

PORTLAND CHARTER COMMISSION MINUTES of SEPTEMBER 10, 2009

The scheduled meeting of the Portland Review Charter Commission was called to order at 5:32 p.m., with all Commissioners present.

Agenda Item #1: Chair called the meeting to order.

Agenda Item #2: Public comment

*David Marshall of Pine Street – Strongly supports a popularly elected mayor with an executive position. The Mayor’s powers may still be moderate. City Manager does provide a huge amount of resource to Council so still need support of an administrative professional.

*Stephen Scharf of Portland – Agreed with Councilor Marshall’s views. He mentioned that Anna Treverrow asked what Portland Taxpayers Association proposal was and that he has forwarded it to her and to City Clerk.

*Lawrence Kelley of Portland – Supports having an elected Mayor because it is important to have accountability. He is frustrated that City politics are fractured. Council acts as linebacker for City Manager. Had a very strong Manager in Bob Ganley and it should be an elected position.

Agenda Item #3: Minutes of 8/27/09 unanimously approved (Valleau/Ranaghan)

Agenda Item #4. Announcements

*Chair Plumb reviewed the schedule of meetings attached to worksheet. It was approved to put on website. Comm. Valleau commented that there were not that many meetings left and the Commission needed to keep moving forward.

*Chair Plumb reported that she had a discussion with Will Nelligan, Executive Director of the city’s Youth Advisory Council, and that he would like to have a person(s) come and talk about work of the Commission and government in general.

*Comm. Spritz reported on the panel discussion on elected mayor issue. He and the Executive Committee are considering 3 different venues and October 29 as the date. General outline is to have a public session from 5:30 to 7:00 with the panel; break from 7 to 7:30, then Commission would follow up with direct questions for panelists, with public observing. He will not be present at 9/24 meeting but will follow up on this in next 2 weeks and try to solidify the place, date and speakers by the next meeting.

*Comm. Chipman - Strongly suggest that Commission go with place on the peninsula for the panel because many more people on peninsula who do not have cars.

Agenda Item #5 General discussion of elected mayor issue

Opening comments:

*Comm. Spritz – during campaign, found the issue was not so much elected mayor as leadership issue. How do we cultivate and keep at the top people who are moving Portland forward? There is growing concern that Portland is not clicking on all cylinders. For me, the issue is leadership and vision; doesn't matter how you get them. Coming slowly to a position that current structure does not serve City best. Then, the real issue is what will the relationship be between City Manager and Mayor. Which of the Manager's duties would you carve out and give to Mayor? E.g., appointments; hire and fire?

*Comm. Ranaghan – Don't think we have a structure problem. If you want to classify it as a "people" problem, then so be it. 20 – 25 years ago Councils were just as fractured as recent councils. Portland will right itself with the present system; everything doesn't work smoothly all the time. Current setup works very well across the country and in New England. Our issues are large and cosmopolitan; demographics have changed recently; policing, education, etc. have all changed. Portland has done well to keep pace with the change. Don't think we need to throw out what has worked well for the City; not ready to see that changed. Will listen carefully to what people have to say, but don't think changing the structure is the answer.

*Comm. Treverrow – An elected mayor could facilitate the role of visionary, leader, educator, representative. Have hesitancy about how much executive authority you would grant that position. Bogs them down when you give them veto power and budget authority. But do need to look at issue of at-large versus district positions.

*Comm. O'Brien – Agree with a lot of what John said. I see an elected mayor as a 19th century solution and city manager as 20th century solution to corruption that resulted. Wonder if there is a third way. Need to have leadership rise to the top.

*Comm. Chipman – Support an elected mayor; want to know about other cities and whether they have term limits; how long the terms are; instant runoff voting for elected mayor; campaign financing. Would like to look at Portland, Oregon. How to get away from the corruption? Clean elections get away from corruption. Owe it to people in Portland to put it (elected mayor) on the ballot in one form or another.

*Comm. Gooch – Prior speakers have laid out the issue. Whether we have a structure problem or people problem; whether the structure is impeding the cultivation of leadership or whether the people lack leadership capacity. Tend to think that our structure does not reward leadership when it exists. Agree that Portland does pretty well but resist feeling content with it. Want to feel I live in a city that's on its way somewhere; that it's affirmatively moving in a direction – spurs innovation, risk taking, and may need a government that's more nimble to meet rapidly changing conditions. Leaning toward adopting mayoral form of government, but it's not an on/off question; it's a continuum, trend is to try to take best attributes of both and meld them into

something different. Is it possible to take the best of what we have and the best of what we do not have, and create one government for Portland?

*Comm. Smith – Had been thinking about elected mayor as solution to a problem; now think of it as seizing an opportunity. When you have an elected mayor, the voters have the chance to hear from candidates about what their vision for the City is; an opportunity for the public to vote on a vision for the city. Need to look at rank voting or some variation so that one person gets a majority so that the vision has broad based support in the city. Also need to have the mayoral term long enough to move ball along; also not convinced it's either/or for mayor/manager and probably a good idea to have professional administrator in a city this small.

*Comm. Cohen – When I ran for my second term, issue was whether there should be an elected mayor. I was against it then, “not broken, don't fix it”. Have come to believe from experiences and conversations that we need to think about going there. A lot of it is structure and vision. No form of government is going to be perfect, but do have a charge to make it better. Have a better understanding of pressures on the Manager; manager has to respond to the Council which is 9 members whose membership changes. Council has different set of challenges. As mayor, you try to come up an agenda, but it expires at end of year and you have no mandate from voters for the agenda. Need someone who can stand up and say “I speak for Portland and people of Portland”. Need at least to elect mayor, but don't have answer to the scope of powers for an elected mayor.

*Chair Plumb – I'm conservative about radical change to fundamental documents like a charter. Need to make changes very deliberately and thoughtfully and be willing to live with them for a period of time. Intrigued by idea of having more coherent political direction and leadership. Deeply committed to professional management of the City and want to protect that in any system we look at. Want to know if we can construct something that gives an increase in political leadership but doesn't mess with the professionalism.

*Comm. Valleau – Portland comes to this as a wonderful example of a successful city, one of the success stories in New England. Support the City Manager form of government. It was started as reform movement; reformers believed that if they had professional management, then good people would run for councils. The first city managers were professional engineers – knew about sewer systems, roads, lights etc. I'm conservative about changing the charter. Elected mayor would be an “experiment”. Believe the city manager form of government has served us well. Everyday there is administrative and executive management that has to be done well. Taxpayers consider the “product”. Have to get the following right: police department; fire and rescue; parks and public works; finance. \$200 million a year rolls through this building and not a dollar of financial scandal has happened here. Not luck or coincidence, it's day to day professional management.

*Comm. Mermin – My position is evolving. Think the 4 things we have to get right have changed a little bit. Should be considering regional geography in 21st century. Now

fairly convinced that we need a “go-to” person and need someone who can interact with region, state and national government, with some continuity beyond 1 year. But share a deep concern about professionalism in government and when you transfer too many of executive functions to an elected mayor. Politicians are good at managing power. Need good information from professionals to be able to meet the needs of the city. Provide leadership while maintaining professionalism.

*Comm. Davis – We are in a changed context, a different media context and flow of information. Need for professionalism is huge. Would add education as one of the changed contexts. In 1923, you could still get a job even if you didn’t get an education. Not true anymore. Have School committee doing its thing and Council doing its – need to structure so that there is more and better communication. Education is equally important as the more traditional city government functions. That’s what will prepare youth to become leaders and get businesses to locate here.

General discussion:

*Comm. Spritz – great discussion. Don’t think anyone is thinking of throwing out the baby with the bathwater. Do think of leadership and vision as the area where the City is not clicking – twin issues of Nathan Clifford school and Maine state pier are examples of failed leadership.

*Comm. Smith – I think of education as lifelong education. Planning and economic development function of City also very vital. Cities need to reinvent and redevelop themselves, adapt to changing ways people live in communities. Agree wholeheartedly with need for professional management, but have the issue of “who’s in charge” and “how do you get things done”. If you have administrative side of government which is also executive side, how do you really move the ball along? Need to think about this. Professionalism insulated from political vagaries still needs to be preserved.

*Comm. Gooch – I disagree with idea that Comm. Valteau’s characterization that City is doing well in those 4 areas. Police has reputation in community for brutality; City just fired fire and rescue personnel; Portland Trails only thing going on in parks and recreation. Good city but not as good as it ought to be. The reform movement didn’t stop with the Council/Manager form. Some “squiffiness” in current professional staff. Not always a consistent and shared context in way departments operate. Public works and Planning; School Committee and City.

*Comm. Mermin – Asking those who have city experience – council manager and mayor revolves around policy arm and executive arm. On questionnaire most people identified lack of political and administrative accountability as an issue.

*Comm. Cohen – We have talked about mayor and manager forms of government as if mutually exclusive. Really have a Council form of government in which Council establishes policy and manager executes the policy. Not set up to have leadership and vision in the manager; as implementing arm, manager has to figure out what the council

stands for at any given time. Becomes a city of “process”. If you want something done, need a stakeholder group/task force to create a report, which eventually gathers dust. Worked hard to create an amenity package for Parks but still not happening. So many examples where great ideas die because there was no one to lead them forward.

*Comm. Plumb – It is cumbersome because making collective decisions, but policy making rests with Council. There is accountability on the administrative side and that person is accountable to the Council and Council can let that person go. Not a tradition to let people go. There is the task force syndrome, but some very significant things have happened where there have been real shifts in the City. The leadership comes from a combination of the professionalism and insight of the manager and the willingness of the Council to support that or have its own view that manager can implement.

*Comm. Gooch – to the extent that we have been successful, we are freed up to how we can do things better. Took 12 years for Bayside trail project and was kept alive by Bayside neighborhood. Great ideas come up but they do languish. Reluctant to let that push come from a professional manager. But professionalism in city government is of utmost importance and must ensure that continues.

*Comm. Valleau – How to move the ball along? Thinking of Mayor Bloomberg in NYC, most successful and well qualified big city mayor in country. He has been there 8 years and just got the possibility of an unprecedented 3d term. Came into office with visionary ideas – to move Penn station into P.O. across street; professional football stadium in city; redevelop ground zero; bring 2012 summer Olympics to NY. Mayor Bloomberg is batting zero to four. What he is proud of is the crime rate lowered, high school graduation rates up; clean streets. More humble aspects are what make cities liveable.

*Comm. Ranaghan – have a Council-Manager form of government. Can’t have a Mayor-Council-Manager form of government. Don’t know of any other community in northern New England doing any better than Portland. What are the other possibilities before we jump in for the next 25 years? Have no corruption; a certified police department; downsized the fire department, but have larger rescue department than ever. Direction has to come from strong city managers driving policy with the Council. Menario, Wilson, Honey, Ganley, Gray: represent last 40 years. Changing for change sake is the wrong thing to do. Portland is looked at as an example from all over country.

*Comm. Smith – I think that if we have an elected mayor for 3 year term, most city managers would welcome it because would have opportunity to work with one person for a sustained period of time along with public support for that person. Would also help settle the “who’s in charge” issue. Tough to be City Manager because you have 9 people telling you what to do and have public also telling you. We do have tendency to process to death – e.g. long history of process for redevelopment of East End of waterfront. Amount of time, public and private, has been staggering. Have a system that encourages government by committee. Sometimes that’s good because it keeps you from doing stupid things but it also means opportunities are sometimes missed. Is this City in the future going to be nimble enough to seize opportunities when they present themselves?

*Comm. Mermin – Loved story about Mayor Bloomberg, but he also came in with vision of revitalizing education system which he did, and to move forward with sustainability. Don't believe in "sole" leader who brings you forward. To have real long-term leadership need a movement within the city for change. Accountability – is there some way to have more public administrative accountability, what the expectations are for the manager and whether they are being met?

*Comm. O'Brien – It's an issue of agility and nimbleness. When a developer comes in with \$100 million and wants to develop the whole pier, who negotiates on City's behalf? Who can help a person with a building permit? Hope we can answer that question better.

*Comm. Gooch – Chris O'Neill, attorney for chamber, mentioned looking at better definition of department head responsibilities and role of committees so that expectations are more clearly defined.

*Comm. Cohen – There are a lot of ways to look at leadership and vision question; how do we stack up against other communities? How Portland compares to other communities; everyone has the Chamber's report for purpose of how Portland compares with other communities on a whole variety of benchmarks. They looked at a group of cities in and out of Maine intended to look like Portland. Showed that over ten year horizon Portland was doing pretty well; 5 years, not so well; 1 year horizon, starting to go in other direction. Query – are we positioned for future? A lot of cities outside of Maine have some form of elected mayor, from strong to weak. Not necessarily about manager versus mayor; hybrid does exist in some places. May just be a member of council with same powers as today, but is elected by city for a term.

*Comm. Smith – "he who thinks he has arrived is losing ground". Could say the worst form of government is the revolving door 1 year mayor. Rewards mediocrity. Also encourages some to play down the position, even when the Mayor. Mayoral position, if seen as opportunity to get things done, then why not give people that opportunity? If not an opportunity, then let's make it as weak as possible and that is what was done in 1923. Intent was to disperse power quite a bit.

*Comm. Spritz – There are a variety of experiences the group brings to the table, including some with a very close relationship with Portland. I have lived in other cities, smaller and larger, and came to Portland in 1990. In that relatively brief period, Portland has changed dramatically. Refugee movement is now a significant political and sociological force. There is a degree to which there has been passing of the guard from "old white guys" – bankers and politicians – who made major decisions. Has been increasing devolution of power so now harder to find who is making decisions. Portland moving toward being a regional player, that incorporated new corporations, cannot depend on state funding as reliably. We need to have our ducks lined up and firing on all cylinders. Need to put strong ideas out and some will be successful and some not.

*Comm. Davis – Experienced the tension between “it’s all ok” mode of operation and “there are problems”. Working for city or school department you answered to the Manager (or Superintendent) who in turn answered to elected group. Complex because have a lot of skilled people in lower positions, but very small funnel for ideas to go up. Also clear that you never embarrassed your superiors.

*Comm. O’Brien – Hierarchy is a mixed bag. It provides structure and clarity but can narrow the funnel for good ideas. School Committee members are told that the only employee the SC controls is the superintendent, and not to contact teachers and others directly. Had hourglass figure of government; very systematic when everyone is competent in their roles. Noted tonight that manager answers to 9 people but department heads are also under pressure from outside groups.

*Comm. Mermin – Model City Charter reading – in model-building continuing process, desire was to prevent scandal but result was to diffuse responsibility. Caused a fragmented executive and too little policy development, but discussion of need for administrative head. Need to understand which authorities are held where. Current structure much clearer about what power of the manager is, but less clear about powers of policy makers.

*Chair Plumb – There is a way to evaluate the manager and it is through the elected people. I wouldn’t want to leave the sense that manager is unevaluated and that public has no way of expressing its opinion on how the manager is doing.

*Comm. Mermin – Calls from constituents usually about potholes etc., not how manager is doing. Why did it take 12 years to implement Bayside plan? Might need more than 1 year to evaluate the Manager.

*Comm. Plumb – The evaluation process can ask the larger questions. So is it a structural issue or an issue of how you structure your review process.

*Comm. Ranaghan – Is that process still in place? Old budget documents had lots of time and effort in plans and goals for the year. If that’s not still being done, then maybe that’s part of the problem.

*Comm. Gooch – The focus on the budget process, on what are we going to do this year looks at it on an annual basis. Need to look beyond just that year. Things are moving really quickly, need more long range planning and goal setting.

*Comm. Cohen – No government is going to be perfect and successful government relies on good people to get the job done. What form of government is going to put the people in the best position to succeed? The reviews still do take place for the 3 employees the Council hires based on the council review forms. In running for office, never had a conversation about how the manager is doing. Not sure review process is way to make sure the system works. Current city website has e-mail addresses for every member of council but not for staff.

*Comm. Davis – In the school department, no opportunity for 360 review by employees of superintendent. Talking about needing a set of leadership and political skills to move the council in a certain direction. Need both a political/policy skill set and an executive/organizational skill set. In last century, it was a simpler job; need more and more expertise for different parts of the city. Almost need two separate skill sets.

*Comm. Smith – Managing local government is like ducking bullets in a video game. That's managing city government; living so close to the edge in terms of finances. It's a very difficult position. I have been both an at-large councilor and a district councilor. If you want a council that focuses on policy, you go with at-large councilors. If you are a district councilor, the constituent service is very high and sucks a lot of time from stepping back and looking at larger policy issues.

*Comm. Valleau – In original city manager form of government, there were nonpartisan elections and all councilors were elected at large. Feel as though it is close to time when we should begin to design the mayor form.

*Comm. Davis – Rather than district councilors, the technical expertise can solve the district constituent issues.

*Comm. Smith – Real issue is whether the way government is working puts the elected officials' energy in the right place.

*Comm. Spritz – Wonder if there will be lots of ideas that don't belong in the charter changes, but couldn't we keep track of those and see how those could be suggested – e.g. letter to manager? To council? Where do we want to move this conversation in next two weeks?

*Comm. Ranaghan – Shame on city administration if public cannot find them. Most department heads don't live in the City. This may be part of the problem.

*Comm. Plumb – Concern about not being hasty, move forward to make improvements.

Agenda Item #6: Report on requests to Manager and Superintendent for suggested Charter Changes

Elizabeth Boynton reported that she had requested any suggested Charter changes from City Department heads and from the schools to be sent to her by the end of the month.

Agenda Item #7: Update on the work plan and suggested planning groups

Chair Plumb and Comm. Gooch outlined the Executive Committee's suggestion for using planning groups to help develop the work plan for the different subject areas in his memo of 9/3/09.

Commission members agreed to the approach and the committee assignments. The Planning Groups can meet at City Hall and will need to notify Elizabeth so she can post the meeting time and place to provide public notice.

Next meeting agenda:

For the next Commission meeting on 9/24/09, the agenda will be the discussion of the possible powers of an elected mayor and the balance of powers and responsibilities with a manager. The planning group charged with that topic will circulate reading suggestions in advance.

Meeting adjourned 8:15 p.m..