

**Portland Charter Commission  
Final Report  
July 16, 2010**

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# PORTLAND CHARTER COMMISSION: FINAL REPORT

## I. REPORT TO THE COUNCIL

The Portland Charter Commission submits its Final Report to the Portland City Council. The Report includes a Background section on the Charter Commission's creation and process. Section II discusses the Commission's Recommendations for Charter changes. Section III has a detailed summary of each ballot question that the Commission recommends be put on the November 2, 2010, ballot for approval. Section IV lists major issues considered but not recommended by the Commission, and Section V contains minority reports from Commission members. Section VI provides the legal language for each of the 3 separate charter questions recommended by the Commission, showing the additions and deletions to the current Charter language for each question. Section VII provides the overall proposed Charter language, showing additions and deletions to the current Charter, if all three questions are approved by the voters. This Report as well as all of the agendas and minutes of Commission meetings are available on the Charter Commission's section of the City's web site at <http://www.portlandmaine.gov/charter/chartercommission.asp>. Videos of most of the Commission meetings may be accessed on the Community Television Network website at [www.ctn5.org](http://www.ctn5.org).

## BACKGROUND

In July 2008, the Portland City Council passed an Order establishing a Charter Commission and an Order sending the question to the voters on November 4, 2008. The Council discussion at the time focused on the question of changing the city's charter to provide for a popularly elected mayor. On November 4, 2008, the voters approved establishing a Charter Commission. In December, the Council appointed three Commissioners and the voters elected nine more commissioners in June of 2009. The discussions and public debates during the election periods covered a large range of subjects including the elected mayor, the relationship between the School Department and the City, the use of Ranked Choice Voting, the possibility of permitting non-citizen residents to vote in local elections and various changes to the number and size of Council districts and how Councilors are elected.

The Charter Commission held its first organizational meeting on June 18, 2009, and its first Public Hearing on July 16, 2009. Over the summer of 2009, meetings focused on the issues for the Commission to consider, the process for moving forward on those issues, the background information and research needed to understand the issues thoroughly, staffing and budget for the Commission, and ways to engage the public in the process.

In the fall of 2009, the Commission began work on the subject areas agreed to over the summer:

**Leadership and Vision**

- Should we recommend a popularly elected mayor for Portland and, if so, with what range of powers and responsibilities?

**Engaging Residents / Voting and Representation**

- Should we recommend any changes to the number of council seats and/or the ratio of at large and district seats and/or the number of districts?
- Should we recommend ranked choice or instant run off voting, clean election funding and/or term limits for Councilors?
- Should we recommend extending the right to vote in City elections to legal, permanent, non-citizen residents?

**School Committee relationship**

- Should we recommend any charter change(s) that would improve the working relationship between the City Council and the School Committee or the functioning of the School Committee?

**Technical Changes**

- Should we recommend various changes to update the language in the Charter?
- Should we recommend changes to the qualifications and conflict of interest sections of the Charter?

The Commissioners agreed that these subjects would remain fluid as other issues might arise in the process of the work.

This Report represents extensive work by the members of the Charter Commission, which has met 33 times since June of 2009, including public hearings, regular working meetings, and a public discussion session and a public panel on the elected mayor, and two informal public “conversation” meetings. Subcommittees on various issues were also formed and made reports back to the full Commission. The Commission published its Preliminary Report on May 21, 2010.

Following issuance of its Preliminary Report, a public conversation was held on June 10, 2010, followed by a traditional public hearing on the same date. The Commission met again on June 24, 2010, July 1, and July 8, 2010 to consider further changes and modification to the Preliminary Report. . In response to public comments received, final changes approved by the Commission included clarifying both the authority of the mayor and ranked choice voting. The Commission has also spent countless hours in subcommittees, research and homework. Throughout, the Charter Commission has had very valuable support from its legal counsel and staff person, Elizabeth Boynton, and assistance and guidance from a number of City and School staff, School Committee members and other outside experts.

The Commission represented a cross section of ages, interests, political persuasions, professional expertise and life experiences. Our debates were lively with strongly defended opinions. At the same time, Commission members listened to, learned from and were often persuaded by one another. In all instances, the group was a model of civil discourse and participatory democracy.

## II. COMMISSION RECOMMENDATIONS

### A. POPULARLY ELECTED MAYOR

The Commission considered a change to a popularly elected mayor from the current system of having the City Council members appoint a mayor from its members. In September, we reviewed data on cities similar to Portland that had elected mayors, or had the traditional city manager form of governance such as Portland, or had mixed forms of government. We heard from the public, examined the National Civic League’s model charters and other readings, and explored the pros and cons of a popularly elected mayor and the various forms it could take. The Commission also learned that the majority of American cities with a city manager form of government allow for the direct election of their mayor.<sup>1</sup> Late in October, the Commission sponsored a public panel discussion on the pros and cons of having a popularly elected mayor form of government. Panelists included: Mayor Donnalee Lozeau from Nashua, Mayor John Jenkins from Auburn, former Portland City Manager Tim Honey, and Jim Bennett, a former manager in several Maine communities and active in national city management organizations.

Through November and early December of 2009, the Commission debated the issue and came to a number of preliminary agreements on what it would like to see as a popularly elected mayor option. There were still some outstanding issues in defining the role of the proposed mayor, which were revisited in March and April of 2010, and again in June and July for this Final Report.

**Recommendation:** The Commission recommends that the Charter be changed to provide for a popularly elected mayor, to be elected by a majority of the voters through Ranked Choice Voting (RCV), also known as Instant-Runoff Voting. The Commission feels strongly that the mayor should represent the vision and direction of a majority of the electorate – in other words, more than 50% of the voters.

- ***Why do we recommend a popularly elected mayor?*** The Commission debated this issue more than any other. While our final decision was not unanimous (see the accompanying minority report), an overwhelming majority of the Commissioners felt that Portland’s political and governance needs had evolved to the point where a largely ceremonial mayor, one of the nine City Councilors chosen for a one-year term, was not sufficient for the complexities and demands of our city.

In particular, we felt that:

- Portland needs a popularly elected leader who speaks for the people and who can unify the disparate views of the City Council;

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<sup>1</sup> See ICMA, “Special Data Issue” 2002, which states that in 65% of the council-manager cities, the mayor was directly elected by the voters. See Table 8 “Selection Methods for Chief Elected Official in Mayor-Council and Council-Manager Cities.”

- Portland needs a fulltime leader whose term of office (four years) is sufficient to introduce and implement policies and programs that respond to the voters' wishes and further the city's progress;
- Portland needs a popularly elected leader who can work with the Council to ensure that the budgets prepared by the city manager accurately reflect the city's priorities;
- Portland needs a popularly elected leader who can represent our city in our interactions with other municipalities, the state and Federal governments, business interests, and the many entities that look for a unified voice speaking as the public face of local government;
- Portland still needs a City Council representing the various constituencies in the city;
- Portland still needs a professional City Manager running the City's day-to-day operations; and
- Portland needs a popularly elected mayor who can speak for the people, represent the city, and help to focus our common desire to see Portland grow and prosper for all of her residents.

With its recommendation, the Commission is striving for a balance between directly elected political leadership for the City and the virtues of professional city management. Based on our interactions with the public and our own sense of the character of our city, we felt that an "executive" mayor model would be unacceptable to most Portlanders. Professional administration has done well by the City, and we will not abandon its ability to safeguard our fiscal health.

On the other hand, Portland has often lacked strong direction and consistent leadership. A mayor with a one-year term does not provide that guiding hand with consistency. A four-year mayor can be a unifying figure and can work with the City Manager to articulate a clear vision for the City's future and a strong – if broad – basis for City operations.

Likewise, a mayor selected from and by the City Council does not provide the level of public accountability that the Commission felt was important for Portland to succeed. The Commission has therefore recommended that Portlanders have the opportunity to directly elect their mayor, and as part of such process, have a direct say in the policy direction of the City.

Importantly, the position we have drafted is not an executive mayor, but rather is a "policy" mayor who remains a member of the Council and has substantial influence over the policy direction of the City. As crafted by the Commission, Portland's future mayor would be a "strong policy mayor" able to speak for the City, represent the City both internally and externally, and would have authority to participate actively in the budget process, oversee the hiring and review process for the City Manager, City Clerk and Corporation Counsel, facilitate the implementation of City policies through the office of the City Manager, and manage the processes of the City Council. Under this new system, the City Manager remains the chief administrator of the city,

and the Council remains responsible for developing City policy, but the Mayor would have a range of powers to help advance city policies in cooperation with the City Council and the City Manager.

The following table is a comparison of the expressly stated powers and duties of the appointed mayor under the current Charter, and the expressly stated powers and duties of the mayor under the Charter as proposed by the Commission.

<u>Current Mayor</u>	<u>Proposed Mayor</u>
● Chosen by Councilors for a 1 year term; subject to removal at any time by vote of the Council.	● Directly elected by the voters for a four year term, up to two terms; removal through recall election.
● Member of the Council; chairs Council meetings	● Member of the Council; chairs Council meetings
● Official head of the City	● Official head of the City
	● Official representative of City with other governments and within City
	● Facilitates implementation of City policies through office of the City Manager
	● Oversees process for hiring, evaluating, and removing the City Manager, City Clerk and Corporation Counsel
	● Provides policy guidance to the City Manager in preparation of city budgets and capital improvement plans; comments on manager's budget upon presentation to Council.
	● Facilitates among stakeholders for passage of City and School budgets
	● Appoints Council standing committees and ad hoc committees, subject to Council override
	● Directs agenda preparation for Council meetings
	● Leads an annual Council workshop on City goals and priorities
	● Makes an annual "state of the City" address
	● Has veto authority over the municipal budget, subject to Council override by a vote of at least 6 members.

- ***How would a mayor be elected?*** We recommend, as part of the ballot question on the elected mayor, using Ranked Choice Voting for the mayor's election. It allows voters to identify their order of preference for the various candidates by marking their 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>d</sup>, 4<sup>th</sup> choice and so on. The method ensures that within one election, even when no one candidate has more than 50% of the 1<sup>st</sup> choice votes, there is a process for using the second choice votes of the

candidate with the lowest votes to identify which candidate has the largest public support overall. (See the following section on Ranked Choice Voting for a full explanation of the process.)

- ***When would a mayor be elected, and for how long?*** The at large Council seat up for election on November 8, 2011 would become the mayor's seat, beginning with the November 2011 election. The mayor's term would be for four years and would be limited to two consecutive four-year terms. The Commission realizes that with the four year mayoral term, there will be one year periodically when no at large seats are up for election, while other years, there will be two at large seats up for election. The Commission did not recommend a method of equalizing the number of at large seats up for election to one per year in the future, but the City Council could recommend such a charter amendment if the Commission's recommendations pass in November 2010.

- ***What would the mayor do?*** The position would be full-time and non-partisan, representing the city as its popularly elected leader. The mayor would facilitate the implementation of city policies through the offices of the city manager. The mayor would consult with and provide policy guidance to the city manager in the preparation of all city budgets requiring the specific approval of the city council, and the mayor would comment on the manager's budget upon presentation to the Council. The mayor would also play a facilitative role with the City Manager, Council, School Committee and the public to secure passage by the Council of a City and School budget. The Mayor would have veto power over the annual City portion of the Appropriation Resolve, which would require six Council votes to override.

In addition, the mayor would give an annual State of the City address and lead the Council in a workshop session to identify the key goals and priorities of the City. He or she would serve as Chair of the Council, set the Council agenda and vote as a Council member. The mayor would annually appoint the Council committees and the various ad hoc city committees. The appointments could be overridden by a vote of at least six members of the Council. The mayor would be responsible for regular evaluations of the three council appointees (the City Manager, Corporation Counsel and the City Clerk), and for establishing performance guidelines in conjunction with the other members of the City Council, and for chairing a committee responsible for recommending to the Council the appointment or removal of any of the Council appointees, but the Council would have the final vote.

- ***How much would the mayor be paid?*** The position of mayor that we have crafted is a full-time job – perhaps more. The position of mayor also requires the undivided loyalty of its occupant, and a mayor who must maintain a second job in order to make ends meet risks creating divided loyalties which are not in the interests of the City. Finally, we recognize that, in order to attract quality candidates for mayor, the salary needs to be set at a reasonable level, and needs to have a floor established in the Charter to ensure that future City Councils are not able to “gut” the position by setting the salary at a level that would make it impractical or impossible for Portland residents to undertake the position. It is therefore critical that the mayor receive compensation appropriate for a full time job within the City of Portland, and that the City Charter contain an appropriate floor for the mayor's salary.

Therefore, we recommend that the mayor be paid an annual compensation consisting of an annual salary set by the Council of not less than one and one-half (1.5) times the median household income in Portland, as established by the most recent Census information, plus customary benefits. If the election were held today, that would be \$44,906 [median household income for Portland] times 1.5 = \$67,359. The salary for this full-time position could not be set at less than this amount. Prior to the date nomination papers are available for the first mayoral election, the City Council will set the mayor's compensation and reset it prior to the date nomination papers are available for each following mayoral election. During the mayor's term, the Council may adjust the mayor's compensation, but not below the floor noted above.

## **B. RANKED CHOICE VOTING (RCV)**

In January 2010, the Commission heard testimony from a number of experts on Ranked Choice Voting, including Rob Richie, Executive Director of FairVote; Jo Lamarche, former City Clerk of Burlington, Vermont; Linda Cohen, Portland City Clerk; and Julie Flynn, Deputy Secretary of State for Corporations, Elections and Commissions. They presented the various issues regarding Ranked Choice Voting including the benefits, challenges, technical issues and examples of where it is operating in other communities today. Following issuance of the Preliminary Report, a subcommittee further evaluated RCV and reviewed comments received on its use. After such evaluation, the subcommittee again strongly supported RCV as the best method to ensure that the elected mayor has majority support from the community.

**Recommendation:** The Charter Commission recommends that Portland use Ranked Choice Voting for the election of the mayor. We feel that the mayor should represent the vision and direction of a majority, not less than 50% of the voters as is possible in a field of three or more candidates in a plurality election, and we have included RCV as an integral part of the ballot question for the elected mayor. The use of RCV will only be needed if there are three or more candidates running for mayor in the same election.

- ***How does RCV work?***

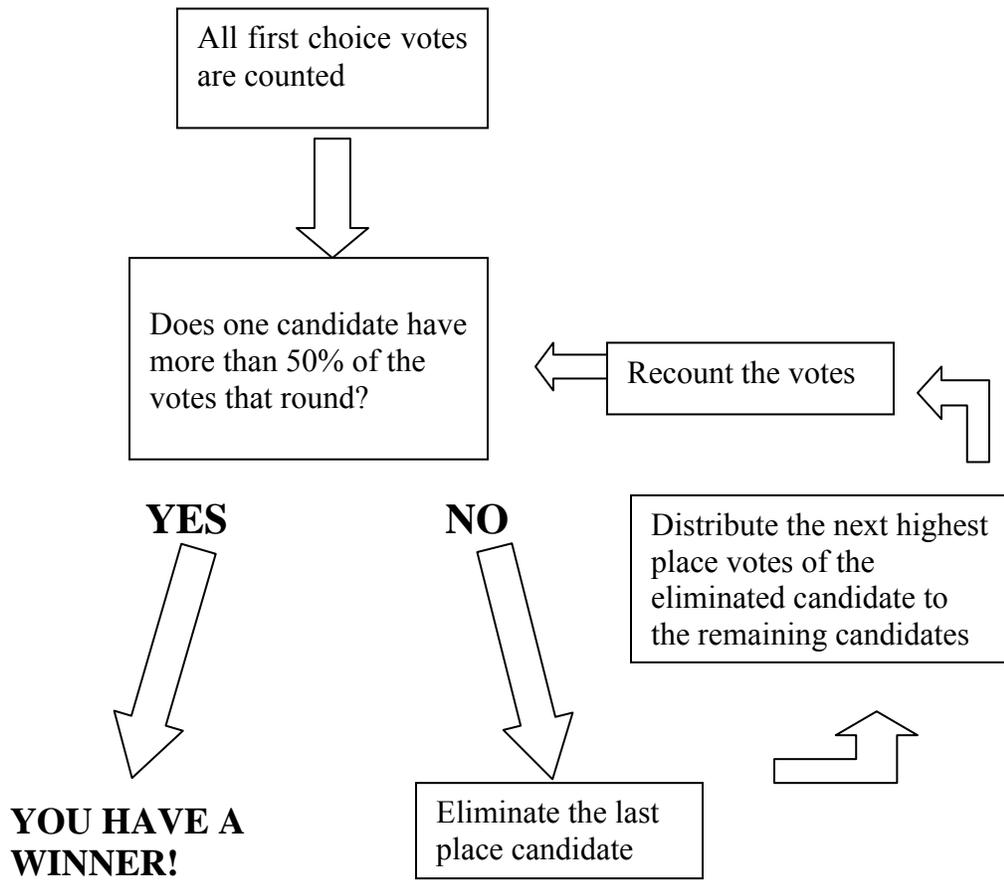
The RCV system asks voters to rank their choices for mayor on a ballot designed to have a column for as many ranks as there are candidates. For example, if there were three candidates running for mayor, there would be columns for first, second and third choices. Voters would mark the first choice column for their first choice for mayor and then the subsequent columns for their second and third choices. [Voters are not required to rank all 3 candidates nor to vote for more than one candidate; but they have the option of ranking multiple candidates.]

(Continued next page)

- *What would the ballot look like with three candidates? (Illustrative only)*

	1 <sup>st</sup> choice	2 <sup>nd</sup> choice	3d choice
Candidate A		X	
Candidate B	X		
Candidate C			X

- *How does the process work?*



- ***What would the vote count look like?***

Results Round #1 (if 30,000 votes cast, then need 15,001 for a majority):

Round #1: count of the 1<sup>st</sup> choice votes

Candidate A	11,000	37%
Candidate B	12,000	40%
Candidate C	7,000	23%

Results Round # 2 (if 30,000 votes cast, then need 15,001 for a majority):

Round #2: C's second choice votes are added to A & B

Candidate A	11,000 + 5000=16,000	53%
Candidate B	12,000 + 2000=14,000	47%

Ranked Choice Voting ensures that the person elected will best reflect the overall preference and direction of the majority. If one candidate receives more than 50% of the first choice votes cast, then that person is the winner. If none of the 3 candidates receives more than 50% of the first choice votes, then the candidate with the lowest number of first choice votes is eliminated from further consideration and the second choice votes from that candidate's ballots are counted until one of the two remaining candidates receives more than 50% of the votes cast in that successive round.

As an example, if 100 votes were cast for mayor in the election, the candidate with 51 first choice votes would be elected by a majority. If no candidate had 51 votes after the first round, then the candidate with the fewest first choice votes in the first round would be eliminated from consideration, and any second choice votes on the eliminated candidate's ballots would be counted as first choice votes for the remaining candidates for purposes of re-tabulation in the second round.

Assuming all 100 people vote first, second and third choices, 51 favorable votes would decide the winner in any round. However, some voters may elect to vote only for their first choice. For example, if 5 people voting for the candidate eliminated in the first round did not vote for a second choice candidate, then those individual's ballots would be deemed not to have voted in the second round, and the majority would be determined in the second round as 50% of 95, or 48 votes. If any remaining candidate received at least 48 votes in the second round (i.e. that candidate was listed as the highest ranked candidate on ballots with votes for a remaining candidate in that round), then that candidate would be elected. If not, the count would continue in successive rounds until a candidate with a majority of votes cast in that round was determined.

### **C. SCHOOLS**

In October the Commission heard comments from the Chair and members of the School Committee, as well as Superintendent James Morse and lawyer Harry Pringle, who represents the Portland Schools. The Commission reviewed the Sustainability Plan created by the City and the Schools for working together on fiscal planning and budgeting, and heard from the City and

School Directors of Finance, Ellen Sanborn and Herb Hopkins respectively. The key issue was how to avoid the kinds of fiscal problems that arose a few years ago and how to codify the current system for joint fiscal and budget planning. We also looked at how to improve the general working relationship between the two organizations and created more parity between School Board and Council stipends. In December, the Commission made a number of preliminary agreements, revisiting some of the unfinished issues in March and April.

**Recommendation:** The Commission recommends that the name of the School Committee be changed to the Board of Public Education, to more accurately reflect its responsibilities. In consideration for the heavy work load of members of the Board of Public Education, we also recommend that Board members be compensated equally to City Councilors (excluding the elected mayor) and that the Council provide for such additional compensation for the Chair of the Board as is appropriate to reflect the additional responsibilities of that job. In addition, the Chair of the Board would be required to address the City Council annually regarding the state of the school system.

The Commission recommends that the words “sound fiscal management” be added to the description of the Board’s responsibilities and that the Charter contain language requiring joint city and school meetings after the Superintendent submits his or her budget to the School Board and cooperation between the City and the Board during the development of their respective budgets. The format for the Superintendent’s budget submission will be clarified to be substantially the same as that currently required of the City Manager. In addition, language will be added to encourage the City and the School Department to share staff and resources and cooperate to provide better City and School services in a cost effective manner.

#### **D. TECHNICAL AMENDMENTS**

Since the Portland City Charter has not been reviewed in almost 25 years, many details within it are now out of date. State and federal laws, accounting procedures, programs and processes have changed. Other items simply need clarification. The Commission asked all City Departments to review the Charter and check for details that needed to be brought up to date. A subcommittee of the Commission met with Corporation Counsel, the City Clerk and the Finance Director to review their suggested changes. In March, the Commission reviewed all of the suggested technical changes, few of which made any substantive change in how the City currently functions.

One area of substantive change was the recall provisions. The Commission recommends that signatures to recall a district Councilor or School Committee member be only from voters registered in that member’s district, and if there were a successful recall petition, only those district voters could vote on the recall question. In addition, the Commission recommends that the number of petition signatures to recall district Councilors or School Committee members be one-half that currently required for at large members. [The current charter language did not distinguish between district and at large members in this regard.] There will be only one name for recall on each petition rather than listing multiple people for recall on one petition.

The Commission also adopted a Preamble to the Charter, expressing a vision and aspirations for self-government and education. This is included with the technical amendments.

All of the technical amendments are drafted to fit the current Charter and form of government. Therefore, you will see references to the current City Council / Manager form of government if you read the technical amendments by themselves. If the ballot question recommending a change to a popularly elected mayor passes, the changes required by that question will alter those parts of the Charter and supersede the technical amendments if there are conflicts. If the ballot question on the elected mayor fails and the technical amendments pass, no changes will be required to the technical amendments as drafted.

**Recommendation:** The Commission recommends that all of the technical amendments be passed.

### **III. BALLOT QUESTIONS**

The Charter Commission considered the issue of how the recommended changes should appear on the ballot. Because each of the discrete areas – elected mayor, schools and the technical amendments – require changes to many existing charter provisions, the Commission feels that it is impractical to print all of the changes on the ballot. (See page 63 for the full text of all of the Charter changes involved). Therefore, we recommend that the City Council adopt ballot summaries for each of the questions as permitted under state law. The following are the proposed ballot summaries recommended by the Commission.

(continued next page)

## QUESTION # 1

### **SHALL THE MUNICIPALITY APPROVE THE CHARTER MODIFICATIONS RECOMMENDED BY THE CHARTER COMMISSION TO PROVIDE FOR A POPULARLY ELECTED MAYOR AS SUMMARIZED BELOW?**

**Summary:** This amendment provides that the at large council seat up for election in November, 2011 will become the seat of a full-time, non-partisan mayor elected at large by majority vote. The mayor's term will be for 4 years, with a limit of two consecutive terms.

The elected mayor will have these powers and duties:

- To be the official head of the city and to provide leadership for the city;
- To preside as chair of council meetings; prepare agendas; and vote on all matters brought before the council, with the exception of the vote on a veto override described below;
- To be able to veto, for reasons to be stated in writing, the annual municipal budget appropriation, subject to override by a vote of at least 6 members of the council;
- To lead an annual council workshop to reach consensus on the city's goals and priorities;
- To facilitate implementation of city policy through the office of the city manager;
- To represent the city with other levels of government, the business community and other organizations;
- To consult with and provide guidance to the city manager in preparation of the city and capital improvement budgets and any other city budgets requiring council approval and provide the council with his or her comments on them when they are presented to the council;
- To work with the city manager, city council, the schools and the public to secure passage by the city council of the annual city and school budgets;
- To give an annual state of the city address and articulate the city's vision and goals;
- To work with other council members to establish performance guidelines for the council appointees (city manager, city clerk and corporation counsel), and to perform regular council evaluations of those appointees, which evaluations shall take into consideration, as applicable, the achievement of city policies and priorities;
- To chair a council subcommittee to appoint or remove the city manager, city clerk or corporation counsel;
- To appoint the members and chairs of the city council and ad hoc committees, subject to override of such appointments by a vote of six (6) council members; and
- To appoint an acting mayor for absences or disabilities of up to 60 consecutive days; the council will appoint an acting mayor if the mayor is unable to do so; or if the absence is more than 60 consecutive days, until such time as a vacancy may be declared and an election held.

The mayor's compensation shall be set by the city council prior to the date nomination papers are available, and from time to time thereafter, but the salary shall be no less than 1.5 times the median household income in Portland as published by the U.S. Census Bureau. Compensation will include both salary and customary city benefits. The city manager will continue to be the administrative head of the city, in charge of its day to day operations and management of the budget passed by the council.

The mayor's position only will be determined by ranked choice voting, in which the voter ranks candidates in their preferred order. If no candidate receives a majority of first place votes in the initial count, then the city clerk will conduct an instant runoff, in which the candidate with the fewest first place votes is eliminated from further consideration and the voters' second choice on that candidate's ballots is allocated to the remaining candidates. This is done in rounds until a candidate achieves a majority of the votes cast in that round.

Note: The provisions regarding the elected mayor, if passed, shall supersede the technical amendments, where applicable, if the technical amendments are also passed.

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## QUESTION # 2

### **SHALL THE MUNICIPALITY APPROVE THE CHARTER MODIFICATIONS RECOMMENDED BY THE CHARTER COMMISSION RELATING TO THE SCHOOLS AS SUMMARIZED BELOW?**

**Summary:** These amendments change the name of the school committee to the board of public education (the “school board”) and include the following new provisions:

- The school board shall be responsible for the sound fiscal management of the schools;
- The chair of the school board shall deliver an annual state of the schools address to the city council and the public;
- The amendments codify recent practice in regard to submission and review of the school budget prior to its submission to the city council. Within 30 days of submission of the superintendent’s budget to the board, the city council and the board, or their subcommittees, will hold at least two joint meetings to review the superintendent’s proposed budget. A budget format similar to that of the city budget will be provided for this review;
- Language is added to encourage the city and school department to share staff and resources and cooperate to provide better city and school services in a cost effective manner; and
- The members of the board of public education shall be compensated in the same amount as members of the city council, other than the mayor. The chair of the board shall receive an additional stipend to compensate for his or her additional duties as chair. All such compensation shall be set by the city council.

Note: The provisions regarding the schools, if passed, shall supersede the technical amendments, where applicable, if the technical amendments are also passed.

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### QUESTION # 3

#### **SHALL THE MUNICIPALITY APPROVE THE CHARTER MODIFICATIONS RECOMMENDED BY THE CHARTER COMMISSION AS TECHNICAL CHANGES AS SUMMARIZED BELOW?**

**Summary:** The technical amendments were recommended to the charter commission by the city clerk, the finance director and the corporation counsel. In general, they are intended to remove obsolete language or clarify and conform that language to current practice or law, as follows:

- Preamble: Adds a Preamble stating the intent of the charter to reflect the ideals of self-governance and of education.
- Article I, Grant of powers to the council deletes the reference to a specific maximum fine for violation of ordinances and allows this to be governed by the applicable ordinance and/or by an applicable state law.
- Article II, City Council, reflects the fact that the current Council appointed chairman is called the “mayor”, without changing any of that person’s authority (see Question 2 regarding an elected mayor, which would supersede this provision if passed). Makes consistent the reference to when nomination papers are first made available for signature.
- Article III, Schools, substitutes “Chair” for chairman of school committee; allows the first meeting to be held on the first Monday in December “or as soon thereafter as possible”, as is currently allowed for the first meeting of the city council, in the event it is required to be delayed, e.g. because of severe weather. Permits the council to shorten the time frame for nomination petitions for a mid-term school committee vacancy in the event a special election is required as is currently permitted for mid-term council vacancies.
- Article IV, Elections, is amended to clarify the relationship of this article to state law in regard to write-in candidacies, the form of the ballot, the counting of ballots, ballot notice and posting requirements and who may certify nomination petitions; clarifies that a person can get signatures for only one position for each election.
- Article V, Recall is clarified as to when a member of the city council or school committee member may be subject to recall (no later than November 30 of the year prior to his or her next scheduled next), and distinguishes between recall of an at large member of either body and a district member in terms of the number of signatures needed to start the affidavit process and the number needed for the petition to place the member on the ballot for recall. The number of signatures needed for the district member is one-half of those needed for an at large member, with the at large number remaining the same: 500 signatures for the affidavit and 3000 signatures on the petition to require a recall election. Only residents of the applicable district can sign petitions and vote on the recall of their district councilor or school representative.
- Article VI, Administrative Officers deletes obsolete reference to a board of voter registration and to the limit on the number of constables able to be appointed by the council. It authorizes the city manager to appoint an acting city manager in the event of absence or disability of up to 60 consecutive days; if a longer absence occurs, the Council would designate a person to perform the duties of the city manager

- Article VII, Business and Financial Provisions, is updated to reflect current terminology and practice, requires the finance director to have in place adequate financial controls for paying bills; adds a reference to “generally accepted accounting principles”; permits the city council to authorize bonds for any purpose permitted by state law; clarifies the publication of notice of pending bond orders; deletes obsolete numerical references in the bond referendum requirement while retaining the current formula for determining when bonds must be put out to referendum, and clarifies that the public hearing on the school and city budgets do not have to be held at the same time.

Note: These technical amendments do not include the changes required to authorize a popularly elected mayor, or substantive changes to the school provisions. Those changes are provided in Ballot Questions 1 and 2 respectively, and approval of those questions will amend these technical changes where applicable if these technical changes are also approved.

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#### IV. MAJOR ISSUES CONSIDERED BUT NOT OFFERED AS A RECOMMENDATION

- **Non-Citizen voting in municipal elections:** Following extensive presentations, public comment and Commission debate, the Commission elected not to recommend Charter revisions addressing non-citizen voting in Portland on municipal offices and questions.
- **Issues of Council redistricting, number of seats, types of seats (at large/district):** The Commission voted to take these items off its list of issues to consider.
- **Clean elections funding:** The Commission agreed to take the subject off its list of issues to consider.
- **Residency requirement for election wardens and ward clerk:** The Commission did not support a recommendation that the residency requirement for election wardens and clerks be eliminated.

\* \* \*

## V. **MINORITY REPORTS**

### A. **Popularly Elected Mayor**

April 2010

Ladies and Gentlemen:

As I have stated from the very outset, I am not in favor of changing the government we enjoy in Portland by having a fulltime Mayor.

As a third generation Portlander, born and raised near the corner of Boyd Street and Cumberland Avenue, the son of a Portland police officer and my stay-at-home mother, I have a very good feeling for what this city is and is not.

Portland is one of the great small cities in this country. Safe streets, clean neighborhoods, good schools. These attributes make Portland a special place to live, and work. Portland is well thought of from all sorts of people and interests--it seems that we are always be cited with awards as one of the "10 best places to...eat...live...be a woman...grow a family...recreate. You name it, we are a GREAT City, not just in our eyes, but everyone else's.

I thought I knew whole lots of people in Portland, but I meet new ones all the time. They are moving here from all over.

There is a reason. I knew it all along, I never left.

So now come new ideas to make it better. A Mayor. A Mayor elected by a new voting method. Will it be better or just different. I do not know, but I also do not want to find out. I do not want to find this City less better off than it is now.

Portland's great poet, Henry Wadsworth Longfellow, wrote in "My Lost Youth",

"Often I think of the beautiful town that is seated by the sea...'A boy's will is the wind's will, and the thoughts of youth are long, long thoughts'..."

I have fond thoughts of my youth and my life in this Portland.

Richard J. Ranaghan, Jr.  
District 5

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**B. Extending Municipal Voting Rights To Legal Residents of Portland Who Are Non-Citizens of the United States**

When the Charter Commission convened in the summer of 2009, Commissioners, at the public's urging, agreed to explore the issue of extending voting rights in municipal elections to legal residents of Portland who are not yet citizens of the United States. During meetings in February and March 2010, the Commission heard testimony from national and local experts and public comment from Portland residents, before engaging in a thoughtful discussion centered around two issues: whether the Commission was allowed by Maine law to extend the right to vote beyond the populations enfranchised by state and federal law; and whether the extension of suffrage strengthened Portland's democratic governance by including legal residents who live, work and raise their families in Portland but have not become United States citizens. On March 11, 2010, the Commission voted on a motion "that non-citizen, legal residents of Portland be allowed to vote in municipal elections." This motion failed by a narrow margin of 7 to 5.

Expert testimony provided to the Commission addressed the historical relationship between voting rights and citizenship, recent efforts in other communities to extend voting rights, the process of becoming a citizen, the number of legal residents of Portland who would be enfranchised by an extension of voting rights, and the technical issues involved in extending voting rights to this population of Portland residents.

Dr. Ron Hayduk, Ph.D., author of *Democracy for All: Restoring Voting Rights in the United States*, testified that voting is not inextricably tied to citizenship, noting that from 1776 to 1926, non-citizens voted in 40 states and territories of the United States. Requiring citizenship in order to vote was introduced in reaction to the growth of immigrant populations viewed as "different" and "not real Americans" in order to exclude them from the political decision making process and limit their political power. He stated that historically and today, the issues of race, class and power have been central to voting rights struggles and noted that in the past the right to vote was reserved exclusively for white, male property owners and excluded women and African Americans. Hayduk cited Chicago and municipalities in Maryland and Michigan where municipal voting rights have successfully been extended.

Beth Stickney, Esq., Executive Director of the Immigrant Legal Advocacy Project, described the numerous types of immigrant statuses and the expensive and lengthy process of becoming a naturalized citizen. Hayduk noted that the average time to become a citizen is eight to ten years and Stickney stated that some legal immigrants may never have a way to become a citizen because of their immigration status.

Corporation Counsel Gary Wood concluded that under Maine's Home Rule provision a city charter could allow residents who are non-citizens to vote on municipal issues.<sup>2</sup> While allowing that a degree of "legal uncertainty" surrounded this issue, he advised the Commission

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<sup>2</sup> Gary Wood, "City of Portland Memorandum, Re: Legality of Allowing Non-Citizens to Vote in Municipal Elections and on Municipal Referendum Questions," [http://portlandmaine.gov/charter/backgroundinfo.asp#Non-citizen\\_voting](http://portlandmaine.gov/charter/backgroundinfo.asp#Non-citizen_voting), (07/29/2009).

to discuss and decide the issue on its merits without trying to guess if or how any legal uncertainties might be resolved in the future.

City Clerk Linda Cohen described the practical implications of providing for noncitizen voting, noting that maintaining a separate voter list for non-citizens and distributing the appropriate ballots would not require translators, be simple to implement, and not incur significant additional costs.

Portland is home to a significant and growing constituency of non-citizen, legal residents. According U.S. Census data in 2000<sup>3</sup> foreign-born residents represented 7.6 % of the overall population of Portland, and Stickney cited an estimated 21 % growth in immigration to Maine from 2000 to 2007, and believes this percentage is underestimated.<sup>4</sup> Immigration to Portland has a long history and today's immigrant residents join the descendants of earlier immigrants from Ireland, Poland, Armenia, and Italy (among many other nations) to create a vibrant, multicultural Portland reflected in a school system where 23 % of the children come from immigrant families and speak over fifty different languages.

In the Commission's deliberations, Commissioners voting with the minority argued that it was the Commission's responsibility to recommend this extension of voting rights in the belief that it would strengthen Portland's democratic governance, not to attempt to predict the outcome of a possible future legal challenge. Commissioner James Gooch, a lawyer, stated that legal arguments could be made on both sides of this issue and "there is enough ambiguity in the statutes to warrant making a case for this change" and leaving to the court to resolve any legal uncertainties.<sup>5</sup>

Commissioners voting with the minority argued that effective democratic governance in Portland was best served by separating municipal voting rights from the process of U. S. citizenship in order to build a representative, inclusive and engaged electorate able to fully participate in Portland's governance. We assert that Portland has the power of home rule to determine to whom Portland will grant the right to vote in municipal elections.

This issue resulted in significant public attendance at Commission meetings and comments by residents who currently able to vote and by residents who would have benefited from the extension of voting rights. During the final vote of the Commission, the Council Chambers were filled with members of the public who cared deeply about this issue.

The undersigned commissioners believe extending voting rights in municipal elections would foster a more comprehensive and inclusive democracy within the City of Portland and among its residents, strengthen the civic fabric of our city, and confer upon the City the benefits of wider public engagement. The ability to vote and participate fully in the democratic

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<sup>3</sup> Stephen Spring, "Taxation With Representation: Voting Rights for Immigrants," *The Muskie School of Public Service, Public Policy Implications of Hate Crimes and Immigration* (May 20, 2004) 3.

<sup>4</sup> Beth Stickney, quoted in *Portland Charter Commission Minutes of February 11, 2010* (Council Chambers, City Hall, Portland, ME, 02/11/2010), 9.

<sup>5</sup>James Gooch, "Memorandum Regarding: Legal issues surrounding non-citizen, legal resident voting and strawman proposal," *submitted to the Commission*, (02/25/2010).

governance of our community represents an opportunity to include all legal residents on an equal footing, without regard to whether they have immigrated from another country, moved here from another state or were simply fortunate enough to be born here. The Portland City Charter is the principle document by which our shared government is structured and therefore we believe it is the appropriate document to define voter eligibility to participate in city governance.

Benjamin Chipman  
Laurie Davis  
James Gooch  
Robert O'Brien  
Anna Trevorrow

VI. RECOMMENDED CHARTER LANGUAGE FOR EACH OF THE  
BALLOT QUESTIONS

A. Charter Language for Popularly Elected Mayor As  
Recommended by the Charter Commission

**Note:** This contains only the provisions related to the elected mayor and only those sections which will be changed if this question is adopted. Deletions are shown by ~~strikeouts~~; new language is underlined.

1. *Amend the Table of Contents as follows:*

- Art. I. Grant of Powers to the City, §§ 1, 2
- Art. II. City Council; Mayor, Ranked Choice Voting §§ 1--~~8~~11
- Art. III. School Committee, §§ 1--5
- Art. IV. Elections, §§ 1--11
- Art. V. Recall, §§ 1--7
- Art. VI. Administrative Officers, §§ 1--8
- Art. VII. Business and Financial Provisions, §§ 1--~~16~~7
- Art. VIII. Miscellaneous Provisions, §§ 1--5

2. *Amend ARTICLE II., CITY COUNCIL, Section 2, Composition, election, tenure of office, compensation, as follows:*

**Section 2. Composition, election, tenure of office, ~~compensation~~.**

The city council shall be composed of nine (9) members, including the mayor who shall be one of the nine (9) members of the city council, who and shall hold office for a term of three (3) years and until their successors are elected and qualified, except as provided below for the term of mayor. Four (4) members, including the mayor, shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for, from and by the registered voters of each district. References in this charter to the city council, councilors, council, its members or membership, shall be deemed to include the mayor, unless specifically excluded.

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which the nomination papers are to be filed. ~~The city council shall by order establish the amount each member shall be entitled to receive as compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their compensation shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance. No member shall hold any office~~

~~or employment the compensation of which is payable by the city or school department during the term for which he or she was elected.~~

Beginning with the regular municipal election in November, 2011, the at large position then up for election shall be designated as the mayor's position and shall continue as the mayor's position thereafter. The position of mayor only shall be elected by majority vote as provided in section 3 of this article. The candidate(s) for mayor shall be nominated in the same manner as other at large members of the council. The term of mayor shall be four (4) years, with a maximum limit of two (2) consecutive terms. The election and position of mayor shall be a non-partisan, full-time position.

(Referenda 12/1/75\*; 6/13/78; 11/4/86; 11/3/87)

3. *Amend ARTICLE II, CITY COUNCIL, by deleting Section 3. Chairman. in its entirety, and substituting the following new Section 3. Ranked choice voting; instant runoff tabulation, as follows:*

**Section 3. Ranked choice voting; instant runoff tabulation.**

For the position of mayor only, the city clerk shall implement a ranked choice voting protocol according to these guidelines:

(a) The ballot shall give voters the option of ranking mayoral candidates in order of choice.

(b) If a mayoral candidate receives a majority, i.e. at least one more than fifty percent (50%) of the first choice votes cast, that candidate is elected.

(c) If no candidate receives a majority of first choice votes, an instant runoff re-tabulation shall be promptly conducted by the city clerk and completed within five (5) business days of the election. The instant runoff re-tabulation shall be conducted in successive rounds, with the majority determined for each successive round by the number of votes cast in that round. The candidate with the fewest votes after each successive round in which no candidate receives a majority of the votes cast in that round shall be eliminated, and the votes in the successive rounds shall be re-tabulated among the remaining candidates until one candidate receives a majority of the votes cast in that round. In each successive round, each voter's ballot shall count as a single vote for whichever candidate the voter has ranked highest, who has not been eliminated in a prior round, if any.

(d) After the first round, a majority is determined as at least one (1) more than fifty percent (50%) of the votes cast for a remaining candidate in a particular round.

(e) The city clerk may adopt additional regulations consistent with this subsection to implement these provisions. The ballot shall contain instructions on how to vote for each office.

4. *Amend ARTICLE II, CITY COUNCIL, by adding the following new Section 4. Compensation of councilors and mayor, as follows:*

**Section 4. Compensation of councilors and mayor.**

Except as otherwise provided in the paragraph below for the mayor's compensation, the city council shall by order establish the amount each member shall be entitled to receive as compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their compensation, including that of the mayor, shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance.

Prior to the date nomination papers are available for the first mayoral election, the city council shall set the mayor's compensation and shall re-set it prior to the date nomination papers are available for each mayoral election thereafter. During the mayor's term, the city council may adjust the mayor's compensation. At minimum, the mayor shall be paid compensation consisting of a salary which is no less than one and one-half (1.5) times the median household income for Portland as most recently published by the U.S. Census Bureau, American Community Survey, or successor index thereto, at the time such compensation is set or adjusted, plus customary city benefits.

No member shall hold any office or employment the compensation of which is payable by the city or school department during the term for which he or she was elected. (Referenda 12/1/75\*; 6/13/78; 11/4/86; 11/3/87)

5. *Amend ARTICLE II, CITY COUNCIL, by adding the following new section 5, Elected mayor's powers and duties, as follows:*

**Section 5. Mayor's powers and duties**

The mayor shall be the official head of the city, responsible for providing leadership, and shall have the following powers and duties:

(a) To articulate the city's vision and goals and build coalitions to further such vision and goals. The mayor shall give an annual state of the city address during a special meeting of the city council called for that purpose;

(b) To convene and lead an annual workshop session of the city council to discuss and identify the city's goals and priorities in order to provide guidance for the city manager and to inform the public. The city manager shall attend this workshop session,

and a summary of the session shall be made available to the public;

(c) To represent the city with other municipalities, levels of government, community and neighborhood groups, and the business community;

(d) To preside as chair of the city council, and vote upon all matters in the same manner as other members of the city council, except as provided in article VII, section 8. The mayor shall direct the city manager in the preparation of council meeting agendas;

(e) To facilitate the implementation of city policies through the office of the city manager;

(f) To consult with and provide guidance to the city manager in the preparation of all city budgets and to provide comments on such budgets at the time they are presented by the city manager to the city council for approval;

(g) To consult with and provide guidance to the city manager in the preparation of the annual capital improvement program plan described in article VI, section 5, paragraph (i), and to provide comments on such program plan at the time it is presented by the city manager to the city council;

(h) To facilitate among the city manager, city council, board of public education, and the public to secure passage by the city council of the annual city and school budgets;

(i) To exercise veto power over the annual city appropriation as provided in article VII, section 8;

(j) To establish performance guidelines in conjunction with the other members of the city council for regular evaluations, no less than annually, by the city council of the performance of the city manager, corporation counsel and city clerk, such evaluations to be based upon those guidelines. Such performance guidelines shall have measurable goals and objectives, taking into consideration, as applicable, the achievement of city policies and priorities;

(k) To chair any subcommittee with at least two (2) other city councilors to recommend the appointment or removal of the city manager, corporation counsel or the city clerk, but the full city council shall have the final decision in regard to such appointment or removal by a vote of at least five (5) members of the council; and

(l) To appoint the members and chairs of the city council committees and various ad hoc committees and communicate such

appointments to the city council, which may override such appointments by a vote of at least six (6) council members.

Notwithstanding the foregoing, 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.

6. Amend ARTICLE II, CITY COUNCIL, by adding the following new Section 6. Absence or disability of mayor; acting mayor

**Section 6. Absence or disability of mayor; acting mayor.**

In the temporary absence or disability of the mayor, the mayor may select an acting mayor from among the other council members and such person shall perform the duties of the mayor during such temporary absence or disability for a maximum of sixty consecutive (60) days or return of the mayor, whichever comes first. If through physical or mental incapacity the mayor is unable to select an acting mayor, or if the mayor's absence or disability exceeds sixty (60) consecutive days, the council shall select an acting mayor from among its membership until such time as the mayor is able to resume his or her duties or a vacancy is declared pursuant to section 7 below and a new mayor elected. (Referendum 6/13/78; 11/7/00)

7. Amend ARTICLE II, CITY COUNCIL, by re-numbering Section 4. as Section 7. Vacancies.

8. Amend Article II, CITY COUNCIL, by re-numbering Section 5 as Section 8. Meetings of the council, and amending it as follows:

**Section 58. Meetings of the council.**

The city council shall meet at the usual place for holding meetings on the first Monday in December following the regular municipal election, or as soon thereafter as possible, and at ~~said~~ such meeting the mayor and councilors-elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk. The city council shall at such meeting establish by resolution a regular place and time for holding its meetings, and shall meet regularly at least twice each month. (Referenda 6/13/78; 11/4/86; 11/7/00)

9. Amend ARTICLE II, CITY COUNCIL, by re-numbering Section 6 as Section 9. Special meetings, and amending it as follows:

**Section 69. Special meetings.**

Special meetings may be called by the ~~chairman-mayor~~, and in case of his or her absence, disability, or refusal, may be called by a majority of the members of the city council. Notice of such meeting

shall be served in person or left at the residence of each member of the city council at least twenty-four hours before the time for holding such ~~said~~ special meeting.

10. Amend ARTICLE II, CITY COUNCIL, Section 7 Quorum. and Section 8. Procedure, by re-numbering them as Sections 10 and 11 respectively.

11. Amend ARTICLE IV, ELECTIONS, Section 7. Form of ballot.

**Section 7. Form of ballot.**

All official ballots for use in all municipal elections shall be prepared by the city clerk and furnished by the city, consistent with the voting machines used and the form of any state ballot(s), and the use of ranked choice voting for mayor. Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence, and the office for which they are candidates, and instructions on how to mark the ballot. The candidates for each office shall be grouped under the title of each office, plainly and distinctly marked. There shall be as many blank spaces under the name of each office as there are vacancies to be filled. The procedure for counting write-in votes shall be governed by Title 21-A, Maine Revised Statutes, unless inconsistent with article II, section 3, in which case the charter provisions shall govern. Notwithstanding the foregoing, in the event of an emergency such as the illness, death or disqualification of a nominee for municipal office prior to the general election, the time frame for accepting a declared write-in candidate may be shortened by the city clerk. ~~These spaces may be used by a voter to write or paste in the name of any person for whom the voter desires to vote. No sticker shall be used except in the blank spaces provided.~~ Such ballots shall may also contain such measures as may be submitted to the voters of the city by the legislature or by the city council and shall be without party mark or designation.

In preparing all ballots for election under this charter, the city clerk shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames.

~~The face of the ballot shall be substantially in the following form, with instructions included as to how to vote the ballot:~~

~~CITY OF PORTLAND~~

~~REGULAR (OR SPECIAL) MUNICIPAL ELECTION~~

~~OFFICIAL BALLOT~~

~~Candidates for office in the City of Portland at an election held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.~~

~~COUNCILOR~~

~~Vote for ( ) . (Name of candidate and residence)~~

~~[ ] \_\_\_\_\_~~

~~[ ] \_\_\_\_\_~~

~~SCHOOL COMMITTEE MEMBER~~

~~Vote for ( ). (Name of candidate and residence)~~

~~[ ] \_\_\_\_\_~~

~~[ ] \_\_\_\_\_~~

~~(Referendum 11/4/86; 11/4/08)~~

12. Amend ARTICLE IV. ELECTIONS, Section 9. Count of ballots, as follows:

**Section 9. Count of ballots.**

~~As soon as the polls are closed, the warden shall immediately open the ballot boxes, take therefrom the ballots and sort, count, and declare them in open meeting in the presence of the ward clerk; and the ward clerk shall make a list of the persons voted for, with the number of votes for each person against his or her name and shall make a true and fair record thereof in the presence of the warden and in open ward meeting enter the total number of votes for each candidate on a tally sheet provided by the city clerk, which tally sheet shall be duly attested by the warden and ward clerk and forthwith returned to said city clerk. The ward clerk shall thereupon deliver to each warden or ward clerk a certificate of election and shall forthwith deliver to the city clerk a certified copy of the record of such election. (Referendum 11/4/86)~~

Upon closing of the polls, ballots shall be counted in accordance with Title 21-A, Maine Revised Statutes, unless inconsistent with article II, section 3, in which case the charter provisions shall govern, and the results thereof delivered to the city clerk by the wardens.

13. Amend ARTICLE IV. ELECTIONS, Section 10. Canvass of returns, as follows:

**Section 10. Canvass of returns.**

The city clerk shall examine the records of the several voting places and within forty-eight (48) hours after such election shall determine and declare the successful candidates as follows: The person or persons, not exceeding the number to be voted for at any one time for any office, having the highest number of votes given-cast at ~~said~~ such election, shall be determined and declared to be elected. Notwithstanding the foregoing, if no candidate for mayor has a majority of the votes cast as provided in article II, section 3, the city clerk shall conduct an instant runoff tabulation as provided in such section until the candidate for mayor with the majority of votes cast is determined. The city clerk shall provide written notice of the election results to all candidates. (Referendum 11/6/01)

14. Amend ARTICLE V. RECALL, Section 7, as follows:

**Section 7. Election may be ordered.**

If a member of either the city council or school committee who is recalled should either request a recount or dispute the election as permitted by law, then that member shall remain in office until the recount or dispute has been finally determined; and the provisions of article II, section 47 and article III, section 5, relating to vacancies in the city council or school committee, shall be stayed. (Referendum 11/4/86)

15. Amend ARTICLE VI. ADMINISTRATIVE OFFICERS, Section 5. Appointment; qualifications; powers and duties of the city manager, as follows:

**Section 5. Appointment; qualifications; powers and duties of the city manager.**

The city manager shall be chosen by the city council solely on the basis of character and executive administrative qualifications, and may or may not be a resident of the City of Portland or of the State of Maine at the time of appointment. Such person shall give bond for the faithful discharge of his or her duties to the City of Portland and in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on ~~said~~ such bond shall be paid by the city. Such person shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. Neither the mayor nor members of the city council shall direct, request or interfere with the appointment or removal of any of the officers or employees of the city for whom the city manager is responsible, nor shall any of them give an order, publicly or privately, to any such city officer or employee relating to any matter in the line of that officer's or employee's city employment. Notwithstanding the foregoing, nothing herein is intended to prevent the city manager from assigning staff to work and communicate directly with councilors, boards and commissions, council committees, neighborhood and other groups and organizations, on city work.

The city manager's powers and duties shall be as follows:

(a) To see that the laws and ordinances are enforced, but shall delegate to the chief of the police department the active duties connected therewith regarding criminal conduct.

(b) To exercise control over all departments, divisions, agencies, and offices ~~and boards~~ created herein or that may be hereafter created.

(c) To implement the policy decisions of the city council.

(d) To coordinate city programs and operations and recommend improvements in such programs and operations to the council.

(e) To prepare city budgets, in consultation with and incorporating policy guidance of the mayor, and to present such budgets to the council.

(f) To make appointments as provided in this charter.

(g) To attend meetings of the city council, except when his or her removal is being considered, and recommend for adoption such measures as he or she may deem expedient.

(h) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures, and data connected therewith when requested.

(i) To prepare a five (5) year rolling capital improvement plan for annual presentation to the city council, which plan includes the following:

1. a one (1) year plan of specific projects and their cost;

2. a two (2) through five (5) year plan of specific projects and general categories, and amounts of proposed spending and funding sources; and

3. a discussion of the basis for the plan and the factors which went into its development or amendments.

(j) To prepare and submit to the city council such reports as are requested or he or she deems advisable; and

(k) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

(Referendum 11/4/86)

*16. Amend ARTICLE VII. BUSINESS AND FINANCIAL PROVISIONS, Section 5. Annual budget, as follows:*

**Section 5. Annual budget.**

Not later than two (2) months before the end of the fiscal year, the city manager shall submit to the city council a proposed city budget estimates prepared by the city manager for the ensuing fiscal year. The mayor shall submit comments on the proposed city budget, along with any proposed modifications, concurrently with the manager's submission.

~~An accurate summary of such budget shall be made available not later than two (2) weeks after its submission to the city council. The city council shall fix a time and place for holding a public hearing upon the proposed city manager's budget prepared by the manager, and shall give not less than ten (10) days' prior public notice of such hearing, which hearing shall be at least ten (10) days before the final passage of the appropriation resolve. (Referenda 6/13/78; 11/4/86)~~

17. Amend ARTICLE VII. BUSINESS AND FINANCIAL PROVISIONS, Section 6. Budget content, as follows:

**Section 6. Budget content.**

The proposed city manager's budget prepared by the manager shall provide a complete financial plan of ~~all city general and enterprise funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require.~~ In organizing the budget, the city manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating proposed tax levies, and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

The total of proposed expenditures shall not exceed the total of proposed income. (Referendum 6/13/78)

18. Amend ARTICLE VII. BUSINESS AND FINANCIAL PROVISIONS, by amending Section 7. Appropriation Resolve, as follows:

**Section 7. Appropriation resolve.**

The city council shall adopt the annual appropriation resolve for the next fiscal year on or before the last day of the twelfth month of the fiscal year currently ending. Such resolve shall appropriate those amounts deemed necessary for general city purposes and additionally one gross amount for school purposes as required by section 4 of article III ~~hereinbefore~~. The total amount appropriated shall not exceed the estimated revenue of the city.

If it fails to adopt such said resolve by this date, the city council may make appropriation for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force. These

continuing appropriations shall not be subject to the mayor's veto in section 8 below.

The city council may by resolution appropriate to any purpose or object for which there shall have been no appropriation for the current year, or for which the appropriation for the current year has proved insufficient, any accruing revenue of the city not appropriated as hereinbefore provided and any unencumbered appropriation balance, or portion thereof, remaining after the purpose of the appropriation shall have been satisfied or abandoned. Such appropriations shall not be subject to the mayor's veto in section 8 below. (Referendum 6/13/78)

*19. Amend ARTICLE VII. BUSINESS AND FINANCIAL PROVISIONS, by adding a new Section 8. Mayoral veto of general city purposes appropriations in the appropriation resolve, and renumbering the succeeding sections accordingly, as follows:*

**Section 8. Mayoral veto of general city purposes appropriations in the appropriation resolve.**

Within five (5) business days of the meeting at which the city council adopts the annual appropriation resolve, the mayor may veto the appropriation for general city purposes in such resolve by written communication to the other members of the city council. Such communication shall specify the reasons for such veto and shall, at minimum, be posted upon the city's website or similar location and sent to the councilors by electronic mail and by the same means that agendas are delivered to councilors.

Any such veto of the appropriation for general city purposes shall not affect city payment of debt service obligations on previously authorized bonds, nor shall it affect the school budget appropriation.

An order to override the veto shall be placed on the next city council agenda which is at least five (5) calendar days after the date of the mayor's veto communication, and such veto may be overridden by a vote of at least six (6) members of the city council. The mayor shall not vote on such override item.

If a veto is overridden, the general city purposes appropriation will take effect on the first day of the fiscal year, or on the day immediately following the override vote, if such vote is after the first day of the fiscal year.

If a veto is not overridden, then at the same meeting the override vote is taken, the general city purposes appropriation which was vetoed shall become an item for further consideration by the city council, without the need for a motion for reconsideration, and the city appropriation may be modified, amended, or otherwise acted upon

to secure passage at that meeting or a subsequent meeting without the need for two readings prior to passage.

In the event the city council does not override the veto or does not secure passage of the annual appropriation for general city purposes prior to the start of the fiscal year, or has not otherwise acted to provide continuing appropriations under the second paragraph of section 7 above, then the appropriations for general city purposes in effect for the prior fiscal year shall go into effect as of the first day of the fiscal year, with expenditures chargeable to the appropriation for the year, until the appropriation for general city purposes is approved.

**Note:** *These sections regarding a mayor to be elected at large, if adopted as part of the charter at the election to be held on November 2, 2010, shall supersede amendments included in the technical amendments if also adopted, to the extent inconsistent. If the technical amendments or the school amendments are not adopted, then these amendments shall be made technically correct, for example, correcting references to section numbers if necessary, or to the board of public education.*

**B. Charter Language for School Changes As Recommended by the Charter Commission**

**Note:** This contains only the changes related to the schools. Deletions are shown by ~~strikeouts~~; new language is underlined.

1. *Amend the Table of Contents as follows:*

- Art. I. Grant of Powers to the City, §§ 1, 2
- Art. II. City Council, §§ 1--8
- Art. III. ~~School Committee~~ Board of Public Education, §§ 1--56
- Art. IV. Elections, §§ 1-11
- Art. V. Recall, §§ 1--7
- Art. VI. Administrative Officers, §§ 1--8
- Art. VII. Business and Financial Provisions, §§ 1--167
- Art. VIII. Miscellaneous Provisions, §§ 1--5

2. *Amend ARTICLE I, GRANT OF POWERS TO THE CITY, Section 2, Powers and duties, first paragraph, as follows:*

**Section 2. Powers and duties.**

The administration of all the fiscal, prudential, and municipal affairs of the ~~said~~ city, with the government thereof, except the general management, care, conduct, and control of the schools of ~~said~~ such city which shall be vested in a ~~school committee~~ board of public education as hereinafter provided (also referred to herein as the "school board"), and also except as otherwise provided by this charter, shall be and are vested in one body of nine members, which shall constitute and be called the city council, all of whom shall be inhabitants of ~~said~~ the city, and shall be sworn in the manner hereinafter prescribed.

. . . .

3. *Amend ARTICLE III. SCHOOL COMMITTEE, as follows:*

**ARTICLE III. ~~SCHOOL COMMITTEE~~ BOARD OF PUBLIC EDUCATION**

**Section 1. Composition, election, tenure of office, compensation.**

The ~~school committee~~ board of public education shall be composed of nine (9) members who shall hold office, except as hereinafter provided, for a term of three (3) years and until their successors are elected and qualified. Four (4) shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for in section 1 of article II, from and by the registered voters of each such district.

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which the nomination papers are to be filed.

The city council shall by order establish the amount each member of the school ~~committee~~board shall be entitled to receive as compensation for all services rendered, which compensation shall be the same as that received by members of the city council, other than the mayor. The city council shall provide additional compensation to the chair of the school board appropriate to reflect his or her additional responsibilities as chair. (Referenda 11/2/76; 6/13/78; 11/4/86; 11/3/87)

## **Section 2. Chairman.**

On the first Monday in December following the regular municipal election, or as soon thereafter as possible, the ~~school committee~~board of public education shall elect one of its members as chairman for the ensuing year and until a successor is elected and qualified, and may fill for the unexpired term any vacancy as chairman that may occur.

At a date and time to be mutually agreed upon by the chair of the school board and the mayor, the chair shall deliver an annual address on the "state of the public education system in Portland" to the city council and the public.

(Referenda 11/2/76; 6/13/78; 11/7/00)

## **Section 3. Organization.**

The school ~~committee~~board shall meet for organization on the first Monday in December following the regular municipal election. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk, and a record made thereof. The members shall at such meeting, or as soon thereafter as possible, establish a regular place and time for holding meetings and shall meet regularly at such place and time. ~~A majority of the whole number elected~~ Five (5) members of the school board shall be constitute a quorum. (Referenda 6/13/78; 11/7/00)

## **Section 4. Powers and duties.**

The ~~school committee~~board of public education shall have all the powers, and perform all the duties in regard to the care and management, including sound fiscal management, conduct, and control of the public schools of the said city, which are now conferred and imposed upon school committees and school boards by the laws of this state, except as otherwise provided in this charter.

## Section 5. School budget.

Not later than ~~two (2)~~ three and one-half (3.5) months before the end of the fiscal year the ~~school committee~~ superintendent shall submit to the ~~city council~~ school board budget estimates of the various sums required for the support of public schools for the ensuing fiscal year and shall thereafter provide the ~~city council~~ school board with such information relating to such estimates as the ~~city council~~ school board shall require.

During the thirty (30) days following submission of the superintendent's proposed budget to the school board, the school board and the city council, or their designated subcommittees, shall meet jointly at least twice to review the proposed school budget, focusing on its underlying assumptions and supporting data and the ability of the city to raise the necessary funds for the support of such proposed budget. The superintendent and the city manager shall provide information regarding such proposed budget as reasonably requested by the school board and the city council, or their designated subcommittees.

The budget submitted by the superintendent to be reviewed jointly by the school board and the city council shall provide a complete financial plan of all school funds and activities for the ensuing fiscal year. In organizing the school budget for joint review, the superintendent shall utilize the most feasible combination of expenditure classification by fund, organization, unit, program, purpose or activity, and object. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. The total of proposed expenditures shall not exceed the total of proposed income.

Not later than the last Monday in April of each fiscal year, the school board shall submit to the city council a budget of the various sums required for the support of the public schools for the ensuing fiscal year in the format provided above, and shall thereafter provide the city council with such information relating to such budget as the city council shall require.

A budget hearing on such budget estimates shall be held ~~together with the hearing on the budget estimates of the city manager~~ prior to final action by the city council. The city council in its appropriation resolve for the ensuing year shall, in addition to amounts appropriated for other general city purposes, appropriate one gross amount for the support of the public schools, which amount shall not be less than the sum required to be appropriated for such purposes by the general laws of the state. Such gross amount shall not be less than the sum requested by the school ~~committee~~ board except by a vote of at least six (6) members of the city council. Such appropriation

shall be expended under the direction and control of the school ~~committee-board~~ but no such appropriation shall be exceeded except by consent of the city council. (Referendum 6/13/78)

**Section 56. Vacancies.**

A vacancy in the membership of the ~~school-committee board~~ of public education shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member pursuant to the provision of Article V. The school ~~committee board~~ shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the school ~~committee-board~~ or at least sixty (60) percent of the regular meetings of the school ~~committee board~~ held in any one calendar year unless such ~~said~~ member shall be excused (by a vote of at least four (4) of the members) for health reasons or other good cause. A member may in writing addressed to the school ~~committee-board~~ resign his or her office effective at a future date specified in ~~said~~ the written resignation. Once submitted to the school ~~committee-board~~, ~~said-such~~ resignation may not be withdrawn and ~~said-such~~ member's office shall become vacant on ~~said~~ the specified future date.

If a vacancy in the membership of the school ~~committee-board~~ occurs or is declared prior to the next regular municipal election, the vacancy shall be filled at a special election to take place on the same date as the next scheduled municipal or state election which is no less than ~~120~~127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least six (6) of its members, calls a special election on an earlier date. ~~The warrant for such special election shall upon vote of the city council be issued by a member of the city council by vote designated for that duty.~~ Such election shall be called and held and nominations made as in other elections. (Referenda 11/2/76; 11/4/86; 11/2/99)

4. *Amend ARTICLE V. RECALL, Section 7, as follows:*

**Section 7. Election may be ordered.**

If a member of either the city council or school committee who is recalled should either request a recount or dispute the election as permitted by law, then that member shall remain in office until the recount or dispute has been finally determined; and the provisions of article II, section 4 and article III, section 56, relating to vacancies in the city council or school committee, shall be stayed. (Referendum 11/4/86)

5. *Amend ARTICLE VII, BUSINESS AND FINANCIAL PROVISIONS, by adding a new Section 2, Collaboration between city and schools,*

as follows, and by re-numbering the subsequent sections accordingly:

**Section 2. Collaboration between city and schools.**

To the extent practicable and lawful, the city and the school department shall endeavor to share staff and resources and otherwise cooperate with one another in order to provide better city and school services in a cost effective manner.

6. Amend ARTICLE VII, BUSINESS AND FINANCIAL PROVISIONS, Section 6 (renumbered to be section 7), Appropriation resolve, first paragraph, as follows:

**Section 67. Appropriation resolve.**

The city council shall adopt the annual appropriation resolve for the next fiscal year on or before the last day of the twelfth month of the fiscal year currently ending. Such resolve shall appropriate those amounts deemed necessary for general city purposes and additionally one gross amount for school purposes as required by section 45 of article III ~~hereinbefore~~. The total amount appropriated shall not exceed the estimated revenue of the

. . . .

5. Except as provided in the amendments above, amend "school committee" to "school board" wherever it appears in the Charter, including but not limited to Article IV, Sections 1, 2 and 4; Article V, Sections 1, 2 and 7, and Article VIII, Section 1.

**Note:** These sections regarding the schools, if adopted as part of this charter at the election to be held in November 2010, shall supersede the technical amendments to the extent they are inconsistent with them.

**C. Charter Language for Technical Changes Recommended by the Charter Commission**

**Note:** This contains only the technical changes to the Charter. Deletions are shown by ~~strikeouts~~; new language is underlined.

1. Amend the charter by moving the legislative history to the end of the charter as Appendix A and deleting the Editor's notes under Article II, Section 2, Article VI, Section 8 and Article VIII, Section 5 and moving each of them to the end of Appendix A; and amending the Editor's note below, as follows

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**\*Editor's note**--Historical references are cited in parentheses at the end of each section. Such references cite only the various amendments adopted by referenda conducted pursuant to home rule powers granted by P.L. 1970, c. 563 (30 M.R.S.A. § 1911 et seq.; re-codified in Title 30-A). Prior to 1970 and home rule the charter and its various amendments were enacted by the Maine Legislature and such are not cited in the said parentheses. A history of the charter and amendments is ~~as follows~~; attached as Appendix A.

State law reference(s)--Home rule, 30-A M.R.S.A. § 2101 et seq.  
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2. Amend the charter by adding a Preamble as follows and re-numbering section references:

**Preamble**

- Art. I. Grant of Powers to the City, §§ 1, 2
- Art. II. City Council, §§ 1--8
- Art. III. School Committee, §§ 1--5
- Art. IV. Elections, §§ 1-11
- Art. V. Recall, §§ 1--7
- Art. VI. Administrative Officers, §§ 1--8
- Art. VII. Business and Financial Provisions, §§ 1--164
- Art. VIII. Miscellaneous Provisions, §§ 1--5

**PREAMBLE**

We, the People of Portland, Maine, establish this Charter to secure the benefits of local governance and to provide for the general health, safety and welfare of our community. In so doing, we build a government that meets the needs of the people it serves and whose character it reflects. Our government shall further cooperation, encourage leadership, solicit our input and support the active participation of our residents in their governance. Our government shall be effective and accountable and shall promote equal rights and representative democracy.

Our government shall provide public education that enables all residents to acquire the knowledge and skills necessary to participate fully in Portland's civic, intellectual, cultural and economic life, in order to enrich and strengthen our community and our common future.

3. Amend ARTICLE I. GRANT OF POWERS TO THE CITY, Section 1. Corporate existence retained, as follows:

**Section 1. Corporate existence retained.**

The inhabitants of the City of Portland shall continue to be a body politic and corporate by the name of the City of Portland, and shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise, pertaining to or incumbent upon ~~said~~such city as a municipal corporation or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations, and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, ~~not exceeding one thousand dollars in any one case,~~ to be recovered for such uses as such ~~said~~ by-laws, regulations, or ordinances shall provide. Such penalties shall not limit nor diminish in any way the city's authority to seek and obtain higher or different penalties provided by state or other law. (Referendum 12/4/72)

4. Amend ARTICLE I. GRANT OF POWERS TO THE CITY, Section 2. Powers and duties, paragraphs 1 and 3, as follows:

**Section 2. Powers and duties.**

The administration of all the fiscal, prudential, and municipal affairs of ~~said~~the City of Portland, with the government thereof, except the general management, care, conduct, and control of the schools of ~~said~~such city which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in one body of nine members, which shall constitute and be called the city council, all of whom shall be inhabitants of ~~said~~the city, and shall be sworn in the manner hereinafter prescribed.

. . . .

All other powers now or hereafter vested in the inhabitants of ~~said~~such city, and all powers granted by this charter, except as herein otherwise provided, shall be vested in ~~said~~the city council.

5. Amend ARTICLE II. CITY COUNCIL, Section 1. City to be divided into election districts, paragraph 2, as follows.

The city council for voting purposes may by ordinance divide the said election districts into voting districts. (Referenda 11/2/76; 6/13/78; 11/4/86)

6. Amend ARTICLE II. CITY COUNCIL, Section 3, Chairman, as follows:

**Section 3. ~~Chairman~~ Mayor.**

On the first Monday in December following the regular municipal election, or as soon thereafter as possible, the city council shall elect one (1) of its members as ~~chairman~~ mayor of the council for the ensuing year and until a successor is elected and qualified, and the city council may fill for the unexpired term any vacancy as ~~chairman~~ mayor that may occur.

During any temporary absence of sixty (60) days or less, the mayor shall name a member as mayor pro-tempore who shall exercise all of the powers of the mayor during such temporary absence. If the ~~chairman~~ mayor shall fail from sickness, disability, absence from the city or other cause to attend to and perform the duties incumbent on him or her as such ~~chairman~~ mayor for a period in excess of 60 days, the remaining members of the city council may by unanimous vote, after notice and hearing, terminate the term of office of said ~~chairman~~ mayor and remove him or her ~~therefrom~~ as mayor, and thereupon by majority vote may elect some other member of the ~~said~~ city council ~~chairman~~ to be mayor, and such newly elected member shall thereupon and thereafter hold the office and perform the duties of ~~chairman~~ mayor for the balance of that year and until a successor is elected and qualified.

The ~~chairman~~ mayor shall preside at all meetings of the council, and shall perform such other duties, consistent with this office, as the council may provide. He or she shall be entitled to vote, and such vote shall be counted upon all matters and things as a vote of other members of the council. The ~~chairman~~ mayor shall be the official head of the city ~~and shall be called mayor~~. He or she shall perform the duties of ~~chairman~~ mayor of the city council as set forth herein and shall have the powers and authority given to perform the duties required of mayors of cities for all purposes required by any statute. In the temporary absence or disability of the ~~chairman~~ mayor during which the mayor has not appointed a mayor pro tempore, the council may select a ~~chairman~~ mayor pro tempore from among its number and such person shall exercise all the powers of the ~~chairman~~ mayor. (Referendum 6/13/78; 11/7/00)

7. Amend ARTICLE II. CITY COUNCIL, Section 4, Vacancies, paragraphs 1, 3 and 4, as follows:

**Section 4. Vacancies.**

A vacancy in the membership of the city council shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or 6) the recall of a member pursuant to the provisions of article V. The council shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the city council, or at least sixty (60) percent of the regular meetings of the city council held in any one calendar year unless such said member shall be excused (by vote of at least four (4) other members) for health reasons or other good cause.

. . . .

A member may in writing addressed to the council resign his or her office effective at a future date specified in such said written resignation. Once submitted to the council, such said resignation may not be withdrawn, and such said member's office shall become vacant on such said specified future date.

If a vacancy in the membership of the city council occurs or is declared prior to the next regular municipal election, the vacancy shall be filled at a special election to take place on the same date as the next scheduled municipal or state election which is no less than ~~120~~ 127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least six (6) of its members, calls a special election on an earlier date. ~~The warrant for such special election shall upon vote of the city council be issued by a member of the city council by vote designated for that duty.~~ Such election shall be called and held and nominations made as in other elections. (Referenda 11/2/76; 11/4/86; 11/2/99)

8. *Amend ARTICLE II. CITY COUNCIL, Section 5, Meetings of the council, as follows:*

**Section 5. Meetings of the council.**

The city council shall meet at the usual place for holding meetings on the first Monday in December following the regular municipal election, or as soon thereafter as possible, and at such said meeting the councilors-elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk. The city council shall at such meeting establish by resolution or rule a regular place and time for holding its meetings, and shall meet regularly at least twice each month. (Referenda 6/13/78; 11/4/86; 11/7/00)

9. *Amend ARTICLE II. CITY COUNCIL, Section 6, Special meetings, as follows:*

**Section 6. Special meetings.**

~~Special meetings may be called by the chairman-mayor, and in case of his or her absence, disability, or refusal may be called by a majority of the five (5) or more members of the city council. At least twenty-four (24) hours' notice of the time and place of holding such special meeting shall be given to all members of the city council. Notice of such meeting shall be served in person or left at the residence of each member of the city council at least twenty four hours before the time for holding said special meeting.~~

10. Amend ARTICLE II. CITY COUNCIL, Section 7, Quorum, as follows:

**Section 7. Quorum.**

~~A majority of the five (5) members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.~~

11. Amend ARTICLE II. CITY COUNCIL, Section 8, Procedure, as follows:

**Section 8. Procedure.**

The city council shall keep a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The meetings of the city council shall be open to the public in accordance with state law. The city council shall act only by ordinance, order, or resolve. All ordinances, orders, and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. An appropriation order or resolve shall be confined to the subject of appropriations only.

No ordinance and no appropriation order or resolve shall be passed until it has been read on two separate days, except when the requirement of a second reading on a separate day has been dispensed with by the vote of at least seven (7) members of the city council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the city council by the clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the city council. Every ordinance, order, and resolve shall require on final passage the affirmative vote of at least five (5) members of the city council. No ordinance shall take effect until thirty (30) days after its passage and no order or resolve shall take effect until ten (10) days after

its passage, except as herein otherwise provided for emergency ordinances, orders and resolves.

The city council may, by vote of at least seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders, or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the city council shall be conclusive.

12. Amend ARTICLE III. SCHOOL COMMITTEE by substituting "chair" for "chairman" throughout.

13. Amend ARTICLE III. SCHOOL COMMITTEE, Section 3. Organization, as follows:

**Section 3. Organization.**

The school committee shall meet for organization on the first Monday in December following the regular municipal election, or as soon thereafter as possible. The members elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk, and a record made thereof. The members shall at such meeting, or as soon thereafter as possible, establish a regular place and time for holding meetings and shall meet regularly at such place and time. A majority of the whole number elected Five (5) members of the school committee shall be constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken. (Referenda 6/13/78; 11/7/00)

14. Amend ARTICLE III. SCHOOL COMMITTEE, Section 4., Powers and duties, as follows:

**Section 4. Powers and duties.**

The school committee shall have all the powers, and perform all the duties in regard to the care and management of the public schools of said city, which are now conferred and imposed upon school committees by the laws of this state, except as otherwise provided in this charter.

Not later than two (2) months before the end of the fiscal year, the school committee shall submit to the city council budget estimates of the various sums required for the support of public schools for the ensuing fiscal year and shall thereafter provide the city council with such information relating to such estimates as the city council shall require. A budget hearing on such budget estimates shall be held ~~together with the hearing on the budget estimates of the city manager~~

prior to final action by the city council. The city council in its appropriation resolve for the ensuing year shall, in addition to amounts appropriated for other general city purposes, appropriate one gross amount for the support of the public schools, which amount shall not be less than the sum required to be appropriated for such purposes by the general laws of the state. Such gross amount shall not be less than the sum requested by the school committee except by a vote of at least six (6) members of the city council. Such appropriation shall be expended under the direction and control of the school committee but no such appropriation shall be exceeded except by consent of the city council. (Referendum 6/13/78)

15. Amend ARTICLE III. SCHOOL COMMITTEE, Section 5., Vacancies, as follows:

**Section 5. Vacancies.**

A vacancy in the membership of the school committee shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member pursuant to the provision of Article V. The school committee shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the school committee or at least sixty (60) percent of the regular meetings of the school committee held in any one calendar year unless such said member shall be excused (by a vote of at least four (4) of the members) for health reasons or other good cause. A member may in writing addressed to the school committee resign his or her office effective at a future date specified in ~~said~~ the written resignation. Once submitted to the school committee, ~~said~~ such resignation may not be withdrawn and ~~said~~ such member's office shall become vacant on ~~said~~ the specified future date.

If a vacancy in the membership of the school committee occurs or is declared prior to the next regular municipal election, the vacancy shall be filled at a special election to take place on the same date as the next scheduled municipal or state election which is no less than ~~120~~ 127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least six (6) of its members, calls a special election on an earlier date and shortens the time for obtaining and filing nomination petitions established in article IV, section 6. ~~The warrant for such special election shall upon vote of the city council be issued by a member of the city council by vote designated for that duty.~~ Such election shall be called and held and nominations made as in other elections. (Referenda 11/2/76; 11/4/86; 11/2/99)

16. Amend ARTICLE IV. ELECTIONS, Section 3. Wardens and ward clerks, as follows:

**Section 3. Wardens and ward clerks.**

The wardens and ward clerks shall be nominated by the city clerk and appointed by order of the city council. They shall be and remain residents of the city and all other qualifications for appointment shall be as provided in Title 21-A of the Maine Revised Statutes.~~and~~  
~~They shall~~ hold their office for one year from the date of appointment, unless a shorter term is specified by the order of appointment, and until others have been chosen and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath shall be entered by the clerk on the records of such ~~said~~ ward. (Referenda 11/2/76; 6/13/78; 11/4/86, 11/4/08)

16. Amend ARTICLE IV. ELECTIONS, Section 4. Nominations, as follows:

**Section 4. Nominations.**

The nominations of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for an at large councilor ~~seat~~ or at large school committee ~~member~~ seat shall be signed by not less than three hundred (300) nor more than five hundred (500) ~~qualified~~ registered voters of the city. The petition of a candidate for a district council seat or a candidate for a district school committee seat shall be signed by not less than seventy-five (75) nor more than one hundred fifty (150) ~~qualified~~ registered voters of the respective district. Voters may sign petitions for more than one (1) candidate for each office to be filled at the election. (Referenda 12/1/75; 11/2/76; 11/4/86; 11/4/08)

17. Amend ARTICLE IV. ELECTIONS, Section 5. Form of nomination petition, as follows:

**Section 5. Form of nomination petition.**

The signatures to nomination petitions need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in his or her presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the city clerk of the City of Portland

We, the undersigned voters of the City of Portland, hereby nominate, \_\_\_\_\_ whose residence is \_\_\_\_\_ for the office of \_\_\_\_\_ to be voted for at the election to be held in the City of Portland on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and we individually certify that we are qualified to vote for a candidate for the above office.

Name \_\_\_\_\_ Street and Number \_\_\_\_\_, being duly sworn, deposes and says, that he (she) is the circulator of the foregoing nomination petition containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be.

(Signed) \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney, State of Maine Bar # \_\_\_\_\_  
Notary Public

If this petition is deemed insufficient by the city clerk, he or she shall forthwith notify by mail \_\_\_\_\_ at \_\_\_\_\_.

*18. Amend ARTICLE IV. ELECTIONS, Section 6. Filing of nomination petitions, and acceptance of nomination, as follows:*

**Section 6. Filing of nomination petitions, and acceptance of nomination.**

The city clerk shall make nomination petitions available to the candidates one hundred and twenty-seven (127) days prior to the election. The nomination petitions for any one (1) candidate must be assembled and united into one (1) petition and filed with the city clerk during normal business hours not earlier than eighty-five (85) nor later than seventy-one (71) days before the date of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing at the time of filing of ~~said~~ such nomination petitions his or her consent accepting nomination, agreeing not to withdraw and, if elected, to qualify. Such nomination petitions and consent, once filed may not be withdrawn. Any challenge to a nomination petition must be submitted to the city clerk in writing, setting forth the specific reasons for the objection, no later than five (5) days, excluding Saturdays, Sundays, and legal holidays, from its date of filing, or it is barred. No person shall take out nomination papers for more than one position at the same election, nor be nominated, nor shall any person consent to being nominated, at the same election for any other elective office provided for by this

charter, and no person shall simultaneously hold more than one (1) elective office provided for by this charter. (Referenda 11/2/76; 6/13/78; 11/4/86; 11/6/01; 11/4/08)

19. Amend ARTICLE IV. ELECTIONS, Section 7. Form of ballot, as follows:

**Section 7. Form of ballot.**

All official ballots for use in all municipal elections shall be prepared by the city clerk and furnished by the city, consistent with the voting machines used and the form of any state ballot(s). Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence, and the office for which they are candidates, and instructions on how to mark the ballot. The candidates for each office shall be grouped under the title of each office, plainly and distinctly marked. There shall be as many blank spaces under the name of each office as there are vacancies to be filled. The procedure for counting write-in votes shall be governed by Title 21-A, Maine Revised Statutes. Notwithstanding the foregoing, in the event of an emergency such as the illness, death or disqualification of a nominee for municipal office prior to the general election, the time frame for accepting a declared write-in candidate may be shortened by the city clerk. ~~These spaces may be used by a voter to write or paste in the name of any person for whom the voter desires to vote. No sticker shall be used except in the blank spaces provided.~~ Such ballots ~~shall~~ may also contain such measures as may be submitted to the voters of the city by the legislature or by the city council and shall be without party mark or designation.

In preparing all ballots for election under this charter, the city clerk shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames.

~~The face of the ballot shall be substantially in the following form, with instructions included as to how to vote the ballot:~~

~~CITY OF PORTLAND~~

~~REGULAR (OR SPECIAL) MUNICIPAL ELECTION~~

~~OFFICIAL BALLOT~~

~~Candidates for office in the City of Portland at an election held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.~~

~~COUNCILOR~~

~~Vote for ( ). (Name of candidate and residence)~~

~~[ ] \_\_\_\_\_~~

~~[ ] \_\_\_\_\_~~

~~SCHOOL COMMITTEE MEMBER~~

~~Vote for ( ). (Name of candidate and residence)~~

~~[ ] \_\_\_\_\_~~

~~[ ] \_\_\_\_\_~~

~~(Referendum 11/4/86; 11/4/08)~~

20. Amend ARTICLE IV. ELECTIONS, Section 8. Specimen ballots, first sentence, as follows:

**Section 8. Specimen ballots.**

The city clerk shall cause specimen or sample ballots to be prepared ~~from the arrangement of the first group of ballots as provided above~~ and to be posted in public places in each ward and voting precinct and advertised in the newspapers not later than ten (10) days prior to the municipal election. . . .

21. Amend ARTICLE IV. ELECTIONS, Section 9. Count of ballots, as follows:

**Section 9. Count of ballots.**

~~As soon as the polls are closed, the warden shall immediately open the ballot boxes, take therefrom the ballots and sort, count, and declare them in open meeting in the presence of the ward clerk; and the ward clerk shall make a list of the persons voted for, with the number of votes for each person against his or her name and shall make a true and fair record thereof in the presence of the warden and in open ward meeting enter the total number of votes for each candidate on a tally sheet provided by the city clerk, which tally sheet shall be duly attested by the warden and ward clerk and forthwith returned to said city clerk. The ward clerk shall thereupon deliver to each warden or ward clerk a certificate of election and shall forthwith deliver to the city clerk a certified copy of the record of such election. (Referendum 11/4/86)~~

Upon closing of the polls, ballots shall be counted in accordance with Title 21-A, Maine Revised Statutes, and the results thereof delivered to the city clerk by the wardens.

22. Amend ARTICLE IV, ELECTIONS, Section 10. Canvass of returns, as follows:

**Section 10. Canvass of returns.**

The city clerk shall examine the records of the several voting places and within forty-eight (48) hours after such election shall determine and declare the successful candidates as follows: The person or persons, not exceeding the number to be voted for at any one time for any office, having the highest number of votes given cast at said such election, shall be determined and declared to be elected. The city clerk shall provide written notice of the election results to all candidates. (Referendum 11/6/01)

23. Amend ARTICLE V. RECALL, Section 1. Applicability, as follows:

## **Section 1. Applicability.**

Any member of either the city council or the school committee may be recalled and removed from office by the ~~qualified~~ registered voters of the City of Portland, as hereinafter provided, except that this provision shall not apply to a member of either body who has one (1) year or less to serve in his or her term, i.e., any petition to recall a member must be certified by the clerk no later than November 30 of the year prior to that member's next scheduled November re-election date. (Referendum 11/4/86)

24. *Amend ARTICLE V. RECALL, Section 2. Petition for recall, as follows:*

## **Section 2. Petition for recall.**

In the case of either an at large councilor ~~or~~ member of the city council or of the school committee, any five hundred (500) ~~qualified~~ registered voters of the city may affirm and file with the city clerk an affidavit containing the name ~~or names~~ of the member ~~or members~~ of the city council or the school committee whose removal is sought, together with a statement of the reasons why such removal is desired. In the case of a district member of the city council or of the school committee, any two hundred and fifty (250) registered voters of the member's district may affirm and file with the city clerk an affidavit containing the name of the district member whose removal is sought, together with a statement of the reasons why such removal is desired. Members of the city council and of the school committee shall not be included on the same affidavit and only one member's name shall be on an affidavit. ~~Upon~~ Within seven (7) calendar days of receipt of such an affidavit, the city clerk shall prepare a sufficient number of petitions which shall be addressed to the city council, and contain the signature of the city clerk, his or her official seal, the date, and the name or names of the person or persons whose removal is sought. In addition, the affidavit and statement of reasons for removal referred to above shall either be printed on such petitions or attached thereto. Such petitions shall be on paper of uniform size with as many individual sheets as reasonably necessary.

The city clerk shall file the completed petitions in his or her office. During the thirty (30) days following their filing, the city clerk shall arrange to have petitions, noting that removal is being sought as well as the reasons therefor, available for signature both at city hall and also at public places as indicated below. Notice of the location of the public places where petitions may be signed shall be given by publication at least forty-eight (48) hours in advance and such notice shall contain the specific location of such public place or places, the dates it or they will be open, and the times during which petitions may be signed. In the case of either a district councilor or a district school committee member, the city clerk shall

select one (1) site outside of city hall, but within the district of the member whose removal is sought, and such location shall be open for four (4) days between the hours of noon and 8:00 p.m. In the case of ~~other~~ at large councilors or members of the school committee, the city clerk shall select four (4) sites outside of city hall and such locations shall be open for four (4) days each between the hours of noon and 8:00 p.m.

The city clerk shall designate election clerks to supervise each such site. Election clerks shall be residents of Portland and at least eighteen (18) years of age. They shall be sworn to the faithful performance of their duties by the city clerk. Each qualified voter who signs a petition shall include his or her place of residence, providing either the street and number or a description sufficient to identify the place.

To mandate a vote in the case of an at large councilor or a member of the school committee, the recall petition must be signed by at least three thousand (3,000) ~~qualified~~ registered voters of the city, or in the case of a district councilor or member of the school committee, by at least fifteen hundred (1,500) registered voters of that member's district. (Referendum 12/1/75, 11/4/86)

25. Amend ARTICLE V. RECALL, , Section 3. Verification of recall petition, first paragraph, as follows:

**Section 3. Verification of recall petition.**

At the expiration of the thirty (30) day period for signing petitions described in section 2, the city clerk shall declare the petition closed and, within ten (10) days thereafter, shall ascertain whether or not the petitions have been signed by the requisite number of ~~qualified~~ registered voters. The city clerk shall attach his or her certificate, showing the results of such examination, to the petitions.

. . . .

26. Amend ARTICLE V. RECALL, Section 4. Calling of recall election, by adding a new paragraph at the end as follows:

**Section 4. Calling of recall election.**

. . . .

All registered voters in the city may vote on the recall of an at large member; only the registered voters of the applicable district may vote on the recall of a district member.

27. Amend ARTICLE VI. ADMINISTRATIVE OFFICERS, Section 1. Appointments, subsection (a), as follows:

**Section 1. Appointments.**

(a) The following officers ~~and boards~~ shall be appointed by vote of at least five (5) members of the city council: city manager, city clerk, and corporation counsel, ~~and two (2) members of the board of registration under the statutes of the State of Maine,~~ and they may appoint ~~not more than twenty (20)~~ constables at large.

28. *Amend Article VI, ADMINISTRATIVE OFFICERS, section 3. Civil service, as follows:*

**Section 3. Civil service rules.**

The city council shall provide by ordinance for a system of civil service rules for the appointment, promotion, demotion, lay-off, reinstatement, suspension, and removal of the members of the police department and of the fire department, other than the chiefs of such ~~said~~ departments, and for a civil service commission to administer the same.

29. *Amend Article VI, ADMINISTRATIVE OFFICERS, Section 5. Appointment; qualifications; powers and duties of the city manager, as follows:*

**Section 5. Appointment; qualifications; powers and duties of the city manager.**

The city manager shall be chosen by the city council solely on the basis of character and executive administrative qualifications, and may or may not be a resident of the City of Portland or of the State of Maine at the time of appointment. Such person shall give bond for the faithful discharge of his or her duties to the City of Portland and in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on such ~~said~~ bond shall be paid by the city. Such person shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. The city manager's powers and duties shall be as follows:

(a) To see that the laws and ordinances are enforced, but shall delegate to the chief of the police department the active duties connected therewith regarding criminal conduct.

(b) To exercise control over all departments, divisions, agencies, and offices ~~and boards~~ created herein or that may be hereafter created.

(c) To make appointments as provided in this charter.

(d) To attend meetings of the city council, except when his or her removal is being considered, and recommend for adoption such measures as he or she may deem expedient.

(e) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures, and data connected therewith when requested.

(f) To prepare a five (5) year rolling capital improvement plan for annual presentation to the city council, which plan includes the following:

1. a one (1) year plan of specific projects and their cost;
2. a two (2) through five (5) year plan of specific projects and general categories, and amounts of proposed spending and funding sources; and
3. a discussion of the basis for the plan and the factors which went into its development or amendments.

(fg) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council. (Referendum 11/4/86)

30. *Amend Article VI, ADMINISTRATIVE OFFICERS, Section 6, Vacancy in office of city manager, as follows:*

**Section 6. Vacancy in office of city manager.**

During any vacancy in the office of city manager, and during ~~the~~ any absence or disability of the city manager of more than sixty (60) days, the city council ~~may~~ shall designate a properly qualified person to perform the duties of manager and fix such person's compensation. During a temporary absence of sixty (60) days or less, the city manager may designate a qualified person to perform the duties of manager during such absence. While so acting, such person shall have the same powers and duties as those given to and imposed on the city manager. Before entering his or her duties, he or she shall give bond to the City of Portland in a sum and with surety or sureties to be approved by the city council. The premium on such ~~said~~ bond is to be paid by the city.

31. *Amend ARTICLE VII. BUSINESS AND FINANCIAL PROVISIONS, as follows:*

**Section 1. Accounts and records.**

Accounts shall be kept by the director of finance, showing the financial transactions of all departments of the city, and the school department. ~~A general accounting system for same shall be recommended by the director of finance and prescribed by the city manager, and~~

~~approved by vote of the city council in regular session.~~ Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The director of finance shall furnish to the city manager each month a report containing in detail the ~~receipts and disbursements~~ revenues, expenses and expenditures of the city on all accounts, and for each appropriation item the expenditures made and the obligations incurred during the preceding calendar month and the total unencumbered balance. All the accounts of the city and the school department shall be audited annually by a qualified certified public accountant to be chosen by the city council. (Referendum 12/1/75)

## **Section 2. Reports.**

The director of finance shall publish each month a set of financial statements reflecting ~~of~~ the financial condition of the city and the school department, and such other financial information as may be required by the city council.

The director of finance shall produce a comprehensive financial report on an annual basis which conforms to "Generally Accepted Accounting Principles." ~~Each of the administrative officers and boards shall annually, on such date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, the city manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:~~

~~—— (a) Receipts classified according to sources.~~

~~—— (b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the director of finance's books.~~

~~—— (c) Balance sheets.~~

~~(d) Such other financial information as may be required by the city council.~~

## **Section 3. Fiscal year.**

The fiscal year of the city shall be July 1 through June 30, or such other fiscal year as the city council shall determine. (Referenda 6/13/78; 11/4/86)

## **Section 4. Annual budget.**

Not later than two (2) months before the end of the fiscal year, the city manager shall submit to the city council a budget ~~estimates~~ for the ensuing fiscal year.

~~An accurate summary of such budget shall be made available not later than two (2) weeks after its submission to the city council. The city council shall fix a time and place for holding a public hearing upon the city manager's budget, and shall give not less than ten (10) days' prior public notice of such hearing, which hearing shall be at least ten (10) days before the final passage of the appropriation resolve. (Referenda 6/13/78; 11/4/86)~~

#### **Section 5. Budget content.**

The city manager's budget shall provide a complete financial plan of ~~all~~-city general and enterprise funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require. In organizing the budget the city manager shall utilize the most feasible combination of expenditure classification by fund, organization, unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating proposed tax levies, and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

The total of proposed expenditures shall not exceed the total of proposed income. (Referendum 6/13/78)

#### **Section 6. Appropriation resolve.**

The city council shall adopt the annual appropriation resolve for the next fiscal year on or before the last day of the twelfth month of the fiscal year currently ending. Such resolve shall appropriate those amounts deemed necessary for general city purposes and additionally one gross amount for school purposes as required by section 4 of article III ~~hereinbefore~~. The total amount appropriated shall not exceed the estimated revenue of the city.

If it fails to adopt such ~~said~~ resolve by this date, the city council may make appropriation for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

The city council may by resolution appropriate to any purpose or object for which there shall have been no appropriation for the current year, or for which the appropriation for the current year has proved insufficient, any accruing revenue of the city not appropriated as hereinbefore provided and any unencumbered appropriation balance, or portion thereof, remaining after the purpose of the appropriation shall have been satisfied or abandoned. (Referendum 6/13/78)

**Section 7. ~~Surpluses~~ Unexpended appropriations.**

All appropriations in the annual budget shall lapse at the close of the fiscal year unless specifically continued by order of the city council, and the unexpended appropriations unencumbered balances shall be transferred to the ~~surplus account~~ appropriate fund balance account.

**Section 8. Borrowing.**

The borrowing of money by and for the city shall be limited as to form and purpose by section 9 and section 10 of this Article. The credit of the city shall in no manner be loaned to any individual, association or corporation.

**Section 9. Bond issues.**

Money may be borrowed, within the limits fixed by the constitution and statutes of the state, now or hereafter applying to ~~said~~ Portland, by the issue and sale of bonds or notes pledged on the credit of the city, or on the revenues or assets of the projects financed with the proceeds of such borrowings, the proceeds to be used for the acquisition of land, the construction, reconstruction, major alteration, extraordinary repairs, and equipment of buildings and other permanent public improvements, the purchase of departmental equipment, for economic development to the extent determined by the City Council to serve a valid public purpose, to create reserves to settle workers' compensation obligations, to fund, refund, pay or to create reserves for the payment of the city's unfunded pension fund liabilities and for the payment of refunding bonds, notes and other evidences of indebtedness previously issued, or for any other purpose permitted by state law.

No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in two (2) public places in the City of Portland and publishing such ~~said~~ notice at least twice in a ~~daily~~ newspaper of general circulation in ~~said~~ Portland at least two (2) weeks before final action of the city council, and the approval of seven (7) members of the city council. In addition, the city council may, in its discretion, provide that such notice shall be published on the city's website and in such other additional media as the city council determines are appropriate to notify the general public of the public hearing.

Any order authorizing the issue of bonds must be approved by vote of at least seven (7) members of the city council. (Referenda 11/4/86; 11/5/91; 11/8/94; 11/2/99)

**Section 10. Temporary loans.**

Money may be borrowed in anticipation of receipts from taxes during any fiscal year but the aggregate amount of such loans

outstanding at any one (1) time shall not exceed eighty (80) percent of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of the receipts from taxes for the fiscal year in which the loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be subject to the provisions of the laws of the State of Maine in relation thereto. This section shall not limit in any way the power granted to towns and cities to borrow money as contained in the Revised Statutes of the State of Maine and acts amendatory thereof and additional thereto. (Referendum 11/4/86)

**~~Section 11. Sinking fund.~~**

~~— The sinking fund shall be applied only to the payment of the bonded indebtedness of the city. The sinking fund shall be invested as provided by the Revised Statutes of the State of Maine and all acts in addition thereto and in amendment thereof.~~

**Section 121. Payments.**

~~Money shall be paid out only in warrants on the city treasury issued by the director of finance.~~

The director of finance shall establish adequate financial controls to reasonably ensure that ~~examine~~ all payrolls, bills and other claims and demands against the city, ~~and shall issue no warrant for payment until he or she finds that the claim is~~ are in proper form, correctly computed, duly certified and legally due and payable.

The director of finance may require any claimant to make oath to the validity of his or her claim, may investigate any claim and for such purpose or purposes may examine witnesses under oath.

**Section 132. Bonds of officers.**

The city council shall require a bond with sufficient surety or sureties, satisfactory to the city council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for such said bonds to be paid by the city.

**Section 143. Collection and custody of city moneys.**

All moneys received by any officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the director of finance with ~~some responsible~~ a federally insured banking institution or institutions or insured credit union ~~or institutions or unions~~ to be chosen by said city council. All interest

from all deposits of money belonging to the city shall accrue to the benefit of the city.

**~~Section 15. Cumulative reserve fund.~~**

~~A cumulative reserve fund is hereby authorized for the purpose of enabling the city to pay losses incurred under deductible insurance policies. Such fund shall be derived from contributions from other accounts within the general and other operating funds which shall be appropriated annually. The city council may appropriate additional sums to such fund and shall in the annual appropriation resolve include provision for payment out of such cumulative reserve fund all losses which may occur during the next fiscal year. Such cumulative reserve fund shall be a permanent fund to be used for the purposes herein set forth and no other and shall continue from year to year, its surplus not reverting to the general fund surplus at the end of any fiscal year. Said fund shall be kept, held and administered as provided by the Revised Statutes for other reserve funds of municipalities.~~

**Section 164. Voter referendum required for certain city council actions.**

(a) The city council shall submit the following to voter referendum:

(1) Orders or resolves authorizing the issuance of general obligation securities of the city in a principal amount greater than ~~the larger of \$900,000.00 or~~ five one-hundredths of one (1) percent of the last certified state valuation of the city for a single capital improvement or item of capital equipment; or

(2) Orders or resolves directly or indirectly obligating the city to expend, over a term greater than one (1) municipal year, municipal tax funds in excess of an amount greater than ~~the larger of \$1,350,000.00 or~~ seven and one-half one-hundredths of one (1) percent of the last certified state valuation of the city for a single capital improvement or item of capital equipment.

(b) The provisions of this section shall not be applicable to any order or resolve authorizing (i) the refunding of any securities or other obligations of the city; (ii) the issuance of general obligation securities, or other direct or indirect obligations, of the city for streets, sidewalks, or storm or sanitary sewers; or (iii) any construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other declared emergency. For purposes of this section, the city council may by vote of at least seven (7) of its members adopt emergency orders or resolves authorizing construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other emergency and such orders or resolves shall contain a section in which the emergency is set forth and defined; provided, however, that the declaration of such emergency by the city council shall be conclusive.

(c) Any order or resolve described in subsection (a) of this section shall be approved by separate action of the city council.

(d) No order or resolve described in subparagraph (a) of this section, not excepted by subparagraph (b), shall become effective until approved by a majority of voters voting at a regular or special municipal election. In the event that the total number of votes cast for and against the question for the referred order or resolve should be less than ten (10) percent of the registered voters of the city, then such order or resolve shall be deemed to be approved and effective.

(e) The form of the ballot question for the referred order or resolve shall be substantially as follows:

Shall the order or resolve entitled "\_\_\_\_  
\_\_\_\_", be approved?  
(Referendum 11/4/86)

32. *Amend the Charter by adding the appendix of legislative history as follows (to be updated as necessary) and moving the Editor's notes under Article II, Section 2, Article VI, Section 8 and Article VIII, Section 5 to the end of Appendix A:*

#### APPENDIX A

##### Charter Legislative History

1. Town of Portland incorporated by Act of Commonwealth of Massachusetts on July 4, 1786; Town of Portland Records, p. 1

2. City of Portland incorporated by adoption of charter on March 26, 1832; original charter can be found in Chapter 248, Special Laws of Maine 1832, p. 380; amendments as follows:

c. 325, S.L. 1833, p. 501  
c. 500, S.L. 1834, p. 749  
c. 402, S.L. 1838, p. 511  
c. 541, S.L. 1839, p. 648  
c. 33, P & SL 1842, p. 25  
c. 200, P & SL 1845, p. 258  
c. 266, P & SL 1845, p. 310  
c. 233, P & SL 1849, p. 333  
c. 330, P & SL 1850, p. 458  
c. 167, P & SL 1853, p. 158  
c. 35, P & SL 1857, p. 48  
c. 103, P & SL 1857, p. 93  
c. 109, P & SL 1857, p. 100

3. A total revision of the charter was accomplished in 1863; c. 275, P & SL 1863, p. 257; amendments as follows:

c. 348, P & SL 1870, p. 316  
c. 647, P & SL 1871, p. 624  
c. 21, P & SL 1875, p. 16  
c. 8, P & SL 1881, p. 9  
c. 86, P & SL 1881, p. 86

(c. 450, P & SL 1897, p. 707--Revision of charter rejected by voters in 1897)

c. 384, P & SL 1901, p. 569

c. 68, P & SL 1903, p. 116

(c. 287, P & SL 1905, p. 328--abolishing common council rejected by voters April 24, 1905)

c. 344, P & SL 1907, p. 638

c. 427, P & SL 1907, p. 758

(c. 148, P & SL 1921, p. 513--"Murray Bill" charter revision rejected by voters September 13, 1921)

(c. 149, P & SL 1921, p. 532--"Brewster Bill" charter revision rejected by voters September 13, 1921)

4. A total revision of the charter was accomplished in 1923 by adoption by voters of "Brewster Bill" on September 11, 1923; c. 109, P & SL 1923, p. 596; ("Nichols Bill" c.104, P & SL 1923, p. 557 was rejected same date); amendments as follows:

c. 56, P & SL 1929, p. 484

(c. 112, P & SL 1929, p. 604--Mayor--Alderman form rejected by voters on September 10, 1929)

c. 31, P & SL 1931, p. 353

c. 50, P & SL 1945, p. 629

c. 113, P & SL 1945, p. 736

c. 144, P & SL 1945, p. 71

c. 72, P & SL 1947, p. 722

c. 72, P & SL 1949, p. 765

c. 103, P & SL 1949, p. 803

c. 28, P & SL 1953, p. 528

c. 108, P & SL 1955, p. 756

c. 88, P & SL 1957, p. 707

c. 143, P & SL 1959, p. 873

5. A total revision of the charter was accomplished in 1961; c. 194, P & SL 1961, p 1125; amendments as follows:

c. 64, P & SL 1963, p. 966

c. 65, P & SL 1963, p. 967

c. 157, P & SL 1963, p. 1187

c. 177, P & SL 1963, § 1, p. 1291

(c. 6, P & SL 1965, p. 649 rejected by voters on December 6, 1965)

c. 7, P & SL 1965, p. 650

c. 81, P & SL 1965, p. 760

(c. 127, P & SL 1965, p. 849 rejected by voters on December 6, 1965)

c. 221, P & SL 1967, p. 136

c. 83, P & SL 1969, p. 1628

c. 136, P & SL 1969, p. 1792

c. 146, P & SL 1969, p. 1820

(c. 185, P & SL 1969, p. 1958 rejected by voters on November 3, 1970)

**State constitutional law reference--Municipal home rule, Const. of Maine, Art. VIII, Pt. 2.**

Referenda 12/4/72            Art. I, 1

Referenda 12/1/75            Art. II, 2

Art. IV, 2

Art. IV, 4

Art. V, 2

Art. VII, 1

Referenda 11/2/76\*\*        Art. II, 1

Art. II, 4

Art. III, 1,2,5

	Art. IV, 2,3,4,6
	Art. V, 2
Referenda 6/13/78	Art. II, 1,2,3,5
	Art. III, 1,2,3,4
	Art. IV, 1,2,3,6
	Art. VII,3,4,5,6
Referenda 11/4/86***	Art. II, 1,2,4,5
	Art. III, 1,5
	Art. IV, 1,2,3,4,6,7,9
	Art. V, 1,2,3,4,5,6,7
	Art. VI, 1,2,5
	Art. VII 7-10 (Rpld)
	Art. VI, 11-12 (Rnbd as Art. VI, 7-8)
	Art. VII, 3,4,9,10,16
	Art. VIII, 1,4,5
	Art. VIII, 6 (Rpld)
Referenda 11/3/87	Art. II, 2
	Art. III, 1
Referenda 11/5/91	Art. VII, 9
Referenda 11/8/94	Art. VII, 9
Referenda 11/2/99	Art. II, 4
	Art. III, 5
	Art. VII, 9
Referenda 11/7/00	Art. II, 3,5
	Art. III, 2,3
	Art. IV, 2
Referenda 11/6/01	Art, IV, 2,6,8,10
Referenda 11/4/08	Art. IV, 3,4,5, 6,7,11

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**\*\*Editor's note--**The amendment establishing district councilor elections became effective January 1, 1976, except that for the purpose of nomination and election of district councilmen such amendment shall apply as the presently occupied district seats become available thereafter by normal expiration of term or by vacancy and to every district election thereafter.  
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**\*\*\*Editor's note--**A referendum, passed Nov. 4, 1986 and effective July 1, 1987, repealed former sections 7 through 10 of Art. VI to eliminate references to obsolete offices (assistant assessors, director of public welfare) and renumbered former sections 11 and 12 as 7 and 8 respectively. Former sections 7 through 10 derived from the legislation enumerated in the editor's note to this Charter.  
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**\*\*\*Editor's note--**A referendum of Nov. 4, 1986, effective July 1, 1987, amended section 4 of this article to clarify the summons-subpoena power and to provide that failure to obey either a summons or a subpoena will subject offenders to contempt. Former section 5 of this article was deleted as a result of the amendment to section 4 and a new section 5 added to preserve certain rights granted to the city by special acts of the legislature. Former section 6 was deleted to conform to 30 M.R.S.A. § 1915(4) which establishes the effective date of Charter revisions. See the editor's note to the Charter for derivations of deleted sections.  
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VII. FULL CITY CHARTER WITH ALL RECOMMENDED ADDITIONS AND DELETIONS, ASSUMING ALL QUESTIONS PASS

**Note:** The following document shows the changes to the Charter if all 3 questions on the ballot are passed. Deletions are shown by ~~strikeouts~~; new language is underlined.

PART I CHARTER\*

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**\*Editor's note--**Historical references are cited in parentheses at the end of each section. Such references cite only the various amendments adopted by referenda conducted pursuant to home rule powers granted by P.L. 1970, c. 563 (30 M.R.S.A. § 1911 et seq.; re-codified in Title 30-A). Prior to 1970 and home rule the charter and its various amendments were enacted by the Maine Legislature and such are not cited in ~~said~~the parentheses. A history of the charter and amendments is ~~as follows~~ attached as Appendix A.

State law reference(s)--Home rule, 30-A M.R.S.A. § 2101 et seq.

Preamble

- Art. I. Grant of Powers to the City, §§ 1, 2
- Art. II. City Council; Mayor, Ranked Choice Voting §§ 1--~~8~~ 11
- Art. III. ~~School Committee~~ Board of Public Education, §§ 1--~~5~~ 6
- Art. IV. Elections, §§ 1--11
- Art. V. Recall, §§ 1--7
- Art. VI. Administrative Officers, §§ 1--8
- Art. VII. Business and Financial Provisions, §§ 1--16
- Art. VIII. Miscellaneous Provisions, §§ 1--5

PREMABLE

We, the People of Portland, Maine, establish this Charter to secure the benefits of local governance and to provide for the general health, safety and welfare of our community. In so doing, we build a government that meets the needs of the people it serves and whose character it reflects. Our government shall further cooperation, encourage leadership, solicit our input and support the active participation of our residents in their governance. Our government shall be effective and accountable and shall promote equal rights and representative democracy.

Our government shall provide public education that enables all residents to acquire the knowledge and skills necessary to participate fully in Portland's civic, intellectual, cultural and economic life, in order to enrich and strengthen our community and our common future.

## ARTICLE I. GRANT OF POWERS TO THE CITY

### Section 1. Corporate existence retained.

The inhabitants of the City of Portland shall continue to be a body politic and corporate by the name of the City of Portland, and shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise, pertaining to or incumbent upon ~~said~~ such city as a municipal corporation or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations, and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, ~~not exceeding one thousand dollars in any one case, to be recovered for such uses as~~ such ~~said~~ by-laws, regulations, or ordinances shall provide. Such penalties shall not limit nor diminish in any way the city's authority to seek and obtain higher or different penalties provided by state or other law. (Referendum 12/4/72)

### Section 2. Powers and duties.

The administration of all the fiscal, prudential, and municipal affairs of ~~the said~~ the City of Portland, with the government thereof, except the general management, care, conduct, and control of the schools of ~~said~~ such city which shall be vested in a ~~school committee~~ board of public education as hereinafter provided (also referred to herein as the "school board"), and also except as otherwise provided by this charter, shall be and are vested in one body of nine members, which shall constitute and be called the city council, all of whom shall be inhabitants of ~~said~~ the city, and shall be sworn in the manner hereinafter prescribed.

The members of the city council shall be and constitute the municipal officers of the City of Portland for all purposes required by statute, and, except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers and mayors of cities under the laws of this state.

All other powers now or hereafter vested in the inhabitants of such ~~said~~ city, and all powers granted by this charter, except as herein otherwise provided, shall be vested in the ~~said~~ city council.

## ARTICLE II. CITY COUNCIL

### Section 1. City to be divided into election districts.

For the purpose of all elections the city, including its islands, shall be divided into five (5) districts to establish compact and contiguous districts of approximately equal population.

The city council for voting purposes may by ordinance divide ~~said~~ the election districts into voting districts. (Referenda 11/2/76; 6/13/78; 11/4/86)

### Section 2. Composition, election, tenure of office, ~~compensation.~~

The city council shall be composed of nine (9) members, including the mayor who shall be one of the nine (9) members of the city council, who and shall hold office for a term of three (3) years and until their successors are elected and qualified, except as provided below for the term of mayor. Four (4) members, including the mayor, shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for, from and by the registered voters of each district. References in this charter to the city council, councilors, council, its members or membership, shall be deemed to include the mayor, unless otherwise specifically provided.

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which the nomination papers are to be filed. ~~The city council shall by order establish the amount each member shall be entitled to receive as compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their compensation shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance. No member shall hold any office or employment the compensation of which is payable by the city or school department during the term for which he or she was elected.~~

Beginning with the regular municipal election in November, 2011, the at large position then up for election shall be designated as the mayor's position and shall continue as the mayor's position thereafter. The position of mayor only shall be elected by majority vote as provided in section 3 of this article. The candidate(s) for mayor shall be nominated in the same manner as other at large members of the council. The term of mayor shall be four (4) years, with a maximum limit of two (2)

consecutive terms. The election and position of mayor shall be a non-partisan, full-time position.

(Referenda 12/1/75\*; 6/13/78; 11/4/86; 11/3/87)

~~\*Editor's note--The amendment establishing district councilor elections became effective January 1, 1976, except that for the purpose of nomination and election of district councilors such amendment shall apply as the presently occupied district seats become available thereafter by normal expiration of term or by vacancy and to every district election thereafter.~~

### **Section 3. Chairman.**

~~On the first Monday in December following the regular municipal election, or as soon thereafter as possible, the city council shall elect one (1) of its members as chairman of the council for the ensuing year and until a successor is elected and qualified, and the city council may fill for the unexpired term any vacancy as chairman that may occur.~~

~~If the chairman shall fail from sickness, disability, absence from the city or other cause to attend to and perform the duties incumbent on him or her as such chairman, the remaining members of the city council may by unanimous vote, after notice and hearing, terminate the term of office of said chairman and remove him or her therefrom, and thereupon by majority vote may elect some other member of said city council chairman, and such newly elected member shall thereupon and thereafter hold the office and perform the duties of chairman for the balance of that year and until a successor is elected and qualified.~~

~~The chairman shall preside at all meetings of the council, and shall perform such other duties, consistent with this office, as the council may provide. He or she shall be entitled to vote, and such vote shall be counted upon all matters and things as a vote of other members of the council. The chairman shall be the official head of the city and shall be called mayor. He or she shall perform the duties of chairman of the city council as set forth herein and shall have the powers and authority given to perform the duties required of mayors of cities for all purposes required by any statute. In the temporary absence or disability of the chairman the council may select a chairman pro tempore from among its number and such person shall exercise all the powers of the chairman. (Referendum 6/13/78; 11/7/00)~~

### **Section 3. Ranked choice voting; instant runoff tabulation.**

For the position of mayor only, the city clerk shall implement a ranked choice voting protocol according to these guidelines:

(a) The ballot shall give voters the option of ranking mayoral candidates in order of choice.

(b) If a mayoral candidate receives a majority, i.e. at least one more than fifty percent (50%) of the first choice votes cast, that candidate is elected.

(c) If no candidate receives a majority of first choice votes, an instant runoff re-tabulation shall be promptly conducted by the city clerk and completed within five (5) business days of the election. The instant runoff re-tabulation shall be conducted in successive rounds, with the majority determined for each successive round by the number of votes cast in that round. The candidate with the fewest votes after each successive round in which no candidate receives a majority of the votes cast in that round shall be eliminated, and the votes in the successive rounds shall be re-tabulated among the remaining candidates until one candidate receives a majority of the votes cast in that round. In each successive round, each voter's ballot shall count as a single vote for whichever candidate the voter has ranked highest who has not been eliminated in a prior round, if any.

(d) After the first round, a majority is determined as at least one (1) more than fifty percent (50%) of the votes cast for a remaining candidate in a particular round.

(e) The city clerk may adopt additional regulations consistent with this subsection to implement these provisions. The ballot shall contain instructions on how to vote for each office.

#### **Section 4. Compensation of councilors and mayor.**

Except as otherwise provided in the paragraph below for the mayor's compensation, the city council shall by order establish the amount each member shall be entitled to receive as compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their compensation, including that of the mayor, shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance.

Prior to the date nomination papers are available for the first mayoral election, the city council shall set the mayor's compensation and shall re-set it prior to the date nomination papers are available for each mayoral election thereafter. During the mayor's term, the city council may adjust the mayor's compensation. At minimum, the mayor shall be paid compensation consisting of a salary which is no less than one and one-half

(1.5) times the median household income for Portland as most recently published by the U.S. Census Bureau, American Community Survey, or successor index thereto, at the time such compensation is set or adjusted, plus customary city benefits.

No member shall hold any office or employment the compensation of which is payable by the city or school department during the term for which he or she was elected. (Referenda 12/1/75\*; 6/13/78; 11/4/86; 11/3/87)

### **Section 5. Mayor's powers and duties**

The mayor shall be the official head of the city, responsible for providing leadership, and shall have the following powers and duties:

(a) To articulate the city's vision and goals and build coalitions to further such vision and goals. The mayor shall give an annual state of the city address during a special meeting of the city council called for that purpose;

(b) To convene and lead an annual workshop session of the city council to discuss and identify the city's goals and priorities in order to provide guidance for the city manager and to inform the public. The city manager shall attend this workshop session, and a summary of the session shall be made available to the public;

(c) To represent the city with other municipalities, levels of government, community and neighborhood groups, and the business community;

(d) To preside as chair of the city council, and vote upon all matters in the same manner as other members of the city council, except as provided in article VII, section 8. The mayor shall direct the city manager in the preparation of council meeting agendas;

(e) To facilitate the implementation of city policies through the office of the city manager;

(f) To consult with and provide guidance to the city manager in the preparation of all city budgets and to provide comments on such budgets at the time they are presented by the city manager to the city council for approval;

(g) To consult with and provide guidance to the city manager in the preparation of the annual capital improvement program plan described in article VI, section 5, paragraph (i), and to provide comments on such program

plan at the time it is presented by the city manager to the city council;

(h) To facilitate among the city manager, city council, board of public education and the public to secure passage by the city council of the annual city and school budgets;

(i) To exercise veto power over the annual city appropriation as provided in article VII, section 8;

(j) To establish performance guidelines in conjunction with the other members of the city council for regular evaluations, no less than annually, by the city council of the performance of the city manager, corporation counsel and city clerk, such evaluations to be based upon those guidelines. Such performance guidelines shall have measurable goals and objectives, taking into consideration, as applicable, the achievement of city policies and priorities;

(k) To chair any subcommittee with at least two (2) other city councilors to recommend the appointment or removal of the city manager, corporation counsel or the city clerk, but the full city council shall have the final decision in regard to such appointment or removal by a vote of at least five (5) members of the council; and

(l) To appoint the members and chairs of the city council committees and various ad hoc committees and communicate such appointments to the city council, which may override such appointments by a vote of at least six (6) council members.

Notwithstanding the foregoing, 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.

**Section 6. Absence or disability of mayor; acting mayor.**

In the temporary absence or disability of the mayor, the mayor may select an acting mayor from among the other council members and such person shall perform the duties of the mayor during such temporary absence or disability for a maximum of sixty consecutive (60) days or return of the mayor, whichever comes first. If through physical or mental incapacity the mayor is unable to select an acting mayor, or if the mayor's absence or disability exceeds sixty (60) consecutive days, the council shall select an acting mayor from among its membership until such time as the mayor is able to resume his or her duties or a vacancy is declared pursuant to section 7 below and a new mayor elected. (Referendum 6/13/78; 11/7/00)

#### **Section 47. Vacancies.**

A vacancy in the membership of the city council shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or 6) the recall of a member pursuant to the provisions of article V. The council shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the city council, or at least sixty (60) percent of the regular meetings of the city council held in any one calendar year unless such said member shall be excused (by vote of at least four (4) other members) for health reasons or other good cause.

The council shall declare a vacancy in its membership to exist upon the qualification of any member for any city or school department office, or the acceptance of any employment with the city or school department, the compensation for which is payable by the city or school department.

A member may in writing addressed to the council resign his or her office effective at a future date specified in such said written resignation. Once submitted to the council, such said resignation may not be withdrawn, and such said member's office shall become vacant on such said specified future date.

If a vacancy in the membership of the city council occurs or is declared prior to the next regular municipal election, the vacancy shall be filled at a special election to take place on the same date as the next scheduled municipal or state election which is no less than ~~120~~ 127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least six (6) of its members, calls a special election on an earlier date. ~~The warrant for such special election shall upon vote of the city council be issued by a member of the city council by vote designated for that duty.~~ Such election shall be called and held and nominations made as in other elections. (Referenda 11/2/76; 11/4/86; 11/2/99)

#### **Section 58. Meetings of the council.**

The city council shall meet at the usual place for holding meetings on the first Monday in December following the regular municipal election, or as soon thereafter as possible, and at such said meeting the mayor and councilors-elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk. The city council shall at such meeting establish by resolution or rule a regular place and time

for holding its meetings, and shall meet regularly at least twice each month. (Referenda 6/13/78; 11/4/86; 11/7/00)

**Section 69. Special meetings.**

Special meetings may be called by the ~~chairman~~ mayor, and in case of his or her absence, disability, or refusal, may be called by ~~a majority of the~~ five (5) or more members of the city council. At least twenty-four (24) hours notice of the time and place of holding such special meeting shall be given to all members of the city council. ~~Notice of such meeting shall be served in person or left at the residence of each member of the city council at least twenty-four hours before the time for holding such said special meeting.~~

**Section 710. Quorum.**

~~A majority of the~~ Five (5) members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

**Section 811. Procedure.**

The city council shall keep a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The meetings of the city council shall be open to the public in accordance with state law. The city council shall act only by ordinance, order, or resolve. All ordinances, orders, and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. An appropriation order or resolve shall be confined to the subject of appropriations only.

No ordinance and no appropriation order or resolve shall be passed until it has been read on two separate days, except when the requirement of a second reading on a separate day has been dispensed with by the vote of at least seven (7) members of the city council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the city council by the clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the city council. Every ordinance, order, and resolve shall require on final passage the affirmative vote of at least five (5) members of the city council. No ordinance shall take effect until thirty (30) days after its passage and no order or resolve shall take effect until ten (10) days after its passage, except as herein otherwise provided for emergency ordinances, orders and resolves.

The city council may, by vote of at least seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders, or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the city council shall be conclusive.

### **ARTICLE III. SCHOOL COMMITTEE BOARD OF PUBLIC EDUCATION**

#### **Section 1. Composition, election, tenure of office, compensation.**

The ~~school committee~~ board of public education shall be composed of nine (9) members who shall hold office, except as hereinafter provided, for a term of three (3) years and until their successors are elected and qualified. Four (4) shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for in section 1 of article II, from and by the registered voters of each such district.

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which the nomination papers are to be filed.

The city council shall by order establish the amount each member of the school ~~committee board~~ shall be entitled to receive as compensation for all services rendered, which compensation shall be the same as that received by members of the city council, other than the mayor. The city council shall provide additional compensation to the chair of the school board appropriate to reflect his or her additional responsibilities as chair. (Referenda 11/2/76; 6/13/78; 11/4/86; 11/3/87)

#### **Section 2. ~~Chairman~~.**

On the first Monday in December following the regular municipal election, or as soon thereafter as possible, the ~~school committee~~ board of public education shall elect one of its members as ~~chairman~~ for the ensuing year and until a successor is elected and qualified, and may fill for the unexpired term any vacancy as ~~chairman~~ that may occur.

At a date and time to be mutually agreed upon by the chair of the school board and the mayor, the chair shall deliver an annual address on the "state of the public education system in Portland" to the city council and the public.  
(Referenda 11/2/76; 6/13/78; 11/7/00)

### **Section 3. Organization.**

The school ~~committee board~~ shall meet for organization on the first Monday in December following the regular municipal election, or as soon thereafter as possible. The members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk, and a record made thereof. The members shall at such meeting, or as soon thereafter as possible, establish a regular place and time for holding meetings and shall meet regularly at such place and time. A majority of the whole number elected Five (5) members of the school board shall be constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken. (Referenda 6/13/78; 11/7/00)

### **Section 4. Powers and duties.**

The ~~school committee board~~ of public education shall have all the powers, and perform all the duties in regard to the care and management, including sound fiscal management, conduct, and control of the public schools of the said city, which are now conferred and imposed upon school committees and school boards by the laws of this state, except as otherwise provided in this charter.

### **Section 5. School budget.**

Not later than ~~two (2)~~ three and one-half (3.5) months before the end of the fiscal year, the ~~school committee superintendent~~ shall submit to the ~~city council school board~~ budget estimates of the various sums required for the support of public schools for the ensuing fiscal year and shall thereafter provide the ~~city council school board~~ with such information relating to such estimates as the ~~city council school board~~ shall require.

During the thirty (30) days following submission of the superintendent's proposed budget to the school board, the school board and the city council, or their designated subcommittees, shall meet jointly at least twice to review the proposed school budget, focusing on its underlying assumptions and supporting data and the ability of the city to raise the necessary funds for the support of such proposed budget. The superintendent and the city manager shall provide information regarding such proposed budget as reasonably requested by the school board and the city council, or their designated subcommittees.

The budget submitted by the superintendent to be reviewed jointly by the school board and the city council shall provide a complete financial plan of all school funds and activities for the ensuing fiscal year. In organizing the school budget for joint review, the superintendent shall utilize the most feasible combination of expenditure classification by fund, organization, unit, program, purpose or activity, and object. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. The total of proposed expenditures shall not exceed the total of proposed income.

Not later than the last Monday in April of each fiscal year, the school board shall submit to the city council a budget of the various sums required for the support of the public schools for the ensuing fiscal year in the format provided above, and shall thereafter provide the city council with such information relating to such budget as the city council shall require.

A budget hearing on such budget estimates shall be held prior to final action by the city council. ~~together with the hearing on the budget estimates of the city manager.~~ The city council in its appropriation resolve for the ensuing year shall, in addition to amounts appropriated for other general city purposes, appropriate one gross amount for the support of the public schools, which amount shall not be less than the sum required to be appropriated for such purposes by the general laws of the state. Such gross amount shall not be less than the sum requested by the school ~~committee~~ board except by a vote of at least six (6) members of the city council. Such appropriation shall be expended under the direction and control of the school ~~committee~~ board but no such appropriation shall be exceeded except by consent of the city council. (Referendum 6/13/78)

#### **Section 56. Vacancies.**

A vacancy in the membership of the ~~school committee~~ board of public education shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member pursuant to the provision of Article V. The school ~~committee~~ board shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the school ~~committee~~ board or at least sixty (60) percent of the regular

meetings of the school ~~committee~~ board held in any one calendar year unless such ~~said~~ member shall be excused (by a vote of at least four (4) of the members) for health reasons or other good cause. A member may in writing addressed to the school ~~committee~~ board resign his or her office effective at a future date specified in ~~said~~ the written resignation. Once submitted to the school ~~committee~~ board, ~~said~~ such resignation may not be withdrawn and ~~said~~ such member's office shall become vacant on ~~said~~ the specified future date.

If a vacancy in the membership of the school ~~committee~~ board occurs or is declared prior to the next regular municipal election, the vacancy shall be filled at a special election to take place on the same date as the next scheduled municipal or state election which is no less than ~~120~~127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least six (6) of its members, calls a special election on an earlier date and shortens the time for obtaining and filing nomination petitions established in article IV, section 6. ~~The warrant for such special election shall upon vote of the city council be issued by a member of the city council by vote designated for that duty.~~ Such election shall be called and held and nominations made as in other elections. (Referenda 11/2/76; 11/4/86; 11/2/99)

#### **ARTICLE IV. ELECTIONS**

##### **Section 1. Continuity in office.**

In the event redistricting of the city shall cause a then council member or school ~~committee~~ board member to reside in a district other than that from which such person was elected, the office of such member shall not thereby be considered vacated but such member shall continue in office until a successor is duly elected and qualified. Each district councilor and district school ~~committee~~ board member in office on the effective date of any such redistricting shall be deemed to represent the newly constituted district of the same numerical designation as that formerly represented and shall continue to serve in that capacity until expiration of his or her term. (Referenda 6/13/78; 11/4/86)

##### **Section 2. Regular municipal election.**

On the first Tuesday after the first Monday in November of each year, the regular municipal election shall be held and the registered voters of the city or district, as the case may be, shall ballot for such councilors and for such members of the school ~~committee~~ board as may be necessary to fill the offices of those whose terms would then normally expire and fill any existing vacancy in an unexpired term of office. (Referenda 12/1/75; 11/2/76; 6/13/78; 11/4/86; 11/7/00; 11/6/01)

**Section 3. Wardens and ward clerks.**

The wardens and ward clerks shall be nominated by the city clerk and appointed by order of the city council. They shall be and remain residents of the city and all other qualifications for appointment shall be as provided in Title 21-A of the Maine Revised Statutes. ~~and~~ They shall hold their office for one year from the date of appointment, unless a shorter term is specified by the order of appointment, and until others have been chosen and qualified in their stead. The warden and the ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath shall be entered by the clerk on the records of such ~~said~~ ward. (Referenda 11/2/76; 6/13/78; 11/4/86, 11/4/08)

**Section 4. Nominations.**

The nominations of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for an at large councilor ~~seat or at large school committee member~~ board seat shall be signed by not less than three hundred (300) nor more than five hundred (500) ~~qualified~~ registered voters of the city. The petition of a candidate for a district council seat or a candidate for a district school ~~committee~~ board seat shall be signed by not less than seventy-five (75) nor more than one hundred fifty (150) ~~qualified~~ registered voters of the respective district. Voters may sign petitions for more than one (1) candidate for each office to be filled at the election. (Referenda 12/1/75; 11/2/76; 11/4/86; 11/4/08)

**Section 5. Form of nomination petition.**

The signatures to nomination petitions need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in his or her presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer giving the street and number of the street, or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

To the city clerk of the City of Portland

We, the undersigned voters of the City of Portland, hereby nominate, \_\_\_\_\_ whose residence is \_\_\_\_\_ for the office of

\_\_\_\_\_ to be voted for at the election to be held in the City of Portland on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and we individually certify that we are qualified to vote for a candidate for the above office.

Name \_\_\_\_\_ Street and Number \_\_\_\_\_, being duly sworn, deposes and says, that he (she) is the circulator of the foregoing nomination petition containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be.

(Signed) \_\_\_\_\_.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney, State of Maine Bar #\_\_\_\_\_  
Notary Public

If this petition is deemed insufficient by the city clerk, he or she shall forthwith notify by mail \_\_\_\_\_ at \_\_\_\_\_.

**Section 6. Filing of nomination petitions, and acceptance of nomination.**

The city clerk shall make nomination petitions available to the candidates one hundred and twenty-seven (127) days prior to the election. The nomination petitions for any one (1) candidate must be assembled and united into one (1) petition and filed with the city clerk during normal business hours not earlier than eighty-five (85) nor later than seventy-one (71) days before the date of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing at the time of filing of such ~~said~~ nomination petitions his or her consent accepting nomination, agreeing not to withdraw and, if elected, to qualify. Such nomination petitions and consent, once filed may not be withdrawn. Any challenge to a nomination petition must be submitted to the city clerk in writing, setting forth the specific reasons for the objection, no later than five (5) days, excluding Saturdays, Sundays, and legal holidays, from its date of filing, or it is barred. No person shall take out nomination papers for more than one position at the same election, nor be nominated, nor shall any person consent to being nominated, at the same election for any other elective office provided for by this charter, and no person shall simultaneously hold more than one (1) elective office provided for by this charter. (Referenda 11/2/76; 6/13/78; 11/4/86; 11/6/01; 11/4/08)

**Section 7. Form of ballot.**

All official ballots for use in all municipal elections shall be prepared by the city clerk and furnished by the city, consistent with the voting machines used and the form of any state ballot(s), and the use of ranked choice voting for mayor. Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence, and the office for which they are candidates, and instructions on how to mark the ballot. The candidates for each office shall be grouped under the title of each office, plainly and distinctly marked. There shall be as many blank spaces under the name of each office as there are vacancies to be filled. The procedure for counting write-in votes shall be governed by Title 21-A, Maine Revised Statutes, unless inconsistent with article II, section 3, in which case the charter provisions shall govern. Notwithstanding the foregoing, in the event of an emergency such as the illness, death or disqualification of a nominee for municipal office prior to the general election, the time frame for accepting a declared write-in candidate may be shortened by the city clerk. These spaces may be used by a voter to write or paste in the name of any person for whom the voter desires to vote. No sticker shall be used except in the blank spaces provided. Such ballots shall may also contain such measures as may be submitted to the voters of the city by the legislature or by the city council and shall be without party mark or designation.

In preparing all ballots for election under this charter, the city clerk shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames.

~~The face of the ballot shall be substantially in the following form, with instructions included as to how to vote the ballot:~~

~~CITY OF PORTLAND  
REGULAR (OR SPECIAL) MUNICIPAL ELECTION  
OFFICIAL BALLOT~~

~~Candidates for office in the City of Portland at an election held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.~~

~~COUNCILOR~~

~~Vote for ( ). (Name of candidate and residence)~~

~~[ ]\_\_\_\_\_~~

~~[ ]\_\_\_\_\_~~

~~SCHOOL COMMITTEE MEMBER~~

~~Vote for ( ). (Name of candidate and residence)~~

~~[ ]\_\_\_\_\_~~

~~[ ]\_\_\_\_\_~~

~~(Referendum 11/4/86; 11/4/08)~~

**Section 8. Specimen ballots.**

The city clerk shall cause specimen or sample ballots to be prepared ~~from the arrangement of the first group of ballots as provided above~~ and to be posted in public places in each ward and voting precinct and advertised in the newspapers not later than ten (10) days prior to the municipal election. Such specimen ballots shall be printed on colored paper and marked "Specimen Ballot," and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters by the legislature or by the city council. Such specimen ballots shall also be without party mark or designation. (Referendum 11/6/01)

**Section 9. Count of ballots.**

~~As soon as the polls are closed, the warden shall immediately open the ballot boxes, take therefrom the ballots and sort, count, and declare them in open meeting in the presence of the ward clerk; and the ward clerk shall make a list of the persons voted for, with the number of votes for each person against his or her name and shall make a true and fair record thereof in the presence of the warden and in open ward meeting enter the total number of votes for each candidate on a tally sheet provided by the city clerk, which tally sheet shall be duly attested by the warden and ward clerk and forthwith returned to said city clerk. The ward clerk shall thereupon deliver to each warden or ward clerk a certificate of election and shall forthwith deliver to the city clerk a certified copy of the record of such election. (Referendum 11/4/86)~~

Upon closing of the polls, ballots shall be counted in accordance with Title 21-A, Maine Revised Statutes, unless inconsistent with article II, section 3, in which case the charter provisions shall govern, and the results thereof delivered to the city clerk by the wardens.

**Section 10. Canvass of returns.**

The city clerk shall examine the records of the several voting places and within forty-eight (48) hours after such election shall determine and declare the successful candidates as

follows: The person or persons, not exceeding the number to be voted for at any one time for any office, having the highest number of votes ~~given~~ cast at ~~said~~ such election, shall be determined and declared to be elected. Notwithstanding the foregoing, if no candidate for mayor has a majority of the votes cast as provided in article II, section 3, the city clerk shall conduct an instant runoff tabulation as provided in such section until the candidate for mayor with the majority of votes cast is determined. The city clerk shall provide written notice of the election results to all candidates. (Referendum 11/6/01)

**Section 11. State election laws applicable.**

The laws of the state in Title 21-A of the Revised Statutes relating to the qualifications of electors, registration, the manner of voting, the duties of election officials, and all other particulars in respect to preparation for conducting and managing elections, so far as they may be applicable, shall govern all municipal elections in the City of Portland, except as otherwise provided herein. Nothing in this charter shall prohibit the use of electronic or revised voting methods and procedures to the extent authorized by state and/or federal law. (Referenda 11/4/08)

**ARTICLE V. RECALL**

**Section 1. Applicability.**

Any member of either the city council or the school ~~committee~~ board may be recalled and removed from office by the ~~qualified~~ registered voters of the City of Portland, as hereinafter provided, except that this provision shall not apply to a member of either body who has one (1) year or less to serve in his or her term, i.e., any petition to recall a member must be certified by the clerk no later than November 30 of the year prior to that member's next scheduled November re-election date. (Referendum 11/4/86)

**Section 2. Petition for recall.**

In the case of either an at large councilor ~~or~~ member of the city council or of the school committee board, any five hundred (500) ~~qualified~~ registered voters of the city may affirm and file with the city clerk an affidavit containing the name ~~or names~~ of the member ~~or members~~ of the city council or of the school board whose removal is sought, together with a statement of the reasons why such removal is desired. In the case of a district member of the city council or of the school board, any two hundred and fifty (250) registered voters of the member's district may affirm and file with the city clerk an affidavit containing the name of the district member whose removal is

sought, together with a statement of the reasons why such removal is desired. Members of the city council and of the school board shall not be included on the same affidavit and only one member's name shall be on an affidavit. ~~Upon~~ Within seven (7) calendar days of receipt of such an affidavit, the city clerk shall prepare a sufficient number of petitions which shall ~~be addressed to the city council, and~~ contain the signature of the city clerk, his or her official seal, the date, and the name ~~or names~~ of the person ~~or persons~~ whose removal is sought. In addition, the ~~affidavit and~~ statement of reasons for removal referred to above shall either be printed on such petitions or attached thereto. Such petitions shall be on paper of uniform size with as many individual sheets as reasonably necessary.

The city clerk shall file the completed petitions in his or her office. During the thirty (30) days following their filing, the city clerk shall arrange to have petitions, noting that removal is being sought as well as the reasons therefor, available for signature both at city hall and also at public places as indicated below. Notice of the location of the public places where petitions may be signed shall be given by publication at least forty-eight (48) hours in advance and such notice shall contain the specific location of such public place or places, the dates it or they will be open, and the times during which petitions may be signed. In the case of either a district councilor or a district school ~~committee~~-board member, the city clerk shall select one (1) site outside of city hall, but within the district of the member whose removal is sought, and such location shall be open for four (4) days between the hours of noon and 8:00 p.m. In the case of ~~other~~-at large councilors or members of the school ~~committee~~-board, the city clerk shall select four (4) sites outside of city hall and such locations shall be open for four (4) days each between the hours of noon and 8:00 p.m.

The city clerk shall designate election clerks to supervise each such site. Election clerks shall be residents of Portland and at least eighteen (18) years of age. They shall be sworn to the faithful performance of their duties by the city clerk. Each qualified voter who signs a petition shall include his or her place of residence, providing either the street and number or a description sufficient to identify the place.

To mandate a vote in the case of an at large councilor or an at large member of the school ~~committee~~-board, the recall petition must be signed by at least three thousand (3,000) qualified-registered voters of the city, or in the case of a district councilor or district member of the school board, by at least fifteen hundred (1,500) registered voters of that member's district. (Referendum 12/1/75, 11/4/86)

### **Section 3. Verification of recall petition.**

At the expiration of the thirty (30) day period for signing petitions described in section 2, the city clerk shall declare the petition closed and, within ten (10) days thereafter, shall ascertain whether or not the petitions have been signed by the requisite number of ~~qualified~~registered voters. The city clerk shall attach his or her certificate, showing the results of such examination, to the petitions.

If the clerk's certificate should show that the petitions are insufficient, he or she shall advise both the city council and also the person or persons whose removal was sought of that fact. A finding of insufficiency shall not prejudice the filing of a new petition for the same purpose, except that such new petition shall not be filed within twelve (12) months from the date of the receipt of the clerk's certificate by the city council. (Referendum 11/4/86)

#### **Section 4. Calling of recall election.**

If the clerk's certificate should show that the petitions are sufficient, he or she shall submit them, together with the clerk's certification, to the city council at its next regular meeting following certification, and shall also notify the person or persons whose removal is sought. The city council shall, within ten (10) days of receipt of the clerk's certificate, order an election to be held not less than forty-five (45) nor more than ninety (90) days thereafter; except that, if a regular municipal election should occur within ninety (90) days after receipt of the certificate, the city council may, in its discretion, schedule the recall election for the same date as the regular municipal election. The recall election shall be called and held as other elections under this charter, except for the specific limitations imposed by this article.

All registered voters in the city may vote on the recall of an at large member of the council or school board; only the registered voters of the applicable district may vote on the recall of a district member of the council or school board.  
(Referendum 11/4/86)

#### **Section 5. Form of ballot.**

Unless the member or members whose removal is sought shall have resigned within ten (10) days after the receipt by the city council of the clerk's certificate, the form of the question to be submitted to the voters shall, as nearly as possible, be: "Shall (name of official and his or her title) be recalled?"  
(Referendum 11/4/86)

#### **Section 6. Count of ballots.**

In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he or she shall be thereby removed, and, in that event, the candidate to succeed such person for the balance of the unexpired term shall be determined as provided for in the case of a vacancy in the office.

If a majority of those voting should decline to recall a particular official, then no proceedings, seeking the recall of that same official, shall be initiated under this article within twelve (12) months from the date of the election in which his or her recall was sought. (Referendum 11/4/86)

**Section 7. Election may be ordered.**

If a member of either the city council or school ~~committee~~ board who is recalled should either request a recount or dispute the election as permitted by law, then that member shall remain in office until the recount or dispute has been finally determined; and the provisions of article II, section 47 and article III, section 56, relating to vacancies in the city council or school ~~committee~~ board, shall be stayed. (Referendum 11/4/86)

**ARTICLE VI. ADMINISTRATIVE OFFICERS**

**Section 1. Appointments.**

(a) The following officers ~~and boards~~ shall be appointed by vote of at least five (5) members of the city council: city manager, city clerk, and corporation counsel, ~~and two (2) members of the board of registration under the statutes of the State of Maine~~, and they may appoint ~~not more than twenty (20)~~ constables at large.

(b) All department heads shall be appointed by the city manager, subject to confirmation by the city council.

(c) All attorneys employed in the corporation counsel's office shall be appointed by the corporation counsel, subject to confirmation by the city council.

(d) All other employees shall be appointed by the city manager upon recommendation of the heads of their departments. (Referendum 11/4/86)

**Section 2. Organizational powers.**

The city council shall have power to provide by ordinance for the organization, conduct, and operation of the departments, agencies, offices, and boards of the city, for the creation of additional departments, agencies, offices, and boards and for the

division of any such departments, agencies, offices, and boards; and for the alteration, abolition, assignment, or reassignment of all such departments, divisions, agencies, offices and boards; provided, however, there shall be a director of finance to perform the functions specified in article VII of this Charter. The city council shall, by ordinance, designate those department heads responsible for performing duties required by state law. (Referendum 11/4/86)

**Section 3. Civil service rules.**

The city council shall provide by ordinance for a system of civil service rules for the appointment, promotion, demotion, lay-off, reinstatement, suspension, and removal of the members of the police department and of the fire department, other than the chiefs of such ~~said~~ departments, and for a civil service commission to administer the same.

**Section 4. Compensation and tenure of offices.**

The city council shall fix by order the salaries of the appointees of the city council. Salaries of the appointees of the city manager shall be fixed by the city manager, subject to the approval of the city council. All appointive officers shall hold office during the pleasure of the appointing power.

**Section 5. Appointment; qualifications; powers and duties of the city manager.**

The city manager shall be chosen by the city council solely on the basis of character and executive administrative qualifications, and may or may not be a resident of the City of Portland or of the State of Maine at the time of appointment. Such person shall give bond for the faithful discharge of his or her duties to the City of Portland and in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on such ~~said~~ bond shall be paid by the city. Such person shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. Neither the mayor nor members of the city council shall direct, request or interfere with the appointment or removal of any of the officers or employees of the city for whom the city manager is responsible, nor shall any of them give an order, publicly or privately, to any such city officer or employee relating to any matter in the line of that officer's or employee's city employment. Notwithstanding the foregoing, nothing herein is intended to prevent the city manager from assigning staff to work and communicate directly with councilors, boards and commissions, council committees, neighborhood and other groups and organizations, on city work.

The city manager's powers and duties shall be as follows:

(a) To see that the laws and ordinances are enforced, but shall delegate to the chief of the police department the active duties connected therewith regarding criminal conduct.

(b) To exercise control over all departments, divisions, agencies, and offices ~~and boards~~ created herein or that may be hereafter created.

(c) To implement the policy decisions of the city council.

(d) To coordinate city programs and operations and recommend improvements in such programs and operations to the council.

(e) To prepare city budgets, in consultation with and incorporating policy guidance of the mayor, and to present such budgets to the council.

(ef) To make appointments as provided in this charter.

(dg) To attend meetings of the city council, except when his or her removal is being considered, and recommend for adoption such measures as he or she may deem expedient.

(eh) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures, and data connected therewith when requested.

(i) To prepare a five (5) year rolling capital improvement plan for annual presentation to the city council, which plan includes the following:

1. a one (1) year plan of specific projects and their cost;

2. a two (2) through five (5) year plan of specific projects and general categories, and amounts of proposed spending and funding sources; and

3. a discussion of the basis for the plan and the factors which went into its development or amendments.

(j) To prepare and submit to the city council such reports as are requested or he or she deems advisable; and

(~~fk~~) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council. (Referendum 11/4/86)

**Section 6. Vacancy in office of city manager.**

During any vacancy in the office of city manager, and during ~~the any~~ absence or disability of the city manager of more than sixty (60) days, the city council ~~may~~ shall designate a properly qualified person to perform the duties of manager and fix such person's compensation. During a temporary absence of sixty (60) days or less, the city manager may designate a qualified person to perform the duties of manager during such absence. While so acting, such person shall have the same powers and duties as those given to and imposed on the city manager. Before entering his or her duties, he or she shall give bond to the City of Portland in a sum and with surety or sureties to be approved by the city council. The premium on such ~~said~~ bond is to be paid by the city.

**Section 7. Duties of administrative officers.**

Duties of administrative officers shall be prescribed by the appointive power, but such duties shall not be inconsistent with this charter or any ordinance enacted by the city council as provided herein. (Referendum 11/4/86)

**Section 8. Continuity in office.**

Any and all officers, department heads, and employees of the City of Portland on the effective date of this charter shall continue in such capacity until a successor is appointed and qualified as provided herein, unless sooner removed by the appointive power designated herein. (Referendum 11/4/86)

~~Editor's note--A referendum, passed Nov. 4, 1986 and effective July 1, 1987, repealed former sections 7 through 10 of Art. VI to eliminate references to obsolete offices (assistant assessors, director of public welfare) and renumbered former sections 11 and 12 as 7 and 8 respectively. Former sections 7 through 10 derived from the legislation enumerated in the editor's note to this Charter.~~

**ARTICLE VII. BUSINESS AND FINANCIAL PROVISIONS**

**Section 1. Accounts and records.**

Accounts shall be kept by the director of finance, showing the financial transactions of all departments of the city, and the school department. ~~A general accounting system for same shall be recommended by the director of finance and prescribed by the city manager, and approved by vote of the city council in regular session.~~ Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The director of

finance shall furnish to the city manager each month a report containing in detail the ~~receipts and disbursements~~ revenues, expenses and expenditures of the city on all accounts, and for each appropriation item the expenditures made and the obligations incurred during the preceding calendar month and the total unencumbered balance. All the accounts of the city and the school department shall be audited annually by a qualified certified public accountant to be chosen by the city council. (Referendum 12/1/75)

**Section 2. Collaboration between city and schools.**

To the extent practicable and lawful, the city and the school department shall endeavor to share staff and resources and otherwise cooperate with one another in order to provide better city and school services in a cost effective manner.

**Section 23. Reports.**

The director of finance shall publish each month a set of financial statements reflecting ~~of the~~ financial condition of the city and the school department, and such other financial information as may be required by the city council.

The director of finance shall produce a comprehensive financial report on an annual basis which conforms to "Generally Accepted Accounting Principles." ~~Each of the administrative officers and boards shall annually, on such date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, the city manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:~~

~~—— (a) Receipts classified according to sources.~~

~~—— (b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the director of finance's books.~~

~~—— (c) Balance sheets.~~

~~(d) Such other financial information as may be required by the city council.~~

**Section 34. Fiscal year.**

The fiscal year of the city shall be July 1 through June 30, or such other fiscal year as the city council shall determine. (Referenda 6/13/78; 11/4/86)

**Section 45. Annual budget.**

Not later than two (2) months before the end of the fiscal year, the city manager shall submit to the city council a proposed city budget estimates prepared by the city manager for the ensuing fiscal year. The mayor shall submit comments on the proposed city budget, along with any proposed modifications, concurrently with the manager's submission.

~~An accurate summary of such budget shall be made available not later than two (2) weeks after its submission to the city council.~~ The city council shall fix a time and place for holding a public hearing upon the proposed city budget prepared by the manager, and shall give not less than ten (10) days prior public notice of such hearing, which hearing shall be at least ten (10) days before the final passage of the appropriation resolve. (Referenda 6/13/78; 11/4/86)

**Section 56. Budget content.**

The proposed city manager's budget prepared by the manager shall provide a complete financial plan of all city general and enterprise funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require. In organizing the budget, the city manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating proposed tax levies, and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

The total of proposed expenditures shall not exceed the total of proposed income. (Referendum 6/13/78)

**Section 67. Appropriation resolve.**

The city council shall adopt the annual appropriation resolve for the next fiscal year on or before the last day of the twelfth month of the fiscal year currently ending. Such resolve shall appropriate those amounts deemed necessary for general city purposes and additionally one gross amount for school purposes as required by section 45 of article III ~~hereinbefore~~. The total

amount appropriated shall not exceed the estimated revenue of the city.

If it fails to adopt such said resolve by this date, the city council may make appropriation for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force. These continuing appropriations shall not be subject to the mayor's veto in section 8 below.

The city council may by resolution appropriate to any purpose or object for which there shall have been no appropriation for the current year, or for which the appropriation for the current year has proved insufficient, any accruing revenue of the city not appropriated as hereinbefore provided and any unencumbered appropriation balance, or portion thereof, remaining after the purpose of the appropriation shall have been satisfied or abandoned. Such appropriations shall not be subject to the mayor's veto in section 8 below. (Referendum 6/13/78)

**Section 8. Mayoral veto of general city purposes appropriations in the appropriation resolve.**

Within five (5) business days of the meeting at which the city council adopts the annual appropriation resolve, the mayor may veto the appropriation for general city purposes in such resolve by written communication to the other members of the city council. Such communication shall specify the reasons for such veto and shall, at minimum, be posted upon the city's website or similar location and sent to the councilors by electronic mail and by the same means that agendas are delivered to councilors.

Any such veto of the appropriation for general city purposes shall not affect city payment of debt service obligations on previously authorized bonds, nor shall it affect the school budget appropriation.

An order to override the veto shall be placed on the next city council agenda which is at least five (5) calendar days after the date of the mayor's veto communication, and such veto may be overridden by a vote of at least six (6) members of the city council. The mayor shall not vote on such override item.

If a veto is overridden, the general city purposes appropriation will take effect on the first day of the fiscal year, or on the day immediately following the override vote, if such vote is after the first day of the fiscal year.

If a veto is not overridden, then at the same meeting the override vote is taken, the general city purposes appropriation

which was vetoed shall become an item for further consideration by the city council, without the need for a motion for reconsideration, and the city appropriation may be modified, amended, or otherwise acted upon to secure passage at that meeting or a subsequent meeting without the need for two readings prior to passage.

In the event the city council does not override the veto or does not secure passage of the annual appropriation for general city purposes prior to the start of the fiscal year, or has not otherwise acted to provide continuing appropriations under the second paragraph of section 7 above, then the appropriations for general city purposes in effect for the prior fiscal year shall go into effect as of the first day of the fiscal year, with expenditures chargeable to the appropriation for the year, until the appropriation for general city purposes is approved.

**Section 79. ~~Surpluses~~ Unexpended appropriations.**

All appropriations in the annual budget shall lapse at the close of the fiscal year unless specifically continued by order of the city council, and the unexpended appropriations unencumbered balances shall be transferred to the ~~surplus account~~ appropriate fund balance account.

**Section 810. Borrowing.**

The borrowing of money by and for the city shall be limited as to form and purpose by section ~~911~~ and section ~~1012~~ of this article. The credit of the city shall in no manner be loaned to any individual, association or corporation.

**Section 911. Bond issues.**

Money may be borrowed, within the limits fixed by the constitution and statutes of the state, now or hereafter applying to ~~said~~ Portland, by the issue and sale of bonds or notes pledged on the credit of the city, or on the revenues or assets of the projects financed with the proceeds of such borrowings, the proceeds to be used for the acquisition of land, the construction, reconstruction, major alteration, extraordinary repairs, and equipment of buildings and other permanent public improvements, the purchase of departmental equipment, for economic development to the extent determined by the City Council to serve a valid public purpose, to create reserves to settle workers' compensation obligations, to fund, refund, pay or to create reserves for the payment of the city's unfunded pension fund liabilities and for the payment of refunding bonds, notes and other evidences of indebtedness previously issued, or for any other purpose permitted by state law.

No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in two (2) public places in the City of Portland and publishing such said notice at least twice in a ~~daily~~ newspaper of general circulation in ~~said~~ Portland at least two (2) weeks before final action of the city council, ~~and the approval of seven (7) members of the city council.~~ In addition, the city council may, in its discretion, provide that such notice shall be published on the city's website and in such other additional media as the city council determines are appropriate to notify the general public of the public hearing.

Any order authorizing the issue of bonds must be approved by vote of at least seven (7) members of the city council.  
(Referenda 11/4/86; 11/5/91; 11/8/94; 11/2/99)

**Section ~~10~~12. Temporary loans.**

Money may be borrowed in anticipation of receipts from taxes during any fiscal year but the aggregate amount of such loans outstanding at any one (1) time shall not exceed eighty (80) percent of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of the receipts from taxes for the fiscal year in which the loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be subject to the provisions of the laws of the State of Maine in relation thereto. This section shall not limit in any way the power granted to towns and cities to borrow money as contained in the Revised Statutes of the State of Maine and acts amendatory thereof and additional thereto. (Referendum 11/4/86)

**~~Section 11. Sinking fund.~~**

~~The sinking fund shall be applied only to the payment of the bonded indebtedness of the city. The sinking fund shall be invested as provided by the Revised Statutes of the State of Maine and all acts in addition thereto and in amendment thereof.~~

**Section ~~12~~13. Payments.**

~~Money shall be paid out only in warrants on the city treasury issued by the director of finance.~~

The director of finance shall establish adequate financial controls to reasonably ensure that ~~examine~~ all payrolls, bills and other claims and demands against the city, ~~and shall issue no warrant for payment until he or she finds that the claim is~~ are in proper form, correctly computed, duly certified and legally due and payable.

The director of finance may require any claimant to make oath to the validity of his or her claim, may investigate any claim and for such purpose or purposes may examine witnesses under oath.

**Section ~~13~~14. Bonds of officers.**

The city council shall require a bond with sufficient surety or sureties, satisfactory to the city council, from all persons trusted with the collection, custody or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for such ~~said~~ bonds to be paid by the city.

**Section ~~14~~15. Collection and custody of city moneys.**

All moneys received by any officer, employee or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee or agent receiving the same into the city treasury, and shall then be deposited by the director of finance with ~~some~~ responsible a federally insured banking institution or institutions or insured credit union or institutions or unions ~~to be chosen by said city council~~. All interest from all deposits of money belonging to the city shall accrue to the benefit of the city.

**~~Section 15. Cumulative reserve fund.~~**

~~A cumulative reserve fund is hereby authorized for the purpose of enabling the city to pay losses incurred under deductible insurance policies. Such fund shall be derived from contributions from other accounts within the general and other operating funds which shall be appropriated annually. The city council may appropriate additional sums to such fund and shall in the annual appropriation resolve include provision for payment out of such cumulative reserve fund all losses which may occur during the next fiscal year. Such cumulative reserve fund shall be a permanent fund to be used for the purposes herein set forth and no other and shall continue from year to year, its surplus not reverting to the general fund surplus at the end of any fiscal year. Said fund shall be kept, held and administered as provided by the Revised Statutes for other reserve funds of municipalities.~~

**Section 16. Voter referendum required for certain city council actions.**

(a) The city council shall submit the following to voter referendum:

(1) Orders or resolves authorizing the issuance of general obligation securities of the city in a principal amount greater than ~~the larger of \$900,000.00 or~~ five one-hundredths of one (1) percent of the last certified state valuation of the city for a single capital improvement or item of capital equipment; or

(2) Orders or resolves directly or indirectly obligating the city to expend, over a term greater than one (1) municipal year, municipal tax funds in excess of an amount greater than ~~the larger of \$1,350,000.00 or~~ seven and one-half one-hundredths of one (1) percent of the last certified state valuation of the city for a single capital improvement or item of capital equipment.

(b) The provisions of this section shall not be applicable to any order or resolve authorizing (i) the refunding of any securities or other obligations of the city; (ii) the issuance of general obligation securities, or other direct or indirect obligations, of the city for streets, sidewalks, or storm or sanitary sewers; or (iii) any construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other declared emergency. For purposes of this section, the city council may by vote of at least seven (7) of its members adopt emergency orders or resolves authorizing construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other emergency and such orders or resolves shall contain a section in which the emergency is set forth and defined; provided, however, that the declaration of such emergency by the city council shall be conclusive.

(c) Any order or resolve described in subsection (a) of this section shall be approved by separate action of the city council.

(d) No order or resolve described in subparagraph (a) of this section, not excepted by subparagraph (b), shall become effective until approved by a majority of voters voting at a regular or special municipal election. In the event that the total number of votes cast for and against the question for the referred order or resolve should be less than ten (10) percent of the registered voters of the city, then such order or resolve shall be deemed to be approved and effective.

(e) The form of the ballot question for the referred order or resolve shall be substantially as follows:

Shall the order or resolve entitled "\_\_\_\_  
\_\_\_\_", be approved?  
(Referendum 11/4/86)

**ARTICLE VIII. MISCELLANEOUS PROVISIONS**

**Section 1. No personal interest.**

No member of the city council or school ~~board committee~~ or board or commission thereof and no officer or employee of the city or school department shall:

(a) Have a substantial financial interest, direct or indirect, in any contract entered into by or on behalf of the City of Portland or the school ~~board committee~~, except his or her employment contract, or in the sale to or by the city or school department of any land, materials, supplies or services when such officer, employee or member exercises on behalf of the city or school department any function or responsibility with respect to such contract or sale. All contracts or sales made in violation hereof are void, and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such transaction.

(b) Purchase or accept anything from the city or school department, other than those items or services which are offered to the public generally, and then only upon the same terms and under the same procedures offered to and used for the general public. This shall not include those items or services which are received as compensation, or as a part of such person's employment contract, or which are necessary for the performance of such person's duties.

(c) Accept or receive from any person, firm, or corporation acting under a franchise, contract, or license from the city or school department, any frank, free pass, free ticket, or free service, or accept, directly or indirectly, from any such person, firm, or corporation any service upon terms more favorable than those granted to the public generally. (Referendum 11/4/86)

**Section 2. Ordinances, rules and regulations continued.**

All ordinances in force at the time that this charter takes effect, not inconsistent with this charter, shall continue in force until amended or repealed. All rules and regulations of the municipal officers or of any office of the City of Portland in force at the time that this charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

**Section 3. Continuity of actions.**

All rights, actions, proceedings, prosecutions and contracts of the city or any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent therewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

**Section 4. Summons before city council and civil service commission.**

The clerks of the supreme judicial and superior courts may issue summonses or subpoenas for witnesses to attend and to produce books, documents and papers at any meeting of the city council or of the civil service commission of the City of Portland at which a hearing is had in any matter regarding any alleged dereliction, which summonses shall be served as summonses are required to be served in matters before the supreme judicial or superior courts. Failure to obey a summons or subpoena shall be punished by the appropriate court in the same manner as contempt is punished under the general law. (Referendum 11/4/86)

**Section 5. Effect of private and special laws.**

Private and special laws which apply to the City of Portland in effect on November 4, 1986 shall continue in force until amended or repealed. (Referendum 11/4/86)

~~Editor's note - A referendum of Nov. 4, 1986, effective July 1, 1987, amended section 4 of this article to clarify the summons subpoena power and to provide that failure to obey either a summons or a subpoena will subject offenders to contempt. Former section 5 of this article was deleted as a result of the amendment to section 4 and a new section 5 added to preserve certain rights granted to the city by special acts of the legislature. Former section 6 was deleted to conform to 30 M.R.S.A. § 1915(4) which establishes the effective date of Charter revisions. See the editor's note to the Charter for derivations of deleted sections.~~

**APPENDIX A**

Charter Legislative History

1. Town of Portland incorporated by Act of Commonwealth of Massachusetts on July 4, 1786; Town of Portland Records, p. 1

2. City of Portland incorporated by adoption of charter on March 26, 1832; original charter can be found in Chapter 248, Special Laws of Maine 1832, p. 380; amendments as follows:

- c. 325, S.L. 1833, p. 501
- c. 500, S.L. 1834, p. 749
- c. 402, S.L. 1838, p. 511
- c. 541, S.L. 1839, p. 648
- c. 33, P & SL 1842, p. 25
- c. 200, P & SL 1845, p. 258
- c. 266, P & SL 1845, p. 310
- c. 233, P & SL 1849, p. 333
- c. 330, P & SL 1850, p. 458
- c. 167, P & SL 1853, p. 158
- c. 35, P & SL 1857, p. 48
- c. 103, P & SL 1857, p. 93
- c. 109, P & SL 1857, p. 100

3. A total revision of the charter was accomplished in 1863; c. 275, P & SL 1863, p. 257; amendments as follows:

c. 348, P & SL 1870, p. 316

c. 647, P & SL 1871, p. 624

c. 21, P & SL 1875, p. 16

c. 8, P & SL 1881, p. 9

c. 86, P & SL 1881, p. 86

(c. 450, P & SL 1897, p. 707--Revision of charter rejected by voters in 1897)

c. 384, P & SL 1901, p. 569

c. 68, P & SL 1903, p. 116

(c. 287, P & SL 1905, p. 328--abolishing common council rejected by voters April 24, 1905)

c. 344, P & SL 1907, p. 638

c. 427, P & SL 1907, p. 758

(c. 148, P & SL 1921, p. 513--"Murray Bill" charter revision rejected by voters September 13, 1921)

(c. 149, P & SL 1921, p. 532--"Brewster Bill" charter revision rejected by voters September 13, 1921)

4. A total revision of the charter was accomplished in 1923 by adoption by voters of "Brewster Bill" on September 11, 1923; c. 109, P & SL 1923, p. 596; ("Nichols Bill" c.104, P & SL 1923, p. 557 was rejected same date); amendments as follows:

c. 56, P & SL 1929, p. 484

(c. 112, P & SL 1929, p. 604--Mayor--Alderman form rejected by voters on September 10, 1929)

c. 31, P & SL 1931, p. 353

c. 50, P & SL 1945, p. 629

c. 113, P & SL 1945, p. 736

c. 144, P & SL 1945, p. 71

c. 72, P & SL 1947, p. 722

c. 72, P & SL 1949, p. 765

c. 103, P & SL 1949, p. 803

c. 28, P & SL 1953, p. 528

c. 108, P & SL 1955, p. 756

c. 88, P & SL 1957, p. 707

c. 143, P & SL 1959, p. 873

5. A total revision of the charter was accomplished in 1961; c. 194, P & SL 1961, p 1125; amendments as follows:

c. 64, P & SL 1963, p. 966

c. 65, P & SL 1963, p. 967

c. 157, P & SL 1963, p. 1187

c. 177, P & SL 1963, § 1, p. 1291

(c. 6, P & SL 1965, p. 649 rejected by voters on December 6, 1965)

c. 7, p & SL 1965, p. 650

c. 81, P & SL 1965, p. 760

(c. 127, P & SL 1965, p. 849 rejected by voters on December 6, 1965)

c. 221, P & SL 1967, p. 136

c. 83, P & SL 1969, p. 1628

c. 136, P & SL 1969, p. 1792

c. 146, P & SL 1969, p. 1820

(c. 185, P & SL 1969, p. 1958 rejected by voters on November 3, 1970)

State constitutional law reference--Municipal home rule, Const. of Maine, Art. VIII, Pt. 2.

Referenda 12/4/72	Art. I, 1
Referenda 12/1/75	Art. II, 2
	Art. IV, 2
	Art. IV, 4
	Art. V, 2
	Art. VII, 1
Referenda 11/2/76**	Art. II, 1
	Art. II, 4
	Art. III, 1,2,5
	Art. IV, 2,3,4,6
	Art. V, 2
Referenda 6/13/78	Art. II, 1,2,3,5
	Art. III, 1,2,3,4
	Art. IV, 1,2,3,6
	Art. VII,3,4,5,6
Referenda 11/4/86***	Art. II, 1,2,4,5
	Art. III, 1,5
	Art. IV, 1,2,3,4,6,7,9
	Art. V, 1,2,3,4,5,6,7
	Art. VI, 1,2,5
	Art. VII 7-10 (Rpld)
	Art. VI, 11-12 (Rnbd as Art. VI, 7-8)
	Art. VII, 3,4,9,10,16
	Art. VIII, 1,4,5
	Art. VIII, 6 (Rpld)
Referenda 11/3/87	Art. II, 2
	Art. III, 1
Referenda 11/5/91	Art. VII, 9
Referenda 11/8/94	Art. VII, 9
Referenda 11/2/99	Art. II, 4
	Art. III, 5
	Art. VII, 9
Referenda 11/7/00	Art. II, 3,5
	Art. III, 2,3
	Art. IV, 2
Referenda 11/6/01	Art, IV, 2,6,8,10
Referenda 11/4/08	Art. IV, 3,4,5, 6,7,11

**\*\*Editor's note--**The amendment establishing district councilor elections became effective January 1, 1976, except that for the purpose of nomination and election of district councilors such amendment shall apply as the presently occupied district seats become available thereafter by normal expiration of term or by vacancy and to every district election thereafter.

**\*\*\*Editor's note--**A referendum passed Nov. 4, 1986 and effective July 1, 1987, repealed former sections 7 through 10 of article VI to eliminate references to obsolete offices (assistant assessors, director of public welfare) and renumbered former sections 11 and 12 as 7 and 8 respectively. Former sections 7 through 10 derived from the legislation enumerated in the first editor's note to this Charter.

**\*\*\*Editor's note--**A referendum passed Nov. 4, 1986, effective July 1, 1987, amended section 4 of article VIII to clarify the summons-subpoena

power and to provide that failure to obey either a summons or a subpoena will subject offenders to contempt. Former section 5 of this article was deleted as a result of the amendment to section 4 and a new section 5 added to preserve certain rights granted to the city by special acts of the legislature. Former section 6 was deleted to conform to 30 M.R.S.A. § 1915(4) which establishes the effective date of Charter revisions. See the editor's note to the Charter for derivations of deleted sections.

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*To the extent the changes in the Elected Mayor amendments and the School amendments are in conflict with these technical amendments, the Elected Mayor and School amendments shall supersede the technical amendments if all are passed in November.*