

## Charter Commission works to finalize amendments by March 3

BY JAKE THOMAS  
STAFF WRITER

Relinquishing the power to crack down on “vagrants and paupers” and force them into employment, the exhibition of crippled persons,” and the sale of “obscene matter”: These are just a few of the nine “housekeeping” amendments to the city charter that will be put before voters in May with the aim of clarifying and updating the language in what is essentially our constitution.

The city’s Charter Commission is working feverishly to meet its March 3 process deadline, while removing antiquated provisions that grant city officials powers that seem odd or even offensive by today’s standards.

But several other charter amendments with more serious consequences for how water and sewer rates are set, funding for public bathrooms and fountains as well as how police manage crowds could also make their way onto the ballot.

Since January 2011, a 20-member commission appointed by City Council has been looking into how the city charter might be improved and how to voters its recommended changes to sending for final approval. In order for an amendment to get on the ballot, it needs to have been aired in two public hearings and to muster the support of 15 members of the commission. If only a majority of commission members support an amendment, it then heads to City Council, where it might be revised further before being put on the ballot or dropped altogether.

Here’s what’s in play:

### Creation of an Independent Utility

### Commission

An amendment has been put forward to create a five-member Independent Utility Commission (IUC). The IUC would submit sewer and water rates to City Council, which would have limited ability to revise them. The amendment was proposed in response to media reports and findings by the city auditor that the Portland Water Bureau has spent money on park improvements, voter-owned elections, Rose Festival renovations and other projects of dubious relevancy to the city agency’s core functions, while water rates continued to climb. Not surprisingly, the proposal in the amendment is the house the new IUC in the Auditor’s Office, with positions appointed by the auditor with final approval by the City Council.

One of the primary concerns of this amendment, however, is that it would backfire and allow for more special interests to influence how sewer and water rates are set, with even less oversight and public accountability.

Under the amendment, as currently written, rates for water and sewer would “only include costs associated with providing water and sewer services.” It also includes a provision stating that these services “should be affordable to all people regardless of income” and discounts should be available for low-income ratepayers.

Susan Pearce, a retired health care worker who serves as the commission’s co-chair, said that when drafting the amendment that would create the IUC, commission members deliberately avoided incorporating any language that would explicitly allow sewer or water money to be used for any specific projects or purposes.

“Everyone has their own idea of what should be covered,” said Pearce, who added that if the commission had allowed special uses of sewer and water money in the amendment the commission would “be talking until the cows came home.”

### Public drinking water and bathrooms

Rich Rodgers, a City Hall veteran who is serving on the commission, said that he is working on language that would clarify that public drinking fountains are eligible Water Bureau expenses and that public bathrooms are eligible sewer expenses. (Rodgers is also a member of Street Roots’ Board of Directors.)

“I believe that a key value should be that water and sewer services are essential to human health and welfare, and that they should therefore be affordable to everyone, regardless of income,” Rodgers told Street Roots via e-mail. “Public availability of these services is a key aspect of this, as it provides a fuller spectrum of service to take into account the needs of the general public, and especially people who are homeless.”

Currently, public bathrooms in Portland are funded and operated by a variety of city agencies and are chronically underfunded, Rodgers says. The parks bureau is considering closing 189 public bathrooms as part of cost-saving effort (see “No relief? Park bathrooms on the city’s chopping block” [www.streetroots.wordpress.com](http://www.streetroots.wordpress.com)) Rodgers hopes that his measures, which he has submitted to the city attorney to draft language, will help provide a modicum of stable funding for a service many homeless people and others rely on.

However, Rodgers says he won’t be aggressively lobbying for his amendments.

“I’m not politicking on this thing; I’m articulating what my values are,” he said. “I don’t think the charter commission is the place for a political power play.”

### Crowd control

Two amendments under consideration would bar police from using animals, such as dogs and horses, as well as chemical sprays to control crowds.

According to longtime police accountability activist and member of the Charter Commission Jo Ann Hardesty (formerly Bowman) the amendments came out of meetings with members of the Occupy Portland movement. Occupy activists complained that police use of harsh chemical pepper sprays was too heavy-handed a tactic and that horses used to control crowds would get spooked, becoming potentially dangerous to protestors.

Those complaints have been levied against the Portland Police Bureau for years, and stirred considerable outcry when mounted units were used during protests against the wars in Iraq and Afghanistan.

“Maybe police need to have horses for public relations, but not for crowd control,” said Hardesty, who also notes that chemicals used in pepper spray have become increasingly concentrated.

There is also talk about creating a police oversight mechanism in the charter, but it’s unclear if this idea will advance to the ballot.

The Charter Commission has until March 3 to finalize proposed amendments, conduct hearings and wrap up its work.

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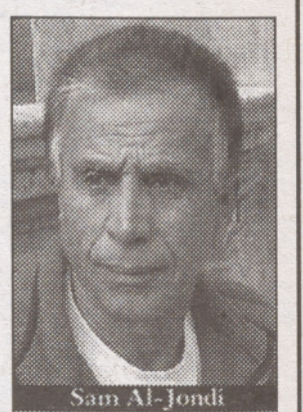
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