

**City of Portland  
Charter Commission  
Meeting Minutes**

June 8, 2022

- 1. Call to Order.** Chair Kebede called the meeting to order at 6:05 p.m.

Present were: Chair Kebede, Commissioners Barowitz, Buxton, Chann, Eglinton, Houston, Lizanecz, O'Brien, Sheikh-Yousef, Washburn (arrived 6:30 p.m.), Waxman (arrived 6:50 p.m.), (Stewart-Bouley, absent)

- 2. Review and Approval of Minutes.**

a. Approval of the draft May 25, 2022 Charter Commission Meeting Minutes. On motion by Commissioner Eglinton, seconded by Commissioner Houston, the Commission voted to approve the draft meeting minutes of May 25, 2022 by roll call vote of 9-0.

- 3. Discussion of How to Present Ballot Questions**

Description: Commissioners will deliberate about how to present questions to voters.

Relevant document(s):

- a. Preliminary Report

On motion by Commissioner Eglinton, seconded by Commissioner Houston, the Commission voted to move this matter to later in the Agenda after discussion of amendments by roll call vote of 9-0.

- 4. Discussion of Amendments**

Description: Commissioners will deliberate and vote on amendments to the proposals.

Relevant Document(s):

- a. Preliminary Report  
b. Commissioner Buxton's Clean Elections Amendment

Commissioner Buxton presented the four amendments to the Clean Elections proposal that had emerged from workshop discussions. One would change the implementation date from 2024 to 2023; one would bar foreign contributions or expenditures on ballot question campaigns to curb their influence on elections; another would authorize the City Council to adopt additional regulations and ordinances governing campaign spending; and another would restore a prior bar on contracting with the City within two years of making a campaign donation to a City election candidate. Attorney Katsiaficas noted: that the City Clerk had recommended the 2024

implementation date; that as to the foreign contributions provision, the Governor had vetoed such a bill last year and that State law appears to preempt local home rule authority to regulate election spending, so that this provision (and the limitation on contracts to local candidate donors) would be beyond the ability of the City to add to the Charter; and that authority of the City to adopt additional regulations and ordinances also should be consistent with State law.

Chair Kebede recommended that the Commission act on the amendments this evening, and obtain a memo from Perkins Thompson on its legal opinion and any differing legal opinions from others to allow further consideration of these at later meetings. These amendments were acted upon by several votes.

1) Implementation date. Commissioner O'Brien suggested Clean Elections could be placed in the FY 2023-2024 budget to allow implementation for the November 2023 election. On motion by Commissioner Buxton, seconded by Commissioner Eglinton, the Commission voted to amend the Clean Elections to change the implementation date to be for inclusion the FY 2023-2024 budget to allow implementation for the November 2023 election by roll call vote of 9-0.

2) Foreign Contributions. On motion by Commissioner Buxton, seconded by Commissioner Washburn, the Commission voted to amend the Clean Elections to add Section 13(b) to prohibit foreign contributions by roll call vote of 8 (Kebede, Barowitz, Buxton, Chann, Houston, Lizanecz, Sheikh-Yousef, Washburn) to 2 (Eglinton, O'Brien).

3) Additional Regulations and Ordinances. On motion by Commissioner Buxton, seconded by Commissioner Washburn, the Commission voted to amend the Clean Elections to add Section 13(c) to allow the City Council to adopt additional regulations and ordinances governing campaign spending that are consistent with Section 13 of the Charter and with State law by roll call vote of 8 (Kebede, Barowitz, Buxton, Chann, Houston, Lizanecz, Sheikh-Yousef, Washburn) to 2 (Eglinton, O'Brien).

4) Contract Bar for Candidate Donations. Following discussion on how this would affect ability of City employees and appointees to contribute to local candidates, how this might address in-kind contributions, and whether this is a real concern since the individual donation limit to a local candidate is \$500, Commissioner Buxton withdrew the motion to approve, subject to possible later consideration.

#### c. Commissioner O'Brien's Governance Amendment

Commissioner O'Brien presented a summary of his proposed changes to the Governance Proposal for first reading. He explained that in preparing this, he was attempting to answer former Councilor and Mayor Anne Pringle's questions of what is the Commission trying to address, and what is the problem it seeks to solve? He believes that the current Charter does not allow the elected mayor to lead on major operational issues, such as food truck location or housing for asylum seekers or two-way operation of City streets - these are decisions made by City staff and not elected leaders. Therefore, his proposed amendments would augment the Governance Model's focus on an elected mayor with a council that provides a check on the mayor's powers, and he reviewed those specific changes. There were clarifying questions about

the scope of the Mayor's Executive Order authority and how that squares with the Council's general legislative authority and about how to fill a vacancy in the office of mayor if the mayor is removed, with an election being the method unless fewer than six months remain, in which case, the COO might act as the City's Chief Executive until the next election. The Commission directed Perkins Thompson to prepare these amendments in charter language form for consideration at the June 22 meeting.

d. Commissioner Chann's Governance Amendment

Commissioner Chann presented a summary of his proposed changes to the Governance Proposal, several of which had previously been considered. The amendments would return the mayor to being a member of the Council, retain the city manager, strengthen budget language, clarify removal of the mayor, and modify the current staff communications policy. Discussion followed regarding the removal of the mayor, with general consensus being that the standard for removing the mayor be different than for council and school board members.

On motion by Commissioner Waxman, seconded by Commissioner Chann to approve the Chann amendments as amended to allow the mayor to direct the drafting of the City budget and to present it, the Commission voted by roll call vote of 4 yes (Chann, Lizanecz, Waxman and Eglinton) and 7 no (Kebede, Washburn, Sheikh-Yousef, Buxton, Barowitz, O'Brien, and Houston), not amend the Clean Elections to add Section 13(b), and so the Chann amendments were not approved.

## **5. Discussion of How to Present Ballot Questions**

Chair Kebede presented his proposed grouping of Commission proposals into five ballot modification questions. Following discussion, the Commission developed preliminary consensus around the groupings shown in the chart attached to these minutes, and directed Perkins Thompson to begin drafting charter language for these questions accordingly. Ultimately, the Commission will need to approve the bundling of proposals into ballot modification questions by majority vote.

## **6. Other Considerations Section of the Preliminary Report**

Commissioners discussed whether minority reports are permitted and in what format. The understanding is that minority reports of no more than 1,000 words each may be submitted by a Commissioner or Commissioners whose proposals were not accepted (Councilor Pay and Office of Information Systems, for example) or who were not on the prevailing side of a vote on a proposal. They may write these for inclusion. The Commission also may include a list of "Other Considerations" – for example, items that the Commission might have wish to have addressed but for the limits of time, or issues on the horizon for a future Charter Commission.

Commissioners will review these and begin to draft the same as well as the ballot summaries that will accompany the ballot modification questions where proposed revisions are too lengthy to fit on the ballot.

Commissioner O'Brien asked if Dan Amory's recent op-ed on the School Budget Autonomy proposal might be included in the Final Report; Chair Kebede noted that it, along with memoranda from the Commission's legal adviser and the School Board's attorneys, are in the record of the Commission's proceedings and so should not be included in the Final Report.

#### **7. New Business**

Commissioner O'Brien asked if Commissioners Lizanecz and Barowitz might be willing to revisit the language of the Ethics and Police Oversight proposals to pare their length in light of how later proposals were drafted, and they agreed to do so.

#### **8. Adjourn**

On motion of Commissioner Waxman, seconded by Commissioner Washburn, the Commission voted unanimously by roll call vote to adjourn at 9:10 p.m.