

July 31, 2019

Good Morning Mayor and Commissioners,  
My name is Mary Ann Schwab, Community Advocate

Let me start today, by saying thank you to the Members of the 3.96 Code Advisory Committee, representing a wonderful cross section of ages, occupations, religious affiliations for volunteering their time and I sincerely hope they will consider serving a little bit longer.

What I find troubling the Committee Went in the Opposite Direction as Directed by Council under Res 37373 by not formally recognizing other groups and dismantling the NA System. Especially, when learning the Code Committee was given no reference to the Auditor's report, the adopted Public Involvement Principles, or Chapter 2 of the Comp Plan, which deals with public involvement.

The Auditor said in her report the neighborhood associations needed to be strengthened not disbanded.

I am respectfully suggesting that more work is needed on the Code Language before it is viewed as completed by the City's Auditor, Mayor, and Commissioners prior to first reading October 3, 2019.

The ONI system of recognizing neighborhood and business associations is part of the City's "human infrastructure" and must not be discarded. City needs to strengthen and build upon the strengths of the existing NA system while broadening it to involve the full diversity of our Community(s).

The OCCL draft proposal in front of the City Counsel to eliminate the neighborhood associations effectively guts the City Charter 3.96 Code. This will eliminate opportunities for funding staff to help constituents solve problems within their community.

The City Charter is designed to make amendments when needed. However you don't tear up the City Charter Chapter 3.96 ONI – which is the foundation of how people have interacted with the City of Portland.

To help guide each of you, I am asking the Code Committee, City Council, as well as the public-at-large to strongly consider Robert McCullough's response to the Office and Community and Civic Life Core Change FAQ's, which helps illustrate the depth of the issues within OCCL Code Committee's proposed amendment(s).

In closing, Council please consider telling Civic Life to start over entirely with a new Committee and involve NAs as key stakeholders at the start with a Community Based Organizations and the Historically under-represented groups. Albeit, with all of this discussion about updating the City Code and Standards to update and improve Portland Civic engagement framework should happen within the context of and after City Council addresses the City Charter which is up for review in 2020 or 2021.

Thank you for using this process to hear from the people and constituents like me who care.



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Mary Ann Schwab, Community Advocate  
Sunnyside Neighborhood Resident

Don't bend; don't water it down; don't try to make it logical; don't edit your own soul according to fashion. Rather, follow your most intense obsessions mercilessly. – Franz Kafka



Commissioner Chloe Eudaly  
City of Portland

## **Response to the Office of Community & Civic Life Code Change FAQ**

### **1. Why do we need to change the ode?**

**ANSWER: IT'S OVERDUE.**

The current code is outdated and does not reflect Civic Life's current programs, responsibilities, and constituencies. For many years (including in the 2008 Community Connect Report and the 2016 audit of the then-named "Office of Neighborhood Involvement") neighborhood leaders, city staff, and community partners acknowledged the need to update the current code, which does not address how civic engagement continues to evolve in our city.

**RESPONSE: THIS IS NOT ENTIRELY TRUTHFUL**

*Having served as a coalition chair (Southeast Uplift) and a neighborhood chair for some years, I know of no neighborhood leader who sought to reduce citizen involvement. In recent years, city staff have resisted open meeting and open document laws – in some cases forcing successful court challenge in recent years.*

### **2. Wait, what is city ode?**

**ANSWER: IT'S LEGAL.**

City Codes are the governing laws written in the City Charter. City Code is changed by ordinance passed by the City Council. The purpose of code is to set a strategic direction which can be implemented through administrative rules and policy documents, program design, budgets, and contractual agreements. This code change addresses Chapter 3.96, which defines the functions and responsibilities of the Office of Community & Civic Life.

**RESPONSE THE EXISTING LANGUAGE PROVIDES A DETAILED BLUEPRINT OUTLINING SPECIFIC POLICIES. THE REPLACEMENT ELIMINATES ALMOST ALL SPECIFIC LANGUAGE**

*Chapter 3.96 Office of Community & Civic Life consists of 1,392 words laying out specific definitions, rules, and policies. Almost all of the original language has been replaced with aspirational language without specific definitions, rules, and policies. The actual language will be drafted by city staff at a later date.*

### **3. Will this proposed code change dismantle the neighborhood association**

system? ANSWER: NO.

Neighborhood associations are and will continue to be valued partners of Civic Life and the City. These proposed changes are about adding voices to our civic landscape and encouraging collaboration within and across issues, identities, and place. For this reason, Civic Life will continue to serve neighborhood-based groups, which absolutely includes neighborhood associations, as well as other place-based advocacy groups.

**This code change is about addition and multiplication, not subtraction and division.**

**RESPONSE: SEE SECTION 3.96.060**

*The revised language eliminates specific rules about inclusion and Section 3.96.060 allows the director of the Office of Community & Civic Life to determine which organizations are to be included throughout the city's statutes. The good news is that this all-important section is of doubtful legality since it places a city employee in authority over the City Council. The bad news is that staff will rewrite this before it is presented to Council.*

**4. Why is who we name in code and how we name them so important?**

**ANSWER: IT'S SIMPLE.**

Currently, Chapter 3.96 only names three types of groups for "recognition" and "acknowledgment." When communities are not named in code, policy, or law—or when only some groups are named—there have been devastating impacts for being represented, served, resourced, and valued in this country.

The City of Portland has a moral and legal obligation to remedy this by updating Chapter 3.96. In 2019, government must recognize all groups and communities in the ways they identify themselves and ask to be acknowledged by their government.

**RESPONSE: IT IS NOT AT ALL SIMPLE.**

*Enforcement of city codes is complaint driven. In order to file complaints, the neighborhood associations require standing and information. For enforcement of diverse parts of the city code ranging from land use, environmental issues, demolitions, taxes, and safety, the existing code requires the city to notify neighborhood associations and neighborhood coalitions and seek their input. The new language puts this at the discretion of the Office of Community & Civic Code director.*

*The word "devastating" in the FAQ is untruthful and exaggerated. I have attended neighborhood meetings in many neighborhood associations across Portland. Participants have included everyone regardless of ethnicity, gender, or sexual orientation. In all of those meetings, I have only seen one individual excluded from participation – when an incoherent person was removed by the police after threatening an elected official.*

**5. Will this defund neighborhood associations and neighborhood coalitions?**

**ANSWER:NO.**

City codes are not funding documents. Further, neighborhood coalition offices were fully funded in the 2019-2020 budget and Civic Life will continue to invest in place-based capacity building work.

**RESPONSE: IN RECENT YEARS FUNDING OF COALITIONS HAS FALLEN IN**

## **RELATION TO THE CITY'S POPULATION**

*The proposed code eliminates almost all of the language pertaining to the organizations to be funded. Actual funding for neighborhood associations has fallen to token levels – in many cases, just a few hundred dollars per annum.*

### **6. Will Neighborhood Associations continue to access insurance coverage through Neighborhood Coalitions?**

**ANSWER: YES.**

**RESPONSE: NOTHING IN THE REVISED LANGUAGE ADDRESSES THIS**

### **7. Will Neighborhood Coalitions and Associations continue to be recognized for the purposes of notification by city bureaus for permitting, land use, planning, zoning, etc.?**

**ANSWER: YES.**

Section 3.96.060 in the proposed language ensures that neighborhood associations will continue to receive all benefits currently provided by other city bureaus. It states:

*“For the purposes of recognizing organizations as identified in other sections of city code, the Director must adopt a list of recognized organizations by administrative rule, including but not limited to neighborhood associations, district coalitions and diverse and civic leadership partners existing on the effective date of this code chapter. The Director may adopt administrative rules that establish a process and criteria for managing this list. If the Director does not adopt such rules, amendments on the list are subject to City Council approval.”*

### **RESPONSE: THE DIRECTOR DETERMINES WHO IS INCLUDED AND WHO IS NOT**

*As noted above, the legality of having a city employee change the city code without City Council approval is doubtful. However, the current language allows the director of the Office of Community and Civic Life to include or exclude at their discretion.*

### **8. What will the code change do?**

**ANSWER: A TON OF TERRIFIC THINGS!**

The proposed code will:

- Name “**all Portlanders**” as the constituency for Civic Life. The Office will equally recognize the many ways groups organize including by affinity, community, identity, issue, and neighborhood.
- Direct Civic Life to administer all programs and policies as assigned by City Council.
- Acknowledge the origins of our democracy and hold Civic Life accountable for ensuring equitable outcomes through its programs, investments, partnerships, and priorities.
- Preserve existing benefits held by neighborhood associations and commit to informing citywide efforts to expand benefits to other community members.

**RESPONSE: THE NEW LANGUAGE DOESN'T REALLY ADDRESS THIS**

The elimination of the substantive provisions in the existing code doesn't further aspirations, but it does leave achievement of such aspirations to the discretion of the staff.

### **9. How was the community engaged in this code change process and what communications**

took place?

**ANSWER: IN MULTIPLE WAYS.**

- Ongoing Civic Life Updates. Civic Life Updates are released every two weeks and have featured many stories about the process. The listserv that receives these updates is comprised of our current program partners, which includes neighborhood associations and district coalition offices.
- A survey on concepts and priorities was conducted from November 2018 to February of 2019.
- Partnership with David Douglas and Parkrose High Schools for a youth multimedia project documenting the process.
- Visits to 15 existing gatherings of various community groups to reach new audiences.
- Five multilingual gatherings held in February 2019, including one in English which was well attended by neighborhood association members.
- A second survey to gather feedback on proposed language in May of 2019.
- A Community Convening in April 2019 to present emerging concepts and connect those we'd engaged throughout the process.
- "What the Code Change Means for Neighborhoods" event hosted by NE Coalition of Neighborhoods in June 2019.
- Neighborhood association meetings by request.

**RESPONSE: PUBLIC INVOLVEMENT HAS BEEN SPARSE AT BEST**

*A committee was formed without public input restricting existing neighborhoods and coalitions to a tiny minority. There was limited public comment and few meetings with impacted communities.*

**10. What are open and public meeting laws? Why are these laws for neighborhood associations changing? Don't we need accountability?**

**ANSWER: IT'S COMPLICATED.**

If a group wants to keep open meeting laws for their organization, they are free to do so. However, public meeting laws are not intended for volunteer-led groups. Public meeting laws are for any meeting conducted by a state, regional or local governing body to decide on or consider any matter. Neighborhood associations are by definition volunteer-led groups. State, county, and city attorneys have clearly stated that public meeting laws do not apply to neighborhood associations as they not acting as a public body or subgroup of a local governing body.

**RESPONSE: THE STAFF'S ESSAY BELOW IS INACCURATE AND MISLEADING**

*The ONI Standards were written by a citizen working committee chaired by Patricia Gardner and Moshe Lenske. The standards lay out the basic operating rules for neighborhood associations and coalitions. Neighborhood associations who wish to participate in Portland's urban democracy simply adopt them by including them in their bylaws. They address everything from open meetings and open documents to the filing of grievances. In general, the document is a good guide for running a volunteer organization and roughly parallels rules already set out in state and feral law.*

*In the staff's essay, the standards are referred to as laws. It seems likely that the unknown author has never read the standards or spoken to the civic leaders who helped draft them. Laws are mandatory and enacted by government. The standards are voluntary and were written by a citizen committee.*

*If a neighborhood or coalition does not agree with the standards, they would not be eligible for funding from the city. Of course, the revised statute has eliminated almost all language pertaining to the level of involvement with the Office of Community and Civic Life, so this is no longer very relevant.*

*The statement that open meeting standards and gradience procedures are "weaponized" is simply false. Allowing*

organizations to exclude participation goes against the very concept of participation. The Office of Community and Civic Life does not enforce the standards, nor is that part of the existing code.

The sentence "Portlanders do not believe that it is a good use of city employee's time and resources to track the activity of voluntary neighborhood leaders knowing that there is no real enforcement mechanism" is simply untruthful. The city does not track neighborhood activities, nor has there been a survey that would indicate whether the city should start doing so. This is simply a sentence written by the unknown author of the FAQ.

Finally, the revised statute has no operational language requiring contractual relationships, so the final arguments only apply to the existing statute. Apparently, in the future, consistency with open meeting and open document rules will be at the discretion of the Office of Community and Civic Life.

### **So why has the bureau required that neighborhood associations and coalitions comply with these laws as a matter of policy?**

Proponents say it is to ensure accountability and transparency. The results have been mixed. There are well-functioning neighborhood associations that do not perfectly adhere to all the requirements currently spelled out in code. There are also many examples of how open meeting requirements and the grievance process used to address violations have been weaponized and used to tear neighbors apart. Civic Life wants to keep neighbors together.

Other community and volunteer groups have developed their own community/culturally relevant practices for ensuring accessibility, transparency, and accountability to the communities they serve. Community and other volunteer groups reject the imposition of government rules that make it harder for their members and organizations to participate as a condition of receiving the bureau's support of their community and civic engagement.

Additionally, the bureau has no mechanism for enforcing these rules. The stated consequence of intentionally or unintentionally violating these rules is "de-recognition" which leads to loss of access to information and other government services. This is legally questionable and unconscionable when these laws were never intended for volunteer groups. To our knowledge the bureau has never "un-recognized" a neighborhood association.

Portlanders do not believe that it is a good use of city employee's time and resources to track the activity of voluntary neighborhood leaders knowing that there is no real enforcement mechanism. There is also no ethically or legally defensible rationale for applying this standard only to neighborhood associations and neighborhood coalitions.

### **So, what are the mechanisms for transparency and accountability?**

When there is an exchange of funds (for example, a grant award or other awarded proposal) Civic Life and the recipient organization enter into a contract that includes but is not limited to guidelines, deliverables, intended outcomes, reporting requirements, and other metrics. This is already the case with our funded partners.

When the relationship is one of learning, sharing, and working together on shared goals, the accountability for building inclusive systems rests with government. Chapter 3.96 defines the functions of the bureau, not the functions of community groups. This updated code will direct the Office of Community & Civic Life to support communities through policies and programs that build connections with all Portlanders.

### **11. With what we know about the barriers to participation in city processes, shouldn't government be lowering or eliminating barriers to participation?**

**ANSWER: YES.**

Government should lower barriers to participation. Many neighborhood leaders over many decades have reported that this high bar has resulted in the unintended consequence of reducing participation in neighborhood associations and has caused harm to individuals, relationships, and neighbors coming together for the common good.

**RESPONSE: YES, BUT THE ACCOMPANING TEXT IS UNTRUTHFUL**

*Everyone should support citizen participation in government. The revised statute is a step backwards from meeting that goal.*

*The statement that "Many neighborhood leaders over many decades have reported that this high bar has resulted in the unintended consequence of reducing participation in neighborhood associations and has caused harm to individuals, relationships, and neighbors coming together for the common good" is simply untrue.*

*The famous author, Dashiell Hammett, once wrote that eh spent a half hour trying to count the number of lies in one sentence. This is quite a sentence. Here is my count:*

- 1. There are not "many neighborhood leaders". In fact, I am unaware of any neighborhood leaders who would agree with this sentence.*
- 2. There is no "high bar". Anyone can attend and participate in a neighborhood association.*
- 3. The phrase "unintended consequence" assumes that there is a consequence of allowing open meetings. There is not.*
- 4. "[R]educing participation" in an open meeting is misleading at best and untruthful. Anyone can participate in a neighborhood association.*
- 5. "[H]as caused harm. My experience is the opposite. Having an open forum for discussion tends to reduce conflict, not increase it. The nature of democracy often includes debate. If the unknown author views dialog as harm, this is a very strange definition, indeed.*

*Robert McCullough  
July 30, 2019*

**Moore-Love, Karla**

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**From:** Mary Ann Schwab <e33maschwab@gmail.com>  
**Sent:** Tuesday, July 30, 2019 11:44 AM  
**To:** Council Clerk – Testimony  
**Subject:** 3.96 code current system of recognizing Neighborhood and Business Associations is the City's "human infrastructure" and must not be discarded 92%.

Hi Karla,

Like any piece of infrastructure it can be upgraded and can continue to serve the community-at-large... .

Thanks for updating my 3-minute testimony to reflect 3.96 Code.

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Request of Mary Ann Schwab to address Council regarding 3.96 code current system of recognizing Neighborhood and Business Associations is the City's 'human infrastructure' and must not be discarded 92% (Communication)

JUL 31 2019

PLACED ON FILE

Filed JUL 23 2019  
**MARY HULL CABALLERO**  
Auditor of the City of Portland

By   
Deputy

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Hardesty		
4. Eudaly		
Wheeler		