

# Council Business Meeting

September 1, 2020

<b>Agenda Item</b>	Annual Appointment to the Citizens' Budget Committee	
<b>From</b>	Melissa Huhtala	City Recorder
<b>Contact</b>	<a href="mailto:Melissa.huhtala@ashland.or.us">Melissa.huhtala@ashland.or.us</a> ; (541) 488-5307	

## **SUMMARY**

Annual appointment of two positions on the Citizens' Budget Committee with 4-year terms ending June 30, 2024.

## **POLICIES, PLANS & GOALS SUPPORTED**

N/A

## **PREVIOUS COUNCIL ACTION**

N/A

## **BACKGROUND AND ADDITIONAL INFORMATION**

Citizens' Budget Committee members Paula Hyatt and David Runkel's terms ended on June 30, 2020. Notice of these vacancies were published in the local newspaper and placed on the City website. New applications were received from Ellen Alphonso, Jim Falkenstein, Donald Holm, Paula Hyatt, Bob Kaplan, Jessica Kensinger and David Runkel.

## **SELECTION PROCESS (VOTING)**

The seven Councilmembers will consider a field of seven applicants for filling two Budget Committee vacancies.

This vote will be done via Zoom. Each Councilor will vote using the "Chat Feature" Each Councilor will write their name and the name of the person(s) they vote for. The City Recorder will tally the votes and read them allowed.

The Council could choose any one of several voting schemes (or hybrids of them) to use for making of selections: e.g., "ranked choice" voting ("instant-run-off" voting); "exhaustive ballot" voting; "first-past-the-post" ("plurality") voting; or "approval" voting. Each of these schemes has its advocates and detractors, and each scheme entails some risk of the "spoiler effect": Candidate A would be the most-preferred candidate in a two-candidate race; but in a race with three or more candidates, Candidate B wins because Candidate C receives only a few votes, some of which Candidate A would receive if Candidate C were not in the race.

In order to reduce the risk of a "spoiler effect", to minimize the possibility of "tactical voting" (voting for a candidate other than one's most-favorite candidate to try to prevent one's least-favorite candidate from winning), and to avoid the complications of possible deadlocks and a plethora of subsequent balloting, staff is proposing a hybrid system, briefly described as follows:

- Initially, each of the seven Councilmembers votes for two separate candidates.
- If two candidates get five or more votes, the two Budget Committee vacancies are filled, and nothing further is required.
- If just one candidate receives five or more votes, he or she fills the first Budget Committee vacancy, and the second Budget Committee vacancy is filled by the first of the remaining

candidates to receive four votes in subsequent balloting in which each Council member votes for just one candidate.

Somewhat complicated subsequent balloting will be necessary if no candidate initially receives the minimum required votes. A process for such subsequent balloting has been designed to achieve publicly verifiable majority decisions after each possible combination of votes. Since extensive subsequent balloting will be necessary only if the two Budget Committee vacancies do not get filled in the initial rounds of balloting, the full proposed process (involving up to seven ballots if certain tie votes occur) will be presented for consideration at the February 5 meeting only if necessary.

**FISCAL IMPACTS**

N/A

**STAFF RECOMMENDATION**

N/A

**ACTIONS, OPTIONS & POTENTIAL MOTIONS**

I move to appoint \_\_\_\_\_ and \_\_\_\_\_ to the Citizens' Budget Committee with term ending June 30, 2024.

**REFERENCES & ATTACHMENTS**

- Attachment 1: Application of Ellen Alphonso
- Attachment 2: Application of Jim Falkenstein
- Attachment 3: Application Donald Holm
- Attachment 4: Application of Paula Hyatt
- Attachment 5: Application of Bob Kaplan
- Attachment 6: Application of Jessica Kensinger
- Attachment 7: Application of David Runkel
- Attachment 8: Selection Process (Voting)
- Attachment 9: Budget Committee Reference Guide

**APPLICATION FOR APPOINTMENT TO  
CITY COMMISSION/COMMITTEE**

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email [melissa.huhtala@ashland.or.us](mailto:melissa.huhtala@ashland.or.us). If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Ellen Alphonso

Requesting to serve on: Citizen's Budget Committee (Commission/Committee)

Address 185 East Nevada St, Ashland, OR 97520

Occupation Accountant Phone: Home 404-234-5990

Work

Email ellen.alphonso@gmail.com

Fax

**1. Education Background**

What schools have you attended? Georgia Southern University, University of Iowa, Southern Oregon University

What degrees do you hold? B.S. in Communication Arts, M.F.A. Theater Arts- Design,

Post-Baccalaureate Certificate in Accounting- Public Accounting Focus

What additional training or education have you had that would apply to this position?

Over 100 hours in 5 years in continuing professional education related to governmental accounting and auditing standards.

**2. Related Experience**

What prior work experience have you had that would help you if you were appointed to this position?

In my previous position, I was on audit teams for multiple governmental entities, predominately city and county. As part of my

work experience, I performed oregon minimum standard budget testing. In my current work, I audit employee benefits

plans, so I no longer have a work conflict with volunteering for city of Ashland.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? I always think further training would be helpful. It's hard to know

what level and topic would be most important without knowing further details.



**3. Interests**

Why are you applying for this position?

I am interested in volunteering more for our local government

and this feels like an area that I can provide a level of expertise in. I'm very inspired by the grassroots efforts of national progressives.

I am additionally concerned about the sustainability of the city of Ashland and would like to support in any way I can.

**4. Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? I prefer evening meetings and could be made available

for either with advance notice for the majority of the year. October is very challenging to me based on the work that I do.

**5. Additional Information**

How long have you lived in this community?

**10 years**

Please use the space below to summarize any additional qualifications you have for this position

I'm first and foremost a mom and passionate about the local school system, as well as economic and racial justice.

8/21/2020

Date

Ellen Alphonso

Digitally signed by Ellen Alphonso  
Date: 2020.08.21 15:13:44 -07'00'

Signature



**APPLICATION FOR APPOINTMENT TO  
CITY COMMISSION/COMMITTEE**

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email [melissa.huhtala@ashland.or.us](mailto:melissa.huhtala@ashland.or.us). If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name \_\_\_\_\_

Requesting to serve on: \_\_\_\_\_ (Commission/Committee)

Address \_\_\_\_\_

Occupation \_\_\_\_\_

Phone: Home \_\_\_\_\_

Work \_\_\_\_\_

Email \_\_\_\_\_

Fax \_\_\_\_\_

**1. Education Background**

What schools have you attended? \_\_\_\_\_

What degrees do you hold? \_\_\_\_\_

\_\_\_\_\_

What additional training or education have you had that would apply to this position?

\_\_\_\_\_

\_\_\_\_\_

**2. Related Experience**

What prior work experience have you had that would help you if you were appointed to this position?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? \_\_\_\_\_

\_\_\_\_\_





# CITY OF ASHLAND

## APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email [melissa.huhtala@ashland.or.us](mailto:melissa.huhtala@ashland.or.us). If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Donald Holm

Requesting to serve on: Citizens' Budget Committee (Commission/Committee)

Address 735 Leonard Street

Occupation Semi-retired Diplomat, U.S. Foreign Service Phone: Home 541-363-6658  
Work \_\_\_\_\_  
Email holmwork10@gmail.com  
Fax \_\_\_\_\_

### 1. Education Background

What schools have you attended? Macalester College, University of Colorado

What degrees do you hold? B.A., post-graduate Studies  
in law and accounting.

What additional training or education have you had that would apply to this position?  
\_\_\_\_\_  
\_\_\_\_\_

### 2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

Managerial positions in the U.S. Foreign Service,  
including as American Consul General, and Deputy  
and Acting Ambassador.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? I have no first-hand

Knowledge of how the Ashland City government  
functions.



**3. Interests**

Why are you applying for this position?

As an Ashland resident and property owner, I would like to be involved in determining how the City's resources are spent.

**4. Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings?

No restrictions on my availability.

**5. Additional Information**

How long have you lived in this community?

Three years.

Please use the space below to summarize any additional qualifications you have for this position

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

March 16, 2020  
Date

Ronald Delun  
Signature



**APPLICATION FOR APPOINTMENT TO  
CITY COMMISSION/COMMITTEE**

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email [melissa.huhtala@ashland.or.us](mailto:melissa.huhtala@ashland.or.us). If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Paula M Hyatt

Requesting to serve on: Citizens Budget Committee (Commission/Committee)

Address 625 Van Sant Street Ashland, OR 97520

Occupation: Financial Analyst/ Account Mgr. Phone: \_\_\_\_\_  
Home: 518-253-2749 \_\_\_\_\_  
Work: \_\_\_\_\_  
Email: paulamanny@hotmail.com  
Fax \_\_\_\_\_

**1. Education Background**

What schools have you attended? The George Washington University (Graduated 2000)  
State University of New York at Albany (Graduated 2007)

What degrees do you hold? Bachelors in Business Administration and Masters in  
Business Administration

What additional training or education have you had that would apply to this position?  
Please see attached resume

**2. Related Experience**

What prior work experience have you had that would help you if you were appointed to this position?  
Please see attached resume

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? My finance education and business experience will help me contribute to the committee immediately however I always welcome educational opportunities.



# CITY OF ASHLAND

## APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email [melissa.huhtala@ashland.or.us](mailto:melissa.huhtala@ashland.or.us). If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Robert N. Kaplan (Bob)

Requesting to serve on: Citizens' Budget Committee (Commission/Committee)

Address 333 High Street, Ashland

Occupation Economist Phone: Home 202.258.5398

Work \_\_\_\_\_

Email bobk5815@gmail.com

Fax \_\_\_\_\_

### **1. Education Background**

What schools have you attended? University of North Carolina at Chapel Hill; Princeton University

What degrees do you hold? BA from UNC with major in public policy analysis and political science

Master in Public Affairs from Princeton with concentration on international development

What additional training or education have you had that would apply to this position?

"Infrastructure in a Market Economy" two-week executive seminar at Harvard's Kennedy School of Government

### **2. Related Experience**

What prior work experience have you had that would help you if you were appointed to this position?

Inter-American Foundation (2010-2017). President and CEO. This is a small independent agency of the US government.

Inter-American Development Bank (1994-2010). Several executive positions

World Bank (1988-1994). Several positions

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Always useful. While I have worked extensively to prepare

and justify budgets in the past, I am a recent arrival in Oregon and am not well-versed in the state's regulatory framework



**3. Interests**

Why are you applying for this position?

I have carefully studied Ashland's government structure and

financial model since moving here last year. The City already faced some structural challenges, and the pandemic added new stresses, which will make the next two biennial budgets more difficult. I would like to help.

**4. Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings?

I have a flexible schedule and can be available to meet during the day or evening.

**5. Additional Information**

How long have you lived in this community?

1 year

Please use the space below to summarize any additional qualifications you have for this position

As President and CEO of the Inter-American Foundation, I provided strategic direction for preparing the agency's annual budget six times. I justified our proposal through the highly structured federal budget process directed by the Office of Management and Budget and ultimately presented and defended our budget proposal to the respective appropriations committees of the US House and Senate.

Two experiences at the Inter-American Development Bank stand out. First, from about 2000-2007, I was given responsibility to build a new team of professionals to strengthen municipal governments' operations and finance in Mexico and Central America. Second, during two separate periods at the Bank (1995-1998 and 2007-2010), I served as the principal deputy to the Chief Operating Officer. In this role, I was part of a team with other senior executives to prepare management's \$500m+ annual operating budget in accordance with the Bank's strategic and business plans and present it to the board of directors.

July 31, 2020

Date

  
Signature



## **Robert N Kaplan**

333 High Street, Ashland, Oregon 97520  
Bobk5815@gmail.com/202.258.5398

Well-rounded executive with 30+ years of experience in Latin American development, from the grassroots level, to national and international policy and programs, as well as corporate realignment and organizational management. Substantive sector experience in environment, agriculture, rural development, water and sanitation, municipal development, natural disaster risk management, and education.

### **- PROFESSIONAL EXPERIENCE -**

#### **INTER-AMERICAN FOUNDATION, WASHINGTON, DC (2010 – 2017)**

##### **President and Chief Executive Officer**

Accountable to a public-private board of directors appointed by the US president, led a federal agency with a staff of 40 and an annual budget of about \$30 million dedicated to promoting and investing in citizen-led grassroots development in Latin America and the Caribbean. Set foundation's strategic vision and guided programming, evaluation, and outreach. Represented foundation to external audiences. Established and maintained relationships with wide array of public and private stakeholders and partners. Ensured effective financial and administrative controls and compliance. Responded to Congressional intent and oversight.

#### **INTER-AMERICAN DEVELOPMENT BANK, WASHINGTON, DC (1994 – 2010)**

##### **Chief Advisor to the Executive Vice-President (2007 – 2010)**

Assisted and advised EVP in all facets of his role as chief operating officer, including contributing to the development of medium- and long-term strategy and overseeing implementation of IDB's corporate realignment and business plans. Managed EVP office of six technical and support staff. Member of President's Committee, Operations Policy Committee, and Senior Management Committee.

##### **Chief, Environment and Natural Resources Management Division (1998 – 2007)**

Directed all IDB financial and technical assistance to Mexico, Central America, Dominican Republic and Haiti for agriculture and rural development, potable water and sanitation, environment, natural disaster risk management, and municipal development, working closely with government ministers and mayors and partnering with other international organizations, bilateral donors, and non-governmental organizations. Managed \$5M annual administrative budget and 30 Washington-based staff and provided sector leadership for 25 field staff to produce \$2.2B in loans (60 projects); \$30M in technical assistance grants; \$22M Global Environment Facility portfolio; \$10M Multilateral Investment Fund portfolio; 25 sector studies; and multiple thematic websites.

##### **Special Advisor, then Chief Advisor to the EVP (1994 – 1998)**

Assisted and advised EVP on key organizational management issues, including lending and technical assistance programs, budget, and human resource policies. Advised, briefed and assisted EVP on full range of strategic, programmatic and internal management issues facing IDB. Represented EVP office in staff and senior management meetings and on ad hoc task forces and working groups. Coordinated staff work of EVP office and maintained effective communication between EVP office and all IDB departments.

## **THE WORLD BANK – WASHINGTON, DC (1988 – 1994)**

### **Coordinator, Pilot Program to Conserve the Brazilian Rain Forest (1992 – 1994)**

Managed preparation and implementation of \$250M grant program for Amazon conservation and sustainable development funded by G-7 countries, EU and the Netherlands. Managed \$2M annual administrative budget and six staff, and accountable for four trust funds established to support the program. Managed donor and public relations with wide array of development and advocacy non-governmental organizations in Brazil, US, and Europe. Published quarterly newsletter in English and Portuguese. Co-authored *Conservation, Forestry and Biodiversity in BRAZIL: The Management of Agriculture, Rural Development and Natural Resources* (World Bank, 1993).

### **Operations Officer, Environment Division, Latin America Region (1990 – 1992)**

Managed negotiation of framework arrangements for the Pilot Program to Conserve the Brazilian Rain Forest. Led inter-agency mission leading up to donors' pledge meeting. Managed preparation, appraisal and approval of MEXICO – Environmental Project (\$50M loan from WB, \$30M grant from Global Environment Facility) to strengthen regulatory and enforcement capacity and management of protected ecological areas. Supervised BRAZIL – National Environmental Program (\$116M). Coordinated environmental review for projects in Brazil, Peru, and Venezuela.

### **Operations Officer, Population and Human Resources Operations Division, Brazil Department (1988 – 1990)**

Supervised two education projects (\$112M): primary education in the Amazon states, and national science and technology program. Member of teams preparing and appraising three education projects (\$600M): primary education in state of Sao Paulo and nine states in north-east Brazil. Co-authored *Social Expenditures: Structure and Policies in BRAZIL: Economic Stabilization and Structural Reforms* (WB Country Economic Memorandum, 1991). Coordinated research program and workshop on education, economic growth and inequality in Brazil (subsequently published as *Opportunity Foregone: Education in Brazil*, edited by Nancy Birdsall and Richard Sabot, 1996). Co-authored chapter on *The Quality of Schooling and Labor Market Outcomes*.

---

## **- OTHER EXPERIENCE -**

**Vagabond (2017-present)** -- Lived on the road and slept under the stars for eight months in wild places in the western US, then traveled extensively in Argentina, Peru, Spain, UK, Italy, and New Zealand before settling in Ashland, Oregon in 2019. Now living in a house again and deeply immersed in local volunteer activities. Always learning and asking lots of questions.

**CARE, New York (1987 – 1988)** -- Consultant on program evaluation

**Independent Consultant – Asuncion, Paraguay (1986)**

**United States' Peace Corps – Paraguay (1983 – 1985)** - Rural water and sanitation

---

## **- EDUCATION -**

Master in Public Affairs. Princeton University, 1988

B.A. in Public Policy Analysis and Political Science. UNC-Chapel Hill, 1983. Phi Beta Kappa.

## **- LANGUAGES -**

Fluent Spanish and Portuguese, passable Guarani, rudimentary French and Italian

July 2020

# CITY OF ASHLAND

## APPLICATION FOR APPOINTMENT TO CITY COMMISSION/COMMITTEE

Please type or print answers to the following questions and submit to the City Recorder at City Hall, 20 E Main Street, or email [melissa.huhtala@ashland.or.us](mailto:melissa.huhtala@ashland.or.us). If you have any questions, please feel free to contact the City Recorder at 488-5307. **Attach additional sheets if necessary.**

Name Jessica Kensingler

Requesting to serve on: Citizens Budget (Commission/Committee)

Address 130 Orange Ave

Occupation Grad Student Phone: Home 541.661.6030

Work \_\_\_\_\_

Email jessicaKensingler@gmail.com

Fax \_\_\_\_\_

### 1. Education Background

What schools have you attended? USC & UNLV

What degrees do you hold? BA Gender Studies USC

What additional training or education have you had that would apply to this position?

30 credits MSW @ UNLV

### 2. Related Experience

What prior work experience have you had that would help you if you were appointed to this position?

- General volunteer recruitment
- Director of Promotions & Concierge Services
- Managing Partner 20% Eminentia Luxury Services
- 2007 \$1,000,000 budget 1st year.

Do you feel it would be advantageous for you to have further training in this field, such as attending conferences or seminars? Why? Yes.









**3. Interests**

Why are you applying for this position? \_\_\_\_\_

*see Attached*

**4. Availability**

Are you available to attend special meetings, in addition to the regularly scheduled meetings? Do you prefer day or evening meetings? \_\_\_\_\_

*yes - Available*

**5. Additional Information**

How long have you lived in this community? *19 years* \_\_\_\_\_

Please use the space below to summarize any additional qualifications you have for this position

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*8/17/20*  
Date

*Dore R. Reed*  
Signature



*This replaces application filed earlier this year, but apparently lost or discarded.*

After considerable thought and consultations with friends, I'm applying for reappointment to the Citizens Budget Committee to provide experience and continuity to the city's budgeting process. Ordinarily, I would not be seeking another term, but I've been convinced that with a city manager who may or may not have Ashland experience, a new Finance Director, a new mayor and new members of the City Council having an "old hand" on board could be valuable to the city.

I never expected to seek to step into the role (or try to fill the seat) of the late Marty Levine, whose many years of unmatched service on the Budget Committee provided the city with valuable background and knowledge of city budgeting.

Thank you for your consideration.

## SELECTION PROCESS (VOTING)

The seven Councilmembers will consider a field of seven applicants for filling two Budget Committee vacancies. The Council could choose any one of several voting schemes (or hybrids of them) to use for making of selections: e.g., “ranked choice” voting (“instant-run-off” voting); “exhaustive ballot” voting; “first-past-the-post” (“plurality”) voting; or “approval” voting. Each of these schemes has its advocates and detractors, and each scheme entails some risk of the “spoiler effect”: Candidate A would be the most-preferred candidate in a two-candidate race; but in a race with three or more candidates, Candidate B wins because Candidate C receives only a few votes, some of which Candidate A would receive if Candidate C were not in the race.

In order to reduce the risk of a “spoiler effect”, to minimize the possibility of “tactical voting” (voting for a candidate other than one’s most-favorite candidate to try to prevent one’s least-favorite candidate from winning), and to avoid the complications of possible deadlocks and a plethora of subsequent balloting, staff is proposing a hybrid system, briefly described as follows:

- Initially, each of the seven Councilmembers votes for two separate candidates.
- If two candidates get five or more votes, the two Budget Committee vacancies are filled, and nothing further is required.
- If just one candidate receives five or more votes, he or she fills the first Budget Committee vacancy, and the second Budget Committee vacancy is filled by the first of the remaining candidates to receive four votes in subsequent balloting in which each Councilmember votes for just one candidate.

Somewhat complicated subsequent balloting will be necessary if no candidate initially receives the minimum required votes. A process for such subsequent balloting has been designed to achieve publicly verifiable majority decisions after each possible combination of votes. Since extensive subsequent balloting will be necessary only if the two Budget Committee vacancies do not get filled in the initial rounds of balloting, the full proposed process (involving up to seven ballots if certain tie votes occur) will be presented for consideration at the February 5 meeting only if necessary.



**CITIZENS'**  
BUDGET COMMITTEE

**TRAINING &  
REFERENCE  
GUIDE**

**2019-  
2021**

# LEGAL FRAMEWORK

Below is a series of questions and responses prompted by discussions among budget committee members in the first half of 2017 and among members of the Budget Process Ad Hoc Committee in the second half of 2017.

## 1. What are the purposes of Oregon's Local Budget Law?

### Response

- To establish standard procedures for the preparation, presentation, administration and appraisal of budgets of municipal corporations. ORS 294.321 (1).
- To provide for a brief description of the programs of a municipal corporation and the fiscal policy which is to accomplish these programs. ORS 294.321(2).
- To provide for estimation of revenues, expenditures and proposed taxes. ORS 294.321(3).
- To provide specific methods for obtaining public views in the preparation of fiscal policy. ORS 294.321(4).
- To provide for the control of revenues and expenditure for the promotion of efficiency and economy in the expenditure of public funds. ORS 294.321(5).
- To enable the public, taxpayers and investors to be appraised of the financial policies and administration of the municipal corporation in which they are interested. ORS 294.321(6).

## 2. Which budget-related tasks and powers are assigned to the budget committee?

### Responses

- a. Explicit assignments and authority
  - i. Electing a chair and other officers, receiving the budget message, hearing patrons, setting dates for future meetings, and adopting rules of order. *Local Budgeting in Oregon*, p. 10
  - ii. Holding at least one public meeting on the budget presented by the Budget Officer and taking public comments on it. ORS 294.428.
  - iii. Asking questions of staff and requesting additional information the budget committee "requires for the revision and preparation of the budget document." ORS 294.428(3).
  - iv. Compelling the attendance of any City officer or employee at budget committee meetings. *Id.*
  - v. Reducing or increasing estimates of resource and requirements in the budget presented by the Budget Officer. *Local Budgeting Manual*, p. 45.
  - vi. Adding or deleting funding for specific services. *Local Budgeting in Oregon*, p. 11.
  - vii. Approving the budget presented by the Budget Officer, with additions or deletions. *Local Budgeting Manual*, p. 15.
- b. Implicit assignments and authority
  - i. "The budget committee is a local government's fiscal planning advisory committee." *Local Budgeting Manual*, p. 44. It is the "fiscal planning board of a local government." *Local Budgeting in Oregon*, p. 13.
  - ii. Individual budget committee members may ask questions of staff between committee meetings. *Local Budgeting in Oregon*, p. 11.
  - iii. The two-year portion of the Capital Improvements Plan included in the budget document is one of the elements of the budget the budget committee approves and forwards to the Council for consideration and final decision-making.
- c. Explicit or implicit proscriptions

- i. The budget committee may not take any action without an affirmative vote of a majority of the total budget committee membership (a majority of those voting does not suffice). *Local Budgeting in Oregon*, p. 11; OAR 150-294-0450.
- ii. “Generally, the budget committee’s role is not to directly establish or eliminate specific programs or services.” *Local Budgeting in Oregon*, p. 11.
- iii. “Budget committee influence on programs and services is most often exerted at a higher level, when it approves the overall budget and establishes the tax levy.” *Id.*
- iv. “The budget committee does not approve new personnel, employee contracts or salary schedules, nor does it negotiate salary contracts.” *Id.*
- v. “Committee members may not discuss or deliberate on the budget outside of a public meeting.” *Local Budget Manual*, p. 45.
- vi. The budget committee may not “discuss specifics of the ensuing year’s budget at... Informal meetings until the notice requirements of the first budget committee meeting have been satisfied.” *Id.*
- vii. Requests to staff for information beyond that required for revision and preparation of the budget document are inappropriate. ORS 294.428(3). See #6 below.

### 3. Which budget-related tasks and powers are assigned exclusively to the City Council?

#### Responses

##### a. Explicit assignments and authority

- i. Final decision-making on all City policies and the use of City resources. AMC 2.10.090. The Council is the authorized City policy-making body, elected to establish the overall direction and priorities for City government, and is the body solely subject to voter disapproval if unacceptable decisions are made and subject to potential legal action for breach of fiduciary duty.
- ii. Appointing the Budget Officer. ORS 294.331.
- iii. Establishing “standards and budget parameters” to be given to the Budget Officer to serve as “guidelines for budget development.” *Local Budgeting in Oregon*, p. 11.
- iv. Setting meeting agendas:
  1. Set by Budget Officer, who is under the City’s Executive Officer. ORS 294.331.
- v. Adoption of final budget, after public hearing and deliberation on the budget document approved by the budget committee. ORS 294.453-456.
- vi. Adoption of a supplemental budget in certain circumstances. ORS 294.471-473.
- vii. Transferring appropriations between funds when authorized by ordinance or making inter-fund loans. ORS 294.463 and .468.

##### b. Implicit assignments and authority

- i. Any duties or authority not expressly assigned to the budget committee.
- ii. Deciding whether to invite appointed budget committee members to participate in the Council’s budget hearing. *Local Budgeting Manual*, p. 55.
- iii. Deciding whether to reconvene the budget committee in the Off-Season. *Id.* at p. 45.
- iv. Establishing the 6-year Capital Improvement Plan

## 4. What is the role of the Budget Officer and staff?

### Responses

- a. The budget officer, or the person or department designated by charter and acting as budget officer, shall prepare or supervise the preparation of the budget document. The budget officer shall act under the direction of the executive officer of the municipal corporation, or where no executive officer exists, under the direction of the governing body. ORS 294.331.
- b. Preparation of the budget document consistent with the requirements and definitions of ORS 294.333-398.
- c. Submittal of the budget message, which, according to ORS 294.321, must:
  - a. Explain the budget document;
  - b. (Contain a brief description of the proposed financial policies of the municipal corporation for the ensuing year or ensuing budget period;
  - c. Describe in connection with the financial policies of the municipal corporation, the important features of the budget document;
  - d. Set forth the reason for salient changes from the previous year or budget period in appropriation and revenue items;
  - e. Explain the major changes in financial policy; and
  - f. Set forth any change contemplated in the municipal corporation's basis of accounting and explain the reasons for the change and the effect of the change on the operations of the municipal corporation.

## 5. Do budget committee members have a legally enforceable obligation to act in the best interests of Ashland citizens (fiduciary duty)?

**Response** No

### Points and Authorities

- a. Budget committee members are to *approve* a budget (recommend a budget to the City Council), which the City Council can then *adopt* with or without revisions. It is therefore only the City Council members who make final decisions and who conceivably could be held liable for improper expenditures authorized in an adopted budget.

## 6. Do individual budget committee members have unlimited authority to compel production of information?

**Response** No

### Points and Authorities

- a. The budget committee may not take any action without an affirmative vote of at least eight members (a majority of those voting does not suffice). *Local Budgeting in Oregon*, p. 11; OAR 150-294-0450.
- b. Information the budget committee “requires for the revision and preparation of the budget document” are appropriate (ORS 294.428(3)), and the public hearing on the budget is to afford “an opportunity to ask questions about and comment on the budget document (ORS 294.426(1)(b)) [Emphasis added]. Questions or comments on topics other than the budget document could be ruled out of order for lack of relevance.
- c. Individual budget committee members may ask questions of staff between committee meetings.
  - i. “It could be very helpful and a courtesy to other budget committee members if inquiries are not restricted to committee meetings. Checking with the administrator and/or budget officer between meetings allows members to explore budget items of interest in greater detail than might be practical during committee meetings. Questioning also assists the administration/budget officer by giving an indication of concerns, making it possible to highlight issues that may be of interest to the entire budget committee.” *Local budgeting in Oregon*, P. 11.

## 7. Must the budget document's estimates of expenditures for personal services include classification, salary and FTE for each position?

**Response** No

### Points and Authorities

- a. "Estimates of expenditures for personnel services must include for each organizational unit or activity the total budgeted cost of all officers and employees and the number of related full-time equivalent positions. Upon request, a municipal corporation shall make available the current salary of each officer and employee, other than persons who receive an hourly wage or who are hired on a part-time basis. For the purpose of preparing a list of salaries, employees of like classification and salary range may be listed by the number of employees, the highest and lowest salaries and the total amount of all salaries, in each salary range." ORS 294.388(5) [Emphasis added].

## 8. Does Oregon's Local Budget Law assign to the budget committee any duties or powers to take official actions during the 20 to 21 month period between City Council adoption of one biennium's budget and the budget committee's first meeting on the budget document for the ensuing biennium ("Off-Season")?

**Response** No

### Points and Authorities

- a. Oregon statutes ascribe roles to the budget committee solely for the 3 to 4 month period between the budget committee's first meeting on the budget document for the upcoming biennium and City Council adoption of the budget for that biennium ("Budgeting Season"): "Once the budget committee has approved the budget, it has completed all of the duties required of it by Local Budget Law." *Local Budgeting Manual*, p. 46.
- b. Only the Council has statutory authority to take official actions in the Off-Season with respect to the budget (such as, adoption of a supplemental budget, transfers of appropriations, or post-budget-adoption local option taxes) ORS 294.463-.476. The budget committee is not mentioned in these statutory provisions concerning Off-Season official budgetary actions.
- c. "[S]ome local governments have a policy of including the budget committee in other parts of the process, such as adopting a supplemental budget. These are local policy decisions that are up to the discretion of the governing body." *Local Budgeting Manual*, p. 46.
- d. Only the Council has the authority to convene an Off-Season budget committee meeting and determine its purpose: *Local Budgeting Manual* says at page 45, "The budget committee may meet from time to time throughout the year at the governing body's discretion for purposes such as training; "*Local Budgeting in Oregon*, at page 11, says "The budget committee may be reconvened by the governing body at a later date [after budget adoption] in the event the financial conditions in the district change. A meeting for this reason is called at the discretion of the governing body and is not a requirement of the local budget law." (Emphasis added in each excerpt)
- e. *Local Budgeting Manual* addresses Off-Season meeting topics: (1) At page 15, it says, "The budget committee is allowed to meet for training and advisory reviews throughout the year, but the budget may not be deliberated before the first meeting for which notice is published." At page 45, the *Manual* says, "Take care not to discuss specifics of the ensuing year's budget at these informal meetings until the notice requirements of the first budget committee meeting have been satisfied."

## 9. During Off-Season, may a quorum of the budget committee members meet and discuss budget matters?

**Response** Yes, as long as the gathering is a properly noticed public meeting convened by the Council and as long as the discussion is not about the specifics of the budget for the ensuing biennium. See #14 below.

### Points and Authorities

- a. The Council has exclusive authority to convene an Off-Season budget committee meeting. See #8.b., c. and d. above.
- b. The meeting may not be about the specifics of the budget for the ensuing biennium. See #8.e. above

## 10. During Off-Season, may the person who chaired the budget committee during the preceding Budgeting Season convene a budget committee meeting?

**Response** No, because the Council has exclusive authority to convene a budget committee meeting during the Off-Season.

### Points and Authorities

#### Points and Authorities:

- a. The Council has exclusive authority to convene an Off-Season budget committee meeting. See #8.b., c. and d. above.
- b. Because the budget committee has no capacity to take any official action in the Off-Season (see #8.a. and b. above), the chair of the budget committee has no authority to take any official action.
- c. Oregon statutes direct that selection of a budget committee chair is to occur at the first meeting of the budget committee for any particular Budgeting Season, which can only occur when it first receives the budget document for the ensuing biennium. ORS 294.414(9) and 294.426(1)(a). As there is no statutory provision governing Off-Season replacement of a budget committee chair who has resigned or whose term has lapsed during the Off-Season, those statutory provisions suggest that chairmanship of the budget committee for any particular Budget Season terminates once that season is over.
- d. ORS 294.428(1) says, "In addition to the meetings held under ORS 294.426(1) [which prescribes the requirements for meetings held for receiving the budget and providing opportunities for public questions and comments on the budget document], the budget committee may meet from time to time at its discretion." This is in a section titled "Budget Committee Hearings; Approval of the Budget Document." That section addresses only meetings concerning approval of the budget document; it is not a grant of general discretion to the budget committee to convene meetings at any time. If it were a grant of general discretion to convene meetings, there would be no need for the strictures in ORS 294.426 or the statements in the Local Budgeting Manual and Local Budgeting in Oregon that meetings of the budget committee in the Off-Season are at the discretion of the governing body. See #8.c. and d. above.

## 11. During Budgeting Season, may the appointed budget committee members meet on their own for the purpose of discussing the budget?

**Response** No

### Points and Authorities

- a. "The budget committee members cannot get together in person, by telephone, or email before the advertised meeting to discuss the budget. All budget discussions must be held at public meetings." *Local Budgeting in Oregon*, p. 2.
- b. "Committee members may not discuss or deliberate on the budget outside of a public meeting." *Local Budgeting Manual*, p. 45. "
- c. "A gathering of less than a quorum of the committee, subcommittee, advisory group or other governing body is not a 'meeting' under the Public Meetings Law. However, while a gathering of less than a quorum is not a 'meeting,' members of the governing body should not gather as a group or groups composed of less than a quorum for the purpose of conducting business outside the Public Meetings Law. Such a gathering creates the appearance of impropriety, and runs contrary to the policy of the Public Meetings Law, which supports keeping the public informed of the deliberations of governing bodies." *Oregon Attorney General's Public Meetings Manual*, p. 304.

- d. If those gathering at such a meeting were to constitute a quorum of the budget committee, the meeting would have to be open to the public. ORS 294.428(2). But since the 7 appointed budget committee members would not constitute a quorum, the only allowable official action at such a gathering would be approval of a motion to adjourn.

**12. During Off-Season, may less than a quorum of the budget committee gather on their own for the purpose of discussing budget matters (other than budget specifics for the budget for the ensuing biennium)?**

**Responses**

- (1) Yes, if the less-than-a-quorum members of the budget committee constitute a public body (for example, the group is the Council itself or has been appointed by the Council to be a subcommittee or separate advisory group) and the gathering meets public meeting requirements, including public notice; (2) No, if the purpose is to discuss specifics of the budget for the ensuing biennium; but otherwise such gathering of less than a quorum of budget committee members is permissible.

**Points and Authorities for Response #2 to Question 12:**

- a. While the Oregon Attorney General generally advises against such gatherings (see 11.b. above), the policy of keeping the public informed of the deliberations of governing bodies would not be violated by a gathering of less-than-a-quorum of public body that has no authority or power in the Off-Season to take any official action. Analogy: The Ashland Building Board of Appeals exists to comply with state statute and is activated only when official action is called for. During the time this board is deactivated status (has no duties to perform), no one could reasonably perceive discussions of less than a quorum of its members as deliberations of a public body.
- b. “Committee members may not discuss or deliberate on the budget outside of a public meeting.” *Local Budgeting Manual*, p. 45. It is debatable whether this proscription applies even to Off-Season discussions: Such a discussion among less than a quorum of budget committee members in Off-Season surely would be a protected exercise of the First Amendment freedom of association, unless it strayed into deliberations on specifics of the ensuing biennium’s budget document not yet formulated by staff.

**13. During either Budget Committee Season or the Off-Season, at meetings of the City Council, are Councilmembers limited as to budget issues that can be discussed? (More pointedly, do the limitations on less-than-a-quorum budget committee members’ budget discussions, as described in Questions 9 and 12 above, also apply to the elected budget committee members, that is to Council members?)**

**Response No**

**Points and Authorities**

- a. “Standards and budget parameters established by the governing body give the budget officer and administrative staff general guidelines for budget development.” *Local Budgeting in Oregon*, p. 11. The budget officer needs to know what policy initiatives having fiscal impacts the Council is likely to undertake in the next biennium – which can only be determined after Council discussion of priorities among potential initiatives.
- b. The budget committee has no statutory or Charter-established role in formulation of the budget or in overseeing adherence to it or revisions to it after its initial adoption. See 1.a.–e. above. Councilmembers, in contrast, would be derelict if they did not oversee adherence to the current biennium’s budget or if they stopped developing policies and

## 14. What topics of discussion are appropriate for budget committee discussion during the Off-Season?

### Responses

- a. Appropriate topics (per Oregon Department of Revenue)
  - i. Training on the budget committee process, calendar, expectations for committee members, etc.
  - ii. Committee members' preferences for ground rules, rules of order, conduct of meetings, voting/reaching consensus, fact-finding process, etc.
  - iii. Orientation on the organization and its various departments, programs, staffing, etc., and on the activities or services provided by each.
  - iv. General discussion of vision and goals, spending priorities, or philosophy on how to allocate scarce resources or make trade-off decisions as to which programs get funded and which don't.
  - v. General economic projections by the finance officer of possible changes in resources or requirements expected next year.
  - vi. Any and all discussion of the current year budget or prior year budget, including what, in general, might be done differently next year.
- b. Inappropriate topics (per Oregon Department of Revenue)
  - i. Specific estimates or appropriation amounts associated with any fund or line item, resource or requirements.
  - ii. The question of whether to fund specific programs or expenditures.
  - iii. The question of whether to impose any tax levy, or the amount of any levy.

## 15. For purposes of having common vocabulary for discussing the role of the budget committee, what would be a clear working definition of "Budget Committee Season"?

### Response

"Budget Committee Season" means the period of time when the budget committee has authority under state law to take official action. This period begins at the first meeting of the budget committee, which can only occur when the committee sitting en banc first receives from the Budget Officer the budget document for the ensuing biennium - typically in April or May of the second year of any biennium - and the date the City Council adopts the final budget for that biennium. Between one Budget Committee Season and the next ("Off-Season"), only the City Council has statutory authority to take official actions with respect to the budget or to convene the budget committee for any purpose.

### Points and Authorities

- a. See #8.a, b., and d. above

## 16. For purposes of having common vocabulary for discussing the role of the budget committee, what would be a clear working definition of "Budget Committee Season"?

### Responses

"A Public meeting of the Budget Committee" means a gathering of a quorum of the budget committee membership at which discussion of City budget matters is intended to or is likely to occur.

### Points and Authorities

- a. "The Public Meetings Law applies to all meetings of a quorum of a governing body for which a quorum is required in order to make a decision or to deliberate towards a decision on any matter." *Oregon Attorney General's Public Meetings Manual*, p.122.
- b. "The *purpose* of the meeting triggers the requirements of the law....[A] purpose to deliberate on any matter of official policy or administration may arise [even] *during* a social gathering and lead to a violation. Members constituting a quorum must avoid any discussions of official business during such a gathering." *Id.*, at 123 (italics in original)

- c. “Even if a meeting is for the sole purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, the meetings law will apply.” 38 Op Atty Gen 1471, 1474 (1977); *Oregonian Publishing Co. v. Board of Parole*, 95 Or. App 501, 506 (1989).
- d. See also Questions 11 and 12 above.

## **16. For purposes of providing budget committee members relevant information and having commonly understood procedures, what would be a clear protocol for individual budget committee members to utilize in seeking from staff information related to the City Budget?**

### **Responses**

- a. Rationale for adopting such a protocol:
  - i. Minimization of misunderstandings.
  - ii. “It could be very helpful and a courtesy to other budget committee members if inquiries are not restricted to committee meetings. Checking with the administrator and/or budget officer between meetings allows members to explore budget items of interest in greater detail than might be practical during committee meetings. Questioning also assists the administration/ budget officer by giving an indication of concerns, making it possible to highlight issues that may be of interest to the entire budget committee.” *Local Budgeting in Oregon*, p. 11.
- b. Requests for information during Budget Committee Season:
  - i. Scope of topics: Information required for revision and preparation of the budget document. ORS 294.428(3).
  - ii. Sequence
    - 1. Budget committee member makes written request to Budget Officer/Department Director for information within the scope of topics described in b.i above.
    - 2. Budget Officer/Department Director notifies City Administrator of request.
    - 3. Budget Officer/Department Director and City Administrator preliminarily determine (1) whether scope is appropriate and (2) whether response will require less than 2 hours of staff time.
      - a. If both preliminary determinations are affirmative, Budget Officer/Department Director arranges to have response prepared and delivered to requester and the other budget committee members.
      - b. If either of the two preliminary determinations is negative, City Administrator notifies Chair, asking for a decision on whether to comply with request. Then ...
        - i. If decision can wait until upcoming meeting of Budget Committee, Chair should include it on the agenda for the upcoming meeting and the determination should be made by majority vote of the Budget Committee; or
        - ii. If decision cannot wait until upcoming meeting of Budget Committee, Chair should make the determination on whether to comply with request.

**c. Requests for information during Off-Season:**

**i. Scope of topics:**

- 1. Topics related to fiscal planning, excluding any specifics about the ensuing biennium budget.**
- 2. See #14 above.**

**ii. Sequence**

- 1. Budget committee member makes written request to City Administrator for information within the scope of topics described in c.i above.**
- 2. City Administrator preliminarily determines (1) whether scope is appropriate and (2) whether, in light of other current priorities, responding to request warrants required staff time.**
  - a. If both preliminary determinations are affirmative, City Administrator arranges to have response prepared and delivered to requester and sent to the other budget committee members.**
  - b. If either of the two preliminary determinations is negative, City Administrator notifies Mayor, asking for a decision on whether to comply with request. Then ...**
    - i. If decision can wait until upcoming meeting of City Council, Mayor should include it on the agenda for the upcoming meeting and the determination should be made by majority vote of the City Council.**
    - ii. If decision cannot wait until upcoming meeting of City Council, Mayor should make the determination on whether to comply with request**