

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR. (A/L)

## **MAY 6, 2019 CITY COUNCIL AGENDA**

The Portland City Council will hold a Regular City Council meeting at 5:30 p.m. in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ANNOUNCEMENTS:**

### **RECOGNITIONS:**

### **PRESENTATIONS:**

**Arts in the Chamber - Marcia Minter, President, Indigo Arts Alliance**

### **ANNUAL MEETING:**

### **SPECIAL MEETING:**

### **APPROVAL OF MINUTES OF PREVIOUS MEETING:**

**Approval of the Draft April 22, 2019 City Council Minutes.**

### **PROCLAMATIONS:**

**Proc 31-18/19 Proclamation Recognizing the 50th Anniversary of Municipal Clerks Week May 5-11, 2019 - Sponsored by Mayor Ethan K. Strimling.**

### **APPOINTMENTS:**

**Order 224-18/19 Appointing Constables for the Police Department - Sponsored by Jon P. Jennings, City Manager.**

The Police Department is requesting that Police Cadets Emily Savage, Kathryn Bertin, Ethan Parks, Orlando Simmonds, and Kitiara Rosmus be appointed constables.

These appointments are effective until 12:00 midnight, December 31, 2019, and are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets.

Five affirmative votes are required for passage after public comment.

**Order 225-18/19 Appointing Wardens and Ward Clerks for the 2019 Election Year - Sponsored by Katherine Jones, City Clerk.**

This order appoints Wardens and Ward Clerks for the 2019 Election Year. The list of appointees is included as an attachment in the agenda backup.

Five affirmative votes are required for passage after public comment.

**CONSENT ITEMS:**

**Order 226-18/19 Setting the Time for Opening of Polls on June 11, 2019 Re: School Budget Referendum - Sponsored by Katherine Jones, City Clerk.**

Pursuant to 21-A M.R.S. §626, the hour of poll opening must be set by the municipal officers. This is done for every election; the polls open at 7:00 A.M. and close at 8:00 P.M.

Five affirmative votes are required for passage of the Consent Calendar.

**RESOLUTIONS:**

**Resolve 12-18/19 Re: Consent Decree with Global Partners, LP - Sponsored by Mayor Ethan K. Strimling.**

On March 25, 2019, the United States Department of Justice (DOJ) through the Environmental Protection Agency filed a complaint against and proposed consent decree with Global Partners, LP for violations at their South Portland facility with respect to the release of Volatile Organic Compounds (VOCs). The Consent Decree did not include funding for a long term air quality monitoring program to prevent future releases of VOCs ("Monitoring Program"). Since the complaint and consent decree were made public, the City of South Portland has been working to, among other things, include a Monitoring Program. Public comment was being taken on the proposed consent decree through May 1, 2019. Councilor Thibodeau submitted a letter (see background materials) as well as a proposed resolution to be taken up by the City Council on May 6, 2019. Councilor Thibodeau's letter expressly stated that the comment submitted on May 1, 2019 was not the official position of the City Council unless and until the approval of this resolution by the Portland City Council. This resolution affirms public comment submitted by Councilor Thibodeau to the DOJ on May 1, 2019 and gives the City Manager latitude to make such additional comment as is necessary to encourage a Monitoring Program.

Five affirmative votes are required for passage after public comment.

**BUDGET ITEMS:**

**THE CITY COUNCIL WILL HOLD A FIRST READ AND PUBLIC HEARING ON THE FISCAL YEAR 2020 SCHOOL BUDGET AT THIS COUNCIL MEETING. THE SECOND READ AND FINAL PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD ON MAY 20 AT 5:30 P.M. IN CITY COUNCIL CHAMBERS. THE PUBLIC HEARING REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 11, 2019.**

**Order 227-18/19 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

Order 227-18/19 to Order 232-18/19 are orders required by 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$84,658,230 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This order requires the city to raise \$70,510,824 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$117,833,270 will be \$93,795,139.

This item must be read on two separate days. This is its first reading.

**Order 228-18/19 Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$577,882 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$577,882 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. This is its first reading.

**Order 229-18/19 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.**

This order appropriates \$20,863,552 in additional city funds over and above regional Essential Programs and Services amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$20,863,552 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

This item must be read on two separate days. This is its first reading.

**Order 230-18/19 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$111,628,495.

That is the amount based on the budget submitted by the Portland Board of Public Education and would be sent to the voters for approval at a citywide Referendum Election on June 11, 2019. \$91,952,258 of the \$111,628,495 would come from property taxes, \$16,645,909 would come from state subsidy, and \$2,530,328 from other revenues.

This order does not provide money unless the other General Fund budget orders are passed.

This item must be read on two separate days. This is its first reading.

**Order 231-18/19 Appropriating and Raising Funds for Adult Education for Fiscal Year 2020 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order appropriates \$2,432,506 for Adult Education for Fiscal Year 2019-2020 and raises the sum of \$1,718,435 as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well being of the adult education program.

This item must be read on two separate days. This is its first reading.



**Order 232-18/19 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order raises and appropriates \$124,445 for the Food Service Program for Fiscal Year 2019-2020. The Portland School Department is authorized to expend any unexpended balances and additional, incidental or miscellaneous receipts in the interest and for the well being of the food service program.

This item must be read on two separate days. This is its first reading.

**Order 232A-18/19 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

This item must be read on two separate days. This is its first reading.

**6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

**THE CITY COUNCIL WILL HOLD A FIRST READ OF THE RECOMMENDED FISCAL YEAR 2020 BUDGET AT THIS MEETING. THEY WILL HOLD A WORKSHOP TO DISCUSS THE BUDGET ON MAY 13 AT 5:30 P.M. THE SECOND READ AND FINAL PUBLIC HEARING ON THE BUDGET WILL BE HELD ON MAY 20, 2019 AT 5:30 P.M. IN CITY COUNCIL CHAMBERS.**

**Order 233-18/19 Approving Fiscal Year 2020 Administrative Fees - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order authorizes certain administrative charges.

The increases and new fees are located in the following departments and/or divisions: Parking (Parking Violations), Fire (MEDCU), Public Works (Trash Bags) and Parks Recreation and Facilities (Athletic Fields, Camps, Aquatics & PAF Event Permit Fees).

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the May 20, 2019 City Council meeting to coincide with consideration of the Appropriation Resolve.

**Order 234-18/19 Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2020 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2020 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

This item must be read on two separate days. This is its first reading.

**Order 235-18/19 Re: Fiscal Year 2020 Self-Insured Liability Program - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order establishes the limit of the city's liability as \$400,000 as required by the Maine Tort Claims Act and states the city's commitment to "self-insure" for such liability by approving funds for this purpose.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 20, 2019 to coincide with consideration of the Appropriation Resolve.

**Order 236-18/19 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed. This order would authorize the Director or her or his designee to continue to sign such agreements and reaffirm this long-standing practice.

Venues/programs such as the Public Assembly, Recreation Division before and afterschool, Riverside Golf Course, Riverside Grill, Cemeteries and Troubh Ice Arena are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage after public comment. Staff is recommending that this item be postponed to the City Council meeting of May 20 to coincide with consideration of the Appropriation Resolve.

**Order 237-18/19 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2020 Health and Human Services Budget –Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

This item must be read on two separate days. This is its first reading.

**Order 238-18/19 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This order authorizes the City Manager to accept and appropriate donations up to \$50,000 for existing and new scholarship trusts and enter into standard form trust agreements as approved by Corporation Counsel.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 20 to coincide with consideration of the Appropriation Resolve.

**Order 239-18/19 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case by case approach.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 20 to coincide with consideration of the Appropriation Resolve.

**Order 240-18/19 Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This Order authorizes the City Manager to utilize a 2.5% COLA for pay adjustments for non-union employees and approves the new pay plan.

This item must be read on two separate days. This is its first reading.

**Order 241-18/19 Designating Fiscal Year 2020 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.-Chair.**

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY20:

|                |                                                                  |                 |
|----------------|------------------------------------------------------------------|-----------------|
| <b>Item A:</b> | Peaks Island Summer Bike Ticket Program                          | \$500           |
| <b>Item B:</b> | PI Needs-Based Boat Tickets                                      | \$3,800         |
| <b>Item C:</b> | PI Portland Public Middle & High School Student Boat Passes      | \$5,000         |
| <b>Item D:</b> | PI Full-time College Students (Portland Area) 3 Monthly Stickers | \$247           |
| <b>Item E:</b> | PI Children Attending Private Schools Vouchers                   | \$330           |
| <b>Item F:</b> | PI Police Cadet Funding                                          | \$2,067         |
| <b>Item G:</b> | PI ITS (Island "Taxi"): Island Transportation System             | \$20,000        |
| <b>Item H:</b> | PI PITEA (Heating): Peaks Island Tax & Energy Assistance         | \$4,750         |
| <b>Item I:</b> | PI PEAT Brochure: Peaks Island Environmental Team                | \$750           |
| <b>Item J:</b> | PI Administrative Expenses                                       | \$2,056         |
| <b>Item K:</b> | Peaks Island Website (Friends of the Peaks Island Library)       | \$500           |
| <b>TOTAL:</b>  |                                                                  | <b>\$40,000</b> |

This item must be read on two separate days. This is its first reading.

**Order 242-18/19 Appropriating \$1,000,000 from the Sale of 0 Hancock Street with \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Land Project - Sponsored by the Finance Committee, Councilor Nicolas M. Mavodones, Jr. Chair.**

The final \$1,000,000 of sale proceeds from the 0 Hancock Street sales proceeds are allocated as follows: \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Landing capital improvement plan project.

This item must be read on two separate days. This is its first reading.

**Order 243-18/19 Appropriating \$750,000 from Assigned Fund Balance for Workers' Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

The sum of Seven Hundred Fifty Thousand Dollars (\$750,000) of Assigned Fund Balance is hereby appropriated for use within the City's Workers Compensation and Self Insurance program. This funding is in lieu of an FY20 operating budget request and will be used to pay one-time expenses related to workers compensation claims.

This item must be read on two separate days. This is its first reading.

**RELATED ORDINANCE AMENDMENT:**

**Order 244-18/19 Amendment to Portland City Code RE: Various Fee Increases for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

**Part 1** adds definitions and a new license in **Chapter 3** §§31-33

| <b>Chapter 3</b> | <b>Description</b>                                                           | <b>Current Fee</b> | <b>Current Fee</b> |
|------------------|------------------------------------------------------------------------------|--------------------|--------------------|
| <b>Sec.(New)</b> |                                                                              |                    |                    |
| §§31-33          | <b>Small and Large Brewery, Winery, and Distilling Manufacturing License</b> | NA                 | NA                 |

**Part 2** adds the following new fees in **Chapter 6** (§6-152):

| <b>Chapter 6</b>                                 | <b>Description</b>                                   | <b>Current Fee</b> | <b>Proposed Fee</b> |
|--------------------------------------------------|------------------------------------------------------|--------------------|---------------------|
| <b>Sec.(New)</b>                                 |                                                      |                    |                     |
|                                                  | <b>Rental Registration more than 30 days expired</b> | NA                 | \$10 / Unit         |
| <b>Total revenue increase for FY20: \$32,360</b> |                                                      |                    |                     |

**Part 3** adds the following new fees in in **Chapter 15** in §15-12:

| <b>Chapter 15</b>                                | <b>Description</b>                                  | <b>Current Fee</b> | <b>Proposed Fee</b> |
|--------------------------------------------------|-----------------------------------------------------|--------------------|---------------------|
| <b>Sec. 15-12</b>                                |                                                     |                    |                     |
|                                                  | <b>Small Breweries</b><br>(50,000 Gal & Less)       | NA                 | \$250               |
|                                                  | <b>Large Breweries</b><br>(More than 50,000 Gal)    | NA                 | \$2,000             |
|                                                  | <b>Small Wineries</b><br>(50,000 Gal & Less)        | NA                 | \$250               |
|                                                  | <b>Large Wineries</b><br>(More than 50,000 Gal)     | NA                 | \$2,000             |
|                                                  | <b>Small Distilleries</b><br>(50,000 Gal & Less)    | NA                 | \$250               |
|                                                  | <b>Large Distilleries</b><br>(More than 50,000 Gal) | NA                 | \$2,000             |
| <b>Total revenue increase for FY20: \$26,250</b> |                                                     |                    |                     |

**CONTINUATION OF RELATED ORDINANCE AMENDMENT:**

**Part 4** amends the following fees in **Chapter 24** in §24-72 and §24-84.

The proposed sewer rate for July 1, 2019 is \$10.40 per hundred cubic feet (hcf), up from the July 1, 2018 rate of \$9.95 hcf.

| <b>Chapter 24</b>                                   | <b>Description</b>                 | <b>Current Fee</b> | <b>Proposed Fee</b> |
|-----------------------------------------------------|------------------------------------|--------------------|---------------------|
| <b>Sec. 24-72</b>                                   | <b>Sanitary sewer user charges</b> |                    |                     |
| <b>24-72 (c)</b>                                    | <b>Sewer user fees</b>             | \$9.95/ hcf        | \$10.40/ hcf        |
| <b>Total revenue increase for FY20: \$1,132,574</b> |                                    |                    |                     |

**Part 5** adds the following new fees in **Chapter 25** in §25-27:

| <b>Chapter 25</b>                                  | <b>Description</b>          | <b>Current Fee</b> | <b>Proposed Fee</b> |
|----------------------------------------------------|-----------------------------|--------------------|---------------------|
| <b>Streets, Sidewalks, and Other Public Places</b> |                             |                    |                     |
| <b>Sec. 25-27</b>                                  | <b>Fees and fines</b>       |                    |                     |
| <b>25-27 (a) (3)</b>                               | <b>Parking Space Permit</b> | \$20/day           | \$25/day            |
| <b>Total revenue increase for FY20: \$85,000</b>   |                             |                    |                     |

All fee increases are effective July 1, 2019. This item must be read on two separate days. This is its first reading.



## **APPROPRIATION RESOLVE**

### **Order 245-18/19 Fiscal Year 2019-2020 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2020 for action by the City Council.

The Resolve contains the City Manager's recommended budget for FY2020 for general municipal purposes in the amount of \$263,392,070. In addition it contains the Portland Board of Education's recommended budget for FY2020 for school purposes in the amount of \$117,833,270

The tax levy based upon the City Manager's recommended budget is \$93,184,789 and \$93,795,139 for the Portland Board of Education's recommended School Budget. The Portland Board of Education's recommended School Budget and the City Manager's budget recommendations for municipal purposes results in a combined tax levy of \$186,979,928 for Fiscal Year 2020. The tax rate based on the combined levies would be \$23.42 per \$1,000 of assessed value, a 4.2% increase.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2019 and sets September 13, 2019, as the tax due date, which may be paid in two installments due on September 13, 2019, and March 8, 2020.

The delinquency rate of interest is set at 9.0% per year, and the abatement rate of interest is set at 5.0% per year.

This item must be read on two separate days. This is its first reading.

### **UNFINISHED BUSINESS:**

**Order 191-18/19 Amendment to the Portland City Code Chapter 35 Re: Earned Paid Sick Leave - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda Ray, Chair.**

The Health and Human Services Committee met on February 26, 2019, and voted unanimously to forward this item to the City Council with a recommendation for passage.

Over the past 12 years, 47 municipalities, counties, and states have enacted Earned Paid Sick Leave Ordinances (including 13 New Jersey municipalities which were later pre-empted when the state law passed in 2018).

On September 18, 2017, the City Council referred a proposed Earned Paid Sick Time Ordinance, which was brought forward by Mayor Strimling in collaboration with the Southern Maine Workers' Center and the Maine Women's Lobby, to the Council's Health & Human Services and Public Safety committee. On November 27, 2017, the committee had an initial discussion of the ordinance and began working to craft a version of the ordinance designed specifically for Portland.

The committee spent nearly 15 months examining ordinances from other municipalities and states, talking with constituents and area businesses, receiving public comment via email, phone, and in person, and holding two public hearings. On February 26th, the HHS & PS Committee voted 3-0 to forward the ordinance on to the Council with a recommendation for passage.

The ordinance, if enacted, would require all employers with a physical location in the City of Portland to allow all their employees working in Portland (with some limited exceptions) to accrue a minimum of 1 hour of earned paid sick time for every 30 hours worked. Employees would begin earning paid sick time on their first day of employment and would be able to begin using their accrued time after their 70th day of employment or the date this ordinance becomes applicable, whichever is later.

Employees would be eligible to use up to 40 hours of their accrued time annually for the purposes and under the conditions described in the ordinance.

Businesses of all sizes are covered by the ordinance, as are all employees who work at least 120 hours annually for an employer, whether they are full-time, part-time, or seasonal. There are, however, exemptions for some per diem employees, Federal Work Study students, and new businesses, which are exempt from the ordinance for one year from the date of hire of their first employee.

As written, the ordinance would become applicable 180 days after the date of passage.

This item must be read on two separate days. It received its first reading on March 18, 2019. On April 8, 2019, this item received a second reading and its public hearing and was postponed to May 6, 2019 for approval. Five affirmative votes are required for passage. No additional public comment is required.

**Order 192-18/19 Amendment to Portland City Code Chapter 18 Parks, Recreation and Public Buildings and Ground Re: Formalizing the Boundaries of Boyd Street Gardens - Sponsored by Councilor Belinda Ray.**

Boyd Street Gardens (a.k.a., Franklin Reserve, a.k.a., Boyd Street Urban Farm) was included in a list of over 50 City properties dedicated as Parks and Public Grounds in 2014 (Order 203-13/14). By dedicating these properties in Chapter 18 of the City Code, the Council ensured that the properties would be subject to the provisions of Article 1B in Chapter 18. These provisions include the following:

- the City will maintain these properties “predominantly in their natural, scenic, open and/or intended condition;” and
- the City will not use, sell, or dispose of any of these properties for non-recreational purposes unless the decision to do so is first reviewed by the Parks Commission, “who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.”

There is no question that Boyd Street Gardens has been dedicated and is subject to these provisions. There has, however, been confusion regarding the boundaries of Boyd Street Gardens. This confusion has led various individuals and groups to wonder if the parcel, or any portion of the parcel, is eligible for housing or other development.

A review of historical documents, the back-up materials for Order 203 13/14, and the City’s Open Space Vision and Implementation Plan provides a solid case for including the entire parcel (022 F023) in the 2014 dedication.

This amendment to Chapter 18, Section 11, formalizes the boundaries of Boyd Street Gardens by including the entire parcel in the dedication language so that there will be no confusion going forward.

In addition to establishing clear boundaries for Boyd Street Gardens, this amendment also adds the name “John Menario Plaza” next to Lobsterman Park, which is what the park was called when it was dedicated. This addition will ensure the parcel is easily identified and recognizable in the list by both its historic and current name.

This item must be read on two separate days. This item received its first reading on March 18, 2019. It was postponed on April 7, 2019 to this meeting. Seven affirmative votes are required for passage, as per City Ordinance, after public comment.

**Order 213-18/19 Approving Modification of the Three-Party Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Congress Street Intersection Improvements - Sponsored by Jon P. Jennings, City Manager**

This agreement, between the Maine Department of Transportation (MaineDOT), the City of Portland, and Portland Area Comprehensive Transportation System, WIN 022132.00, obligates MaineDOT to update traffic signal controls, technology and communications, as well as a number of new signal structures and related ADA ramp updates. Lastly, the work will allow for this section of Congress Street to be transit priority ready. The agreement obligates the City to pay \$158,562.50, or 25% of the total cost of the estimated \$634,250.00.

This item must be read on two separate days. It was given a first reading on April 8 2019. Five affirmative votes are required for passage after public comment.

**Order 215-18/19 Amendment to Portland City Code Chapter 6 Re: Rental Housing Advisory Committee - Sponsored by the Housing Committee, Council Jill C. Duson, Chair**

The Housing Committee met on March 27 and voted 2-0 (Cook absent) to forward this item to the City Council with a recommendation for passage.

Several attempts have been made to recruit members for the Rental Housing Advisory Committee. To facilitate appointments to the committee, amendments to the ordinance have been proposed to clarify legislative intent and to expand the applicant pool for the Rental Housing Advisory Committee. The following amendments to Chapter 6, Section 6-225 are recommended:

1. Pine Tree Legal Assistance and Southern Maine Landlord Association can propose a name for the tenant and landlord legal representatives;
2. The Nominating Committee can move forward without a recommendation from either group if they do not present a name or endorse a candidate that has applied; and
3. The legal representative can live or work in the City of Portland.

This item must be read on two separate days. It was given a first reading on April 8, 2019. Five affirmative votes are required for passage after public comment.

**BUDGET MESSAGE:**

**MAYOR STRIMLING WILL MAKE HIS REMARKS ON THE FISCAL YEAR 2020 MUNICIPAL BUDGET.**

**MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL AT THE FOLLOWING MEETING.**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Mayor Strimling called the meeting to order at 5:30 P.M. (Councilor Thibodeau and Councilor Batson absent).

**ANNOUNCEMENTS:**

**PRESENTATIONS:**

Arts in the Chamber - Patricia Daunis-Dunning, Daunis Fine Jewlery

**RECOGNITIONS:**

**SPECIAL MEETING:**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Approval of the April 8, 2019 Draft City Council Minutes.

Motion was made by Councilor Ray and seconded by Councilor Costa for approval of the minutes. Passage 7-0.

**PROCLAMATIONS:**

Proclamation 26 -18/19 Recognizing the Week of the Young Child and Starting Strong Day- Sponsored by Mayor Ethan K. Strimling.

Proclamation 27 -18/19 Supporting Gun Give Back Day- Sponsored by Mayor Ethan K. Strimling.

**Proclamation 28-18/19 Honoring Michael J. Tarpinian -Sponsored Mayor Ethan K. Strimling.**

**Proclamation 29-18/19 Honoring Ruthann Weist, Police Department, as Employee of the Month for January 2019 - Sponsored by Mayor Ethan K. Strimling.**

**Proc 30-18/19 Honoring Kevin Deneault, Public Works Department, for February 2019 - Sponsored by Mayor Ethan K. Strimling, Mayor.**

**APPOINTMENTS:**

**CONSENT ITEMS:**

**Order 216-18/19 Declaring June 7, 8, and 9, 2019 the Summer Kickoff Weekend Festival – Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Ray and second by Councilor Costa for passage. Passage 7-0.

**LICENSES:**

**Order 217-18/19 Approving Municipal's Officers Approval of Cocktail Mary LLC dba Cocktail Mary. Application for a Class A Lounge at 229 Congress Street - Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 7-0.

**Order 218-18/19 Approving Municipal Officers' Approval of Grippy Tannins LLC dba Grippy Tannins LLC. Application for a Class III FSE at 16 Middle Street - Sponsored by Jon P. Jennings City Manager.**

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 7-0.

**Order 219-18/19 Approving Municipal Officers' Approval of Portland Hotels Inn Inc. dba Hampton Inn & Suites. Application for a Class I-A Hotel 41+ Rooms at 1210 Brighton Avenue - Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.  
Passage 7-0.

#### **BUDGET ITEMS:**

**Order 220-18/19 Receiving and Referring to the Finance Committee the Portland Board of Education's Fiscal Year 2020 Recommended Budget and Setting a Public Hearing Thereon - Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Ray and seconded by Councilor Ali for passage. Passage 7-0.

#### **COMMUNICATIONS**

#### **RESOLUTIONS:**

**Resolution 11-18/19 Adopting the Fiscal Year 2020 Annual Action Plan including appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and certifications pertaining thereto -- Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Ali and seconded by Councilor Cook to amend the following: Amistad, Catherine Morrill Day Nursery, Milestone, CP Public Health Division, Wayside Food, COP Oxford Street Shelter Long Term Stayers program, Portland Adult Education, Spurwink, Preble Street Food Program by reducing each program by 2% and give the accumulated amount of \$10,000 to Furniture Friends. Motion failed 3-4 (Duson, Mavodones, Costa, Ray).

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.  
Passage 7-0.

#### **UNFINISHED BUSINESS:**

**Order 162-18/19 Amendment to the Portland City Code Chapter 14 Re: Drive-throughs in the B-2, B-2b and B-2c Community Business Zones - Sponsored by the**

**Planning Board, Sean Dundon, Chair**

Motion was made by Councilor Cook and seconded by Councilor Ray to postpone Order 162 to the November 4, 2019 City Council Meeting.

Passage 7-0.

**ORDERS:**

**Order 221-18/19 Accepting Two Pedestrian Easements and a Quitclaim Deed Relating to the Whole Foods Building at Franklin and Somerset Streets - Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Ray and seconded by Councilor Duson for passage.

Passage 7-0.

**Order 222-18/19 Appropriating \$45,000 from the Community Support Fund for General Assistance - Sponsored by the Finance Committee, Nick Mavodones, Chair**

Motion was made by Councilor Mavodones and seconded by Councilor Duson to waive the second reading. Passage 7-0.

Motion was made by Councilor Costa and seconded by Councilor Mavodones for passage as an emergency. Passage 7-0.

**AMENDMENTS:**

**6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

Motion was made by Councilor Cook and seconded by Councilor Ray to take up an un- agenda item. Passage 7-0.

Order 223 18-19 This is a State License to Change Rising Tide Brewing Company, 103 Fox Street, Portland Maine from a Class III&IV to a Class A Lounge(Class X).

Motion was made by Councilor Cook and seconded by Councilor Ray for passage of Order 223 as an emergency. Motion failed 5-2 (Mavodones, Duson).

Motion was made by Councilor Duson and seconded by Councilor Mavodones to reconsider. Passage 7-0.

Motion was made by Councilor Cook and seconded by Councilor Costa for passage of Order 223. Passage 5-2 (Mavodones, Duson).

Motion was made by Councilor Costa and seconded by Councilor Ray to adjourn. Passage 7-0 at 9:36 P.M.

A TRUE COPY.



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Katherine L. Jones, City Clerk

# PROCLAMATION

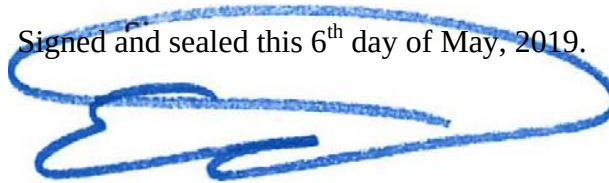
50th ANNIVERSARY OF MUNICIPAL CLERKS WEEK

May 5 - 11, 2019

- Whereas,** The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and
- Whereas,** The Office of the Municipal Clerk is the oldest among public servants; and
- Whereas,** The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and
- Whereas,** Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and
- Whereas,** The Municipal Clerk serves as the information center on functions of local government and community; and
- Whereas,** Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and
- Whereas,** It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

**Now, Therefore, I,** Ethan K. Strimling, Mayor of City of Portland, and members of the Portland City Council do recognize the week of May 5 through May 11, 2019, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Katherine Jones and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Signed and sealed this 6<sup>th</sup> day of May, 2019.



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Ethan K. Strimling, Mayor  
City of Portland, Maine

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 17, 2019

**SUBJECT:** **Order 224-18/19 Appointing Constables for the Police Department - Sponsored by Jon P. Jennings, City Manager.**

**SPONSOR:** Jon P. Jennings, City Manager  
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading** **Final Action 5/6/2019**

**Can action be taken at a later date: No**

**PRESENTATION:**

**I. SUMMARY**

Appointment of Constables for Police Department

**II. AGENDA DESCRIPTION**

The Police Department is requesting that Police Cadets Emily Savage, Kathryn Bertin, Ethan Parks, Orlando Simmonds, and Kitiara Rosmus be appointed constables.

These appointments are effective until 12:00 midnight, December 31, 2019, and are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

None

Prepared by:

Date: 4/17/2019

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 22, 2019

**SUBJECT:** Order 225-18/19 Appointing Wardens and Ward Clerks for the 2019 Election Year - Sponsored by Katherine Jones, City Clerk.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order appoints Wardens and Ward Clerks for the 2019 Election Year. The list of appointees is included as an attachment in the agenda backup.

Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Appointing Wardens and Ward Clerks 2019 5.6.2019
2. Memo Appointing Wardens & Ward Clerks for 2019 Election Year.

Prepared by:

Date: 4/22/2019



ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING WARDENS AND WARD CLERKS FOR 2019**

**ORDERED,** that the following persons are hereby appointed as Wardens and Ward Clerks for 2019:

| <b>Warden</b>    | <b>Ward Clerk</b> | <b>District/Precinct</b> |
|------------------|-------------------|--------------------------|
| Denise Shames    | Anne Rand         | 1-1                      |
| Carol Morrisette | Frank Spring      | 1-2                      |
| Lisa Twombly     | Reta Morrill      | 1-3                      |
| Dennis Martin    | Heather Tanguay   | 2-1                      |
| Susan Litchman   | Rosanne Graef     | 2-2                      |
| Christine Brown  | Helen Hoglund     | 3-1                      |
| Dale Kinney      | Robert Smith      | 3-2                      |
|                  | Tim Whitney       | 4-1                      |
| Steve Kelly      |                   | 4-2                      |
| Barbara Harvey   | Ginny Fischer     | 5-1                      |
| George Smythe    | Edmond Szalajeski | 5-2                      |



Office of the City Clerk  
Katherine L Jones, CMC

## MEMORANDUM

**TO:** Mayor Strimling and Members of the City Council  
**FROM:** Katherine L. Jones, City Clerk  
**DATE:** April 22, 2019  
**RE:** Wardens and Ward Clerks

The following persons are being recommended as Wardens and Ward Clerks for the 2019 calendar year:

| Warden           | Ward Clerk        | District/Precinct |
|------------------|-------------------|-------------------|
| Denise Shames    | Anne Rand         | 1-1               |
| Carol Morrisette | Frank Spring      | 1-2               |
| Lisa Twombly     | Reta Morrill      | 1-3               |
| Dennis Martin    | Heather Tanguay   | 2-1               |
| Susan Litchman   | Rosanne Graef     | 2-2               |
| Christine Brown  | Helen Hoglund     | 3-1               |
| Dale Kinney      | Robert Smith      | 3-2               |
|                  | Tim Whitney       | 4-1               |
| Steve Kelly      |                   | 4-2               |
| Barbara Harvey   | Ginny Fischer     | 5-1               |
| George Smythe    | Edmond Szalajeski | 5-2               |





**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 22, 2019

**SUBJECT:** Order 226-18/19 Setting the Time for Opening of Polls on June 11, 2019 Re:  
School Budget Referendum - Sponsored by Katherine Jones, City Clerk.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Pursuant to 21-A M.R.S. §626, the hour of poll opening must be set by the municipal officers. This is done for every election; the polls open at 7:00 A.M. and close at 8:00 P.M.

Five affirmative votes are required for passage of the Consent Calendar.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Opening and Closing the Polls June 11, 2019 5.6.2019
2. Memo for opening and closing the polls June 2019

Prepared by:

Date: 4/22/2019



ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER SETTING TIME FOR OPENING  
OF POLLS ON JUNE 11, 2019  
RE: SCHOOL BUDGET REFERENDUM**

**ORDERED**, that pursuant to 21-A M.R.S. §626, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on Tuesday, June 11, 2019, for the School Budget Referendum.



Office of the City Clerk  
Katherine L. Jones, CMC

**MEMORANDUM**

**TO:** Mayor Strimling and Members of the  
Portland City Council

**FROM:** Katherine L. Jones, City Clerk

**DATE:** April 22, 2109

**RE:** Setting the time for opening the polls on June 11, 2019 for the School  
Budget Referendum.

Pursuant to 21-A M.R.S.A. §626, the hour of poll opening must be set by the municipal officers. This is done for every election; the polls open at 7:00 A.M. and close at 8:00 P.M.

Notices are then posted in each district and at City Hall.

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**RESOLUTION RE: CONSENT DECREE WITH GLOBAL PARTNERS, LP**

**WHEREAS**, on March 25, 2019 the United States Department of Justice ("DOJ"), filed a complaint ("Complaint") against Global Partners, LP, Global Companies, LLC and Chelsea Sandwich; LLC ("Defendants") with the United States District Court for the District of Maine in the lawsuit entitled United States v. Global Partners L.P., et al., Civil Action 19-cv-00122;

**WHEREAS**, the Complaint alleged potential and actual excess emissions of volatile organic compounds at the Defendants' South Portland, Maine petroleum products storage facility in contravention of the Clean Air Act, 42 U.S.C. 7413(a)(1 ), and the Maine State Implementation Plan;

**WHEREAS**, Defendants do not admit the facts alleged in the Complaint or any liability to the Environmental Protection Agency arising out of the transactions or occurrences alleged in the Complaint;

**WHEREAS**, on March 25 2019, the DOJ also lodged a proposed consent decree ("Consent Decree") with the United States District Court for the District of Maine, pursuant to which the DOJ and the Defendants seek to resolve the disputed claims alleged in the Complaint;

**WHEREAS**, a Notice of Lodging of Proposed Consent Decree Under the Clean Air Act ("Notice") was originally published in the Federal Register on April 1, 2019 in 84 F.R. 12293, which publication opened a thirty (30) day period for public comment on the decree; and

**WHEREAS**, the Portland City Council deems it appropriate and imperative that the City of Portland comment on the Consent Decree;

**NOW, THEREFORE, BE IT RESOLVED**, that the Portland City Council hereby adopts the following as its comments to the proposed Consent Decree: "(i) A long-term air quality monitoring program for the City of Portland and South Portland must be included in the Consent Decree ("Monitoring Program"); (ii) the Monitoring Program must be: (a) designed by expert in the field of air quality testing, (b) overseen by the City of Portland or a third party agency acceptable to the City of Portland, and (c) include the acquisition, installation, maintenance and repair of multiple stationary monitoring stations as well as the acquisition of mobile monitoring devices that can be used to respond promptly to specific complaints from residents and isolate suspected sources of emissions; and (d) that the

Monitoring Program should include the cost to train City personnel in the use of air quality monitoring devices and interpreted the data obtained."; and

BE IT FURTHER RESOLVED, that the Portland City Council hereby authorized the City Manager to make any additional comments regarding the Consent Decree as reasonably necessary to assist in the implementation of said Monitoring Program.



CITY OF PORTLAND

May 1, 2019

[Via E-mail]

Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Washington, DC 20044-7611

Re: **United States v. Global Partners LP, et al., D.J. Ref. No. 90-5-2-1-11428,**

Dear Assistant Attorney General,

Given the serious nature of the violations set forth in a complaint filed by the U.S. Department of Justice, acting through the U.S. Environmental Protection Agency ("EPA") on March 25, 2019 (as referenced above), I am writing to strongly encourage any consent decree for the above referenced matter ("Consent Decree") include **any and all necessary funding** to implement a long-term air quality monitoring program for the cities of Portland and South Portland.

To that end, I have attached a draft of the resolution, which I will present to the full Portland City Council for consideration at the May 6, 2019 Portland City Council meeting<sup>1</sup>.

As the draft resolution states, I believe: (i) a comprehensive and long-term air quality monitoring program for the City of Portland and South Portland must be included in the Consent Decree ("Monitoring Program"); (ii) that the Monitoring Program must be: (a) designed by expert in the field of air quality testing, (b) overseen by the City of Portland or a third party agency acceptable to the City of Portland, (c) include the acquisition, installation, maintenance and repair of multiple stationary monitoring stations as well as the acquisition of mobile monitoring devices that can be used to respond promptly to specific complaints from residents and isolate suspected sources of emissions; and (iii) that the Monitoring Program should include the cost to train City personnel in the use of air quality monitoring devices and interpreted the data obtained.

As you can imagine my disappointment about learning of this Consent Decree via the Portland Press Herald, I respectfully request that your office engage the City Manager

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<sup>1</sup> The positions contained in this letter shall not in any way be construed to an action of the full Portland City Council unless and until said Portland City Council shall have voted affirmatively on the measure.



of Portland's Office, Jon Jennings, with any and all updates related to the Consent Decree as they pertain to the City of Portland (and any potential Monitoring Program). Let me be clear, the impacts of the violations set forth in the in the Complaint and Consent Decree (if true), especially as they pertain to the emissions of volatile organic compounds ("VOCs"), pose a direct threat to the health of the City of Portland's residents. This is a threat that my office takes seriously.

Thank you for your prompt attention to this matter and please do not hesitate to contact me with any questions about the comments contained herein.

Sincerely,



Spencer Thibodeau  
Portland City Council, District 2

Enclosure

Cc (via e-mail):

Portland City Council  
Jon Jennings City Manager  
Claude V.Z. Morgan, Mayor of the City of South Portland

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 16, 2019

**SUBJECT: THE CITY COUNCIL WILL HOLD A FIRST READ AND PUBLIC HEARING ON THE FISCAL YEAR 2020 SCHOOL BUDGET AT THIS COUNCIL MEETING. THE SECOND READ AND FINAL PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD ON MAY 20 AT 5:30 P.M. IN CITY COUNCIL CHAMBERS. THE PUBLIC HEARING REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 11, 2019.**

**Order 227-18/19 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

**SPONSOR:**

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Order 227-18/19 to Order 232-18/19 are orders required by 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$84,658,230 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This order requires the city to raise \$70,510,824 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$117,833,270 will be \$93,795,139.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 1. State and Local EPS Funding 5.6.2019

Prepared by:

Date: 4/16/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING STATE/LOCAL EPS FUNDING ALLOCATION  
FOR PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12  
FOR PORTLAND PUBLIC SCHOOLS FOR FISCAL YEAR 2020**

**ORDERED,** that under and pursuant to the City's Fiscal Year 2019-2020 Appropriation Resolve Order 245-18/19 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2019-2020:

Appropriation for State/Local EPS funding Allocation: That the City appropriates the amount of \$84,658,230 for the total cost of funding public education from kindergarten to grade 12, and raises the amount of \$70,510,824 as the City's contribution to the total cost of funding public education from kindergarten to grade 12, both as described in the Essential Programs and Services Funding Act, in accordance with Maine Revised Statutes, Title 20-A, section 15688.

*State Mandated Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined under state law annually to be the minimum amount that the City must raise in order to receive the full amount of state dollars.*

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 16, 2019

**SUBJECT:** Order 228-18/19 Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$577,882 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$577,882 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. 2. Non-state funded School Construction Debt 5.6.2019

Prepared by:

Date: 4/16/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING NON-STATE FUNDED SCHOOL CONSTRUCTION DEBT  
SERVICE FOR PORTLAND SCHOOLS FOR FISCAL YEAR 2020**

**ORDERED**, that under and pursuant to the City's Fiscal Year 2019-2020 Appropriation Resolve Order 245-18/19 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2019-2020:

Appropriation for Non-State Funded Debt Service (20-A M.R.S.A. §15690(2)(A)).  
That the City raise and appropriate \$577,882 for the annual payments on debt service previously approved by the legislative body for non-state funded school construction projects and non-state funded portions of school construction projects, in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

***State Mandated Explanation:*** *Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or the City Council.*

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 16, 2019

**SUBJECT:** Order 229-18/19 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order appropriates \$20,863,552 in additional city funds over and above regional Essential Programs and Services amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$20,863,552 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**



1. 3. Appropriating additional Local Funds for Schools in FY2020 5.6.2019

Prepared by:

Date: 4/16/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR  
PORTLAND SCHOOLS FOR FISCAL YEAR 2020**

**ORDERED**, that under and pursuant to the City's Fiscal Year 2019-2020 Appropriation Resolve Order 245-18/19 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2019-2020:

Authorization to Exceed the Portland School Department's Maximum State and Local Spending Target Established Pursuant to Maine Revised Statutes, Title 20-A § 15671-A(4) and Appropriating Additional Local Funds: That the City raises and appropriates \$20,863,552 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$20,863,552 as required to fund the budget recommended by the Portland Board of Public Education.

That amount is needed to cover the School Department's costs that the state's funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

***State Mandated Explanation:*** *The additional local funds are those locally raised funds over and above the City's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the City's budget for educational programs.*

*[NOTE: City council approval of this order requires 5 affirmative votes, see 20-A M.R.S.A. section 15671-A(5)(B)(2)(requiring for council approval "a majority of the entire membership of the council") and see Article II, section 11 of the City Charter (requiring 5 affirmative votes for final passage).]*

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 17, 2019

**SUBJECT:** Order 230-18/19 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$111,628,495.

That is the amount based on the budget submitted by the Portland Board of Public Education and would be sent to the voters for approval at a citywide Referendum Election on June 11, 2019. \$91,952,258 of the \$111,628,495 would come from property taxes, \$16,645,909 would come from state subsidy, and \$2,530,328 from other revenues.

This order does not provide money unless the other General Fund budget orders are passed.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

## **VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. 4. Total School Operating Budget FY2020 5.6.2019

Prepared by:

Date: 4/17/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING TOTAL SCHOOL OPERATING BUDGET  
FOR PORTLAND SCHOOLS FOR FISCAL YEAR 2020**

**ORDERED,** that under and pursuant to the City's Fiscal Year 2019-2020 Appropriation Resolve Order 245-18/19 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2019-2020:

Total School Budget Summary (20-A M.R.S.A. §15690(4)(A)): That the City authorizes the School Committee to expend \$111,628,495 for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 17, 2019

**SUBJECT:** Order 231-18/19 Appropriating and Raising Funds for Adult Education for Fiscal Year 2020 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order appropriates \$2,432,506 for Adult Education for Fiscal Year 2019-2020 and raises the sum of \$1,718,435 as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well being of the adult education program.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 5. Funds for Adult Education FY2020 5.6.2019

Prepared by:

Date: 4/17/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROPRIATING AND RAISING FUNDS  
FOR ADULT EDUCATION FOR FISCAL YEAR 2020 AS REQUIRED  
BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S. §8603-A(1)**

**ORDERED**, that the sum of \$2,432,506 is hereby appropriated for Adult Education for Fiscal Year 2019-2020 and that the sum of \$1,718,435 is hereby raised as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

***Explanation:** Under state law, the appropriation for adult education falls outside the total annual budget for public schools addressed in the prior order when it passes the Appropriation Resolve.*



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 17, 2019

**SUBJECT:** Order 232-18/19 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order raises and appropriates \$124,445 for the Food Service Program for Fiscal Year 2019-2020. The Portland School Department is authorized to expend any unexpended balances and additional, incidental or miscellaneous receipts in the interest and for the well being of the food service program.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 6. Funds for Food Service 5.6.2019

Prepared by:

Date: 4/17/2019



ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER TO RAISE AND APPROPRIATE LOCAL FUNDS  
FOR FOOD SERVICE IN THE PORTLAND PUBLIC SCHOOLS FOR FY2020**

**ORDERED,** that the sum of \$124,445 is hereby raised and appropriated for the Food Service Program for Fiscal Year 2019-2020; and that the Portland School Department is authorized to expend any unexpended balances, and additional, incidental, or miscellaneous receipts in the interest and for the well-being of the food service program.

***Explanation:** This order raises and appropriates local tax revenues for the food service program.*

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** May 2, 2019

**SUBJECT:** Order 232A-18/19 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

This item must be read on two separate days. This is its first reading.

**6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:**

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 7. Order re Disposition of Additional State Subsidy 5.6.2019

Prepared by:

Date: 5/2/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING THE DISPOSITION OF  
ANY ADDITIONAL STATE SUBSIDY RECEIVED  
FOR PORTLAND SCHOOLS IN FISCAL YEAR 2020**

**ORDERED**, that under and pursuant to the City's Fiscal Year 2020 Appropriation Resolve Order 245-18/19 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2020:

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT: THE CITY COUNCIL WILL HOLD A FIRST READ OF THE RECOMMENDED FISCAL YEAR 2020 BUDGET AT THIS MEETING. THEY WILL HOLD A WORKSHOP TO DISCUSS THE BUDGET ON MAY 13 AT 5:30 P.M. THE SECOND READ AND FINAL PUBLIC HEARING ON THE BUDGET WILL BE HELD ON MAY 20, 2019 AT 5:30 P.M. IN CITY COUNCIL CHAMBERS.**

**Order 233-18/19 Approving Fiscal Year 2020 Administrative Fees - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order authorizes certain administrative charges.

The increases and new fees are located in the following departments and/or divisions: Parking (Parking Violations), Fire (MEDCU), Public Works (Trash Bags) and Parks Recreation and Facilities (Athletic Fields, Camps, Aquatics & PAF Event Permit Fees).

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the May 20, 2019 City Council meeting to coincide with consideration of the Appropriation Resolve.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

## **VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. Administrative Fee Increase \_2

Prepared by:

Date: 4/25/2019



## CITY OF PORTLAND

### MEMORANDUM

**TO:** JENNIFER LODGE, BUDGET ANALYST  
**FROM:** JOHN PEVERADA, PARKING MANAGER  
**DATE:** MARCH 21, 2018  
**RE:** FY20 REVENUE PROPOSALS

Per the result of the Budget Review with the City Manager, attached is the FY20 Revenue Fee Schedule Change for the Parking Division. Listed below are the affected revenue codes and the amount of increase.

| Revenue Code           |                                                               | Increase              |
|------------------------|---------------------------------------------------------------|-----------------------|
| <b><u>Parking</u></b>  |                                                               |                       |
| <b>10018100-351200</b> | <b>Code Violations / Parking Tickets</b>                      |                       |
|                        | Various No Parking Violation Fees: \$30 to <b><u>\$35</u></b> | \$121,350             |
|                        | Hazardous Area & No Parking / Commercial Vehicle              |                       |
|                        | Loading Zones: \$35 to <b><u>\$40</u></b>                     | <b><u>\$3,650</u></b> |
|                        | <b>Parking Code Violations Additional Projected Revenue:</b>  | <b>\$125,000</b>      |

CC Jon Jennings, City Manager  
Brendan O'Connell, Finance Director  
Anne Bilodeau, Assistant Finance Director

# FY20 REVENUE FEE SCHEDULE CHANGE

## Administrative Fees

### Department: Parking

**Parking Ticket Violations:** Acct# 10018100-351200

| Violation Type                                          | FY 20            |              |
|---------------------------------------------------------|------------------|--------------|
|                                                         | Current Fee      | Proposed Fee |
| I Expired Meter                                         | \$20             | \$20         |
| C Prolonged Parking (includes feeding meter)            | \$25             | \$25         |
| D Overtime Parking in Time Zone                         | \$15             | \$15         |
| T No Parking More Than One Meter                        | \$20             | \$20         |
| <b>*3 Overnight Parking (Odd/Even)</b>                  | Elim during FY18 | ---          |
| 4 No Parking This Side of Street                        | \$30             | \$35         |
| E No Parking Zone                                       | \$30             | \$35         |
| F No Parking Between Signs                              | \$30             | \$35         |
| G No Parking Here to Corner                             | \$30             | \$35         |
| H No Parking Taxi Stand                                 | \$30             | \$35         |
| J No Parking Intersection                               | \$30             | \$35         |
| K No Parking Sidewalk                                   | \$30             | \$35         |
| L No Parking / Overtime / Commerical Vehicle Zone       | \$35             | \$40         |
| M No Parking Against Traffic Flow                       | \$30             | \$35         |
| N Posted Emergency No Parking Zone                      | \$30             | \$35         |
| P No Parking More than 18" from Curb                    | \$30             | \$35         |
| Q No Stopping or Standing                               | \$30             | \$35         |
| R No Parking City Lot or Property (Permit Required)     | \$30             | \$35         |
| S No Parking on Esplanade                               | \$30             | \$35         |
| 8 No Parking Bus Stop                                   | \$30             | \$35         |
| 9 Blocking or Obstructing Driveway                      | \$30             | \$35         |
| 5 Double parking                                        | \$30             | \$35         |
| 6 Parking in Hazardous Area                             | \$35             | \$40         |
| 7 Snow Removal or Plowing Area                          | \$35             | \$35         |
| A Parking In Disabled Zone                              | \$200            | \$200        |
| 10 Displaying Vehicle For Sale                          | \$25             | \$25         |
| 11 Washing, Greasing or repr for sale                   | \$25             | \$25         |
| 12 Advertising Purposes                                 | \$25             | \$25         |
| 13 Storage /Abandon Vehicles 10 days                    | \$25             | \$25         |
| 14 Angle Parking Only                                   | \$25             | \$25         |
| 15 Parking a vehicle 20' or more in a Res. Area         | \$25             | \$25         |
| 16 Camper, Trailer, Boat, over 24 hrs in any 7 cal days | \$25             | \$25         |
| 17 Driver to remain with vehicle in Taxi Stand          | \$25             | \$25         |

\*3 Overnight Parking (Odd/Even): Eliminated during FY18 (CO #109-17/18 (Tab 17)



Keith N. Gautreau  
Fire Chief, Fire Department

To: Brendan O'Connell, Finance Director  
Jennifer Lodge, Budget Analyst  
Anne Bilodeau, Deputy Finance Director  
From: Benjamin Bettez, Principal Financial Officer  
Date: 2/7/2019  
RE: Fee Changes for Fire Department – Billable Non-Transport

The Fire Department is proposing creating an administrative fee of \$160.00 for **Billable Non-Transport**. This is defined as a call for emergency medical service response by a patient, or person representing a patient, to which an emergency medical services unit responds and it is determined on scene or subsequently that an emergency response was not medically necessary. This will serve as a deterrent to facilities or individuals which may abuse the city emergency services and generate a modest amount of revenue.

| Fee Type               | Current Fee | Proposed Fee | Est Additional Revenue            |
|------------------------|-------------|--------------|-----------------------------------|
| Billable Non-Transport | \$0.00      | \$160.00     | \$8,000-\$16,000<br>50-100 per FY |

Sincerely,

Benjamin Bettez  
Principal Financial Officer  
Fire Department

## FY20 REVENUE FEE SCHEDULE CHANGE

**Department: Fire**

### MEDCU Administrative Fees

| <b>Account #</b> | <b>Revenue Description</b>  | <b>Current Fee</b> | <b>FY20<br/>Proposed Fee</b> |
|------------------|-----------------------------|--------------------|------------------------------|
| 10022300-342000  | Billable Non-Transport      | NA                 | <b>\$160.00</b>              |
| 10022300-342000  | ALS Non-Emergency Transport | \$ 600.00          | \$ 600.00                    |
| 10022300-342000  | BLS Non-Emergency Transport | \$ 500.00          | \$ 500.00                    |
| 10022300-342000  | BLS Emergency Transport     | \$ 800.00          | \$ 800.00                    |
| 10022300-342000  | ALS Emergency Transport     | \$ 950.00          | \$ 950.00                    |
| 10022300-342000  | ALS 2 Emergency Transport   | \$ 1,350.00        | \$ 1,350.00                  |
| 10022300-342000  | Specialty Care Transport    | \$ 1,625.00        | \$ 1,625.00                  |
| 10022300-342000  | ALS Mileage                 | \$ 19.32           | \$ 19.32                     |
| 10022300-342000  | BLS Mileage                 | \$ 19.32           | \$ 19.32                     |
| 10022300-342000  | Oxygen                      | \$ 117.70          | \$ 117.70                    |
| 10022300-342000  | Airways                     | \$ 158.36          | \$ 158.36                    |
| 10022300-342000  | IV Therapy                  | \$ 220.00          | \$ 220.00                    |
| 10022300-342000  | EKG                         | \$ 220.00          | \$ 220.00                    |
| 10022300-342000  | Intercept                   | \$ 482.00          | \$ 482.00                    |
| 10022300-342000  | Defibrillation              | \$ 207.50          | \$ 207.50                    |
| 10022300-342000  | Critical Care Transfer      | \$ 900.00          | \$ 900.00                    |
| 10022300-342000  | Non-Emergency Mileage       | \$ 19.32           | \$ 19.32                     |
| 10022300-342000  | Capnography                 | \$ 158.00          | \$ 158.00                    |
| 10022300-342000  | EZ IO/Intraosseous Access   | \$ 295.00          | \$ 295.00                    |
| 10022300-342000  | ALS on Scene Care           | \$ 950.00          | \$ 950.00                    |
| 10022300-342000  | ALS 2 on Scene Care         | \$ 1,350.00        | \$ 1,350.00                  |

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## FY20 REVENUE FEE SCHEDULE CHANGE

### Administrative Fees

**Department** Public Works/Street Openings

| <b><u>Account #</u></b> | <b><u>Revenue Description</u></b> | <b><u>current fee</u></b> | <b><u>proposed fee</u></b> |
|-------------------------|-----------------------------------|---------------------------|----------------------------|
| 10031203 343000         | Solid Waste Recycling Program     |                           |                            |
|                         | 15 Gallon Bag                     | \$1.35                    | \$1.50                     |
|                         | 30 Gallon Bag                     | \$2.70                    | \$3.00                     |

Editor's Note: (Sec 12-16 Definitions): Pursuant to council order 240-05/06 passed on 5/15/06 (effective July 1, 2006), council order 208-09/10 passed on 5/17/10 (effective July 1, 2010) and council order 235-14/15 passed on June 24, 2105 (effective July 4, 2015), the purple trash bag fees are as follows:

15 Gallon: \$1.35

30 Gallon: \$2.70

April 30, 2019

# Memo

To: Jon Jennings, City Manager  
From: Joanna Coey, Financial Administrator  
CC: Jennifer Lodge, Budget Analyst  
Sally Deluca, Director of Parks, Recreation & Facilities  
Date: April 25, 2019  
Re: Parks, Recreation Facilities Fee Increases for FY20

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## Athletic Fields:

Artificial Turf Adult Fee increase of \$10/hr. Additional income \$3,000.

Grass Field Adult Fee increase of \$10 hour. Additional Income \$ 3090

New: For Profit Youth Groups -Grass Field of \$30/hr. Additional income \$3,000.

## Recreation:

Summer Camps: increase of \$25 per week. Additional \$35,000.

## Aquatics:

Increase of lessons .50/\$100. Additional income \$ 30,000

## Public Assemblies:

Increase Wedding permits, & Film Shoots \$50 ( fROM \$100 TO \$150)

Increase Block party & Electricity by \$10 ( from \$40 to \$50)

Increase Banner permit by \$25 week ( from \$50 to \$75/week)

Increase Single concert license by \$14 ( from \$36 to \$50)



# FY20 REVENUE FEE SCHEDULE CHANGE

## Administrative Fees

### Recreation & Facilities Mgmt: Athletic Fields

| Account #       | Revenue Description                                                  | FY20        |              |
|-----------------|----------------------------------------------------------------------|-------------|--------------|
|                 |                                                                      | Current Fee | Proposed Fee |
|                 | <b>Fitzpatrick &amp; Memorial Stadiums with out lights, per hour</b> |             |              |
| 10033204-367000 | Resident youth groups                                                | \$45        | \$45         |
|                 | Resident adult groups                                                | \$85        | \$95         |
|                 | Non-Resident youth groups                                            | \$85        | \$85         |
|                 | Non-Resident adult groups                                            | \$165       | \$165        |
|                 | <b>Fitzpatrick &amp; Memorial Stadiums with lights, per hour</b>     |             |              |
| 10033204-367000 | Resident youth groups                                                | \$120       | \$120        |
|                 | Resident adult groups                                                | \$160       | \$160        |
|                 | Non-Resident youth groups                                            | \$160       | \$160        |
|                 | Non - Resident adult groups                                          | \$240       | \$240        |
|                 | <b>All Other Athletic Fields without lights, per hour</b>            |             |              |
| 10033204-367000 | Resident Adult groups                                                | \$30        | \$40         |
|                 | Non-Resident Adult groups                                            | \$60        | \$70         |
|                 | Baseball/Softball Weekend Surcharge                                  | \$10        | \$10         |
|                 | For Profit Youth groups                                              | \$0         | \$30         |
|                 | <b>All Other Atheltic Fields with lights, per hour</b>               |             |              |
| 10033204-367000 | Resident groups                                                      | \$75        | \$75         |
|                 | Non-Resident groups                                                  | \$125       | \$125        |
|                 | Baseball/Softball Weekend Surcharge                                  | \$10        | \$10         |
| 10033204-367000 | <b>Tennis Court Rental (Tournaments, Camps, Clinics)</b>             |             |              |
|                 | Resident ( if reserved)                                              | \$10        | \$10         |
|                 | Non-Resident ( if reserved)                                          | \$20        | \$20         |

# FY20 REVENUE FEE SCHEDULE CHANGE

## Administrative Fees

### Recreation & Facilities Mgmt: Recreation

| Account #       | Revenue Description                                    | FY20        |              |
|-----------------|--------------------------------------------------------|-------------|--------------|
|                 |                                                        | Current Fee | Proposed Fee |
|                 | <b>Camp Fees</b>                                       |             |              |
| 10033302-347100 | Camp Play All Day (K - 1st grade), per week            | \$175.00    | \$200.00     |
|                 | Camp Xperience (2rd -5th grade), per week              | \$175.00    | \$200.00     |
|                 | Camp Cast Away (6th grade - 8th grade), per 3 day week | \$190.00    | \$215.00     |
|                 | <b>Before and After The Bell Program Fees*</b>         |             |              |
| 10033302-347200 | Before and After the Bell Combination                  | \$109.00    | \$109.00     |
|                 | After School Program, per week                         | \$84.00     | \$84.00      |
|                 | Before School Program, per week                        | \$25.00     | \$25.00      |
|                 | <b>Community Center Fees</b>                           |             |              |
|                 | Community Center Gyms (for profit):                    |             |              |
| 10033302-363000 | East End, Riverton Adult Resident per Hour             | \$80.00     | \$80.00      |
|                 | East End, Riverton Adult Non Resident per Hour         | \$85.00     | \$85.00      |
|                 | East End, Riverton Youth Hourly                        | \$25.00     | \$25.00      |
|                 | Reiche Adult Resident per Hour                         | \$60.00     | \$60.00      |
|                 | Reiche Adult Non-Resident per Hour                     | \$85.00     | \$85.00      |
|                 | Reiche Youth Hourly                                    | \$20.00     | \$20.00      |
|                 | <b>Community Center Gyms (non Profit):</b>             |             |              |
| 10033302-363000 | East End, Riverton Portland Non-profit per hour        | \$40.00     | \$40.00      |
|                 | East End, Riverton Non Portland per hour               | \$45.00     | \$45.00      |
|                 | Reiche Portland non-profit per hour                    | \$30.00     | \$30.00      |
|                 | Reiche Non Portland non profit per hour                | \$35.00     | \$35.00      |
|                 | <b>Community Center Room Rental:</b>                   |             |              |
| 10033302-363000 | Large Recreation Community Center Room hourly          | \$50.00     | \$50.00      |
|                 | Small Recreation Community Center Room hourly          | \$30.00     | \$30.00      |
|                 | Recreational Staff fees if needed hourly rate          | \$25.00     | \$25.00      |
|                 | School Custodial fees if needed hourly rate            | \$81.00     | \$81.00      |
|                 | three hour minimum                                     |             |              |



**Parks, Rec & Facilities**  
**FY20 REVENUE FEE SCHEDULE CHANGE**  
**Administrative Fees**

**Division: Aquatics**

| Account #        | Revenue Description                                         | FY20        |              |
|------------------|-------------------------------------------------------------|-------------|--------------|
|                  |                                                             | Current Fee | Proposed Fee |
| 10033303 -347080 | Child - Resident                                            | \$1.00      | \$1.00       |
|                  | Child - Non- Resident                                       | \$2.00      | \$2.00       |
|                  | Teen - Resident                                             | \$1.00      | \$1.00       |
|                  | Teen - Non Resident                                         | \$2.00      | \$2.00       |
| 10033303 -347080 | Kiwanis Adult - Resident                                    | \$4.50      | \$5.50       |
|                  | Kiwanis Adult - Non- Resident                               | \$5.00      | \$6.00       |
| 10033303 -347080 | <u>Reiche &amp; Riverton</u>                                |             |              |
|                  | Adult - Resident                                            | \$4.00      | \$5.00       |
|                  | Adult - Non- Resident                                       | \$4.50      | \$5.50       |
|                  | Senior - Resident (62 & Older )                             | \$3.00      | \$3.50       |
|                  | Senior - Non- Resident (62 & Older)                         | \$3.50      | \$4.00       |
|                  | Master's - Resident                                         | \$5.75      | \$6.75       |
|                  | Master's - Non - Resident                                   | \$6.25      | \$7.25       |
| 10033303 -347080 | Punch Cards                                                 |             |              |
|                  | Adult - Resident - 12 punch pass                            | \$48.00     | \$60.00      |
|                  | Adult - Non - Resident - 12 punch pass                      | \$54.00     | \$66.00      |
|                  | Adult - Resident - 20 - punch pass                          | \$80.00     | \$100.00     |
|                  | Adult - Non - Resident - 20 punch pass                      | \$90.00     | \$110.00     |
|                  | Adult - Resident - 40 punch pass                            | \$160.00    | \$200.00     |
|                  | Adult - Non - Resident - 40 punch pass                      | \$180.00    | \$220.00     |
|                  | Senior Adult - Resident - 12 punch pass (62 & older)        | \$30.00     | \$42.00      |
|                  | Senior Adult - Non - Resident - 12 punch pass (62 & older)  | \$36.00     | \$48.00      |
|                  | Senior Adult - Resident - 20 punch pass (62 & older)        | \$50.00     | \$70.00      |
|                  | Senior Adult - Non - Resident - 20 punch pass (62 & older)  | \$60.00     | \$80.00      |
|                  | Senior Adult - Resident - 40 punch pass (62 & older)        | \$100.00    | \$120.00     |
|                  | Senior Adult - Non - Resident - 40 punch pass (62 & older)  | \$120.00    | \$160.00     |
|                  | Senior Adult - Resident - 6 month pass (62 & older)         | \$140.00    | \$160.00     |
|                  | Senior Adult - Resident - yearly pass (62 & older)          | \$240.00    | \$280.00     |
|                  | Adult Aerobics - Resident - 12 punch pass                   | \$54.00     | \$60.00      |
|                  | Adult Aerobics - Non - Resident - 12 punch pass             | \$60.00     | \$66.00      |
|                  | Senior Aerobics - Resident - 12 punch pass (62 & older)     | \$36.00     | \$48.00      |
|                  | Senior Aerobics - Non-Resident - 12 punch pass (62 & older) | \$45.00     | \$57.00      |
|                  | Masters - Resident - 10 punch pass                          | \$57.50     | \$67.50      |
|                  | Masters - Non - Resident - 10 punch pass                    | \$62.50     | \$72.50      |
|                  | Swimming Instruction                                        |             |              |

|                  |                                                                   |          |               |
|------------------|-------------------------------------------------------------------|----------|---------------|
| 10033303 -347080 | Infant/ Toddler / Preschool - Resident                            | \$7.00   | <b>\$8.00</b> |
|                  | Infant/ Toddler / Preschool - Non - Resident                      | \$7.50   | <b>\$8.50</b> |
|                  | Level 1- Level 3 - Resident                                       | \$7.75   | <b>\$8.75</b> |
|                  | Level 1- Level 3 - Non Resident                                   | \$8.25   | <b>\$9.25</b> |
|                  | Level 4 - Level 6 - Resident                                      | \$8.00   | <b>\$9.00</b> |
|                  | Level 4 - Level 6 - Non- Resident                                 | \$8.50   | <b>\$9.50</b> |
|                  | Adult Aerobics - Daily - Resident                                 | \$4.50   | <b>\$5.00</b> |
|                  | Adult Aerobics - Daily - Non - Resident                           | \$5.00   | <b>\$5.50</b> |
|                  | Senior Adult Aerobics - Daily - Resident (62 & older)             | \$3.50   | <b>\$4.00</b> |
|                  | Senior Adult Aerobics - Daily - Non - Resident (62 & older)       | \$4.25   | <b>\$4.75</b> |
| 10033303 -347080 | Water Safety Instruction course - Resident                        | \$302.00 | \$302.00      |
|                  | Water Safety Instruction course - Non - Resident                  | \$332.00 | \$332.00      |
|                  | Private Lessons - 1/2 hour - Resident                             | \$30.00  | \$30.00       |
|                  | Private Lessons - 1/2 hour - Non - Resident                       | \$35.00  | \$35.00       |
|                  | Private Lessons - 1 hour - Resident                               | \$50.00  | \$50.00       |
|                  | Private Lessons - 1 hour - Non - Resident                         | \$60.00  | \$60.00       |
|                  | Lifeguard Course - Resident                                       | \$200.00 | \$200.00      |
|                  | Lifeguard Course - Non - Resident                                 | \$215.00 | \$215.00      |
| 10033303 -347080 | Pool Rental                                                       |          |               |
|                  | Pool Rental - Portland Porpoise, per hour                         | \$20.00  | \$20.00       |
|                  | Pool Rental - Portland Porpoise, gaurd per hour                   | \$20.00  | \$20.00       |
|                  | Pool Rental - Resident, per hour / Additional Guard \$25 hr       | \$85.00  | \$85.00       |
|                  | Pool Rental - Non - Resident, per hour / Additional guard \$25 hr | \$95.00  | \$95.00       |

# Parks, Recreation & Facilities

## FY20 REVENUE FEE SCHEDULE CHANGE

Division: Public Assemblies

| <u>Account #</u>         | <u>Revenue Description</u>                                            | <u>Current Fee</u> | <u>FY20<br/>Proposed Fee</u> |
|--------------------------|-----------------------------------------------------------------------|--------------------|------------------------------|
| <b>Event Permit Fees</b> |                                                                       |                    |                              |
| 10033401-321000          | Application Fee ( transferrable/non-refundable)                       | \$25.00            | \$25.00                      |
| 10033401-321000          | Administrative Fee ( Based on 1 hr, increase if excessive time spent) | \$40.00            | \$40.00                      |
| 10033401-321000          | Special Event Permit ( Park or Public Space)                          | \$75.00/hr         | \$75.00                      |
| 10033401-321000          | Event w/registration or pledgea & attendance 25-300                   | \$125.00/hr        | \$150.00                     |
| 10033401-321000          | Event w/registration or pledgea & attendance 300 +                    | \$225.00/hr        | \$250.00                     |
| 10033401-321000          | Impact/Street Closure Fee ( variable based on impact)                 | \$100-\$500        | \$100-\$500                  |
| 10033401-321000          | Admin/Staff Fee (Eventy manager support at events)                    | \$37.00/h          | \$40.00                      |
| 10033401-321000          | Wedding Permit ( Fort Allen Park and/or Gazebo)                       | \$250.00 /hr       | \$250.00 /hr                 |
| 10033401-321000          | Wedding Permit ( other locations)                                     | \$100.00           | \$150.00                     |
| 10033401-321000          | Block Party Permit                                                    | \$40.00            | \$50.00                      |
| 10033401-321000          | Banner Permit ( Large hanging, 2 locations)                           | \$50.00/week       | \$75.00/week                 |
| 10033401-321000          | Banner Permit ( pole, multiple locations)                             | 0/month per banner | \$50.00/month per banner     |
| 10033401-321000          | City Porta Restroom User Fee                                          | \$25.00            | \$25.00                      |
| 10033401-321000          | Film Shoot                                                            | \$100.00 /day      | \$150.00 /day                |
| 10033401-321000          | Electricity ( activation/de-activation charge)                        | \$40.00            | \$50.00                      |
| 10033401-321000          | Single Concert License                                                | \$36.00            | \$50.00                      |

**CITY OF PORTLAND, MAINE**

**Memorandum**

**TO:** Jon P. Jennings, City Manager

**FROM:** Gina Tapp, Director of Human Resources

**DATE:** April 24, 2019

**RE:** FY20 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please have the attached Council Order accompany the FY20 budget. This item should be given a first reading on May 6, 2019 and postponed to the May 20, 2019 meeting along with other budget related items.

**STATEMENT OF FACT:**

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT THE HUMAN RESOURCES AND CERTAIN FRINGE BENEFIT BUDGETS.**

Each year the City of Portland enters into agreements to provide services contained in budgets tied to departmental programs.

Human Resources contracts for professional training services, physical fitness testing and services for the Civil Service Commission (written examinations, job suitability assessments and medical examinations).

The Medical budget contains contracted services for claims administration.

The Worker's Compensation budget contains contracted services for claims administration and drug and alcohol testing.

This order will authorize the City Manager to enter into such agreements.

**cc:** Danielle West-Chuhta, Corporate Counsel  
Jennifer Lodge, Budget Analyst



**CITY OF PORTLAND, MAINE**

**Memorandum**

**TO:** Jon P. Jennings, City Manager

**FROM:** Danielle West-Chuhta, Corporate Counsel 

**DATE:** April 24, 2019

**RE:** RESOLUTION RE: SELF-INSURED LIABILITY PROGRAM

**STATEMENT OF FACT:**

This item is requested upon the recommendation of the Office of the Corporation Counsel. The intent is to clearly indicate that the City's limit of liability is that imposed by the Maine Tort Claims Act, notwithstanding the fact that the annual appropriation or the cumulative reserve may exceed \$400,000. This item should be given a first reading on May 6, 2019 and then postponed to the May 20, 2019 meeting along with other budget related items.

cc: Nancy English, Paralegal / Legal Assistant  
Jennifer Lodge, Budget Analyst

**MEMORANDUM**  
**City Council Agenda Item**

**TO:** Mayor & Members of the City Council

**FROM:** Sally Deluca, Director of Recreation & Facilities Management

**DATE:** April 24, 2019

**DISTRIBUTION:** City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,  
Nancy English, Jennifer Lodge

**SUBJECT: Order Authorizing the Director of Parks, Recreation and Facilities  
to Set Fees and Enter into Rental Agreements for City Facilities**

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing are reviewed by legal prior to being changed. This order would authorize the Director or her/his designee to continue to sign such agreements and reaffirm this long-standing practice.

Also these venues and others, for such as the Riverside Golf Course, Riverside Grill, Cemeteries, and Troubh Ice Arena are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

# City of Portland, Maine

## Memorandum

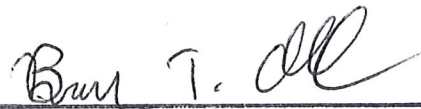
**To:** Jon P. Jennings, City Manager  
**From:** Brendan O'Connell, Finance Director  
**Date:** 04/24/19  
**Re:** FY20 Budget Council Order – HHS Agreements

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Each year the City of Portland enters into agreements and amendments to those agreements, to receive reimbursement for services provided by the Health and Human Services department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 6th agenda.



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Finance Director  
City of Portland, Maine

## City of Portland

# Memo

To: Jon P. Jennings, City Manager

From: Brendan O'Connell, Finance Director

Date: April 24, 2019

Re: FY20 Budget Council Order Agenda Item Request – Authorizing Collection Actions

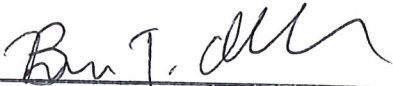
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Please place the attached order on the City Council agenda for first reading and public hearing on May 6th and second reading and passage on May 20, 2019. I am recommending we present this to the City Council for action as it is related to the financial business of the upcoming fiscal year. We have passed this order annually with the budget approved since fiscal year 2003.

This order arises out of the staff proposal to maintain our efficient personal property tax collections. Many times during the fiscal year our personal property tax standard billing and collection procedures prove to be inadequate, and we need to seek legal assistance from the Corporation Counsel's Office. This could involve a company refusal to pay, a bankruptcy declaration or title dispute or other similar matter that requires legal action.

Corporation Counsel advises that the City Council needs to grant specific authority to file legal actions in these kinds of tax cases. Many times we need to act quickly to ask for legal assistance when information comes to our attention, in order to protect the City's interest. We also want to avoid administrative delays by seeking this general authority from the City Council to collect delinquent personal property taxes when necessary. Delegating this authority greatly enhances our personal property collection efforts.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 6<sup>th</sup> agenda.

  
\_\_\_\_\_  
Finance Director  
City of Portland, Maine



**CITY OF PORTLAND, MAINE**

**MEMORANDUM**

**TO:** Jon P. Jennings, City Manager

**FROM:** Gina Tapp, Director of Human Resources

**DATE:** April 24, 2019

**RE:** FY20 Budget Order Re: Implementing Non-Union Wage Adjustment

Please have the attached Council Order accompany the FY20 budget. This item should be given a first reading on May 6, 2019 and a second reading on the May 20, 2019 meeting along with other budget related items.

**ORDER APPROVING SALARY INCREASE FOR NON-UNION PERSONNEL**

This Order authorizes the City Manager to make a 2.5% pay adjustment for all non-union employees effective July 7, 2019.

Each year, budgets permitting, the City of Portland increases the wages and salaries of non-union employees by an amount generally comparable to the amount given to employees covered by collective bargaining agreements.

This order will authorize the City Manager to increase the wages and salaries of non-union employees accordingly.

**cc:** Danielle West-Chuhta, Corporate Counsel  
Jennifer Lodge, Budget Analyst



**Peaks Island Council  
FY 2020 Budget Request  
As Approved for Submission  
February 27, 2019**

**Motion:** The Peaks Island Council requests the Portland City Council to allocate the following funds to the **Peaks Island Council FY2020** Parking and Transportation Fund in the amount of \$40,000 in accordance with the following items:

**Item A:** The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase bicycle tickets for a **summer bike ticket program** on Peaks Island. The total is not to exceed \$500.00.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item B:** The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs-based Peaks Island residents. To receive **Needs-Based tickets**, recipients must fit defined criteria developed by the Peaks Island Council. The total is not to exceed \$3,800.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item C:** The Peaks Island Council requests the City Manager or his designee to transfer to the Portland School Department \$5,000.00 to cover the cost of extending Portland School Department issued 10-month Casco Bay Lines **passes for Peaks Island public middle and high schools students** to 12-month passes.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item D:** The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident **college students**: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$247.00 . For the purposes of PIC transportation support, a college student shall be defined as a full-time island resident carrying a full-time course load (12 credits) at a Portland-area institution of higher education.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item E:** The Peaks Island Council requests the City Manager or his designee to issue vouchers in the amount of \$84 per voucher per student to the parents of **children attending private schools** off-island. Criteria for determination of residency will be directed through the Island/Neighborhood Administrator's Office. Total cost allocated is \$330.00 .

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item F: Police Cadet**

The Peaks Island Council requests that the Portland City Manager allow the allocation of \$2,067 to reimburse the Portland Police Department for a portion of the cost of establishing a Police Cadet on Peaks Island for the period from ***July 1, 2019 – Sept 17, 2019, and for the period from May 25, 2020-June 30, 2020.*** The Cadet will focus on the Island Avenue/Welch Street area. The Cadet will assist with congestion issues in and around the Peaks Island ferry landing.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item G: ITS: a.k.a., Island "Taxi"** The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$20,000.00 to the **Island Transportation System** for continued support of the only transportation service available to residents.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item H:** The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$4,750.00 to **Peaks Island Tax & Energy Assistance (PITEA)** for the express purposes of assisting eligible island residents with heating costs. Applications for eligibility approved by Peaks Island Clergy, and monies are paid by PITEA directly to the fuel company.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item I:** The Peaks Island Council requests the City Manager or his designee to provide an allocation of \$750 to the **Peaks Island Environmental Team (PEAT)** for the purposes of printing visitor-education materials.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item J:** The Peaks Island Council requests the City Manager, or his designee to provide an allocation of \$2056.00 to the Peaks Island Council for **Administrative Expenses**.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**Item K:** The Peaks Island Council requests the City Manager, or his designee provide an allocation of \$500.00 in support of the **Peaks Island Website** to Friends of the Peaks Island Library, a 501c3 organization, serving as fiscal agent for the website effort.

\_\_\_\_\_  
Jon Jennings, Portland City Manager

\_\_\_\_\_  
Date

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** **Order 234-18/19 Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2020 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2020 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

- 1.
2. Implement FY20 Human Resources and Benefits Budgets 5.6.2019

Prepared by:

Date: 4/25/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN  
AGREEMENTS TO IMPLEMENT THE FISCAL YEAR 2020 HUMAN RESOURCES  
AND CERTAIN FRINGE BENEFITS BUDGETS**

**ORDERED,** that the City Manager is authorized to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2020 as needed in order to implement the Human Resources, Medical, Worker's Compensation and Liability budgets.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** Order 235-18/19 Re: Fiscal Year 2020 Self-Insured Liability Program -  
Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.  
Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order establishes the limit of the city's liability as \$400,000 as required by the Maine Tort Claims Act and states the city's commitment to "self-insure" for such liability by approving funds for this purpose.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 20, 2019 to coincide with consideration of the Appropriation Resolve.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 3. FY20 Self-insured Liability Budget

Prepared by:

Date: 4/25/2019





ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER RE: FISCAL YEAR 2020 SELF-INSURED LIABILITY PROGRAM**

**ORDERED,** that pursuant to Article VII, Sec. 15 of the Portland City Charter there is hereby established a Cumulative Reserve Fund for the purpose of enabling the City to pay losses under its self-insurance program or incurred under any deductible insurance policies, which fund shall continue from year to year and shall not lapse as provided in Article VII, Sec. 7 of the Charter; and

**BE IT FURTHER ORDERED,** that pursuant to 14 M.R.S. Sec. 8116, the City Council of the City of Portland hereby states that the City of Portland has self-insured (to the extent set forth herein) against the obligations and liabilities imposed by the Maine Tort Claims Act (hereinafter the "Act"):

1. The Council has, and may from time to time, set aside funds in an account identified as "Liability" to be added to funds previously appropriated and held in reserve, all of which funds have been designed to enable the City to meet the obligations imposed by the Act; and to implement its self-insurance program, including but not limited to, the costs of administration of the program, investigation of claims, and of defense of claims against the City, its officers and employees;
2. The limit of liability assumed by the City is the \$400,000 required by the Act, as it may be amended from time to time, notwithstanding the fact that its appropriation or reserve may exceed the statutory limit of liability;
3. The scope of coverage is limited to those areas for which governmental immunity has been expressly waived by 14 M.R.S.A. Sec. 8104-A, as limited by 14 M.R.S.A. Sec. 8104-B, and 14 M.R.S.A. Sec. 8111. Liability coverage shall not be deemed a waiver of any immunities or limitation of damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, or common law; and
4. The fund shall be administered by the City Manager and Corporation Counsel who shall settle all claims and pay all judgments for which the City may be legally liable under the Act or under the law of any jurisdiction to which the City, its officers or employees may be subject.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** **Order 236-18/19 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed. This order would authorize the Director or her or his designee to continue to sign such agreements and reaffirm this long-standing practice.

Venues/programs such as the Public Assembly, Recreation Division before and afterschool, Riverside Golf Course, Riverside Grill, Cemeteries and Troubh Ice Arena are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage after public comment. Staff is recommending that this item be postponed to the City Council meeting of May 20 to coincide with consideration of the Appropriation Resolve.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

## **VII. RECOMMENDATION**

## **VIII. LIST ATTACHMENTS**

1. 4. FY20 Director of Parks, Rec. and Fac. Authorized

Prepared by:

Date: 4/25/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING THE DIRECTOR OF PARKS,  
RECREATION AND FACILITIES TO SET FEES AND ENTER RENTAL  
AGREEMENTS FOR CITY FACILITIES**

**ORDERED,** that the Director of Parks, Recreation and Facilities or his or her designee is hereby authorized to set fees, enter and sign rental lease agreements or contracts for City facilities.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** **Order 237-18/19 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2020 Health and Human Services Budget –Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 5. FY20 Health and Human Services Budget

Prepared by:

Date: 4/25/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING THE CITY MANAGER  
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT  
FISCAL YEAR 2020 HEALTH & HUMAN SERVICES BUDGET**

**ORDERED,** that the City Manager or his or her designee be and hereby is authorized to enter into:

1. Standard agreements and amendments to standard agreements with other governmental agencies for Fiscal Year 2020 to implement the Health & Human Services operating budget; and
2. Agreements with providers of services and lessors of property to provide services for Health & Human Services programs.



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** Order 238-18/19 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This order authorizes the City Manager to accept and appropriate donations up to \$50,000 for existing and new scholarship trusts and enter into standard form trust agreements as approved by Corporation Counsel.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 20 to coincide with consideration of the Appropriation Resolve.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 6. FY20 Accept Scholarship Trust Donations, Bequests from Wills and Trusts, and Enter into Trust Agreements

Prepared by:

Date: 4/25/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING THE CITY MANAGER TO  
ACCEPT SCHOLARSHIP AND TRUST DONATIONS AND BEQUESTS AND ENTER  
INTO TRUST AGREEMENTS**

**ORDERED,** that the City Manager is authorized to accept and to appropriate donations for existing and new scholarship funds, and bequests from wills and trusts in amounts of up to \$50,000 in Fiscal Year 2020; and

**BE IT FURTHER ORDERED,** that the City Manager is authorized to enter into standard form trust agreements and other associated documents and/or agreements as approved by the Corporation Counsel.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** May 2, 2019

**SUBJECT:** **Order 239-18/19 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.**

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case by case approach.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 20 to coincide with consideration of the Appropriation Resolve.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 7. FY20 Authorizing Corp Counsel ...Collect Delinquent Personal Property Taxes

Prepared by:

Date: 5/2/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING CORPORATION COUNSEL  
TO UNDERTAKE CIVIL ACTIONS TO COLLECT  
DELINQUENT PERSONAL PROPERTY TAXES**

**ORDERED,** that the Corporation Counsel, through the use of City Attorneys or Contractors, is hereby authorized to institute legal proceedings on behalf of the City to collect delinquent personal property taxes against debtors who have failed to pay the taxes when due.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** Order 240-18/19 Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This Order authorizes the City Manager to utilize a 2.5% COLA for pay adjustments for non-union employees and approves the new pay plan.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 8. FY20 Non-Union Wage Adjustment
2. FY20 CO Non-Union CM Proposed Pay Plan Backup Material (05-03-19)

Prepared by:

Date: 4/25/2019



ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY M. COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT**

**ORDERED,** that an overall wage increase of two and one-half percent (2.5 %) for non-union employees is hereby approved effective July 1, 2019; and

**BE IT FURTHER ORDERED,** that the updated updated non-union pay plan in substantially the form attached hereto is hereby approved, and

**BE IT FURTHER ORDERED,** that the Mayor, the City Council, the City Clerk and Corporation Counsel shall receive a two and one-half percent (2.5%) wage increase effective July 1, 2019.

**FY20**  
**NON-UNION BASE PAY PLAN**  
**City Manager's Proposed**  
**(07/07/19 - 06/30/20)**

Groups: 1100 & 2000 (01 & 02)

COLA Estimated: **2.50%**

| Tyler Grade / Step        |        | 0            | 1            | 2            | 3            | 4            | 5            | 6            | 7            | 8            | 9            | 10           |
|---------------------------|--------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PAY                       | STEP   | 1            | 2            | 3            | 4            | 5            | 6            | 7            | 8            | 9            | 10           | MAX          |
| GRADE                     | STEP   | 1            | 2            | 3            | 4            | 5            | 6            | 7            | 8            | 9            | 10           | 11           |
| <b>B21</b><br><b>2002</b> | Annual | 34,749       | 35,802       | 36,875       | 37,986       | 39,117       | 40,287       | 41,516       | 42,744       | 44,031       | 45,357       | 46,703       |
|                           | Weekly | 668.25       | 688.50       | 709.13       | 730.50       | 752.25       | 774.75       | 798.38       | 822.00       | 846.75       | 872.25       | 898.13       |
|                           | Hourly | <u>17.82</u> | <u>18.36</u> | <u>18.91</u> | <u>19.48</u> | <u>20.06</u> | <u>20.66</u> | <u>21.29</u> | <u>21.92</u> | <u>22.58</u> | <u>23.26</u> | <u>23.95</u> |
| <b>B22</b><br>---         | Annual | 37,908       | 39,059       | 40,229       | 41,438       | 42,666       | 43,953       | 45,279       | 46,625       | 48,029       | 49,472       | 50,973       |
|                           | Weekly | 729.00       | 751.13       | 773.63       | 796.88       | 820.50       | 845.25       | 870.75       | 896.63       | 923.63       | 951.38       | 980.25       |
|                           | Hourly | <u>19.44</u> | <u>20.03</u> | <u>20.63</u> | <u>21.25</u> | <u>21.88</u> | <u>22.54</u> | <u>23.22</u> | <u>23.91</u> | <u>24.63</u> | <u>25.37</u> | <u>26.14</u> |
| <b>B23</b><br><b>2004</b> | Annual | 41,067       | 42,315       | 43,583       | 44,889       | 46,235       | 47,619       | 49,043       | 50,525       | 52,026       | 53,586       | 55,205       |
|                           | Weekly | 789.75       | 813.75       | 838.13       | 863.25       | 889.13       | 915.75       | 943.13       | 971.63       | 1,000.50     | 1,030.50     | 1,061.63     |
|                           | Hourly | <u>21.06</u> | <u>21.70</u> | <u>22.35</u> | <u>23.02</u> | <u>23.71</u> | <u>24.42</u> | <u>25.15</u> | <u>25.91</u> | <u>26.68</u> | <u>27.48</u> | <u>28.31</u> |
| <b>B24</b><br><b>2006</b> | Annual | 45,026       | 46,391       | 47,775       | 49,218       | 50,681       | 52,202       | 53,762       | 55,380       | 57,038       | 58,773       | 60,528       |
|                           | Weekly | 865.88       | 892.13       | 918.75       | 946.50       | 974.63       | 1,003.88     | 1,033.88     | 1,065.00     | 1,096.88     | 1,130.25     | 1,164.00     |
|                           | Hourly | <u>23.09</u> | <u>23.79</u> | <u>24.50</u> | <u>25.24</u> | <u>25.99</u> | <u>26.77</u> | <u>27.57</u> | <u>28.40</u> | <u>29.25</u> | <u>30.14</u> | <u>31.04</u> |
| <b>B31</b><br>---         | Annual | 45,026       | 46,391       | 47,775       | 49,218       | 50,681       | 52,202       | 53,762       | 55,380       | 57,038       | 58,773       | 60,528       |
|                           | Weekly | 865.88       | 892.13       | 918.75       | 946.50       | 974.63       | 1,003.88     | 1,033.88     | 1,065.00     | 1,096.88     | 1,130.25     | 1,164.00     |
|                           | Hourly | <u>23.09</u> | <u>23.79</u> | <u>24.50</u> | <u>25.24</u> | <u>25.99</u> | <u>26.77</u> | <u>27.57</u> | <u>28.40</u> | <u>29.25</u> | <u>30.14</u> | <u>31.04</u> |
| <b>B25</b><br><b>2008</b> | Annual | 49,764       | 51,266       | 52,806       | 54,386       | 56,024       | 57,701       | 59,417       | 61,230       | 63,044       | 64,935       | 66,905       |
|                           | Weekly | 957.00       | 985.88       | 1,015.50     | 1,045.88     | 1,077.38     | 1,109.63     | 1,142.63     | 1,177.50     | 1,212.38     | 1,248.75     | 1,286.63     |
|                           | Hourly | <u>25.52</u> | <u>26.29</u> | <u>27.08</u> | <u>27.89</u> | <u>28.73</u> | <u>29.59</u> | <u>30.47</u> | <u>31.40</u> | <u>32.33</u> | <u>33.30</u> | <u>34.31</u> |
| <b>B32</b><br><b>2010</b> | Annual | 49,764       | 51,266       | 52,806       | 54,386       | 56,024       | 57,701       | 59,417       | 61,230       | 63,044       | 64,935       | 66,905       |
|                           | Weekly | 957.00       | 985.88       | 1,015.50     | 1,045.88     | 1,077.38     | 1,109.63     | 1,142.63     | 1,177.50     | 1,212.38     | 1,248.75     | 1,286.63     |
|                           | Hourly | <u>25.52</u> | <u>26.29</u> | <u>27.08</u> | <u>27.89</u> | <u>28.73</u> | <u>29.59</u> | <u>30.47</u> | <u>31.40</u> | <u>32.33</u> | <u>33.30</u> | <u>34.31</u> |

| Tyler Step                            |        | 0            | 1            | 2            | 3            | 4            | 5            | 6             |   |   |    |    | MAX          |
|---------------------------------------|--------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|---|---|----|----|--------------|
| PAY                                   | STEP   | 1            | 2            | 3            | 4            | 5            | 6            | Control Point |   |   |    |    | 13           |
| GRADE                                 | STEP   | 1            | 2            | 3            | 4            | 5            | 6            | 7             | 8 | 9 | 10 | 11 | 12           |
| <b>C41</b><br><b>2020</b>             | Annual | 59,826       | 61,620       | 63,473       | 65,384       | 67,334       | 69,362       | 71,429        |   |   |    |    | 85,313       |
|                                       | Weekly | 1,150.50     | 1,185.00     | 1,220.63     | 1,257.38     | 1,294.88     | 1,333.88     | 1,373.63      |   |   |    |    | 1,640.63     |
|                                       | Hourly | <u>30.68</u> | <u>31.60</u> | <u>32.55</u> | <u>33.53</u> | <u>34.53</u> | <u>35.57</u> | <u>36.63</u>  |   |   |    |    | <u>43.75</u> |
| <b>C42</b><br><b>2022</b>             | Annual | 62,829       | 64,701       | 66,632       | 68,640       | 70,688       | 72,833       | 75,017        |   |   |    |    | 89,564       |
|                                       | Weekly | 1,208.25     | 1,244.25     | 1,281.38     | 1,320.00     | 1,359.38     | 1,400.63     | 1,442.63      |   |   |    |    | 1,722.38     |
|                                       | Hourly | <u>32.22</u> | <u>33.18</u> | <u>34.17</u> | <u>35.20</u> | <u>36.25</u> | <u>37.35</u> | <u>38.47</u>  |   |   |    |    | <u>45.93</u> |
| <b>C43</b><br><b>2024</b>             | Annual | 65,969       | 67,938       | 69,986       | 72,072       | 74,237       | 76,479       | 78,761        |   |   |    |    | 94,049       |
|                                       | Weekly | 1,268.63     | 1,306.50     | 1,345.88     | 1,386.00     | 1,427.63     | 1,470.75     | 1,514.63      |   |   |    |    | 1,808.63     |
|                                       | Hourly | <u>33.83</u> | <u>34.84</u> | <u>35.89</u> | <u>36.96</u> | <u>38.07</u> | <u>39.22</u> | <u>40.39</u>  |   |   |    |    | <u>48.23</u> |
| <b>C44</b>                            | Annual | 69,576       | 71,663       | 73,808       | 76,031       | 78,312       | 80,652       | 83,070        |   |   |    |    | 99,197       |
|                                       | Weekly | 1,338.00     | 1,378.13     | 1,419.38     | 1,462.13     | 1,506.00     | 1,551.00     | 1,597.50      |   |   |    |    | 1,907.63     |
|                                       | Hourly | <u>35.68</u> | <u>36.75</u> | <u>37.85</u> | <u>38.99</u> | <u>40.16</u> | <u>41.36</u> | <u>42.60</u>  |   |   |    |    | <u>50.87</u> |
| <b>C44/DC</b><br><b>42 hrs</b><br>--- | Annual | 77,925       | 80,262       | 82,664       | 85,154       | 87,709       | 90,330       | 93,038        |   |   |    |    | 111,100      |
|                                       | Weekly | 1,498.56     | 1,543.50     | 1,589.70     | 1,637.58     | 1,686.72     | 1,737.12     | 1,789.20      |   |   |    |    | 2,136.54     |
|                                       | Hourly | <u>35.68</u> | <u>36.75</u> | <u>37.85</u> | <u>38.99</u> | <u>40.16</u> | <u>41.36</u> | <u>42.60</u>  |   |   |    |    | <u>50.87</u> |
| <b>C51</b><br><b>2032</b>             | Annual | 69,576       | 71,663       | 73,808       | 76,031       | 78,312       | 80,652       | 83,070        |   |   |    |    | 99,197       |
|                                       | Weekly | 1,338.00     | 1,378.13     | 1,419.38     | 1,462.13     | 1,506.00     | 1,551.00     | 1,597.50      |   |   |    |    | 1,907.63     |
|                                       | Hourly | <u>35.68</u> | <u>36.75</u> | <u>37.85</u> | <u>38.99</u> | <u>40.16</u> | <u>41.36</u> | <u>42.60</u>  |   |   |    |    | <u>50.87</u> |
| <b>C45</b><br><b>2030</b>             | Annual | 74,588       | 76,830       | 79,151       | 81,510       | 83,967       | 86,483       | 89,057        |   |   |    |    | 106,353      |
|                                       | Weekly | 1,434.38     | 1,477.50     | 1,522.13     | 1,567.50     | 1,614.75     | 1,663.13     | 1,712.63      |   |   |    |    | 2,045.25     |
|                                       | Hourly | <u>38.25</u> | <u>39.40</u> | <u>40.59</u> | <u>41.80</u> | <u>43.06</u> | <u>44.35</u> | <u>45.67</u>  |   |   |    |    | <u>54.54</u> |
| <b>C52</b><br><b>2034</b>             | Annual | 74,588       | 76,830       | 79,151       | 81,510       | 83,967       | 86,483       | 89,057        |   |   |    |    | 106,353      |
|                                       | Weekly | 1,434.38     | 1,477.50     | 1,522.13     | 1,567.50     | 1,614.75     | 1,663.13     | 1,712.63      |   |   |    |    | 2,045.25     |
|                                       | Hourly | <u>38.25</u> | <u>39.40</u> | <u>40.59</u> | <u>41.80</u> | <u>43.06</u> | <u>44.35</u> | <u>45.67</u>  |   |   |    |    | <u>54.54</u> |

**FY20**  
**NON-UNION BASE PAY PLAN**  
**City Manager's Proposed**  
**(07/07/19 - 06/30/20)**

Groups: 1100 & 2000 (01 & 02)

COLA Estimated: **2.50%**

| Tyler Step |        | 0            | 1            | 2            | 3            | 4            | 5            | 6       |              |   |   |            |    |    |  |              |
|------------|--------|--------------|--------------|--------------|--------------|--------------|--------------|---------|--------------|---|---|------------|----|----|--|--------------|
| PAY        |        |              |              |              |              |              |              | Control |              |   |   |            |    |    |  | MAX          |
| GRADE      | STEP   | 1            | 2            | 3            | 4            | 5            | 6            | Point   | 7            | 8 | 9 | 10         | 11 | 12 |  | 13           |
| D61        | Annual | 79,073       | 81,432       | 83,870       | 86,385       | 88,979       | 91,670       |         | 94,400       |   |   |            |    |    |  | 112,730      |
| 2040       | Weekly | 1,520.63     | 1,566.00     | 1,612.88     | 1,661.25     | 1,711.13     | 1,762.88     |         | 1,815.38     |   |   |            |    |    |  | 2,167.88     |
|            | Hourly | <u>40.55</u> | <u>41.76</u> | <u>43.01</u> | <u>44.30</u> | <u>45.63</u> | <u>47.01</u> |         | <u>48.41</u> |   |   | Open Range |    |    |  | <u>57.81</u> |
| D62        | Annual | 83,012       | 85,508       | 88,062       | 90,695       | 93,444       | 96,233       |         | 99,119       |   |   |            |    |    |  | 118,365      |
| 2042       | Weekly | 1,596.38     | 1,644.38     | 1,693.50     | 1,744.13     | 1,797.00     | 1,850.63     |         | 1,906.13     |   |   |            |    |    |  | 2,276.25     |
|            | Hourly | <u>42.57</u> | <u>43.85</u> | <u>45.16</u> | <u>46.51</u> | <u>47.92</u> | <u>49.35</u> |         | <u>50.83</u> |   |   | Open Range |    |    |  | <u>60.70</u> |
| D63        | Annual | 87,165       | 89,778       | 92,489       | 95,238       | 98,105       | 101,049      |         | 104,072      |   |   |            |    |    |  | 124,274      |
| 2044       | Weekly | 1,676.25     | 1,726.50     | 1,778.63     | 1,831.50     | 1,886.63     | 1,943.25     |         | 2,001.38     |   |   |            |    |    |  | 2,389.88     |
|            | Hourly | <u>44.70</u> | <u>46.04</u> | <u>47.43</u> | <u>48.84</u> | <u>50.31</u> | <u>51.82</u> |         | <u>53.37</u> |   |   | Open Range |    |    |  | <u>63.73</u> |
| D64        | Annual | 91,943       | 94,692       | 97,539       | 100,484      | 103,467      | 106,587      |         | 109,785      |   |   |            |    |    |  | 131,099      |
| 2047       | Weekly | 1,768.13     | 1,821.00     | 1,875.75     | 1,932.38     | 1,989.75     | 2,049.75     |         | 2,111.25     |   |   |            |    |    |  | 2,521.13     |
|            | Hourly | <u>47.15</u> | <u>48.56</u> | <u>50.02</u> | <u>51.53</u> | <u>53.06</u> | <u>54.66</u> |         | <u>56.30</u> |   |   | Open Range |    |    |  | <u>67.23</u> |
| D71        | Annual | 91,943       | 94,692       | 97,539       | 100,484      | 103,467      | 106,587      |         | 109,785      |   |   |            |    |    |  | 131,099      |
| ---        | Weekly | 1,768.13     | 1,821.00     | 1,875.75     | 1,932.38     | 1,989.75     | 2,049.75     |         | 2,111.25     |   |   |            |    |    |  | 2,521.13     |
|            | Hourly | <u>47.15</u> | <u>48.56</u> | <u>50.02</u> | <u>51.53</u> | <u>53.06</u> | <u>54.66</u> |         | <u>56.30</u> |   |   | Open Range |    |    |  | <u>67.23</u> |
| D65        | Annual | 98,573       | 101,537      | 104,579      | 107,718      | 110,955      | 114,290      |         | 117,702      |   |   |            |    |    |  | 140,556      |
| 2045       | Weekly | 1,895.63     | 1,952.63     | 2,011.13     | 2,071.50     | 2,133.75     | 2,197.88     |         | 2,263.50     |   |   |            |    |    |  | 2,703.00     |
|            | Hourly | <u>50.55</u> | <u>52.07</u> | <u>53.63</u> | <u>55.24</u> | <u>56.90</u> | <u>58.61</u> |         | <u>60.36</u> |   |   | Open Range |    |    |  | <u>72.08</u> |
| D72        | Annual | 98,573       | 101,537      | 104,579      | 107,718      | 110,955      | 114,290      |         | 117,702      |   |   |            |    |    |  | 140,556      |
| 2048       | Weekly | 1,895.63     | 1,952.63     | 2,011.13     | 2,071.50     | 2,133.75     | 2,197.88     |         | 2,263.50     |   |   |            |    |    |  | 2,703.00     |
|            | Hourly | <u>50.55</u> | <u>52.07</u> | <u>53.63</u> | <u>55.24</u> | <u>56.90</u> | <u>58.61</u> |         | <u>60.36</u> |   |   | Open Range |    |    |  | <u>72.08</u> |
|            |        |              |              |              |              |              |              |         |              |   |   |            |    |    |  |              |
| E81        | Annual | 104,481      | 107,621      | 110,858      | 114,173      | 117,585      | 121,134      |         | 124,761      |   |   |            |    |    |  | 148,961      |
| 1101       | Weekly | 2,009.25     | 2,069.63     | 2,131.88     | 2,195.63     | 2,261.25     | 2,329.50     |         | 2,399.25     |   |   |            |    |    |  | 2,864.63     |
|            | Hourly | <u>53.58</u> | <u>55.19</u> | <u>56.85</u> | <u>58.55</u> | <u>60.30</u> | <u>62.12</u> |         | <u>63.98</u> |   |   | Open Range |    |    |  | <u>76.39</u> |
| E82        | Annual | 109,707      | 112,983      | 116,396      | 119,886      | 123,455      | 127,179      |         | 131,001      |   |   |            |    |    |  | 156,410      |
| 1102       | Weekly | 2,109.75     | 2,172.75     | 2,238.38     | 2,305.50     | 2,374.13     | 2,445.75     |         | 2,519.25     |   |   |            |    |    |  | 3,007.88     |
|            | Hourly | <u>56.26</u> | <u>57.94</u> | <u>59.69</u> | <u>61.48</u> | <u>63.31</u> | <u>65.22</u> |         | <u>67.18</u> |   |   | Open Range |    |    |  | <u>80.21</u> |
| E83        | Annual | 115,187      | 118,638      | 122,207      | 125,853      | 129,636      | 133,536      |         | 137,534      |   |   |            |    |    |  | 164,229      |
| 1103       | Weekly | 2,215.13     | 2,281.50     | 2,350.13     | 2,420.25     | 2,493.00     | 2,568.00     |         | 2,644.88     |   |   |            |    |    |  | 3,158.25     |
|            | Hourly | <u>59.07</u> | <u>60.84</u> | <u>62.67</u> | <u>64.54</u> | <u>66.48</u> | <u>68.48</u> |         | <u>70.53</u> |   |   | Open Range |    |    |  | <u>84.22</u> |
| E84        | Annual | 121,505      | 125,151      | 128,895      | 132,776      | 136,754      | 140,849      |         | 145,080      |   |   |            |    |    |  | 173,238      |
| ---        | Weekly | 2,336.63     | 2,406.75     | 2,478.75     | 2,553.38     | 2,629.88     | 2,708.63     |         | 2,790.00     |   |   |            |    |    |  | 3,331.50     |
|            | Hourly | <u>62.31</u> | <u>64.18</u> | <u>66.10</u> | <u>68.09</u> | <u>70.13</u> | <u>72.23</u> |         | <u>74.40</u> |   |   | Open Range |    |    |  | <u>88.84</u> |
| E91        | Annual | 121,505      | 125,151      | 128,895      | 132,776      | 136,754      | 140,849      |         | 145,080      |   |   |            |    |    |  | 173,238      |
| ---        | Weekly | 2,336.63     | 2,406.75     | 2,478.75     | 2,553.38     | 2,629.88     | 2,708.63     |         | 2,790.00     |   |   |            |    |    |  | 3,331.50     |
|            | Hourly | <u>62.31</u> | <u>64.18</u> | <u>66.10</u> | <u>68.09</u> | <u>70.13</u> | <u>72.23</u> |         | <u>74.40</u> |   |   | Open Range |    |    |  | <u>88.84</u> |
| E85        | Annual | 130,280      | 134,180      | 138,216      | 142,350      | 146,621      | 151,028      |         | 155,552      |   |   |            |    |    |  | 185,738      |
| ---        | Weekly | 2,505.38     | 2,580.38     | 2,658.00     | 2,737.50     | 2,819.63     | 2,904.38     |         | 2,991.38     |   |   |            |    |    |  | 3,571.88     |
|            | Hourly | <u>66.81</u> | <u>68.81</u> | <u>70.88</u> | <u>73.00</u> | <u>75.19</u> | <u>77.45</u> |         | <u>79.77</u> |   |   | Open Range |    |    |  | <u>95.25</u> |
| E92        | Annual | 130,280      | 134,180      | 138,216      | 142,350      | 146,621      | 151,028      |         | 155,552      |   |   |            |    |    |  | 185,738      |
| 1104       | Weekly | 2,505.38     | 2,580.38     | 2,658.00     | 2,737.50     | 2,819.63     | 2,904.38     |         | 2,991.38     |   |   |            |    |    |  | 3,571.88     |
|            | Hourly | <u>66.81</u> | <u>68.81</u> | <u>70.88</u> | <u>73.00</u> | <u>75.19</u> | <u>77.45</u> |         | <u>79.77</u> |   |   | Open Range |    |    |  | <u>95.25</u> |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** **Order 241-18/19 Designating Fiscal Year 2020 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.-Chair.**

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY20:

|                |                                                                  |          |
|----------------|------------------------------------------------------------------|----------|
| <b>Item A:</b> | Peaks Island Summer Bike Ticket Program                          | \$500    |
| <b>Item B:</b> | PI Needs-Based Boat Tickets                                      | \$3,800  |
| <b>Item C:</b> | PI Portland Public Middle & High School Student Boat Passes      | \$5,000  |
| <b>Item D:</b> | PI Full-time College Students (Portland Area) 3 Monthly Stickers | \$247    |
| <b>Item E:</b> | PI Children Attending Private Schools Vouchers                   | \$330    |
| <b>Item F:</b> | PI Police Cadet Funding                                          | \$2,067  |
| <b>Item G:</b> | PI ITS (Island "Taxi"): Island Transportation System             | \$20,000 |
| <b>Item H:</b> | PI PITEA (Heating): Peaks Island Tax & Energy Assistance         | \$4,750  |
| <b>Item I:</b> | PI PEAT Brochure: Peaks Island Environmental Team                | \$750    |
| <b>Item J:</b> | PI Administrative Expenses                                       |          |

|                |                                                            |                 |
|----------------|------------------------------------------------------------|-----------------|
|                |                                                            | \$2,056         |
| <b>Item K:</b> | Peaks Island Website (Friends of the Peaks Island Library) | \$500           |
| <b>TOTAL:</b>  |                                                            | <b>\$40,000</b> |

This item must be read on two separate days. This is its first reading.

### **III. BACKGROUND**

### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

### **V. FINANCIAL IMPACT**

### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

### **VII. RECOMMENDATION**

### **VIII. LIST ATTACHMENTS**

1. 9. FY20 Funds for Specific Island Services

Prepared by:

Date: 4/25/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DESIGNATING FISCAL YEAR 2020 FUNDS FOR  
SPECIFIC ISLAND SERVICES**

**ORDERED,** that \$40,000 from the Fiscal Year 2020 municipal budget is hereby designated to pay for the Peaks Island services specified in list attached hereto.

|                |                                                             |                 |
|----------------|-------------------------------------------------------------|-----------------|
| <b>Item A:</b> | Peaks Island (PI) Summer Bike Ticket Program                | \$500           |
| <b>Item B:</b> | PI Needs-Based Boat Tickets                                 | \$3,800         |
| <b>Item C:</b> | PI Portland Public Middle & High School Student Boat Passes | \$5,000         |
| <b>Item D:</b> | PI Full-time College Students (Portland Area) 3 Monthly     | \$247           |
| <b>Item E:</b> | PI Children Attending Private Schools Vouchers              | \$330           |
| <b>Item F:</b> | PI Police Cadet Funding                                     | \$2,067         |
| <b>Item G:</b> | PI ITS (Island “Taxi”): Island Transportation System        | \$20,000        |
| <b>Item H:</b> | PI PITEA (Heating): Peaks Island Tax & Energy Assistance    | \$4,750         |
| <b>Item I:</b> | PI PEAT Brochure: Peaks Island Environmental Team           | \$750           |
| <b>Item J:</b> | PI Administrative Expenses                                  | \$2,056         |
| <b>Item K:</b> | Peaks Island Website (Friends of the Peaks Island Library)  | \$500           |
| <b>TOTAL:</b>  |                                                             | <b>\$40,000</b> |

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** Order 242-18/19 Appropriating \$1,000,000 from the Sale of 0 Hancock Street with \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Land Project - Sponsored by the Finance Committee, Councilor Nicolas M. Mavodones, Jr. Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

The final \$1,000,000 of sale proceeds from the 0 Hancock Street sales proceeds are allocated as follows: \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Landing capital improvement plan project.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 10. Appropriating \$1M from sale of 0 Hancock Street to Housing Trust and Portland Land Project  
5.6.2019

Prepared by:



Date: 4/25/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROPRIATING \$1,000,000 FROM  
THE SALE OF 0 HANCOCK STREET WITH \$200,000 TO THE HOUSING TRUST  
FUND AND \$800,000 TO THE PORTLAND LAND PROJECT**

**ORDERED**, that \$200,000 from the sale of city-owned 0 Hancock Street is hereby appropriated to the Housing Trust Fund; and

**BE IT FURTHER ORDERED**, that \$800,000 from the sale of city-owned 0 Hancock Street is hereby appropriated to the Portland Landing Capital Improvement Plan Project; and

**BE IT FURTHER ORDERED**, that the City Council hereby authorizes the City Manager or his or her designee to execute said document and any other related documents necessary or convenient to carry out the intent of said document.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 25, 2019

**SUBJECT:** Order 243-18/19 Appropriating \$750,000 from Assigned Fund Balance for Workers' Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

The sum of Seven Hundred Fifty Thousand Dollars (\$750,000) of Assigned Fund Balance is hereby appropriated for use within the City's Workers Compensation and Self Insurance program. This funding is in lieu of an FY20 operating budget request and will be used to pay one-time expenses related to workers compensation claims.

This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. 11. Order Appropriating \$750,000 from Assigned Fund Balance for Workers' Compensation Self-Insurance

Prepared by:

Date: 4/25/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROPRIATING \$750,000 FROM ASSIGNED FUND BALANCE FOR  
WORKERS' COMPENSATION SELF INSURANCE**

**ORDERED**, that \$750,000 from the Assigned Fund Balance is hereby appropriated to the City's  
Workers' Compensation and Self-Insurance program; and

**BE IT FURTHER ORDERED**, that the City Manager or his or her designee is hereby  
authorized to sign whatever documents are necessary to effect the intent and  
purpose of this order.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 30, 2019

**SUBJECT: RELATED ORDINANCE AMENDMENT:**

**Order 244-18/19 Amendment to Portland City Code RE: Various Fee  
Increases for Fiscal Year 2020 - Sponsored by the Finance Committee,  
Councilor Nicholas M. Mavodones, Jr. Chair.**

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

**Part 1** adds definitions and a new license in **Chapter 3** §§31-33

| <b>Chapter 3</b> | <b>Description</b>                                                          | <b>Current Fee</b> | <b>Current Fee</b> |
|------------------|-----------------------------------------------------------------------------|--------------------|--------------------|
| <b>Sec.(New)</b> |                                                                             |                    |                    |
| §§31-33          | Small and Large Brewery,<br>Winery, and Distilling<br>Manufacturing License | NA                 | NA                 |

**Part 2** adds the following new fees in **Chapter 6** (§6-152):

| <b>Chapter 6</b>                                 | <b>Description</b>                               | <b>Current Fee</b> | <b>Proposed Fee</b> |
|--------------------------------------------------|--------------------------------------------------|--------------------|---------------------|
| <b>Sec.(New)</b>                                 |                                                  |                    |                     |
|                                                  | Rental Registration more than 30<br>days expired | NA                 | \$10 / Unit         |
| <b>Total revenue increase for FY20: \$32,360</b> |                                                  |                    |                     |

Part 3 adds the following new fees in in Chapter 15 in §15-12:

| Chapter 15                                       | Description                                         | Current Fee | Proposed Fee |
|--------------------------------------------------|-----------------------------------------------------|-------------|--------------|
| <i>Sec. 15-12</i>                                |                                                     |             |              |
|                                                  | <b>Small Breweries</b><br>(50,000 Gal & Less)       | NA          | \$250        |
|                                                  | <b>Large Breweries</b><br>(More than 50,000 Gal)    | NA          | \$2,000      |
|                                                  | <b>Small Wineries</b><br>(50,000 Gal & Less)        | NA          | \$250        |
|                                                  | <b>Large Wineries</b><br>(More than 50,000 Gal)     | NA          | \$2,000      |
|                                                  | <b>Small Distilleries</b><br>(50,000 Gal & Less)    | NA          | \$250        |
|                                                  | <b>Large Distilleries</b><br>(More than 50,000 Gal) | NA          | \$2,000      |
| <b>Total revenue increase for FY20: \$26,250</b> |                                                     |             |              |

### III. BACKGROUND

### IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

### V. FINANCIAL IMPACT

### VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

### VII. RECOMMENDATION

### VIII. LIST ATTACHMENTS

1. Fee Increases for FY2020 5.1.2019
2. City Code Fee Amendments

Prepared by:

Date: 4/30/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE**

**Re: VARIOUS NEW FEES AND FEE INCREASES FOR FISCAL YEAR 2020  
IN CHAPTERS 3, 6, 15, 24 and 25**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Sections 3-31 and 3-32 are hereby amended and Chapter 3 of the Portland City Code is hereby amended by adding a section, to be numbered 3-33, which said sections reads as follows:*

**Sec. 3-31 Definitions**

(a) For the purposes of this Article, the terms ~~small~~ ~~brewery~~, ~~B~~brewery, ~~small~~ ~~d~~distillery, ~~distillery~~, ~~M~~malt liquor, ~~Spirits~~~~spirits~~, ~~Win~~wine, ~~winery~~ and ~~small~~ ~~W~~winery shall have the same meanings as provided in 28-A M.R.S. §2, as amended hereafter.

(b) A large brewery, distillery or winery shall mean a brewery, distillery or winery that manufactures more than 50,000 gallons of its defined product per year.

**Sec. 3-32 Brewery, Winery and Distillery Alcohol License.**

(a) No brewery, winery, or distillery shall serve or sell spirits, wine, or malt liquor for on-premises consumption unless it is licensed pursuant to this section and Chapter 15. This division shall apply to those who serve or sell based on a license issued pursuant to 28-A M.R.S. §1355-A(I), as amended hereafter.

(b) A brewery, winery, or distillery that is properly licensed to serve or sell spirits, wine, or malt liquor for consumption as part of its City of Portland Chapter 11 Food Service Establishment license is not required to obtain a license under this section. A brewery, winery, or distillery that is required to be licensed as a Food Service Establishment



pursuant to Chapter 11, however, does not satisfy that requirement by obtaining a license under this section.

**Sec. 3-33 Brewery, Winery and Distillery Manufacturing License**

(a) No small brewery, large brewery, small winery, large winery, small distillery, or large distillery, that is required to be licensed pursuant to Title 28-A of the Maine Revised Statutes shall brew, distill, produce, or sell spirits, wine, or malt liquor unless it is licensed pursuant to this section and Chapter 15.

(b) This license shall be in addition to any license required under Sec. 3-32 of this Code.

2. *That Section 6-152 is hereby amended to read as follows:*

**Sec. 6-152. Registration Fees.**

(a) *Annual Registration Fee.* Upon initial registration and by January 1st of each year, registrants shall pay the City a registration fee for each rental unit, in the amounts set forth below. A rental unit shall not be considered registered unless and until this fee is paid in full.

...

(e) Registrations that are not renewed by February 1 shall be subject to a late fee of \$10 per unit. Registrations shall not be renewed unless and until the registrant pays any applicable late fee. The Permitting and Inspections Director may waive a late fee upon a showing of good cause as to why the renewal was not timely.

3. *That Section 15-12 is hereby amended to read as follows:*

**Sec. 15-12. Fees and expiration dates.**

(a) Unless specified elsewhere in this Code, fees for licenses issued pursuant to this Code and the expiration date of each license shall be as follows:

| Location<br>in Code | Description | Fee | Expiration<br>Date |
|---------------------|-------------|-----|--------------------|
|---------------------|-------------|-----|--------------------|

| Location in Code       | Description                                                                                                                        | Fee             | Expiration Date                             |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------|
| Ch. 3, Art. II         | Bottle clubs (must obtain FSE and special entertainment if applicable)                                                             | \$940.00        | June 30                                     |
| Ch. 3, Art. III        | Brewery, Winery and Distillery <u>On-Premises Consumption</u> License (must obtain FSE and/or special entertainment if applicable) | \$525.00        | Concurrent with state liquor license        |
| <u>Ch. 3, Art. III</u> | <u>Small Brewery, Winery and Distillery Manufacturing License</u>                                                                  | <u>\$250.00</u> | <u>Concurrent with state liquor license</u> |
| <u>Ch. 3, Art. III</u> | <u>Large Brewery, Winery and Distillery Manufacturing License</u>                                                                  | <u>\$2,000</u>  | <u>Concurrent with state liquor license</u> |

...

4. That Section 25-27 is hereby amended to read as follows:

**Sec. 25-27. Fees and fines.**

(a) The following fees are hereby established for the issuance of a revocable street and sidewalk occupancy permit:

- (1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards, twenty-two dollars (\$22.00) for one (1) fiscal year or any portion thereof;
- (2) Portable signs, twenty-five dollars (\$25.00) plus twenty cents (\$0.20) per square foot of signage. Square footage is calculated pursuant to section 14-369(b) of the land use ordinance. Permits remain valid until there is a change:

- a. In the sign dimensions; or
  - b. In the use, lessee or ownership of the business causing a change in the business name, design or dimensions.
- (3) Vehicles, equipment, or construction materials, as follows:
- a. The Parking Space Permit shall be ~~\$20.00~~\$25.00 per day or any portion thereof;
  - b. The Sidewalk Permit shall be \$20.00 per day or any portion thereof;
  - c. The Single Lane Closure Permit shall be \$50.00 per day or any portion thereof; and
  - d. the Street Closure Permit shall be \$100.00 per day or any portion thereof.

...

5. *That Section 24-72 is hereby amended to read as follows:*

**Sec. 24-72. Sanitary sewer user charges.**

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and stormwater and for the operation and maintenance of the wastewater system.

...

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. Beginning July 1, ~~2018~~2019, user charges under this section for both dwelling units and commercial units shall be ~~nine dollars and ninety-five ten dollars and forty centseents~~ (~~\$9.95~~\$10.40) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

...

**BE IT FURTHER ORDERED,** that this amendment shall be effective on  
July 1, 2018.



Permitting and Inspections Department

## Memorandum

**To:** Keri Ouellette, Interim Director of Permitting and Inspections  
Jessica B. Hanscombe, Licensing and Registration Coordinator

**From:** Samantha Chapin, Principal Administrative Officer 

**Date:** March 13, 2019

**RE:** Late Fees - Rental Housing Registration

Currently our ordinance allows for Civil Penalties of \$100 per day for each day a rental property goes unregistered. This fee is only collectable by civil action through the court system, and therefore is only collected on a minimal number of properties. The majority of delinquent property owners register in advance of this final step.

We are proposing a late fee, imposed on rental property registrations that are late in renewal, but would be collectable outside of the civil court. These fees would go into effect when the registration has lapsed for 30 days or more, and would be imposed without regard for continuing enforcement action through civil action. The fee we are proposing is \$10 per unit, therefore affecting large property owners proportionally to small property owners.

These fees would go into a violations account in the Housing Safety Division, and we are proposing this go into effect for the 2020 registration year.

Potential revenue as based on 2019 registration status.

| Late fees                                     | Fee Proposed       | 2019 Rental units renewed after 30 days, or still pending | Proposed Revenue |
|-----------------------------------------------|--------------------|-----------------------------------------------------------|------------------|
| Rental Registration more than 30 days expired | \$10 / unit        | 3,236                                                     | \$32,360         |
|                                               | Additional Revenue |                                                           | \$32,360         |

**FY20 REVENUE FEE SCHEDULE CHANGE**

**Department: Permitting and Inspections**

Ordinance Chapter 6

| <u>Account #</u> | <u>Revenue Description</u>                          | <b>FY20</b>               |                            |
|------------------|-----------------------------------------------------|---------------------------|----------------------------|
|                  |                                                     | <b><u>Current Fee</u></b> | <b><u>Proposed Fee</u></b> |
| 10025300-351000  | Late Fees – Rental Registration (30+ days past due) | 0                         | \$10 / Unit                |



## Permitting and Inspections Department

**Memorandum**

**To:** Keri Ouellette, Interim Director of Permitting and Inspections

**From:** Jessica B. Hanscombe, Licensing and Registration Coordinator

**Date:** March 12, 2019

**RE:** Creating a Manufacturing license for Breweries, Wineries and Distilleries

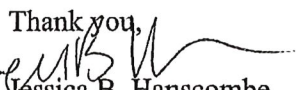
Currently we license the tasting room only for Breweries, Wineries and Distilleries in Chapter 3. We would retain that license, but amend the name to Tasting Room. Manufacturing of beer, wine and liquor is licensed by the State, but not currently licensed by the City.

We are proposing creating a new license type for the manufacturing. Currently the Bureau of Alcoholic Beverages fees are \$50.00 for a license for 50,000 gallons and less and \$1000.00 for a license for more than 50,000 gallons. We would do inspections of the manufacturing side with Code Enforcement, Health Inspectors and the Fire Department. The license would be a yearly license that would expire concurrent with the State Liquor license.

Please see the chart for proposed fees and proposed revenue.

| License Type                                  | Fee Proposed | Current Amount | Proposed Revenue |
|-----------------------------------------------|--------------|----------------|------------------|
| Small Breweries (50,000 gallons and less)     | \$250.00     | 12             | \$3,000.00       |
| Large Breweries (more than 50,000 gallons)    | \$2000.00    | 10             | \$20,000.00      |
| Small Wineries (50,000 gallons and less)      | \$250.00     | 6              | \$1,500.00       |
| Large Wineries (more than 50,000 gallons)     | \$2000.00    | 0              | -                |
| Small Distilleries (50,000 gallons and less)  | \$250.00     | 7              | \$1,750.00       |
| Large Distilleries (more than 50,000 gallons) | \$2000.00    | 0              | -                |
| Additional Revenue                            |              |                | \$26,250.00      |

Thank you,

  
Jessica B. Hanscombe

Licensing and Registration Coordinator

## FY20 REVENUE FEE SCHEDULE CHANGE

### Department: Permitting and Inspections

#### Ordinance Chapter 15

| Account #       | Revenue Description                              | Current Fee | FY20         |
|-----------------|--------------------------------------------------|-------------|--------------|
|                 |                                                  |             | Proposed Fee |
| 10025400-322000 | Breweries, Wineries & Distilleries Manufacturing |             |              |
|                 | Small Breweries (50,000 Gallon or less)          | 0           | \$250        |
|                 | Large Breweries (More than 50,000 Gallon)        | 0           | \$2,000      |
|                 | Small Wineries (50,000 Gallon or less)           | 0           | \$250        |
|                 | Large Wineries (More than 50,000 Gallon)         | 0           | \$2,000      |
|                 | Small Distilleries (50,000 Gallon or less)       | 0           | \$250        |
|                 | Large Distilleries (More than 50,000 Gallon)     | 0           | \$2,000      |



## FY20 REVENUE FEE SCHEDULE CHANGE

### Ordinance Fees

**Department:** Public Works

| <u>Account #</u> | <u>Revenue Description</u> | <u>Current Fee</u> | <u>Proposed Fee</u> |
|------------------|----------------------------|--------------------|---------------------|
|------------------|----------------------------|--------------------|---------------------|

Street Occupancy Ordinance 25-27:

(a) (3): Vehicles, equipment, or  
construction materials, as follows:

|                 |                      |          |          |
|-----------------|----------------------|----------|----------|
| 10031302-321000 | Parking space Permit | \$20.00  | \$25.00  |
|                 | Sidewalk Permit      | \$20.00  | \$20.00  |
|                 | Single Lane Closure  | \$50.00  | \$50.00  |
|                 | Street Closure       | \$100.00 | \$100.00 |

Street Occupancy Ordinance 25-27:

(c) (1): Failure to obtain permit

|                 |                           |          |          |
|-----------------|---------------------------|----------|----------|
| 10031302 351000 | Failure to acquire permit | \$125.00 | \$125.00 |
|-----------------|---------------------------|----------|----------|

Street Occupancy Ordinance 25-27:

(c) (2): Non Compliance

|                 |                |          |          |
|-----------------|----------------|----------|----------|
| 10031302 351000 | Non-Compliance | \$100.00 | \$100.00 |
|-----------------|----------------|----------|----------|

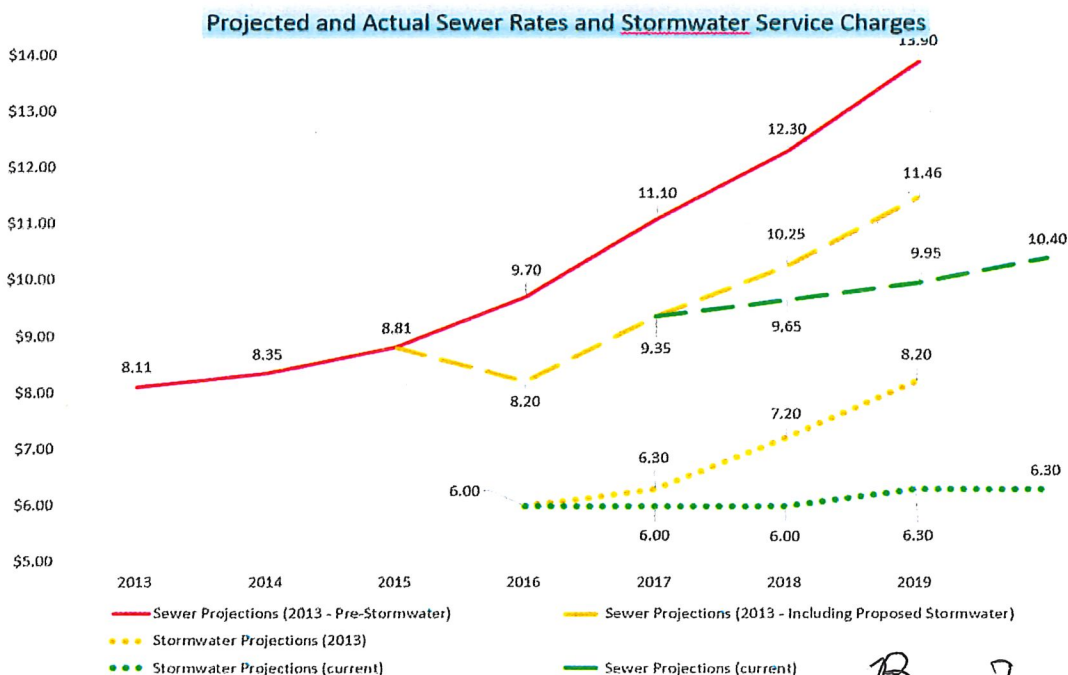
April 30, 2019



TO: Members of the City Council, Jon Jennings, City Manager;  
 FROM: Brendan T. O'Connell, Director of Finance  
 DATE: May 6, 2019  
 RE: Sewer Rate and Stormwater Service Charge Rate for FY20

The City continues to fund projects related to the Department of Environmental Protection ("DEP") mandated Combined Sewer Overflow ("CSO") requirements through first the Tier II and now the Tier III approved projects. This includes financing several hundred million in capital costs over an approximate 25 year time period, paid for through the Sewer user fees and Stormwater Service Charges. As illustrated below the rates being proposed for FY20 are significantly lower than the rates projected by Sustainable Storm Water Funding Task Force when the Stormwater Service Charge was originally contemplated. The lower rates are a result of lower than anticipated borrowings for CSO from 2015 through 2018. The bidding environment has been incredibly challenging over the last several fiscal years resulting in a limited number of contractors bidding on jobs and bid prices coming in over budget.

For FY20 there will be no increase in the Stormwater Service Charge. It will remain at \$6.30 per month for every 1,200 square feet of impervious area. The existing Sewer Rate of \$9.95 will need to be increased to \$10.40 per hcf from July 1, 2019 through June 30, 2020 due to increasing debt service repayments resulting from DEP mandated projects. This is a 4.5% increase. As illustrated by the chart below, the current rate is significantly lower than projected Sewer Rates if no Stormwater Service Charge had been implemented. Residents should have noticed a decrease in their Sewer bill when the Stormwater Service Charge was implemented. The increase will be used to fund the additional debt service generated by DEP mandated projects and some projects will be funded with operating budget funds.



*Brendan T. O'Connell*  
 Finance Director  
 City of Portland, Maine

## FY20 REVENUE FEE SCHEDULE CHANGE

**Department: Sewer Fund (0570)**

Ordinance Chapter 24 § 72(c)

| <u>Account #</u> | <u>Revenue Description</u> | <u>Current Fee</u> | <u>FY20</u>         |
|------------------|----------------------------|--------------------|---------------------|
|                  |                            |                    | <u>Proposed Fee</u> |
| 57031000-344xxx  | Sewer User Fees            | \$9.95 hcf         | \$10.40 hcf         |

**\*Effective July 1, 2019**

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 30, 2019

**SUBJECT:** CONTINUATION OF RELATED ORDINANCE AMENDMENT:

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

1st Reading

Final Action

**Can action be taken at a later date:** No (If no why not?)

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

**Part 4** amends the following fees in **Chapter 24 in §24-72 and §24-84.**

The proposed sewer rate for July 1, 2019 is \$10.40 per hundred cubic feet (hcf), up from the July 1, 2018 rate of \$9.95 hcf.

| Chapter 24                                   | Description                 | Current Fee | Proposed Fee |
|----------------------------------------------|-----------------------------|-------------|--------------|
| <i>Sec. 24-72</i>                            | Sanitary sewer user charges |             |              |
| 24-72 (c)                                    | Sewer user fees             | \$9.95/ hcf | \$10.40/ hcf |
| Total revenue increase for FY20: \$1,132,574 |                             |             |              |

**Part 5** adds the following new fees in **Chapter 25 in §25-27:**

| Chapter 25                                  | Description          | Current Fee | Proposed Fee |
|---------------------------------------------|----------------------|-------------|--------------|
| Streets, Sidewalks, and Other Public Places |                      |             |              |
| <i>Sec. 25-27</i>                           | Fees and fines       |             |              |
| 25-27 (a) (3)                               | Parking Space Permit | \$20/day    | \$25/day     |
| Total revenue increase for FY20: \$85,000   |                      |             |              |

All fee increases are effective July 1, 2019. This item must be read on two separate days. This is its first reading.

**III. BACKGROUND**

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

None

Prepared by:

Date: 4/30/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**FISCAL YEAR 2019-2020 APPROPRIATION RESOLVE**

**RESOLVED**, that the sum of \$ **263,392,070** is hereby appropriated for Fiscal Year 2020 for General Municipal purposes; and

**BE IT FURTHER RESOLVED**, that the sum of \$ **117,833,270** is hereby appropriated for Fiscal Year 2020 for School purposes; and

**BE IT FURTHER RESOLVED**, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2019 and not exempt from taxation, to the aggregate amount of **\$93,184,789** for municipal purposes and **\$93,795,139** for school purposes for a total tax levy of **\$186,979,928** resulting in a tax rate of **\$23.42** per \$1,000 of valuation (a **4.2%** increase) and in accordance with the provisions of the Statutes of Maine; and

**BE IT FURTHER RESOLVED**, all taxes assessed as above and committed to the Director of Finance shall be due on September 13, 2019, and payable in two equal installments, the first due on the 13th day of September, 2019, and the second installment due on the 8th day of March, 2020. The delinquency rate of interest shall be nine percent (9%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be five percent (5.0%) per annum.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 9, 2019

**SUBJECT:** Order 191-18/19 Amendment to the Portland City Code Chapter 35 Re: Earned Paid Sick Leave - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda Ray, Chair.

**SPONSOR:**

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

This ordinance, if enacted, would require all employers with a physical location in the City of Portland to allow all of their employees working in Portland (with some limited exceptions) to accrue a minimum of 1 hour of earned paid sick time for every 30 hours worked, to use up to 40 hours of accrued time annually, and to begin using this accrued sick time after their 70th day of employment or the date this ordinance becomes applicable, whichever is later.

**II. AGENDA DESCRIPTION**

The Health and Human Services Committee met on February 26, 2019, and voted unanimously to forward this item to the City Council with a recommendation for passage.

Over the past 12 years, 47 municipalities, counties, and states have enacted Earned Paid Sick Leave Ordinances (including 13 New Jersey municipalities which were later pre-empted when the state law passed in 2018).

On September 18, 2017, the City Council referred a proposed Earned Paid Sick Time Ordinance, which was brought forward by Mayor Strimling in collaboration with the Southern Maine Workers' Center and the Maine Women's Lobby, to the Council's Health & Human Services and Public Safety committee. On November 27, 2017, the committee had an initial discussion of the ordinance and began working to craft a version of the ordinance designed specifically for Portland.

The committee spent nearly 15 months examining ordinances from other municipalities and states, talking with constituents and area businesses, receiving public comment via email, phone, and in person, and holding two public hearings. On February 26th, the HHS & PS Committee voted 3-0 to forward the ordinance on to the Council with a recommendation for passage.

The ordinance, if enacted, would require all employers with a physical location in the City of Portland to allow all their employees working in Portland (with some limited exceptions) to accrue a minimum of 1 hour of earned paid sick time for every 30 hours worked. Employees would begin earning paid sick time on their first day of employment and would be able to begin using their accrued time after their 70th day of employment or

the date this ordinance becomes applicable, whichever is later.

Employees would be eligible to use up to 40 hours of their accrued time annually for the purposes and under the conditions described in the ordinance.

Businesses of all sizes are covered by the ordinance, as are all employees who work at least 120 hours annually for an employer, whether they are full-time, part-time, or seasonal. There are, however, exemptions for some per diem employees, Federal Work Study students, and new businesses, which are exempt from the ordinance for one year from the date of hire of their first employee.

As written, the ordinance would become applicable 180 days after the date of passage.

This item must be read on two separate days. It received its first reading on March 18, 2019. On April 8, 2019, this item received a second reading and its public hearing and was postponed to May 6, 2019 for approval. Five affirmative votes are required for passage. No additional public comment is required.

### **III. BACKGROUND**

### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

### **V. FINANCIAL IMPACT**

Please see attached Fiscal Impact Note.

### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

### **VII. RECOMMENDATION**

### **VIII. LIST ATTACHMENTS**

1. Chapter 35 Earned Paid Sick Time 3.18.2019
2. States, Cities with EPSL laws
3. Earned Paid Sick Leave Accrual Chart
4. Paid Sick Leave Costs to City (3-13 for Council) (1)
5. EST Memo re Cost Analysis
6. A Health Impact of Paid Sick Days - Public Health Perspective
7. Paid Sick Improve Public Health

Prepared by:

Date: 4/9/2019



Order 191-18/19

Motion to Postpone to May 6, 2019: 8-0 (Cook absent) on 4/8/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 35 RE: EARNED PAID SICK LEAVE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That the Portland City Code is hereby amended by adding a section, to be numbered Chapter 35, Sections 35-1 to 35-14, which said Sections read as follows:*

**Chapter 33 EARNED PAID SICK LEAVE**

**Sec. 35-1. Definitions.**

The following definitions shall apply for purposes of this Chapter:

Child shall mean a biological, adopted, or foster child of the employee; stepchild or legal ward of the employee; child of a domestic partner of the employee; or a child for whom the employee stands in loco parentis.

Earned paid sick time shall mean paid sick time accrued and awarded pursuant to section 35-2.

Employee shall have the same meaning as in Sec. 33.2 of this Code. However, for purposes of this Chapter, Employee shall not include the following:

1. Any employee who meets all of the following criteria:

a. Is licensed pursuant to Title 32, Chapters 31, 97, or 103;

b. Is employed by a health care facility, as defined in 22 M.R.S. § 328(8);

c. Is under no obligation to work a regular schedule;

- d. Works only when he or she indicates that he or she is available to work and has no obligation to work when he or she does not indicate availability; and
    - e. Has waived earned sick leave benefits as provided under this Chapter under terms of employment for alternative benefits or consideration.
  - 2. Employees who work less than 120 hours per year for that employer.
  - 3. Any Federal Work-Study (FWS) student who is enrolled in an educational institution and who is performing work for that institution, provided that such student shall be considered an Employee and shall not be exempt from accruing earned paid sick leave in accordance with this ordinance when working for any employer other than the educational institution in which the student is enrolled.

Employer shall have the same meaning as in Sec. 33.2 of this Code. However, for purposes of this Chapter, Employer shall not include any employer for a period of one year after the employer hires its first employee.

Family member shall mean a child, grandchild, sibling, spouse, domestic partner, parent, or grandparent of an employee; a spouse or domestic partner of a parent or grandparent of the employee; a sibling of a spouse or domestic partner of an employee; or any other person related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Health care professional shall have the same meaning as in 26 M.R.S. § 843.

Hours worked shall mean all hours worked where the employee is located at, or based out of, an employer's place of business located in Portland.

Parent shall mean a biological, adoptive, or foster parent of the employee or employee's spouse or domestic partner; a stepparent or legal guardian of the employee or employee's spouse or domestic partner; or a person who stood in loco parentis of the employee or the employee's spouse or domestic partner when that person was a minor child.

Year shall mean a regular and consecutive 12-month period as

determined by the employer.

**Sec. 35-2. Accrual of Earned Paid Sick Time.**

(a) Rates of Accrual. Subject to the limitations in subsection (2), employers must allow employees to accrue earned paid sick time pursuant to one of the following methods, which may be chosen by the employer.

1. Employees will accrue a minimum of one hour of earned paid sick time for every 30 hours worked. Hours worked shall not include vacation, sick, or other time for which an employee is paid but no actual work is performed.
2. Employees will accrue earned paid sick time in the amount of 40 hours in one lump sum at the beginning of each calendar year or the beginning of the employee's anniversary year. Where based on a calendar year, a prorated amount shall be awarded for new employees.
3. Employees will accrue earned paid sick time in the following amounts at the end of each calendar month worked, starting with the first month of the calendar year or the employee's anniversary year. Where based on a calendar year, a prorated amount shall be awarded for new employees.

| <u>Employee's average hours/week</u> | <u>Earned paid sick time accrued</u> |
|--------------------------------------|--------------------------------------|
| <u>46 or more</u>                    | <u>8 hrs/month</u>                   |
| <u>36-45</u>                         | <u>6 hrs/month</u>                   |
| <u>29-35</u>                         | <u>5 hrs/month</u>                   |
| <u>22-28</u>                         | <u>4 hrs/month</u>                   |
| <u>15-21</u>                         | <u>3 hrs/month</u>                   |
| <u>8-14</u>                          | <u>2 hrs/month</u>                   |
| <u>Up to 7</u>                       | <u>1 hr/month</u>                    |

(b) Limitations on Accruals. An employer is not required to allow an employee to accrue earned paid sick time in excess of 72 hours.

(c) Conditions of Accrual. The accrual of earned paid sick time shall be subject to the following conditions.

1. Employees who are exempt from overtime requirements under the Fair Labor Standards Act will be deemed to work 40 hours in each work week for purposes of earned paid sick time accrual, unless their normal work week is

less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.

2. Employees shall begin to accrue earned paid sick time at the commencement of employment or on the date this law goes into effect, whichever is later.
3. Employees accruing earned paid sick time may roll over any unused earned paid sick time, up to a maximum of 72 hours, at the end of a benefit year.
4. If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all earned paid sick time accrued at the prior division, entity or location and is entitled to use all earned paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within one year of separation by the same employer, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the re-commencement of employment.
5. When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer, and are entitled to use earned paid sick time previously accrued.

(d) Employers are not required to allow employees to take earned paid sick time in the employee's first 70 days of employment. However, employees who return to the same employer within one year of termination shall not have to complete an additional 70-day period to be eligible to take earned paid sick time.

(e) Nothing in this Chapter shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement or other separation from employment for accrued earned paid sick time that has not been used.

(f) At its discretion, an employer may loan earned paid sick time to an employee in advance of accrual by such employee.

(g) An Employer may substitute its own paid leave policy

(e.g. paid time off ("PTO"), vacation leave, sick leave, etc.) that meets or exceeds the requirements of this ordinance, including but not limited to:

1. Accrue at the rate of at least one hour of paid time off for every 30 hours worked;
2. May use up to 40 hours per year of earned or awarded paid time off;
3. Are paid for their paid time off at least the amount that would be required for earned paid sick leave under this ordinance;
4. Can use paid time off for all the purposes and under all the conditions described in sections 35-3 and 35-4 of this Chapter;
5. Receive a notice of their rights under the law; and
6. Receive the same job protections afforded by this ordinance.

(h) If an Employer provides paid time off to employees under a PTO, vacation or other policy that complies with this Earned Paid Sick Leave ordinance, the Employer is not required to track and keep a separate record of accrual and use of earned sick time.

### **Sec. 35-3. Use of Earned Paid Sick Time.**

(a) Employees may use earned paid sick time for any of the following:

1. Job protected leave provided pursuant to the Maine Employment Leave for Victims of Violence statute;
2. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
3. Time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member; or
4. Leave to attend a school meeting necessitated by the

family member's health condition or disability.

(b) An employee may take earned paid sick time for any hours worked.

(c) An employee may only take earned paid sick time for hours the employee has been scheduled to work.

(d) Earned paid sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.

(e) If an employee uses earned paid sick time for an entire day or shift, earned paid sick time must be paid for the hours the employee was otherwise scheduled to work.

(f) Employees may not use more than 40 hours of earned paid sick time in a year, unless the employer selects a higher limit.

(g) Earned paid sick time shall be paid out at the employee's base hourly rate, not including bonuses, commissions, etc.

(h) Earned paid sick time for tipped workers shall be paid out at the higher of the employee's regular base hourly rate or the highest applicable minimum wage for non-tipped employees.

#### **Sec. 35-4. Procedures for Taking Earned Paid Sick Time.**

(a) Earned paid sick time shall be provided upon the request of an employee.

1. An employer may not require more than seven days' notice for an employee to use earned paid sick time, when the need is foreseeable.
2. When the need for use of earned paid sick time is not foreseeable, an employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case
3. An employer that requires notice of the need to use earned paid sick time shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice shall not deny earned paid sick time to the employee based on non-compliance with such a policy.
4. When the use of earned paid sick time is foreseeable,

the employee shall make a good faith effort to provide notice of the need for such time to the employer in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the employer.

(b) An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.

(c) An employer may require certification when earned paid sick time is used subject to the following restrictions.

1. An employer may require an employee to personally verify in writing that the employee has used earned paid sick time only for allowable purposes under this Chapter using the form provided by the City.
2. Where the need for earned paid sick time covers more than 24 consecutively scheduled work hours, an employer may require reasonable documentation signed by a health care provider, where applicable, indicating the need for the earned paid sick time taken.

Employees who do not have healthcare coverage, or Employees with healthcare coverage that does not cover office visits without first meeting a deductible, or Employees with healthcare coverage that requires a co-pay for office visits that exceeds an amount equal to four hours of that employee's base hourly pay, or Employees using EPSL where the need for leave is not health related, may instead provide a signed, written statement evidencing the need for the use of earned sick time using the form provided by the City.

3. An employer may not require that any documentation explain the nature of the illness or the details of the domestic violence.
4. The employer shall not delay the taking of earned sick time or delay pay for the period in which earned sick time was taken on the basis that the employer has not yet received the certification. However, where an employee requests to take earned sick time in his/her last two weeks of employment, the employer may require the employee to submit documentation prior to approving and/or paying for the earned sick time.

5. Certifications under this subsection shall be kept confidential, except as required by business necessity.

**Sec. 35-5. Exercise of Rights Protected; Retaliation Prohibited.**

(a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Chapter.

(b) It shall be unlawful for an employer or any other person to retaliate against an employee for exercising his or her rights under this Chapter, including requesting or using earned paid sick time; filing a complaint or otherwise complaining about an employer's alleged violation of this Chapter; participating in an investigation or other proceeding under this Chapter; or informing others of their rights under this Chapter.

(c) It shall be unlawful for an employer's absence control policy to count earned paid sick time taken under this Act as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

(d) Nothing in this Chapter shall be construed to prohibit an employer from taking disciplinary action against an employee who uses earned paid sick time for purposes other than those described in this Chapter.

(e) Protections of this section shall apply to any person who mistakenly but reasonably alleges a violation of this Chapter.

**Sec. 35-6. Notice of Rights.**

(a) Employers shall both display a poster notifying employees of their rights under this Chapter, and give employees written notice at the commencement of employment or the effective date of this ordinance, whichever is later. The poster and notice shall be consistent with this section.

(b) The notice and poster shall contain the following information: that employees are entitled to earned paid sick time and the amount of earned paid sick time; the terms of its use guaranteed under this Act; that retaliation is prohibited; that each employee has the right to file a complaint or bring a civil action if earned paid sick time as required by this Act is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking earned paid sick time, and the contact information for the City of Portland where questions about rights and responsibilities under this Act can be answered.



(c) The notice and poster shall be provided in any language that is the first language spoken by any member of the employer's workforce, provided that such notice has been created by the City of Portland. Where the City of Portland has not created the notice in any language readily understood by an employee, the employer must ensure that the contents of the notice are read and/or explained to the employee in a language the employee can readily understand.

(d) The City of Portland shall create and make available to employers, in the five most prevalent languages spoken by the City's workforce and any language deemed appropriate by the City of Portland, model notices and posters meeting the requirements of this section. This requirement may be satisfied by posting the model notices and posters on the City's website and making them available for download.

(e) The amount of earned paid sick time available to the employee, the amount of earned paid sick time taken by the employee to date in the year and the amount of pay the employee has received as earned paid sick time shall be provided to the employee in writing at least once per month, and upon request of the employee.

(f) An employer who willfully violates this section shall be subject to a civil fine in an amount not to exceed \$100 for each separate offense. Each day that an employer allows a violation of this section to continue shall be a separate offense.

#### **Sec. 35-7. Recordkeeping Requirements.**

(a) Employers shall retain records documenting hours worked by employees and earned paid sick time earned and taken by employees for a period of three (3) years. Separate records of earned paid sick time need not be kept if earned paid sick time is not tracked separately by the employer.

(b) Employers shall allow the City of Portland access to the records required by this section, with appropriate notice and at a mutually agreeable time.

#### **Sec. 35-8. Enforcement.**

(a) Enforcement.

1. This Chapter may be enforced by the City Manager or his or her designee.

2. A violation of this Chapter is a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(b) Complaint Process.

1. Any Employee, alleging a violation of this ordinance may file a written complaint with the City Manager's office.
2. The City Manager or his or her designee shall contact the Employer and review the rules of the ordinance and the Employer's obligations under the ordinance. The City Manager or his or her designee may investigate and/or attempt to mediate a mutually agreeable resolution between the employer and employee.
3. After reviewing the rules of the ordinance with the Employer, the City Manager or his or her designee shall issue a letter to both parties summarizing the conversation and stating his or her determination with respect to whether this Chapter has been violated.

(c) Private Cause of Action.

1. Any employee aggrieved by a violation of this Chapter may bring an action in a Court of competent jurisdiction against the employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Such action may be brought by a person aggrieved by a violation of this Chapter without first filing a complaint with the City Manager. Actions brought pursuant to this section may be brought as a class action pursuant to the laws of Maine.
2. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.
3. Where applicable, remedies shall also include equitable relief, including reinstatement and back pay, and injunctive relief.
4. The City of Portland shall annually report on the City of Portland website the number and nature of the complaints received pursuant to this ordinance, the

results of investigations undertaken pursuant to this ordinance, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this ordinance, and the average time for a complaint to be resolved pursuant to this chapter.

#### **Sec. 35-9. Confidentiality and Nondisclosure.**

If an employer possesses health information or information pertaining to domestic violence, sexual assault, harassment or stalking about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee, with the permission of the affected employee, as required for the administration of the leave, or as otherwise required by law.

#### **Sec. 35-10. Encouragement of More Generous Earned Paid Sick Time Policies; No Effect on More Generous Policies or Laws.**

(a) Nothing in this Act shall be construed to discourage or prohibit an employer from the adoption or retention of an earned paid sick time policy more generous than the one required herein.

(b) Nothing in this Act shall be construed as diminishing the obligation of an employer to comply with any law, regulation, contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required herein.

#### **Sec. 35-11. Public Education and Outreach.**

The City of Portland shall develop and implement a multilingual outreach program to inform employees and employers about the availability of earned paid sick time under this ordinance.

#### **Sec. 35-12. Regulations.**

The City Manager, or his or her designee, shall be authorized to coordinate implementation and enforcement of this Chapter and shall promulgate appropriate guidelines or regulations for such purposes.

#### **Sec. 35-13. Severability.**

If any provision of this Act or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this

end the provisions of this Act are declared severable.

**Sec. 35-14. Effective Date.**

This Chapter will be applicable 180 days after passage.

## States and Municipalities with Earned Paid Sick Leave Laws or Ordinances

### States

Arizona  
California  
Connecticut  
District of Columbia  
Massachusetts  
Maryland  
Michigan  
New Jersey  
Oregon  
Rhode Island  
Vermont  
Washington

### New Jersey Cities (pre-empted when state law took effect in 2018)

2013  
Jersey City  
  
2014  
Newark  
Passaic  
East Orange  
Paterson  
Irvington  
Trenton  
Montclair

### California Cities

Berkeley  
Emeryville  
Los Angeles  
Oakland  
San Diego  
San Francisco  
Santa Monica

2015  
Bloomfield  
Elizabeth  
New Brunswick  
  
2016  
Plainfield  
Morristown

### Other Counties & Cities (Outside California)

Cook County and Chicago, IL  
Montgomery County, MD  
Duluth, MN  
Minneapolis, MN  
Saint Paul, MN  
New York City, NY  
Westchester County, NY  
Philadelphia, PA  
Pittsburgh, PA  
Austin, TX  
San Antonio, TX  
Seattle, WA  
Tacoma, WA

# Earned Paid Sick Time Accrual Chart

Accrual Rate = 0.033  
(1 hour for every 30 hours worked)

| Week # | Hours Per Week |      |      |      |      |      |      |      |      | # Days |
|--------|----------------|------|------|------|------|------|------|------|------|--------|
|        | 10             | 15   | 20   | 25   | 30   | 35   | 40   | 45   | 50   |        |
| 1      | 0.3            | 0.5  | 0.7  | 0.8  | 1.0  | 1.2  | 1.3  | 1.5  | 1.7  | 7      |
| 2      | 0.7            | 1.0  | 1.3  | 1.7  | 2.0  | 2.3  | 2.6  | 3.0  | 3.3  | 14     |
| 3      | 1.0            | 1.5  | 2.0  | 2.5  | 3.0  | 3.5  | 4.0  | 4.5  | 5.0  | 21     |
| 4      | 1.3            | 2.0  | 2.6  | 3.3  | 4.0  | 4.6  | 5.3  | 6.0  | 6.6  | 28     |
| 5      | 1.7            | 2.5  | 3.3  | 4.2  | 5.0  | 5.8  | 6.6  | 7.5  | 8.3  | 35     |
| 6      | 2.0            | 3.0  | 4.0  | 5.0  | 5.9  | 7.0  | 7.9  | 8.9  | 9.9  | 42     |
| 7      | 2.3            | 3.5  | 4.6  | 5.8  | 6.9  | 8.1  | 9.2  | 10.4 | 11.6 | 49     |
| 8      | 2.6            | 4.0  | 5.3  | 6.6  | 7.9  | 9.3  | 10.6 | 11.9 | 13.2 | 56     |
| 9      | 3.0            | 4.5  | 5.9  | 7.5  | 8.9  | 10.4 | 11.9 | 13.4 | 14.9 | 63     |
| 10     | 3.3            | 5.0  | 6.6  | 8.3  | 9.9  | 11.6 | 13.2 | 14.9 | 16.5 | 70     |
| 11     | 3.6            | 5.5  | 7.3  | 9.1  | 10.9 | 12.8 | 14.5 | 16.4 | 18.2 | 77     |
| 12     | 4.0            | 6.0  | 7.9  | 10.0 | 11.9 | 13.9 | 15.8 | 17.9 | 19.8 | 84     |
| 13     | 4.3            | 6.5  | 8.6  | 10.8 | 12.9 | 15.1 | 17.2 | 19.4 | 21.5 | 91     |
| 14     | 4.6            | 7.0  | 9.2  | 11.6 | 13.9 | 16.2 | 18.5 | 20.9 | 23.1 | 98     |
| 15     | 5.0            | 7.5  | 9.9  | 12.5 | 14.9 | 17.4 | 19.8 | 22.4 | 24.8 | 105    |
| 16     | 5.3            | 8.0  | 10.6 | 13.3 | 15.8 | 18.6 | 21.1 | 23.8 | 26.4 | 112    |
| 17     | 5.6            | 8.5  | 11.2 | 14.1 | 16.8 | 19.7 | 22.4 | 25.3 | 28.1 | 119    |
| 18     | 5.9            | 9.0  | 11.9 | 14.9 | 17.8 | 20.9 | 23.8 | 26.8 | 29.7 | 126    |
| 19     | 6.3            | 9.5  | 12.5 | 15.8 | 18.8 | 22.0 | 25.1 | 28.3 | 31.4 | 133    |
| 20     | 6.6            | 10.0 | 13.2 | 16.6 | 19.8 | 23.2 | 26.4 | 29.8 | 33.0 | 140    |
| 21     | 6.9            | 10.5 | 13.9 | 17.4 | 20.8 | 24.4 | 27.7 | 31.3 | 34.7 | 147    |
| 22     | 7.3            | 11.0 | 14.5 | 18.3 | 21.8 | 25.5 | 29.0 | 32.8 | 36.3 | 154    |
| 23     | 7.6            | 11.5 | 15.2 | 19.1 | 22.8 | 26.7 | 30.4 | 34.3 | 38.0 | 161    |
| 24     | 7.9            | 12.0 | 15.8 | 19.9 | 23.8 | 27.8 | 31.7 | 35.8 | 39.6 | 168    |
| 25     | 8.3            | 12.5 | 16.5 | 20.8 | 24.8 | 29.0 | 33.0 | 37.3 | 41.3 | 175    |
| 26     | 8.6            | 13.0 | 17.2 | 21.6 | 25.7 | 30.2 | 34.3 | 38.7 | 42.9 | 182    |
| 27     | 8.9            | 13.5 | 17.8 | 22.4 | 26.7 | 31.3 | 35.6 | 40.2 | 44.6 | 189    |
| 28     | 9.2            | 14.0 | 18.5 | 23.2 | 27.7 | 32.5 | 37.0 | 41.7 | 46.2 | 196    |
| 29     | 9.6            | 14.5 | 19.1 | 24.1 | 28.7 | 33.6 | 38.3 | 43.2 | 47.9 | 203    |
| 30     | 9.9            | 15.0 | 19.8 | 24.9 | 29.7 | 34.8 | 39.6 | 44.7 | 49.5 | 210    |
| 31     | 10.2           | 15.5 | 20.5 | 25.7 | 30.7 | 36.0 | 40.9 | 46.2 | 51.2 | 217    |
| 32     | 10.6           | 16.0 | 21.1 | 26.6 | 31.7 | 37.1 | 42.2 | 47.7 | 52.8 | 224    |
| 33     | 10.9           | 16.5 | 21.8 | 27.4 | 32.7 | 38.3 | 43.6 | 49.2 | 54.5 | 231    |
| 34     | 11.2           | 17.0 | 22.4 | 28.2 | 33.7 | 39.4 | 44.9 | 50.7 | 56.1 | 238    |
| 35     | 11.6           | 17.5 | 23.1 | 29.1 | 34.7 | 40.6 | 46.2 | 52.2 | 57.8 | 245    |
| 36     | 11.9           | 18.0 | 23.8 | 29.9 | 35.6 | 41.8 | 47.5 | 53.6 | 59.4 | 252    |
| 37     | 12.2           | 18.5 | 24.4 | 30.7 | 36.6 | 42.9 | 48.8 | 55.1 | 61.1 | 259    |
| 38     | 12.5           | 19.0 | 25.1 | 31.5 | 37.6 | 44.1 | 50.2 | 56.6 | 62.7 | 266    |
| 39     | 12.9           | 19.5 | 25.7 | 32.4 | 38.6 | 45.2 | 51.5 | 58.1 | 64.4 | 273    |
| 40     | 13.2           | 20.0 | 26.4 | 33.2 | 39.6 | 46.4 | 52.8 | 59.6 | 66.0 | 280    |
| 41     | 13.5           | 20.5 | 27.1 | 34.0 | 40.6 | 47.6 | 54.1 | 61.1 | 67.7 | 287    |
| 42     | 13.9           | 21.0 | 27.7 | 34.9 | 41.6 | 48.7 | 55.4 | 62.6 | 69.3 | 294    |
| 43     | 14.2           | 21.5 | 28.4 | 35.7 | 42.6 | 49.9 | 56.8 | 64.1 | 71.0 | 301    |
| 44     | 14.5           | 22.0 | 29.0 | 36.5 | 43.6 | 51.0 | 58.1 | 65.6 | 72.6 | 308    |
| 45     | 14.9           | 22.5 | 29.7 | 37.4 | 44.6 | 52.2 | 59.4 | 67.1 | 74.3 | 315    |
| 46     | 15.2           | 23.0 | 30.4 | 38.2 | 45.5 | 53.4 | 60.7 | 68.5 | 75.9 | 322    |
| 47     | 15.5           | 23.5 | 31.0 | 39.0 | 46.5 | 54.5 | 62.0 | 70.0 | 77.6 | 329    |
| 48     | 15.8           | 24.0 | 31.7 | 39.8 | 47.5 | 55.7 | 63.4 | 71.5 | 79.2 | 336    |
| 49     | 16.2           | 24.5 | 32.3 | 40.7 | 48.5 | 56.8 | 64.7 | 73.0 | 80.9 | 343    |
| 50     | 16.5           | 25.0 | 33.0 | 41.5 | 49.5 | 58.0 | 66.0 | 74.5 | 82.5 | 350    |
| 51     | 16.8           | 25.5 | 33.7 | 42.3 | 50.5 | 59.2 | 67.3 | 76.0 | 84.2 | 357    |
| 52     | 17.2           | 26.0 | 34.3 | 43.2 | 51.5 | 60.3 | 68.6 | 77.5 | 85.8 | 364    |


 Portland, Maine

Yes. Life's good here.

Department

Brendan T. O'Connell, Director

**TO:** Members of the City Council

**FROM:** Brendan T. O'Connell – Finance Director

**DATE:** March 13, 2019

**SUBJECT:** **Fiscal Impact Estimate – Proposed Paid Sick Leave Ordinance**

Members of the City Council,

Over the last several months the Health and Human Services Committee (“the Committee”) debated and made many amendments to a proposed paid sick leave ordinance for the City of Portland. This memo summarizes staff estimates on the fiscal impact of the current municipal proposal as approved by the Committee on February 26, 2019. This memo does not address potential costs of compliance with LD 369, *An Act to Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees* which is currently being considered by the State of Maine legislature and does not address likely additional cost implications and staff time related to conflicting ordinances at the municipal and State level. In total the estimated fiscal impact of the proposal would be just under approximately 7 cents on the mil rate (rounded) in FY20. See below for detailed fiscal impact note estimate.

| <b>FISCAL IMPACT NOTE: PAID SICK LEAVE</b>      | <b>Year 1</b>                           | <b>Year 2</b>                           | <b>Year 3</b>                           |
|-------------------------------------------------|-----------------------------------------|-----------------------------------------|-----------------------------------------|
| <b>New Program Cost Data:</b>                   | <b>City / Sch<br/>Combined<br/>Rate</b> | <b>City / Sch<br/>Combined<br/>Rate</b> | <b>City / Sch<br/>Combined<br/>Rate</b> |
| <b>Example:</b>                                 |                                         |                                         |                                         |
| <b>ADD: NEW ITEM ANNUAL EXPENDITURES</b>        | <b>\$526,603</b>                        | <b>\$469,103</b>                        | <b>\$469,103</b>                        |
| <b>LESS: TOTAL NEW ITEM ANNUAL REVENUES</b>     | <b>\$0</b>                              | <b>\$0</b>                              | <b>\$0</b>                              |
| <b>=NEW ITEM NET TAX RATE IMPACT PROJECTION</b> | <b>\$526,603</b>                        | <b>\$469,103</b>                        | <b>\$469,103</b>                        |
| <b>New Program Impact to the Mil Rate</b>       | <b>\$0.0667</b>                         | <b>\$0.0594</b>                         | <b>\$0.0594</b>                         |
| <b>New Program % Impact on Mil Rate</b>         | <b>0.30%</b>                            | <b>0.26%</b>                            | <b>0.26%</b>                            |
| <b>Mil Rate Including New Program</b>           | <b>\$22.5467</b>                        | <b>\$22.5394</b>                        | <b>\$22.5394</b>                        |

Notes: This fiscal note assumes calendar year adoption of the ordinance (Year 1 = 2020)  
See detailed backup memo for additional cost information.

The estimated costs to the City can generally be divided into four categories:

1. Increase in payroll related expenses as a result of additional paid time off (approximately \$164,878 in new accrued sick time and \$48,621 in additional staff costs which would not have been incurred under existing City benefits policy)  
NOTE: There is the potential for additional revenue losses as a result of additional time off taken but this amount cannot be reasonably estimated.
2. Increase in payroll expenses as a result of new staff required to enforce the ordinance (estimated to be approximately \$211,603)
3. Increase in other budgeted expenses as a result of required advertising and educational outreach effort including outside legal counsel (estimated at \$67,500)
4. Pass on of costs related to the proposed ordinance from Portland based vendors we utilize (estimate of \$34,000)

See the “**Additional Detail – Cost Categories #1 Through #4**” section of this memo for additional details on each major cost category. As noted previously, this cost could potentially rise if there are conflicting municipal and State level ordinances.

## **FREQUENTLY ASKED QUESTIONS**

**Question #1:** Why are both the “newly accrued sick time” and the “additional staff costs” included in the fiscal impact note? Isn’t this double counting the same cost?

**Answer #1:** The “additional staff costs” would only be incurred when replacement workers are brought in at overtime rates and City staff estimates the time would NOT have been taken off under current rules. The ordinance as proposed provides for many examples of when sick time could be used even when the employee isn’t sick (i.e. if the employee leaves to care for a close friend, if the employee leaves for a meeting, if the employee has a family member who is sick, etc.) Many of our Department Heads and Division Directors felt very strongly that the ordinance provides enough grey area and allows a very broad interpretation of when a sick day is appropriate – a much broader interpretation than under current rules. Thus, days off would occur under the proposed ordinance and new overtime would be incurred by replacement staff.

**Question #2:** What accrual rate is being used in the fiscal impact note?

**Answer #2:** The Committee made a direct inquiry of Human Resources Director Gina Tapp about whether the City would use our existing rate of accrual for paid sick leave or whether we would change our policy to use the lower rate of accrual per the ordinance. Her answer was clear, the City would not want to change our existing benefit levels regarding sick time and we would likely continue to accrue all sick time at the same rate both before and after the proposed ordinance going into effect. The fiscal impact note was calculated based on this response.



However, recognizing the potential cost savings which could exist if a lower accrual rate were used, this memo includes details of the calculation under both accrual rates. (See Cost Category #1 in the “Additional Detail” section for more information.)

**Question #3:** When the City passed its minimum wage ordinance all enforcement / investigation work was handled by existing staff. Why can’t this be done with this ordinance?

**Answer #3:** Despite the minor amendments which were made to the enforcement section of the proposed ordinance, the City Manager and City staff feel strongly that additional staff will be required to deal with enforcement of this ordinance. The ordinance is significantly more complex than the minimum wage ordinance and cost estimates in this category are based on research of actual enforcement expenses / staffing levels in other municipalities. (See cost category #3 in the “Additional Detail” section for more information.) It is worth noting that the City Council has the authority to accept or reject staffing requests made by the City Manager during the annual budget approval process.

### **Additional Detail – Cost Categories #1 Through #4**

#### **Cost Category #1 – Increase in payroll expenses as a result of additional paid sick time**

Using data from calendar year 2017, City payroll staff compiled all of the hours worked by temporary, seasonal, on-call, and tipped workers who were not benefit eligible. In total there were just over 1100 workers in this category across a variety of City departments and divisions including the Schools. The classes of employees who do not work 120 hours in a year (a specific exemption within the ordinance) were removed from the list.

Each Department / Division has unique requirements for their workers and different practices / procedures for when workers call out. For example, within the City Clerk’s office, the non-benefit eligible employees are the election workers who work only during elections (2-3 days per year). If an employee happened to be unable to work during a particular election, they would simply not work on that particular election day, and the City Clerk would call the next election worker on their list who would be paid at straight time. Based on revisions which occurred at the Committee level, the City Clerk employees were removed from the fiscal impact calculation as they would never work 120 hours in a calendar year.

A more complex example is within Parks and Recreation, a department with a wide variety of divisions and activities. Within the Public Assembly division, the procedures are somewhat similar to those at the City Clerk. Workers are scheduled in advance for event days, and if a worker was unable to work on a particular event night, the next employee on the list would be contacted and that employee would likely be paid at straight time or overtime. Contrast that with the Parks & Recreation Ice Arena, Recreation and Aquatics Divisions. A limited number of temporary and seasonal staff within these divisions are actively teaching lessons (a revenue generating activity) on a daily basis. If staff within these divisions calls out, other staff is required to pick up the workload. If no other staff is available, the activity (in some cases private or group lessons) may be canceled. It is worth noting that the Parks & Rec Director and their

Department admin officer both noted that finding replacement staff is not always a certainty and they also noted the ordinance would definitely result in time being taken off which was previously not being taken off under existing City rules.

Another example worth highlighting is HHS. These figures are almost entirely related to security staff at the Oxford Street and Family Shelters. If staff calls out, they are occasionally replaced by another employee working on straight time and in most instances are replaced by workers working on overtime. It is worth noting that the figures related to HHS (non-Barron Center) will likely change for 2018 due to increased security required at Oxford Street related to the new day shelter operations – an addition of 7 new non-benefit eligible staff to cover all shifts. At the Barron Center, our “per diem” workers (Physical Therapists) are all contracted with a third party so none are included in the fiscal impact note calculation. CNA’s are also not included in the fiscal impact note calculation as they are all full or part time. The very limited amount of cost impact related to the Barron Center comes from “Support Team” workers (laundry, facilities, kitchen).

Total cost of the newly accrued paid sick leave across all City Departments including the Schools at the existing City sick time accrual rate would be \$164,878. Total estimated cost of additional staff costs at the existing City sick time accrual rate would be \$48,622. If the City opted to change its sick time policy and accrue paid sick leave at the lower rate of accrual per the ordinance (1 hour of paid sick leave per 30 hours worked) the cost of the newly accrued sick time would be \$119,079 (a reduction of \$45,799) and the estimated cost of the newly incurred additional staff costs would be \$35,116 (a reduction of \$13,506). Using the lower accrual rate, the City could reduce the impact to the mil rate by 1 cent, resulting in the revised fiscal impact note below. Staff will explore all possibilities as the FY20 budget is developed and as we work towards our final implementation of new payroll software (Tyler/Munis Executime and Advanced Scheduling) on July 1, 2019.

| <b>FISCAL IMPACT NOTE: PAID SICK LEAVE</b>      | <b>Year 1</b>                           | <b>Year 2</b>                           | <b>Year 3</b>                           |
|-------------------------------------------------|-----------------------------------------|-----------------------------------------|-----------------------------------------|
| <b>New Program Cost Data:</b>                   | <b>City / Sch<br/>Combined<br/>Rate</b> | <b>City / Sch<br/>Combined<br/>Rate</b> | <b>City / Sch<br/>Combined<br/>Rate</b> |
| <b>Example:</b>                                 |                                         |                                         |                                         |
| <b>ADD: NEW ITEM ANNUAL EXPENDITURES</b>        | <b>\$467,297</b>                        | <b>\$409,797</b>                        | <b>\$409,797</b>                        |
| <b>LESS: TOTAL NEW ITEM ANNUAL REVENUES</b>     | <b>\$0</b>                              | <b>\$0</b>                              | <b>\$0</b>                              |
| <b>=NEW ITEM NET TAX RATE IMPACT PROJECTION</b> | <b>\$467,297</b>                        | <b>\$409,797</b>                        | <b>\$409,797</b>                        |
| <b>New Program Impact to the Mil Rate</b>       | <b>\$0.0592</b>                         | <b>\$0.0519</b>                         | <b>\$0.0519</b>                         |
| <b>New Program % Impact on Mil Rate</b>         | <b>0.26%</b>                            | <b>0.23%</b>                            | <b>0.23%</b>                            |
| <b>Mil Rate Including New Program</b>           | <b>\$22.5392</b>                        | <b>\$22.5319</b>                        | <b>\$22.5319</b>                        |

Notes: This fiscal note assumes calendar year adoption of the ordinance (Year 1 = 2020)  
See detailed backup memo for additional cost information.

## **Cost Category #2 – Increase in City of Portland payroll expenses as a result of new staff required to enforce the ordinance**

Another significant new expense related to the proposed paid sick leave ordinance is the new staff required to enforce the ordinance. During her presentation on May 8<sup>th</sup>, Associate Corporation Counsel Anne Torregrossa shared some very helpful information around staffing requirements within several other municipalities nationwide. Many of the “early adopters” of mandatory paid sick leave ordinances are much larger cities with significantly more resources than the City of Portland (i.e. San Francisco, Seattle, Minneapolis). However, several small and medium sized cities within California, Washington and New Jersey have also adopted local paid sick leave ordinances and have shared their staffing requirements / average investigations data.

| <b>Municipality</b> | <b>Responsible Department (new/existing)</b>         | <b>Staff Requirements</b>                                                                          | <b>Average investigations per year</b>           |
|---------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------|
| San Francisco, CA   | Office of Labor Standards Enforcement (existing)     | 5.5 FTE for paid sick time and minimum wage                                                        | 33                                               |
| Emeryville, CA      | Economic Development and Housing Division (existing) | 1 FTE plus two consultants                                                                         | 6                                                |
| Trenton, NJ         | Health Department (existing)                         | 2 FTE                                                                                              | Few investigations dictated by lack of resources |
| Tacoma, WA          | Employment Standards Office (new)                    | 2.5 FTE for paid sick time and minimum wage                                                        | 28                                               |
| Seattle, WA         | Office of Labor Standards (new)                      | 12 FTE for paid sick time, minimum wage, wage theft, fair chance employment, and secure scheduling | 50                                               |

Trenton, NJ has a similarly sized population (84k in Trenton compared to 67k in Portland), but noted that although they have 2 dedicated FTE they do not have adequate resources to conduct full investigations into complaints received on their paid sick leave ordinance. Similar feedback was received from the City of Elizabeth, NJ (population 129k) who routes their complaints directly to the local courts – which would not be an option for Portland if we chose to pass a local ordinance prior to State action. Tacoma, WA is another slightly larger comparable City who currently utilizes 2.5 FTE to support both their minimum wage ordinance and their paid sick leave ordinance.

As Associate Corporation Counsel has noted, the ordinance presents many challenges based on its intricacies and many questions which are difficult to answer (i.e. whether an employee took sick leave for a proper purpose, whether existing policies within the City meet the requirements of the ordinance, etc.) We agree with her assessment that several new FTE would be required for City to adequately enforce the ordinance, and that one new investigator, one new staff support person, and one half time attorney would be required.

We took the Associate Corporation Counsel’s analysis one step further and assigned non-union position grades to each employee along with salary figures. The investigator would likely be a non-union grade 8, with estimated salary and benefits of \$83,462. The new support staff would likely be classified as a non-union grade 5, with estimated salary and benefits of \$63,330. The half time attorney would be classified as a non-union grade 13 with estimated salary and benefits

of \$64,811. The total of these 2.5 FTE would trigger an increase to future City budgets of approximately \$211,603.

It is critical to note the volume of questions which would be received by the City would significantly increase if the City had an ordinance that conflicted with a State ordinance. We anticipate there would be some public confusion about dueling ordinances and that additional staff time would be required for outreach, education and potential mapping of each rule and its specific requirements. No cost estimates have been included in this document related to potential dueling ordinances.

### **Cost Category #3 – Increase in other budgeted expenses as a result of required advertising and educational outreach effort**

The City could also incur costs advertising and educating the public on the ordinance. There would likely be no cost related to posters (for the Minimum Wage posters are simply posted on the City website for download). However, we would likely spend between \$5,000 and \$10,000 on a mailing / outreach campaign similar to mailings related to Minimum Wage, where the City incurs approximately \$5,000 each time there is a change. This cost category is being estimated at \$10,000 for purposes of an initial fiscal impact memo. As noted in cost category #2, this cost would likely increase if the City and State had differing ordinances as more educational outreach would be required.

[A custom designed website with educational information](#) would cost between \$0 and \$15,000 depending on level of detail desired. [The City of Minneapolis website](#) is one of the best and most informational of any we found during our review. The City could simply opt for a zero / minimal cost option of simply adding a web page onto the existing City site. (This is what was done with [Minimum Wage](#).) For purposes of this final memo a website cost of \$2,500 has been estimated (as suggested during the Committee discussions).

Finally, the City may incur some outside legal expenses during the final drafting of the ordinance, or during any potential amendments to the ordinance arising as a result of legal challenges. Several Cities who passed a municipal ordinance prior to a State ordinance being in place faced (or are currently still facing) legal challenges, most notably Austin and Minneapolis. In Austin, the City is using 3 internal staff (2 lawyers plus a paralegal who worked on the local court case) and an outside firm to address the legal challenge. The challenge has already gone through local courts and is on to the appellate court. Based on our discussions with multiple other municipalities including March 2019 discussions with Austin we feel that \$55,000 is a best estimate of potential legal costs in Portland should a challenge be brought forward. A challenge is more likely if Portland passes a local ordinance which is in conflict with any State level requirements.

### **Cost Category #4 – Pass on of costs related to the proposed ordinance from Portland based vendors we utilize**

Portland uses outside contractors for tens of millions of dollars of work each fiscal year. In the FY19 general fund budget alone, there are \$62M of contractual services with outside vendors. That figure does not include the \$40M of capital improvement plan work authorized in the CIP (or any other CIP work from previous fiscal years which remains to be completed). My Purchasing staff has noted that during our “pre-bid” meetings with vendors, nearly every outside vendor notes that City specific bid requirements which result in increased costs to the vendor are simply passed along to the City as part of overall bid prices. This includes specific labor / wage requirements, bid timing requirements (i.e. the job must be done by a specified date) and would certainly include any costs related to the mandatory paid sick leave ordinance.

Making the very conservative assumption that 1% of the \$102M in contractual services / projects would be impacted by the increased cost of labor (i.e. 1 newly accrued hour of paid sick leave per 30 hours worked) there would be an increase on \$102M in contracts of approximately \$34,000 ( $\$102M * 1\% * (1/30) = \$34k$ ).

**Office of the Mayor, Ethan K. Strimling****MEMORANDUM****To:** HHS and Public Safety Committee**From:** Ethan K. Strimling, Mayor**Date:** Feb 25, 2019**Subject:** Earned Paid Sick Time Cost Analysis

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I will not be able to attend your meeting on Tuesday when you are expecting to take a final vote on Earned Sick Time as I am out of the country. Please pass on my apologies to the community that I was not able to attend your final deliberations.

First and foremost, thank you again for all your hard work on the initiative. You have built a compromise that does a very good job balancing concerns from the business community with public health and worker needs. I am sure the balance you have found will garner substantial public support. Once enacted, this will be a monumental step forward for our city.

In regard to the fiscal note, I do still have a few concerns. As it is currently written, it still appears to greatly overstate the impact the amended ordinance will have on the city budget and hence I have listed my questions/concerns below. I don't expect these will necessarily be resolved before you vote on Tuesday, but I wanted to make sure they were at least aired prior to the ordinance coming before the full council. Hopefully, the issues can be addressed before then.

1) The memo assumes that both the current cost of an employee who calls out sick and the replacement employee costs are new. Only one, the employee that will now receive paid sick time, should be calculated as a new expense. The cost of the replacement employee would have occurred regardless. This should reduce the cost by at least \$51,254.

2) According to the memo, the analysis accrues PST for city employees at the rate all city employees receive. That rate is 1.38 hours per 30 hours worked, with an annual cap of 86 hours. This is an accrual rate 38% higher and 2.5 times more annually than the ordinance requires. Should the city choose to propose this level of accrual, I will certainly support it during the budget process, but the fiscal impact statement should only reflect the mandated cost of the ordinance. This should further reduce the city personnel cost by tens of thousands of dollars.

3) The \$210,000 cost to create a new Division of Labor is no longer needed. This original estimate was based on a proposal which had a 15 day investigation into every complaint and the issuance/enforcement of penalties and escalating fines if an offense was determined. The 15 day timeframe was eliminated, as was the requirement for the city to issue and enforce escalating fines and back wage penalties. At the meeting when this enforcement section was discussed, the committee specifically asked for these changes in order to eliminate the projected staffing costs.

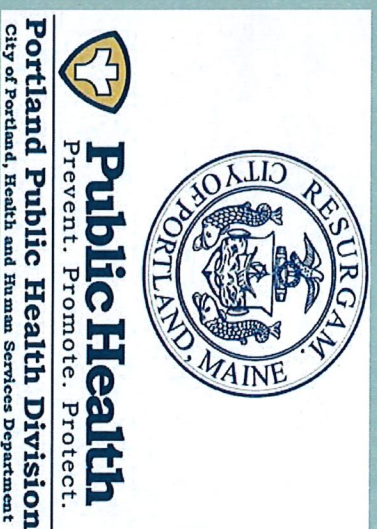
As a point of comparison, the minimum wage ordinance took no additional staff to implement, and the enforcement mechanism here is very similar. In fact, the minimum wage enforcement section still has the 15 day expectation for the issuance of a letter of finding (the PST ordinance has no timeline). Plus, the minimum wage ordinance allows the City manager to issue penalties and backwages should his/her investigation determine it is necessary, something the PST ordinance no longer does. While I certainly could support creating a division of labor to ensure labor laws in Portland are being enforced, the provisions of this ordinance that were cited as causing us to need to hire two and half people, no longer exist.

4) We still need detail explaining each of the line items in the personnel section of the fiscal note. As an example, Parks and Rec says there will be a \$14K increase in personnel costs. Please break down for us how that number was reached. How many employees, what they do, at what wages, and how many hours. We should get this for each item.

All told, the above changes should cut the cost to the city by more than half. Please let me know if you have any questions. Thanks for your attention to this matter.



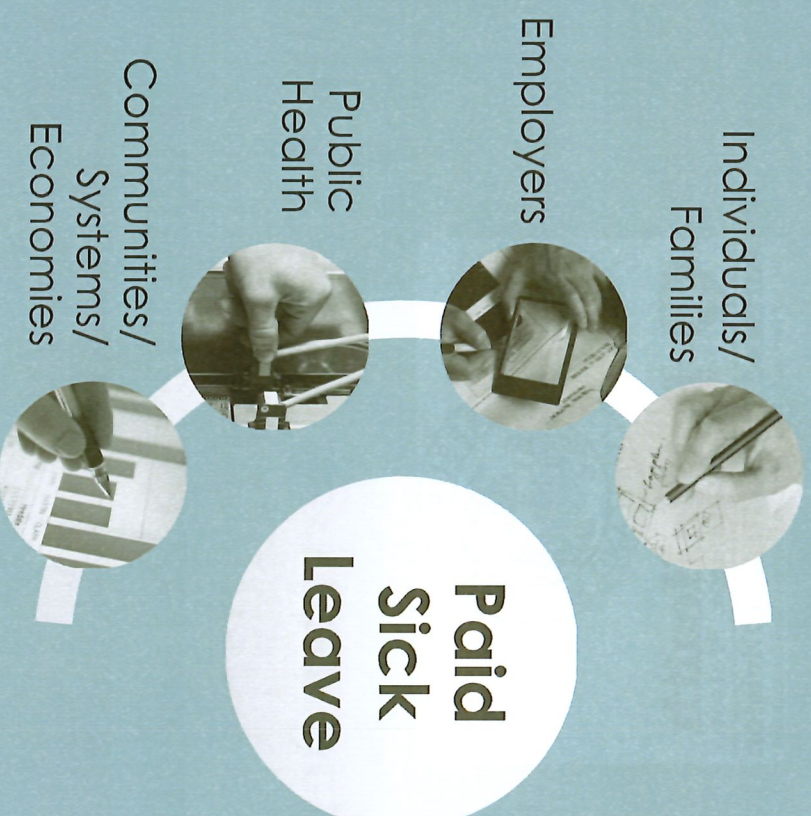
# **A Health Impact of Paid Sick Days Public Health Perspective City of Portland Health & Human Services Department**



Kolawole Bankole, MD, MS, MBA  
Director, Public Health Division

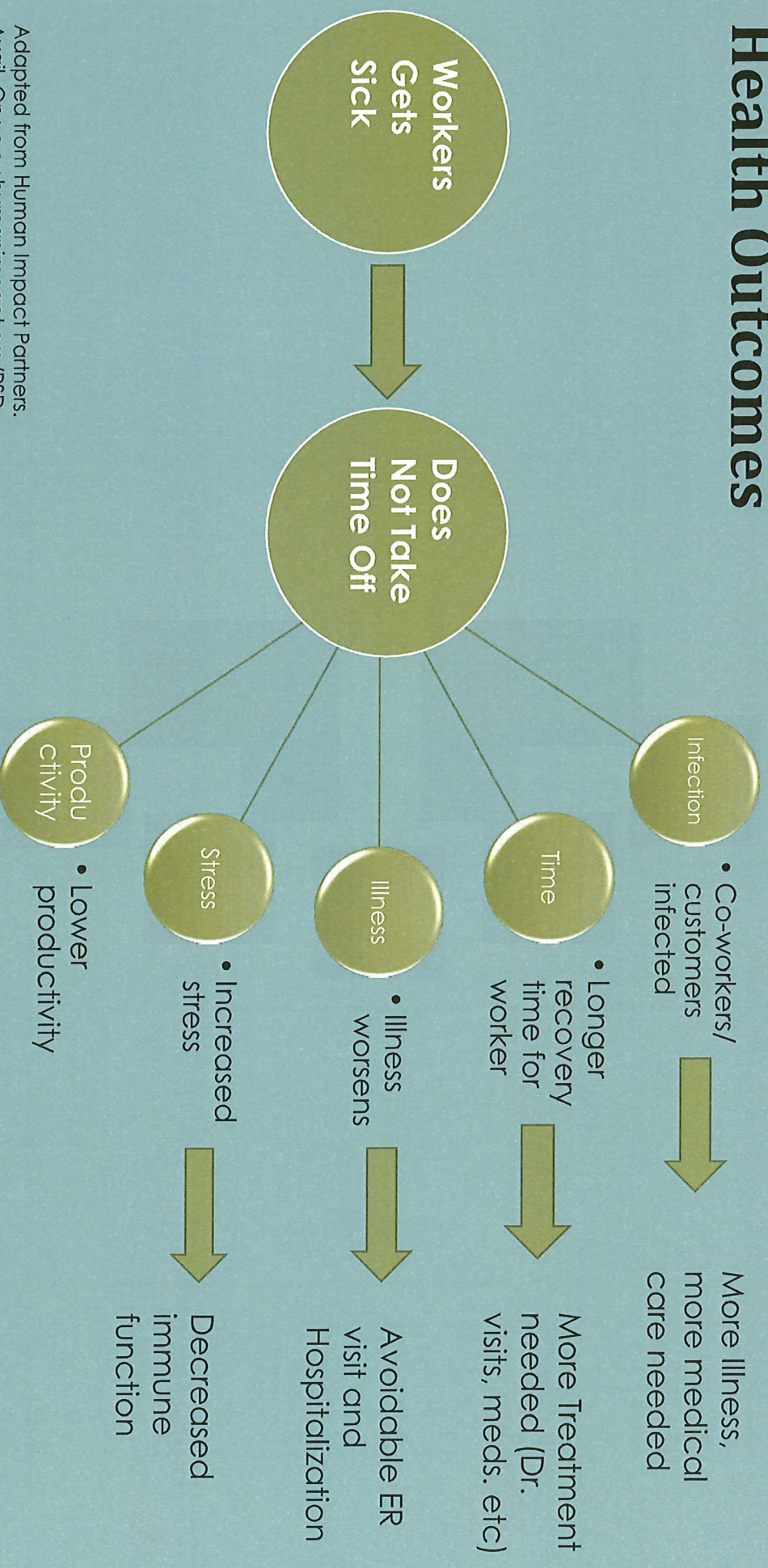


# A Health Impact of Paid Sick Days Public Health Perspective





# Taking No Time off When Sick: EX. Of Potential Negative Health Outcomes



Adapted from Human Impact Partners.  
Avail. On [www.humanimpact.org/PSD](http://www.humanimpact.org/PSD)



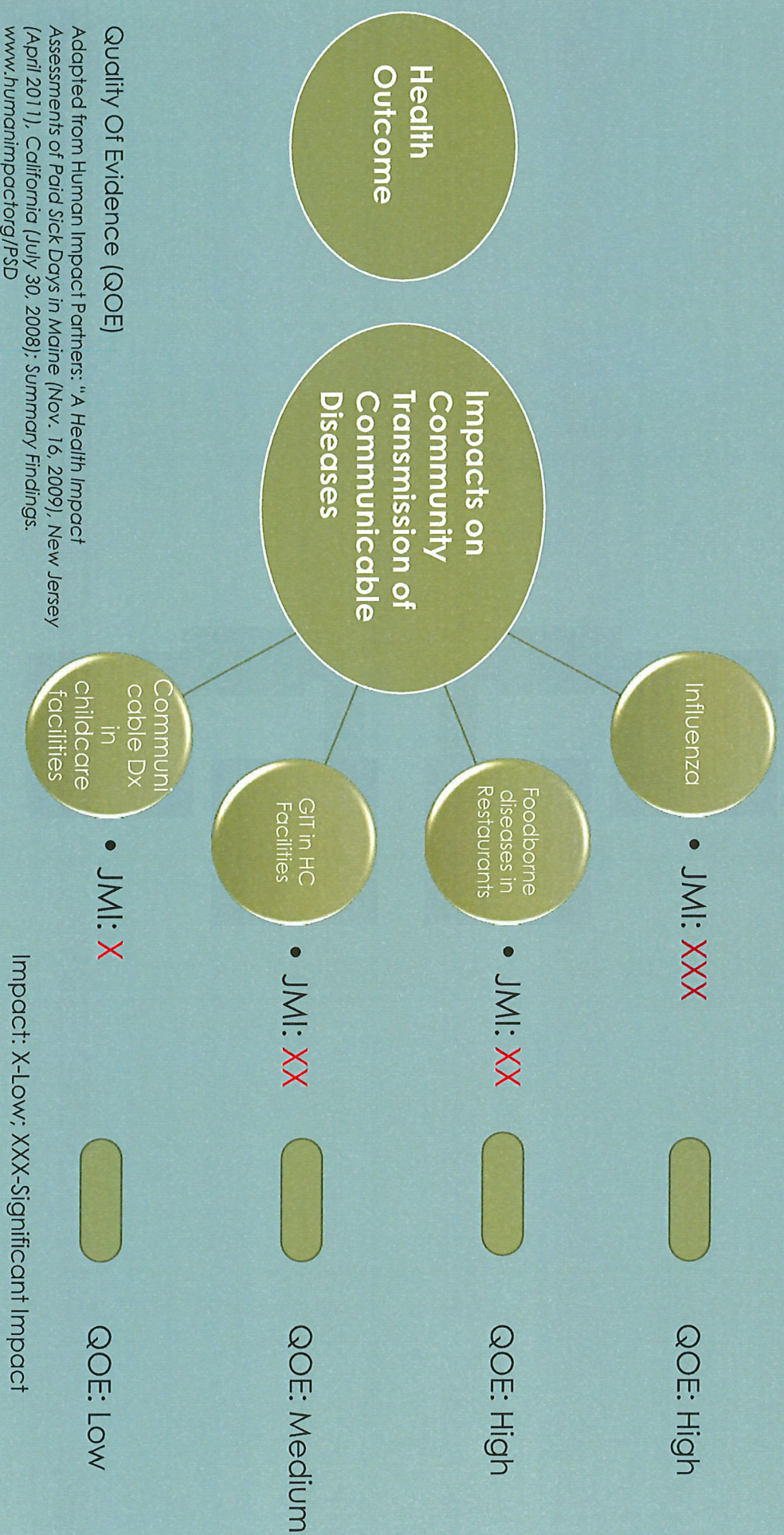
# Taking Time Off When Sick, Without Paid Sick Days: Ex. Of Potential Negative Health Outcomes



Adapted from Human Impact Partners.  
Avail. On [www.humanimpact.org/PSD](http://www.humanimpact.org/PSD)

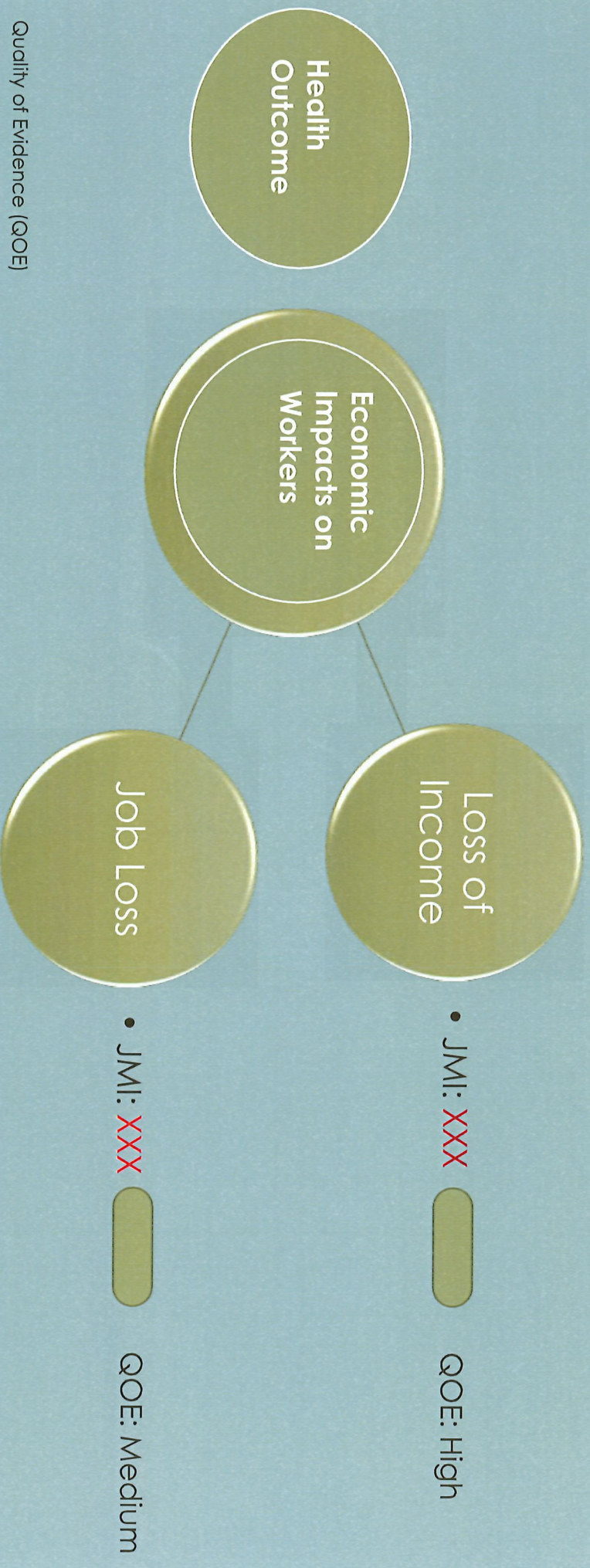


# Health Outcomes and Judgement of Magnitude of Impacts (JMI)





# Health Outcomes and Judgement of Magnitude of Impacts (JMI)

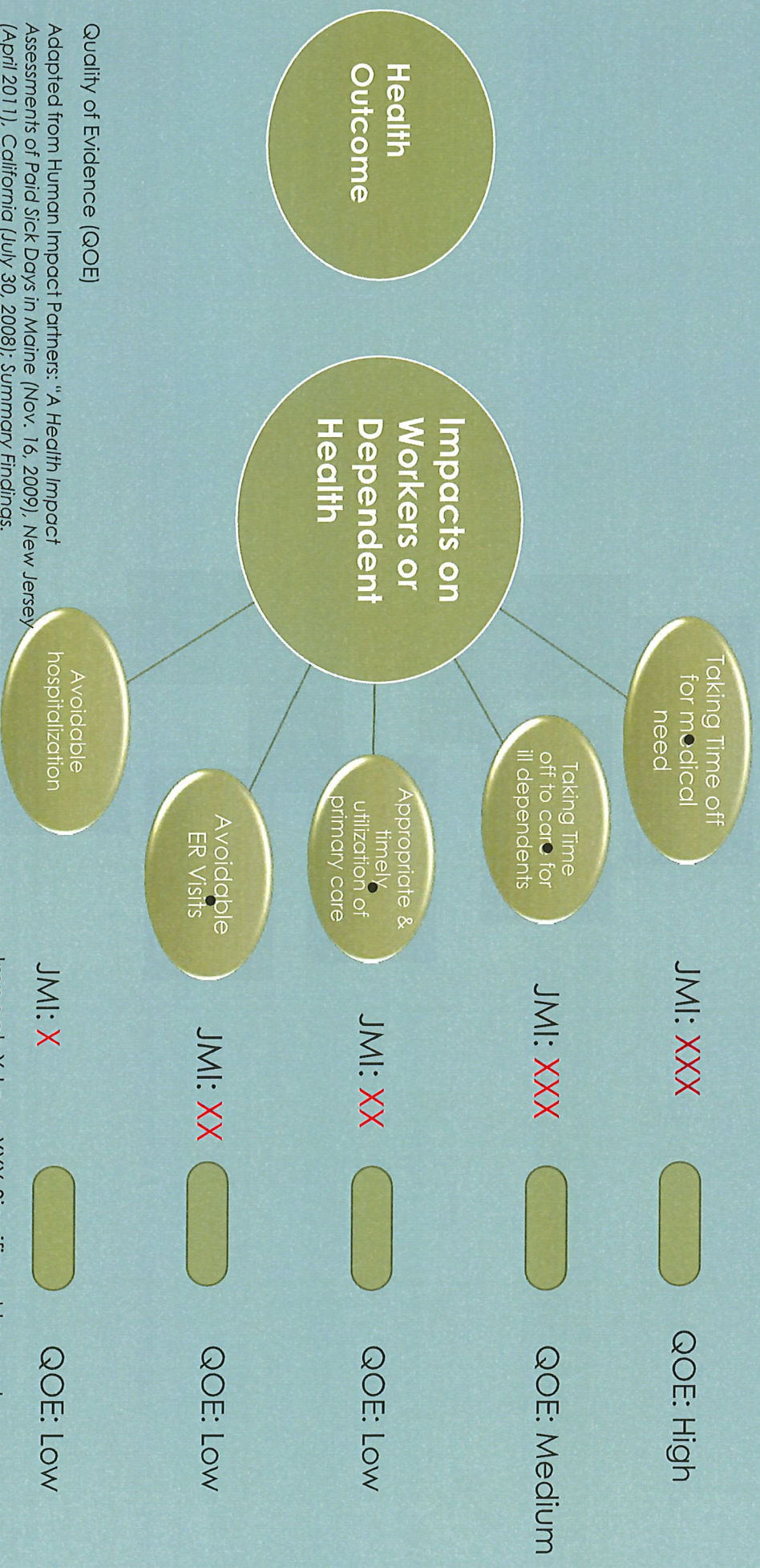


Quality of Evidence (QOE)  
Adapted from Human Impact Partners: "A Health Impact Assessments of Paid Sick Days in Maine (Nov. 16, 2009), New Jersey (April 2011), California (July 30, 2008); Summary Findings.  
[www.humanimpact.org/PSD](http://www.humanimpact.org/PSD)

Impact: X-Low; XXX-Significant Impact



# Health Outcomes and Judgement of Magnitude of Impacts (JMI)



Quality of Evidence (QOE)

Adapted from Human Impact Partners: "A Health Impact Assessments of Paid Sick Days in Maine (Nov. 16, 2009). New Jersey (April 2011), California (July 30, 2008): Summary Findings. [www.humanimpact.org/PSD](http://www.humanimpact.org/PSD)

Impact: X-Low; XXX-Significant Impact





# Paid Sick Days Improve Public Health

FEBRUARY 2019

Everyone gets sick, but not everyone has time to get better. Every day, millions of working people in the United States face an impossible choice when they are sick: stay home and risk their economic stability or go to work and risk their health and the public's health. A national paid sick days standard would give workers the time they need to recover from illness or care for an ill family member, in ways that would help improve public health.

## Too many people must go to work sick because they cannot earn paid sick time.

- ▶ Nearly three in 10 private sector workers – and nearly seven in 10 of the lowest-income workers – don't have access to even a single paid sick day.<sup>1</sup> Millions more don't have access to paid sick days because they are too new to their jobs to be eligible for their employers' policies. In total, more than 34 million U.S. workers don't have access to this basic protection.<sup>2</sup>
- ▶ People without paid sick days are 1.5 times more likely than those with paid sick days to report going to work with a contagious illness like the flu or a viral infection.<sup>3</sup>
- ▶ Many people go to work sick because they fear workplace discipline or losing their jobs. Nearly one in four workers has reported either losing a job or being threatened with job loss for needing to take a sick day.<sup>4</sup>

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**"With both dual-earner and single-parent households on the rise in the United States, it is increasingly challenging for workers to juggle family and work ... Paid sick leave keeps our homes, offices and communities healthier while ensuring the family's economic security."**

— Dr. Barbara L. McAneny, Former Board Chair, American Medical Association

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## There Are Significant Public Health Costs When People Cannot Earn Paid Sick Days

### Lack of access to paid sick days leads to an increased risk of community contagion.

- ▶ Workers who interact the most with the public are often the least likely to have paid sick days: The vast majority of people working in food service (81 percent) and at child care centers (75 percent) lack access to paid sick days.<sup>5</sup> Workers in these occupations are also more likely to be exposed to contagious illnesses and, therefore, to spread illnesses to the public when they are forced to go to work sick.
- ▶ Service workers who have certain illnesses, including the flu or norovirus, are required by the Food and Drug Administration to work on a restricted basis until 24 hours after symptoms subside,<sup>6</sup> yet these workers typically can't afford to take unpaid



sick time. In fact, nearly 60 percent of food service workers surveyed in a Centers for Disease Control and Prevention study reported working while sick, and nearly half of those workers said they went to work because they didn't have paid sick days.<sup>7</sup>

- ▶ Nearly half (46 percent) of restaurant-associated illness outbreaks involve an infected food service worker,<sup>8</sup> and there are approximately 48 million cases of foodborne illness in the United States each year.<sup>9</sup>

### **People without paid sick days are less likely to access medical care, resulting in delayed and often costlier treatments.**

- ▶ Workers without paid sick days are more likely to delay needed medical care, which can lead to prolonged illnesses and turn minor health problems into major, more costly ones.<sup>10</sup> Workers who do not have paid sick days are three times more likely than those with paid sick days to neglect medical care for themselves, and they are nearly two times more likely to forgo medical care for their families.<sup>11</sup> And workers who lack paid sick days are less likely to be able to afford health care goods and services, more likely to incur high medical expenses and more likely to have a family income below the poverty threshold than those who have paid sick days.<sup>12</sup>
- ▶ Not having sick days remains a significant barrier to health care access, despite increased affordability of preventive health care services under the Affordable Care Act. Workers without paid sick days are less likely to go to the doctor or access preventive care, such as cancer screenings, annual physicals, Pap smears and flu shots.<sup>13</sup>
- ▶ A recent study found that workers without paid sick days are 61 percent less likely than those with paid sick days to have received a flu shot.<sup>14</sup>
- ▶ When workers cannot take time off to seek medical care during normal work hours, they are left with few choices for care and are more likely to resort to costly emergency room visits. Working people with paid sick days are 32 percent less likely than people without paid sick days to visit the emergency department recurrently.<sup>15</sup>
- ▶ It is estimated that preventable emergency room visits among workers without paid sick days cost the United States more than \$1.1 billion per year, with nearly half of the costs coming from taxpayer-funded programs like Medicaid, Medicare and the State Children's Health Insurance Program.<sup>16</sup> If all workers had paid sick days, 1.3 million emergency room visits could be prevented and public and private costs would be saved.<sup>17</sup>

### **Children whose parents don't have paid sick days face negative health consequences.**

- ▶ Working parents without paid sick days are nearly twice as likely as those with paid sick days to send a sick child to school or day care.<sup>18</sup> As a result, they are forced to put the health of their children and their children's classmates and teachers at risk.
- ▶ Working parents without paid sick days are 2.5 times more likely than those with paid sick days to report taking a child or family member to the emergency room because they were unable to take time off during their normal job hours.<sup>19</sup>
- ▶ Children whose parents have paid sick days are more likely to receive preventive health care – specifically, they are 13 percent more likely to receive a flu vaccine and 13 percent more likely to have an annual checkup, compared to children whose parents do not have paid sick days.<sup>20</sup> Children whose mothers lack paid sick days are also less likely to receive routine well-child checkups, dental care and flu shots.<sup>21</sup>

# Paid Sick Days for All Would Reduce Costs and Promote Healthier Families and Communities

**A national paid sick days standard would benefit working people and their families, businesses and our public health.**

- ▶ Public policies that guarantee a minimum number of earned paid sick days provide working people the time they need to recover from an illness or care for a sick family member without compromising their financial stability. And they benefit public health: A recent study found that the general flu rate in jurisdictions with paid sick days laws decreased by 5.5 to 6.5 percent after the laws took effect.<sup>22</sup>
  - ▶ Already, 32 jurisdictions nationwide have adopted such paid sick days laws, including 10 states: Arizona, California, Connecticut, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Vermont and Washington.
  - ▶ At the federal level, it is estimated that a proposed paid sick days law would enable more than 30 million additional workers – including six million food service workers and more than one million personal care workers – to earn paid sick time, expanding access to more than 90 percent of the private sector workforce.<sup>23</sup>
- **“[P]aid sick day legislation would be a practical and evidence-based public health policy to prevent communicable disease and to enable timely, preventative care for ourselves, our children and our elders.... [A] paid sick day law has potential to reduce health disparities and control health care costs.”**

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- Dr. Rajiv Bhatia, Director, Occupational & Environmental Health, San Francisco Department of Public Health**

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The evidence is clear: When workers have access to paid sick days, everyone benefits. **Learn more at [PaidSickDays.org](http://PaidSickDays.org).**

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- 12 Stoddard-Dare, P., DeRigne, L., Mallett, C., & Quinn, L. (2018, March). How does paid sick leave relate to health care affordability and poverty among US workers? *Social Work in Health Care*, 57(5), 376-392, DOI: 10.1080/00981389.2018.1447532
- 13 Peipins, L. A., Soman, A., Berkowitz, Z., & White, M. C. (2012, July 12). The lack of paid sick leave as a barrier to cancer screening and medical care-seeking: results from the National Health Interview Survey. *BMC Public Health*, 12. Retrieved 4 October 2018, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3433348/>; DeRegine, L., Stoddard-Dare, P., Collins, C., & Quinn, L., (2017, February 9) Paid sick leave and preventative health care service use among U.S. working adults. *Preventive Medicine*, 99, 58-62. Retrieved 4 October 2018 from <https://www.ncbi.nlm.nih.gov/pubmed/28189802>
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- 19 See note 3.
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The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family. More information is available at [NationalPartnership.org](http://NationalPartnership.org).

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**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 9, 2019

**SUBJECT:** Order 192-18/19 Amendment to Portland City Code Chapter 18 Parks, Recreation and Public Buildings and Ground Re: Formalizing the Boundaries of Boyd Street Gardens - Sponsored by Councilor Belinda Ray.

**SPONSOR:** Councilor Belinda Ray

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation)

**I. SUMMARY**

This amendment formalizes the boundaries of the Boyd Street Gardens, which was dedicated as a park and/or public grounds in Chapter 18 of the City Code via Order 203 13/14, and updates the name of Lobsterman Park, which was recently renamed John Menario Plaza.

**II. AGENDA DESCRIPTION**

Boyd Street Gardens (a.k.a., Franklin Reserve, a.k.a., Boyd Street Urban Farm) was included in a list of over 50 City properties dedicated as Parks and Public Grounds in 2014 (Order 203-13/14). By dedicating these properties in Chapter 18 of the City Code, the Council ensured that the properties would be subject to the provisions of Article 1B in Chapter 18. These provisions include the following:

- the City will maintain these properties “predominantly in their natural, scenic, open and/or intended condition;” and
- the City will not use, sell, or dispose of any of these properties for non-recreational purposes unless the decision to do so is first reviewed by the Parks Commission, “who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.”

There is no question that Boyd Street Gardens has been dedicated and is subject to these provisions. There has, however, been confusion regarding the boundaries of Boyd Street Gardens. This confusion has led various individuals and groups to wonder if the parcel, or any portion of the parcel, is eligible for housing or other development.

A review of historical documents, the back-up materials for Order 203 13/14, and the City’s Open Space Vision and Implementation Plan provides a solid case for including the entire parcel (022 F023) in the 2014 dedication.

This amendment to Chapter 18, Section 11, formalizes the boundaries of Boyd Street Gardens by including the

entire parcel in the dedication language so that there will be no confusion going forward.

In addition to establishing clear boundaries for Boyd Street Gardens, this amendment also adds the name “John Menario Plaza” next to Lobsterman Park, which is what the park was called when it was dedicated. This addition will ensure the parcel is easily identified and recognizable in the list by both its historic and current name.

This item must be read on two separate days. This item received its first reading on March 18, 2019. It was postponed on April 7, 2019 to this meeting. Seven affirmative votes are required for passage, as per City Ordinance, after public comment.

### **III. BACKGROUND**

Prior to 1969, the land that currently comprises Boyd Street Gardens was a neighborhood of single-family homes, duplexes, and tenement buildings. During the 1900s, this neighborhood was home to people from diverse cultural backgrounds. At various times the neighborhood included Jewish, Italian, Lithuanian, and Armenian enclaves living in these residences.

The residential buildings in this neighborhood were taken by eminent domain in 1960 by the Slum Clearance and Redevelopment Authority. Over the next several years, inhabitants vacated the properties and the buildings were eventually demolished in 1969 to make way for Franklin Arterial, new housing, and public open space.

The Boyd Street Gardens parcel (022 F023), and what is now an abutting parcel at 58 Boyd Street (022 F001)—as well as the parcel that is now Fox Street Field (023 B001)—were largely designated as public open space as part of the Bayside Park Renewal Project as shown on a 1958 map associated prepared for the Slum Clearance and Redevelopment Authority.

A follow-up map from 1967 shows the city’s continued intention to establish this area as a public park. This plan for the “Construction of the Mall” included the planting of 29 Sugar Maples, the addition of multiple cement and wood-slat benches, the installation of a plaza with a drinking fountain, and a watering system for the plantings and open space.

It is unclear why this vision of benches and trees on “the mall” never materialized, but in 1972, the parcel was subdivided and the lower portion (022 F001) was conveyed to Portland Housing Authority, leaving the upper portion (022 F023) to remain a vacant, grassy field for many years.

In 2003, the Armenian Cultural Association of Maine, working with the City of Portland and its Public Art Committee, created a plaza at the top of the parcel on Cumberland Avenue across from the Cathedral of the Immaculate Conception. There, they erected a monument that honors both the state’s original Armenian settlers and those who were lost in the Armenian Genocide of 1915-1923.

The monument faces the Bayside/East Bayside area where many Armenian families settled between 1896 and 1925—an area the Armenian Cultural Association of Maine refers to on its website as, “the heart of Maine’s original Armenian settlement” ([www.armeniansofmaine.com](http://www.armeniansofmaine.com)). Additionally, there are four other footings established in the plaza ready to support future sculptures of a similar nature.

In 2004, Cultivating Community, through an agreement with the City, founded the Boyd Street Urban Farm and began preparing the land to grow food as part of its mission to “grow sustainable communities by

expanding access to healthy, local food; empowering children, youth, and adults to play diverse roles in restoring the local, sustainable food systems; and modeling, teaching, and advocating for ecological food production” ([www.cultivatingcommunity.org](http://www.cultivatingcommunity.org)).

After testing the soil and finding high levels of lead, the organization planted large crops of sunflowers for several successive years in order to leech the remaining lead from the soil. When the land was finally ready for food production, the organization began with one large garden near the discontinued section of Oxford Street, and since then Cultivating Community has expanded operations on the parcel.

Today, in collaboration with the City, Cultivating Community manages over 30 community garden plots at this site as well as a large herb and vegetable garden, numerous perennial crops, multiple fruit trees, a compost staging area, and rainwater collection equipment.

Additionally, the Boyd Street Urban Farm has become “a major learning and growing site for youth...and a base for new initiatives such as food forests and free farm stands” ([www.cultivatingcommunity.org](http://www.cultivatingcommunity.org)).

In 2014, Boyd Street Gardens was included in a list of over 50 City properties dedicated as Parks and Public Grounds in 2014 (Order 203 13/14). By dedicating these properties in Chapter 18 of the City Code, the Council ensured that they would be subject to the provisions of Article 1B in Chapter 18. These provisions include the following:

- the City will maintain these properties “predominantly in their natural, scenic, open and/or intended condition;” and
- the City will not use, sell, or dispose of any of these properties for non-recreational purposes unless the decision to do so is first reviewed by the Parks Commission, “who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.”

There is no question that Boyd Street Gardens has been dedicated and is subject to these provisions. There has, however, been confusion regarding the boundaries of Boyd Street Gardens. This confusion has led various individuals and groups to wonder if the parcel, or any portion of the parcel, is eligible for housing or other development.

However, a review of historical documents, the back-up materials for Order 203 13/14, and the City’s Open Space Vision and Implementation Plan provides evidence that the parcel containing Boyd Street Gardens has long been part of an open space plan for the City, and that the entire parcel (022 F023), between Franklin and Boyd Streets and from Cumberland Avenue to the edge of what was once Heath Street, should be included in the 2014 dedication.

This amendment to Chapter 18, Section 11, formalizes the boundaries of Boyd Street Gardens by including the entire parcel in the dedication language so that there will be no confusion going forward.

In addition to establishing clear boundaries for Boyd Street Gardens, this amendment also adds the name “John Menario Plaza” next to Lobsterman Park, which is what the park was called when it was dedicated. This addition will ensure the parcel is easily identified and recognizable in the list by both its historic and current name.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

1. Preservation of open space, community gardens.
2. Establishing clearer boundaries for dedicated public grounds.
3. Respecting the history of parcel 022 F023 which was taken by eminent domain in 1960 as part of an urban renewal project and intended to be a public park
4. Respecting the placement of the Armenian Genocide Memorial, which overlooks parcel 022 F023, and was placed there in 2003 as a memorial to “the survivors of the Armenian Genocide who settled in Bayside.”

#### **V. FINANCIAL IMPACT**

This amendment has no financial impact.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis and Background that will not appear in the Agenda Description.

#### **VII. RECOMMENDATION**

#### **VIII. LIST ATTACHMENTS**

1. Formalizing boundaries of parks 3.18.2019
2. Attachments 1 to 10 Boyd Street Gardens Park Boundary for 3.18.19

Prepared by:

Date: 4/9/2019

Order 192-18/19

Motion to postpone to May 6, 2019: 8-0 (Cook absent) on 4/8/2019

ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO CITY CODE CHAPTER 18  
PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS  
Re: FORMALIZING THE BOUNDARIES OF BOYD STREET GARDENS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*1. That Section 18-11 is amended to read as follows:*

...

**Sec. 18-11. Parks and Public Grounds Dedicated.** The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;  
Back Cove Park and Trail;  
Barrow's Park/Baxter Sundial;  
Bayside Park/Stone Street Playground;  
Bayside Trail;  
Baxter Pines;  
Baxter Woods;  
Bedford Park;  
Bell Buoy Park;  
Belmeade Park;  
Boothby Square;

Boyd Street Gardens/Franklin Reserve (022 F023);  
Bramhall Square;  
Capisic Pond Park;  
Caldwell Square;  
Clark Street Park;  
Congress Square (specifically the remaining 1/3 of Congress Square);  
Clark Street Playground;  
Deering Oaks Park;  
Dougherty Field;



Eastern Promenade Park(including East End Beach and Trail);

Fessenden Park;

Fort Allen Park;

Fort Gorges;

Fort Sumner Park;

Fox Field/Kennedy Park;

Harborview View and Tate-Tyng Park and Playground;

Heseltine Park;

Lincoln Park;

Longfellow Park;

Longfellow Square;

Lobsterman Park/John Menario Plaza;

Marada Adams Playground;

Martin's Point Park;

Monument Square;

Munjoy South Playground;

Nason's Corner Park;

Payson Park;

Peppermint Park;

Pedro Field;

Pleasant Street Park and Playground;

Post Office Park;

Quaker Park;

Riverside Golf Course;

Riverton Trolley Park;

South Street Playground;

Stroudwater Park (Waldo Street and Westbrook Street);

Taylor Street Park;

Tommy's Park;

Trinity Park;

Western Promenade Park; and

Winslow Park.

**Attachment 1 - Amendment to Chapter 18, Section 11**

**AMENDMENT TO CITY CODE CHAPTER 18  
PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS**

**RE: CHANGE TO 18-11 TO REFLECT CLEAR BOUNDARIES FOR BOYD STREET  
GARDENS AND UPDATE THE NAME OF LOBSTERMAN PARK**

**SPONSORED BY COUNCILOR BELINDA RAY**

**Sec. 18-11. Parks and Public Grounds Dedicated.** The following parks and public grounds are hereby subject to the provisions within this Article:

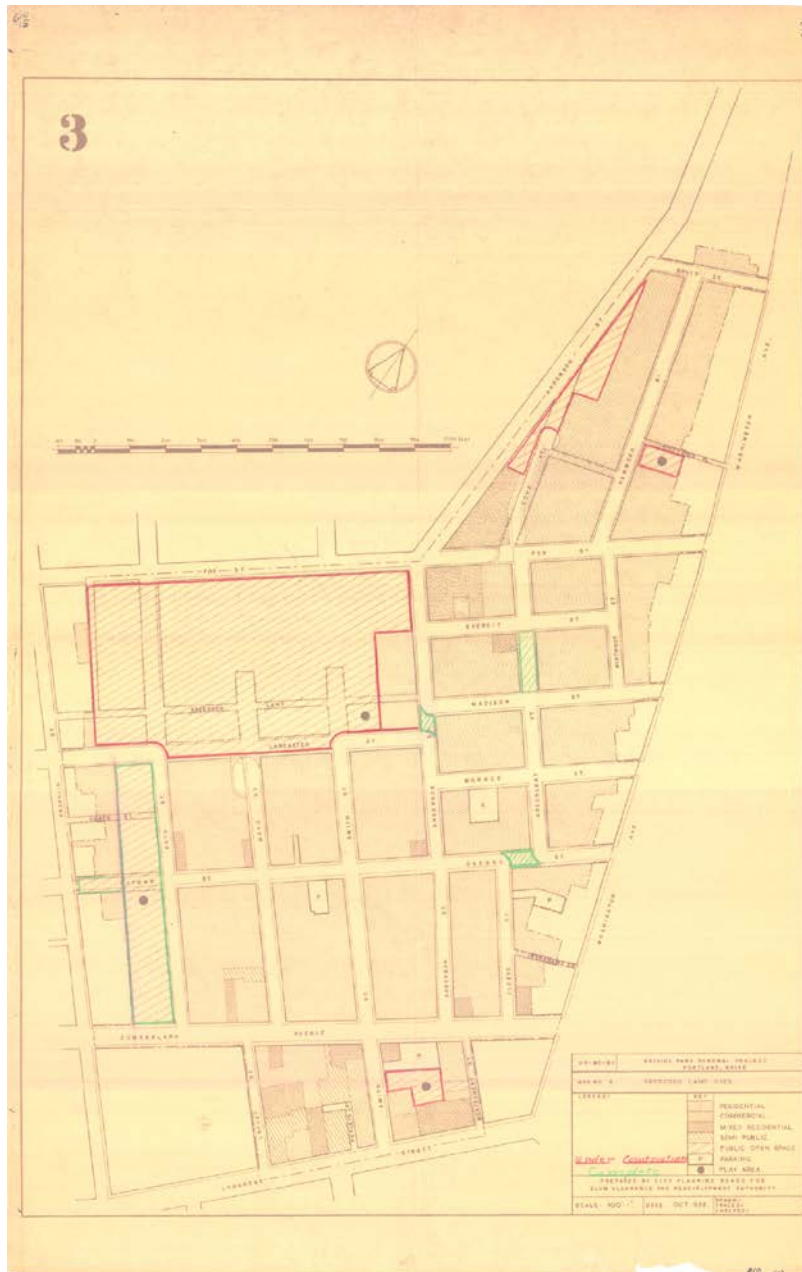
Andrews Square;  
Back Cove Park and Trail;  
Barrow's Park/Baxter Sundial;  
Bayside Park/Stone Street Playground;  
Bayside Trail;  
Baxter Pines;  
Baxter Woods;  
Bedford Park;  
Bell Buoy Park;  
Belmeade Park;  
Boothby Square;  
Boyd Street Gardens/[Franklin Reserve \(Parcel 022 F023 in its entirety\)](#);  
Bramhall Square;  
Capisic Pond Park;  
Caldwell Square;  
Clark Street Park;  
Congress Square (specifically the remaining 1/3 of Congress Square);  
Clark Street Playground;  
Deering Oaks Park;  
Dougherty Field;  
Eastern Promenade Park (including East End Beach and Trail);  
Fessenden Park;  
Fort Allen Park;  
Fort Gorges;  
Fort Sumner Park;  
Fox Field/Kennedy Park;  
Harborview View and Tate-Tyng Park and Playground;  
Heseltine Park;  
Lincoln Park;

Longfellow Park;  
Longfellow Square;  
Lobsterman Park/[John Menario Plaza](#);  
Marada Adams Playground;  
Martin's Point Park;  
Monument Square;  
Munjoy South Playground;  
Nason's Corner Park;  
Payson Park;  
Peppermint Park;  
Pedro Field;  
Pleasant Street Park and Playground;  
Post Office Park;  
Quaker Park;  
Riverside Golf Course;  
Riverton Trolley Park;  
South Street Playground;  
Stroudwater Park (Waldo Street and Westbrook Street);  
Taylor Street Park;  
Tommy's Park;  
Trinity Park;  
Western Promenade Park; and  
Winslow Park.

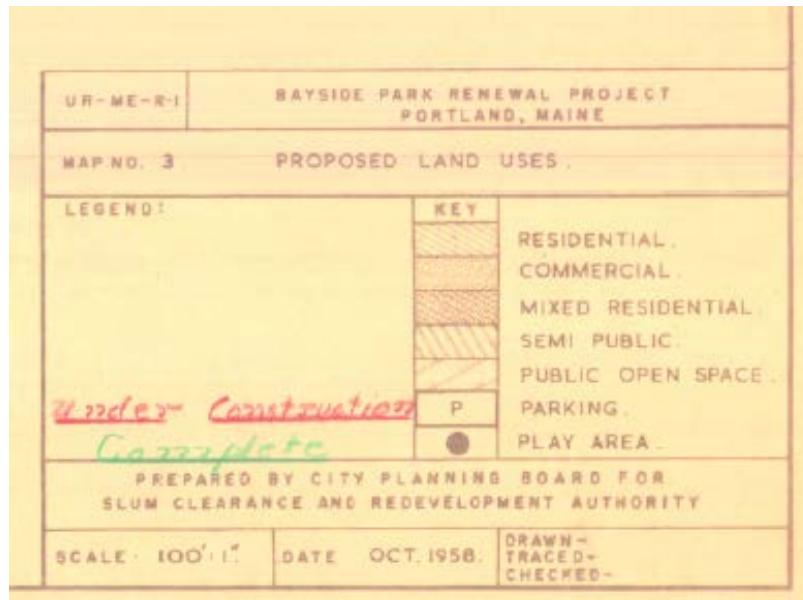
## Attachment 2 - Exhibit A: Bayside Park Renewal Project Map

Prepared in 1958 by the City Planning Board for the Slum Clearance and Redevelopment Authority, this map shows that a large swath of the parcel, extending from the former Lancaster Street to Cumberland Avenue, and including a former extension of Oxford Street, was intended to be preserved as Public Open Space as part of the Franklin Street Arterial project.

Fox Street Field was also established as part of this urban renewal project. Then, like the Boyd Street Gardens, Fox Street Field/Kennedy Field was dedicated as a Park/Public Ground in Chapter 18 of the City Code in 2014 to ensure it would enjoy the protections provided in Chapter 18.



### Attachment 3 - Exhibit B: Insets from Bayside Park Renewal Project Map



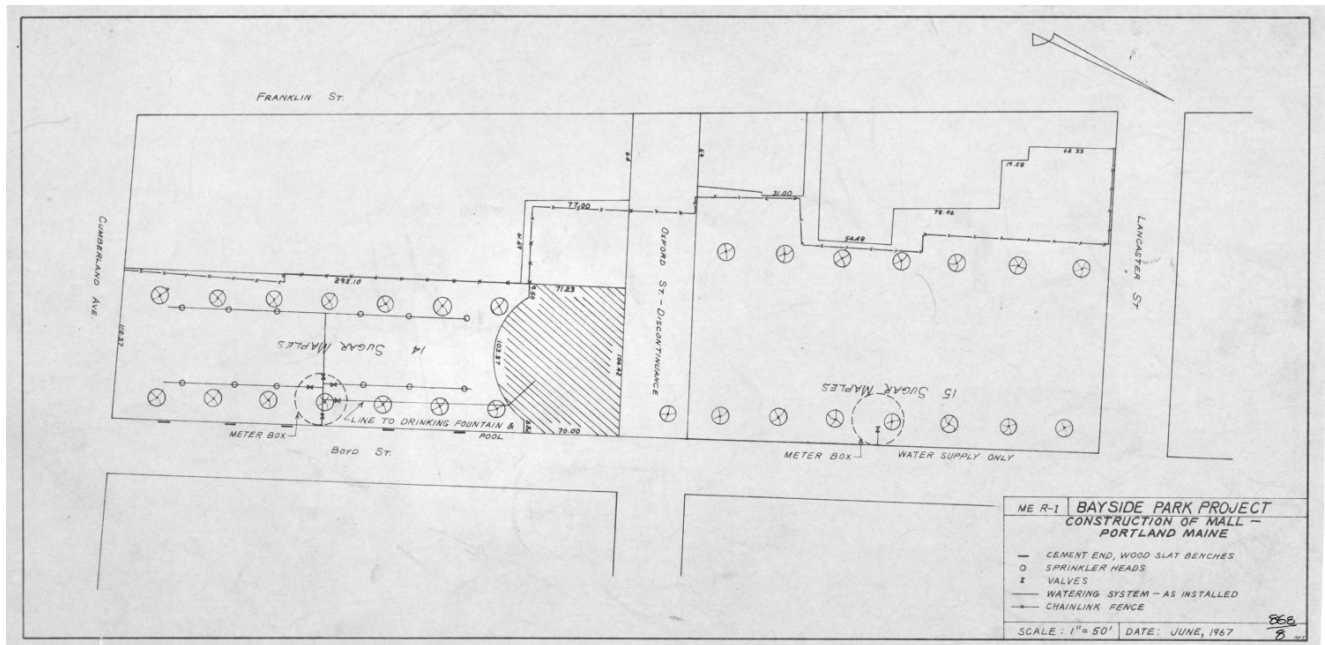
The legend from the 1958 map shows that Public Open Space is designated by the wide cross-hatching, and that a large dot indicates an intended play area.



This section of the map clearly shows a large portion of Parcel 022 F023, extending from Lancaster Street to Cumberland Avenue, was preserved as Public Open Space in 1958.

When this area was dedicated as a Public Park/Ground in Chapter 18 of the City Code by Order 203 13/14, however, the name "Boyd Street Gardens" was used along with the notation "Franklin @ Cumberland," implying that the entire parcel was intended for designation. (See Exhibits E & F for the dedication detail.)

# Attachment 4 - Exhibit C: Follow-up Park Plaza Plan from 1967



At some point prior to 1972, when the Portland Housing Authority administration building was built at 54 Lancaster Street (now 58 Boyd Street), the bottom segment of this parcel (where 8 sugar maples were to be planted) was conveyed to the PHA. Since part of the bottom portion of the parcel was intended to be residential, per Exhibit B, it's reasonable to assume it was conveyed to meet that purpose.



## Attachment 5 - Exhibit D: The Current Boyd Street Gardens



This picture, from the Wayside Food Programs Facebook page, shows the Boyd Street Gardens in 2017. Currently, the entire parcel, from Lancaster Street up to Cumberland, is taken up with plantings and infrastructure including: community garden plots, a large community garden maintained by Cultivating Community, perennial raspberry bushes, compost area, garden shed and arbor, rain barrel collection, and established fruit trees.

The fruit trees, while not densely clustered, extend to the upper portion of the parcel at Cumberland Avenue.

**Attachment 6 - Exhibit E: List of properties to be dedicated as Parks and Public Grounds per Order 203 13/14.**

| #  | Area                                       | Zoning            | Notes                                             |
|----|--------------------------------------------|-------------------|---------------------------------------------------|
| 1  | Post Office Park                           | B3                |                                                   |
| 2  | Tommy's Park                               | B3                |                                                   |
| 3  | Bell Buoy Park                             | WC2               |                                                   |
| 4  | Lobsterman's Park                          | B3                |                                                   |
| 5  | Lincoln Park                               | B3                |                                                   |
| 6  | Eastern Promenade                          | ROS               | (Fort Allen Park is IN Eastern Prom)              |
| 7  | Fort Sumner Park                           | R6                |                                                   |
| 8  | Fox Field                                  | ROS               | Bayside & Kennedy Park names                      |
| 9  | Deering Oaks                               | ROS               | Deed Restrictions Protecting                      |
| 10 | Western Promenade                          | ROS               | Council Order and State Law Protecting            |
| 11 | Taylor Street Park                         | R6                |                                                   |
| 12 | Harbor View Memorial Park                  | ROS               |                                                   |
| 13 | Back Cove                                  | ROS               |                                                   |
| 14 | Winslow Park                               | ROS               | Preble St Ext @ Baxter Boulevard                  |
| 15 | Pedro Field                                | ROS               | Oakleigh Park?                                    |
| 16 | Baxter Boulevard                           | ROS               | Only official Parkway                             |
| 17 | Burrow's Park (Preble St) no longer a park | R5 (inc w street) | Lost most of land to Preble Street Ext.           |
| 18 | Belmeade Park                              | R5                |                                                   |
| 19 | Baxter Sundial Park                        | ROS               | Barrows Park alternative name                     |
| 20 | Bedford Park                               | R5                | Deed Restrictions Protecting                      |
| 21 | Fessenden Park                             | R5                | Deed Restrictions Protecting                      |
| 22 | Longfellow Park                            | R5                |                                                   |
| 23 | Payson Park & Arbor                        | ROS               | Deed Restrictions Protecting                      |
| 24 | Dougherty Field                            | ROS & R5          |                                                   |
| 25 | Stroudwater Park - Waldo Street            | R2                | Deed Restrictions Protecting                      |
| 26 | Stroudwater Park - Westbrook Street        | R2                | Deed Restrictions Protecting                      |
| 27 | Capisic Pond Park                          | ROS & R3          | area south of Macy Street nic (update map)        |
| 28 | Baxter Pines                               | ROS               | Deed Restrictions Protecting                      |
| 29 | Mayor Baxter Woods                         | ROS               | Deed Restrictions Protecting                      |
| 30 | University Park                            | R3                | Deed Restrictions/Planning Bd Approval Protecting |
| 31 | Heseltine Park                             | R5                |                                                   |
| 32 | Trinity Park                               | B2b               | Forest Ave @ Coyle St (PK RR deed protected)      |
| 33 | Quaker Park                                | IM                | Forest Ave @ Industrial PW / DEED Protected       |
| 34 | Oatnuts Park                               | RP2               |                                                   |
| 36 | Riverton Trolley Park                      | ROS               |                                                   |
| 37 | Martin's Point Park                        | RP                | National Park Service Easement Protecting         |
| 38 | Nayson's Corner Park                       | R3                | Breakwater School                                 |
| 39 | Pine Grove Park                            | ROS               | add Land Bank lots to or create RPZ space         |
| 40 | Riverside Golf Course                      | ROS               | Grant Restrictions Protecting                     |
| 41 | Boyd Street Gardens                        | R6                | Franklin @ Cumberland Ave                         |
|    | Playground                                 |                   |                                                   |
| 42 | Stone Street Playground                    | R6                |                                                   |
| 43 | South Street Playground                    | R6                |                                                   |
| 44 | Peppermint Park                            | R6                |                                                   |
| 45 | Pleasant Street Playground                 | B3                |                                                   |
| 46 | Tyng Tate Playground                       | R6                |                                                   |
| 47 | Clark Street Playground                    | R6                |                                                   |
|    | Trails                                     |                   |                                                   |
| 48 | Eastern Prom Trail                         | ROS & WSUZ        |                                                   |
| 49 | Bayside Trail                              | B5                |                                                   |
| 50 | Back Cove Trail                            | ROS               |                                                   |
|    | Land Bank                                  |                   |                                                   |
| 51 | Hobart Street - Fore River Park            | R5 & RPZ          |                                                   |
| 52 | Ocean Avenue Open Space                    | ROS               |                                                   |
| 53 | Presumpscot River Preserve                 | RPZ               |                                                   |
| 54 | Letson's Purchase<br>(see LB list)         | IM                | Across from Riverside GC / near range             |
|    | Squares                                    |                   |                                                   |
| 55 | Andrews Square                             | R6                | Pine @ West (former school)                       |

This list was included with the backup materials for the April 28, 2014 meeting of the City Council.



## Attachment 7 - Exhibit F: Inset from Exhibit E

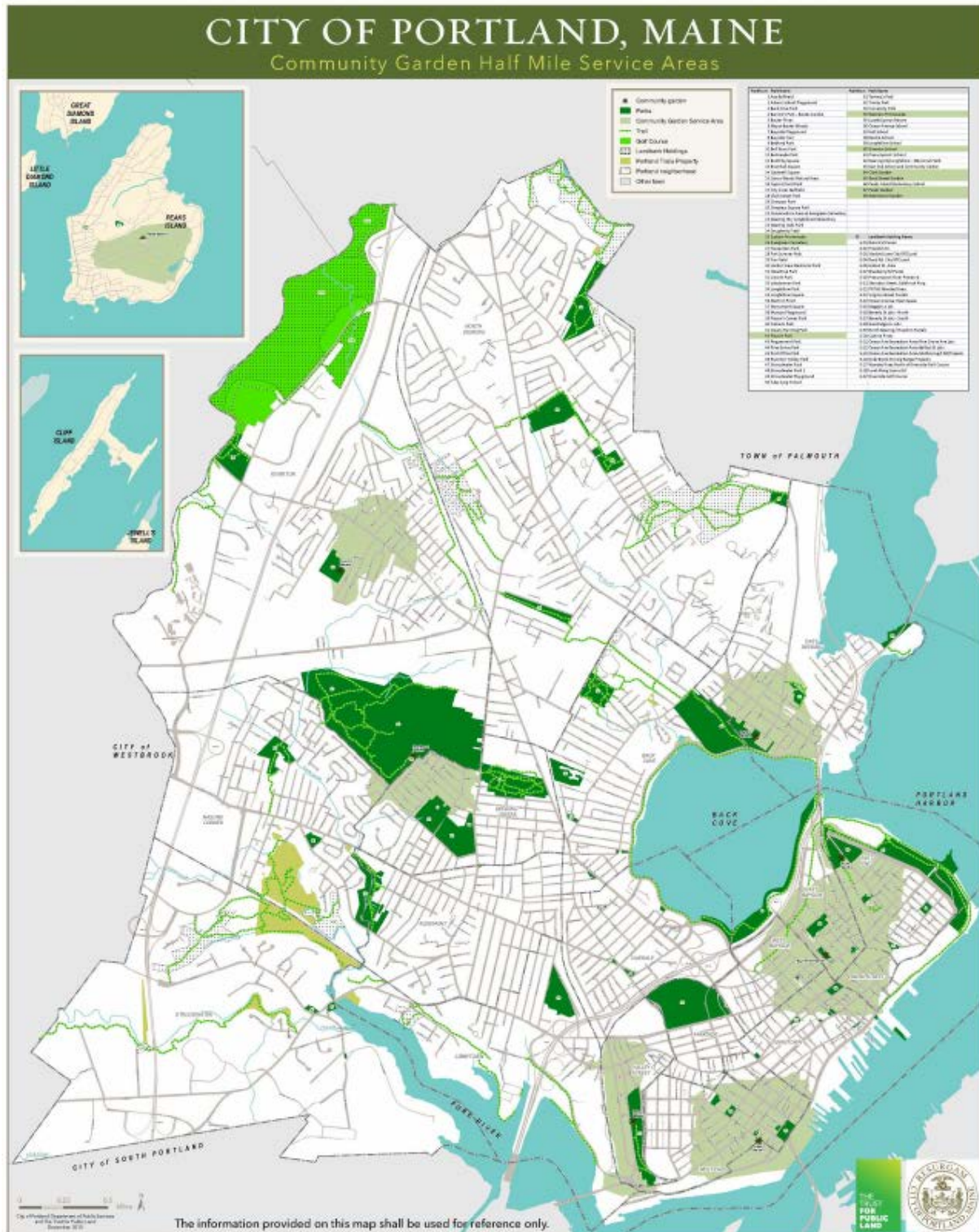
|    |                                   |     |                               |
|----|-----------------------------------|-----|-------------------------------|
| 40 | Riverside Golf Course             | ROS | Grant Restrictions Protecting |
| 41 | Boyd Street Gardens<br>Playground | R6  | Franklin @ Cumberland Ave     |
| 42 | Franklin Park Playground          | BC  |                               |

Boyd Street Gardens is Listed as Property #41.

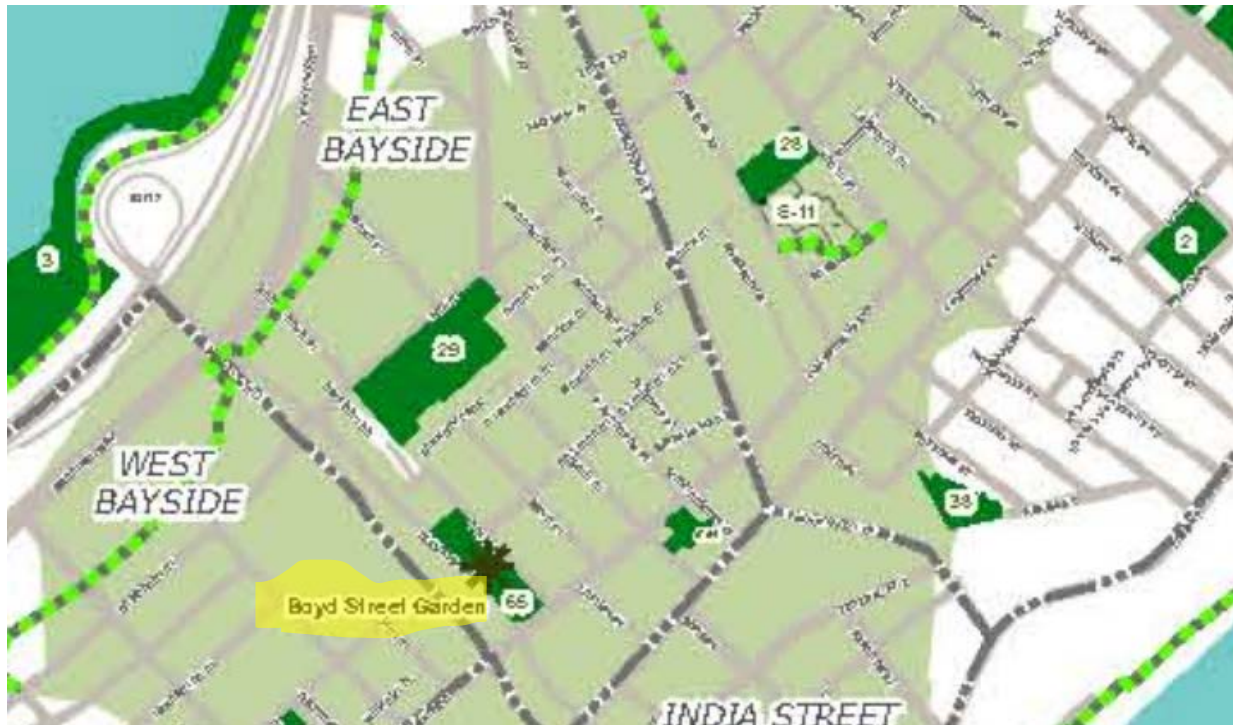
In the “Notes” section in the right column, it is specified that this property is located at “Franklin @ Cumberland Avenue,” which is a reference to the topmost part of the parcel.

This note indicates that the entire parcel was dedicated in Chapter 18—not just the lower segment, where the gardens and their associated uses were most prominent at the time of the parks referendum which gave us this list.

**Attachment 8 - Exhibit G: Map of Community Gardens from Portland's Open Space Vision and Implementation Plan, 2016 (Appendix 6; page 35)**



**Attachment 9 - Exhibit H: Inset from Portland's *Open Space Vision and Implementation Plan*, 2016 (Appendix 6; page 35)**



Portland's *Open Space Vision and Implementation Plan* was produced in 2016 through a collaboration between the City of Portland and the Trust for Public Land.

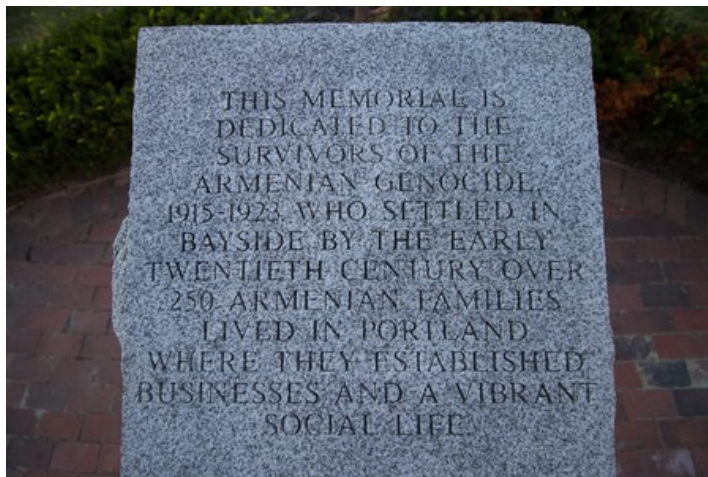
The map of community gardens, which are considered part of Portland's network of parks and open spaces, clearly shows Boyd Street Gardens taking up the entire parcel at Cumberland/Franklin (Parcel 022 F023).



## Attachment 10 - Exhibit I: The Armenian Genocide Memorial



The Armenian Genocide Memorial, which was dedicated in 2003, as seen from Cumberland Avenue, near the corner of Cumberland and Boyd.



The inscription on the top of the monument reads:

“This memorial is dedicated to the survivors of the Armenian Genocide, 1915-1923, who settled in Bayside. By the early twentieth century, over 250 Armenian families lived in Portland where they established businesses and a vibrant social life.”



The monument faces the Bayside area where many Armenian families settled between 1900 and 1925, an area the Armenian Cultural Association of Maine refers to as, “the heart of Maine’s original Armenian settlement” on its website ([www.armeniansofmaine.com](http://www.armeniansofmaine.com)).

Additionally, there are four other footings in the plaza ready to support future sculptures of this nature.



Above and Below:

People gathered at the memorial to commemorate the Centennial of the Armenian Genocide in June of 2015.



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** April 23, 2019

**SUBJECT:** **Order 213-18/19 Approving Modification of the Three-Party Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Congress Street Intersection Improvements - Sponsored by Jon P. Jennings, City Manager**

**SPONSOR:** Jon P. Jennings, City Manager

**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: No This agreement modification must be approved by City Council and signed by the City Manager as soon as possible to allow Maine Department of Transportation (MaineDOT) to meet its target bid date and target construction start date for this project.**

**PRESENTATION:**

**I. SUMMARY**

City Council is being asked to approve the attached update to a Three-Party Municipal/State/ PACTS Agreement and authorize the City Manager to sign it, which will allow MaineDOT to move ahead with its plans to advertise and construct improvements to traffic signals and ADA facilities at the following intersections:

Congress Street at Forest Avenue  
Congress Street at Preble Street  
Congress Street at Elm Street  
Congress Street at Temple Street

**II. AGENDA DESCRIPTION**

This agreement, between the Maine Department of Transportation (MaineDOT), the City of Portland, and Portland Area Comprehensive Transportation System, WIN 022132.00, obligates MaineDOT to update traffic signal controls, technology and communications, as well as a number of new signal structures and related ADA ramp updates. Lastly, the work will allow for this section of Congress Street to be transit priority ready. The agreement obligates the City to pay \$158,562.50, or 25% of the total cost of the estimated \$634,250.00.

This item must be read on two separate days. It was given a first reading on April 8 2019. Five affirmative votes are required for passage after public comment.

### **III. BACKGROUND**

The Congress Street Intersection project is part of MaineDOT's 2018-2020 work plan. Construction work on this project is scheduled to be completed this year. The Council originally approved this project as part of Order 202-15/16, on April 4, 2016.

### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The project will update signal operations and improve ADA access, through improved technology and infrastructure, thus improving mobility for multiple modes. Several new structures will ensure that structural integrity and safety are maintained at these locations. PACTS and DOT funds will pay for 75% of the project costs, so the majority of funding will be leveraged.

### **V. FINANCIAL IMPACT**

The City is obligated to pay 25% of the total construction cost, so the fiscal impact is relatively low. The total cost of this work is expected to be paid from CIP accounts C18012 and C20112. A fiscal impact note is included to provide additional information.

### **VI. STAFF ANALYSIS AND BACKGROUND**

The cost of the project, originally estimated at \$480,700 has gone up due to the determination that more signal structures needed replacement, as well as project delays due to long internal reviews and related impacts at DOT.

### **VII. RECOMMENDATION**

The Department of Public Works recommends approving and signing the subject agreement to allow MaineDOT to improve the intersections of Congress Street with Forest, Preble, Elm and Temple.

### **VIII. LIST ATTACHMENTS**

1. Three-party MDOT, PACTS and Portland re Modification Congress Street Intersection 4.2.2019
2. CongressStIntersectionImprovements\_Map
3. WIN22132PortlandCongressStIntersectionModKE\_3\_6\_19 (1)
4. Fiscal Impact Note Congress Bus Signals

Prepared by:

Date: 4/23/2019



ETHAN K. STRIMLING (MAYOR)  
BELINDA S. RAY (1)  
SPENCER R. THIBODEAU (2)  
BRIAN E. BATSON (3)  
JUSTIN COSTA (4)

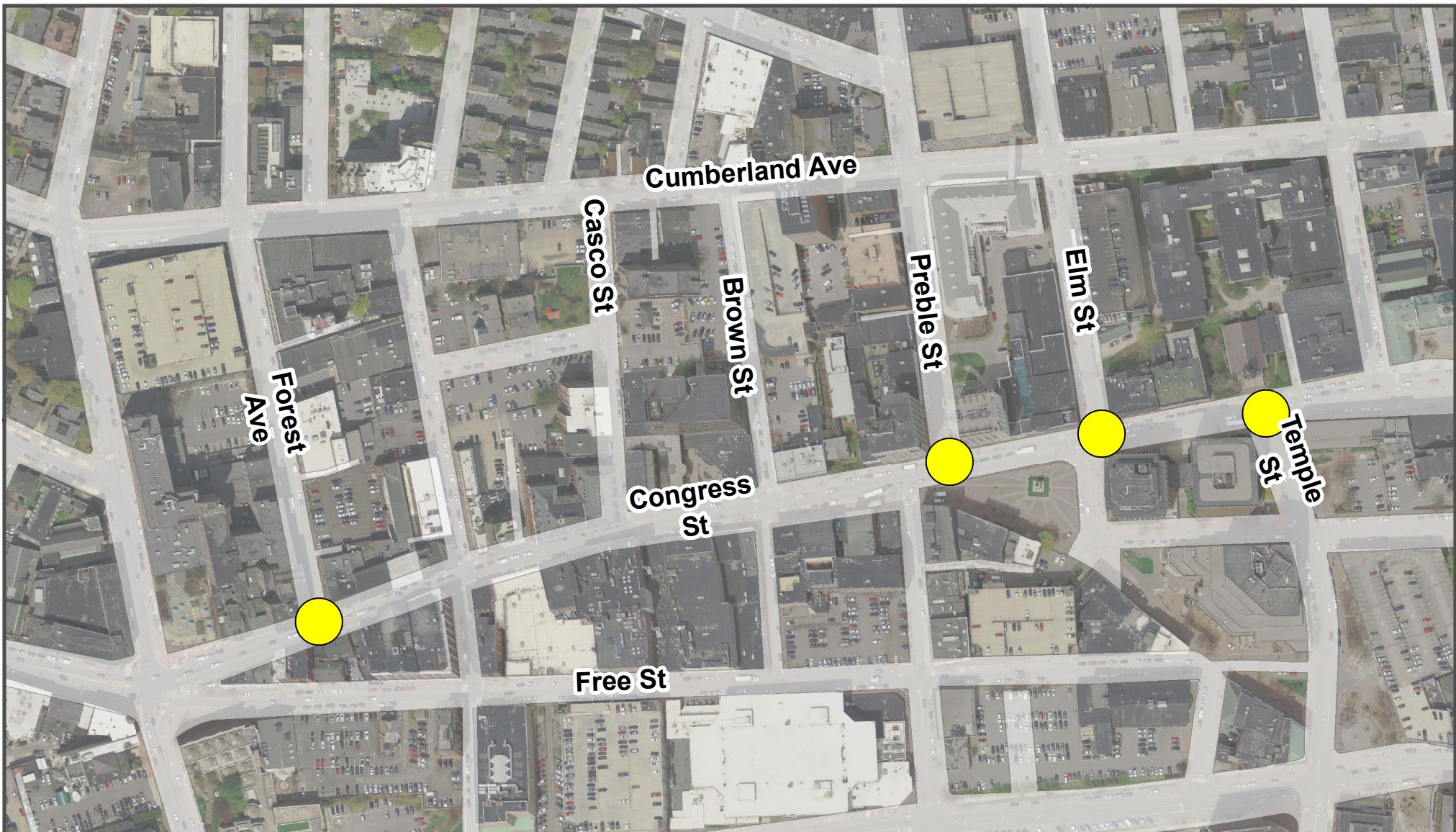
**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

KIMBERLY COOK (5)  
JILL C. DUSON (A/L)  
PIOUS ALI (A/L)  
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING MODIFICATION OF THE THREE-PARTY AGREEMENT  
BETWEEN PORTLAND, THE PORTLAND AREA COMPREHENSIVE  
TRANSPORTATION SYSTEM  
AND THE MAINE DEPARTMENT OF TRANSPORTATION  
RE: CONGRESS STREET INTERSECTION IMPROVEMENTS**

**ORDERED**, that the modification of three-party Municipal Partnership Initiative Program Agreement between the Maine Department of Transportation, the Portland Area Comprehensive Transportation System and the City of Portland for Congress Street Intersection Improvements, with WIN 022132, is hereby approved in substantially the form attached hereto; and

**BE IT FURTHER ORDERED**, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

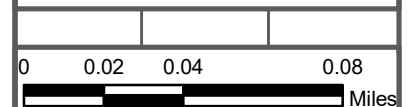
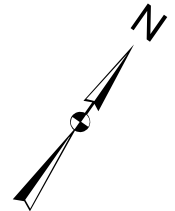


CITY OF PORTLAND, MAINE  
DEPT. OF PUBLIC WORKS  
212 CANCO RD, PORTLAND, MAINE 04103  
PHONE (207) 874-8846 FAX (207) 874-8852

## CONGRESS ST INTERSECTION IMPROVEMENTS

WIN 22132.00

### Legend







Internal Use Only

TEDOCS #:  
AMS Advantage #: DOT1116-37022 PACTS &  
DOT1116-37023 Portland  
CSN#: 37022 PACTS & 37023 Portland

**MAINE DEPARTMENT OF TRANSPORTATION  
MODIFICATION # 1 TO THREE-PARTY PARTNERSHIP AGREEMENT**

Project Location: Portland  
State W.I.N. #: 022132.00  
Federal W.I.N. #: 2213200  
Customer ID#: PACTS  
Customer ID#: PORTLAND

Original Estimated Project Amount: \$83,750.00  
Current Estimated Project Amount: \$83,750.00  
Modified Estimated Project Amount: \$634,260.00  
Current Agreement Expiration Date: 12/30/2019  
Modified Agreement Expiration Date: 12/31/2021 ☐ N/A

This Modification hereby amends a Three-Party Partnership Agreement that was executed by MaineDOT on 11/8/2016, with the Portland Area Comprehensive Transportation System (PACTS) and the City of Portland (Municipality), hereinafter the "Parties" for Congress Street Intersection Improvements (Project) as follows:

- ☒ **Increased Estimated Project Amount.** The maximum amount of the Agreement shall be increased by: \$550,510.00 from \$83,750.00 to \$634,260.00. Reason: The preliminary engineering phase is completed; the Project is to move forward with full development.
- ☒ **Expiration Date.** The Contract Expiration Date of the Project Contract shall be extended from 12/30/2019 to 12/31/2021. Reason: Additional time needed to complete the project.

The following attachments are hereby incorporated into this Modification:

☒ **Appendix A – Agreement Revisions**

All other terms and conditions of the original Agreement shall remain in effect. This Modification hereby becomes part of the Agreement. The Parties, by their duly authorized representatives, have executed this modification to said original Agreement, which shall become effective on the date last signed below.

**PORTLAND AREA COMPREHENSIVE  
TRANSPORTATION SYSTEM**

By: [Signature]  
Kristina Egan, Executive Director\*  
Greater Portland Council of Governments  
For Portland Area Comprehensive Transportation System

3/6/19  
Date

**MUNICIPALITY OF PORTLAND**

By: [Signature]  
Jon Jennings, City Manager\*

Date

**MAINE DEPARTMENT OF TRANSPORTATION**

By: [Signature]  
Andrew T. Bickmore, Acting Director\*  
Bureau of Planning

Date

*\*I certify that the foregoing signature is true and accurate, and if electronic, I further certify that it (a) is intended to have the same force as a manual signature, (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, and (e) is linked to data in such a manner that it is invalidated if the data are changed. 10 M.R.S.A. §9502, et seq.*

## APPENDIX A

**Replace Project Cost with the following:**

### Project Cost Sharing and Payment Schedule:

- a. **Financial Obligations:** The total estimated cost of the Project is \$634,260.00 (the "Project Estimate"). The Parties agree to share in all Project costs associated with the Project phases outlined in the table below. Each Party's share of the Project's actual costs associated with each phase shall be allocated as follows, unless otherwise negotiated by mutual agreement of the Parties.
- i. **Federal Share** (provided by MaineDOT through PACTS Federal Allocation) - 75% of eligible Project costs, up to a maximum of \$475,687.50.
  - ii. **State Share** (provided by MaineDOT through PACTS State Allocation) - 0% of eligible Project costs, up to a maximum of \$0.00.
  - iii. **Municipality's Share** (provided by the Municipality through the Municipality's obligation of funds) - 25% of eligible Project costs, which is estimated at \$158,562.50, plus 100% of the following:
    1. Any costs deemed ineligible for federal and state participation.
    2. Any costs associated with additional work requested by the Municipality that is outside the Project scope of work.
    3. All Project costs exceeding the Project Estimate after the above referenced Party Shares have been applied, unless otherwise agreed to in writing by the Parties through a written modification to this Agreement.

| Work Phase               | Estimated PACTS Federal Share |                      | Estimated PACTS State Share |             | Estimated Municipality's Share |                      | Estimated Total Cost |
|--------------------------|-------------------------------|----------------------|-----------------------------|-------------|--------------------------------|----------------------|----------------------|
|                          | %                             | \$                   | %                           | %           | %                              | \$                   | \$                   |
| Preliminary Engineering  | 75%                           | \$ 67,500.00         | 0%                          | \$ -        | 25%                            | \$ 22,500.00         | \$ 90,000.00         |
| Right of Way             | 75%                           | \$ 375.00            | 0%                          | \$ -        | 25%                            | \$ 125.00            | \$ 500.00            |
| Construction             | 75%                           | \$ 378,237.00        | 0%                          | \$ -        | 25%                            | \$ 126,079.00        | \$ 504,316.00        |
| Construction Engineering | 75%                           | \$ 29,575.50         | 0%                          | \$ -        | 25%                            | \$ 9,858.50          | \$ 39,434.00         |
| <b>TOTALS:</b>           |                               | <b>\$ 475,687.50</b> |                             | <b>\$ -</b> |                                | <b>\$ 158,562.50</b> | <b>\$ 634,250.00</b> |

**Payment Schedule:** The PACTS Share will be disbursed by MaineDOT in accordance with the allocations outlined above. If the Parties elect to move forward with full development of the Project as contemplated in this Agreement, the Municipal Share will be invoiced by MaineDOT in accordance with the payment schedule outlined in the Municipal-State Agreement described herein. If the Parties choose not to proceed to full Project development and no Municipal-State Agreement is executed, the Municipal share, based on the allocations outlined above, will be invoiced as promptly as practicable upon that decision having been made. Upon receipt of such invoice, the Municipality shall submit payment to MaineDOT within thirty (30) days.

| FISCAL IMPACT NOTE<br><br>New Program Cost Data:                                                                                                | Year 1    |                          | Year 2    |                          | Year 3    |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--------------------------|-----------|--------------------------|-----------|--------------------------|
|                                                                                                                                                 | City Rate | City / Sch Combined Rate | City Rate | City / Sch Combined Rate | City Rate | City / Sch Combined Rate |
| <u>Example:</u><br>ADD: NEW ITEM ANNUAL EXPENDITURES<br><b>LESS:</b> TOTAL NEW ITEM ANNUAL REVENUES<br>=NEW ITEM NET TAX RATE IMPACT PROJECTION |           | \$8,273                  |           | \$11,892                 |           | \$11,892                 |
| New Program Impact to the Mil Rate                                                                                                              | \$0.0010  | \$0.0010                 | \$0.0015  | \$0.0015                 | \$0.0015  | \$0.0015                 |
| New Program % Impact on Mil Rate                                                                                                                | 0.0092%   | 0.0047%                  | 0.0133%   | 0.0067%                  | 0.0133%   | 0.0067%                  |
| Mil Rate Including New Program                                                                                                                  | \$11.3410 | \$22.4810                | \$11.3415 | \$22.4815                | \$11.3415 | \$22.4815                |

Notes: \$110,313.00 of the total City share comes from C18102, which was previously bonded and, thus, already has fiscal impacts. The remaining \$48,249.50 of the cost is from C20112, so the full impact with this amount will start in Year 2.





**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Mary Davis, Division Director

**DATE:** April 23, 2019

**SUBJECT:** **Order 215-18/19 Amendment to Portland City Code Chapter 6 Re: Rental Housing Advisory Committee - Sponsored by the Housing Committee, Council Jill C. Duson, Chair**

**SPONSOR:** Housing Committee, Councilor Jill C. Duson, Chair  
**(If sponsored by a Council committee, include the date the committee met and the results of the vote.)**

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

**Can action be taken at a later date: Yes (If no why not?)**

**PRESENTATION:** (List the presenter(s), type and length of presentation) Mary Davis will be available for questions.

**I. SUMMARY**

Amendment to City Ordinance Chapter 6 Section 6-225 Rental Housing Advisory Committee membership.

**II. AGENDA DESCRIPTION**

The Housing Committee met on March 27 and voted 2-0 (Cook absent) to forward this item to the City Council with a recommendation for passage.

Several attempts have been made to recruit members for the Rental Housing Advisory Committee. To facilitate appointments to the committee, amendments to the ordinance have been proposed to clarify legislative intent and to expand the applicant pool for the Rental Housing Advisory Committee. The following amendments to Chapter 6, Section 6-225 are recommended:

1. Pine Tree Legal Assistance and Southern Maine Landlord Association can propose a name for the tenant and landlord legal representatives;
2. The Nominating Committee can move forward without a recommendation from either group if they do not present a name or endorse a candidate that has applied; and
3. The legal representative can live or work in the City of Portland.

This item must be read on two separate days. It was given a first reading on April 8, 2019. Five affirmative votes are required for passage after public comment.

**III. BACKGROUND**

In August 2018, at the recommendation of the Housing Committee, the City Council approved changes to the composition and duties of the Rental Housing Advisory Committee. The duties of the committee include providing the Housing Committee with recommendations or proposals for improvements, modifications, or changes to the City's housing ordinance or policies and identifying educational opportunities, seminars, and materials that would be useful to landlords and tenants.



Under the 2018 amendments, the Rental Housing Advisory Committee will have nine (9) members, who are Portland residents, appointed by the City Council. Membership includes:

Three (3) members who are landlords

Three (3) members who are tenants

One (1) member who is neither a landlord nor a tenant

One (1) member experienced in legal rights/interests of tenants

One (1) member experienced in legal rights/interests of landlords

The legislative intent was for Pine Tree Legal Assistance (PTLA) to nominate the member experienced in legal rights/interests of tenants and the Southern Maine Landlord Association (SMLA) to nominate the member experienced in legal rights/interests of landlords. However, the current ordinance language does not specify that intent. While attempting to recruit members for the committee, staff recognized that the ordinance language was not specific and that neither PTLA nor SMLA nominated or endorsed applicants for the legal representative position.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

These amendments will clarify the legislative intent for the membership of the Rental Housing Advisory Committee and expand the applicant pool for members with the appropriate legal experience.

#### **V. FINANCIAL IMPACT**

No fiscal impact anticipated.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Staff reached out to both PTLA and SMLA to notify each organization that they could submit a name for one of the representatives from their respective communities and also notified them of the positions available for members experienced in legal rights/interests of their communities (tenants and landlords). In addition staff reached out to the Cumberland County Legal Clinic, the Maine Community Law Center and the Volunteer Lawyers Project.

The City Clerk advertised openings to the Rental Housing Advisory Committee beginning November and running through January. After reviewing the applications received, staff determined no applications were received that met the criteria for the members "experienced in legal rights/interests" of tenants and landlords. As these are key members of the Rental Housing Advisory Committee, the decision was made to postpone committee appointments until all positions could be filled.

To facilitate appointments to the committee, the staff is recommending the proposed ordinance amendment .

#### **VII. RECOMMENDATION**

Staff recommends passage of this amendment. The Housing Committee met on March 27 and recommended approval by the City Council of this amendment (vote 2-0 Cook Absent)

#### **VIII. LIST ATTACHMENTS**

1. Chapter 6-225 Rental Housing Advisory Committee 03.18.2019 (amt)

Prepared by:

Mary Davis, Division Director

Date: 4/23/2019



## 6-225. Rental Housing Advisory Committee

(a) There is hereby created a Rental Housing Advisory Committee (the "Committee").

(b) The Committee shall be comprised of nine (9) members, including three (3) members who are landlords, three (3) members who are tenants, one (1) member who is not a landlord or a tenant, one (1) member experienced in legal rights/interest of tenants, and one (1) member ~~with~~ experienced in legal rights/interests of landlords.

(1) All members of the Committee, excluding the members experienced in legal rights/interests of tenants and landlords, shall be residents of the City of Portland. The members experienced in legal rights/interests of tenants and landlords shall be either a resident of or work in the City of Portland.  
~~and~~

(2) All members shall be appointed by the City Council to serve staggered terms set by City Council order.

(3) The Southern Maine Landlord Association will may submit one name for consideration for the member experienced in legal rights/interests of landlords representative position. If the Southern Maine Landlord Association fails to do so, the City Council may appoint the member without the Association's recommendation or approval.

(4) Pine Tree Legal Assistance will may submit one name for the member experienced in legal rights/interests of tenants representative position. If Pine Tree Legal Assistance fails to do so, the City Council may appoint the member without Pine Tree's recommendation or approval.

(c) The Committee shall be co-chaired by one (1) landlord representative and one (1) tenant representative as agreed to by the members of the Committee.

(d) The Committee shall meet not less than quarterly and shall undertake the following duties:

1. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and
2. Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.

(Ord. No. 76-16/17, 11-21-2016; Ord. No. 32-18/19, 8-13-2018)