



Citizens' Initiative Review Commission  
Commission Meeting



3:00 p.m., Monday, August 8, 2016  
College of Urban & Public Affairs  
Portland State University  
506 S.W. Mill St., Room 710  
Portland, OR 97201

Commissioners Present

Ernie Estes  
Bob Russell  
Melanee Ellis  
Kay Ogden  
Molly Keating  
Robin Harkless

Commissioners Absent

Debby Southworth  
John Rakowitz

Staff

Sarah Giles, Administrative Coordinator  
Roslyn Owen, Financial Coordinator

Public

Jessie Conover  
Courtney Graham  
Pat McCormick  
Rebecca Tweed

**Call to order**

Commission Chair Ernie Estes began the meeting at approximately 3pm. Melanee Ellis, a former citizen panelist from 2014 who had been appointed by Governor Brown to fill the remainder of Daniel Esqueda's term, introduced herself.

**Approval of minutes from July 14 CIRC Commission meeting**

Estes asked if there were any corrections to the minutes. None were given. Bob Russell moved to approved the minutes. Molly Keating seconded the motion. All commissioners voted to approve the minutes as drafted.

**Contracts for 2016 CIR**

Estes asked staff to update the Commission on contracts for the 2016 Citizens' Initiative Review (CIR). Administrative Coordinator Sarah Giles shared that the Commission had executed a contract with Healthy Democracy (HD) to manage the CIR and with two moderators, Mike Schnee and Mary Forst, to facilitate the CIR.

## **Independent Expert Selection for 2016 CIR**

Commission Vice Chair Robin Harkless described the Commission's objectives in selecting independent experts for the CIR. This was a new design feature for the Oregon CIR. It was piloted by HD in Arizona in 2014 with good success and was a result of the research done evaluating the process in Oregon and other states. The goal was to bring in more information to the panelists from a group of independent experts that could provide general information about the issues and the measure separate from campaigns for or against a measure. Harkless noted that the intention wasn't to find "neutral" experts, because anyone who is an expert has an opinion; rather, what distinguishes these experts is that they don't have any affiliation with a campaign or advocate team. The Commission's objective was to select the panelists that will bring the best sources of information or expertise to the panelists to make informed deliberations and conclusions that are then shared with the voters.

A sub-committee of Commissioners (Estes, Harkless, Russell, Debby Southworth, and John Racowitz) met prior to create a list of potential independent experts for recommendation to the whole Commission. The sub-committee suggested one panel over a 2 hour period with a break and also recommended inviting individuals from the state's Legislative Revenue Office, Legislative Fiscal Office, the State Economist, and an economist and / or law professor from a university. The sub-committee tasked Giles with reaching out to suggested experts to gauge availability and ability to participate. Giles noted that a couple of the potential academics the sub-committee was interested in were unable to attend due to schedule conflicts and one had done work on behalf of one of the campaigns.

Jessie Conover from HD clarified that the process includes time for two different types of experts: background would be given by one person and a panel (or two panels) of 3-4 people would respond only to questions posed by the citizens' panel. The background portion isn't intended to touch on the content of a measure but rather the topic.

Commissioners discussed the purpose and intention of a background presentation. Conover said there would be a time limitation of 15 minutes as well as material limitations. The presenter would be able to show a PowerPoint and provide a 3,000 character brief summary, which would also include citations. Russell motioned that the Commission approve the sub-committee's recommendation of state Legislative Revenue Officer Paul Warner as the independent expert providing a background presentation that could include the following: a brief overview of the basic elements of state taxation, which elements Oregon uses, and what the various kinds of gross receipts taxes are as well as a reference to the Legislative Revenue Office's report on Measure 97. Melanee Ellis seconded the motion. Keating stated that she wanted that to be seen as guidance to the background presenter and not what the Commission is voting on. Russell, Ellis, Ogden, Estes, and Harkless voted to invite Warner to present the background information to the CIR. Keating abstained. Harkless said that she wanted the record to show that she supported language inviting Warner that explained he would be providing background information on a complex issue but steering clear of the particular measure.

Commissioners also discussed any overlap in expertise that other suggested individuals might have and whether to aim for a panel of 3 independent experts to answer questions citizen panelists might have. Ogden suggested having one or two alternatives in the event that the one or two of the 3 selected independent experts may be unable to participate.

### **Public Comment Period**

Commissioners invited any members of the public present to provide comment ahead of a vote. Courtney Graham from Our Oregon presented a list of suggested experts, which included Senators Richard Devlin and Nancy Nathanson, Bruce Goldberg, Colt Gill, Jerry Cohen, Toya Flick, and Tim Nesbitt. She would provide the list to Sarah for Commissioners. She also noted concern about the Commission's directions to Paul Warner to provide a link to the LRO's report on Measure 97.

No other public comments were submitted.

### **Selection of Independent Experts for Q and A panel**

Russell motioned to approve inviting Ken Rocco (Legislative Fiscal Office), Mark McMullen (State Economist), Roberta Mann (University of Oregon law professor) with Chris Allanach (Legislative Revenue Office) and Jon Rork (Reed College economics professor) as alternates. Keating seconded the nomination. All commissioners voted to approve the motion.

**Staff recommendation on question for legal advice on recording CIR**

As the Commission had directed staff to draft a question to legal counsel on audio or video recording the CIR, Giles presented draft language. Commissioners decided that they did not want to pursue legal counsel but that they would leave it to the team managing the CIR process to ensure that citizen panelists are not disrupted or their work impeded by any recording.

**Other Business**

Estes reminded Commissioners to attend any part of the upcoming CIR and that in attending they would be doing so in their roles as members of the Commission.

Estes adjourned the meeting at approximately 4:45pm.

DRAFT