Accountability and Transparency Workgroup

Public Involvement Task Force
For December 17, 2003 mtg.

DRAFT Priority Recommendations

The Accountability and Transparency Workgroup split up their deliberations into two categories –"accountability" and "transparency" – to organize recommendations.

❑ *Delegation of tasks to future committees –in parenthesis after recommendations-proposed by Brian Hoop but open to change.*

Accountability

Summary Statement on Accountability

The principles of good public involvement will only be realized if stakeholders are held accountable for implementing them. These stakeholders include: city commissioners, bureau directors, city managers, front line staff, citizen commissions and advisory committees, and the formal neighborhood/business association system.

Background

Portland's commission form of government combines executive and legislative authority in a five member commission. This form does not offer the checks and balances—and thereby accountability—provided when these functions are carried out by separate branches of government. Commissioners are reluctant to hold each other accountable for following good public process and sound policy analysis. The quality of public involvement and governance in Portland varies widely depending on the values and skills of individual city commissioners, bureau directors, and city staff.

Little evaluation is done to determine the adequacy or effectiveness of public involvement by city commissioners and city bureaus in the development and implementation of policy, projects, and services. Currently, city government has no effective unified statement of the standards and elements of good public process. No consistent way exists to gather the information need to evaluate the effectiveness of public involvement and identify patterns of success or problems, either at the project or bureau level.

Current review of public involvement is scattered and fragmented. The City Auditor can carry out formal audits. The City Ombudsman, who serves under the City Auditor, can investigate complaints related to specific projects. City commissions and advisory committees provide some level of public process and review. Many bureaus have public involvement standards, but these vary in their content and the level of their implementation. Many bureau public involvement activities focus on involving the community when city government initiates public policies or projects and wants public feedback. City officials and bureau staff are less well prepared to respond to policy and projects proposals initiated in the community.

The Public Involvement Task Force has identified a need to improve the general culture in city government to increase the receptivity and support for good public involvement as well as to improve the design and implementation of public involvement.

Principles

The Public Involvement Task Force Principles Workgroup has drafted two principles that are relevant to our task:

- **Accountability**: City elected officials, decision-makers and staff must be accountable for following these governance and public involvement principles. Mechanisms must be in place to encourage implementation of these principles and to ensure effective corrective action when the principles are not followed. City decision makers and staff should communicate the rationale for their decisions and provide feedback to process participants and the community on the impacts, outcomes, and results of public input.

- **Evaluation**: Mechanisms must be in place to allow ongoing monitoring, evaluation, and reporting of how well city elected officials, decision-makers, and staff follow these principles when developing and implementing public policies, projects, and services, and the effectiveness of individual public involvement processes. Evaluation results should be used to identify problems and successes and to continuously improve public involvement processes and public policies.

Four topical areas

The Accountability Subcommittee divided our work into four areas:
- **Codification**—the institutionalization of public involvement principles and processes in the formal legal framework of the city.
- **Structural Issues—**the integration of mechanisms to the regular operation of city government that will encourage awareness and implementation of good quality public involvement.
- **Corrective Action**—the creation of mechanisms that will require corrective action when good public involvement principles and processes are not followed.

- **Evaluation**—the creation of a regular system to review the effectiveness of public involvement efforts, identify trends, successes and problems, and to continuously improve the city's practice of public involvement.

Recommendations

Recommendations are listed under the above four topical areas with short term and long term action items.

CODIFICATION

Problem Statement: Public involvement principles and processes are not clearly codified in a way that causes their consistent implementation across city government. In 1996, the City Council adopted a set of general public involvement principles by resolution. Resolutions are not enforceable, and this resolution has had little effect on the operation of city government. Portland's Comprehensive Plan includes a section on Citizen Involvement. Some adopted planning documents, such as the Southwest Community Plan, include public involvement principles. Some city bureaus have written public involvement policies, others have informal practices.

Short Term Actions:

1. **Ordinance**:   *The City Council should, by ordinance:*
    -   *Adopt the Public Involvement Task Force's Public Involvement Principles.* An ordinance carries the force of law, whereas the current resolution does not. The ordinance should apply to all city government activities.   *(PI advisory group, Council staff)*
    -   *Require every city bureau to develop a bureau-wide public involvement policy and implementation strategy* (see below) *(PI advisory group, Council staff.)*
    -   *Require written, formal public involvement plans for certain types of city projects and policies (such as, large capital improvement projects, and policies and projects that either involve high levels of public spending or have significant impacts in the community.) (PI advisory group, Council staff.)*

2. **Formal Bureau Policies**: *City bureaus must develop written public involvement policies that implement the public involvement principles.* The policies will vary according to the type of work and needs of individual bureaus and must be available to the public. *(PI advisory group, PI staff networking group and internal bureau staff/management.)*

    A model public involvement policy should be created to help guide bureaus in developing their bureau-specific policies. The Metro "Project Public Involvement Plan Form", BES and Parks bureau policies offer some good ideas. The proposed public involvement advisory group should review public draft involvement policies to help ensure the policies are consistent with the principles and are likely to be

effective. Draft policies should also receive peer review by public involvement staff from other bureaus. Additional useful review may come from ONI and the public. The purpose is not to create rigid, cookie-cutter policies, but rather to have each bureau fashion a policy that is appropriate to the nature of its work and promotes the implementation of the principles.

3. **Comprehensive Plan**: *The City Council should initiate a rewrite of the Comprehensive Plan Section 9 Citizen Involvement to incorporate the new public involvement principles and process requirements.* The Comprehensive Plan, which is required by state law, establishes a vision for a significant scope of city government activity. The current Section 9 encourages citizen involvement, but the section is very brief, is targeted toward land use decision-making and implementation, review and amendment of the Comprehensive Plan but says little about the purpose and characteristics of good public involvement. The City Comprehensive Plan should also reflect SB 100, Goal One-Citizen Involvement. The role of the Comprehensive Plan should also be clarified. Some say it is narrowly focused on land use decisions, others say it applies more broadly and sets out a vision for the community that goes beyond land use. *(Planning Commission. BOP staff already notified and taken into consideration.)*

Long-term Actions:

4. **City Charter**: *Amend the City Charter to include language that describes and supports the implementation of public involvement principles and requirements.* Portland's City Charter does not include a section on citizen involvement. Placing citizen involvement principles and requirements in the City Charter will increase their stature and the likelihood that they will be followed, and protect them from future attempts to weaken them. *(Continuing PI advisory group, Council leadership, citizen initiative.)*

STRUCTURAL ISSUES

Problem Statement: Portland's current city government structure does not provide the structure needed to encourage bureau directors, managers, and staff to implement the level and character of public involvement described in the Task Force's public involvement principles.

Accountability for service or product delivery depends on clearly defining a chain of custody for responsibility and a system for tracking performance. Individuals are held accountable at every level to ensure the effective implementation of the public involvement principles. The links of this chain should flow from the public involvement principles, to formal bureau public involvement policies, to staff job descriptions and personnel reviews, to work plans for individual projects, and to systems to monitor and track compliance and evaluate outcomes.

Short Term Actions:

1. **Process Model**: *Develop a general public involvement process "checklist" to guide bureaus through a process of evaluating the level and nature of public involvement appropriate for a particular government policy, project, or action.* No consistent guidelines exist for the design and implementation of public involvement processes in city government. A public involvement process checklist would guide staff in the questions to consider when designing and implementing PI processes. The checklist would also increase the consistency of public involvement across bureaus. Each step may not be appropriate for every project. However, going through the checklist will help staff think about and articulate and document why or why not. This documentation also help in monitoring and evaluating bureau public involvement. The Metro "Project Public Involvement Plan Form" is a good starting point and should be adapted to fit the needs of city government. *(Continuing PI advisory group and PI staff networking group)*

2. **Internal PI committee**: *An informal group of public involvement staff from different bureaus should meet regularly to review and discuss public involvement policies, projects, and issues.* Such a group has already begun meeting. The group is discussing meeting quarterly with the intent of sharing best practices and providing peer review of bureau public involvement policies and projects. *(Continuing PI advisory group.)*

3. **Position Descriptions**: *Responsibility for the development and implementation of public involvement plans should be clearly stated in bureau employee position descriptions.* Duties and responsibility for public process management should be included in the position descriptions and performance expectations for bureau directors, a designated bureau manager and at least one bureau staff person. However, general support of effective public involvement, should be included for bureau employees at every level to establish a culture of collaboration and partnership between government and the community. *(PI staff networking group.)*

4. **Personnel Reviews**: *Include support for and compliance with public involvement principles and requirements as an element of personnel reviews for bureau directors, managers, and staff.* Good quality public process is not considered a priority for many city decision-makers and staff. Making compliance with the public involvement principles and processes a major part of personnel reviews will increase their importance for bureau directors, managers and employees. *(Council and PI staff networking group.)*

5. **Uniform Backing for Ordinances:** *Create a common ordinance backing form which includes a summary of implementation and results of public involvement efforts related to subject matter in ordinance.* Commissioner Saltzman currently models this practice. Staff reports to Council should include summary of implementation and results of public involvement efforts. *. (Council and PI staff networking group.)*

Long Term actions:

6. ***Office of Neighborhood Involvement:*** *Review the role of the Office of Neighborhood Involvement and its location in the structure of city government.* The role of ONI was traditionally to help the community communicate to city government. The role increasingly has been reversed in recent years. Someone needs to be responsible for coordinating public involvement efforts bringing together public involvement staff. The current practice of placing a single commissioner over ONI, severely limits the agency's ability to advocate for good public involvement in city bureaus not under the control of the ONI commissioner. Placing ONI under the mayor would raise its stature and link it to the mayor's authority to assign and remove bureaus from commissioner portfolios. Placing ONI under the City Auditor would provide more independence from the city commission, but may decrease its ability to influence the city bureaus. *.   (PI advisory group)*

7. **Public Involvement Advisory Group**: *Create a Public Involvement Advisory Group that would act as an ongoing body to review and advocate for implementation of the PI principles and requirements in city government.* Public involvement currently has no formal advocate in city government. Many other policy areas have commissions in city government that focus public and government attention and provide a vehicle to review and comment on related city government activities. Key questions to answer in designing the PIAG include: *(ONI)*

   ▪ Charge/Purpose?
       ▪ Shine light on public involvement processes, review bureau public involvement plans, track implementation of the public involvement principles, education and training, identification of ways to get information out to the public
   ▪ Structure (needs some independence)
       ▪ Under Mayor? (e.g. OMF, which has management authority)
       ▪ Advisory to ONI, or independent of ONI if it will review ONI performance?
       ▪ Advisory to Auditor? (e.g. independent police review)
       ▪ Independent non-profit? (Don)
   ▪ Membership?
       ▪ Just citizens
       ▪ Citizens and city staff and public involvement professionals, similar to our existing Public Involvement Task Force.
   ▪ Scope of authority?
       ▪ Track implementation of PI Task Force recommendations so they don't get lost; keep it in the public eye
       ▪ Review formal city bureau PI policies
       ▪ Review individual projects: whether city staff open and involved citizens and did management support;
       ▪ Annual report
       ▪ Problem if create expectation of authority, when not true (e.g. IPR)

- MCCIC deals with many issues, newsletter, supports citizen involvement
- Advise on the inclusion of traditionally under-represented groups.
  - Short-term or long-term?
  - Funding:

8. **Staffing**: *Creation of a Public Involvement position.* The work of the PIAG and overall coordination of public involvement in city government cannot be effective without adequate staff. At a minimum the PIAG would need staff to prepare its annual report. The degree of independence of this position would need to be determined. If a public involvement advisory group is created this position would provide staff support. *(ONI)*

9. **"Impact Assessment" process**: *Consider expanding use of the policy analysis approach established by the Mayor's Impact Analysis Workgroup.* The "Impact Assessment" process recently adopted by the City Council, is intended to ensure more rational and objective analysis of the need for and impacts of proposed regulatory changes. Although the model does not focus in depth on public involvement, it does require community and stakeholder input at different stages. *(PI staff networking group and Regulatory Reform workgroups.)*

10. *Boards, Commissions, and Advisory Committees:* Council should initiate review of the composition, role and effectiveness of city boards and commissions and citizen advisory committees. The City of Portland has numerous boards and advisory committees. Questions have arisen about how effective these boards are at providing effective oversight of and input into city policy and decision-making processes, how well they represent public concerns and ideas, and how useful their input is to city staff and decision-makers. The City needs to commit to a principle of supporting strong and independent boards, commissions, and advisory committees. Public involvement advisory committee could possibly review*. (PI advisory group and Council staff)*

CORRECTIVE ACTION

Problem Statement: No formal mechanisms, or checks and balances, exist to hold city commissioners and city bureau staff accountable for following principles and public involvement standards. A particular challenge is holding city commissioners accountable under our commission form of government—especially without any independent legislative branch of government. The Mayor has limited power to assign or remove bureaus and commissioner can draw attention to other commissioners who do not follow good public involvement practices. However, strong politic disincentives discourage this activity. The Auditor has the ability to draw attention to problems but little ability to force changes. Elections offer the only effective way to hold a commissioner accountable. This is a blunt instrument and not particularly well suited to the analysis and implementation of specific public involvement practices.

Short Term Actions:

1. **Personnel Actions**: If public involvement goals and requirements are included in position descriptions, bureau directors, managers, and staff who do not comply should face corrective action through the existing personnel system in each bureau. *(Internal bureau management.)*

2. **Ombudsman**: The Ombudsman can shine a light on some problems and establish a record of complaints but has no enforcement or sanction power. If public involvement practices are placed in city code, the Ombudsman's staff could determine whether appropriate processes were followed. *(PI advisory group and Ombudsman's office)*

Long Term Actions:

3. **Campaign Finance Reform**: *Pursue the Sten/Blackmer proposal for public funding of municipal campaigns in the City of Portland.   (Citizen initiative and Council staff)*

4. **Change Portland's Form of Government**: *Initiate a broad review of Portland's form of government through a Council appointed Charter Review Commission for the purpose of reviewing and strengthening checks and balances; supporting better public involvement and accountability measures.* Establish a regularly scheduled charter review by a commission similar to Multnomah County. *(Citizen initiative.)*

EVALUATION

Problem Statement: City government has no program or mechanisms to consistently evaluate public involvement processes. Without some means to evaluate public involvement efforts, city decision-makers, staff, and citizens are unable to identify and document what is working and what isn't and to develop and recommend changes to improve public involvement. Formal evaluation will shine a light on problems and create an incentive to fix them.

1. **Evaluations of individual projects**: *Implement regular evaluation of processes by bureaus: set criteria for evaluation; capture comments, opinions, suggestions of different stakeholders; establish base of information that will allow broader review.* City projects and processes are not consistently evaluated on their public involvement. Evaluation can be complex and expensive—evaluation should be appropriate to the scope and importance of the project or process. *(PI staff networking group.)*

2. **Peer Review**: *Bureau public involvement plans should be reviewed by PI staff from other bureaus. . (PI staff networking group.)*

3. **City Auditor—Audit Services**: Formal performance and management audits. Look at broader compliance with public involvement principles and requirements by a bureau. [What paper trail must bureaus maintain to allow effective audit?] . *(PI advisory group and Auditor's Office)*

4. **Ombudsman Review**: Ombudsman staff respond to particular issues or incidents. They can attempt to resolve issue with individual bureaus and identify patterns of success and problems. The Ombudsman issues public reports on individual cases and an annual report. . *(PI advisory group and Ombudsman)*

5. **Public Involvement Advisory Group**: Can review input from evaluations/Ombudsman/peer review/auditor….shine light…recommend changes
   ▪ Develop one-hour presentation on PI Task Force recommendations adopted by the City Council. Make presentation to each city bureau to clarify expectations.
   ▪ Have each Bureau come back to PIAG with a public involvement policy; the PIAG would review the policy against the PI principles and prepare comments for each bureau. *(PI advisory group)*

Transparency

Summary of Transparency

For the public to participate in the democratic process and be civically involved and for government to be held publicly accountable, the workings of the government must be transparent. Basic principles behind the concept of transparency include the following:

1. Timely, accessible and understandable information is open to the public.
2. Community members can easily find out about current and upcoming city programs and projects; including:
   ❑ The decision-making process,
   ❑ Key decision points, who makes final decision and when,
   ❑ Factual and legal/policy bases for decisions,
   ❑ Responsible staff and organizational structure,
   ❑ Expected budgets, timelines, workplans, schedules,
   ❑ What type and level of public involvement will occur and when, and,
   ❑ Avenues for appeal/review and deadlines.
3. Information is honestly and objectively shared, including presentations of pros and cons and likely costs of proposed actions.
4. Government openness is subject to independent evaluation.
5. *Provide a clear description, history, and rational for new projects and an analysis of alternatives.*

Types of Transparency

There are two types of transparency. Both apply to city commissioners, managers, front line staff, citizen commissions and advisory committees, and the formal neighborhood/business association system.

- ❑ **Governance/global transparency.** Governance and global issues concern how the city operates; coordinates internal activities; and provides expectations that are meaningful, effective, and fair.
- ❑ **Project-specific transparency.** Project-specific issues concern how the city communicates to the public and are limited to the project and whether the process design fits the application.

Recommendations

To improve transparency we make the following recommendations:

Access to public records
Develop a more user-friendly system for providing public access to policy, planning and capital project related documentation. This might include:
- ❑ Providing bibliography of documents related to a specific project. *(PI staff networking group.)*
- ❑ Continued expansion of Portlandmaps.com interactivity of links between projects identified on maps to related documents, contact information, background information, public involvement opportunities, etc. *(CIP outreach workgroup already doing this).*
- ❑ Outline of helpful hints posted on City homepage to assist public in navigating City bureaucracy to find the information they want. . *(PI staff networking group.)*
- ❑ A citywide policy and process for responding to public records act requests should be established. *(PI Advisory Group and Auditor/Ombudsman)*

Council agendas
- ❑ Council agendas including items related to significant public works/capital projects, public services, policy and/or planning projects need to be set and posted on the web with 10 days advance notice to provide adequate time for public notice and response.   Current practice of agendas being made public on the Friday before a Wednesday meeting provides minimal time for public reaction and comprehension of agenda items*.   (PI Advisory Group/ PI staff networking group and Auditor)*
- ❑ Provide summary statement for Council consent agenda items. Develop criteria for defining what should go into a summary statement and identifying what background documentation should be made accessible on the web.   *(PI Advisory Group and Auditor)*
- ❑ Provide web links or staff contact info for Council agenda items to locations for more information, background explanations and documentation whether for policy, planning, administrative, or capital improvement projects. . *(PI staff networking group and Auditor)*

Web Technology
- ❑ Utilize the web more effectively to post documents relevant to major policy, planning and capital improvement project to maximize the transparency of their public involvement processes. Specifically, post bureau public involvement policies and individual project public involvement plans. (*PI staff networking group and CIP Outreach Group)*
- ❑ Encourage better coordination between City bureaus in development of Portlandonline.com public involvement functions. Specifically, Bureau of Technology Services, ONI's Information and Referral Center, and bureau public involvement and info staff need to jointly develop and prioritize implementation of

E-Government functions related to public involvement. (*PI staff networking group)*

❑ Require more frequent reporting of individual campaign finance contributions to City Council candidates be posted on the web throughout a campaign. Currently Contributions and Expenditures final totals only posted on the web after the elections. *(PI Advisory Group and Auditor.)*

Customer service

❑ Develop clear policy stating expectation that customer service is the job for all City employees. City employees should respectfully respond to public inquiries for information and attempt to direct them to the appropriate office or the City/County information and referral line for more information. *(PI Advisory Group and PI staff networking group)*

❑ All city employees should be trained on basic customer service techniques. For example, how to provide helpful information to the public regarding their program work; how to summarize their bureau's mission, programs and services; provide them information and tools to make appropriate referrals when someone asks a question outside the scope of their position. (*PI staff networking group)*

❑ Delivery of quality customer services by City staff should be part of performance review of bureau directors and project managers. *(Council lead ?)*

❑ Develop criteria and expectations for timeliness and accuracy of information bureaus need to post with the City's three centralized information locations: the City/County Information and Referral Center (823-4000 line) and Bureau of Technology Services' PortlandOnline.com and portlandmaps.com. (*PI staff networking group)*

❑ Explore creation of a unified constituent tracking system for maintaining constituency contact lists, tracking public inquiries for information and quick access to City information for all City staff, public involvement programs, Information and Referral Center. Model after New York City, NY and Metro*. (PI staff networking group)*

Project-specific (PI staff networking group)

❑ Major policy, planning, and capital improvement projects need to make available to the public either through newsletters, mailings, postings on the web:
  o Outline of decision-making process;
  o Known constraints on a project – mandates, time limits, Council directives;
  o Key decision points, who makes final decision and when;
  o Factual and legal/policy bases for decisions;
  o Responsible staff contact info and organizational structure (where this project fits within a bureau);
  o Expected budgets, timelines, workplans, and/or schedules;
  o What type and level of public involvement and comment will occur and when, and;
  o Avenues for appeal/review and deadlines.
❑ After project completion close the feedback loop by notifying interested stakeholders and individuals who've made public comments:

1. That the public comment period is over, what are next steps for decision making process and how comments will be utilized;
2. If a staff report has been made let participants know how comments were utilized. Provide a summary of minority opinions, and;
3. If a final decision has been made, let participants know why or why not public comment was used.

❑ Clarify and publish role of public involvement participants for any volunteer committees. Basically, create a job description for advisory committee members listing:
   1. Extent of their authority – decision-making or limited to advisory;
   2. Expected time commitment;
   3. Who they are advising, and;
   4. Mission and expected objectives.

City budget process

❑ Continue to improve web and printed tutorials providing an overview of City budgeting process, how the City budget is organized, definitions of terms, frequently asked questions, how public can engage in City budget development, etc. *(PI staff for budget outreach)*

Dissemination of Information

❑ Bureaus should use a variety of media for disseminating information to the public effectively. *. (PI staff networking group)*

These need to be considered by the Process Design group or someone else

- Need to further explore the role of Neighborhood Coalition offices. What is their role to be a link and/or to cooperate with City bureaus in the transferal of information to neighborhood associations and a wider audience of individuals which may be impacted by a project? If so, what is adequate compensation so that coalitions could effectively accomplish that function? Or are the coalitions primary role to provide leadership development and organizational technical support to the 95 neighborhood associations?
- Bureaus should be expected to inform District Coalitions of potential actions affecting the neighborhoods as early as practicable.
- District Coalitions should be required to pass on information from the City to the Neighborhood Associations in a timely and regular manner.
- Need to consider what is the earliest point at which public and neighborhood associations should be invited to participate in pre-application process for land use proposals.