

DRAFT OF PROPOSED SCHOOL CHANGES AS OF 4/15/10

(Note: these changes isolate the school related changes only and do not include changes to these same provisions which may be made by the technical changes, for example in the recall section).

ARTICLE I. GRANT OF POWERS TO THE CITY

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Section 2. Powers and duties.

The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, except the general management, care, conduct, and control of the schools of said 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 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 said city, and all powers granted by this charter, except as herein otherwise provided, shall be vested in said city council.

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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 to reflect his or her additional responsibilities. (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 of the city council, 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 of public education 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 shall be 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 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 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. 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 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 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)

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~~ school committee board or at least sixty (60) percent of the regular meetings of the ~~school committee board~~ school committee board held in any one calendar year unless 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 office effective at a future date specified in said written resignation. Once submitted to the school ~~committee~~board, said resignation may not be withdrawn and said member's office shall become vacant on said 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 days after the date the vacancy occurs or is declared, unless the council, by a vote of 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)

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)

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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 or school ~~committee~~board member shall be signed by not less than three hundred (300) nor more than five hundred (500) qualified 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 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)

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Section 7. Form of ballot.

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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~~BOARD MEMBER

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

[]_____

[]_____

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

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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 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. (Referendum 11/4/86)

Section 2. Petition for recall.

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

Upon 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.

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 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 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 a councilor or a member of the school ~~committee~~board, the recall petition must be signed by at least three thousand (3,000) qualified voters. (Referendum 12/1/75, 11/4/86)

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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 4 and article III, section 5, relating

to vacancies in the city council or school ~~committee~~board, shall be stayed. (Referendum 11/4/86)

ARTICLE VIII. MISCELLANEOUS PROVISIONS

Section 1. No personal interest.

No member of the city council or school ~~committee~~board 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 ~~committee~~board, 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.

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