

2011 CHARTER COMMISSION REPORT

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ DAN HAWPERMAN	PORTLAND COPWATCH	
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June 2, 2011

To the Charter Commission:

I attended your March 28th meeting and gave public testimony. What I suggested was that the Commission consider creating a protected place in the charter for three entities whose decisions regarding city policies and employee behavior might cause a conflict of interest with the City, particularly with the City Attorney's office seeking to shield its client from liability.

Those bodies are:

Independent Police Review Division/Citizen Review Committee  
Office of the Ombudsman  
Human Rights Commission/Office of Human Relations

At that time I was told I would be able to submit this idea via the Charter Commission's website. Two months have passed and there has been no website created for this purpose.

It has come to my attention that you have begun detailed committee work on charter proposals, including proposing adding the Human Rights Commission as a charter amendment.

I submit to you the following in the hope that you will look at the other two entities as well:

- The list of "outstanding issues for Council Consideration" from the 2007 Charter Commission report, which shows both the IPR and the Ombudsman were discussed at that time (note that the HRC was created in 2008); and
- A proposed charter amendment from Auditor Gary Blackmer and Ombudsman Michael Mills that was given to Council in late 2008 but rejected, in part, because Commissioner Saltzman rightly said that changes should be made by the Charter Commission in a larger context. (I should note that I believe there are too many specifics about restrictions on the Ombudsman in the 2008 proposal, I am submitting this for historical context.)

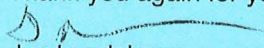
I have also testified at the Human Rights Commission that included in any charter amendment for these agencies should be:

- independence, including independent legal counsel
- a chain of command to all of City Council, or some other means to prevent politicizing the offices and/or allowing one elected official the ability to hire/fire staff or control the agenda of these bodies
- funding (which I might suggest for the IPR to be a minimum of two staff people per 100 complaints per year averaged over 5 years; I'll let the Ombudsman and HRC suggest staffing levels for their offices)

Similar to my concerns about the 2008 Ombudsman proposal, it is important not to put too many restraints on any of these three bodies in the Charter, or to use the charter to fully empower them if that is a direction the Commission thinks the public would support. (For instance, giving IPR powers to call officers to testify to them without needing the Police Bureau to do so on their behalf, allowing HRC not only to have input on their Director but to be involved in hiring, firing, and other staffing decisions, etc.)

I am hoping that by submitting written materials, these suggestions will be considered. One Charter Commission member told me that nobody had mentioned the IPR to the Commission, which made me concerned that my previous input was not properly recorded.

Thank you again for your time.

  
dan handelman  
portland copwatch





# **A City Government For Portland's Future**

**Charter Review Commission  
Report to City Council**

**January 18, 2007**

# **OUTSTANDING ISSUES FOR COUNCIL CONSIDERATION**

## **Additional Charter Review Considerations Identified by this Commission**

- Update existing charter to the format of the Model Charter of the National Civic League.
- Preamble.
- Election by districts.
- Size of Council.
- Community governance.
- Alternative voting methods.

## **Outside Requests for Future Charter Considerations**

- Include Office of the Ombudsman into City Charter.
- Include Role of Planning Commission into City Charter.
- Include Office of Independent Police Review into City Charter.

## **Non-Charter Related Issues Identified During Commission's Tenure**

- Increase and improve communication with minority and underserved populations on economic development, housing, urban renewal and hiring practices.
- Increase opportunities for minority media outlets to share in City's advertisement arrangements.
- Improve hiring practices and increase benefits for temporary or seasonal workers.

## **RESOLUTION No.**

Refer Charter Amendment adding an Office of the Ombudsman to voters at the November 4, 2008 General Election (Resolution)

WHEREAS, in 2001 the City Council, by ordinance, added City Code Chapter 3.77 which established the Office of the Ombudsman, appointed by the City Auditor, to receive and investigate citizen complaints against administrative acts of City government; and

WHEREAS, the Office of the Ombudsman is not explicitly described in the City Charter along with other core duties of the City Auditor, and the Office of the Ombudsman is significant enough to the citizens of Portland to warrant more description than "other duties;" and

WHEREAS, the City of Portland finds that an Office of the Ombudsman to hear concerns and complaints from our citizens, and to respond in such a way that services are improved, is an important service in accountable governance; and

WHEREAS, adding an Office of the Ombudsman to the City of Portland Charter will make the public service more accessible through enhanced visibility; and

WHEREAS, an Office of the Ombudsman resolves conflicts involving City services in a fair and timely manner, and helps to preserve both resources and relationships; and

WHEREAS, it is of value to both citizens and City officials to have concerns and complaints reviewed by an independent and impartial Office of the Ombudsman; and

WHEREAS, the term "Ombudsman" is a gender-neutral term, recognized throughout the world for women and men who hold the office; and

WHEREAS, the 200th Anniversary of the Ombudsman institution will be celebrated at its origin in Stockholm, Sweden, in 2009, and represents international recognition of its value to the public; and

WHEREAS, the Office of Ombudsman has successfully responded to about 3,000 complaints or concerns from citizens and businesses in Portland, and received evaluations expressing over 85% satisfaction with services;

WHEREAS, the City Charter amendment will preserve, not change, the mission and duties currently being performed by the Office of the City Ombudsman; and

WHEREAS, the City Charter amendment will direct that an Office of the Ombudsman shall be guided by generally accepted standards for government ombudsman offices serving the public.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council will submit a Measure for an Act, amending the City of Portland Charter, Chapter 2, to the voters of the City of Portland in Multnomah County, Clackamas County, and Washington County at the November 4, 2008 General Election. The measure, attached as Exhibit B, will amend the Charter to provide a new Section 2-510.

BE IT FURTHER RESOLVED THAT the City Council submits the question, ballot title, and summary for the November 4, 2008, General Election Ballot, as shown in Exhibit A; and

BE IT FURTHER RESOLVED THAT the City Council directs the Auditor to publish the ballot title as shown in Exhibit A in accordance with City Code; and

BE IT FURTHER RESOLVED THAT the City Auditor may submit an explanatory statement for publication in the voters pamphlet, if it is determined that such explanation may help voters better understand the Charter amendment; and

BE IT FURTHER RESOLVED THAT the City Auditor is directed to forward to the County Elections Office all material necessary to place this measure on the November 4, 2008 General Election Ballot; and

BE IT FURTHER RESOLVED THAT if the City's voters approve the measure at the November 4, 2008 General Election, the City Auditor shall file an Ordinance for approval of the City Council amending the City Code as necessary to implement the Charter change.

Adopted by the Council:

**GARY BLACKMER**  
Auditor of the City of Portland  
By

City Auditor Gary Blackmer  
Prepared by: Michael Mills  
Date Prepared: August 20, 2008

Deputy

## **EXHIBIT A**

### **BALLOT TITLE**

#### **CAPTION:**

Amends Charter: Adds Office of the Ombudsman to Portland Charter

#### **QUESTION:**

Shall the Office of the Ombudsman be added to the City of Portland Charter?

#### **SUMMARY:**

Currently, the Office of the Ombudsman is established by Chapter 3.77 of the City Code which became effective July 1, 2001. The proposed measure would establish the Office of the Ombudsman in the Portland City Charter with the same investigation powers as the current code. The Ombudsman Office would be administered by a City Ombudsman who would be appointed by the City Auditor. The Auditor could remove the Ombudsman only for cause. The Ombudsman would be authorized to investigate complaints from the public regarding administrative acts and omissions of City employees and agents and make recommendations to City Council. The Ombudsman would not be permitted to investigate the acts and omissions of elected officials and their personal staff, matters currently in litigation, matters covered by collective bargaining agreement grievance procedures, or employee or applicant discrimination complaints. The Office of the Ombudsman would be guided by generally accepted standards for government ombudsman offices serving the public. The Ombudsman's records would be confidential as permitted by law.

## **EXHIBIT B**

### Charter Section 2-510. Office of the Ombudsman

There is established in the City of Portland an Office of the Ombudsman. The Office of the Ombudsman shall be administered by a City Ombudsman who shall be appointed by the Auditor. The position of City Ombudsman is a classified service position and the City Ombudsman may be removed by the Auditor only for cause. The City Ombudsman shall have the authority to investigate complaints from the public regarding administrative acts and omissions of employees and agents of the City of Portland, and where appropriate, make recommendations to the Council. The City Ombudsman shall not investigate the acts and omissions of elected officials and their personal staff, matters currently in litigation, matters covered by collective bargaining agreement grievance procedures, or employee or applicant discrimination complaints. The City Ombudsman's records shall be confidential as permitted by law. The powers and duties of the City Ombudsman shall be prescribed by Council ordinance, consistent with this charter provision. The Office of the Ombudsman shall be guided by generally accepted standards for government ombudsman offices serving the public.