

# **PORTLAND CHARTER COMMISSION**

## **MINUTES of JULY 2, 2009**

The scheduled meeting of the Portland Review Charter Commission was called to order at 7 p.m., with all Commissioners present. Also present were Gary C. Wood, City Corporation Counsel; Elizabeth Boynton, Esq., Counsel to the Commission; Ellen Sanborn, City Finance Director, and Dan Boutilier, City MIS Manager.

Agenda Item #1. The Chair called the meeting to order followed by general discussion on using facilitated discussions to try to reach general agreement before moving to formal motions and amendments. Consensus was reached on the Ground Rules outlined in Attachment #1 to the Agenda (Worksheet dated July 2, 2009; Item #1). (Copies of agenda and worksheets attached). The issue of whether some items might require 2 readings was raised as well as the issue of proxy voting or telephone participation by members. These issues will be on the agenda for the next meeting.

Agenda Item #2. Motion to pass the minutes of 6/18/09 (Ranaghan); seconded by Cohen; passed unanimously.

Agenda Item #3. Draft rules were distributed. Commission discussion followed about when to ask for public comment and at what point in consideration of an item comment should be taken. Consensus was reached that public comment should be allowed prior to any item which was going to have a formal vote by the Commission.

Motion was made to adopt the draft Rules from Counsel (O'Brien) and seconded (Valleau). The proposed rules were opened to public comment. Two members of the public spoke and pointed out the inconsistency between Rule 1 (waiver) and Rule 2 (requiring 7 affirmative votes to pass an item). Both agreed that Commission procedures/management are up to the Commission and one stated that public comment should be allowed at the end of all meetings regardless of time of conclusion of the meeting.

Motion to amend the Draft Rules by adding "at that meeting" in Rules 5 and 6 (Smith); second by Valleau. Passed unanimously.

Motion to amend Rule 1 to read as follows: "These Rules shall govern the proceedings of the Commission. In all cases where Commission proceedings are not governed by these Rules, Robert's Rules shall be followed" (Cohen), second by Spritz. Passed unanimously.

There was a brief discussion about whether to require a supermajority for items which are to go on the ballot. Held for later discussion.

Motion to amend line 4 of Rule 5 to allow public comment at the beginning of the meetings for up to 15 minutes (3 minutes per speaker) on any agenda items (O'Brien); second by Mermin; amendment passed 11 – 1 (Plumb)

Motion to amend Rule 1 by adding “except for Rule 2” (Valleau); seconded by Cohen. Passed 10-2 (Ranaghan; Chipman).

Rules, as amended, passed unanimously.

Agenda Item #4. Discussion regarding availability of Legal Counsel to the Commission, who would also be responsible for producing minutes. Discussion on availability of web assistance from the City. Ellen Sanborn stated that the City could not provide interactive dialogue with the public and had no staff to monitor the same, but could receive e-mails on the website from the public and provide these e-mails to the Commission for review electronically or in a printout. She cannot set up a facebook page for the Commission through the City server.

Discussion followed by Commissioners:

- \*would like ability to have dialogue with the public (Counsel reminded Commission of the difficulty of doing this without ending up having a “meeting” under the Freedom of Access law);
- \*would like to get copies electronically of the e-mails;
- \*asked about the Commission’s budget
- \*do not want printouts of e-mails
- \*would like to get as much public input as possible; message board; facebook page; twitter page;
- \*do we want a back and forth dialogue with the public?
- \*list serve; and
- \*issue of on-line anonymity.

Commissioner Gooch stated that there is \$20,000 available for legal support, with another \$5000 for other support. This is from the contractual services line in the Legal budget. Other staff support might be available from the following:

- \*Muskie School through Bill Foster (intern for a \$2000/semester stipend);
- \*Greater Portland Council of Governments

Availability of live broadcasting of meetings:

- \*through CTN at some cost (there is \$5000 available from City to tape City events);
- \*through Time Warner Cable in Council Chambers (cost unknown); and
- \*through the Media Center at PATHS (Peter Feeney)

Commissioners Gooch and Mermin agreed to work with Ellen Sanborn, Dan Boutilier and Elizabeth Boynton on technological methods of collecting and sharing information as well as televising the meetings.

Agenda Item #5. A lengthy discussion followed with brainstorming around what the what the problems are to be addressed and what the issues are to be addressed. A copy of those problems and issues is attached.

Agenda Item #6. Discussion of plan for July 16, 2009, public hearing. Issues raised:

- \*location (move to Council Chambers instead of 209)
- \*format:

- i. Short summary explanation for public of what a charter is
- ii. Traditional hearing vs. small groups or other non-traditional format;
- iii. Question of virtual hearing; and
- iv. How to publicize to maximize public participation.

Public comment followed. One member of the public asked if there were any other statutorily mandated hearings (Counsel responded no); urged opportunity to submit written comments at or after the hearing; noted that you could not break up into small groups in Room 209. A second member of the public agreed with those comments.

Commission consensus reached on the following overall plan:

- \*move to Council Chambers from 209;
- \*Traditional microphone process to be used for this first hearing;
- \*preliminary educational piece at beginning, including a handout
  - i. What is a charter; what is process and timeline; what has happened so far
  - ii. Layout plans for public input over next 8-12 months
  - iii. Commission contact information
- \*provision for submission of written comments;
- \*comment cards available at the hearing;
- \*handout containing bulleted sheets of results of problems/issues brainstorming
- \*use the above as a guide but allow full range of comment relevant to charter issues – what is missing from list; what’s most important to you.

Staff will prepare the legal summary of charter and statutory process; Chair to prepare brainstorming handout. Staff will also prepare preliminary handout on contact information. Councilor Chipman will work on drafting a press release.

Motion to accept the above overall plan for the public hearing (Ranaghan); seconded (Gooch), passed unanimously.

Motion to postpone Agenda Items 7 and 9 to the next meeting (Gooch); second by Ranaghan. Failed for lack of 7 votes (yeas Gooch, Treverrow, Ranaghan, Valleau, Chipman and Plumb).

Motion to postpone Agenda Item 7 to next business meeting (O’Brien); seconded by Smith; Passed 11-0 (Ranaghan absent)

Motion to accept the Long Term Work Plan dated July 2, 2009 (Attachment #2 to Agenda)(Merman); seconded by Spritz.

Motion to amend the Long Term Work Plan Guideline #2 by striking the first sentence, “Meet on Thursdays.” And amending the beginning of the second sentence to read: “Revisit the day and time of meetings to...” 10-1 (Chipman). Main motion passed 11-0 (Ranaghan absent).

Housekeeping items still to be decided: use of proxies; telephone participation in meetings by members; super majorities and/or two meeting process for major decisions on issues.

Consensus that there would be a business meeting at 5 p.m. on July 16, 2009, followed by the public hearing in Council Chambers at 6 p.m.

Meeting adjourned at 10:45 p.m.