

Written Testimony - Agenda Item 177/137

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
137	Terry J. Harris	Oppose		Yes	02/11/24 12:43 PM
137	Anonymous	Oppose	<p>I urge Council members to reject Item 137, as it once again places the city administrator's office at the front of the line for FY2024-25 budget resources. At a time when our city's fire and transportation bureaus are scrambling to identify funding for basic services, approving possible six-month severance packages for interim deputy city administrators is inappropriate. Promising golden parachutes to individuals whose tenures would be too short to significantly improve the delivery of government services is not fiscally prudent. The city government has already dug a big fiscal hole for itself by opting for a management team that is larger and better paid than the one in our wealthier neighbor to the north, Seattle. It is time to stop digging--by voting no on Item 137.</p> <p>Virginia Ehelebe</p>	No	02/12/24 9:52 PM
177	Anonymous	Oppose	<p>Please do not approve this authorization for the very good reasons listed in the letter submitted by Terry Harris. This proposal is not a good resource of the limited funds available for the city's transition to a new form of government.</p>	No	02/17/24 9:53 AM

To: Mayor and City Council  
From: Terry J. Harris

February 11, 2024

Thank you for the opportunity to provide comments on this agenda item. I have a number of concerns that this authorization is unnecessary, and if adopted it's unnecessarily expensive.

As you well know, the new government doesn't take effect until January 1, 2025. Then, *and only then*, may a new Mayor appoint a new permanent City Administrator, who may then appoint the new Deputy City Administrators. Prior to January 1, 2025, the current government may obviously choose to implement the new government's **structure**, but it should not prematurely lock in personnel decisions that taxpayers will then need to pay to unwind next year.

So first, at this point in the transition, I fail to understand why "*interim*" deputies are necessary when "*acting*" deputies would probably be both less expensive and more appropriate under the circumstances.

Notably, your ongoing budget work sessions are demonstrating that joint budgeting within service areas can successfully occur without the services of an Interim Deputy City Administrator. Indeed, the institutional knowledge gained in this first-ever exercise will reside in the Bureau leadership doing this year's joint budgeting. Inserting a temporary "*interim*" employee into this process all but guarantees a loss of institutional knowledge at the end of the temporary employee's term when the new permanent deputy is appointed.

Until the permanent appointments are made, especially in this extraordinarily tight budget year, the functions of an "*Interim*" Deputy Administrator might best be handled by current existing Bureau leadership. If it is truly essential to establish a formal single position through which entire service areas must report, then that position should be held by a current Bureau head designated an "*acting*" Deputy. If necessary, compensation for the additional responsibility could be paid as a monthly bonus for the duration of the appointment. Realistically, the best and most likely candidates for the permanent Deputy Administrator positions are likely to be drawn from current Bureau leadership anyway.

Second, if it is truly necessary to create these new temporary positions, I cannot understand why 6-month severance packages are necessary for 12-month employment contracts. If everyone knows that these are 12-month appointments, then write a 12-month contract. If everyone knows there's a possibility of an early exit, don't overpay for a severance package that would extend compensation beyond the agreed-to 12-month total. The salaries here are quite high and should be compensation enough for the known risks of an interim position. We should not be over-investing in temporary positions.

Third, relatedly, it is unclear why this ordinance is not time-limited nor contain a sunset. Does this "*interim*" position authorization continue indefinitely into the future of the new

government? Can a future City Administrator, for example, fire a permanent Deputy and then immediately hire a temporary “Interim” replacement Deputy? Or, for another example, can a future City Administrator hire consecutive 1-year “interims”? I don’t necessarily have opinions about this, but if this is intended to be solely a transition-related position, that should be made clearer.

Fourth, the language in the proposed ordinance is inconsistent. Compare paragraph 7 of the findings with paragraph B. of the Council’s direction (emphasis added):

7. These positions are *interim and for a one-year duration*, with the ability for the City Administrator to extend an additional year or terminate at any time, so as to support the City during the transition to the new form of government while retaining the City Administrator’s authority to regularly appoint the people into the Deputy City Administrator positions.

B. The duration of employment in the interim appointment shall be *up to one year, at the discretion of the City Administrator*, with the ability of the City Administrator to extend an additional one year.

As a simple matter of legal drafting, a contract with one year duration and a termination clause is not the same as a contract with a duration up to a year at the discretion of the City Administrator.

Finally, it is unclear to me why this proposed ordinance has been designated an “emergency.” Similar to the Ordinance you adopted in December creating the classifications for these positions, there is no need to hurry this authorization when these interim positions, if they are to exist at all, cannot be hired until this summer at the earliest. Emergency ordinances placed on the council’s consent calendar should be limited to the least controversial and most urgent of emergencies.

Terry J. Harris  
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**Portland City Council Meeting - Wednesday, February 14, 2024 9:30 a.m.**

<b>Agenda Item</b>	<b>First Name</b>	<b>Last Name</b>
137-1	Bob	Weinstein
137-2	Rachel	Clark