**Code Committee Minority Report**

***September 6, 2019***

***Submitted by:* Hilary Sundeleaf Mackenzie and Linda Nettekoven**

***Introduction***

We are honored to have served on the 3.96 Committee for the past eight months.  We have been impressed with the knowledge, experience and sense of engagement that committee members have contributed to the process. Regrettably, however, we cannot support the draft document approved by the Committee on July 18, 2019. The 3.96 Code proposal adopted by the Committee abolishes an essential piece of Portland’s public involvement infrastructure without first having done the necessary work of collectively designing a more inclusive system. **Our overriding concern remains the draft Code's lack of a specific, practical, blueprint in code form for implementing the aspirations spelled out in Draft Section 396.010.** It was perhaps too large an assignment to be accomplished in six to eight months.

The process of engaging Portlanders in the update of the Code was seriously flawed. The resulting draft product reflects those failures. In addition, since our final Code Committee meeting, Civic Life has further modified the draft code language in addition to supplying some administrative rules. This makes it difficult to comment appropriately on any specifics of the proposal we had no role in drafting. We have elaborated some of our key concerns below that focus on both the Code Committee’s product and process.

***Background***

Recognition of the need for a 3.96 code rewrite was triggered by the 2016 Auditor’s report. It called for an updating of standards and a more equitable sharing of funding among Neighborhood Associations (NA) and other community groups along with greater accountability. Also suggested was possible formal recognition of other groups to give them a code-protected seat at the table and extend to them similar benefits to those NA receive under the existing Standards. The Auditor’s report also references the work of Community Connect which called for strengthening the work of NA and broadening the system to engage more diverse communities. Neither report called for diminishing the neighborhood association system for community engagement. The current draft language of 3.96 does not address the key points of either report. Neither does it create voluntary standards or specify ways to involve more diverse groups as required by Resolution 37373.

 2

*1.****The Product***

We support the aspirational language contained in the original 3.96.010 and honor the work that went into its creation. The language in these first sections should function as a “North Star” for further definition of the rights and responsibilities of neighborhood and business associations and other community groups and organizations. We also suggest in Section .010 the second two sentences in D. should be expanded as follows for accuracy, completeness, and clarity: “The history of our country includes colonialism, genocide, white supremacy, economic exploitation, and the subjugation of women, as well as native sovereignty and the striving for self-determination….”

Beyond Sections .010 to .050 the draft code has several significant deficits that keep it from succeeding in its mission to create a more inclusive system. These deficits include: a) Lack of structures to implement or operationalize the aspirations put forth in 396.010; b) Lack of clarity in Section .060 regarding the maintenance of official lists; and, c) Lack of accountability for the Director.

***a) Lack of Organizational Infrastructure.*** Our overriding concern is the lack of new “infrastructure" for implementing and operationalizing the aspirations spelled out in 396.010. Without an appropriate “structure" to guide and support the work, meaningful change toward greater inclusion is difficult to accomplish and to measure. How will current service delivery be aligned with new goals? What new services will be needed? What roles will groups and organizations, new and longstanding, play in the larger civic engagement landscape? How will funds be allocated — from within City Hall or partially via auxiliary organizations? What role will geography play in engagement? Where are the rights and responsibilities that shape mutual accountability between government and its members spelled out? This task should not be accomplished via an administrative rules process.

***b) Lack of clarity in Section .060.*** This section is unclear and contradictory. It requires the Director to maintain a list of organizations (Neighborhoods, Business, and Diversity and Civic Leadership partners) recognized at the time the new Code is adopted. Yet, there is no provision for what to do if any of them should fail to live up to the Standards under which they were recognized. Since the Standards for recognition of listed organizations would be abolished with the adoption of this new code, there would be no means to require accountability from such groups. A recent version of this section suggests that if the Director fails to maintain the list properly, groups would be added to the list by Council ordinance, which is not the proper legislative tool for the maintenance of a list.

 3

The claim is that while this list exists NA will maintain their so called “privileges.” The Director is working with other bureaus (i.e., Bureau of Planning and Sustainability, Bureau of Development Services, etc.) to develop a plan to remove or modify references to NA and other recognized organizations from other parts of the Code. It is not clear how long this process might take and what role, if any, recognized groups and the larger community might play in this conversation.

One of the NA “privileges” noted is access to the resources provided by Coalition offices such as insurance for community events, technical assistance on outreach strategies, info on City policies and proposals, and help connecting with other groups with similar concerns. However, Civic Life has already begun a process to restructure Coalition offices by putting their sole source contracts or grants out to an open bid process as early as next year. This has led to great uncertainty for Coalition employees, both public and private as well as the volunteer board members of the five nonprofit Coalitions. The situation is made more difficult by the lack of both a clear time frame and a plan to engage neighborhoods and community groups in this major restructuring process.

The Brentwood-Darlington NA members recently reacted to this uncertainty, sharing their concerns about the proposed Code via a letter signed by their Chairperson, Chelsea Powers. Their neighborhood is one of those highlighted in the Housing Opportunity Initiative as vulnerable to displacement. An excerpt follows:

**“…As currently written, the code will do the opposite. The lack of guaranteed funding, insurance, and support will destroy many NAs’ abilities to offer free community events, contribute to schools, advocate for neighbors, and more. It will turn advocacy into a pay-to-play system, further marginalizing disadvantaged communities. Removing the checks and balances on developers will gentrify already squeezed neighborhoods, forcing out vulnerable citizens. The city relies heavily on NAs for grass roots advocacy, outreach, and community building. The proposed language for 3.96 is antithetical to all that Portland claims to stand for.”**

***c) Lack of accountability of the Director.*** Adopting this proposal leaves responsibility for the entire work of the Bureau of Community & Civic Life in the hands of the Director with no clear standards or accountability for how she or any successor is to operationalize the values in .010-.050 or evaluate the results of those efforts. She may be planning to address this lack through the use of administrative rules. However, these are easily changed by anyone holding the position of Director. Given our current form of government, and the propensity of Mayors to shift Bureau assignments among City Commissioners on a regular basis, it leaves the civic engagement system even more vulnerable to chaos and confusion than it already is.

 *4*

***2. The Process***

We feel many of the shortcomings in the product stem from serious flaws in the process: a) Inadequate outreach, especially failure to notify and involve NA; b) Lack of a comprehensive orientation for committee members about the history and contributions of the existing community involvement system, including past recommendations and prior improvements; and, c) An inadequate record of the Committee's work.

***a) Inadequate outreach***, especially to NA, lessened the effectiveness of the Committee. Despite current code requiring NA be notified of any City policy likely to affect the livability of their neighborhoods, there was never any serious attempt to notify neighborhoods of the Code Committee’s work and its significance. Staff relied on a list of interested community members developed over a number of years by the Office of Neighborhood Involvement and supplemented by Civic Life. Their website includes a list of contacts for the 94 NA, but that list was not used. The fact that Civic Life did not choose to use an open, public recruitment process before selecting CC members meant that many interested groups were unaware the work of Code revision had begun. The Committee began to meet in November 2018. Yet a number of neighborhoods were surprised to learn such a committee existed when they, as part of the public, were invited to a conversation for English speakers in February to discuss what civic engagement meant to them. Other NA had no awareness of the effort until the Northeast Coalition of Neighborhoods organized a meeting on June 6th and invited Director Rhee to discuss the Code Change process. When asked how audience members might share their feedback with the Code Committee they were told to watch the Civic Life website and list serve for a final draft to be coming soon even though the Committee’s final vote was scheduled for June 26th at that time. Soon after, Southeast Uplift also organized a Q&A session primarily for their board. Others remained unaware until June 25th when they were told about a June 26th meeting where the Code Committee was expected to adopt new Code language. Outreach efforts have continued over the summer but only to share the completed work.

Staff worked very hard to reach out to key ethnic groups of non-English speakers, houseless individuals, etc., and we commend that effort and view it as very important to the CC process. However, as CC members we found it frustrating that although results of these conversations were summarized on line, and there was a community event to bring groups together, there was no opportunity for us to discuss how these ideas and concerns might be reflected in any improvements to the community engagement structure the CC might recommend.

**b) Lack of Comprehensive Orientation.** The 25-member Code Committee was a wonderfully diverse group of community members representing a broad cross section of age, occupations, religion, race, ethnicity and life experience. However, there was a lack of familiarity with the current community involvement system. Only 5 members mentioned any experience or familiarity with neighborhood associations and only 2 or had any in-depth experience with the NA system as a whole.

 5

Some CC members also were unaware of Civic Life’s past and current work with the DCL partners and other non-geographic community groups. The absence of a shared understanding of City engagement efforts made the lack of adequate orientation materials all the more critical.

Relevant documents that the Committee did not receive or was not made aware of include: Public Involvement Principles, the Neighborhood Standards (as adopted by resolution in 2005), the Community Connect Report 2008, Chapter 2 of the Comprehensive Plan (Community Involvement), the 2016 Auditor’s Report on ONI.

CC orientation did include coaching from the City Attorney on member responsibilities and the work of writing code language. It included a helpful overview of Portland’s changing demographics, population projections, etc., based on the City’s 2035 Comprehensive Plan, and what our new Code must do to serve our growing, changing community. Members also received copies of the existing Code 3.96 language along with an executive summary and table of contents from the Standards which Neighborhood Associations must adhere to in order to retain their recognition from the City.

There was almost no conversation about the role of the Standards in helping NA to do a better job at what they have been charged to do. Instead of exploring the necessary role of place-based partners in any improved system, the focus was on the privileges and power of NA. Somehow removal of all Standards was seen by many as the prerequisite for leveling the playing field. The extensive, nearly 50-year, history of valuable contributions from the neighborhood system was never mentioned to the Committee. For a brief history of the Neighborhood System, which people have come from all over the world to study, please see Appendix A.

c) **Inadequate Record of Committee’s Work.** Meeting minutes were originally limited to a one sentence description under each agenda heading with no sense of the rich discussions that often occurred. For example, there was no mention of one member’s request during Meeting 5 that a conversation be held with neighborhood representatives to see how the Standards had worked for them and whether they could be improved or should be abolished. Comments from the public were not summarized or even mentioned in the minutes. Thus, non-Committee members seeking to follow the work of the committee were hampered in their ability to understand what was being discussed and the reasoning behind any decisions. (The minutes have now been somewhat expanded in response to an Ombudsman Complaint that they do not comply with Oregon’s Open Meetings law.)

In summary, the process failed to produce a complete set of Code recommendations. Given the wealth of talent in the room, the 8-month Code Committee process was a missed opportunity for building connections and a deeper understanding of our community's unmet needs. In Meeting 6, due to a lack of a quorum and the inability to conduct other business, the Committee took the opportunity to listen to NA representatives describing what their associations do, and their suggestions for how things

 6

could be improved. Had the process involved NA as key stakeholders from the beginning perhaps more of the lessons they have learned in their efforts to engage their neighbors could have been shared with the CC. However, instead of leading to a deeper understanding among those engaged in this work, the Code Change process has

led unfortunately to further divisiveness in our community.

***Conclusion***

The 2016 Auditor’s Report and the 2008 Community Connect are valuable resources and should have been central tools in the effort to rewrite chapter 3.96. Inexplicably, these reports were largely ignored. At times the tone of the CC discussion reflected negative, stereotyped views of NA and their members. These views may have served to discount the concerns of Neighborhood Associations regarding open meeting rules and other ONI Standards that help NA function effectively. Neighborhood Association boundaries are drawn to give all Portlanders the opportunity to participate in the NA system, but NA are not meant to be the only path to engagement. By not carefully considering what many NA view as necessary for their continued effectiveness, as the CC would do for other grassroots groups, City staff and members of the 3.96 Committee are failing to advance the proposed mission statement of Civic Life.

We strongly agree that it is very important to give other grassroots organizations an equal voice in City governance. There is a well developed structure for communication between NA and the City. This network can be expanded where appropriate to include more groups as one avenue for increased engagement. Civic Life has a critical role to play in supporting collaboration and cross-organization learning and mentorship among all community groups wishing to participate

In sum, we cannot support this draft code language because we do not view it as complete. We believe this draft report serves to significantly limit the very goals of increased community engagement that it set out to expand. Further, the process used to produce this draft report is seriously flawed and contradicts the mission statement of Civic Life. We believe that we all need to work hard to improve all aspects of community engagement and participation. We need to be especially vigilant in increasing access for groups ton that have been historically excluded. This process and report, having the opportunity to take on this urgent task, has failed to advance us in this mission. It did not assist committee members in having the hard conversations necessary to understand each other’s lived experiences and views on what “leveling the playing field” might mean as we move forward. We can do better and need to recommit to a process that can produce more complete results consistent with the values and high ideals of our city.

 7

**APPENDIX A**

**Community Involvement History and Legacy**

The Office of Neighborhood Involvement (ONI) was founded to recognize and facilitate Neighborhood Associations' participation in City government. Neighborhood Associations rose out of grassroots activism here in Portland. In the early years of land use planning, urban renewal and slum clearing were threats to low income neighborhoods, communities of color, and immigrants. Building freeways was thought of as a solution to everything, even at the cost of tens of thousands of housing units. The car was paramount. Downtown was dying as people moved to the suburbs. Historic buildings were torn down and replaced by parking lots. Portland’s air quality was bad from the traffic and congestion. Unchecked development was killing our City.

In the 1970’s Neighborhood groups successfully fought the Mt. Hood Freeway and a huge parking garage where Pioneer Place now stands. Neighborhoods Activists blocked the expansion of Harbor Drive, which separated downtown from the river.  The Harbor Drive freeway was removed and replaced with Waterfront Park.  The Mt. Hood freeway would have cleared a large section of the Eastside for hundreds of blocks. Hospital expansion in NW Portland was clearing hundreds of units of low cost housing until neighborhood activists successfully fought for a Hospital Master Plan to preserve housing.  However, neighborhoods in the path of I-5 and a NE hospital expansion were not as successful in saving their neighborhoods. These neighbors were predominantly people of color. The Downtown Plan, adopted in 1972, outlined a path to the walkable downtown we have today.

In 1973 Oregon adopted the nation’s first comprehensive land use planning strategy. Urban growth boundaries were established around cities to preserve farmland and forests and to concentrate development in urban areas. Every jurisdiction within the state was required to produce a land use plan that allowed for development of housing, industry, commerce, transportation infrastructure, and preservation of open space for agriculture, forestry, and recreation. Citizens were tasked with creating these plans with support from their respective jurisdictions. Neighborhood groups under various names are responsible for shaping our City as well as our State. Neighborhood Associations were one of the first places women’s voices could be heard on an equal footing with men’s.

Neighborhood associations are still very much active in land use planning and all other issues of livability within their geographic boundaries, including transportation, safety, air quality, and access to open space. NA also partner with other groups and NA where there is mutual benefit. The Pearl District NA with OTCT formed a Joint Task Force on Homelessness. They are working with private developers on the successful opening of the Navigation Center under the Broadway Bridge.  NA also worked with the Clean Air Initiative to get proper pollution controls in place for Bullseye Glass & other industrial polluters, and continue to independently monitor air quality in their neighborhoods.