

PORTLAND CHARTER COMMISSION
MINUTES of JUNE 10, 2010

1. Call to order *Chair Plumb* (7:00 p.m.)

Chair Plumb: We have completed a lively public conversation and are now going to a public hearing.

2. Announcements *Chair Plumb* (7:05 p.m.)

Next meeting will be on Thursday, June 24, to consider any changes to preliminary report based upon public notice and continued review of report.

3. Approval of Minutes of May 13, 2010 *Chair Plumb* (7:10 p.m.)

Minutes of 5/13/2010, unanimously approved

4. Public Hearing *Chair Plumb* (7:15 p.m.)

Chair Plumb - Summary of process

- Review of charter commission set up and process
- November 2008, voters approved setting up commission; December, Council appointed 3 members; June 2009, voters elected 9 additional members, 5 district and 4 at-large.
- Commission began meeting regularly in June every other week; then every week since last winter.
- May 21, public preliminary report, with final on July 19.
- Dealt with key items identified in summer of 2009; had experts come in; debated and deliberated on those issues extensively, then came to agreement which is in the preliminary report.
- 3 ballot issues:
 - *Popularly elected mayor, policy mayor, provide vision and leadership for city, not having executive role which remains with the manager; elected for 4 year term, limited to 2 terms; start with at-large seat in 2011; serve as member of the council. Includes methodology to elect – rank choice voting.
 - *Relationship between city and schools; commission clarified relationship of city and schools during the budget process; changes name to Board of Public Education and increases stipend for members of the committee to be comparable to the councilors
 - *Technical changes which update the charter since it hasn't been looked at for 25 years; one in particular updates recall provisions so that district councilors can only be recalled and voted upon for recall by the voters in their district.

Tim Honey, 233 Bradley Street

- Have provided a written communication and ask that it be part of record tonight
- Evolution of system with increased focus on policy and increased responsibility of local government in policy arena.
- Outlined in Model City Charter
- Evolution of mayor in model city charter, with change to going to an elected mayor
- Portland's system with mayor elected by council is an anomaly now
- But Model Charter has consistently not blurred the lines where executive authority rests;
- Shift of budget from CM budget to mayor's budget will not accomplish what you want from policy standpoint, and will create a situation where the council and the community will no longer have a professionally prepared budget by a city manager and team of professionals, responding to policy directives from council.
- If manager plays politics with budget, that's grounds for dismissal.
- If have mayor responsible for budget, no mayor is going to sign off on that budget without being familiar and comfortable with every detail in the budget; and budget put together by the mayor will inherently be a political document – so giving up having a professionally presented budget.
- Hybrid system – where are there communities that have been successful in terms of the hybrid? I don't know of any.
- Where there are changes, have gone to a city administrator.
- City management is a profession. 70,000 local governments in the country and 80% have city managers, and city managers are also world-wide. When you choose to be a city manager, you belong to ICMA. ICMA has a code of ethics which bind you once you join ICMA; ICMA can look into complaints of violation of code of ethics and you can be removed from your profession by ICMA, and you will probably not be able to be hired as a city manager anywhere again.
- Portland should aspire to hire best professional staff it can get nationwide, starting with a professional city manager.
- ICMA designates communities based upon city manager having a certain set of responsibilities, one of which is the manager being responsible for creating a budget and presenting it to the mayor and city council; without that, you are no longer recognized as a city manager city, and position is no longer a city manager position. So when openings are advertised, only city manager positions are put together; all others are general administration where city administrators are advertised.
- City managers would not want to come here if they did not have budget authority.
- If you were going to choose solely between the hybrid and strong mayor, a strong mayor would be better.

- Recommendation – tweak what you have to keep budget function with the city manager and strengthen the policy function of the mayor. The ultimate policy makers are the city council, so mayor is really a policy leadership position.
 - Have mayor’s statement prior to any work on budget.
 - Have mayor have a “policy retreat” with the council to identify policy priorities with the council; gets the mayor at front end of budget process in building coalitions
 - City Manager shall be responsive to the policy directives of the mayor and the council and shall build them into the budget.
- This can also be used as criteria for evaluating the City Manager.

Chris O’Neill – Portland Community Chamber of Commerce

- Relationship between Manager and Mayor in regard to the budget – process:
 1. Mayor is elected after public debate about ideas and visions; manager will be listening to that debate
 2. Inauguration; state of the city address
 3. Workshop on priorities
 4. Council and Mayor give guidance to the manager
 5. Manager writes the budget
 6. Manager presents the budget to the council
- Once the budget goes to the council, it is no longer the manager’s budget; it’s the council’s budget
- Article II, Sec. 5, a, e and f
 - 5a – needs a timeline; not later than the beginning of the city manager’s budget process
 - Substitute “provide guidance” for “direct” in (e) and strike everything after the word budget.; eliminate (f)
- Article VII, Sec. 4 (new section 5), go back and leave it the way it was after making the above changes, adding: “not prior to receiving the guidance of the mayor’s state of the city address and the guidance from the council pursuant to Article II, Section 5, a, e and f.
- Should not overdo the power of the mayor because manager will reflect the mayor’s priorities and once submitted it is the council’s budget.
- Will provide all of this in draft form

Neal Allen 400 Capisic Street

- Here in personal capacity, not representing GPCOG
- Have followed the discussions
- Cannot support current elected mayor as drafted, largely for reasons outlined by Tim Honey;
- Concerned that the document does create a formula for dysfunctional government, perhaps not in beginning, but over time, creating a system that is very chaotic and counterproductive.

- Mayor's stated authority to "oversee" city policies; traditionally, this is professional city manager's job.
- "Directing" city manager in regard to budget – again professional city manager's role
- Even language on having mayor play a facilitative role but to include city manager, council, boards, etc., this is traditionally the function and responsibility of a good city manager.
- If the manager is being directed by the mayor, what if 5 councilors direct manager to do something different than mayor? Created a very difficult situation for the manager, and also the mayor.
- Rethink how the powers, duties and responsibilities of manager and mayor will be defined.
- Council-manager system has worked very well in Portland over 90 years; have honest, good government.
- Even though mayor will be elected on non-partisan basis, the campaigns will be more costly, more money spent and will be more partisan even though under the non-partisan rubric.
- In regard to the school provisions – struck the right balance
- Technical amendments – I like the preamble; would like you to reconsider decision on voting rights for non-citizens. We have people from all around the world and we are trying to create community. That is one positive way to set a strong standard.

Steven Scharf of 153 State Street

- Issue is about the accountability of having an elected mayor who is responsible to people who elect him/her.
- Don't need to worry about what city manager "union" thinks about our charter.
- Need more transparency in the document – have taken out the dollar amount of the bond amount and should go the other way and put in a set dollar amount rather than using the formula.
- Comm. Ranaghan proposed having school budget referenda on primary election day – would support that being added to charter.

Irene Honey, 233 Bradley Street

- Rank order (choice) voting – whole city needs to have full confidence in person elected and if that takes a primary and an election, that is what most people would be most comfortable with.

Roger Gillette, 17 Pennell Drive

- If go with hybrid, will have two large salaries - \$175,000 annual salary at minimum.
- If need people with expertise, they have to be paid too.
- If intent on having a full-time mayor, why not phase out the city manager?

- Where do we get the money for all of this? Need to be realistic; whole country is in financial difficulty.
- Reduce the salaries, then have mayor run the city surrounded by competent expertise.

End of public hearing

Comm. Valleau to Neal Allen, Executive Director of GPCOG
-Please describe your history with City

Neal Allen

- Served in City Manager's office under John Menario, who was an excellent City Manager, and was Acting City Manager for a time.

Chair Plumb

- What kinds of things will people want to bring forward? Then would like to create a team to work on broad question of clarity of roles.

Comm. Gooch

- Struggled mightily with how to describe what a constructive budget procedure should be and we are still not there.
- Suggestion that we make one of the two council seats up for election this fall a 1 year term
- I would like to work on a subcommittee on issues of clarity of roles

Comm. Smith

- Agree with Jim's concerns; issue of dividing line between manager and mayor responsibilities when it comes to preparation of the budget.
- Overseeing city policy through office of the manager; need to make clear that manager supervises everyone at department head and below.
- Do not want mayor telling employees what to do.
- Rank choice voting – mathematically possible that you would not get a majority in RCV; one possible fix is to add on provision in the event we still don't have majority, last two people have a runoff.

Comm. Mermin

- How do we create accountability for both the manager and the mayor in terms of policy direction; articulate to public what the policy directives have been to the manager and then using the policy directives in evaluating the city manager.

Comm. Spritz

- Majority of responses we have received formally have been concerns about the RCV piece; don't think we should revisit but should be noted that there are concerns about the viability of RCV as alternative to primaries or runoffs.

-Want some changes in how the bullets fall within the ballot questions on elected mayor and school amendments. Not a language change, an emphasis change to make it clear why we are recommending something.

Comm. Ranaghan

-Received correspondence about RCV and how it works. Would like the committee to look at them and try to ferret out what is fact and what is fiction.
-Would like to know what the costs are, what equipment needs are, are they available.
-Want those two pieces of correspondence examined.

Comm. Chipman

-Hope we will not revisit RCV, at least some of the comments are from out of state, and some aren't giving their addresses. There is a movement across the country by folks who are against RCV/IRV who can no longer win with a plurality.
-After initial cost, there is savings with RCV if we want a mayor elected by a majority, by avoiding costs of runoff voting.

Comm. Smith

-Would be willing to serve on small subcommittee to look at issues raised on RCV.
-See this as an opportunity to look at this issue; need to separate fact from fiction.

Chair Plumb

-Are there any other issues from folks not yet heard from?
-Need to deal with clarity issue and clear about role of manager and mayor; want RCV to be as clear as possible.
-Clarity in roles issue
Gooch, Plumb, Mermin, Valleau
-Send e-mails about what you want (not vehicle for discussion) – and suggestions for solving these things
-Accountability question – can fit that into the budget clarity issue
-RCV
Smith, Davis, Chipman
-Goal is to come up with proposals for next meeting on June 24

Comm. Smith

-would like to be able to respond to issues raised in correspondence about RCV.

Comm. Chipman

-Would like to look at correspondence and perhaps consult with Rob Richie about these arguments

Comm. Cohen

- Thank the members of the public and for the high caliber of comments
- Takeaway is that we are struggling between status quo and strong mayor, and how to get it right for Portland; have some work to do to hit the right spot, but we are close.

Chair Plumb

- Thanks to Naomi for conducting afternoon session which was productive and thanks to John Spritz for getting some media attention.

Comm. Spritz

- Can we get out any proposed changes in advance of the meeting.

Adjourned