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City of Portland Ballot Measure 26-39: Term Limits for Portland Elected Officials

City Club of Portland (Portland, Or.)

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City of Portland Ballot Measure 26-39: Term Limits for Portland Elected Officials

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NO POSITION
TAKEN

Your Committee Found:

Measure 26-39 would amend the Charter of the City of Portland to limit the number of terms City of Portland elected officials may serve and would reduce the terms of city commissioners from four years to two years. Your committee found the combination of shorter and fewer terms could jeopardize the effective management of Portland's public services. Elected officials would be limited by an inability to develop the knowledge and experience required to effectively lead and manage Portland's unique commission form of government. Elected officials would be forced to spend more time campaigning rather than serving the public interest. Portland is rated one of the best managed cities in the nation and our city government has created a number of programs that are considered models for other communities in the U.S. There are no specific problems that this measure would solve. The committee recommends a "no" vote on Measure 26-39.

The City Club membership will vote on this report on Friday, May 17, 1996. Until the membership vote, the City Club of Portland does not have an official position on this report. The outcome of this vote will be reported in the City Club *BULLETIN* dated May 31, 1996.

I. INTRODUCTION & BACKGROUND

Ballot Measure 26-39 will appear on the ballot as follows:

- | | |
|---------------------|--|
| Caption: | Amends Charter:
Establishes term limits for City's elective offices. |
| Question: | Shall City Charter be amended, limiting number of terms served in elective offices and changing length of terms for commissioners? |
| Explanation: | Presently, Portland's City Charter provides that terms of office of Mayor, Auditor, and Commissioners each shall be four years with no limit on the number of terms a person may serve. This amendment provides that no person shall serve more than two four-year terms in the office of Mayor or Auditor. Commissioner terms are limited to three two-year terms or six years in office. Time already served in office counts, except terms presently being served may be completed. |

(This language was drafted by the measure petitioner and reviewed and approved by the Portland City Attorney's Office.)

Ballot Measure 26-39 limits the number of terms in office for Portland city officials, including the mayor, auditor, and city commissioners, and reduces the length of terms for city commissioners. Measure 26-39 was introduced by initiative petition and will appear on the Primary Election ballot in May 1996.

The City Club appointed a committee of volunteer members to study the measure in March 1996. Members were screened for conflicts of economic interest in the outcome of the study and to assure that no member had taken a public position on the outcome of this measure. Committee members met for three weeks, interviewed proponents and opponents of the measure and other interested persons, and reviewed relevant articles, reports, and other materials.

The City Club has examined the issue of term limits in the past. On October 9, 1992, the City Club general membership considered a Club study of "State Ballot Measure 3: Term Limits for State and Congressional Offices." A majority of the study committee members recommended a "NO" vote on the measure, while a minority recommended a "YES" vote. A motion before the general membership to substitute the Minority Report, recommending a "YES" vote, failed, and Club members voted to approve the Majority Report. The City Club thereby took an official position against term limits for state and congressional offices.

Description of Measure 26-39

In Portland, four commissioners, the mayor, and the auditor are selected at large, in non-partisan elections. The term of all offices is four years with elections staggered at two-year intervals. Since 1980, vacancies on the commission have been filled by special elections.

Measure 26-39 would shorten the terms of city commissioners from four years to two years and would limit commissioners to three terms or six years in office. The measure would leave the four-year terms of the city auditor and mayor unchanged and would limit holders of those offices to two terms or eight years.

Office	Length of Terms		Number of Terms	
	Present	Measure 26-39	Present	Measure 26-39
City Commissioners	4 years	2 years	unlimited	3 terms or 6 years
City Auditor and Mayor	4 years	unchanged	unlimited	2 terms or 8 years

Portland’s Commission Form of Government

Portland is the only major city in the country with a commission form of government. Under Portland’s form of government there is no separation between the legislative and executive functions. In most other large cities in the country, the mayor or a city manager serves as the city’s chief executive, overseeing all city departments and employees. City council members serve as the legislative body. In Portland, in addition to their legislative duties, individual city commissioners also serve as the administrative heads of over 30 city bureaus, offices, boards, and commissions. The mayor chooses which commissioners will head up which bureaus. The commissioners oversee and manage the day-to-day operations of their bureaus.

II. ARGUMENTS PRO AND CON

Arguments Advanced in Favor of the Measure

- Shorter terms create a sense of urgency, which increases the efficiency of government.
- Term limits improve the competitiveness of the election process and increase voter turnout and interest.
- Professionalism in politics is incompatible with the essence of representation—it disconnects the representative from those represented; the measure will create a “citizen-representative” in lieu of high public officials far, and increasingly removed, from the citizenry.
- The measure will prevent career politicians from becoming corrupt power brokers.
- Career politicians’ decisions are guided by the need to get reelected rather than by the public interest; the measure will make career elected officials a thing of the past.
- Shorter terms will promote greater interaction between officials and their constituents.
- Public process will be conducted more openly.

- Shorter terms will decrease the power of lobbyists.
- Elected officials who are new to the process will have more new ideas and energy and be more pragmatic.
- Incumbents currently enjoy a substantial advantage in elections, which term limits will reduce.
- Term limits will decrease the effect of name familiarity in elections and increase voters' attention to the records of candidates' actions.
- The measure will provide minorities and non-professional politicians, who are traditionally outside the system, with greater access to voters.
- Polls show overwhelming public support for term limits on all levels of government; presidents are limited to two terms; governors and statewide offices in Oregon and 39 other states are limited to two terms or less.
- Eight of the nation's ten largest cities have term limits—Portland should lead in government reform, not fall behind.

Arguments Advanced Against the Measure

- Portland does not have a problem that would be solved by this measure. Portland is nationally recognized as a well-managed city with many city programs considered innovative and as models by other communities around the country.
- Measure 26-39 would violate the right of voters to elect and retain the candidates of their choice.
- The voters, and their ability to refuse to return someone to office whose performance is not acceptable, are the best form of term limits.
- Polls show that popular support for the general idea of term limits changes to opposition when people are asked how they feel about the actual and specific impacts of term limits.
- The claim of an incumbency advantage is negated by the fact that elected officials in Portland have, over many decades, averaged no longer in office than provided for by the measure, and the fact that in recent years a number of incumbents have been defeated in their bids for reelection.
- Term limits would put officials elected by the people at a disadvantage against lobbyists and city bureau staff. Experience translates into knowledge, power and authority. Limiting the ability of elected officials to acquire this experience would transfer power to bureaucrats and lobbyists who are not accountable to the people and who may lack long-range vision or who may focus primarily on a single issue.
- The fact that commissioners will be viewed as lame ducks in their final terms decreases their power to influence the direction and operation of city bureaus. Bureaucrats who disagree with a commissioner may choose to wait out the commissioner's term in the hope that the successor may be more pliable.
- Term limits are incompatible with Portland's unique commission form of government. Commissioners fulfill a dual role serving both as municipal legislators and as administrative heads of individual city bureaus.

Commissioners need time to learn how to manage large, complex bureaus and to understand the big picture well enough to be an effective change agent—"only fools start out with reforms."

- Two-year terms would dramatically increase the time commissioners would spend raising money and campaigning, with campaigns costing as much as \$200,000 each. As a result, the time commissioners spend doing the public's business would be significantly reduced.
- Two years in office is too short a time to judge whether a commissioner is doing a good job.
- Portland has been well served by some good, long-serving incumbents in the past. Term limits would ensure that Portland would not benefit from similarly experienced leadership in the future.
- Many of the projects and programs that helped create Portland's good quality of life have taken a long time to accomplish. Term limits would threaten the continuity of vision and leadership needed to shepherd long-range projects from conception to completion.
- Structural changes in city government, in the 1960s, instituted open records and open meetings laws thereby ensuring good public access to city government, making term limits unnecessary.
- Citizens have a great ability to influence city government in Portland. Increased change and flexibility in the city's power structure over recent decades have significantly weakened the power long-time, entrenched interests historically wielded over Portland's city government.
- Measure 26-39 would shrink the pool of candidates for city offices because persons of modest means will be reluctant to give up permanent employment for positions of short duration; only persons at a high socio-economic level will be in a position to run.

III. DISCUSSION

Is There a Problem?

The chief petitioner for Measure 26-39 did not identify specific problems with Portland's city government, but noted that, in general, term limits at all levels of government bring into office officials that are more responsive to citizen needs, more accountable, and less beholden to entrenched interests. As further support for the measure proponents cited public distrust of unresponsive and intrusive government and apparent popular support for term limits in communities across the country. The measure's chief petitioner is a leader in the national term limits movement and, in addition to Measure 26-39, has filed two state measures for the November 1996 ballot that would instruct state and federal legislators to vote for congressional term limits.

Opponents of the measure claimed that Portland does not need term limits. They noted that Portland is nationally recognized as a well-functioning city. *Financial World Magazine* rated Portland the third best managed city in the nation. Portland has one of the highest municipal bond ratings. Portland's city government has developed and administers many programs seen as models

across the nation, such as the city's system of neighborhood associations, and programs in the areas of domestic violence, land use planning, and community policing. The city is looked upon as a model world-wide—each year, city government receives over 600 requests, from officials across the nation and abroad, who want to visit Portland to examine the city's innovative and effective programs.

Opponents of the measure said that Portland has a relatively open and accessible city government. They admitted that term limits might have been more attractive in the early 1960s when the city was still largely controlled by a long-entrenched power structure controlled by certain local business interests. In the 1970s, a new wave of civic activism opened up city government and, among other reforms, instituted open-meetings and open-records laws. Since then, Portland citizens have found their municipal government much more accessible and responsive. The power base in the city has also become much more diversified. Opponents of Measure 26-39 said that these changes preclude a return to the more stagnant conditions of the 1960s.

Opponents challenged the nature of the popular support of term limits claimed by the measure proponents. Opponents reported that a survey of Portland voters, commissioned by the opponents, found that voters responded favorably to the general idea of term limits, but responded negatively when asked for their reaction to the actual likely impacts of Measure 26-39.

Two Different Visions of the Role of Government

Supporters and opponents of Measure 26-39 have very different views of the role of government in our society. The chief petitioner of Measure 26-39 stated that "government does too much" and places excessive burdens and restraints on individuals freedom to make choices about how they use their wealth and resources. The measure's opponents generally supported an activist role for city government in addressing and solving community problems and challenges.

Reduction of Commissioner Terms from Four Years to Two Years

Proponents of Measure 26-39 are in favor of reducing the terms of city commissioners from four years to two years because "short terms are best." In their view, two-year terms will bring more ordinary citizens into government positions and produce frequent open-seat elections, thereby reducing the number of professional politicians in city government.

Opponents of Measure 26-39 argue that two-year terms are a major problem. They state that the role of commissioner is extremely complex and demanding. Several witnesses testified that there is a significant learning curve before commissioners are able to effectively manage the over 30 city bureaus, offices, boards, and commissions. Many bureaus are large and confront complex issues. Bureaus range in size from fewer than 50 to over 1000 employees and have annual budgets that range from less than \$300,000 to over \$200 million. Witnesses said newly elected officials typically take at least one to two years to understand their jobs well enough to begin to effect change and become effective leaders and managers. The compressed time of two years in which to work and then be held accountable for producing positive change and results therefore seems impracticable. Witnesses indicated that some community accomplishments require a long-term, consistent, and informed leadership, citing such examples as Pioneer Courthouse Square, Waterfront Park, and light-rail.

The committee heard that commissioner elections every two years would become less informative with many less well-known candidates. This was viewed positively by the proponents, since in their view it would bring fewer professional politicians into City Hall. Opponents noted that two-year terms eliminate the possibility of staggering elections. Conceivably, an election might result in five newly-elected officials taking office at the same time. Opponents stated this would negatively affect the continuity and functioning of city government because none of the officials would be very effective for the first year or more until they began to understand their roles. Effective delivery of public services could be jeopardized.

Influence of Special Interests and Non-elected Government Staff

Proponents of term limits argue that the influence of lobbyists, bureaucrats and staff will decrease as a result of term limits, while opponents claim that their influence will increase. Proponents of the measure said that newly-elected officials are less likely to go along with the status quo whereas career politicians and bureaucracies tend to serve each other's interests at taxpayer expense and with no accountability.

Opponents stated that newcomers are hampered by a lack of information and how to access it. The complexity of running city government requires increasing levels of information. Witnesses opposing this measure believe that, as a result of the short two-year term and the three-term limit, bureaucrats and lobbyists will have much greater knowledge of the workings of city government than will newly-elected commissioners. New officials will be less powerful and effective because they will lack knowledge.

Opponents of Measure 26-39 stated that city bureaus move very slowly toward change. Witnesses spoke of their experience working in the City of Portland and indicated that commissioners' greatest battles were not conflicts with other politicians but their battles with the bureaus and bureaucrats themselves. The committee heard that "the devil is in the details," and that day-to-day work plans are in the hands of those with longevity, the bureaucrats. With two-year terms, it may be possible for non-elected personnel to wait out the term of a lame-duck commissioner who is trying to achieve reforms.

Proponents testified that shortened terms and term limits will eliminate the power of entrenched career politicians. Opponents stated that the power will not go away but will shift to the lobbyists and non-elected government bureaucracy. They believe this shift will negatively affect the workings of City Hall since the staff, while a necessary and valuable part of government, are unelected power holders and do not answer to the voters.

Another effect of term limits described by witnesses on both sides is the greater percentage of lame-duck officials as compared to the current system. Proponents said this was desirable, while opponents had the opposite reaction.

Shorter Terms Require More Frequent Campaigning

Proponents testified to this committee that the problem is not the amount of money or time needed to campaign but what the money will buy. In their view, career politicians are looking for a lifetime of support from their patrons and will be more heavily influenced than a "short-timer" who will tend to be more honestly running on principles.

Witnesses opposing Measure 26-39 looked primarily at the effect two-year terms will have on Portland's city government. They testified that candidates for mayor, commissioner and auditor spend roughly the last six months of a term actively campaigning. With the current four-year term, that equates to 12.5 percent of their time in office. With revision to a two-year term, commissioners will spend 25 percent of their term campaigning. To the measure's opponents this seemed an unnecessary and undesirable shift of each commissioner's time away from serving the public interest.

Witnesses testified that the cost of a campaign typically ranges from \$50,000 to \$300,000. The time required to raise such funds is substantial. Under two-year terms, the time for fundraising would be critical from the first day in office. This led opponents to believe that two-year terms will give donors greater influence on elected officials trying to raise money for their next campaign.

In the view of this measure's opponents, campaigns every two years for all the commissioner positions in addition to mayoral and auditor elections every four years will prove very disruptive for city business. Frequent changes of leadership will disrupt the management of the bureaus and waste taxpayer dollars.

The Power of Incumbency

Proponents of term limits point to the large advantages incumbents enjoy over challengers in the electoral process. Incumbents have greater name familiarity because public issues and projects draw press attention, giving them frequent exposure. Non-incumbents have a harder time generating the same level of interest and attention.

The committee researched the average continuous length of service over the past 40 years and found that mayors served an average of seven years and auditors an average of eight years. Over the last 40 years, commissioners have served an average of seven years.

Several witnesses had reviewed the history of incumbent politicians in Portland city government and found that without term limits, Portland voters, in the last twenty years, had defeated five incumbent commissioners: Bogle, Koch, Strachan, Ivancie and McCready. This information lead opponents to conclude that Portland voters are able and willing to limit the terms of their elected officials without mandated term limits.

IV. CONCLUSIONS

The committee concluded that Ballot Measure 26-39 would:

1. Attempt to solve a problem that does not exist; voters have defeated several incumbents seeking reelection in recent years; and the eighty-year history of our commission form of government shows that average terms of office are not significantly different from the proposed limits;
2. Be a particularly inefficient modification to Portland's unique commission form of government which could jeopardize the effective management of public services.
3. Make it difficult for a newly-elected official to learn the job well enough to make desired or necessary changes and have a record on which to be judged;

4. Make large urban projects, which take years to complete, more difficult;
5. Increase elected officials' reliance on lobbyists for information;
6. Transfer power to longer-serving, non-elected officials by allowing them to wait out elected officials, moving control of government further from the people;
7. Cause incumbents to spend a larger proportion of their time in office raising money and campaigning; and
8. Restrict voter choice by preventing certain incumbents from seeking reelection, regardless of their effectiveness.

V. RECOMMENDATIONS

Your Committee recommends a "No" vote on Measure 26-39.

Respectfully submitted,
Libby Barber
Tom Dunne
Barnes Ellis
Jay Formick
David Frank
Christian Steinbrecher
B.J. Seymour, chair

Allan Oliver, research advisor
Paul Leistner, research director

VI. APPENDICES

A. Witness List

Steve Bauer, former finance director, City of Portland

Barbara Clark, auditor, City of Portland

Paul Farago, chief petitioner, Measure 26-39

Charles Hales, commissioner, City of Portland

Gretchen Kafoury, commissioner, City of Portland

Steve Kapsch, professor of political science, Reed College

Mike Lindberg, commissioner, City of Portland

Kimbark MacColl, treasurer, "No on Measure 26-39" campaign

Gail Shibley, city council candidate

Bill Sizemore, executive director, Oregon Taxpayers United

Kim Warkentin, campaign manager, "No on Measure 26-39" campaign

APPENDICES continued next page

B. Resource Materials

- "Local Term Limits." U.S. Term Limits. Internet, www.termlimits.org.
- City Club of Portland, "Ballot Measure 3: Term Limits for State and Congressional Offices." *Bulletin*, Vol. 74, No. 19, October 9, 1992.
- City of Portland, "FY 1996-98 Proposed Budget."
- City of Portland, Archives and Records. List of Portland elected officials and their terms in office, provided to the City Club study committee on March 18, 1996.
- Farago, Paul. "Term limits reinvigorate politics." *The Statesman Journal*, January 19, 1996.
- Farago, Paul. Memorandum to candidates for mayor, auditor, and city commissioner, February 14, 1996.
- Farago, Paul. Measure 26-39 voters' pamphlet statement, March 1996.
- Fay, James and Roy Christman. "Hell No, We Won't Go! California's Local Pols Confront Term Limits." *National Civic Review*, Winter-Spring 1994, pp. 54-61.
- Jacob, Paul. "Whose Government is It, Anyway? U.S. Term Limits." Internet, www.termlimits.org.
- Petracca, Mark P. "The Poison of Professional Politics." *Cato Policy Analysis* No. 151, May 10, 1991.
- Petracca, Mark P. and Darcy Jump. "From Coast to Coast: The Term-Limitation Express." *National Civic Review*, Summer-Fall 1992, pp. 352-365.
- Petracca, Mark P. and Karen Moore O'Brien. "Municipal Term Limits in Orange County, California." *National Civic Review*, Spring-Summer 1994, pp. 183-195.
- Rausch, John David. "Testing Legislative Term Limitations." *National Civic Review*, Spring 1993, pp. 149-156.

C. Length of Service Statistics

City of Portland Elected Officials Terms of Office 1913 to the present*

Auditors	Start Term	End Term	Years in Office
Barbur, A. L.	January 1907	July 1917	10.5
Funk, George R.	July 1917	February 1938	20.5
Jones, Edwin W. (Acting)	February 1938	February 1938	0.8
Gibson, Will E.	December 1938	January 1959	20.0
Bredemeier, John O. (Pro-Tem)	December 1943	March 1946	2.2
Smith, Ray	January 1959	August 1970	11.6
Hamill, James	August 1970	November 1970	0.2
Yerkovich, George	November 1970	January 1983	12.1
Lansing, Jewel	January 1983	January 1987	4.0
Clark, Barbara	January 1987	January 1999	12.0

Mayors	Start Term	End Term	Years in Office
Albee, H. R.	June 1913	July 1917	4.0
Baker, George L.	July 1917	July 1933	16.0
Carson, Joseph K., Jr.	July 1933	January 1941	7.5
Riley, Earl	January 1941	January 1949	8.0
Lee, Dorothy McCullough	January 1949	January 1953	4.0
Peterson, Fred L.	January 1953	January 1957	4.0
Schrunk, Terry D.	January 1957	January 1973	16.0
Goldschmidt, Neil	January 1973	August 1979	6.7
McCready, Connie	September 1979	November 1981	2.2
Ivancie, Francis J.	November 1981	January 1985	3.0
Clark, J. E. "Bud"	January 1985	January 1993	8.0
Katz, Vera	January 1993	January 1997	4.0

Commissioners	Start Term	End Term	Years in Office
Bigelow, C. A.	June 1913	July 1930	20.0
Brewster, Wm. L.	June 1913	July 1915	2.0
Daly, Will H.	June 1913	July 1917	4.0
Dieck, Robert G.	June 1913	July 1917	4.0
Baker, George L.	July 1915	July 1917	2.0
Barbur, A. L.	July 1917	July 1933	6.0
Kellaher, Dan	July 1917	July 1919	2.0
Mann, John M.	July 1917	May 1932	14.8
Pier, S. C.	July 1919	July 1923	4.0
Pier, Stanhope S.	July 1923	July 1931	8.0
Clyde, Ralph C.	November 1930	January 1933	2.2
Riley, Earl	August 1930	November 1930	0.2
Riley, Earl	July 1931	January 1933	1.5
Bennett, J. E.	November 1932	July 1941	8.2
Johnson, A. G.	June 1932	November 1932	0.4
Bean, Ormond R.	July 1933	May 1939	5.8
Clyde, Ralph C.	July 1933	August 1943	10.2
Riley, Earl	July 1933	January 1941	7.5
Bowes, Wm. A.	May 1939	November 1969	30.4
Cooper, Kenneth L.	January 1941	January 1951	10.0
Peterson, Fred L.	January 1941	January 1953	12.0
Lee, Dorothy McCullough	August 1943	January 1949	5.3
Van Fleet, Clark C.	August 1943	August 1943	5.8
Bean, Ormond R.	January 1949	January 1967	18.0
Bennett, J. E.	January 1951	May 1952	1.4
Boody, Nathan A.	May 1952	January 1959	6.7
Earl, Stanley	January 1953	March 1970	17.2
Grayson, Mark A.	January 1959	January 1971	12.0
Ivancie, Francis J.	January 1967	November 1980	13.9
Anderson, Lloyd	November 1969	March 1974	4.3
McCready, Connie	March 1970	September 1979	9.5
Goldschmidt, Neil A.	January 1971	January 1973	2.0

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Commissioners	Start Term	End Term	Years in Office
Schwab, Mildred A.	January 1973	January 1987	14.0
Jordan, Charles R.	March 1974	September 1984	10.6
Lindberg, Mike	October 1979	January 1997	17.2
Strachan, Margaret D.	April 1981	January 1987	5.7
Bogle, Dick	January 1985	January 1993	8.0
Blumenauer, Earl	January 1987	January 1999	12.0
Koch, Bob	January 1987	January 1991	4.0
Kafoury, Gretchen	January 1991	January 1999	8.0
Hales, Charles	January 1993	January 1997	4.0

*Portland's commission form of government was instituted in 1913.

Source: Portland City Auditor, April 29, 1996.

Note: The City of Portland, Archives and Records office also provided City Club with data on length of terms of Portland elected officials. Some discrepancies exist between the data from Archives and from the Auditor's office. The table above relies primarily on data from the Auditor's office.