

City of Portland Charter Review Commission

Minutes
Meeting of June 18, 2009

City Clerk, Linda Cohen called the meeting to order at 6:00pm. Present were Commission members: Ben Chipman, Jim Cohen, Laurie Davis, Jim Gooch, Naomi Mermin, Robert O'Brien, Pam Plumb, Dick Ranaghan, Nathan Smith, John Spritz, Anna Trevorrow, and Tom Valleau. Linda asked the members of the Commission to take a minute to introduce themselves to one another and the public.

Gary Wood, Corporation Counsel, gave an overview of the legal issues related to the work of the Commission:

Right To Know Law

- The work of the Commission is covered by the Right To Know Law. All deliberations and decisions must be public and done in meetings with appropriate public notice.
- Although there will be a web site address that can accept comments, Commissioners should not engage in email exchanges on the issues before the Commission, since there is a risk of violating the Right to Know Law, if the exchanges constitute a "deliberation." All emails concerning the Commission must be saved and are considered public documents (process questions for one year, issue questions indefinitely).
- Verbal conversations one on one are fine. Commissioners should minimize meetings in small groups and a meeting of 7 or more Commissioners would be a violation unless it was advertised in advance and held in public.

Conflict of interest

- The focus of conflict of interest is on pecuniary gain, but the appearance of conflict goes further to include the potential for bias or the appearance of bias.

State Law on Charter Commissions

- There is a deadline for finishing the work of the Commission in 9 months, but it can be extended for up to 2 years.
- The Commission is required to hold a public hearing within 30 days of this first meeting.

Taking advantage Attorney Wood's presence, Nathan Smith requested Wood's opinion on the potential conflict of interest for Commissioner Robert O'Brien, who is currently on the School Committee. It was Wood's opinion that because O'Brien was on the School Committee when he ran for the Charter Commission, that there was no conflict because voters were affirmatively on notice regarding that fact when they voted for him and, in fact, may have been influenced to vote for him for that very reason.

Linda Cohen asked the Commission members if they wanted to adopt Robert's Rules of Order and offered a two page summary of the key procedures.

It was Moved, Seconded and voted unanimously to use Robert's Rules of Order as outlined in the Clerk's summary.

Linda then reviewed the ballot deadlines that impact when the Commission must finish its work in order to have the Commission's recommendations on the November 2011 ballot. The lead time necessary for getting the recommendations on a Council agenda for hearing and passage before printing the ballots in time to get absentee ballots out 45 days ahead of the election dictates that the Commission should have its report to the City by the first of August 2011. The State law requires a minimum turnout of voters or at least 30% of the last gubernatorial election.

(Note that the same deadlines would obtain for any November election, including 2010.)

Linda Cohen then called for the election of officers. After a discussion of the expectations of the officers, Pam Plumb was the only nomination for Chair and was unanimously elected. Jim Cohen and Naomi Merman were nominated for Vice Chair and Jim Cohen was elected on a second ballot 7-5. Jim Gooch was the only nomination for Secretary and was unanimously elected.

There was discussion of the importance of having a staff person to help with taking notes and preparing minutes as well as other forms of staff support such as gathering background information and providing legal guidance. The officers will meet with Joe Gray, Gary Wood and Linda Cohen to work out how that support can be provided.

The Commission had an extensive discussion on the question of setting the public hearing.

The final motion that was moved and seconded was that the public hearing be held on Thursday, July 16 at 6 pm in room 209 at City Hall; if there attendance by the public is too great, meeting to be moved to the Council Chamber.

The group listed the items that it would like to see on the next Commission meeting agenda.

- Look at a proposal for a series of the Commission meetings that would generally outline the process over the long term and set general agreements on that process
- Look at the overall sequence of public input as well as alternative mechanisms for public participation including the possibility of neighborhood meetings
- Look at the question of using subcommittees
- Identify the issues that members want to address and how many issues we want to cover
- Look at the need for funding for supporting the Commission's work
- Hear from the City staff any changes to the charter that they recommend
- List the problems that people are interested in solving with charter changes

- Identify the data needs that will need research
- General request that the “Executive Committee” draft a “strawman” proposal to guide discussion during that meeting.
- Exec. Comm. will also draft and circulate an agenda for comment before that meeting.

It was moved, seconded and passed 11-1 (Ranaghan) that the next meeting be Thursday, July 2 from 7- 10 in room 209 at City Hall. There was some discussion around the best dates and times from meeting. The group was in agreement that Thursday was usually a good day, but there were some differences on what time is most convenient.

Public citizens Robert Haines, Seth Berner, Wells Staley-Mays and Steven Scharf offered comment.

A summary of their remarks:

- Essential that the sessions be carried on cable television. (2)
- Recommend that meetings be held in the council chamber to ensure that (2)
- Thursdays are in fact preferable
- Public should get a chance to comment at the beginning of each meeting
- A 3 minute limit on comment is insufficient; 5-8 may be better.
- CC should explore the possibility of extending the municipal franchise to residents of the city (2)
- 3 minute rule is ok
- Meeting times and locations should be broadcast and publicized in advance

After the public comment, it was moved, seconded and voted unanimously to adjourn.