

City of Bend Charter Review Committee Minutes
August 24, 2017

1. Call to Order

The meeting of the Charter Review Committee was called to order at 4:03 p.m. on Thursday, August 24, 2017, in the Boardroom at Bend City Hall, 710 NW Wall. Present were committee members Co-Chair Brent Landels, Co-Chair Don Leonard, Katy Brooks (arrived at 4:20), Stephanie Senner, Richard Ross, Kathleen Meehan Coop, Chad Sage, Dan Fishkin, Anne George, Bill Galaway, Angela Chisum.

Also present: Councilor Bruce Abernethy, Eric King, City Manager, Mary Winters, City Attorney, and Liz Baskin, Office Specialist.

2. Welcome, Announcements and Introduction – Co-Chair Brent Landels

Meeting minutes were accepted.

Mr. Landels introduced new committee member, Angela Chisum.

3. Review charge of City Council direction on elected Mayor

Councilor Abernethy clarified that the Council's request to the committee is that if there is a directly elected mayor, what's the best way to do it.

Mr. Landels confirmed everyone on committee is comfortable with directly elected mayor. Ms. Winters/City Attorney's Office would draft the language for a ballot measure to amend the charter. She urged the committee to not spend too much time wordsmithing language because there would still be a public process with the Council.

Mr. Landels said that the next item for discussion is what will end up going to voters regarding a ward system. Council would like a check-in with the committee in late September or early October.

Mr. King clarified that the recommendation should include the structure for wards. Following the check-in with Council there will be additional work between October and December to prepare for a ballot measure in May 2018.

Ms. George reviewed process ideas. She suggested a thumbs up/down in support or not in regards to gauging where the committee stands on issues.

Mr. Fishkin asked about the issue of elected mayor and wards. Are they linked or separate? Mr. Landels explained that there were a number of scenarios that could occur. Mr. King added that they were interdependent.

Mr. Ross asked to explore the merits of everybody at large vs some at large. He would like to look at cities in Oregon that have that structure.

Ms. Winters noted that nobody has suggested changing the Manager/Council form of government. As Bend grew, we moved to a more professional form of government (city manager/council). The essential function of the Mayor wouldn't change in the city manager/council form of government under the Bend Charter with a directly elected Mayor. She urged the committee to not make the role too complicated.

Ms. George worried that the electorate is potentially looking for something very different. She agreed with Ms. Winters, but asked if it is accurate that we can't make other recommendations.

Mr. Ross said that the committee should look at the mayor's duties that are not clear in the current charter. There are some areas in LOC model to compare to the Bend Charter to clarify the political head versus the administrative head.

Ms. Winters responded to a question about veto power. In the current charter, the mayor is a voting member of City Council. If a mayor has veto power it would be an issue in land use decisions. She asked the policy reason for something other than normal voting.

Ms. George suggested figuring out what problem we're trying to solve.

Councilor Abernethy stated that he was concerned he may have overstepped in his role as liaison at the last meeting. He's trying to step back and make observations based on previous experience as mayor and council member, and relay Council's expectations for the committee. He asked how a directly elected mayor would make the city different. Last time it was a legitimate concern Ms. Brooks raised regarding effective participation in regional/state level issues. What are people's expectations of the mayor?

Ms. Senner said she felt differently about a directly elected mayor if there were wards. She wants an opportunity to feel heard.

Ms. George stated that there was an issue with representation and feeling heard. Where does the buck stop for a business or neighborhood association with an issue?

Mr. Sage commented about distrust in government. If people are directly voting for a mayor, they may feel more invested.

Ms. Senner recommended the requirement that candidates for mayor be a previous member of Council. There was a consensus that the committee did not want to consider that issue.

Mr. King emphasized substantial decisions. Should the term be 2 or 4 years? Does the mayor have authority to make committee assignments without the consent of Council?

Mr. Landels asked if everyone is comfortable with an elected mayor. Nobody is drastically opposed. Everyone except Councilor Abernethy was in support of a 4 year term.

Councilor Abernethy said the role of mayor requires a lot of work. Personally, he was in favor of 2 year term, but with an option to run for unlimited terms if the person wants to continue. It's asking a lot for an unpaid position.

There was discussion of council compensation. Mr. King clarified that Council can't raise its own salary.

Ms. Chisum asked about limiting campaign financing. Mr. Landels said it was outside the scope of this committee.

Mr. Landels asked if we should be paying the mayor more than \$200 a month. Ms. Winters added however it's done, the compensation has to have an intervening election.

Mr. Galaway asked if compensation is a line item in the budget. Mr. King responded that some cities do that with a recommendation from the Budget Committee or a separate committee to review compensation.

Mr. Landels stated there was unanimous support to pay the Mayor more than \$200/month.

Mr. Ross shared that it took several years in Gresham to determine compensation for the Mayor. Hillsboro has also dealt with this issue recently.

Ms. Winters said the Council can't completely delegate legislative authority. If you keep compensation it in the Charter, the voters have control. If there's a committee, a recommendation would have to come back to Council for approval.

There was agreement that compensation for the Mayor should come out of the Charter (using LOC language).

Mayor as a voting member of Council.

Mr. Landels said that the next issue was whether the mayor should be a regular voting member on the city Council with no veto power? There were 2 undecided and 9 in favor.

Mr. King commented on influence on the administrative side. Separation on exec vs legislative level. Different context.

Ms. Winters added that what's more important is the Charter requirement for express concurrence of 4 Council members. It can be difficult to move something through if there are only six present.

Mr. Leonard commented that the mayor shouldn't have vote but should be a tiebreaker. He's the political head of the city, so he would like to see some sort of consensus without forcing a vote.

Ms. Brooks commented that some things can't be solved through the Charter. You cannot predict the human element and need to trust people to make the right choice.

Mr. Ross added that it all depends on the numbers. Most cities have an even number of Councilors so the mayor can be tie breaker.

There was consensus that the Mayor has a vote just like the rest of the Council and no veto power.

Committee Appointments

Mr. Landels stated that currently the Mayor makes appointments with advice and consent from Council.

Ms. George heard that representation of committees is skewed toward NW corner of Bend. She asked if this would resolve anything.

Ms. Senner suggested sticking as is and trying to solve the representation problem through wards.

Ms. Winters restated the issue of who gets on committees and the sphere of influence. It really isn't always about geography, it's about who you know. Having new voices heard by the Mayor, allows for more voices included in government.

There was consensus to leave as is with consent of Council.

Council Vacancies

Mr. King explained that if there's a vacancy, the Council appoints a replacement. They are only talking about Council vacancies.

There was discussion of the League of Oregon Cities language versus the Bend Charter. The difference was a 30 day time limit for the Council to make an appointment then there would be an election if the Council had not reached agreement.

Mr. Fishkin asked to discuss pros and cons. He was concerned with public trust in government if the Council makes the appointment. He felt the Council should make the appointment for efficiency but there needed to be public outreach.

Mr. Leonard added that if it's pushed to a special election there's money attached to that.

Ms. George noted that Eugene does 90 days. Would a longer period accommodate or resolve anything?

Mr. Fishkin asked what happens if the mayor resigns. How do you replace the Mayor?

Mr. King clarified that the language being discussed was for a council vacancy. It is a separate discussion on what happens if the Mayor resigns.

Mr. King provided an example of Council struggling to make an appointment within 30 days.

Ms. Winters commented on the practicality of 30 days. She added that Council is not supposed to do things or discuss outside of Council meetings. 30 days makes it challenging. 60 days may be better.

Mr. King stated that Ms. Christie is best person to provide a detailed description of the election process.

Mr. Landels asked if there is anyone wanting to add power to Mayor to appoint vacancies. No. All Committee in agreement. Any other discussions about the Mayor?

There was consensus that the Mayor should not make appointments to council vacancies.

Ms. George would like to change the Charter language to the timeline to make an appointment. Mr. Landels said they would add that to the list.

Councilor Abernethy added that the paragraph about a Mayor vacancy needs to be re-written, but not right now.

Wards

Mr. Landels recalled at the last meeting the question was raised whether anybody was being damaged by the system the way it currently is. He shared a handout with information from the UGB expansion and outlined details his reasons why committee appointments make a difference in people's lives.

Ms. George stated that growth is a bigger issue not in this committee's purview.

Mr. Galaway said he experienced an emphasis on the northwest in the meetings he attended. Mr. Sage asked why the discrepancy and emphasis on the NW.

Councilor Abernethy stated that this looks compelling. He was interested in knowing what the makeup up was of those who actually applied. What are barriers to people choosing to apply? This information doesn't convince him there are systemic barriers to entry.

Ms. Winters noted she could speak to the law and some of the reasons that the west side doesn't have the density, as she defended the first decision and was very involved in the remand process. It's an extremely complicated topic, and focusing on where people lived and decisions in the UGB expansion can't really be understood without deeper discussion of land use law.

Ms. Senner spoke to the cost to run. One Councilor can't know the whole city. She would like to get to a system that's ward or precinct based. She spoke to some people she thought would run about why they haven't. They commented that they could be more effective by volunteering with their schools or neighborhood associations.

Councilor Abernethy responded that 75% of CIP funding is going to the east side. He is supportive of awards and understands that east side feels under-represented. A lot of it is perception.

Mr. Fishkin understands both perspectives. Perception can become a reality. A ward system would go a long way to make people on the east side feel they are part of the process.

Mr. Galaway said that CIP money will be spent on design on not dirt moving. It's the visual thing that shows people what's being done.

Councilor Abernethy stated that the reality is that the Council reallocated money from Galveston to the east side.

Mr. Landels stated that he's heard a sentiment that people from the SE aren't qualified. Ms. Senner clarified that that comment was included in the Bend 2030 report. Councilor Abernethy added that SE people haven't run to date.

Mr. Landels stated that committees are training wheels for government. If you never get on a committee, then you never get to put the training wheels on. It becomes symptomatic.

Mr. Ross said that Bend is experiencing that affluent people have more time to run. He asked to look at when committees meet and other barriers. He suggested daytime vs evening meeting times to increase participation.

Ms. Senner said she also saw a lot of litigiousness from one Councilor from SE.

Ms. Brooks was uncomfortable stereotyping. It was not serving anybody. She was interested in setting up a system, do our best to have representation, and set up a system that invites equity. She asked to be careful with the language we are using.

Mr. Fishkin said the perception of a level playing field could help get people involved.

Ms. Senner referred to the Secretary of State's voting precincts as being pre-defined. This keeps the wards compliant with the governing process. There is good public information available on this.

Ms. George spoke to the idea of setting the table for equity, this may be a great first step, but then if that's all we ever do we don't solve the problem. She was concerned more about a ward system perpetuating this tribal system, perhaps making it worse.

Mr. Fishkin felt that a ward system creates a more equitable system, based on his anecdotal conjecture.

Ms. George referred to the presentation by Dr. Phil Cooper from Portland State. He provided examples of money going to certain areas because of wards.

Councilor Abernethy concurred with Ms. Brooks that this committee can only do so much. He would hope that all Councilors would represent all people.

Mr. Sage noted that it is going to be messy at some points no matter what.

Mr. King suggested having a group conduct research to report back on what other cities are doing.

Mr. Ross suggested the committee do interviews as a group. He recommended Salem, Eugene, and Medford. The voters in Gresham recently turned down the ward system.

Ms. Senner asked to also look at Yakima, WA. They had an issue and are now well-represented. Councilor Abernethy said the Council would be receptive to other options.

Mr. Landels asked if future meetings could be set from 4 to 7 for 3 hours to get more accomplished. The leadership team was worried there may not be enough time.

Mr. King asked the committee how it would like to focus time for the next meeting.

Mr. Galaway thought the next meeting should finish the elected mayor discussion, finish the ward discussion (yes/no) and makeup.

Mr. Landels asked the committee about support of a ward system. 4 would like more discussion.

Mr. Leonard said he doesn't know much about wards. He would like to hear more about how existing ward systems are working.

Ms. Brooks asked if staff could reach out to other cities. Mr. King said that staff can setup the interviews, but the committee should ask the questions. He suggested forming a small group to get together to develop questions to bring to next meeting for consistency and methodology.

Mr. Ross, Ms. Meehan Coop, Ms. George and Mr. Leonard will get together to develop questions to ask other cities. Staff support is not needed.

Mr. Landels asked for a vote for meetings moving forward be 3 hours. 4 in favor, 5 not in favor, 2 in the middle. Meetings will remain at 2 hours.

8. Adjourn

The meeting adjourned at 6:09 p.m.

Respectfully submitted,

Robyn Christie
City Recorder

/EB