



CITY OF PORTLAND, MAINE

MEETING NOTICE

COUNCIL APPOINTEE SUB-COMMITTEE

DATE: July 28, 2020

TIME: 4:00 PM

PLACE:

AGENDA

2020 Charter Commission Ad Hoc Committee

Background Materials from July 27 Special City Council Meeting

Zoom Log In

This meeting will take place remotely using Zoom. Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, that authorizes cities and towns to conduct meetings online. Allow your computer to install the free Zoom app to get the best meeting experience.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81984193254?pwd=NFIVVDVrdmg1enM2S2tXU2dyb3dXUT09>

Passcode: 404014

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Webinar ID: 819 8419 3254

Passcode: 404014

Agenda

1. Introductions
2. Discussion of process
3. Set next meeting date and adjourn

MEMORANDUM

TO: City of Portland City Council
FROM: Kate Snyder, Mayor
DATE: July 27, 2020
RE: Appointees to the Charter Commission Ad Hoc Committee

Upon approval of the establishment of the Charter Commission Ad Hoc Committee, and as authorized by the Portland City Charter Article 2, Section 5(l), I am appointing three councilors to the Charter Commission Ad Hoc Committee: Councilor Tae Chong, Councilor Nicholas Mavodones, Councilor Pious Ali and myself, as Chair, of the Charter Commission Ad Hoc Committee.

The Charter Commission Ad Hoc Committee is tasked with a rapid review of applications for the 2020 Charter Commission and is asked to provide recommendations for three appointed members of the 2020 Charter Commission to the full City Council for approval at a Special City Council Meeting to be held August 10, 2020.

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (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 CREATING AN AD HOC COMMITTEE
TO RECOMMEND APPOINTEES TO THE 2020 CHARTER COMMISSION**

WHEREAS, on July 13, 2020, the voters of the City of Portland approved a referendum question asking if a Charter Commission should be appointed to review and adopt changes to the City Charter; and

WHEREAS, pursuant to 30-A M.R.S. §2103(B), the members appointed to the Charter Commission must be approved in accordance with municipal bylaws within 30 days of the election, or August 12, 2020;

WHEREAS, as authorized by the Portland City Charter Article 2, Section 5(1), the Mayor shall appoint the members of Ad Hoc Committees and communicate those appointments to the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council do hereby establish the Charter Commission Ad Hoc Committee; and

BE IT FURTHER RESOLVED, that the members of the Charter Commission Ad Hoc Committee shall review applications and resumes and interview candidates for the 2020 Charter Commission; and

BE IT FURTHER RESOLVED, that the Charter Commission Ad Hoc Committee shall provide recommendations for appointees to the full City Council for approval on or before August 10, 2020.

MEMORANDUM

TO: Mayor Snyder and Members of the Portland City Council
CC: Jon Jennings, City Manager; and Katherine Jones, ~~City Clerk~~
FROM: Danielle P. West-Chuhta, Corporation Counsel *DW-C*
DATE: July 23, 2020
RE: **Charter Commission Next Steps**

On July 14, 2020, the voters of the City of Portland approved the creation of a Charter Commission (13,220 in favor vs. 4998 opposed). A quick review of the state law surrounding the creation of Charter Commissions reveals that there are several next steps that must now occur.¹ The following memorandum provides a summary of those next steps.

I. Next Steps in the Process

Once a question seeking a Charter Commission is approved (i.e. on July 14, 2020 in Portland), the members of the Commission must be appointed and elected. First, three (3) “appointive” members must be appointed by the City Council within thirty (30) days after the election or by August 13, 2020 in this case. 30-A M.R.S. § 2103(1)(B). These members “appointive” members need not be residents of the municipality, and only one may be a member of the City Council. *Id.*

Next, election of “voter” members needs to occur. Under state law, election of the “voter” members may be conducted at the next scheduled regular or special municipal or state election. 30-A M.R.S. § 2103(1)(A). Prior to the election, the City Council must choose one of the following methods for electing the “voter” members:

(1) Six voter members are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations;

(2) One voter member is elected from each voting district or ward in the same manner as municipal officers, except that the voter member must be elected without party designation; *or*

¹ Attached for your reference as *Exhibit A* are the City Council Orders from 2008 and 2009 which lay out the exact process used by the City during the creation of the last Charter Commission.

(3) Voter members are elected both at-large and by district or ward, as long as the number of voter members is the same as the number of municipal officers on the board or council of that municipality and the voter members are elected in the same manner as the municipal officers, except that they must be elected without party designation.”

30-A M.R.S. § 2103(B) (emphasis added). During the last Charter Commission process the City Council chose to use option three (3) above to elect the various “voter” members to the Commission. *See Exhibit A.*

It is important to note that since each of the methods in section 2103(B) requires that the “voter” members be elected “in the same manner” as the City Council members, it is necessary to review the election requirements provided for in the City Charter. *Id.* The Charter first provides that Council members (and thus Commission members) are to be elected using a ranked choice voting protocol. Portland City Charter, Article II, section 3.

The Charter next requires the nomination of all Council members (and thus Commission members) to be as follows:

[t]he nominations of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for an at large council seat or at large school board seat shall be signed by not less than three hundred (300) nor more than five hundred (500) registered voters of the city. The petition of a candidate for a district council seat or a candidate for a district school board seat shall be signed by not less than seventy-five (75) nor more than one hundred fifty (150) registered voters of the respective district.

Id. at Article IV, section 4. The City Clerk also must “make [these] nomination petitions available to the candidates one hundred and twenty-seven (127) days prior to the election.” *Id.* at Article IV, section 6. Given these requirements, the election of the “elective” members will need to be scheduled for either the June 2021 regular municipal election or an alternative special election date chosen by the City Council. *See* Election Process Memorandum from the City Clerk attached hereto as *Exhibit B.*

Once the Commission has been elected, the Clerk must promptly notify its members of the date and time of the required organizational meeting of the body at least seven (7) days in advance of said meeting. 30-A M.R.S. § 2103(2). Within thirty (30) days after the organizational meeting, the Commission must then hold a public hearing (with at least ten (10) days’ published

newspaper notice) “to receive information, views, comments and other material relating to its functions.” 30-A M.R.S. § 2103(5)(A).

Thereafter, within nine (9) months after its election, the Commission must also prepare and circulate a *preliminary* report proposing a new charter or charter revisions, and within twelve (12) months after its election submit a *final* report to the City Council. 30-A M.R.S. § 2103(5)(C) and (D).² “When the final report is filed, the [City Council] shall order the proposed new charter or charter revision[s] to be submitted to the voters at the next regular or special municipal election held at least 35 days after the final report is filed.” 30-A M.R.S. § 2103(6).

II. Staffing and Funding the Charter Commission

The City must provide the Charter Commission with suitable office space and with reasonable access to facilities for holding public hearings free of charge. 30-A M.R.S. § 2103(4). The City may also contribute clerical and other assistance to the commission and shall permit it to consult with and obtain advice and information from the City Council, City officials and City employees during ordinary working hours. *Id.*

Additionally, within twenty (20) days after the members of a Charter Commission are elected and appointed, the City Council shall credit \$100 to the Commission’s account. 30-A M.R.S. § 2103(4). The City may also appropriate additional funds to that account, as necessary. *Id.* The Commission’s account may additionally receive funds from other other public or private sources. *Id.*

² The nine (9) and twelve (12) month requirements to submit a preliminary and final report, respectively, may be extended by the City Council for up to twenty-four (24)-months for certain reasons. *See* 30-A M.R.S. §2103(5)(E).

EXHIBIT A

Order 122-08/09

Passage: 12/1/08 7-1 (Skolnik; Leeman absent)

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER APPOINTING THREE MEMBERS TO THE PORTLAND CHARTER COMMISSION

ORDERED, that the following individuals are hereby appointed to the Portland Charter Commission:

	<u>Name</u>	<u>Address</u>
1.	Pamela Plumb	104 Park Street
2.	Naomi Mermin	83 Madeline Street
3.	Thomas Valleau	65 Rockland Avenue

Order 122A-08/09

Passage: 12/1/08 8-0 (Leeman absent)

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER RE: ELECTION OF NINE MEMBERS TO THE
PORTLAND CHARTER COMMISSION**

ORDERED, that pursuant to 30-A M.R.S.A. § 2103 (A)(3) nine members shall be elected to the Portland Charter Commission, without party designation, and in the same manner as provided by Article II, Section 2 of the City Charter which requires that 4 members shall be elected At-Large and by the registered voters of the entire City and one member shall be elected from each of the 5 election districts by the registered voters of each district.

Order 137A – 08/09
Postponed on 1/5/09 and 1/21/09
Amended & Passed 2/2/09 9-0

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER CALLING SPECIAL ELECTION OF NINE MEMBERS TO THE
PORTLAND CHARTER COMMISSION**

ORDERED, that pursuant to 30-A M.R.S.A. § 2103(1)(A), a special election is hereby called on June 9, 2009 to elect nine (9) members to the Portland Charter Commission. four (4) of whom shall be elected at large by the registered voters of the entire City and one (1) of whom shall be elected from each of the five (5) election districts, from and by the registered voters of each district.

Order 146-09/10

Passage: 1/20/10 9-0

NICHOLAS M. MAVODONES (MAYOR)

KEVIN J. DONOGHUE (1)

DAVID A. MARSHALL (2)

DANIEL S. SKOLNIK (3)

CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)

JOHN M. ANTON (A/L)

DORY RICHARDS WAXMAN (A/L)

JILL C. DUSON (A/L)

**ORDER APPROVING EXTENSION OF TIME FOR
COMPLETION OF REPORTS FROM CHARTER COMMISSION**

ORDERED, that pursuant to 30-A M.R.S.A. sec. 2103(5)(E), the Charter Commission is hereby granted an extension of time to May 21, 2010 to complete its preliminary report and to July 16, 2010, to complete its final report.

Order 273-07/08
Postponed on 6/2/08

Passage: 7/21/08 5-3 (Mavodones, Duson, Skolnik opposed, Leeman absent)

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER ESTABLISHING A CHARTER COMMISSION

ORDERED, that pursuant to 30-A M.R.S.A. § 2102(1), the Portland City Council hereby determines that the revision of the City Charter shall be considered or that adoption of a new municipal charter shall be considered; and

BE IT FURTHER ORDERED, that a Charter Commission shall be established to carry out that purpose.

Order 274-07/08
Postponed on 6/2/08

Passage 7/21/08 5-3 (Mavodones, Duson opposed, Leeman absent)

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER SUBMITTING THE QUESTION FOR THE ESTABLISHMENT
OF A CHARTER COMMISSION TO THE VOTERS
AT THE MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 4, 2008**

ORDERED, that the following question shall be submitted to the voters at the municipal election on November 4, 2008:

“Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?”

EXHIBIT B



Office of the City Clerk
Katherine L Jones, CMC

MEMORANDUM

TO: Mayor Snyder and Members of the Portland City Council
FROM: Katherine L. Jones, City Clerk
DATE: July 23, 2020
RE: **Election of Charter Commission Members**

The following is a proposed timeline and outline of the costs for conducting an election for the Charter Commission members:

As required by the City Charter, the Charter Commissioner members papers must be made available 127 days before the scheduled election of the members. In order to comply with this requirement, the election of the elective Commission members will have to occur at the June 2021 regular municipal election date or at an alternative special election date selected by the City Council.

If the June 2021 date were to be selected as the date of the election for Commission members, petition papers would be made available to candidates on February 2, 2021; March 15, 2021 would be the earliest candidates could turn their papers in, and March 29, 2021 would be the final petition paper submission deadline. Based on my review of the records from 2008, this proposed timeline would be consistent with how the prior Charter Commission was established. More specifically, in 2008 the election on whether or not to establish the Commission occurred in November, and then the Council voted to appoint three (3) members to the body and chose the composition of how the voter members (i.e. one (1) from each District and 4 at large) in December 2008. Thereafter, in January and February 2009, the Council reviewed and ultimately decided to set the election date for the voter members in June 2009.

Finally, please note that if the City Council were to instead select an alternative specific municipal election date the costs for holding that election (by rank choice voting as required by the City Charter) would be as follows:

\$10,000 for the Ballot Order;

\$30,000.00 for the rental of Polling place locations, payments for the election officials, and other routine election costs; and

\$21,400.00 for the Tabulations of Results.

Overall, the cost of such a special election would be estimated to be \$61,400.