliminary Report can be submitted Friday, May 6. Consensus of Commissioners was to adopt this approach.

c. Cancel May 4, 2022 meeting. Commissioners discussed how the May 4 meeting would be conducted since Chair Kebede would be away, Commissioner Eglinton would be late to the meeting, and Commissioner Stewart-Bouley could start the meeting, but would have to leave early. On motion by Commissioner Washburn, seconded by Commissioner Lizanecz, the Commission by roll call vote voted unanimously (11-0; Eglinton absent) in light of the approach agreed to in b. above to cancel the May 4, 2022 meeting.

## **15. Adjourn**

On motion of Commissioner Washburn, seconded, the Commission voted unanimously (11-0; Eglinton absent) to adjourn at 10:40 p.m.