

## IMPACT STATEMENT

**Legislation title:** Enhance community service opportunities and strengthen the transparency and accountability of City advisory bodies (Resolution)

**Contact name:** Amira Streeter  
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**Presenter name:** Judy Prosper, City Attorney's Office

**Purpose of proposed legislation and background information:**

The City of Portland has over 100 boards, commissions, and committees that provide valuable guidance to City bureaus and the Council on a wide variety of issues. However, the City does not have a way to ensure that City staff who manage those bodies and the members who serve are appropriately trained on their obligations. Basic transparency measures, such as mandatory conflict of interest disclosure forms, are not required as a standard practice. The City also does not have a comprehensive database of active advisory bodies. In May, Council adopted Resolution No. 37285, directing that standard policies and procedures be developed. This Resolution directs the implementation of those updates, which will increase the integrity and impact of advisory body recommendations and give both staff and members greater confidence in the value of their service. These updates also build on the City's Public Involvement Principles adopted in 2010.

**Financial and budgetary impacts:**

This Resolution directs the implementation of standard policies and procedures for the creation and administration of City advisory bodies. An attached memo from the Director of the Office of Neighborhood Involvement anticipates a budget request in FY 2018-19 to support implementation.

**Community impacts and community involvement:**

Gaps in the City's management of advisory bodies have been identified by both City staff and community members. The updates proposed in this Resolution will have the effect of increasing access to opportunities for service, enhancing the transparency and accountability of advisory body work, and ensuring that both staff and members are appropriately trained on the rules governing their service.

**100% Renewable Goal:**

N/A

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>

**Item 1212. Amendments**

**Enhance community service opportunities and strengthen the transparency and accountability of City advisory bodies**

11-8-2017

1. **10-4-2017 Motions regarding recusal withdrawn:**  
Eudaly 1  
Fritz 2
2. **Fish 3 motion (from 10-4) to add to Exhibit D, Bylaws template, section V. A. General Operating Procedures, a final bullet that states: If it is found that a member did not disclose a conflict of interest, staff must alert the Bureau Director of the instance:** Moved by Fish and seconded by Fritz. (Y-5)
3. **Fish 4 motion to delete from Exhibit B, Interest Form for City Advisory Bodies, Conflict of Interest Disclosure Form, question 2 and replace with new question 2: Even if you or a relative's connection to a business does not rise to the financial thresholds contained in ORS 244.020(3)(4), the City would like to know of any relationship to a business that could benefit financially from the outcome of the matter to be considered by this advisory body. Do you or a relative have connections that could result in a financial benefit of more than \$500 annually?:** Moved by Fish and seconded by Fritz. (Y-5)
4. **Eudaly 1 motion to add to Exhibit D, Bylaws template, section V. General Operating Procedures, a bullet after the last bullet that states: Any potential or actual conflict of interest noted by staff will be included in the recommendation report provided to city council or other final decision making body:** Moved by Eudaly and seconded by Fritz. (Y-5)
5. **Fritz 2 to add a final line to the Resolution to read: BE IT FURTHER RESOLVED, that this resolution is binding City policy:** Moved by Fritz and seconded by Eudaly. (Y-5)

**Item 1100. Amendments**

**Enhance community service opportunities and strengthen the transparency and accountability of City advisory bodies**

10-4-2017 6 motions made and 3 votes taken.

- Withdrawn  
11-8-17*
1. Eudaly 1 motion to add to Exhibit D, Bylaws template, section V. General Operating Procedures, a bullet after the first bullet that states: **When the conflict of interest would result in a direct financial benefit to themselves or relatives (as defined in state law), a public official is expected to refrain from voting on the issue, although discussion and participation is still allowed:** Moved by Eudaly and seconded by Fritz. Vote not called.
  2. Fritz 1 motion to add to Resolution: **WHEREAS, the City Council seeks to understand not only the conclusions of the body but also the substance of its deliberations and for that reason encourages the submission of minority reports along with the majority recommendation; and**  
**Add to Exhibit C member training slide: The City Council is interested not only in the official recommendation of advisory bodies, but also in the substance of the body's discussion and debate. Members are encouraged to develop and submit minority reports if the advisory body does not reach a consensus recommendation:** Moved by Fritz and seconded by Fish. (Y-4; Wheeler absent)
  3. Fish 1 motion, to delete the last three bullets regarding media restrictions from Exhibit D, Bylaws template, IX. **Communications:** Moved by Fish and seconded by Saltzman. (Y-4; Wheeler absent)
  4. Fish 2 motion to add to Exhibit D, Bylaws template, section V.A. **General Operating Procedures, a bullet after the last bullet that states: Staff are obligated to keep a record of all conflicts of interest that are announced during each meeting:** Moved by Fish and seconded by Fritz. (Y-4; Wheeler absent)
  5. Fish 3 motion to add to Exhibit D, Bylaws template, section V. A. **General Operating Procedures, a final bullet that states: If it is found that a member did not disclose a conflict of interest, staff must alert the Bureau Director of the instance:** Moved by Fish and seconded by Fritz. Vote not called.
  6. Fritz 2 motion to amend Eudaly amendment: **When the conflict of interest would result in a direct financial benefit to themselves or relatives (as defined in state law), a public official is expected to refrain from voting on the issue and may not participate in the discussion prior to a vote., ~~although discussion and participation is still allowed.~~** Moved by Fritz and seconded by Fish. Vote not called.
- Vote  
11-8-17*
- Withdrawn  
11-8-17*



***Fish 3 – undisclosed conflicts***

Add to Exhibit D, Bylaws template, section V. A. General Operating Procedures, a final bullet that states: **If it is found that a member did not disclose a conflict of interest, staff must alert the Bureau Director of the instance.**

AF 2nd

AF 2nd  
y-5

***Fish 4 – conflict of interest threshold***

Delete from Exhibit B, Interest Form for City Advisory Bodies, Conflict of Interest Disclosure Form, question 2: **The City of Portland is also interested in other connections you may have with the subject matter to be considered by this advisory body. Are you, or is a relative, employed by or connected to a business that is related to issues that will be considered by this body? Please explain.**

Add to Exhibit B, Interest Form for City Advisory Bodies, Conflict of Interest Disclosure Form, new question 2: **Even if you or a relative's connection to a business does not rise to the financial thresholds contained in ORS 244.020 (3)(4), the City would like to know of any relationship to a business that could benefit financially from the outcome of the matter to be considered by this advisory body. Do you or a relative have connections that could result in a financial benefit of more than \$500 annually?**

***Eudaly 1 – include conflicts in recommendation report***

AF 2nd  
7-5

Add to Exhibit D, Bylaws template, section V. General Operating Procedures, a bullet after the last bullet that states: Any potential or actual conflict of interest noted by staff will be included in the recommendation report provided to city council or other final decision making body.

Amira – 11/8/2017

***Fritz 2 – binding City policy***

CE 2nd

y-5

Add a final line to the Resolution to read: **BE IT FURTHER  
RESOLVED, that this resolution is binding City policy.**



**Fritz 3<sup>2</sup> – recusal from participation and vote**

10/4/2017

11/8/17 – withdrawn

*Has been moved and seconded.*

Amend Eudaly amendment: When the conflict of interest would result in a direct financial benefit to themselves or relatives (as defined in state law), a public official is expected to refrain from voting on the issue and may not participate in the discussion prior to a vote, ~~although discussion and participation is still~~ allowed.

**Eudaly 1 – recusal from vote**

10/4/17

11/8/17. *withdrawn*

*Has been moved and seconded.*

Add to Exhibit D, Bylaws template, section V. General Operating Procedures, a bullet after the first bullet that states: **When the conflict of interest would result in a direct financial benefit to themselves or relatives (as defined in state law), a public official is expected to refrain from voting on the issue, although discussion and participation is still allowed.**

10-4-17

37328

**Agenda #1100 Enhance community service opportunities and strengthen the transparency and accountability of City advisory bodies**

**Amendment #1 (Fritz)**

AF moved  
NF 2nd

ADD the following language to the Resolution:

Vote 4-4; Wheeler  
absent

- WHEREAS, the City Council seeks to understand not only the conclusions of the body but also the substance of its deliberations and for that reason encourages the submission of minority reports along with the majority recommendation.
- Member training slide: The City Council is interested not only in the official recommendation of advisory bodies, but also in the substance of the body's discussion and debate. Members are encouraged to develop and submit minority reports if the advisory body does not reach a consensus recommendation.

**Amendment #2 (Eudaly)**

CE moved  
AF 2nd

ADD to Exhibit D, Bylaws template, section V: General Operating Procedures, a bullet after the first bullet that states:

10/4/17  
Roll not taken

- When the conflict of interest would result in a direct financial benefit to themselves or immediate family members, a public official is expected to refrain from voting on the issue, although discussion and participation is still allowed.

UPDATED AMENDMENT 10/4/17:

ADD to Exhibit D, Bylaws template, section V: General Operating Procedures, a bullet after the first bullet that states:

- When the conflict of interest could result in a direct financial benefit to themselves or relatives (as defined in state law), a public official shall refrain from voting on the issue, although discussion and participation is still allowed.

X1



10-4-17

**Fish 1**

DELETE the following language from Exhibit D, Bylaws template, section X: Communications:

NF moved  
OS 2nd

vote

y-4

wheeler  
absent**VII. Communications**

Members agree that transparency is essential to all deliberations. In that regard:

- Members are requested to copy [both] the City staff liaison [and Facilitator] on all communications from/to interest groups (other than a group specifically represented by a member) commenting on the Body's deliberations. These communications will be included in the public record as detailed below and copied to the full Body as appropriate.
- ~~While not precluded from communicating with the media, members agree to generally defer to the Bureau liaison to field and route all media communications related to the Body's processes and recommendations.~~
- ~~Members agree to not negotiate through the media, or to use the media to undermine the work of the Body.~~
- ~~Members agree to raise all their concerns, especially those being raised for the first time, at a meeting and not in or through the media.~~



10-4-17

## Fish 2

ADD to Exhibit D, Bylaws template, section V:  
General Operating Procedures, bullet after the last  
bullet that states:

- Staff are obligated to keep a record of all conflicts of interest that are announced during each meeting.

37328

NF moved

AF 2nd

Vote Y-4

Wheeler  
Absent



10-4-17

**Fish 3**

NF moved  
AF 2nd

ADD to Exhibit D, Bylaws template, section V:  
General Operating Procedures, bullet after the last  
bullet that states:

10/4/17  
Roll  
NOT  
taken

- If it is found that a member did not disclose a conflict of interest, staff must alert the Bureau Director of the instance.

10-4-17

37328

AF  
NF 2nd

FRITZ AMENDMENT (to Eudaly Amendment #1):

ADD to Exhibit D, Bylaws template, section V: General Operating Procedures, a bullet after the first bullet that states:

- When the conflict of interest could result in a direct financial benefit to themselves or relatives (as defined in state law), a public official shall refrain from voting on the issue, and may not participate in the discussion prior to a vote. ~~although discussion and participation is still allowed.~~