

**PORTLAND CHARTER COMMISSION
MINUTES of SEPTEMBER 24, 2009**

The scheduled meeting of the Portland Charter Commission was called to order at 5:30 p.m. with Commissioners Plumb, Gooch, Valleau, Mermin, Ranaghan, Davis, Treverrow, O'Brien, Chipman and Smith present.

Agenda Item #2 - Public Comment: No public comment.

Agenda Item #3 – 9/10/09 Minutes: Motion to approve Minutes of 9/10/09;
Unanimously approved. (Valleau/Ranaghan)

Agenda Item #4 – Announcements

:

Comm. Valleau hands out CTN schedule of replay of Commission meetings

Agenda Item #5 – Discussion of mayor-council-manager and elected mayor form of governance:

Report from Comm. Mermin regarding planning subcommittee meeting on issue of elected mayor and need for an additional subcommittee meeting to develop the issue further.

Roundtable discussion of issue:

Comm. Gooch:

feels that city needs a political head and do not have that under current structure – has put together a “straw man” elected mayor:

- *directly elected, non-partisan
- *4 year term
- *makes council committee appointments
- *works on budget with manager
- *makes state of city message
- *ex officio member of school committee
- *manager retains same powers generally as in current charter
- *department heads required to live in city
- *council’s role largely the same
- *manager hired by mayor with consent of council
- *manager not an at-will employee; would have a contract of up to 3 years
- *manager would be main conduit between city staff and council –
- *mayor should be salaried employee of city (either part-time or full-time) (leaning toward full-time)

Comm. O'Brien:

- *agree with hybrid model; has not worked out details;
- *agree it should be salaried position, the stipend is not sufficient.
- *need to be able to reallocate City resources to solve problems

Comm. Treverrow:

- *chart of authority in types of cities was helpful
- *interested in concept of chief administrative officer and hybrid model
- *council should remain legislative body, but allocating more policy issues to mayoral office.
- *mayor elected at large; salaried
- *mayoral office should be visionary, ambassador, policy-maker
- *perhaps more district councilors
- *term of 3 years

Comm. Chipman:

- *elected at-large; salaried (\$40,000-50,000 year);
- *manager working under the mayor;
- *mayor should be the executive leader;
- *overseeing the executive department to run the city smoothly
- *2-3 year term
- *non-partisan elections
- *less need for at-large council seats; have more district
- *not opposed to veto power with council override

Comm. Ranaghan:

- *supports current council-manager form of government
- *system is not broken and works well
- *hybrid system sounds like Westbrook; is Westbrook running better than Portland?
- *looking for a system that's better than what we have;
- *reality is all elections are partisan, and will be if we have an elected mayor;
- *going to add money, salary, pension, health insurance and staff; mayor won't work for \$40,000-50,000 when everyone else is getting more

Comm. Mermin:

- *how do you gain leadership and vision without giving executive authority? More comfortable with idea of having a directly elected mayor who is something of a "super" councilor and still have manager (CAO) professional
- *concept of limiting direct contact with staff is interesting
- *accountability issue of whether administration is following the policy
- *moving to form of contract for Manager for 3-4 years, with public process of reviewing city administrator; helps accountability and perception of accountability

Comm. Davis:

- *if seeking leadership and vision, have to include the schools
- *costs for a full-time person and staff would be high; costs are a real concern; have to be able to show savings that leadership would bring
- *still open on details

Comm. Smith:

- *having a mayor elected by voters of Portland gives the public a chance to choose among priority-setting laid out by candidates and to support a vision;
- *sends message to rest of council and manager about public support;
- *would have stronger presence outside of Portland and have need for that;
- *give more weight to ceremonial duties no;
- *changes way council functions – if you want to be mayor now, you have to move within a certain sphere which sometimes discourages risk-taking;
- *changes dynamic if have person with a popular mandate;
- *not sure where I come down on issue of powers; if want to move a vision forward, then need a budget so shouldn't separate mayor from budget process entirely, but don't give mayor too much control over budget;
- *possible joint presentation of budget with Manager?

Comm. Valleau:

- *think Comm. Gooch proposal is a moderate proposal;
- *need a reasonable design of a mayor proposal to put to the voters;
- *but I support keeping the city manager form;
- *if you look at state and federal government, I would put City of Portland against both in terms of economy and efficiency.
- *data on forms of government- do not believe that the adapted city is the dominant form; it is still the manager form;
- *cost of mayoral campaign 5 or 10 years from now – easily be \$100,000 or more; who contributes to mayoral campaigns? – real estate developers and municipal employees – uncomfortable with that model
- *reference to the “Adapted City” – if we have full-time paid elected mayor, have a political occupation, not “civic duty”. Civic duty has served city well over the years.

Chair Plumb:

- *is this really a structural issue or not? There have been times when there has been a lot of leadership and city run well and other times it has not over the past 30 years. Not positive structure is the problem. But if you want to create a way for public to create a direction for the city, you will not do it in our current council structure;
- *if go to elected mayor, must maintain the professionalism of the City of Portland;

- *can do it in a non-partisan way; candidates will not be pre-selected by a party system;
- *should not go blindly into any recommendation without knowing what the financial implications are; salary is just the tip of the iceberg; lots of other costs for travel, staff etc.

Comm. Gooch:

- *if you look at data, of those council manager forms of government, 65% directly elect a mayor;
- *Council manager form of government with a directly elected mayor;
- *agree with concern about the cost of elections; the subcommittee on IRV and clean elections should look at campaign limits

Comm. Ranaghan:

- *city has never been accused of not having clout either at state or congressional level;
- *have received fair share of federal and state money from Model Cities to HCD to airport
- *we have clout; one of the representatives was our mayor in recent past; we can access congressional delegation; haven't needed a mayor to do that
- *may have received less if someone disagreed with an elected mayor
- *people he talks to don't think we need an elected mayor

Comm. Chipman:

- *in some areas don't have kind of clout we should have, e.g. school funding formula; elected mayor with full-time salary would have more of a seat at the table who could spend time in Augusta on this;
- *issue of campaign financing – hoping we'll recommend some model for mayor's race; it has worked well in state races and gets focus off fund-raising.

Comm. Mermin:

- *don't think issue of political power is ability to access federal and state funds; power you get from representing voters gives a different feeling when speaking at state house and to congressional representatives.
- *example of Portland, Oregon and the transformation of transportation, result of charismatic mayor who was able to get changes in transportation funding at federal level;
- *longer term helps to create the leadership, even in current structure
- *not sure that you would want council assignments be given out by mayor; mayor should still have to work with full council
- *perhaps elected mayor is always chair of the council finance committee to work with the administration

Comm. Smith:

*presence of city in other forums – examples where it would be important to have continuing presences – e.g. federal CSO program mandates and special education funding mandates. Classic examples of programs which should be paid federally – issues which need consistent presence.

*more continuity in leadership would benefit city.

*who's in charge question – now have a city governed by committee mostly; doesn't tell us about opportunities which have been missed. With a little more focus in government could we move forward more quickly and seize opportunities?

Comm. Gooch:

*basic function of city is to provide basic services

*also has potential as democratic incubator with citizen participation

*mayoral race might foster greater democratic participation and raise the issues most important to them in the few months of a race

Chair Plumb:

*this is exploratory time around powers

*what additional things do we need to know?

Comm. Gooch:

*the subcommittee did not have time to lay out a full attack; what more would be helpful?

Chair Plumb:

*provided the benchmark cities from Chamber report; now have every city in US and its form of government and what it does. Bear down a little harder on the benchmark communities in Chamber report and look at their forms and whether they have changed their forms in recent years

Comm. Ranaghan:

*benchmark communities – what is cost of mayor's office and what have the races cost the candidates?

Comm. Valleau:

*if you have a clean elections model, don't you need a bureaucracy to deal with it. How does that get done in other communities?

Comm. Chipman:

*City Clerk's office currently collect campaign finance reports and enforce the rules, would just require a little more for that office.

*done through Ethics Commission at state level

*gives everyone an equal chance and creates a level playing field

Chair Plumb:

*subcommittee plans to talk with Clerk and get some background

Comm. Smith:

- *would like to get some data on pay levels, time commitments of elected mayors in other cities; not sure it should be a full-time job; get benefit of experience from other cities. Don't think it could be less than a ½ time job but would change dynamic whether full or part-time.

Comm. Mermin:

- *district versus at-large councilors;
- *interested in hearing about funding the mayor – we have a tradition of voluntary service in the state and city;
- *if have full-time mayor, that would change the dynamics

Chair Plumb:

- *interesting to know whether the comparison cities have elected mayors, whether full or part-time, salary levels relative to median salary levels in their area.

Comm. O'Brien

- *general question about elections – 19 people ran for Charter Commission
- *what would happen if had many people running for office, what would that do to the debate and vision?

Comm. Valleau:

- *how can you designate in charter whether it's full or part time?

Counsel:

- *can indicate in charter what the expectation is

Comm. Smith:

- *Agree with that;
- *At-large versus district councilors – think current balance is not bad; having some at-large councilors gets some councilors looking at across-the-city issues, rather than focus on more “parochial” issues. There has been equity in allocating to districts, e.g. capital budgets. Looking at larger issue for cities is an important legislative function.

Chair Plumb:

- *Inclined to agree with Comm. Smith on district and at-large councilors.
- *There are examples where all-district cities paralyzed the city, e.g. New Haven, no overarching focus for larger projects in the city;
- *Important to have district councilors but equally need the balance

Comm. O'Brien:

*Discussion of full-time versus part-time; question if person has paycheck from a different source, create stress if have conflict between job and mayoral duties;

*if want part-time, can we make them be part-time?

Comm. Gooch – summary of next steps:

*Establish a group of benchmark cities which best resemble us

*See whether they have changed government in past decades

*Do they have mayors?

*Are mayors full or part time?

*What are the costs of the office?

*Proposed list of cities from 2007 Chamber report

Comm. Ranaghan:

*would like to add Manchester to list of cities

*Santa Barbara does not resemble us

*add a couple more northeast communities

Comm. Gooch:

*Add Worcester, Providence and Burlington, Ma

Comm. Ranaghan:

*Add Warwick RI and Gloucester, MA

Chair Plumb:

*look at not only whether similar in size, but also whether central cities for their state or region

*also look at cities we thought were doing very well

Comm. Gooch:

*Chamber report not only looked at similarities to Portland but also whether they were good places to live and work

Comm. Mermin:

*Issue may be time for reading; recommend last article in bibliography – by Schrader

Comm. Gooch:

*Also read Schrader article, published after Adapted City book and does not cite it at all though it's viewed as a seminal work

Comm. Smith:

*on the comparison cities – I'm skeptical about Manchester and Cambridge

Comm. Mermin:

*24 cities are listed in Report; valuable for us to decide whether to move forward with all 24 or knock some off.
*look at cities of same size but include all of those close in geography that are on the list

Comm. O'Brien:

*Charlie Colgan keeps a short list for comparison purposes;
*School Committee structured a list for Superintendent of comparable cities for comparison of salaries

Comm. Smith:

*don't stick too closely to population; Portland has daytime population of 120,000
*does the report include information about changes in governance and in current form of government. What has the experience been in cities that have changed in past 5-10 years?

Chair Plumb:

*Have each person say which cities should come off and which should be added and are not here
*send all that information back to subcommittee; get the Colgan and School lists and have subcommittee come up with a doable list of communities

Comm. Valleau:

*remove – Santa Barbara, Boise, Bloomington, Missoula, Wilmington, Santa Fe, Corvallis, Chattanooga, Yakima
*add – Cambridge MA and New Haven CT

Comm. Chipman:

*add Lewiston, Bangor, Biddeford
*Manchester, Nashua, Portsmouth
*Providence,
*Burlington
*Santa Fe
*Albany
*remove remainder

Comm. Ranaghan:

*add Concord, Portsmouth, Lynn, Chelsea, Providence
*delete – Asheville, Santa Barbara

Comm. Smith:

*delete New London, Worcester, Manchester, Albany, Providence
*use Lewiston and Bangor

Comm. Treverrow:

- *delete Boise, Bloomington, Missoula, Corvallis, Yakima, Chatanooga
- *add– Portsmouth, Santa Fe, Burlington, Bangor Brunswick

Comm. Davis:

- *delete Burlington, New London, Portsmouth – too small;
- *add Albany, Santa Fe
- *When government gets small enough, there's no comparison in programs and complexity

Comm. O'Brien:

- *No specific suggestions; as city size get smaller and smaller, town politics get more difficult

Chair Plumb:

- *in Maine, stick to largest communities – Bangor, Lewiston, Biddeford
- *Eliminate the cities much smaller than Portland; have some non-New England communities, would pick Boise and Wilmington, NC, Providence

Comm. Davis:

- *is there anyway to see what the City looks like in terms of demographics of its population?

Chair Plumb:

- *So sending this collective information back to Planning Committee and trusting them to pick reasonable number of communities for comparison.

Agenda Item #6 – Update from subcommittees:

Comm. Ranaghan - Report from Technical changes planning subcommittee

- *Look at the technical issues, removing or changing obsolete language
- *Have information from Clerk and Finance
- *Need help re-drafting charter language
- *Look at conflict of interest provisions – do they work or not?
- *Not the keeper of the lists

Comm. O'Brien – Report from School Planning subcommittee

- *Have Commission meeting with Superintendent on background of School Department
- *Have Harry Pringle do presentation on state law and boundaries that municipalities have
- *Open up for questions and answers from Commissioners; have facilitated discussion
- *Think Finance Committee, elected officials should be present

Comm. Valleau:

*I think we need more texture in the discussion; need alternative ways to structure School Committee, e.g. appointed committee

Comm. Mermin:

*Some of commentary in first meeting was municipal ownership and use of buildings that's different from School use – may not be a Charter issue.

Comm. O'Brien:

*If going to set up framework in Charter for how these two organizations interact, we need to understand how they function now

Comm. Smith:

*even though City owns buildings, state law gives schools management of them

*this is launching point for discussion; there is some frustration about transparency of school process; might need another meeting on that and determine if a structural problem; need to get at that issue.

*if get people vested in status quo, then there's a risk we'll stay with status quo.

Comm. O'Brien:

*since school budget meltdown, there has been a lot of work done administratively and politically on the issues

Comm. Chipman:

*no change in the control the city has over school finance; have heard state law allows more control than we have in the charter; want to have more people on panel or other people to look at issues.

Comm. Davis:

*this is seen as launching pad, wanted to find out what the legal limits were and information gathering opportunity for the commission. This is not all that subcommittee envisioned doing.

Chair Plumb:

*In addition to having an understanding of what is, Commission members will want to hear what the possibilities are.

Comm. Mermin:

*Will take one full session to get the needed understanding

Comm. Treverrow – Report from planning subcommittee on Non-immigrant voting

*less familiar topic to commission so started with broad sense of what questions need to be answered;

-legal question and authority of Commission

-look at other cities that have enacted non-citizen voting

- history of movement of non-citizen voting in country and in Portland
- what are needs of immigrant community
- what is the process of naturalization
- *list of materials available
 - newspaper articles – pros and cons
 - poll of various cities which have decided for or against this
 - academic research
- *pull research together
- *have Commission meeting
- *have public forum
- *possible people for a panel – Ron Hayduk, Linda Cohen, Secretary of State, immigrant community representatives

Comm. Chipman – Report of IRV and Clean Elections planning subcommittee

- *create a spreadsheet of towns that use it
- *what elections it applies to, how long used, basic explanation of each, Useful web links; reading list
- *hear from opponent and a proponent; Ed Suslovic; Kevin Gray from Washington County; Jonathen Wayne at Ethics Commission
- *more research – Chair Plumb to talk to Steve Schuitt to get a volunteer; also may get one from USM
- *after holidays, get information out on table 1.5 hours on each, then second meeting on substance; wait until after elected mayor and school discussion

Comm. Valleau:

- *did not see listed as to what is purpose of instant runoff election; why would we want to do it.
- *immigrant voting – ballots printed in foreign languages?

Comm. Chipman:

- *there is a website for an active group in SC against IRV
- *solves problem of having person win with less than 50% of the vote; produces a winner who has more than 50% of the support; candidate comes out with more than 50% of the support.
- *have less negative campaigning because less likely to attack one of the opponents if want to be second choice
- *mayoral race in Burlington, VT, had 5 candidates; direction of outcome changed because of IRV

Chair Plumb:

- *used in cities with runoff elections
- *used to prevent spoiler candidates

Comm. Valleau - just want the issue of why addressed in future.

Chair Plumb:

- *What should be the plan for next meeting? Have 2 meetings in October before we even get to the panel;
- *should we get background data on school question for one of the meetings in October? Consensus - yes
- *do we need another meeting on powers of mayor before the panel?

Comm. Smith:

- *should we have a series of questions about specific mayoral powers, e.g. should the mayor have a veto power over the budget.
- *when you give a power, may need a check on that power; if you give a power to the mayor, are you taking away from the manager?

Chair Plumb:

- *could ask everyone to come in with their “straw man” mayor; what does he/she look like? Can look to see where group is close or not close.

Comm. O’Brien:

- *could use first 2 meetings to deal with school issue; worried about doing background and then not getting back to it for awhile. Have an opportunity now to get this one largely done.

Comm. Mermin:

- *think it would be valuable to create straw man before the panel; concern about the chart that focuses it too much on power issue. Want to how any changes enhance leadership and vision

Comm. Smith:

- *like straw man idea but won’t have had benefit of airing the issues generally by whole group, e.g. on allocation of powers. Gives point of reference but want to hear what others have to say.

Comm. Valleau

- *agree with suggestion to have back to back work on school issue

Comm. Gooch

- *put up link on Commission facebook page on IRV – City of Burlington website.
- *should revisit two reading issue before we go too much longer
- *public input, listening session, etc. Institute for Civic Leadership will help us with facilitated discussions.

Motion to Adjourn at 8:20 p.m. (Ranaghan/Valleau) Unanimous.