



## Update to City Code 3.02: Council Organization and Procedures

### Responses to Frequently Asked Questions and Comments

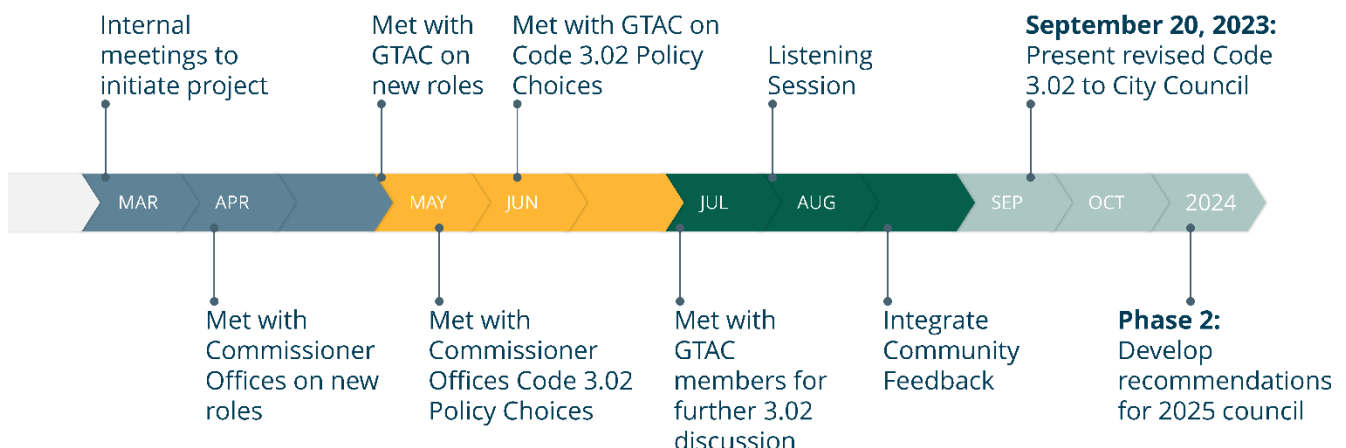
In November 2022, Portland voters approved *Ballot Measure 26-228* that directs the City of Portland to implement these three connected changes by Jan. 1, 2025:

- Allow voters to rank candidates in order of preference, using ranked-choice voting.
- Establish four geographic districts, with three city council members elected to represent each district – expanding city council to a total of 12 members.
- Establish the city council to focus on setting policy and engaging with community, transitioning day-to-day oversight of bureaus to a mayor elected citywide and a professional city administrator.

The roles of the mayor and city council will change in 2025. These changing roles are defined by the *Portland City Charter* revisions passed by voters, and additional changes to the City's systems are needed to support and benefit these new roles. Clarity about the roles and responsibilities of council, the mayor and city administrator across the City's new organizational structure will help city staff, the public, and interested candidates prepare for the mayor-council form of government that will start on Jan. 1, 2025.

The transition team is working with city partners to develop revisions to the *City of Portland Code 3.02* on council organization and procedures to match the updated *City Charter* and to set up the 2025 city council for success. These proposed revisions will be presented to council on Sept. 20, 2023. The timing of these code revisions will provide helpful information about the changing roles of elected officials as interested candidates file to run for office. Work will continue in 2024 to match other chapters of *City Code* to the updated *City Charter*.

The 2023 timeline below provides an overview of meetings we have had with internal subject matter experts, commissioner offices, and the Government Transition Advisory Committee (GTAC). We held a listening session on Aug. 8, 2023, to present key policy choices to participants, answer questions, and take feedback. This document summarizes the most frequent comments and questions we have received about *City Code 3.02 on Council Organization and Procedures* from July to August 2023 and provides either responses to questions, descriptions of changes that have since been made to the proposed revised code, or explanations as to why changes are not being made at this time. Comments have been paraphrased and are organized by theme for summary purposes. Please contact the Transition Team if you made a comment or asked a question that you do not see reflected here.





## Council Meetings

(see code 3.02 section 010)

1. *Does the section regarding Council meetings also apply to committee meetings?*

**Response:** No, committee meeting rules need to be further developed in Phase 2 and will be provided as recommendations to the 2025 City Council.

2. *How much authority do councilors have to compel the attendance of other councilors?*

**Response:** The power to compel attendance of Council members is in current *Charter section 2—111* and was unchanged by the 2022 amendments. We are not aware of any instance in which this power has been used by City Council. The state constitution contains a similar provision (Article IV, Sec 12). If the need to compel attendance arose, we would look at a range of options, including *Robert's Rules of Order* and the processes followed at the state government level.

3. *Can city council have an in-person meeting without a virtual option? A commenter proposed word edits to clearly require inclusion of virtual access at council meetings.*

**Response:** No. *House Bill 2560* (2021) amended ORS 192.670 to require all governing bodies to allow virtual participation to the extent possible. If in person testimony is allowed, the governing body must allow virtual testimony. The language in the draft revised code is verbatim from the statute language, and the City wants to maintain consistency with ORS 192.670.

4. *Several comments questioning the reasoning for giving the mayor (with support from six councilors) the ability to call a special meeting. Some expressed concern about maintaining separation of powers between the executive and legislative branches*

**Response:** The ability for the mayor with six councilors to call a special meeting was included in the original revised code based on internal feedback that with the decreased frequency of full council meetings, the mayor and city administrator may need the ability to bring time-sensitive items to council. Based on public comment, the language has been edited to emphasize the need for written consent of six councilors for the mayor to be able to call a special meeting.

5. *Do special meetings include work sessions? If not, work sessions aren't otherwise referenced in the 3.02 public review draft and should be.*

**Response:** No, city council work sessions are different than special meetings. Work sessions are public meetings facilitated by staff related to a specific topic. Information is presented to council by staff and invited guests. Council does not vote or take any action because work sessions are information only. Public testimony is not taken, although the public may attend work sessions when held in person or watch on the live broadcast online or on cable television. How work sessions may change in the mayor-council form of government can be explored more through Phase 2 and future work.



6. *Shouldn't 3.02 say something about the role of the city administrator in council meetings?*

**Response:** The charter states that city administrator attends council and committee meetings “as the Administrator chooses” indicating that the city administrator is not required to attend such meetings.

7. *Add city administrator to the list of people required to be notified of the emergency meeting.*

**Response:** This addition has been made since the public review draft.

## Council Agenda

(see code 3.02 section 020)

8. *Who is allowed to submit items to the council agenda?*

**Response:** According to *City Charter* and the current proposed *Code 3.02* draft, any councilor, a committee of the council, the mayor, or the auditor may submit an item to the council agenda. “A committee of the council” has been added to the draft revised code in response to public feedback.

9. *Recommendation that the council president should control the agenda but any councilors or the mayor should be able to propose something. Use state legislature as example for the committee system of who can submit to and control the agenda.*

**Response:** The current draft revised code reflects this while also acknowledging the auditor’s role. Phase 2 will further explore the committee system.

10. *Recommendation that a committee should oversee scheduling agenda items.*

**Response:** To ensure accountability, the president remains responsible for the administrative finalizing of the agenda in advance of committees being established by the 2025 and future councils. This does not preclude future changes and phase 2 will explore committee procedures further.

11. *Does Council have authority to withdraw an item from committee? Recommendation that It should require a majority of the full council, not a majority in attendance. Alternatively, it could require a supermajority.*

**Response:** The current draft revised code requires an affirmative vote of seven council members to withdraw an item from committee.

12. *It appears there is redundancy in B1 and C2 in the council agenda section and may need to be combined into one statement.*

**Response:** B(2) is referencing the role of the council president in working with the auditor to finalize the agenda and C(2) is referencing council meetings with a standing first agenda item for approval of the agenda with a vote. An internal reference has been added to both sections to promote clarity.



13. *Multiple comments about the number of public comments and value of the public comment portion of the agenda.*

**Response:** Code section 3.02.020(C)(3) references council's allowance of public communications on any topic. It does not limit public testimony or comment on scheduled meeting topics or public communications to council made outside of formal council meetings. Edits have been made for clarification. The current code draft is reflective of current practice and is one of the focus areas for more discussion in Phase 2 as committee meetings will provide additional opportunities for public comment to council.

14. *Requests for definitions or descriptions of terms like "Time Certain Items," "Consent Agenda," "Nine-Twelfths Agenda."*

**Response:** Many of these terms are defined by language in the *Charter* and as they are largely self-explanatory, were not previously defined in code. This does not preclude a future addition of definitions.

15. *With much more extensive public input opportunities in the committees, the "Time Certain Items" subsection could be entirely eliminated.*

**Response:** Certain items that require public notice, including land use items, require a time certain.

## Council Actions and Rules

(see code 3.02 sections 030 and 040)

16. *How will the mayor participate in decisions, particularly for tie votes?*

**Response:** In the new mayor-council form of government, the mayor will no longer be a member of council, but will be voting in the case of a tie among council. Language about tie votes has been edited since the public review draft to promote more clarity and consistency in the code and with the amended charter. The process for this can be explored further in Phase 2.

17. *Recommendation to add a defined process to remove the council president and vice-president during their terms.*

**Response:** Wording has been added to allow for the removal of the president or vice president by the affirmative vote of a supermajority of nine members.



18. *What are the differences, if any, between Code 3.02.040(B)(2) and Code 3.02.040(B)(3) regarding the vice president's role; for example, may duties be delegated to the vice president only in the president's absence?*

**Response:** Edits have been made to clarify that the council president can delegate to the vice president at their discretion and not just when they are absent.

19. *Although the Auditor's involvement with the city council is rooted in the Charter, should the council clerk (as the auditor designee) be the functioning name in the code?*

**Response:** The code language is consistent with the language, administrative powers and duties granted to the auditor in the *City Charter*. As noted in Section 3.02.070, the term "Auditor" also refers to the auditor's designees, such as the council clerk.

20. *Does Oregon state law allow for a prohibition on personal criticism?*

**Response:** This is a complicated area of law, but governing bodies are permitted to establish expectations for their own conduct.

21. *Why is Robert's Rules of Order used instead of Mason's Manual to guide city council procedures?*

**Response:** The Transition Team considered *Mason's Manual of Legislative Procedure* and determined it is better suited for complex legislative operations like state legislatures and Congress than local government proceedings. In addition, *Robert's Rules of Order* is what is currently used for Portland's City Council, so it has the benefit of familiarity.

22. *In the Section on "Motions," 3.02.040(D), are these rules of procedure different than what is called for in Robert's Rules of Order? In subsection (4), when "a motion with several elements may be divided," who may call for the division?*

**Response:** The rules largely follow Robert's Rules, but where there are differences, they reflect council's practices over time and efficiencies for a smaller body. Under Robert's Rules, the person who makes the motion may divide it.

23. *Ceremonial resolutions probably need entirely separate, primarily consent-based, tracks: including resolutions sponsored by the mayor, council president, a council district, or a councilmember. With more council members closer to their district constituents, these resolutions will multiply.*

**Response:** Section 2—401 of the amended *City Charter* outlines duties for the mayor in the mayor-council form of government. This section states that the mayor will "Serve as ceremonial head of the City and issues ceremonial proclamations." Proclamations are not resolutions.



## Council Committees

(see code 3.02 sections 050)

24. *What are the places where leadership might be shared among a committee composed of someone from each district? For example, consider a Council Leadership Committee (CLC) as an alternative to giving more power to the council president with differing ideas on how members representing each district are selected (e.g., majority of votes from electors vs. selection by peers).*

**Response:** Thank you for the comment, the potential for a Council Leadership Committee and other committee roles and areas of focus can be explored further through Phase 2. To ensure accountability, the president remains responsible for the administrative finalizing of the agenda in advance of committees being established by the 2025 and future councils. This does not preclude future changes, and Phase 2 will explore committee procedures further.

25. *Will working groups be allowed (in addition to committees)?*

**Response:** Working groups are not currently identified in the *Charter*, so they will not be codified at this time. This is something that can be discussed further in Phase 2.

26. *Can city council delete committees when they are no longer needed or wanted?*

**Response:** Language has been added to be more explicit about terminating committees.

27. *Have you considered how committee members might be removed, or reshuffled? How will subjects of committees be determined?*

**Response:** These are great questions that can be explored further in Phase 2.

## Additional Frequently Asked Questions and Comments

28. *Several comments that the council president, who is not elected citywide, may have too much power. Specific concerns that specifying the council president as the primary contact between council and the mayor and city administrator in code may cause confusion and limitations on communications between councilors and the executive branch.*

**Response:** Edits have been made to the draft revised code to clarify the auditor's powers in relation to the council president and remove codification of the council president as the primary point of contact between council and the executive (mayor and city administrator).

29. *Should Code 3.02 specify who serves as parliamentarian?*

**Response:** Recommend this is something explored further in Phase 2.



30. *Who regulates the behavior of elected officials?*

**Response:** Section 2-111 of the amended *City Charter* states that “Only the Council may censure one of its own members, with the affirmative votes of at least nine (9) Councilors.” However, the Transition Team is working with the Bureau of Human Resources to explore the potential for a code of conduct or something similar.

31. *There is a state land use law that requires council to fulfil a quasi-judicial role – is this accounted for?*

**Response:** *Title 33* and *Chapter 3.02.030.F* address Council’s role in quasi-judicial land use matters.

32. *Discussion around postponing adoption with the supporting rationale that the committee code will drive staffing and meeting structure details.*

**Response:** The Government Transition Advisory Committee’s (GTAC) motion to postpone failed with GTAC members who support moving ahead providing the rationale that it makes sense for this to be a phased and gradual process. Transition Team staff are working with partners in the Auditor’s Office, including the council clerk, facilities staff, and the Bureau of Technology Services to develop plans for supporting council meetings (full and committee) according to a gradual and realistic timeline reflective of available resources and the various interdependencies of decisions that impact this comprehensive work. City staff do not anticipate complete rewrites of this code to integrate committee operations.

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