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City Club of Portland Ballot Measure Study: Oregon State Ballot Measure 26-30

City Club of Portland (Portland, Or.)

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Friday, May 3, 2002

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levy

City Club Resolution “YES” on 26-28

"While there are many things, both small and great, which may contribute to the beauty of a great city, unquestionably one of the greatest is a comprehensive system of parks and parkways."
Olmsted Brothers, 1903 Report to the Portland Parks Board

WHEREAS, the Portland City Council has passed Ordinance 176201, referring *A Five Year Levy To Restore Park Services, Repairs And Recreation Programs*, to the May 21, 2002 ballot as Ballot Measure 26-28;

WHEREAS, the Measure will levy \$.39 per \$1,000 of assessed valuation, to produce an estimated \$48.4 million over 5 years, averaging \$9.7 million per year, and costing the average homeowner \$59.00 per year, or \$5.00 per month;

WHEREAS, the levy funds from Ballot Measure 26-28 will be spent on:

- Restoration of basic park maintenance programs including litter removal, restroom cleaning and mowing;
- Correction of urgent safety problems with playground equipment, play fields, community centers and pools;
- Repair of some playing fields around schools in the Centennial, David Douglas, Reynolds, Parkrose and Portland Public School Districts;
- Prevention of additional cuts to after-school tutoring, recreation activities, and summer playground programs;

WHEREAS, in 1938, 1950, 1978, and 1994, the City Club of Portland studied proposed park levies on the ballot in those years and

CITY CLUB OF PORTLAND RESOLUTION

recommended approval. In each case, the Club firmly supported the measures;

WHEREAS; in 1994 the Club adopted a major study report entitled *Portland Metropolitan Area Parks*. The report supported improving maintenance, effecting deferred repairs, upgrading and adding facilities, and restoring or expanding programs. Several of the major recommendations in that report have been realized in the seven or eight years since, in part because of the funds provided by the earlier park levy;

WHEREAS; since 1997, budget constraints have again led to curtailed programs, deferred maintenance of property and facilities, lowered safety of playgrounds and equipment, and closure or curtailment of open hours at certain facilities;

WHEREAS; there are common themes in the Club's earlier reports which still hold true today:

- "Portland's parks are the jewels in the crown of our city and represent one of the most favorable aspects of life in Portland. Portland, however, lacks the capacity to meet the parks needs of its existing and expanding population." (*Portland Metropolitan Area Parks*, September 1994, Section VI, Conclusions, p. 137.) While this may be little less so now, the pressure of increasing population and park use continues to tax the system.
- Proper physical maintenance of the parks, and of the buildings and facilities that are contained within them, is an ongoing necessity. However, budget pressures force deferred repairs, curtailed maintenance programs, and decreases in the staff needed to run programs.
- The programs conducted by the Portland Bureau of Parks and Recreation in those facilities benefit all of our citizens; from elders taking a quiet walk in Laurelhurst Park, to joggers and hikers in Forest Park, to swimmers and basketball players who use the pools and courts in the parks and community centers around the city.
- In particular, youth oriented programs run by Parks and Recreation offer constructive, creative, and healthy outlets for young minds and bodies, and offer safe, positive activities for their time away from home and school.
- The collaboration between Parks and Recreation and the area's public schools, which includes co-located facilities and Parks and Recreation programs run in schools, has been positive and beneficial to both agencies, and to the public they serve. This collaboration should continue to be supported; and

CITY CLUB OF PORTLAND RESOLUTION

WHEREAS, although, City Club taxation studies have found that the property tax is undesirably regressive and properties are now inequitably assessed because of 1997 Measure 50, fundamental tax reform is not being considered at this time, and no realistic alternative exists to raise the revenue needed to support park and recreation services in Portland;

THEREFORE, BE IT RESOLVED that, given the ongoing need to maintain and improve Parks and Recreation facilities and programs that well serve our community, and following City Club's support of past levies to meet those needs, the City Club Board of Governors publicly expresses the City Club's support for Measure 26-28 on the May 21, 2002 ballot.



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re Study

Changes the City of nment

Majority Recommends “YES” on 26-30

EXECUTIVE SUMMARY

Measure 26-30 would replace Portland's commission form of government with a "strong mayor/city council" form—seven of nine council members would be elected by district.

The Majority of your Committee found that between 1961 and 1999, four City Club committees urged that Portland's commission government be changed to a strong mayor/council form. The City Council has tried for 15 years to patch over the deficiencies in the commission form and to better coordinate the city's administrative functions and bureau operations. These efforts have fallen far short of what is needed. Portland's current city government, as Mayor Katz correctly notes, remains "Byzantine and dysfunctional." A "Yes" vote to change Portland's form of government will remove the structural barriers that increase costs of government and leave citizens disenfranchised. If adopted, this measure will unify executive responsibility under the mayor—resulting in better value for our tax dollars; change the role of council members to full-time legislators—which will improve citizen representation and legislative effectiveness; and make it less expensive to run for office and diversify the potential candidate pool by electing seven of the nine new Council members from districts around the City. **The Majority recommends a "Yes" vote on Measure 26-30.**

—Executive Summary continued on following page—

The City Club membership will vote on this report on Friday, May 3, 2002. Until the membership vote, the City Club of Portland does not have an official position on this report. The vote outcome will be reported in the *Bulletin* dated May 17, 2002.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

The Minority of your committee believes that our city government can improve. The most effective way to make improvements, however, is to carefully examine the nature of the problems and examine alternative solutions to those problems. No such process has taken place. A change from the commission form of government to a strong mayor form may be the wrong approach. Portland has accomplished some remarkable things in the 40 years since the City Club last examined Portland's form of government and recommended a change. Is it possible that Portland's many successes in those years came about because of the form of government, rather than in spite of it? That question needs to be answered before the current system is changed. A Charter Review Commission or a "Blue Ribbon Panel" could examine these issues and determine whether changes in the charter, or other changes, are required. The adoption of Measure 26-30, which was developed without widespread community input or support, could result in significant disruption and lost opportunities that, at this critical period in our community's history, cannot be tolerated. **The Minority recommends a "No" vote on Measure 26-30.**

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

TABLE OF CONTENTS

- I. INTRODUCTION 9**
 - A. REPORT STRUCTURE 10
 - B. MAJOR ELEMENTS OF MEASURE 26-30 10
 - 1. Proposed changes to the form of government 10
 - 2. Transition to New Form 11
- II. BACKGROUND 13**
 - A. COMMON TYPES OF CITY GOVERNMENTS 13
 - 1. Strong Mayor/City Council 13
 - 2. City Manager/Council 13
 - 3. Commission 14
 - B. PORTLAND'S FORM OF CITY GOVERNMENT:
THE COMMISSION FORM 15
 - C. HISTORY OF PORTLAND'S FORM OF GOVERNMENT
LOCALLY AND NATIONALLY 15
 - D. CITY CLUB POSITIONS ON PORTLAND'S FORM OF
GOVERNMENT 16
- III. PROPONENT AND OPPONENT ASSERTIONS 18**
 - A. ASSERTIONS MADE BY PROPONENTS OF 26-30 18
 - B. ASSERTIONS MADE BY OPPONENTS OF 26-30 19
- IV. DISCUSSION 22**
 - A. ARE THERE CRITICAL PROBLEMS WITH THE
FUNCTIONING OF THE CITY GOVERNMENT 22
 - B. DOES THE CURRENT FORM OF PORTLAND'S
GOVERNMENT CAUSE THOSE PROBLEMS 25
 - 1. Legislative Duties and Responsibilities 26
 - 2. Effective and Diverse Political Representation 29
 - 3. Quality of Elected Officials 31
 - 4. Executive (and Administrative) Responsibilities 32
 - 5. The Budget 34
 - 6. Professional Management 35
 - 7. Change is on the way? 36
 - C. DOES MEASURE 26-30 PROPOSE A FORM OF
GOVERNMENT THAT WILL SOLVE THOSE PROBLEMS? 38
 - 1. Bringing the Measure to the ballot 39
 - 2. Financial Impact 41
- V. MAJORITY CONCLUSIONS 43**
 - A. UNIFYING EXECUTIVE RESPONSIBILITY UNDER THE
MAYOR WILL RESULT IN BETTER VALUE FOR OUR TAX
DOLLARS 43
 - B. CREATING A FULL-TIME LEGISLATIVE COUNCIL WILL
IMPROVE CITIZEN REPRESENTATION AND LEGISLATIVE
EFFECTIVENESS 44

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

- C. ELECTING COUNCIL MEMBERS BY DISTRICT WILL MAKE IT LESS EXPENSIVE TO RUN FOR OFFICE AND WILL OPEN THE DOOR TO MORE DIVERSE CANDIDATES 45
- D. THE OVERALL FISCAL IMPACT IS POSITIVE 46
- E. USE OF THE INITIATIVE PROCESS IN APPROPRIATE FOR THIS TYPE OF CHANGE 46
- F. A CITY CHARTER REVIEW PROCESS IS NOT PLANNED 46
- G. SUMMARY..... 46

- VI. MAJORITY RECOMMENDATION 47**
- VI. MINORITY CONCLUSIONS 48**

- A. ARE THERE CRITICAL PROBLEMS WITH THE FUNCTIONING OF CITY GOVERNMENT? 48
- B. DOES THE FORM OF CITY GOVERNMENT NEED TO BE CHANGED? 48
 - 1. Legislative Duties and Responsibilities 48
 - 2. Access to Effective, Diverse Representation 49
 - 3. Quality of Elected Officials 49
 - 4. Executive (and Administrative) Responsibilities 49
 - 5. Budget 50
 - 6. Professional Managers 50
 - 7. Change is on the way? 50
- C. DOES BALLOT MEASURE 26-30 PROVIDE A REASONABLE VEHICLE FOR CHANGE? 50
 - 1. Bringing the Measure to the ballot 50
 - 2. Concerns about the measure 50
 - 3. Fiscal Impact 51
- D. SUMMARY..... 51

- VII. MINORITY RECOMMENDATION 52**
- VIII. APPENDICES 53**

- A. WITNESS LIST 53
- B. RESOURCE MATERIALS 54
- C. CURRENT BUREAU ASSIGNMENTS—SPRING 2002 57
- D. MEASURE 26-30: PROPOSED LEGISLATIVE AND EXECUTIVE PROVISIONS 59
 - 1. Proposed Legislative Charter Provisions 59
 - 2. Proposed Executive (and Administrative) Charter Provisions 61

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

I. INTRODUCTION

Ballot Measure 26-30 will appear on the ballot as follows:

Caption:Amends Charter: Changes Form of City Government

Question:Shall Portland be governed by nine member Council (seven elected by district) and managed by a Mayor with veto authority?

Summary:This proposed measure changes the City's government from the Commission form to Mayor/ Council form with distinct and separate roles for the Mayor versus Council members. Currently, the executive and legislative branches of the City's government are combined. The Mayor and each Council member manage several departments and vote on legislation. The measure gives the Mayor all executive and administrative authority and the Council all legislative and quasi-judicial authority. The Mayor is not a Council Member, but has veto power, subject to Council override by six affirmative votes. The Council is increased to nine members; two elected at large and seven elected from geographically defined districts. Each Council candidate must have resided in the district for one year. The presiding officer is the President of the Council. Each of the seven district Council members will have an office within their district, and the two at large Council members will have an office at City Hall. Each council member is entitled to at least two paid staff members. No cost estimate has been provided.

(The language of the caption, question, and summary was prepared by the Portland City Attorney.)

Ballot Measure 26-30 (hereinafter referred to as the Measure) proposes replacing Portland's 89-year-old commission form of government with a strong mayor/ council form of government widely used throughout the United States. The City Club Board of Governors created our study committee to review the Measure and help Club members and the public better understand the implications of the changes proposed.

A wide range of Club members comprised our committee, including one member who had served on 1961 City Club committee that

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

studied Portland's form of government. The City Club screened committee members to ensure that no member had an economic interest in the outcome of the study or had taken a public position on the subject of the Measure (other than as a member of the previous City Club study committee).

Committee members met from January through April 2002. Committee members interviewed proponents and opponents of the Measure, neighborhood and business representatives, and current and former City officials. We reviewed relevant articles, video and written presentations and testimony, past City Club reports and a range of other materials.

A. Report Structure

The report begins by describing Portland's commission form of government, other major forms of government, past attempts to change Portland's government, and prior City Club positions on the issue. The report continues with statements by proponents and opponents of the Measure and an analysis of key issues. The research committee is divided over the benefits and drawbacks of Measure 26-30, and thus conclusions and recommendations from both the committee majority and minority appear at the end of the report.

B. Major Elements of Measure 26-30

Measure 26-30 was placed on the May 21, 2002 ballot by citizen initiative¹. The chief petitioner is Robert Ball. The Measure proposes to change Portland's commission form of government to a mayor/ council form of government. (See *Appendix D.*)

Under Portland's current commission form of government, the City Council (the mayor and four commissioners, all elected at-large) acts as the legislative body. Individual council members also exercise executive administrative control over the city bureaus and offices assigned to them by the mayor. The Measure would replace the commission form of government and make the following changes:

1. Proposed changes to the form of government

The mayor exercises sole executive authority over all city bureaus and offices.

¹ City Code sets the signature requirement for initiative petitions at 15 percent of the highest number of votes tallied for any one City Office at the last preceding City General Election. Until November 2002, this number is 26,095 (15 percent of the votes tallied for Mayor in November 2000). According to the City Auditor, based on a statistically valid sample of the signatures submitted by Robert Ball, the petition contained approximately 32,712 valid signatures.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

- A nine-member city council exercises legislative and quasi-judicial authority.
- The mayor is not a member of city council.
- The mayor has veto-power over ordinances passed by the City Council. The Council may override the mayor's veto with six of nine votes.
- The mayor proposes a city budget and submits the budget to the City Council. The Council approves or amends the budget. The council may not override the mayor's veto of ordinances adopting or amending the City budget.
- Five city departments are created corresponding to the titles of the five departments established by the 1913 city charter². City bureaus and offices are grouped under these departments. Additional departments may be created by ordinance.
- The mayor appoints, manages, and removes the director of each of the five departments, and the directors of all city bureaus and offices. The mayor authorizes the hiring and removal of all other city department, bureau, and office employees, subject to civil service rules.
- The mayor appoints all persons who serve on city boards and commissions, subject to council confirmation. Once appointed, the mayor may remove any of these persons, at any time.
- City council members are elected as follows: two elected at-large and seven elected by geographic districts.
- The two at-large council members have offices in City Hall. The district council members have offices in their respective districts. District council members will have access to meeting rooms and shared office space at City Hall.
- Each council member can hire two full-time staff at City expense.
- The city council would fill by appointment any vacancies in the positions of mayor, city auditor, or any city council seat.

2. Transition to New Form

- **November 2002:** The two city council members elected at the

² The 1913 city charter created five departments: Department of Public Affairs, Department of Finance, Department of Public Safety, Department of Public Works, and Department of Public Utilities, with the mayor and each commissioner identified as head of one of those departments. These departments are not recognized under current city government operations. Instead, the day-to-day operations of the city are carried out by its several bureaus. (See *Appendix C* for current bureau assignments.)

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

November 2002 election serve as the at-large council members, beginning on January 1, 2003.

- **January 2004:** The city council establishes seven geographic city council districts by Jan. 1, 2004. Each district is approximately equal in population based on the U.S. decennial census.
- **November 2004:** The mayor elected in November 2004 serves as the first "strong mayor" starting January 1, 2005. The seven district city council members elected in November 2004 serve starting January 1, 2005.
- **Effective Date:** Although the text of Measure 26-30 indicates that the strong mayor and district council members would be elected in 2004 and begin serving on January 1, 2005, the final sentence in the measure reads: "Effective Date: This Amended and Restated Charter shall be effective January 1, 2004." This would leave the city council without a quorum to conduct business for one year until the seven district council members would begin to serve on January 1, 2005.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

II. BACKGROUND

A. Common Types of City Governments

Cities in the United States generally adhere to one of three forms of government: the strong mayor/city council form, the city manager/city council form, and the commission form. Of the U.S. cities over 100,000 population, the majority (60 percent) have a manager/council form of government; 36 percent have strong mayor/city council governments; two percent have commission governments; and two percent use other forms of government. (The "advantages" and "disadvantages" of these forms of government are all directly quoted from "Contemporary choices for citizens" by Julianne Duvall.)

1. *Strong Mayor/City Council*

Under the strong mayor form, an elected mayor is the chief executive officer. Legislative functions are vested in the city council. This structure separates the administrative responsibilities from broad legislative policy making. Mayors are elected at large, have the power to appoint and remove department heads, are responsible for the preparation of the budget for council consideration, and have veto power. The mayor is also the chief administrative officer for the city.

A number of cities with this form of government have a chief administrative officer who has professional training similar to a city manager. This administrative officer is appointed by and is directly responsible to the mayor for managing daily administrative functions.

Perceived advantages:

- Strong leadership with centralized responsibility.
- Facilitates policy formulation and implementation.

Perceived disadvantages:

- Too much responsibility for one person.
- Mayor may not be a professional administrator.

2. *City Manager/Council*

Under this form of government, the city council hires a professional city manager who reports directly to the council. Although the

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

council retains both legislative and administrative powers, it delegates the day-to-day administrative functions to the city manager. Thus, the city manager serves as the professional executive in charge of municipal affairs, but reports to and is subject to dismissal by the council.

In this form of government the mayor may be elected by the city at large or by the council. The mayor's responsibilities are largely ceremonial with no appointive or administrative power.

Perceived advantages:

- Professional manager in charge of managing city.
- Council retains policy control.
- City run in business-like manner.

Perceived disadvantages:

- No strong, effective political leadership.
- Tendency for manager to usurp policy functions.
- Manager may be a stranger to the city, seeking only to advance his/her career.

3. Commission

The commission form of government combines legislative and administrative responsibilities in a group of elected commissioners (commonly three, five, or seven). The mayor may be elected separately or chosen from the group of elected commissioners, and may have some unique powers and responsibilities, but generally is a coequal member of the commission. Commissioners have both legislative and executive responsibilities. As a group commissioners and mayor make city policy, enact city ordinances, and appropriate city funds. Individually they administer city bureaus.

Perceived advantages:

- Has worked well in emergency situations.
- Simple organizational structure.
- Swift direct implementation of policy.

Perceived disadvantages:

- Legislative and policy functions held by one body.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

- No checks and balances.
- No one person with overall administrative responsibility.
- Difficult to elect legislators with administrative abilities.

B. Portland's City Government: The Commission Form

Under Portland's charter, the city is governed by a commission made up of the mayor and four full-time commissioners, all elected at-large in non-partisan elections. As a typical commission form, Portland's government does not separate the executive from the legislative functions. The mayor and the four commissioners serve as the legislative body, developing policy, setting the city's budget, and passing ordinances. All five members of the commission serve as executive heads of the various city bureaus. Council members also act in a quasi-judicial capacity when hearing land-use and other types of appeals.

In addition to the mayor and four commissioners, Portland elects a City Auditor to conduct financial and performance audits of city government. Each of the six elected positions holds a four-year term, with elections staggered to avoid a complete turnover of the council. The mayor and two commissioners are elected in one year, the auditor and the other two commissioners in another year. The mayor and four commissioners are generally equal in rank and power. Each has only one vote. The mayor exercises a few additional powers, including the assignment (and reassignment) of the bureaus to individual commissioners, chairing the city council meetings, and preparing a proposed unified budget for consideration by the full commission.

The mayor and commissioners hire professional managers to run the day-to-day operations of the bureaus. The mayor and individual commissioners have the authority to hire and fire the directors and staff of the bureaus assigned to them (subject to civil service rules).

C. History of Portland's Form of Government Locally and Nationally

Portland adopted the commission form of government in 1913, following a nationwide reform movement. Before the reform movement swept the country, most cities were governed by strong-mayor/city ward systems with district-elected council members. City governments throughout the country changed from this form of government and moved to the commission form because of problems with corruption and inefficiency that in some cases created civic paralysis. One of the hallmarks of the commission form

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

of government that led to its wide use is its populist element of initiatives, referenda, and voter-recall provisions. The commission form spread rapidly and by 1917 it had been adopted by 500 cities. Thereafter, its use declined and most cities abandoned the commission form and moved to a mayor/ council form or to a city manager/council form. Today, Portland is the only city in the U.S. with a population greater than 125,000 that still uses the commission form of government³.

Since approving the commission form of government in 1913, Portland has voted on its city government five times⁴, and retained the commission form each time.

D. City Club Positions on Portland's Form of Government

1933 and 1958—Recommended City Manager: In 1933, the City Club issued a report on the Portland's commission government that raised many of the same concerns raised today and that recommended adoption of the council/manager form of government. However, that proposal did not reach the ballot until placed there by initiative petition in 1958. City Club supported the measure; voters rejected it 53 percent to 47 percent.

1960s—Recommended Strong Mayor: After the 1958 vote, and because the City Club had not studied the matter since 1933, the City Club appointed a new committee, chaired by a former City Club President, Francis Stayton, with the following charge:

Should the form of Portland's city government be changed? The study should include an appraisal of the present form of city government and its effectiveness. It should also include a summary of arguments for and against changing it and advance some alternatives.

On May 19, 1961, after over a year of study, the committee published a 45-page report (Bulletin, Vol. 41, No. 51) that analyzed the various forms of city government. The report concluded:

The central weakness in the Portland City government stems from the diffusion of the management job

³ According to the National League of Cities, in early 2002, two U.S. counties with populations larger than Portland continue to use the commission form of government: Broward County, FL (Miami area) population 1.6 million; and Pinellas County, FL (Tampa area) population 728,000.

⁴ 1917 voters reject two measures to repeal commission form by 2 to 1
1926 and 1927 voters approve simplification and retention of commission forms
1958 voters reject measure to change city manager/council form (61,821 to 55, 283)
1966 voters reject change to strong mayor/council form (68,158 to 41,848)

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

among five co-equal commissioner-administrators who, at the same time, collectively make up the legislative body or city council. The legislative function, in turn, is weakened by the confusion of the desirable over-all policy viewpoint with particular administrative responsibilities and interests.

The study committee members unanimously recommended that Portland adopt a strong mayor/ council form of government with a city council of eight members elected city-wide. They recommended a strong mayor—over the Club's previous position favoring a city manager—because "the lack of an elected chief executive responsible for legislative leadership, external relations, and general management of the city government makes the form not well suited to a large city such as Portland." The report was overwhelmingly adopted by the City Club membership.

Following the Club's adoption of the 1961 report, a sub-committee was charged with drafting a proposed new City Charter, based on the report recommendations, to effect the change to a council/strong mayor form. That subcommittee proposed a charter revision for the City of Portland, which was published in the City Club Bulletin on July 5, 1963 and approved by the Club membership. Thereafter, a coalition (known as the "Committee for Effective City Government"—which included the Young Republicans and Young Democrats of Portland, the Portland League of Women Voters, and the Junior Chamber of Commerce) obtained the necessary signatures to put the measure on the May 1966 primary ballot. On May 13, 1966 the membership of the City Club voted 8 to 1 in support of the Measure. The citizens of Portland, however, defeated the measure by nearly two to one.

1999—Further Criticism of Commission Form: The City Club's most recent comments on Portland's form of government appeared in 1999, in the Club's report: *Increasing Density in Portland*. While the report was primarily intended as a review of the City's planning policies, the report did state that "our research confirms that the commission form inhibits more coordinated and effective management of our city." The report concluded that the mayor and city council had not articulated a clear vision for how Portland should grow, responsibility over planning and development was fragmented among a number of bureaus and commissioners, planning efforts were not well coordinated across city bureaus, the city council lacked a disciplined approach by which to prioritize proposed projects, and the city council assigned new planning and development related projects to bureaus without considering the impact on staff resources and overall city priorities.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

III. PROPONENT AND OPPONENT ASSERTIONS

A. Assertions Made by Proponents of Measure 26-30

Portland has outgrown its antiquated commission form of government. All other major cities in the U.S. abandoned this form of government years ago. Portland needs a government that is able to meet the complex challenges of the future.

No one is in charge. Portland is now governed collectively by "five mayors." No one person has the authority to set a direction and require city bureaus to work together to achieve objectives and goals.

Turf battles between bureaus and commissioners significantly reduce coordination and efficiency.

The city needs professional management. City commissioners directly administer city bureaus, but often have little management experience or experience with the work of their bureaus.

The city needs better oversight of city operations. Commissioners generally avoid criticizing departments, operations, or policies of other commissioners' bureaus because they fear that other commissioners will retaliate by criticizing their bureaus.

The city needs better effective long-range and capital planning. Projects and budget decisions are often driven more by the particular interests of individual commissioners than a rational assessment of the city's needs.

Citizens are not well represented in Portland. Racial, ethnic, and cultural groups in Portland are not well-represented or heard in city government.

Neighborhoods cannot get the city council to discuss and respond to their concerns. No commissioner has ever been elected from North Portland or Outer Southeast Portland.

City commissioners and the mayor are out of touch with citizen and neighborhood needs. They focus more on running their bureaus than getting out into the community.

The high cost of citywide council elections prevents many qualified and talented people from running for office. Citywide elections also prevent a diversity of voices and points of view.

Citizens have poor access to government. The "dense" structure of commissions, boards, associations, offices, and government

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

employees inhibit citizens' access to elected officials.

A strong mayor/council form of government will be more fiscally efficient. Current overlapping services and lack of adequate long-range planning cause inefficiencies that have a high cost to the city and tax-payers.

City council members will be able to devote 100 percent of their time to legislation. Nine council members—seven elected by district—with no executive responsibilities will spend more time planning and discussing important city legislation.

The citizen initiative process is a legitimate government process, and perhaps the only way the form of government will be changed.

Executive and administrative functions will be unified under the mayor. City government will run more smoothly, coordination and communication will be improved, and processes will be streamlined.

Professional managers—not elected officials—will administer five departments of city government. City bureaus with similar missions or characteristics will be grouped together and administered in a rational way.

City council people elected by district will listen and respond to citizens and more effectively oversee government operations. The small size of the seven districts will reduce the cost of elections and enable more good people to run for council seats.

City council members will help citizens gain better access and service from city government.

B. Assertions Made by Opponents of Measure 26-30

Portland is a great and successful city—whatever problems exist do not justify a drastic change in Portland's government. Portland is consistently ranked as one of the most livable and best-managed cities in the nation. Portland is known across the nation for its many model projects, programs, and policies.

Measure 26-30 is poorly written and full of administrative flaws. If passed, the Measure will require immediate amendment to avoid an inadvertent year-long government shutdown. Unclear language in the Measure raises many other questions.

Measure 26-30 concentrates too much power in the mayor. The proposed council is so weak that citizens, acting through their council members, would have far less power than they do now. Today

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

the city council and mayor form a partnership that benefits every citizen. No single elected official has too much power—it is a system with shared power and responsibilities, and built-in checks and balances. Under a strong mayor, one bad mayor could do a lot of damage.

Portland's commission form of government encourages innovation.

Commissioners have the ability—through executive control of their bureaus—to take the lead and develop innovative projects and programs (e.g. Portland Streetcar, Green Building Initiative, the Performing Arts Center, the Chinese Garden, Waterfront Park, Pioneer Courthouse Square, Salmon Creek Fountain and the Eastbank Esplanade). Under a strong mayor, only programs of interest to the mayor would be pursued.

The city council has already instituted a number of changes to improve coordination and efficiency in Portland's government.

Many administrative functions, including personnel, purchasing, and information technology, are now being coordinated and centralized by the Chief Administrative Officer, a recently-created position that serves at the pleasure of and reports to the full City Council.

The strong mayor form of government will not guarantee better coordination or efficiency. Many cities with strong mayor systems, such as Seattle, have significant coordination and efficiency problems.

The city bureaus are already under the professional management of appointed bureau heads. Bureau heads are widely considered the most qualified and professional people for the jobs they hold.

A strong mayor system will insulate city bureaus from citizens, increase the layers of bureaucracy, and reduce the openness and accessibility of government in Portland. Citizens and community groups have good access to City Hall now.

Electing council members by district will lead to parochialism, ward politics, political divisiveness, conflict with the mayor, and an inability to move forward on citywide issues.

District city council elections will decrease—not increase—effective representation in Portland. All five city council members now have an incentive to listen to and act on behalf of individual citizens and neighborhood groups. Under a district-elected government, citizens will lose their present access to all commissioners and the responsiveness of the system. Without executive powers, a district council member can listen, but won't have any ability to do anything.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

The mayor/council form of government will increase the representation given to monied interests. Those with the financial interest to do so will find it easier to curry the favors of one strong mayor than the three commissioners needed to move an issue under the current system.

Few good people will want to run for a city council that has little power to act. Citywide elections attract high quality candidates—district elections will not.

Portland's commissioners are directly accountable. If you have a problem with a city service you know which commissioner to go to. Commissioners have the power (and political incentive) to do something about it. Under a strong mayor, accountability will erode—one person cannot realistically be accountable and responsive for every city bureau and office.

The cost of government will increase under Measure 26-30. The Measure adds at least two layers of management, doubles the number of full-time paid politicians, and substantially increases the city council budget. No fiscal analysis has been done of the likely impacts of the Measure.

Not enough legislative work exists for nine full-time council members. The five current commissioners spend only part of their time on legislative matters.

Measure 26-30 was developed in isolation with no public input. It is only one person's idea of what needs to happen. Fundamental changes to Portland's form of government should only happen after an open and public process where the problems are identified and the solutions are proposed. Portland has a wealth of well-informed and committed citizens whose collective wisdom should be tapped to address this issue.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

IV. DISCUSSION

The primary question before the voters, as well as before City Club members, is whether adoption of a strong mayor/council form of government as proposed by Measure 26-30 will provide Portland with more effective and representative government than does the present commission form. In answering that question, your Committee examined three subsidiary questions: (1) Are there critical problems with the functioning of the city government? (2) Does the current form of Portland's government cause those problems? and (3) Does Measure 26-30 propose a form of government that will solve those problems? We analyzed the proposed measure, and we also took a hard look at how a change in the form of government might affect Portland. We construct the discussion section around these three questions.

Nearly two-dozen witnesses⁵ testified to your Committee members in support of and opposition to the Measure. In addition to interviews, Committee members also reviewed written background materials, including historic perspectives, current news and feature articles, reports of other civic organizations, statistical material and statutory provisions. These written sources informed our understanding of the Measure before us, as well as our comprehension of the structure and function of city government in Portland and elsewhere.

In the following discussion section, different perspectives on key issues related to the Measure and Portland's form of government are presented, along with background information gathered from secondary sources.

A. Are there critical problems with the functioning of the city government?

Portland is internationally recognized as a vital, highly livable city. The city's urban planning is revered throughout the nation and is often credited with fostering Portland's active business community, growing cultural life, innovative parks and diverse transportation options. Portland is ranked third nationally—only behind New York City and San Francisco—in downtown retail sales. The City Auditor's annual Service Efforts and Accomplishments Report⁶ found that citizen satisfaction is increasing and documented the many people who continue to move here, choosing Portland as home. Portland city government has been independently rated as the third best

⁵ See *Appendix A* for a complete list of witnesses.

⁶ See www.ci.portland.or.us/auditor/audser/htm/summary280.htm

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

operating city in the country.

Robert Ball, chief petitioner for Measure 26-30, believes that even if the city is currently functioning in a reasonable manner, the commission form is inadequate to meet the increasingly complex challenges on Portland's horizon. Ball and others claim that now is the time to look at a new form of government—not when the city is in the midst of a crisis. He believes that the city is facing major changes in the future, as the population increases and urban issues become increasingly complex, and that the strong mayor/council form of government will better allow Portland to respond to those changes.

A number of the people we talked to criticized Portland's city government as inefficient, not responsive to citizens, and poorly managed. While many believe that the City's motto—"The City That Works"—is indicative of Portland's unique involved citizenry and proactive city government officials, several witnesses pointed to two recent events as examples of things that have not worked in Portland.

Water Bureau Billing System: In 1997, the Water Bureau contracted with a Houston firm to develop a new computer billing system. The Bureau activated the new \$6.6 million system in February 2000. Extensive technical problems resulted, which prevented the bureau from sending out over 40,000 water and sewer bills. As a result, the City of Portland may lose \$10 to \$15 million in revenue because of bills that are uncollectable. Measure proponents cite the problems with the computer system as evidence of the need for a strong mayor form of government. Your committee heard the following perspectives on the causes and lessons offered by the problems.

Steve Bauer (former director, Portland Office of Finance and Administration, 1986 to 1995) told your Committee that, in the 1990s, Portland's Office of Finance and Administration (OFA) reviewed the Water Bureau's proposal for a new computer billing system. He said the Water Bureau's computer system had evolved over time, and bureau staff had not documented all the changes to the system. OFA's computer system analyst determined that the Water Bureau's needs could be met through changes to the existing system. Bauer said OFA had strong concerns about the proposed project and went to the mat to urge then Water Bureau Commissioner Mike Lindberg not proceed with the project. Bauer said Water Bureau staff pushed hard on their commissioner to approve the project. Lindberg decided to go ahead with the project. Bauer said Lindberg had no independent analysis with which to make his decision. The Bureau's own analysis was biased in favor of the new system. Bauer characterized this as a classic case of the bureau turf system in Portland—when

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

someone asks tough questions about a bureau's plans or operations, bureau staff run to their commissioner to protect them. The city's current Chief Administrative Officer Tim Grewe told your Committee that the City's existing Bureau of Information Technology (BIT) was not included in the planning process for the new computer system. The City Council subsequently centralized all city bureau computer operations under BIT. BIT currently is overseeing the efforts to correct the problems with the Water Bureau's troubled computer system.

City Auditor Gary Blackmer observed that problems happen all the time with projects to design complex new computer systems. Computer systems projects have failed under all types of governing structures, including a strong unified executive. Blackmer said the computer system design company offered the Water Bureau a significant discount for a state-of-the-art, custom-designed system. The company planned to use the completed system to market the company's services to other cities.

Commissioner Erik Sten (current city commissioner overseeing the Water Bureau) told your committee that this was a purchasing decision, and that the computer system company misled the bureau. He said the system was turned on too early in the process, which was a mistake. Sten said he was not made aware of concerns within the Water Bureau about the timing of the activation. Sten noted that one key lesson learned is to always keep an existing billing system running until the bugs are worked out of the new system. Sten suggested that, under a strong mayor system, the problem might not have surfaced. The mayor might have fired a couple of people. Sten said he resisted political pressure to scrap the system after the problems surfaced. He chose instead to stick with it and get it to work. Scrapping the existing system and creating a new one could cost an additional \$15 million.

Would a strong mayor form of government have prevented the problems with the Water Bureau computer system? Some people argue that, under a strong mayor government, the proposal would have received more independent and experienced analysis and oversight. Others question whether the form of government is responsible, and suggest that the problem may be more the result of activating the new system too soon and not keeping the old system running in parallel until problems had been solved.

Columbia Sportswear: In 2001, Columbia Sportswear moved its long-time headquarters from North Portland to Washington County. Before deciding to leave Portland, company leaders first attempted to locate their new expanded headquarters elsewhere within the city. The committee learned about this issue primarily from Measure

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

proponent Pete Mark and an extensive article in Brainstorm Magazine ("The City That Shrinks," March 2002). The article quotes company leaders and other business representatives who attribute Portland's loss of this very successful and growing local company (1,600 employees and \$800 million in annual revenue) to a lack of flexibility in the city's planning and development review process and a lack of active support from Mayor Katz.

The article says that the mayor should have been aware of the opportunity to keep Columbia Sportswear in Portland and should have assigned an advocate for the company to participate in the meetings with development review staff. They blame the company's move on a difficult development approval process, a lack of leadership from the mayor to assist the company through the process. In response to the problems with the development review process, the article quotes Mayor Katz as saying, "That's Charlie's [Hales] department I told you before that this form of government is dysfunctional."

Some business leaders complained, in the article, that Portland is unfriendly to business, that city government is too process- and planning-driven, that the mayor and council members lack vision and leadership, and pursue utopian goals. One individual quoted in the article noted the ability of former Portland Mayors Goldschmidt and Ivancie to get things done.

Would a strong mayor form of government have prevented the loss of Columbia Sportswear? The Brainstorm article argues that a strong mayor could have prevented the loss of Columbia Sportswear. Others question whether the form of government is responsible, and suggest that the conflict may be more about a disagreement with the priorities and goals of the current mayor and council, or problems with the management and operation of the office of Planning and Development Review (OPDR). Your Committee did not have time for a more in-depth review of this case.

B. Does the current form of Portland's government cause those problems?

This section presents the information and arguments about the changes in the form of government proposed by the Measure, and the subsequent impacts these changes may have on legislative efficacy, representation, executive efficacy, management of city services, government oversight, and city finances.

The government of any city includes both legislative and executive functions. As shown by the three common forms of city government discussed above, the relationship between the individuals vested

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

with legislative and executive duties differs from city to city. Under most forms of government employed in the United States, a system of public scrutiny and evaluation prevents serious abuse or neglect of the core functions and powers of representative government.

1. Legislative Duties and Responsibilities

The legislative duties and responsibilities of a city government include policy-making and oversight of the budget and executive operations. Additionally, legislators must communicate effectively with the executive officer(s) of the city to ensure that long-range planning is executed in conjunction with the will of the people. It is also the responsibility of the legislative officer(s) to understand executive functions in order to frame reasonable legislation and ensure that legislative policy is in fact carried out.

If approved, the Measure will create nine full-time city legislators. Portland City Council members would no longer have executive responsibilities. Council members would focus on policymaking, strategic planning, oversight of the executive, and representation of constituents. Proponents of changing the form of government suggest that investigating and deliberating over policies is a job too large for the current five commissioners who spend most of their time performing their executive duties for the bureaus and, according to some, a third of their time on legislative matters. Measure proponents say that a body of nine council members will be able to create dialogue in the city on major policy issues and engage in long range planning and thinking.

Measure opponents are not convinced that Portland needs nine full-time politicians. Portland City Commissioner Charlie Hales argues that paying nine full-time city councilors will leave them with too much time to create political drama and jockey for power. He said that current commissioners spend only about 15 percent of their time on legislation. Opponents of the Measure believe that increasing the number of legislative actors in the government will not resolve Portland's need for better long-term planning and coordination of services.

What do members of a full-time, legislative city council do with their time? Your committee looked to Seattle—a city with a council/strong mayor system of nine at-large council members—to find out. Bruce Brooks (Deputy Mayor under Seattle Mayor Norm Rice, 1995 through 1997) told your Committee that Seattle city council members have "sufficient work to keep the councilmen busy full time." Brooks pointed out that the Seattle Council created a committee to deal with long-range capital planning in 1994. Former Portland OFA Director Steve Bauer (who subsequently served as city manager of Bellevue,

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

Washington from 1995-1997) noted that the Seattle City Council focuses on policy review and legislation. Bauer and others told your Committee that, if voters create a new city council in Portland, council members would need to hire professional policy and budget analysis staff (beyond the two staff per council member provided in the Measure) to allow the council to effectively develop, review and assess policy and budget proposals.

Efficacy of Legislative Branch

Turf battles vs. efficiency. Does Portland's current form of government lead to significant inefficiencies? Some witnesses said that poor coordination between bureaus and duplication of services cause great losses of efficiency. Others said efficiency in Portland's government is about as good or better than in other cities—some noted that, in the 1990s, Portland was rated as one of the best managed cities in the country. Most of the individuals we spoke with agreed that some inefficiencies exist. Over the past 15 years, the City Council has instituted changes in an attempt to improve inter-bureau coordination and reduce duplication and inconsistencies in administrative services across all city bureaus.

Some witnesses believe that only a major overhaul of Portland's government will achieve significant improvement in efficiency. These individuals would prefer to see a chief executive officer leading the city, providing centralization of political, managerial and administrative leadership. Furthermore, these individuals believe the disadvantages of the commission form of government are insurmountable as the city moves toward addressing its concerns. Under the Commission form, they point out, there are duplicate functions handled separately in each of the Bureaus, such as personnel, public relations and procurement, resulting in differing policies from bureau to bureau. Under a strong mayor system, those functions would be uniform and coordinated.

Others believe that the slow process of change currently underway promises to deliver a more unified administration and management of the city without abandoning the commission form of government. Other individuals say that the unity of the city council needed to achieve major changes under the commission form with erode as changes begin to erode bureau turf.

Oversight, Evaluation, and Review

Effective Oversight. The committee heard from many people that city commissioners avoid looking too closely at or criticizing the operations of each others bureaus. Some say that city commissioners, who serve as the executive heads of individual city

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

bureaus, cannot exercise independent oversight of their own bureaus. Some Measure opponents say that, with their executive authority and close contact with day-to-day bureau operations, commissioners can provide very close oversight over their own bureaus. Measure proponents say that the proposed nine-member legislative city council would provide much more independent and effective oversight than the current commissioners in their dual executive/legislative role.

Commissioner Erik Sten explained that "an independent review never seems to happen" under the current system. Don McClave of the Portland Chamber of Commerce agrees and told us that the custom of the commission form of government is for each commissioner to defer bureau review to the commissioner running that bureau. According to Sten, the current system works well if you have a good bureau director paired with a "brainy" Commissioner. He believes the system's dependence on having good people in both roles is a weakness.

Some say this lack of independent oversight under the current system is somewhat offset by the relatively strong role of the elected city auditor. The auditor can conduct independent investigations and performance audits of all city bureaus. However, the city auditor only has enough staff to perform a limited number of audits each year. The auditor usually schedules audits a year in advance and chooses the subjects of the audits with input from City Council members and affected parties. The auditor does not track and evaluate ongoing operations and policies of all city bureaus.

The Measure would give the mayor executive responsibility for all city bureaus. Some opponents of the Measure worry that one individual cannot exercise oversight over all of the city's many complex bureaus and operations. Many opponents worry that effective oversight would diminish dramatically. Measure proponents say that a strong mayor would have more incentive to make city government work well as a whole rather than favoring any particular bureau.

Access to Government and Accountability. Aside from the government's internal evaluation, there is debate about whether or not the proposed changes would make city government more or less accountable and responsive to the public. Opponents charge that the Measure would create a more insulated government with more layers of bureaucracy. Proponents believe that seven district-elected council members will necessarily become more highly involved in their districts. They say council members will have the stature and visibility to help citizens get the information and services they need—similar to the constituent services provided by state legislators

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

regarding state agencies and congressional representatives regarding federal agencies.

Opponents of the Measure, such as former Portland City Auditor Jewel Lansing, predict a loss of openness and collaboration with the institution of strong mayor. Witnesses pointed out that a unified command structure is no guarantee of efficiency. Several witnesses thought that the proposed form would result in a less open, accessible administration.

The city auditor currently plays a significant role in enhancing the openness of the government process. The auditor ensures that the citizens have access to council agenda, legislation, and records, and plays an increasing role in investigating citizen complaints through the new Office of the Ombudsman and the new Independent Police Review Division in the auditor's office.

Blackmer suggested that if the city council becomes a solely legislative body, the city auditor should report to the city council, not the mayor. This would give the auditor greater independence from the executive branch, which controls the city operations being audited. Blackmer said the establishment of this type of independence is a goal of the National Association of Local Government Auditors. Blackmer said it is difficult to find experienced auditors (inherently a conservative profession) who are willing to run for office (an inherently uncertain and unpredictable process). He suggested that, if voters approve the Measure, the city charter should be changed to allow the city council to appoint the city auditor.

2. Effective and Diverse Political Representation

It is extremely important to an involved citizenry such as Portland's to have clear access to effective representation. Furthermore, people must perceive that such access makes a difference. It does no good to have access to a representative if that representative has no power. It does no good to have a powerful representative if that person is remote from the voters.

Measure proponents say that many segments and areas of our community are not well represented under Portland's current form of government. They believe that council members elected by district would have a strong opportunity and incentive to listen to their constituents. Opponents say that Portlanders have unusually easy access to city commissioners and that city commissioners have the executive power to respond to citizen needs unlike a purely legislative council member. They say that district election of council members would give people the "illusion" of representation but have little ability to get city government to respond to their concerns.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

Current commissioners spend a significant amount of their time administering their bureaus—this is time that they do not have available to spend on "legislative" matters (i.e. meeting with constituents, addressing individual constituent needs by walking them through the system to the individual who can help, and communicating constituent needs back to the full council).

Proponents of the Measure believe that an increase in the number of council members and district elections (for seven of the nine council members) will improve representation, provide easier access to city government, and diversify representation. Ball explains that the proposed districts—consisting of approximately 75,000 people each—are designed to be large enough to avoid parochialism but small enough so as to still be "manageable."

Proponents say that—while there is no question that influential people can and do gain access to the mayor and the commissioners in Portland—many less well-connected citizens feel no ability to have direct access to "their" representatives. Mayor Katz acknowledged that commissioners are not able to spend as much time in neighborhoods they should and are often unfamiliar with the problems of particular neighborhoods or the views of many citizens. The mayor told your Committee that she created the ombudsman position in her office (in 1993), to help citizens who were not getting adequate response from individual city bureaus.⁷

Measure proponents also say that districting will provide representation to areas of the city not currently represented. According to proponents, council members whose functions are limited to representation and legislation will provide better access to the average citizen than does the current commission form. They suggest that district elections would increase the ethnic diversity on the city council. Furthermore, they point out that more people will be able to afford and conduct a low-cost door-to-door campaign in a district of 75,000 voters, than can mount a costly citywide campaign.

Opponents of the Measure believe that these changes will not have desired effect. While each citizen would have one council member elected from their district who would be motivated to listen to their needs and represent them to the council, opponents believe this may actually limit a citizen's access to city government. Former Mayor

⁷ The 2001 *Ombudsman Report*, notes that "while the Mayor's ombudsman served useful service by addressing the public's concerns and opinions, the work was more closely related to constituent services than to ombudsman investigations." In 2000, City Auditor Gary Blackmer proposed the creation of a more independent ombudsman to "provide citizens a more neutral path to have their complaints addressed, particularly when existing avenues fail to resolve their concerns." In July 2001, the City Council approved the creation of the Office of the Ombudsman within the City Auditor's Office.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

Bud Clark asserts "[The Measure] pretends to offer more neighborhood representation by adding new city commissioners, but it strips those positions of any power to get things done." In addition, opponents say that only three of the nine council members would have any incentive to listen to any particular constituent (the member from that district and the two at-large members).

Neighborhood activists are divided on the matter. Chris Smith, a board member of the Northwest Neighborhood Association, believes his representation would decrease under the Measure. "I am able to get a hearing with every Council member right now; under the proposed form of government, at least six members would have no reason to give me an appointment," Smith said.

Dave Redlich, president of the Homestead Neighborhood Association, believes that the commissioners are "captive to the agenda of their bureaus" and that this "inhibits free discussion of city policy." He said the Measure would provide an opportunity for council members to raise issues important to neighborhoods across the city. He also believes that the role and effectiveness of neighborhood associations would be strengthened through cooperation with their district council person.

Commissioner Hales believes district representation is a potential hazard. "Under the current system a commissioner can afford to have a couple of neighborhoods mad at him and still survive politically," said Hales. He points out that he would likely have been recalled over the controversy involving the siting of the new community center in Gabriel Park if he had been elected only from that district. He noted that the community center is now very popular. Hales said that citywide elections free commissioners to "do the right thing."

Furthermore, opponents of the Measure say that, under the current system, commissioners have come from most parts of the city except the area east of 82nd Avenue (annexed in the 1980s). Portland's minority communities are not—for the most part—geographically concentrated in such a way that districting would enable members of these communities to vote as a block in any one district. Furthermore, Portland's City Council and other political bodies over time have been remarkably representative of the racial and ethnic populations of the city, according to some witnesses.

3. Quality of Elected Officials

In addition to electing city leaders who effectively represent the city's increasingly diverse population, many of the people we interviewed stressed the importance of attracting high quality individuals to run

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

for office. Portlanders have been fortunate, in recent years, to have had a good selection of qualified candidates from which to choose. Measure proponents and opponents have both suggested that the quality of elected officials would be affected if the city were to change to a strong mayor/council form of government.

Proponents of the Measure say the expanded role of the mayor and more defined role of the council will draw a higher quality person to the election. Opponents of the Measure say the significantly expanded powers of the mayor may permit influential individuals or groups to exert undue influence on city government. They also say that removal of executive power from city council positions will discourage good quality candidates from running for the city council. However, many cities with district council elections consistently draw strong candidates for city office.

Measure proponents suggest that district elections would encourage a broad range of skilled and effective leaders in the community to run for office—people who currently do not run because of the cost and difficulty of running a city-wide campaign. Proponents said the system also would increase the pool of experienced leaders available to run for and serve in higher office.

4. Executive (and Administrative) Responsibilities

The executive responsibilities for city services generally include administrators, long-range planning and implementation of such planning. Additionally, the executive office serves as a resource to the legislative office, coordinating efforts and re-aligning long-term goals.

By electing the commissioners who oversee bureaus and departments, Portland voters have more direct control over their government than would be the case if all departments were under the mayor. Whether this control is desirable or necessary is debatable.

No one in charge vs. a mayor with too much power. The question of whether to centralize executive power is at the heart of the decision many peoples support for or opposition to the Measure. Decentralized administrative systems often result in some degree of inefficiency. How much inefficiency are we willing to tolerate to avoid giving one person too much power? With executive responsibility concentrated in a strong mayor, voters can hold one person accountable for all of the actions of city government. Under the current commission form, voters can hold a one person responsible for each department of city government.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

When conflicts arise between bureaus, and the bureau managers cannot resolve them, the commissioners must try to resolve them. Proponents of the Measure have described situations when this has caused a high level of inefficiency in the government. Both commissioner and bureau staff people said that when council members do not all agree on a broad policy initiative, bureau staff and other interested parties sometimes use the disagreement to avoid implementing programs they perceive are not in their bureau's interest. One bureau director said bureau heads are sometimes frustrated when they cannot directly approach other city commissioners to work out issues with other bureaus, but are limited to working through their own city commissioner. The bureau director said that working under a unified executive is easier in many ways—you know where to go to resolve a dispute and get definitive direction.

Mayor Katz has called the current government "Byzantine and dysfunctional." Mayor Katz said she is perceived as the chief executive officer of the city, but has "senior managers" (the four other commissioners) who are not directly responsible to her, and directors of bureaus who do not report to her, but only to their own commissioners. Katz believes that some complex municipal issues necessarily involve many bureaus, and that a strong mayor/ council form of government would simplify the coordination of efforts to respond to these kinds of issues.

Mayor Katz cited the cleanup of the Willamette River as an example of the problems with the commissioner form. The Bureaus of Planning, Water, Environmental Services, and Parks and Recreation, Portland Development Commission, and the Office of Management and Finance all have a role to play but are not subject to the discipline of a single coordinating authority. According to Katz, the city's commission form of government is simply not flexible and responsible enough clean up the Willamette River. She said that this is why the federal government chose to impose its own fix on the city. Other witnesses said a mayor with a more collaborative management style of might have been more effective at working with other commissioners and coordinating bureau activities within the existing system.

Steve Bauer described Portland's current government as a "big, robust, energetic, feudal system with lots of palace intrigue." Bauer estimated, in round figures, a 25 percent loss of efficiency resulting from the lack of unified executive authority in Portland's commission form of government—Bauer referred to this as "friction loss." He cited past examples when conflict between commissioners led one commissioner to order his bureau staff not to cooperate in a council strategic planning process, another in which feuding

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

commissioners ordered their bureau directors not to speak to each other. Other witnesses said this has not occurred for many years.

Bauer cited as another example of "friction loss," the problems with the Water Bureau billing system. He believes the problems could have been prevented if Water Bureau staff had not been able to work through their commissioner to override the objections of the Office of Financial Administration.

Opponents of the Measure point out that the "five mayors" do not necessarily compete with one another. They collaborate, cooperate, and compromise. They do not always and necessarily do these things willingly. Champions of the commission form of government see this as one of its best attributes—the required consensus building and process of compromise is a strong check and balance against the will of a single politician or a faction.

5. The Budget

The mayor has a large role in the formulation of the city budget in both the current and proposed forms. Currently, the budget can be adopted with the agreement of as few as three of the five city council members. The mayor has only one of five votes. Under the Measure, the budget could not be adopted without the consent of the mayor. The Measure does not allow the city council to override the mayor's veto of the budget. (The Measure would allow the council to override the mayor's veto of most other types of ordinances with six of nine votes.) While this places budgeting authority with the person in charge of spending the money, it removes much authority from the people's representatives. In theory, if the council could override the mayor's budget veto, the mayor's power over the budget would be reduced. In practice, witnesses said the mayor probably would not have too much trouble finding four council members to block an override.

The auditor—who is elected citywide—is responsible for a great many fiscal administrative responsibilities, although the Mayor has the lead with respect to planning and the budget process. According to opponents of the change, the mayor would have too much power over the city budget. Measure supporters discount the opposition's concern. According to Ball, the mayor would "not be very strong" because the city council would still have to approve expenditures through the budget approval process and would continue to approve most city contracts.

City budget and finance experts confirmed that the city council must approve most contracts, strategic plans, budget changes, large purchases, grant applications, capital plans, administrative rules and

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

other proposals. These council approval practices are consistent with practices of local governments across the nation. The only exception is in the approval of administrative rules—under a strong mayor or city manager form of government, that responsibility resides with the single executive in charge.

6. Professional Management

Is the management of City government adequately professional?

Proponents of the change are concerned that current commissioners are not professionally prepared to manage complex city bureaus. Developer Pete Mark, considering the structure of his own business operations, thinks that being both a policy-maker and an administrator is extremely difficult and not advisable. "Let competent people run the bureaus, rather than expecting that a political person is equipped" to do so, said businessman Sho Dozono. "Many of the bureaus are very difficult to handle and require a great deal of expertise." According to Bauer, the rotation of bureaus among commissioners exacerbates the problem by reducing a commissioner's ability to gain expertise in the issues relating to a particular bureau.

On the other side, opponents wonder how a single person might effectively manage all of the city bureaus with a higher level of professionalism and attentiveness than five people who devote a large part of their time to the same job. Proponents note that most other large city and state government operate successfully under a unified executive.

Proponents of the change believe that having five co-equal commissioners who oversee specific bureaus can result in turf protection, buck passing and lack of clear leadership. Some witnesses cited a lack of expert management in the bureaus as an example of a serious structural problem with the current form of government. They say the chances of electing a good administrator are not particularly good—most voters do not choose a candidate based on the candidate's administrative skills and management experience. Dispersed executive authority also leads to a lack of incentive for scrutiny of the budget, a slow decision-making process, and a lack of strong political and executive leadership. Furthermore, because current commissioners both create policy and direct the bureaus affected by policy, proponents of the measure wonder whether a serious conflict of interest exists within Portland's city council.

Opponents of the Measure believe that the government currently performs fairly well and are not convinced any improvements in Portland's city government require changing the form of

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

government. Any conflict of interest found in the current system, they say, would exist in the new system as well.

7. Change is on the way?

Over the past fifteen years, the City Council has pursued ongoing efforts to remedy some of the problems that result from the diffusion of executive authority in Portland's government. The efforts have focused primarily on centralizing certain financial and administrative services but have also attempted to improve coordination between bureaus.

Measure proponents question whether these changes go far enough—and whether they will be fully implemented and sustained without more unified authority and political leadership. A number of people question whether the City Council as a whole will continue to support changes when they begin to intrude on the turf of individual commissioners and their bureaus. The recent "mutiny memo" appears to be a sign of growing resistance to centralization (see below). Measure opponents say the changes should be given a chance to work. They say that to change the form of government now would disrupt the process and lead to costly upheaval in city government.

Office of Financial Management: In the mid-1980s, the City Council combined existing financial management functions, such as budgeting, accounting, treasury and debt management under a new Office of Finance and Administration (OFA). Subsequently, some aspects of personnel, computer services, and risk management were added to OFA's responsibility. Efforts during the early 1990s to develop citywide Human Resources policies were unsuccessful.

Office of Management and Finance and Chief Administrative Officer: Over the past two years, the City Council embarked on a major effort to increase the efficiency and reduce the cost of city government administrative services. In May 2000, City Council created the new Office of Management and Finance (OMF) to manage the City's core administrative services and propose improvements to administrative services in all city bureaus. (OMF was created by merging the existing Office of Finance and Administration, the Bureau of General Services, and the Bureau of Purchasing).

⁸ As of spring 2002, OMF includes eight bureaus, forty divisions, and over 400 employees. (OMF 2002-2007 Strategic Plan.) OMF areas of responsibility include: financial management, accounting, treasury, debt/pension, financial planning, communications, facilities management, fleet management, human resources, information technology, printing and distribution, purchasing, and risk management.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

At the same time, the City Council also created new position of Chief Administrative Officer (CAO). The Council put the CAO in charge of OMF and gave him the responsibility and authority to coordinate the administrative service functions of the City, suggest improvements including the reorganization of bureaus where appropriate, and implement recommendations approved by the City Council. Former OFA Director Tim Grewe was appointed as CAO. The CAO serves at the pleasure of the full city council, but reports directly to the mayor.

Administrative Services Review (ASR): OMF's first task was the Administrative Services Review (ASR). The City Council set a goal of a 10 percent cost reduction in administrative services citywide for the 2000-2002 biennium. OMF prepared framework plans for each service area. The process was completed by February 2001. The CAO recommended a strategy of greater centralization of administrative services, beginning with centralization of human resources and information technology services citywide. The City Council agreed, and directed the CAO to implement the centralization of human resources and information technology services by April 2001. OMF continues to review other service areas for possible centralization.

"Mutiny Memo": One year after the completion of the ASR and OMF's initial centralization of services, city bureaus and their commissioners began to push back. In January 2002, four bureau directors released a memo—now referred to as the "mutiny memo"—that criticized the effectiveness and efficiency of OMF's centralization program. The memo was sent by the directors of BES, PDOT, OPDR, and the Water Bureau to their respective commissioners -in-charge (Hales, Saltzman, and Sten). The three directors wrote:

"The Administrative Services Review (ASR) process, which is now one year old, has yielded some savings, but in many areas costs have only shifted, not decreased. In others, costs are actually increasing. In some cases, centralizing support services has moved resources without moving all the associated workload, leaving line staff without adequate support and the central service bureau potentially over-resourced."

The directors suggested total reductions at OMF of 19 full time employees to achieve an estimated savings of \$2.7 million.

The *Oregonian* reported that Commissioner Hales had requested the memo because Mayor Katz and CAO Tim Grewe were responding to a large budget shortfall by cutting bureau programs without first considering cuts in central administrative services. The article said the three city commissioners and bureau directors recommended

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

cuts at OMF to reduce the office's "large number of highly paid administrative staff" and the high number of "high-level generalist positions" in OMF's top administration. They complained that OMF's centralization effort had not produced promised cost savings and that the quality of services to the bureaus had declined. (*Oregonian*, 02/20/2002.)

CAO Tim Grewe responded in a memo (dated February 19, 2002), in which he charged that many of the recommendations in the "mutiny memo" were made without adequate context and based on erroneous and/or insufficient information. Grewe wrote that many of the recommendations would result in "decreased council oversight of financial and citywide system integrity...." Grewe noted that the bureau directors suggested that he cut the number of his financial analysts from 10 to 5, while the bureaus would retain 74 analysts. He warned that these reductions would reduce OMF's ability to provide effective oversight of city operations. (*Oregonian*, 02/20/2002.)

Bureau Head Group: In 2000, Gil Kelley began his tenure as Portland planning director with a mandate from the City Council to convene regular meetings of directors of bureaus involved in planning and development. Council members hoped this would improve cooperation and coordination between the bureaus. The participants were to share information and talk about issues. The Council did not give Kelley the authority to mandate any actions from other bureaus. Kelley told your Committee that the group quickly grew to 25 to 30 people as directors and representatives of other bureaus began to attend. (A subgroup of bureau representatives is now working to coordinate bureau activities under the umbrella of the Willamette River Renaissance plan.)

One bureau director said the meetings are not particularly useful—he said it is hard to accomplish much with 25 people in a room for an hour. Others questioned whether the cooperation between bureau heads will break down when bureaus moved beyond talking and started to make decisions that affect staffing, funding, and other turf issues.

C. Does Measure 26-30 propose a form of government that will solve those problems?

This section highlights specific aspects of the Measure that may be viewed separately from either the questions of the functioning of the city, or the form of government. While the previous section describes different views about the strong mayor/council and commission forms of government, this section addresses two topics specifically related to Measure 26-30: the initiative process that landed it on the

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

May ballot, and the financial impact questions surrounding the Measure.

1. Bringing the Measure to the ballot

The efforts, vision, and financing of a small group of business and labor representatives, led primarily by Robert Ball, brought the Measure to the ballot. Ball believes that Portland's city government is dysfunctional and attributes this dysfunction to good people fighting against the restrictions and impediments of the commission form of government.

The process Ball used to develop the initiative struck some as inappropriately exclusive. Ball retained an attorney with extensive background working with Portland's city government to draft the Measure. While a wider public discussion might have altered elements of the Measure, such as whether the Council should have been able to override a Mayor's veto of the budget or whether the election of seven Council members should be by district, the Measure as drafted ultimately secured sufficient public support; the campaign gathered 40,000 signatures, more than enough to meet the 26,095 valid signatures necessary to qualify City of Portland measures for the May 2002 ballot election. Measure opponents, however, question how many of the people who signed the measure actually read it or understood its provisions.

Ron Paul, chief of staff to City Commissioner Charlie Hales, criticized Ball's use of the initiative process. Paul has stated that a full public review of the City Charter would be more appropriate. "The trouble is, drafting a referral and paying signature gatherers, is that good government?" Paul queried rhetorically.

A number of witnesses said such a dramatic change to Portland's form of government should have been developed through an inclusive and open public process, such as a formal charter review commission. Some Measure opponents suggested that citizens should vote "No" on the Measure but push the City Council to appoint such a commission. Other individuals noted that Portland's City Charter has not been significantly changed since 1913 and is probably due for an overhaul. Other individuals suggested that Portland's charter should be reviewed regularly to ensure that it stays current. The Multnomah County Charter requires appointment of a charter review committee every six years to identify and recommend any needed changes to the county charter. The committee includes state senators and representatives who appoint additional "electors." (The next review of the county charter will be in 2004.)

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

Former Portland Mayor Neil Goldschmidt questioned whether focusing on amending the charter is the right place to start. He suggested that the process should start with a broad and inclusive discussion of what is working well and what is not in Portland's government. He said this process could be used to determine whether the city charter needs to be changed or whether other actions (or a combination of the two) would better serve our community.

Some believe broader review would have corrected the technical error regarding the effective date of the Measure. The error would institute the new form of government one year before the seven district council members and the first strong mayor would assume office. This would leave Portland without an effective government for one year.⁹ While dates establishing the election of district council members and the first strong mayor are correct, the very last section should have read: "Effective Date: This Amended and Restated Charter shall be effective January 1, 2005." (Ball noted that the City Attorney also missed the date error when he reviewed the Measure and prepared the caption, question, and summary for the official ballot title.) The City Council declined a request by Ball to refer a corrected version of the Measure to the May 2002 ballot. However, a majority of commissioners have stated that they will quickly refer a correction to voters if the Measure passes in May.

Others were not concerned that this was a "private" initiative, recognizing the initiative process as a legitimate part of Portland's legislative system that does not require full public discourse to bring a measure to the ballot. These individuals point out that any inadequacies might easily be remedied through a city council referral or by a subsequent citizen initiative. Mayor Vera Katz did not find the Measure's process problematic. She and other witnesses said they appreciated that Ball forced a public discussion of Portland's form of government.

Some witnesses said that, viewed as a practical matter, it is unlikely that currently elected Commissioners would change the government structure to one that reduces their authority—at least absent some strong external pressure. The initiative process gives citizens a way to raise those issues for public referendum.

⁹ New section added, in accordance with the last section of the proposed measure: "The City Auditor shall promptly restate the Charter as amended by these amendments, and in that process, the Auditor is authorized to make any other language changes consistent with these amendments (such as, changing a reference from "Commissioner" to "Council Member"). If there are any inconsistencies between these Amendments and the un-amended provisions of the Charter, then these Amendments shall control and the Auditor, in restating the Charter as amended by these Amendments, shall conform the other provisions of the Charter to be consistent with these Amendments. Effective Date: This Amended and Restated Charter shall be effective January 1, 2004. "

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

While the initiative is clearly a legal process by which to amend the city charter, the City Club, in recent years, has cautioned that a significant weakness of the initiative system is that it does not generally lead to "informed and deliberative decision-making." (1996, *Initiative and Referendum in Oregon*; 1997, *Process and Structure of the Oregon Legislature*.)

2. Financial Impact

The likely financial impacts of the Measure are not clear. Unlike the financial impact analyses that accompany statewide ballot measures, no such formal analysis is required for city ballot measures. No evaluation of the financial impact of the Measure has been done. Any effort to estimate the financial impact of Measure 26-30 would be a complex and subjective endeavor. Broad choices about the scope of the costs and cost-savings considered and more specific assumptions on a myriad of details could lead to a wide range of cost estimates.

The campaigns for and against the measure have focused on whether the number of city staff would increase under the measure. Ball maintains that the number and cost of staff would remain the same. Opponents believe the number of staff will be higher. A number of witnesses predicted that the city council would insist on additional budget and policy analysis staff to reduce the council's significant staff disadvantage compared to the mayor. Our analyses showed that the cost impact of additional staff is relatively small compared to the overall magnitude of the city budget.

Much more significant are the possible cost savings or increases that would result from a dramatic restructuring of city government and the subsequent improvement or decline in efficiency and effectiveness. Aside from Steve Bauer's suggestion that a strong mayor system would reduce what he estimated as the 25 percent "friction loss" under the commission system, no analysis exists of this potentially significant financial impact.

Opponents of the measure and other witnesses believe that the process of implementing a change in government has its own cost. One witness said the savings of the change would have to significantly exceed the transition costs to make the change worthwhile. Some suggested that full implementation of the change could take as long as four years. During the transition, uncertainty could defer decision-making. Time spent on process changes would mean less time attending to community needs and city programs and services. Opponents do not accept that increased efficiencies and improved services will occur, and, therefore, do not believe that indirect costs will decrease—indeed, they may increase.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

Proponents of the measure respond that only a relatively small share of the city workforce would be directly involved in the process of change. Bureau staff would continue to report to their bureau director. Bureau directors would simply report to one of the five new department heads, instead of a city commissioner. Proponents expect that any incidental increases in direct costs will be more than offset by lower overall administrative costs, improved services delivery and increased benefits for citizens from better decision-making on land-use policy and major capital investments.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

V. MAJORITY CONCLUSIONS

We are right to be proud of Portland: it is internationally recognized as a vibrant, livable city. We should also be proud of our local government: the strong and at times visionary leadership of our elected City leaders and the expertise of our City staff have also gained international regard. However, these achievements are despite, not because of our form of City government. The commission structure of City government has hindered us in many ways that, while not highly visible, are nonetheless palpable, pervasive and persistent.

We now have the opportunity to eliminate this long-standing and costly barrier to better government for Portland. The majority strongly recommends a YES vote on Measure 26-30.

A. Unifying Executive Responsibility Under the Mayor Will Result in Better Value for Our Tax Dollars

After fifteen years of repeated attempts to remedy the deficiencies of the commission form of government, there are two primary reasons that the core problems have not been resolved. First, remedial efforts have been limited to administrative, not operational functions. Second, although the City Council recently took new steps to remedy fragmented and inconsistent administrative practices by establishing a Chief Administrative Officer (CAO), that person is selected by and serves at the pleasure of the full Council, not the Mayor alone. Just as the Mayor must get three votes to get anything done, so must the CAO. The well publicized "mutiny memo" is evidence that the City bureaus and their commissioners have already begun what will undoubtedly be persistent efforts to resist and undermine this centralization. The majority believes that these improvements cannot be fully implemented and sustained unless there is a structural change in the form of government.

The charter change to unify executive and administrative responsibilities under the mayor will:

- ***Develop a unified team of experienced, professional managers*** under the direction of the Mayor to lead this large, complex organization with a \$1.45 billion budget and over 6,000 employees;
- ***Create accountability for achieving the City's strategic goals*** and for solving complex problems that need the support of multiple bureaus;
- ***Ensure implementation of administrative improvements***, including stronger management and financial oversight of

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

operational bureaus by the Chief Administrative Officer, responsible to the Mayor;

- ***Reduce administrative redundancy and the "friction loss" costs*** of time wasted by both city staff and elected officials drawn into unproductive organizational politics; and
- ***Make the government more flexible and adaptive***, unhindered by the need to balance power among five elected officials.

The mayoral authority established by this charter change is consistent with practices elsewhere: it is not "too strong." The council members will retain policy-making and oversight authority. As a practical matter, the mayor will still need to work in a collegial, collaborative manner with the whole council.

This change to centralize executive authority under the mayor is imperative. It represents a necessary realignment of power in the city government that will only occur through an initiative process. Our positive regard for our current City commissioners, who may not like the resulting reduction in their executive authority, should not blind us to the significant and far-reaching benefits that will come with this change in our form of government. Taxpayers will get better value from their City government with passage of Measure 26-30.

B. Creating a Full-time Legislative Council Will Improve Citizen Representation and Legislative Effectiveness

Citizens generally feel disconnected from their governments and their elected officials. The proposed charter changes would redefine the role of city council members to be solely legislative, thereby allowing council members to give full attention and allegiance to being citizen representatives and exercising legislative responsibilities. We expect this will increase citizen understanding of and confidence in Portland city government.

The charter change will position our nine city council members to:

- ***Better represent and advocate for citizens*** concerned with governmental performance, unimpeded by the ambivalence that stems from dual administrative/legislative roles or by reluctance to tread on the "turf" of other elected officials;
- ***Engage citizens and community partners*** in collaborative planning, policy-making, and community improvement efforts;
- ***Conduct investigations necessary to obtain information for intelligent legislation***;
- ***Provide policy leadership on important, complex issues*** where

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

personal expertise and interest align with community needs;

- ***Foster open public policy discussions*** at city council meetings and in the community around the City's strategic direction, annual budget decisions and other important issues; and
- ***Provide policy direction and legislative oversight*** for the mayor and city staff.

There is plenty of work to keep nine council members busy full-time in these legislative roles. We observe that Multnomah County has full-time, non-partisan commissioners who function effectively while performing solely legislative responsibilities. Similarly, the City can also expect to continue to attract dedicated, quality candidates to the council positions.

C. Electing Council Members by District Will Make it Less Expensive to Run for Office and Will Open the Door to More Diverse Candidates

A district campaign opens the door to many more people who aspire to council office, because a door-to-door campaign in a district of about 75,000 residents is feasible and will not require high cost media ads. In the past thirty years, Portland has increased not only in population but also in area—now extending out as far east as 175th Avenue. Thus, at-large campaigns are increasingly more difficult and expensive. High election costs are a perennial concern at all levels of government because it raises the appearance, if not the reality, of undue influence by large contributors.

Election of seven of the council members from districts is likely to:

- ***Increase the economic diversity of Council members*** due to lower cost elections and geographic residency requirements; and
- ***Increase the visibility of and citizens' sense of access to elected officials*** by having them work from offices in neighborhoods dispersed across the city.

While district representatives will of course pay specific attention to the unique problems of their respective neighborhoods, we believe those seven council members will generally join the two at-large council members in voting for what is best for the city as a whole. Constituent interests and positions will vary enough within districts that council members will be motivated to provide balanced leadership and represent community views. As a practical matter, elected officials who take an overly parochial approach probably will not be re-elected.

It is clearly beneficial to reduce the cost of running for public office

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

and open the door to more diversity, and the establishment of district seats will do that. Whether it is optimal to have a total of nine elected officials, with two at-large, and whether it is best to have the mayor separate from the council is not as certain, but it is promising. The experience of Metro suggests that the council and the community will be quite willing to make changes to the framework in the future, should that appear appropriate.

D. The Overall Fiscal Impact is Positive

Although there has been no formal financial analysis of the ballot measure, any incremental costs pale in comparison to the savings that we believe would result from the improved efficiency and effectiveness of a strong mayor/council form of government.

E. Use of the Initiative Process Is Appropriate for this Type of Change

Measure 26-30 arrived on the ballot without the benefit of widespread public review or debate. That process alienated some potential supporters. While we might have preferred to see this measure emerge from a more inclusive community process, the fact remains that the ballot measure is fundamentally sound and it will significantly improve Portland's governance. And that, after all, is what we see as the real issue.

We also recognize that the measure has a technical flaw in providing that its effective date is January 1, 2004, rather than January 1, 2005. However, should the measure pass, we have no doubt that the current city council will refer a timely corrective measure to the ballot, as a majority of council members has already promised.

F. A City Charter Review Process is Not Planned

The argument that a charter review should be initiated in lieu of passing the proposed measure is unpersuasive. Recognizing that four of the five sitting commissioners have a vested interest in maintaining the status quo, we are skeptical that City Council would establish a charter review process if the measure does not pass.

G. Summary

Between 1961 and 1999, four City Club committees have urged that Portland change its form of government from the Commission form to the Strong Mayor/Council form. Despite attempts over the past 15 years to patch over the deficiencies in the commission form and to achieve greater coordination of central administrative functions, those efforts have fallen far short of what is needed. Portland's city

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

government, as Mayor Katz correctly notes, remains "Byzantine and dysfunctional."

A "YES" vote to change Portland's form of government will remove the structural barriers that increase costs of government and leave citizens disenfranchised. If adopted, this measure will:

- *Unify executive responsibility under the mayor*, resulting in better value for our tax dollars;
- *Change the role of Council members to full-time legislators*, which will improve citizen representation and legislative effectiveness; and
- *Make it less expensive to run for office and diversify the potential candidate pool* by electing seven of the nine new Council members from districts around the City.

VI. MAJORITY RECOMMENDATION

The majority recommends a "YES" vote on Ballot Measure 26-30.

Respectfully submitted,

Nancy Glerum
Andrew Käser
Carter Kennedy
Heather Kmetz
Paul Meyer
Ken Ray
Meganne Steele

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

VII. MINORITY CONCLUSIONS

While the Minority and Majority of the Committee are in agreement with the analysis of the problem as contained in this report, we differ in the answer to the question; "Will Portland city government be better if the voters approve ballot measure 26-30?" The Minority is of the opinion that the answer is that it will not and, therefore, recommends a "No" vote on the initiative.

There are a number of specific reasons given by individual members of the committee for this decision, including some or all of the following.

A. Are There Critical Problems with the Functioning of City Government?

- A minority of the committee recognizes that there are functional problems with the current city structure. However, it cannot necessarily be concluded that these problems will be better managed under a strong mayor form of government.
- It is also possible that current processes underway in city government can ameliorate many of the problems that the current structure may have created.

B. Does the Form of City Government Need to Be Changed?

1. *Legislative Duties and Responsibilities*

- The function of city government is largely administration as opposed to legislation. The current commission workload, predominantly administrative, reflects that reality.
- City councils, where council members are legislators only and do not directly administer city agencies, such as in Seattle, commonly divide up the responsibility for overseeing different areas of city operations among the council members.
- Council members who do not have a role defined by city charter are largely free to create their own job responsibilities. These can influence the functioning of city government in a negative manner.
- Current commissioners are able to develop expertise in the bureaus that they oversee. It is true that currently the commissioners refrain from criticizing fellow commissioners, however, current procedures, if fully implemented, may change this dynamic.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

- It is arguable whether legislative oversight would be enhanced by the measure.

2. Access to Effective, Diverse Representation

- Recent history of the Portland City Council does reflect diverse representation. Because diverse populations are scattered throughout Portland, there is no assurance that district-based elections would increase diversity.
- The proposed measure would increase the number of representatives, but not increase access and effectiveness. In fact, it is arguable that representatives who have little direct authority, little staff support (based on the proponent's cost estimates) and ill-defined responsibilities will offer any effectiveness at all.

3. Quality of Elected Officials

- The current (and recent) quality of commissioners, by any measure, must be considered high.
- There is no basis for a belief that the proposed measure will enhance the quality of officials.

4. Executive (and Administrative) Responsibilities

- There is redundancy and inconsistency in the current city government. This has been recognized by the current city council that has adopted a number of procedures to respond to these concerns. Redundancy and inconsistency is not exclusive to the commissioner form of governance but is a problem that all large organizations must deal with.
- Citywide representation coupled with direct responsibility for running effective bureaus favors collaboration and fosters openness of decision making among the commissioners. This collaboration can lead to better decisions than might occur when the discussion occurs between the council members as a result of their oversight responsibilities. There is serious concern that with the initiative is that the mayor or staff members can make more decisions without public discussion.
- The number of bureaus and functions that will become the sole responsibility of the mayor will create responsibilities that are too diverse to oversee well. It will, in all likelihood, result in management of the city by managers who are not responsible to the public. The commissioner form allows deep expertise and commitment of effective functioning to develop among elected officials.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

5. Budget

- The current system gives commissioners the opportunity to develop a comprehensive understanding of the budgets of specific bureaus.
- The commission system allows each of the five elected commissioners to give focused and politically-accountable executive attention to the development of their bureaus' budgets. Under a strong mayor, this review would be delegated to five non-elected department heads. The sole elected executive, the strong mayor, could not provide a similar level of attention and oversight to individual bureau budgets.

6. Professional Managers

- The current city structure utilizes well-qualified, professional managers for each existing bureau. There is no reason to accept the proposition that the proposed measure will result in any more qualified individuals.

7. Change is on the way?

- As previously noted, there are a number of processes under way that are designed to alleviate many of the issues raised by critics of the current system.
- The measures are not fully implemented and any "mutiny" by existing department heads should be expected and welcomed. A thorough airing of all aspects of the change should result in a better long-term procedure.

C. Does Ballot Measure 26-30 provide a reasonable vehicle for change?

1. Bringing the Measure to the ballot

- It is important to note that the minority did not make their decision based on any real or perceived drafting errors in the proposed initiative. It is more than likely that, should the measure pass, the current council will make whatever changes necessary to ensure a smooth transition to a new system.
- Nor did the minority base their decision on concerns about the method by which the proposal was developed. The minority feels that a more open public process most likely would have produced a proposal that had broader support in the community.

2. Concerns about the measure

- The current system allows the government to function effectively

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

when a weak mayor is elected.

- The mayor will not be a member of the city council, thus reducing the opportunities and necessity for collaborative problem solving
- The mayor can remove members of city boards and commissions without the consent of the council.
- The ability of the council to impact the budgeting process will be severely restricted by reduced access to information, lack of adequate staff analysis capability, a very short period of time provided for the council to review the budget, and the inability of the council to override a mayoral veto on budget matters.
- District representation has the potential of creating parochialism among the council members.

3. Fiscal Impact

- There has been no attempt at a fiscal impact of the proposed measure done by any individual or agency.
- While only conjecture, recent history demonstrates that the creation of additional elected offices will bring with it enhanced demand for staffing and other support.
- The revenue neutral position suggested by the proponents of the measure ignores several key components of potential cost.
- There will be significant cost, both fiscal and opportunity, during any transitional phase. The benefits of this cost are not balanced by any perceived benefit from the proposed measure.

D. Summary

The minority supports the proposition that the city government can improve. The most effective way to make improvements is to carefully examine the nature of the problems and alternative solutions to those problems. A change from the commissioner form of government to a strong mayor form may be the wrong approach. Portland has accomplished some remarkable things since the City Club report recommended changing the form of government in 1961. Is it possible that those changes came about because of the form of government rather than in spite of it? That question needs to be answered before the current system is changed.

Next Steps: There are different ways to accomplish this; through a Charter Review Commission or a "Blue Ribbon Panel" that would examine the issues, including a determination of whether charter changes are required. A review of this kind should be part of a periodic review process. The adoption of this proposal without wide-

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

spread community support could result in significant disruption and lost opportunities that, at this critical period in our community's history, cannot be tolerated.

In closing, the Minority urges Club members and the public to vote "NO" vote on Ballot Measure 26-30.

VIII. MINORITY RECOMMENDATION

The Minority of your Committee recommends a "NO" vote on Measure 26-30.

Respectfully submitted,

Caitlin Baggott
Carolyn Bullard
Bryan Redd
Alan Brickley, chair

Paul Millius, research advisor (for the full committee)
Paul Leistner, research director (for the full committee)

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

IX. APPENDICES

A. WITNESS LIST

- Robert Ball*, chief petitioner, Measure 26-30
- Steve Bauer*, former director, Office of Financial Administration, City of Portland
- Gary Blackmer*, Portland City Auditor
- Bruce M. Brooks*, former deputy mayor, City of Seattle
- Mike Burton*, executive officer, Metro
- Steve Dotterer*, principal planner, Bureau of Planning, City of Portland
- Sho Dozono*, president and CEO, Azumano Travel
- Tom Feely*, chief administrative services manager, Office of Management and Finance, City of Portland
- Neil Goldschmidt*, former mayor, City of Portland
- Tim Grewe*, chief administrative officer, City of Portland
- Charlie Hales*, city commissioner, City of Portland
- Michael Harrison*, commissioner's assistant to Portland City Commissioner Jim Francesconi
- Vera Katz*, mayor, City of Portland
- Gil Kelley*, director, Bureau of Planning, City of Portland
- Jewel Lansing*, former Portland City Auditor
- Dave Logsdon*, project manager, Office of Management and Finance, City of Portland
- Pete Mark*, board chairman, Melvin Mark Properties
- Dean Marriott*, director, Bureau of Environmental Services, City of Portland
- Donald S. McClave*, president and CEO, Portland Metropolitan Chamber of Commerce
- Dave Redlich*, president, Homestead Neighborhood Association
- John Russell*, president, Russell Development Company, Inc.; acting secretary, Portland Development Commission
- Ethan Seltzer*, director, Institute of Portland Metropolitan Studies, College of Urban and Public Affairs, Portland State University
- Chris Smith*, co-chair, Transportation Subcommittee, Northwest District Association
- Erik Sten*, city commissioner, City of Portland
- Brother Donald Strabrowski*, academic vice president, University of Portland

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

B. RESOURCE MATERIALS

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CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

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City Club of Portland

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CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

C. CURRENT BUREAU ASSIGNMENTS — SPRING 2002

Mayor Vera Katz ("Commissioner of Finance and Administration")

- Office of Management and Finance (includes: Bureaus of Communications & Networking/Financial Management/Financial Planning/Human Resources/ Information Technology/ General Services/ Purchases)
- Office of the City Attorney
- Office of Government Relations
- Office of International Relations
- Bureau of Planning
- Bureau of Police
- Portland Development Commission

Jim Francesconi (Position #1: "Commissioner of Public Utilities")

- Portland Parks and Recreation
- Bureau of Licenses
- Bureau of Fire, Rescue and Emergency Services

Charlie Hales (Position #4: "Commissioner of Public Safety")

- Office of Transportation (PDOT)
- Office of Planning and Development Review (OPDR)

Dan Saltzman (Position #3: "Commissioner of Public Affairs")

- Bureau of Environmental Services (BES)
- Office of Neighborhood Involvement (ONI)
- Bureau of Emergency Communications (BOEC)
- Office of Sustainable Development (OSD)

Erik Sten (Position #2: "Commissioner of Public Works")

- Bureau of Water Works
- Bureau of Hydro Power
- Office of Cable Communications and Franchise Management
- Bureau of Housing and Community Development

Gary Blackmer (Auditor of the City of Portland)

- Assessement and Liens
- Audit Services
- City Elections

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

- City Recorder (Archives/ Contracts and Disbursement/ Council Clerk/Records Management)
- Hearings Officers
- Independent Police Review
- Ombudsman
- Portland Multnomah Progress Board
- Secretary; Fire & Police Disability and Retirement Fund Board

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

D. MEASURE 26-30: PROPOSED LEGISLATIVE AND EXECUTIVE PROVISIONS

1. Proposed Legislative Charter Provisions

An overview of the Charter modifications involving the Council members are delineated below; those provisions affecting the Legislative Power are highlighted:

§ 2-102 - The City Council of the City of Portland shall consist of nine (9) Council Members.

§ 2-105(a) (3) - To provide for entering into contracts by the City for a period not exceeding five (5) years and the extension or renewal thereof by option or otherwise, for not to exceed an additional five (5) years, except as to property contracts, which may extend for more than five (5) years, **or as otherwise permitted by the Charter or by statute or by ordinance approved by the Council.**

§ 2-110 - . . . **The President [of the Council] shall preside at all meetings of the Council.** In the President's absence or disability, the Council shall elect one of their number to perform the duties of President during such absence.

§ 2-117 - . . . **Every Council Member, when present, must vote** unless a majority of the remainder of the Council approves the member's excuse for disqualification, and **every ordinance shall require the vote of five (5) members** . Promptly after the passage of an ordinance the ordinance shall be delivered to the Mayor for signature by the Mayor. The ordinance shall become effective according to its terms when the Mayor has signed the ordinance. If the ordinance is not signed by the Mayor within ten (10) days of the passage of any ordinance or resolution, except for: ordinances that result from the City's exercise of quasi-judicial authority, an ordinance filling a Council Member's vacancy, or an ordinance overriding the Mayor's veto, the Mayor may veto such ordinance by a written veto statement signed by the Mayor. **For all ordinances except those adopting or amending the City's budget, the Council may at any subsequent Council meeting within thirty (30) days of the Mayor's veto, override the Mayor's veto by the affirmative vote of six (6) Council members, and the ordinance shall thereby become effective, without the Mayor's signature.**

§ 2-128 - The Mayor shall propose a City budget for the City's fiscal year and shall submit the budget to the Council at least thirty (30) days prior to the beginning of the City's fiscal year. **The Council may approve of the Mayor's budget or may amend that budget. The budget or an amended budget shall not be effective**

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

unless and until it is approved of by: the Mayor and a **majority of the Council**. All funds of the City shall be expended only in conformance with a Council approved budget, or an amendment to that budget.

§ 2-201(A) - . . . **All said officers shall be elected as follows:** the Mayor, Auditor and **two (2) Council Members shall be elected at large and seven (7) Council Members shall be elected by districts**, except as otherwise provided.

§ 2-206(f) - If a vacancy occurs in the Office of the Mayor or Auditor, **the Council shall fill the officer by appointment pending election as provided herein**, and the appointee need not be a Council Member. If a vacancy occurs in the Council, the Council may appoint a person to act as the Council Member until the election of the Council Member. If the vacancy is in a district Council Member position, the acting Council Member shall meet the residency and voting requirements . . .

§ 2-206(h) - **Upon the vacancy of the office of Mayor, the Council shall appoint an individual to serve as Mayor until an election can be held to fill the office of the Mayor.**

§ 2-301 - . . . **Additional Departments may be created by ordinance.**

§ 2-601 - The City Attorney shall be a member in good standing of the Bar of the State of Oregon. The City Attorney may have one or more deputies who are members of the Bar of the State of Oregon to be appointed by the City Attorney in writing and continued during the City Attorney's pleasure. **The number and compensation of such deputies shall be fixed by the Council** and they shall be deemed removed on the removal or resignation of the City Attorney. The Chief of Police shall have had at least ten years active police experience.

§ 2-602 - . . . Each Council Member shall be entitled to hire two (2) full-time staff assistants at City expense. Such employees shall serve at the pleasure of the Council Member which [sic] hired them. . .

§ 2-605 - No person shall at any time hold more than one office yielding pecuniary compensation under this Charter or under the Mayor, Council or any Departments of the City, unless such offices are part-time or the hours of work of one of such offices do not conflict with the hours of the other office and such employment in different offices is expressly authorized by order of the Mayor.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

§ 11 -201 - . . . **The Council or the Mayor may make rules and regulations for management and control of the auditorium facilities and services.**

2. Proposed Executive (and Administrative) Charter Provisions

An overview of the Charter modifications involving the Mayor and Professional Administrators are delineated below; those provisions affecting the Executive Power (and Administrative Power) are highlighted:

§ 2- 101 - **The municipal powers and authority of the City are vested as follows: ... all executive and administrative authority is vested in the Mayor.**

§ 2-103 - **The Mayor may create such advisory boards or advisory commissions, as the Mayor deems necessary or convenient, on such terms as the Mayor deems appropriate.**

§2-104 - The Council shall not interfere with the exercise by the Mayor of the executive and administrative powers granted to the Mayor under this Charter.

§ 2-117 - . . . Promptly after the passage of an ordinance, **the ordinance shall be delivered to the Mayor for signature by the Mayor. The ordinance shall become effective according to its terms when the Mayor has signed the ordinance.** If the ordinance is not signed by the Mayor within ten (10) days of the passage of any ordinance or resolution, except for: ordinances that result from the City's exercise of quasi-judicial authority, an ordinance filling a Council Member's vacancy, or an ordinance overriding the Mayor's veto, **the Mayor may veto such ordinance by a written veto statement signed by the Mayor.** For all ordinances except those adopting or amending the City's budget, the Council may at any subsequent Council meeting within thirty (30) days of the Mayor's veto, override the Mayor's veto by the affirmative vote of six (6) Council members, and the ordinance shall thereby become effective, without the Mayor's signature.

§ 2-128 - **The Mayor shall propose a City budget for the City's fiscal year and shall submit the budget to the Council at least thirty (30) days prior to the beginning of the City's fiscal year.** The Council may approve of the Mayor's budget or may amend that budget. **The budget or an amended budget shall not be effective unless and until it is approved of by: the Mayor** and a majority of the Council. All funds of the City shall be expended only in conformance with a Council approved budget, or an amendment to that budget.

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

§ 2-201 (A) - . . . **All said officers shall be elected as follows: the Mayor, Auditor and two (2) Council Members shall be elected at large and seven (7) Council Members shall be elected by districts, except as otherwise provided.**

§ 2-301 - **The executive and administrative powers, authority and duties, not otherwise provided for herein shall, subject to the overall authority of the Mayor, be distributed among at least five (5) departments . . . The Mayor may establish bureaus or offices within Departments and a bureau or office shall be a separate functional component of a Department. The Mayor shall, from time to time, allocate work, functions and responsibilities among Departments, bureaus and offices . . . Additional Departments may be created by ordinance.**

§ 2-302 - **The Mayor shall prescribe the powers and duties of officers and employees, may assign particular officers to one or more of the departments and may require an officer or employee to perform duties in two or more departments. The Mayor shall make such rules and regulations as may be necessary and proper for the efficient and economical conduct of the business of the City.**

§ 2-401 - **The Mayor has all of the duties, authorities and responsibilities as the chief executive officer of the City and has all executive and administrative authority possessed by the City, except to the extent limited by this Charter. The Mayor shall be authorized to submit proposed ordinances and resolutions to the Council. The Mayor shall exercise a careful supervision over the executive and administrative business of the City.**

§ 2-406 - **The salary of the Mayor shall be at least equal to the average of the salary of all Department Directors.**

§ 2-407 - **In the event that the Mayor is physically incapacitated for a period of time, and is incapable of performing the responsibilities of that office, but a vacancy in the office of the Mayor has not occurred, then the Mayor's Chief of State shall serve as acting Mayor until the incapacity is remedied and the Mayor is capable of performing the responsibilities of the position of Mayor.**

§ 2-505(b) - **City bureau managers shall respond to audit recommendations made by the Auditor, through the Mayor, to the Auditor, in writing within the time specified by the Auditor...**

§ 2-601 (a) - **The Mayor shall appoint the City Attorney subject to the confirmation of the Council. The Mayor shall have the authority to appoint, manage and remove the**

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

following appointed officers: a Director and a Deputy Director of each Department, bureau or office and such appointed officers shall serve at the pleasure of the Mayor. Each such appointed officer shall possess education, professional training and prior working experience reasonably commensurate with the office to which such person is being appointed.

§ 2-601(b) - **The Mayor shall appoint persons to serve on all appointive City boards and commissions subject to confirmation by the Council. Such persons may be removed at any time by the Mayor.**

§ 2-601 - **The City Attorney shall be a member in good standing of the Bar of the State of Oregon.** The City Attorney may have one or more deputies who are members of the Bar of the State of Oregon to be appointed by the City Attorney in writing and continued during the City Attorney's pleasure. The number and compensation of such deputies shall be fixed by the Council and they shall be deemed removed on the removal or resignation of the City Attorney. **The Chief of Police shall have had at least ten years active police experience.**

§ 2-601(a) - **The Mayor shall appoint the City Attorney** subject to the confirmation of the Council. **The Mayor shall have the authority to appoint, manage and remove the following appointed officers: a Director and a Deputy Director of each Department, bureau or office and such appointed officers shall serve at the pleasure of the Mayor. Each such appointed officer shall possess education, professional training and prior working experience reasonably commensurate with the office to which such person is being appointed.**

§2-603 - **The Mayor shall have the power to create and abolish all such subordinate offices, places and employments in the service of the City as the Mayor may deem necessary for efficient and economical administration.**

§ 2-605 - No person shall at any time hold more than one office yielding pecuniary compensation under this Charter or under the Mayor, Council or any Departments of the City, unless such offices are part-time or the hours of work of one of such offices do not conflict with the hours of the other office and such employment in different offices is expressly authorized by order of the Mayor.

§ 11-201 - . . . **The Council or the Mayor may make rules and regulations for management and control of the auditorium facilities and services.**

CITY CLUB OF PORTLAND BALLOT MEASURE STUDY

§ 12-102 - The Mayor may make regulations and impose restrictions on public use of parks, recreational areas and facilities as found needed and appropriate ...



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y Five-Year Levy

City Club Resolution “YES” on 26-32

“Knowledge is of two kinds. We know a subject ourselves, or we know where to find information upon it.” Dr. Samuel Johnson, April 18, 1775

Recognizing the great importance of the Multnomah County Library as a free educational and cultural resource available to all adults and children of the county, the City Club of Portland has studied and supported Library levies on four separate occasions (1976, 1984, 1986 (as part of an extensive study of the Library), and 1987). The following resolution includes a summary of the reports of these studies updated to current conditions.

WHEREAS, the Board of County Commissioners for Multnomah County passed Resolution No. 02-022, referring *A Five-year Rate Based Local Option Levy to Continue Library Services* (Measure 26-32) to the May 21, 2002 ballot;

WHEREAS, the unpredictable negative impact of property tax relief legislation has impelled the County to replace the final year of the 1997 library levy (59.97 cents per \$ 1000 assessed value) with this proposed levy to avoid a significant cut in library services in 2002;

WHEREAS, Measure 26-32 seeks to maintain the current level of Library service through 2007;

WHEREAS, Measure 26-32 will levy \$77.5 cents per \$1000 of assessed value, to produce an estimated \$139.5 million over five years, averaging \$27.9 million per year, and costing the average homeowner \$95.00 per year, or \$8.00 per month (based on the average assessed value of all homes in Multnomah County);

CITY CLUB OF PORTLAND RESOLUTION

WHEREAS, Measure 26-32 adds \$20.00 to the yearly tax bill of the average County homeowner compared to the current Library levy;

WHEREAS, the Library is critically dependent on levy money—more than half of its budget comes from this source;

WHEREAS, the Library provides educational and cultural resources to the majority of County residents; and 77 percent of adults and children in Multnomah County hold Library cards;

WHEREAS, Library users check out an average of 21 items each year—a relatively high rate compared to the ten library systems of comparable size in the country;

WHEREAS, Library materials are checked out an average of seven times each year—the highest rate of use among the ten comparable library systems;

WHEREAS, the Library is the major provider of computer and digital information resources to roughly half of the county residents who do not own a computer;

WHEREAS, the Library is a major provider of information needed for the formation and maintenance of businesses and for career planning;

WHEREAS, the total County Library support including this measure will amount to about four percent of the total county budget; and

WHEREAS, although, City Club taxation studies have found that the property tax is undesirably regressive and properties are now inequitably assessed because of 1997 Measure 50, fundamental tax reform is not being considered at this time, and no realistic alternative exists to raise needed revenue for Library services;

THEREFORE, BE IT RESOLVED given the ongoing need to maintain library services that well serve our community, and following City Club's support of past levies to meet those needs, that the City Club Board of Governors publicly expresses the City Club's support for Measure 26-32 on the May 21, 2002 ballot.