

**PORTLAND CHARTER COMMISSION**  
**MINUTES of JUNE 24, 2010**

1. Call to order and Review of Meeting *Chair Plumb* (7:00 p.m.)
  - \*Chair Plumb
    - Goal is to look at any recommended amendments to Preliminary report filed in May
    - Subcommittee on clarifying roles of mayor and manager
    - Subcommittee on ranked choice voting
  - \*Comm. O'Brien – would like to raise issue of Mayoral veto power
  - \*Comm. Chipman – council sponsorship of agenda items
  - \*Comm. Cohen – got comments on how to improve the clarity of the mayor question and some comments on RCV. Overall feel that the comments did not raise broad questions about the substance of where the Commission is going.
  
2. Reports from Subcommittees
  - a. Report and Proposed Subcommittee amendments re: Mayor/Manager roles
    - \*Chair Plumb
      - Subcommittee looked at clarity between roles of mayor and manager
      - Clarified that mayor is to be a policy mayor
      - Manager responsible for budget but mayor submits comments
      - Mayor is to hold a policy session with council and mayor about goals and objectives for the city on an annual basis
      - Made it clear there were to be performance guidelines with measurable goals and objectives and take into account achievement of city goals and objectives as applicable. To be done annually
  
  - b. Report on Ranked Choice Voting
    - \*Comm. Smith
      - Had three sessions on this issue
      - Have been receiving a lot of materials about RCV
      - Challenge of separating wheat from the chaff
      - Is it workable? Is there a risk of undue consequences?
      - Some of the problems raised go away, but cannot say all of the problems go away. Some of the problems are in any voting system.
      - Suggestion that mayor election be decoupled from RCV on ballot.
      - Need to review the issue more thoroughly and commission needs to work through it.
      - Should have a mock election
      - 2 issues – does it work or not? Will it adversely affect elected mayor question?
      - Some of the information is bogus; some is credible but should not be overwhelmed by it.

Should look closely at what rank voting was supposed to do – issues of multiple elections, getting majority support for mayor, spoiler candidates. Would be a disservice if we end up with a plurality mayor with no mandate from the public; think it will take some commission time even after subcommittee comes back

3. Public comment on the preliminary report of the Commission and any suggested amendments to it

\*Anthony Zelli, 612 Congress Street

Strongly support an elected mayor and elected mayor who has some authority over the budget.

Mayor should continue to “direct” the budget process. Without that authority, is it enough to justify a full-time, salaried position?

Mayor needs to be able to implement their policy decisions through the budget.

4. Approval of the minutes from the June 10, 2010 meeting -- Approved unanimously 11-0 (Gooch absent)

5. Announcements – Commissioners

\*Chair Plumb:

Next meeting July 1: final discussions and agreements on amendments to the preliminary report

\*Comm. Spritz

Willing to squeeze in an additional meeting if needed

6. What amendments to the Preliminary report need to be considered and what does the Commission want to do about those suggested amendments? (*Chair Plumb*)

\*Chair Plumb

Work on clarification of roles

Reordering of ballot questions

#### Discussion of clarification of roles – Mayor and Manager

\*Comm. Ranaghan – amendments to proposed changes to Article II, Sec. 5

(a) and (b) Inconsistent wording in referring to vision, priorities, goals

(b) Need timetable for proposed annual workshop meeting, should be before budget process

(d) Delete reference to “direct” the manager on the agenda

(f) Use “consult with and provide guidance” to city manager, should be in regard to capital improvement program as well

(g) To “facilitate” in g, rather than “to play a facilitative role”

(i) To chair “a” subcommittee

(j) Vote of “at least” six council members.

\*Comm. Spritz

Concerned about work of the subcommittee; did not feel that Commission had created a mayoral position that was too strong for the city of Portland to support.

Heard from Tim Honey and others that the city manager position was being eviscerated, that city managers would not apply for position if no control over budget.

Feel that once the mayor is elected, there will be collaboration between the city manager and mayor.

Concerned that we are asking voters to vote on a glorified councilor and paying them \$65,000+ per year

Have created two heads of city if call city manager the chief “executive” of the city in the last paragraph of article II, Section 5 (Notwithstanding the foregoing...)

Last section 6 on page 5, just delete references to city manager or mayor budget

\*Comm. Smith

Think that we need a clearer line on the issue of budget preparation; if we get a micromanaging mayor, manager should be able to say that he/she is the one who is preparing the budget and I will incorporate your policies as I can. Then mayor should present the budget to the council. Mayor should provide policy guidance.

Sympathetic to not trying to amp up the city manager power; just make them responsible for day to day management of the city.

May want to upgrade the language about manager supervising all city employees other than council appointees

Concerned about phrasing of communication between councilors and staff in Article VI, Sec. 5.

\*Comm. Trevorrow

Concerned about who prepares the budget. If it needs clarification, then I would say that the budget rests with the mayor. Feel that this is the original intent and is why we said the mayor would “direct” the city manager in preparing the budget.

Without that, not sure that I can support the mayor

\*Comm. Chipman

Want accountability in City Hall; this takes the meat out of the mayor’s proposal and takes out accountability by taking out the budget piece. Not sure I could support a weak mayor and concerned about having the elected mayor defeated entirely if have a weak mayor.

\*Comm. O’Brien

Comment on (h) – “taking into account the achievement of city policies and priorities” this is what mayor should be accountable for; manager accountable for operations of the city.

\*Comm. Mermin

It has always been the Council’s budget and will still be the Council’s budget. We have created a mayor’s position which decides the policy-

making side of the city. The mayor appoints the committees and sets the agenda.

What was of concern to others was who put out the first cut of the budget and this is appropriately with the city manager. The budget is still in the hands of the mayor and council. Mayor is to work hard to be sure we have clear policy direction created through the state of the city and through the annual workshop session, so that it is very clear what the direction has been from the political side, and then you have professional management. Analogy of home building – we know the broad outlines of what we want as the owner, but then it is up to the builder-professionals to implement those outlines.

The Subcommittee's proposal strikes the right balance between the political side and the professional side.

\*Comm. Cohen

Have struggled from the beginning of where to strike the balance. We have to have a leader; someone who can say "I was elected by the city of Portland and I am the leader of the city". Appointed mayor can only speak for the council. We have done a lot of things to empower the mayor:

- Popular mandate
- Sustained term
- Authority over how manager is hired, fired and supervised
- Direct involvement in budget process
- Mayor does represent city to others
- Meeting to set goals and priorities

We have moved the ball forward; open question as to whether it should be moved a little bit further forward

In regard to public comment we heard last meeting – we have drawn our managers from within the region, and have had some excellent candidates; don't need to change to satisfy ICMA requirements. Don't care if we are a "city manager city" or not. We led in the 1920's by becoming a city manager city so we can lead again.

Do not want anyone to be under impression that we have created a mayor position which does not amount to anything.

\*Comm. Ranaghan

We have had people from "away" from ICMA cities  
Elected mayor does not mean we do better because we have an elected mayor. Do not believe Waterville has done better in Augusta or Washington than Portland has.

\*Comm. Valleau

Agreed that preliminary draft left a lack of clarity as to who prepared the budget. We wanted to be clear as to who is in charge of it. Committee quickly agreed that the City manager should be the one who creates the initial budget document. This provides the best professional thinking of the city manager on the nuts and bolts of the city budget. Council might

get the document and wonder what the city manager thought about the budget if the budget came from the mayor.

Start with best professional judgment of city manager as to what a budget should look like; then what is role of mayor? Mayor begins with state of the city address, then had a fruitful discussion about having a special meeting of city council to set out the goals and priorities, with city manager present at the meeting; then provide a final product – a summary – as to what was determined and that summary would be to inform the public and city manager and be a matter of record.

Let's give the city manager's budget to the mayor and have the mayor prepare commentary about the budget so that the council gets the best professional judgment of the city manager; and the policy judgment of the elected mayor.

\*Comm. Chipman

So if the mayor says we are bringing back heavy item pickup, and the manager says we do not have the money for it, how does the mandate get fulfilled?

A lot of city councilors seem to be intimidated from going up against city manager on the budget. How does that get translated into the budget process?

\*Chair Plumb

The mayor runs on issues; then mayor gives an address on state of the city and leads a meeting of the full council on issues; the manager's budget will not be a surprise to the mayor; mayor will have an opportunity to comment on whatever the manager submits to the council. If his/her issues are not in the budget, then he/she can recommend changes in the budget to the council.

\*Comm. Spritz

We are nibbling around the edges. I liked the language that the mayor will "direct" the city manager in the preparation of the city budget. We should go through the language and vote on the changes one by one.

\*Comm. O'Brien

Let's see where we are on these issues

\*Comm. Cohen

Would also like to see where we are; no budget gets passed except by the council; there's a little bit of advantage as to who starts the budget process. Right now, we have given the manager the ability to label the budget; I have consulted with the mayor, gotten his policy guidance Have designed into process an opportunity for the mayor to say, I respect what the manager has been brought forward but here's my amendment to it. Both things go to the council to work on. We may be worried too much about how this conversation starts. If really want talk about power, then talk about who has power within the council.

\*Chair Plumb

We have talked about this for months; commission asked subcommittee to clarify what the roles were of the mayor and manager.

Can make changes to help to get to a popularly elected mayor, who drives the policy-making process, and who provides policy guidance to the manager.

\*Comm. Trevorrow

Want the mayor to have the first crack at the apple. Not comfortable with a veto power. Reason we chose the word “direction” is we wanted that authority with the mayor, without overriding the manager.

How will this play out in the voters’ minds? Looks like we are increasing the mayor’s salary without giving any powers to mayor.

\*Comm. Smith

Would support changing language to “consult with and provide policy guidance” to city manager in budget preparation

Then on manager’s powers and duties, require him/her to incorporate policy guidance into budget.

Mayor would present the budget to the council

Re the salary: it’s about a 2/3 job now so it will not be hard to be a full time job. The connectivity over a sustained period of time within the community and outside of the community is significant. Feel that this position will be worth their weight in gold with continuity, presence and personal relationships. Less worried about the mechanical responsibilities.

\*Comm. Chipman

Would prefer the original language around “direct”. Have it start as the mayor’s budget.

\*Comm. Davis

Some of the original language was pretty clear; just some did not like what was in there. Not comfortable having the input of the mayor at the back end, and sets up a somewhat adversarial situation to the council. Having a mayor is not just about managing what we have, but increasing and growing what we can be. Good mayor will bring a sense of direction to the city and a piece of that is directing the budget preparation.

**Valleau motion to put the subcommittee’s recommended changes on the floor for discussion (Valleau/Mermin)**

\*Comm. Smith – change “policy” to “political” in first sentence of Art. II, Sec. 5 (second)

\*Comm. Cohen

Don’t think people are looking for “politicization” but looking for leadership

\*Comm. Smith

Suggesting this change because politics is the art of articulating vision for the body “politic”.

\*Comm. Ranaghan

Most people don’t associate “political” with city. Policy is correct word

\*Comm. Davis

Delete both, words too “trendy” - just say “providing leadership”

**Smith motion to substitute political for policy in first sentence of Art. II, Sec. 5 (modifying “leadership”) fails 5-6 (Chipman, Trevorrow, Smith, O’Brien, Davis)**

\*Comm. Davis

Delete “policy” and just reference “leadership” in first sentence of II, 5 – seconded

\*Comm. Cohen

Feel this defines the line between the mayor and manager; too vague without “policy”

\*Comm. Trevorrow

Policy is embodied in “leadership”

\*Comm. Smith

Want leadership in the full sense of the word, not limited.

**Davis motion to remove the word “policy” before “leadership” passes 6-5 (Ranaghan, Valleau, Plumb, Cohen, Mermin)**

\*Comm. Ranaghan

Should have the workshop session in February to be part of the budget process; could say “at the outset of the budget process” Workshop needs to be part of the budget process

\*Chair Plumb

Subcommittee discussed at length and decided not to put in a rigid date in the charter.

\*Comm. Mermin

Should not circumscribe when it is held; it will affect the budget over the four year term.

\*Comm. Cohen

When first talked about it, it was hard wired into the budget process. Can cover much more than just the budget per se. Largely for same reasons we did not put a date for the state of the city address.

Likely mayor will want to effectively use the process.

**Ranaghan motion to add “at the beginning of the budget process” into Article II, Sec. 5 (a) (state of the city address) and (b) (priorities workshop), fails 3-7 (Ranaghan, Davis, Smith)**

\*Comm. O’Brien

Change workshop to “committee of the whole” – fails for lack of a second

Ranaghan motion to strike new language in II, 5 (c) seconded

\*Comm. Spritz

“Represent” sufficiently covers the maintenance of relationships; don’t know what this new language means

\*Comm. Cohen

This is a different and affirmative charge that we want the mayor to maintain relationships, not just “represent” the city

\*Comm. Smith

Don’t think we need this language; it’s implicit in “represent”

**Ranaghan motion to delete new language in Art. II, 5 (c) passes 9-2 (Plumb, Cohen)**

Comm. Ranaghan motion in II, 5 (d) delete the word “direct” and change to “consult with” in preparation of the agenda; seconded

\*Comm. Cohen

What we need to make sure it is clear as to who has the final say; think we intended to have the mayor set the agenda, and have the manager prepare it.

\*Comm. Smith

Leery of further watering down the powers of the mayor and setting the agenda has some value; what would happen if could not get an item on the agenda.

Ans. Would have to bring it up as unagended item and need to suspend the rules.

\*Comm. Valleau

\*Comm. Ranaghan

If manager cannot get an item on the agenda, it might be a way for the mayor to effectively kill an issue or project that manager feels needs to be on the agenda in his/her professional judgment.

\*Comm. Cohen

Right now charter is silent on the issue; this is just who sets the agenda, does not discuss how the agenda is set.

\*Comm. Mermin

It's the council's agenda and mayor is the leader of the council and he should have agenda setting capacity; wise mayor should listen to his manager and put things on.

**Ranaghan motion to change "direct" to "consult with" in II, 5(d) (re: setting agenda) fails 2-9, (Valleau/Ranaghan)**

\*Comm. Ranaghan

Add in II, 5 (e) after policies "and the city budget" - fails for lack of a second

\*Comm. Spritz

Motion to delete the proposed change and return to "direct" the city manager in the preparation of the budget in (f), seconded.

\*Comm. Cohen

If really talking about authority over budget, then should be talking about "veto".

Persuaded that council should have the opportunity to hear the manager's professional judgment about what the budget should be.

Similar to HCD budget, where there is a committee which delivers recommendations to manager, manager may make changes, then sends to council so council sees the committee's recommendations, then manager's recommendation, and then it is sent to finance committee and takes its recommendations back to.

On balance, comfortable with this; manager has a budget line and mayor has opportunity to recommend changes.

\*Comm. Chipman

Importance is in sending the message to the voters that the mayor is where it starts; professionalism is kept in preparation of the budget and need mayor to be on front end of process.

\*Comm. Valleau



If we go back to original language, we will have completely silenced the city manager's voice in the most important document in the municipal toolkit. If the mayor directs the budget process, it's a fundamental change in the way we've governed ourselves very successfully for decades.

\*Comm. Spritz

It is the city council who will decide whether to pass or not pass the budget

Intent is not to have the mayor direct a line item budget, but to "direct" the manager in the budget according to mayor's priorities.

\*Comm. Ranaghan

Very large difference in meaning between "direct" and "direction"

When you say "direct" that means "give me the budget that I want".

\*Comm. Smith

Need to preserve some ability of manager to bring their professional expertise to the budget; "direct" is a big club for the mayor. Mayor may micromanage the budget and would have micromanagement of budget by someone who is probably not qualified to do so.

Would add to manager's duties to incorporate policy guidance from the mayor – affirmative obligation to consult with mayor and get policy guidance and incorporate into budget. Then if manager does not do it, then becomes an evaluation issue.

This could put out perception that it radically undercuts the professionalism of the city.

\*Comm. Mermin

Have professionally prepared budget and it is not the first opportunity for mayor input – state of the city, workshop, regular consultation with the manager; concern that we maintain professionalism. No change in fact that it is the council's budget.

Will cause concern among many who support professional management

\*Comm. Trevorrow

If it's such a small change in function, why not stick with what we originally drafted?

It is our job to come up with a substantial change; perhaps we should look at veto power.

\*Comm. Smith

Final budgeting power rests with the city council so are we, or are we not, going to take advantage of paid professional help in first cut of budget, and are we going to run the risk of structuring in the possibility of having a mayor meddling too much in that process?

\*Comm. O'Brien

Would support keeping committee's changes and then change it to provide policy "direction", rather than "guidance" to the city manager

\*Comm. Cohen

Whether it's the manager who brings the budget forward, or the mayor, it is critically important for manager to have a chance to say "here's my

professional opinion”. Mayor has lots of other opportunities to make the budget go in a certain direction.

\*Comm. Spritz

Would prefer Comm. O’Brien’s “policy direction”

\*Comm. Chipman

Mayor would not do something the public didn’t want after being elected and if they do micromanage, they cannot go in and change everything. Want a mayor that has some real teeth. Want to go out and sell this to those who think the mayor’s proposal is on the weak side.

\*Chair Plumb

Think Comm. O’Brien has made a good suggestion

Do not think we intended to have a mayor micromanage, but word “direct” provides that opportunity.

If council never sees a professional budget, then mayor would be able to do a lot of things even if not professionally wise.

Do intend to have the mayor have policy direction and impact the budget, but not have the mayor prevent the council from ever seeing a professional budget.

**Motion to stay with preliminary report language in Art. II, 5 (f) (re: “direct” the manager in preparation of the budget), fails 2-8 (Chipman, Trevorrow)**

\*Comm. O’Brien

Motion to change wording “To provide policy direction” to the city manager in Art. II, 5 (f) (seconded)

\*Comm. Ranaghan

Do not see any difference between direct and policy direction.

\*Comm. Valleau

What is the intent of this?

\*Comm. O’Brien

Intent is that these would be broad policy changes which the manager would incorporate into the budget to the best of his/her ability

\*Comm. Mermin

Appreciate Comm. O’Brien’s language; if policy direction is to cut 10% from the budget, that is a policy decision, and elected officials should make that decision and if not popular, should not be re-elected.

\*Comm. Valleau

What happens to the city manager’s professional voice under this scenario?

\*Comm. Davis

Hope that there would be some collaborative discussion and that manager would say, here’s my professional judgment, here’s some feedback, here are my concerns. Here are ways I could achieve that. Hope they will work in partnership for the betterment of the city.

\*Comm. O’Brien

If the mayor micromanages or has bad ideas, there will be political feedback.

\*Comm. Smith

Would like to put “consult with” back in and put mirror obligation on manager when we get to manager’s obligations.

Assume for sake of discussion that budget is a “policy” document, then question is who should set the policy – which is the mayor.

\*Comm. Chipman

Mayor has to have a way to implement the platform they ran on.

Support this change to policy “direction”.

\*Comm. Ranaghan

Tie this together with the workshop section in (b)

**Smith motion to add back in the words to “consult with” in Art. II, Sec. 5(f) (preparation of budget) and passed 7-4 (Ranaghan, Davis, Spritz, O’Brien)**

**O’Brien motion to change Art. II, Sec. 5(f) to “consult with and provide policy direction to” the city manager, passes 8-3 (Valleau, Spritz, Ranaghan)**

\*Comm. Ranaghan

Move to change “any” to “all” and strike the rest after “budgets” in II, 5(f), seconded.

\*Comm. Cohen

Spent a lot of time talking about this issues;

Wanted to limit this only to budgets that the council had to approve, that there are lots of other city budgets which don’t go to council.

\*Comm. Ranaghan

Do not know of any budgets that aren’t approved by the council. This would make it all inclusive, such as the sewer budget; eliminates chance that there are budgets prepared without direction by the manager.

\*Comm. Smith

Does this also strike the language at the end about presenting the budgets to the council for approval? We did have the idea in here that the mayor would present the budgets for approval.

\*Chair Plumb

Would need to offer that as a separate amendment; would like to deal with Comm. Ranaghan’s amendment first.

**Ranaghan motion to amend Art. II, Sec. 5(f) (by changing “any” to all and striking remainder after “budgets”) passes 9-2 (Plumb/Valleau)**

\*Comm. Smith

Add “and to present such budgets to the city council for any required approval” to II, 5(f), seconded.

\*Comm. Valleau

This is really the issue we have been discussing most of the year.

You are now saying the city operating budget is going to be presented to the city council by the mayor. You are removing the manager’s voice from the budget process.

\*Comm. Mermin

Once you put this language back in, if the presentation to the council is by the mayor, then there is no moment when the manager's budget is given to the council.

Once the budget is with the council, then the mayor weighs in.

There still needs to be a mechanism in charter that ensure the council gets to see the manager's professional budget.

\*Comm. Ranaghan

My intent was that the city manager would present such budgets to the city council, not the mayor, so I would support saying "and the city manager shall present such budgets to the council."

\*Chair Plumb

Would the mayor present the manager's budget or the budget as re-ordered by the mayor?

\*Comm. Smith

Manager would put together the budget, with policy direction from the mayor, and mayor presents that budget.

Manager has several opportunities to weigh in during the budget process, and any councilor can ask for manager's opinion. Not too much risk that the manager is not going to be heard often.

\*Comm. O'Brien

Agree that there will be few opportunities for manager to weigh in publicly on these issues, so I support saying the "manager present" the budget to the city.

\*Comm. Chipman

If mayor presents the budget, will need to be more involved in preparation of the budget in order to understand it, and I think that's a good deal

\*Comm. Smith

Think mayor should be actively engaged in budget process, pay close attention to it and stand up and give account as to what they are doing, then we will be missing a huge opportunity in empowering the mayor and actively engaging the city in that statement.

\*Comm. Cohen

Really talking about whether the manager has something to say. Now the manager will not be presenting the manager's budget, and if manager happens to say something different from what the mayor may say, then mayor has to present what the manager says and it will probably go unsaid. Essentially saying that we don't want to hear from the manager at all in presentation of the budget. .

Lots of line items will go unsaid because manager did not have opportunity to say what they are.

\*Comm. Mermin

Supportive of Comm. Smith's intention to have mayor own, promote and facilitate the budget, but I think it's clear in other provisions and the mayor will be chairing the meeting.

But if we put this back in, there will no longer be anything in charter that puts the manager's budget before the council in any form. Really

important that you now add language to give the council the opportunity to see the manager's budget.

\*Comm. Chipman

Don't understand how having the mayor present the budget silences the manager. Could put in other language about manager being present. Mayor needs to sell the budget to the public.

\*Comm. Ranaghan

Mayor will not let the manager have his say; mayor already has the power in a) and b) and chairs every meeting, and mayor can take him to task if did not follow the guidance.

\*Comm. Davis

Do not see anything in language which means the mayor is going to change the budget, just presenting the budget prepared by the manager. If there is divergence between mayor and manager, then there is opportunity for them to resolve before it goes to the council.

Comm. Smith

It is still the expectation that the mayor would present the manager's budget.

Would support having both of them present to the council. Not so much silencing the manager as insisting that the mayor stand up and give account.

\*Comm. Ranaghan

The start of the budget document is the "budget message". Who prepares the "budget message" and what is the spin on it? Very important that the manager present with his/her budget message.

\*Comm. Cohen

If go to page 5 of the Subcommittee's proposal, the manager presents the budget and the mayor has an opportunity to comment on it at time of submission. Right now there are two comments – manager's and mayor's. Now we're saying that the mayor presents the mayor's comments and the manager's comments.

Will there be an opportunity for the manager to present his or her budget if we say that the manager prepares the budget and the mayor presents it?

Ans. 5 members of the council could always ask for a manager's budget message.

\*Chair Plumb

Want the mayor to take some ownership for the policy direction in the budget; but also want the manager to prepare a professional budget.

Want both to happen, have council to have the benefit of both the presentation of the manager's budget by the manager;

And have mayor make a presentation as to how the budget reflects the policy guidance.

Everyone saying they want to hear from both people.

\*Comm. Davis

Take the possessive language from in front of the budget and get away from the tug of war between manager and mayor.

Really is city budget prepared by the manager at the direction of the mayor. Could have a two part presentation of what is called the “city’s budget”, with mayor doing big picture and manager doing the detail.

\*Comm. Cohen

If we are silent then anyone can speak on it. We keep the language out, we enable everyone to speak to it.

\*Comm. Chipman

If silent, not guaranteed to hear anything from the mayor on the budget.

\*Comm. Mermin

Friendly amendment – that the manager and mayor shall jointly present the budgets to the city council, accepted.

\*Comm. Cohen

Are we talking about only those budget which require council approval?

\*Comm. Smith

Did not intend to remove that language. Leave to council to fine-tune it.

\*Comm. Valleau

The manager is going to be insignificant compared to the mayor in this presentation process.

**Motion to consult with and provide policy direction to the city manager in the preparation of all city budgets, and the mayor and manager shall jointly present to the council all budgets that require council approval. Passes 8-2** (Valleau, Trevorrow)

Discussion of whether to schedule another meeting – decision to extend meeting (short break)

\*Chair Plumb

Identify what you want to work on

\*Comm. Spritz

-On page 2 at end of Art. II, sec. 5, recommend that it read “.... the city manager shall be in charge of the day to day operations of the city and administration of the city budgets approved by the council.

(deleting reference to being chief executive)

-Refer just to “the budget” in Art. VII, Sec. 6 on page 5, and have it in such form as the city council may require.

\*Comm. Smith

On page 4, Prepare city budget ”in consultation with and incorporating policy direction from the mayor...” – mirror language in mayor’s powers and duties.

\*Comm. Chipman

-Want to put back in original (f) under Art. II, sec. 5 regarding preparation of cip plan (crossed out at top of page 2)

\*Comm. O’Brien

-Want to strike “responsible for providing leadership for the city” in beginning of Art II, Sec. 5.

\*Comm. Valleau

Art. VII, Sec. 5 reference to mayor comment at time of submission of budget no longer relevant.

\*Comm. Ranaghan –

Put language back in old (f), re CIP program, but substitute “consult with and policy direction” rather than “direct” passes 10-1 (Valleau)  
(g) “to facilitate” rather than to “play a facilitative role”  
(j) “at least” 6 members of the city council  
III, 5 “at least” 6 member so the city council  
VII, 5, require that the city manager become a resident of the city after appointment.

\*Comm. Smith

Agree with Comm. Valleau that we revise to show that both manager and mayor present the budget.

\*Comm. Davis

In III, 5, reference budget estimates of “the city”.

\*Comm. Spritz

(h) Remove the last sentence

\*Comm. O’Brien

Motion to strike the phrase “responsible for providing leadership for the city” in II, 5, seconded

\*Comm. Trevorrow

Only strike “for the city” as a friendly amendment

Leave in “responsible for providing leadership”

**Motion to amend opening to Art. II, sec. 5 to read “The mayor shall be the official head of the city, responsible for providing leadership, and shall have ....” passes 10 1 (Valleau).**

\*Chair Plumb

Next one is putting Art. II, 5, old (f) re: “direct the city manager in the preparation of the annual capital improvement program plan...”

\*Comm. Ranaghan

**Motion to put back in language of former Art. II, Sec. 5 (f) referencing “to consult with and provide policy direction to the city manager in the preparation of the annual capital improvement program plan ....” Passes 10-1 (Valleau)**

\*Comm. Ranaghan

**Motion to replace “play a facilitative role” with “to facilitate” among the city manager .... in Art. II, sec. 5 (g), passes unanimously.**

\*Comm. Spritz

Motion to strike new language in (h), which is too restrictive, seconded.

\*Comm. Mermin

The intention was the opposite; was to make them measurable goals and objectives, and not have micromanagement. Puts into charter that policy considerations are part of the evaluation.

\*Comm. O’Brien

Friendly amendment to retain “Such performance guidelines shall have measurable goals and objectives”, not accepted.

\*Comm. Ranaghan

Support striking because it also applies to city clerk and corporation counsel

**Spritz motion to strike whole last sentence in Art. II, Sec. 5 (h) re: performance**

**evaluations, fails 5-6** (Spritz, Ranaghan, O'Brien, Smith, Trevorrow)

**Ranaghan motion to add “at least 6” in Art. II, Sec. 5 (j) passes unanimously.**

\*Comm. Spritz

Revise last sentence of II, 5 to read that the city manager shall be in charge of the day to day operations of the city and administration of the city budgets approved by the council (removing reference to “chief executive”).

\*Comm. Valleau

City manager is the chief executive and we should say so; it is not just turning on the lights and processing payroll. More of the incredible shrinking city manager.

\*Comm. Smith

Should avoid the whole morass about where the executive authority resides and eliminate using the terminology.

**Spritz motion to remove the phrase in last sentence of Art. II, sec. 5 “the chief executive of the city” to read “The city manager shall be in charge of the day to day operations of the city and administration of the city budgets approved by the council, passes 8-3** (Plumb, Valleau, Ranaghan)

**Davis motion to eliminate reference to “city manager’s” budget and refer to “city budget” estimates in Art. III, sec. 5, passes 10-1** (Valleau)

**Ranaghan motion to add “by a vote of at least 6 members.... in Art. III, Sec. 5, passes unanimously.**

\*Comm. Ranaghan

Move to add to “but shall become a resident of the city within three (3) months”, to first sentence of Art. VI, Sec. 5.

\*Comm. Spritz

Oppose, don't think living in the city has anything to do with the job.

\*Comm. Chipman

Would support having manager be a resident of the city at the time of appointment; makes them more invested in administration of the city.

\*Comm. Smith

Could be eliminating entire range of persons from consideration as city manager

\*Comm. Mermin

Current language implies that the manager will become resident, just doesn't state it or have a timetable. Citizens like to have manager live in the city, experience same services they are.

\*Comm. O'Brien

Shouldn't put this in charter; wouldn't want to lose someone because they lived in Yarmouth

\*Comm. Ranaghan

Could soften the language “unless extended for up to one year for extenuating circumstances”. Imperative that the manager be in the city



full-time. It is a 24/7 job. Managers even from away have moved to the city.

\*Comm. Cohen

Ultimately we do want the city manager to live in Portland; best education in how best to run the city, plus want to be here when major event occurs.

\*Comm. Smith

This could be handled by city council rather than by charter, to leave council to deal with unique circumstances.

\*Comm. Plumb

Do not think the charter is the right place for this requirement. Do it through the hiring process.

**Ranaghan motion to amend Art. VI, Sec. 5, after “at the time of appointment” “but shall become residents within 3 months thereafter unless extended for up to 1 year by the city council” fails 5-6 (Cohen, Valleau, Ranaghan, Chipman, Mermin).**

\*Comm. Smith

Want more flexibility for councilors to speak with city staff in VI, Sec. 5 but still recognize the need to make councilors back off with ordering staff around.

\*Chair Plumb

Work on fine tuning the language around this and bring it back.

**Smith motion “To prepare city budgets in consultation with and incorporating policy direction of the mayor” in Art. VI, 5 (e) passes, 9-1 (Valleau) (Ranaghan absent)**

\*Comm. Valleau

In Article VII, Sec. 5 Annual Budget, delete the last sentence about providing the budget to the mayor for submission with mayor comments about the budget.

**Smith motion for Art. VII, sec. 5 “Not later than 2 months before the end of the fiscal year, the mayor and the city manager shall submit to the city council the proposed budget for the ensuing fiscal year.” (Eliminate proposed new language) passes unanimously.**

\*Comm. Davis

Eliminate reference to city manager in second paragraph of Art. VII Sec. 5. Annual budget

\*Chair Plumb

Counsel to look for other changes where “city manager’s budget” is referenced and point them out. The intent is that it is the city budget as prepared by the city manager.

\*Comm. Spritz

**Spritz motion to amend first sentence of Art. VII, Sec. 6 to read the “proposed city budget” shall provide.... passes 8-2 (Plumb, Valleau)**

\*Comm. Spritz

Motion to eliminate “in such form as the city manager deems desirable” in Article VII, Sec. 6. and just have the budget be in such form as the council requires.

\*Comm. Smith

Council doesn't have a clue about the form of the budget so the default is to the city manager, and if council wants to trump the professional, it's their prerogative anyway.

\*Comm. Cohen

If we struck everything at end of that sentence, then it would just be silent on it.

\*Comm. Spritz

I am proposing this because this is fuzzy language, but I am interested in Comm. Cohen's suggestion.

\*Chair Plumb

There will have to be some proposal from manager about the form of the budget, but council not in position to say what the form of the budget should be.

**Spritz motion to eliminate the section on "in such form as the manager deems desirable..." fails unanimously.**

\*Comm. Cohen

Motion to end this sentence in Art. VII, sec. 6 "after ensuing fiscal year".

\*Comm. O'Brien

Think it's good to have in the charter who sets form of budget.

\*Comm. Valleau

Used a form of budget that goes back decades and you can make year to year comparisons which is valuable.

**Cohen motion to end the sentence in Art. VII, sec. 6 after "ensuing fiscal year" and eliminate rest of sentence, passes 6-4 (O'Brien, Valleau, Plumb, Mermin).**

**Vote on all of the amendments to the subcommittee's proposal passes, 8-2 (Trevorrow, Valleau)**

\*Chair Plumb: Ordering of the ballot questions

\*Comm. Spritz

Only change on 1 is order of last 2 paragraphs after the bullets (compensation and RCV); actual language in the bullets may change to reflect the new decisions.

Think voters care more about mayor's compensation.

**Spritz motion to re-order last two paragraphs of Ballot Question #1, passes unanimously.**

\*Comm. Spritz

Order of the 6 bullets on Question 2, reordering to reflect the significance of the changes, with last two bullets seeing change of name and compensation.

\*Comm. Smith

Some people might not know what the "board" is and don't find out until you get to the end.

\*Comm. Spritz

\*So all references in first bullets would be changed to school committee with last one being the name change.

Counsel

\*Will be too confusing for the voters – lead needs to be the name change and then use the name change in referring to remainder of summary.

\*Comm. Cohen

“This amendment changes the name of the school committee to the board of public education (the “board”) and adds the following:....”

\*Chair Plumb

Need some consistent reference to the name of the organization and put items we think are of largest significance in the beginning of the summary.

**Concept of the change in the ballot question #2 (above discussion) approved unanimously.**

Discussion on sponsorship of items on Council agenda:

\*Comm. Chipman

Any new business items on council agenda would have either a councilor or mayor sponsoring it so items would not be put on which have no interest. Would improve accountability.

\*Comm. Cohen

Way it works in Augusta there are certain statutory or legislative rules which say something must come forward – but they will still have a legislative sponsor.

\*Chair Plumb

What’s purpose and value in that?

\*Comm. Cohen

Protocol

If a staff person cannot get anyone interested in it, why are we interested dealing with it?

\*Comm. O’Brien

Mayor is gatekeeper of agenda, so will probably sponsor 90% of what’s on the agenda.

\*Comm. Smith

Manager often sponsors items; provides administrative efficiency; tend to be administrative items. Don’t have council sponsors for liquor licenses and minutae.

Have given the mayor control over agenda; convenient to depoliticize stuff.

\*Comm. Chipman

Item was brought to my attention by a city councilor, shall we have them come to next meeting and explain why they think it is necessary.

\*Chair Plumb

Let’s leave it that way

Remaining issues:

Veto question

RCV and

Separation of Elected Mayor and RCV questions  
Sponsorship for council agenda items by an elected person  
Communication with staff language

Get veto question on the table:

\*Comm. Valleau

Very late hour to start such a big item

\*Comm. Mermin

Agree that we could not have a full discussion but don't want it to be whole agenda next meeting; would like to hear the proposal so I can come next week with some sense of what it is we are going to talk about.

\*Comm. O'Brien

Came from reading the editorial in the Press Herald and thought the veto was a reasonable suggestion. Issue of new power given to the mayor; mayor could veto anything.

Power to influence policy; mayor goes back to being a regular councilor once the budget is passed because most of the powers are vested in budgetary process.

\*Comm. Spritz

Would like some proposed versions of what a veto could look like.

\*Comm. Cohen

This is a change we can talk about without getting into the manager issues.

Come up with some examples of language for mayor with a veto

Would like to have counsel prepare some advice and look at some options. I'll be happy to bring something back.

Counsel – in most jurisdictions where there is a veto, mayor does not vote except to break a tie.

O'Brien and Cohen to work with counsel on this issue.

\*Chair Plumb

Want group on RCV to bring specific recommendations to the group

\*Comm. Smith

Trying to be responsive to the criticisms and we have a lot of work still to do to present it.

\*Chair Plumb

Please organize it around

Want mayor representing majority

Is RCV still the best way to do that among the options of open primary and runoffs.

\*Comm. Smith

Does it do what we want?

Is there a fatal flaw?

Is there a better system?

Also will do a recommendation about separating it on the ballot.

Adjourned 10:35 p.m.

Schedule of meetings remaining:

Thursday, July 1: agreement on any changes to the Preliminary Report

Thursday, July 8: final passage of the Preliminary report