City of Portland
Ad Hoc Committee Agenda

Charter Commission Governance Committee
December 8, 2021 at 6:00 PM

1. Call the Meeting to Order (5:30 pm)
   a. a.
   Due to the existence of an "emergency or urgent issue", the Charter Commission Committees will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403 -B and the Charter Commission Remote Participation Policy.
   You are invited to a Zoom webinar.
   When: Dec 8, 2021 06:00 PM Eastern Time (US and Canada)
   Topic: Charter Commission Governance Meeting

   Please click the link below to join the webinar:
   https://us06web.zoom.us/j/85316592866?pwd=WVBXMDVVUStIR2Y5cnJpd3Vpam04UT09
   Passcode: 205075
   Or One tap mobile :
   US: +13126266799,,85316592866#,,,,*205075# or
   +16465588656,,85316592866#,,,,*205075#
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   Webinar ID: 853 1659 2866
   Passcode: 205075
   International numbers available: https://us06web.zoom.us/u/kdzfHVZivB

2. Approval of the prior meeting minutes (5:32 pm)
   a. Approval of the draft November 10, 2021 Charter Commission Governance Committee meeting minutes.
3. Approval of notes from Mayors Interviews (5:32)
   a. Approval of notes from Mayor Interviews
4. Governance Committee Work Plan: review and discuss (5:38 pm)
5. New Business (5:40)
6. Public Comment (5:45)

7. Workshop with facilitator David Plumb; developing a leadership model to recommend to the full Charter Commission (6:00 pm)
    a. a. Values Memo attached
8. Adjournment (8:00 pm)

City of Portland, Maine
Charter Commission
Governance Committee

Interviews with Portland Mayors
October 13, 2021

Kate Snyder (2019-Present)

On what her perception of the role was prior to serving, and how she found the reality different from her actual experience.

- Had the advantage of observing two mayoralties under the current Charter, experience with the structure and practicalities of the office through her work on the School Board, and familiarity with the language defining the position in the Charter.
- Understood that the Mayor is one voting member of a nine-member body.

On how the language of the current charter could be amended to better describe the position as it currently exists, and how the language could make the position more efficient.

- While the Charter 's language describes the Mayor's role as "providing leadership," this language can be confusing, as it is the Council that sets annual goals.
- A charter can not articulate the importance of the time-consuming business of building and maintaining relationships with colleagues, community organizations, and staff.
- Given that the position is seen as having a hand in every aspect of city government, more direct staff would be helpful. Her predecessors have also struggled with the paucity of direct staff.
- Because the hiring of direct staff is not explicitly written into the Charter, there is reluctance to ask for additional funding to hire staff.

On how her time is occupied on a daily basis.

- Meetings with Council committees, the Council, City staff, and constituents, as well as with external bodies, such as neighborhood associations, boards, and commissions. All such meetings require preparation
- Events such as ribbon cuttings, also requiring preparation
- The "unseen business" of building and maintaining relationships through email and phone calls.
- A recents day from her calendar was composed of a standing monthly media interview, for morning meeting with city staff, a meeting a with State Representative from Portland, a meeting with the incoming Corporation Counsel, a call regarding the fish exchange, a meeting with a Council member, and a meeting with the Housing and Economic Development Committee.

On the nature of communications and relationships with rank-and-file city staff.

- She has found city staff to be helpful and responsive to the Mayor and Council while also administering city programs.
- A good relationship and open communication with staff is a necessity to ensure that policy implemented by elected officials will be operational.

On her relationship with the City Council.

- Portland's mayoralty might be best described as "Chair of Council," a reality she understood before running for election.
- As opposed to other municipalities where the mayor "carries a lot," Portland's mayor holds limited power and is confined to a four-year term.
- The Mayor helps provide continuity in a system where there is potential for the frequent turnover of Council members.

On whether it would be beneficial for mayoral elections to be held concurrent with presidential election cycles, rather than the current system of holding mayoral elections on off years.

- A Presidential election leads to increased voter turnout, but is skeptical that the attention paid to elections at the Federal level translates to the municipal level.
- Sees no significant downside or upside to changing Portland's election cycle to align with Federal elections.

On how a mayor carries out an agenda.

- Upon election, immediately became involved in the goal-setting workshop, as the annual goals set by the council are the way "we, as a group, get to define what is important to us."
- Once the annual goals are established, she works to see how all staff meeting agendas serve to further an "explicitly stated and shared goal."

<u>Michael Brennan (2011-2015)</u>

On how, as the first Mayor elected under the 2011 charter, he envisioned the position, how it functioned, and what his duties were on a daily basis.

- The position is unique, and bears unique responsibilities, especially in the role it plays outside of City Hall, as one of five full-time paid elected officers in the state, with no other similar municipal position.
- The elevation granted to the Mayor is critical in being able to negotiate as an equal with other mayors, the Governor, and Congress members.
- Stepping into the position, he was surprised by the lack of relationships and coordination between Portland and other regional municipalities. He spent a great deal of time building these relationships to work on shared priorities like transportation, housing, and economic development.

- He found the Maine Municipal Association to prioritize rural portions in the state; in response, he helped found the Mayors' Coalition to give urban areas a voice in Augusta.
- Since Portland's sources of funding were constantly threatened under Governor LePage, the Mayors' Coalition proved critically important as an advocacy tool.

On what surprised him about the position after election.

- As the first elected Mayor, he came in with ideas about what the position should look like, and what it should do, which he discovered to be at odds with the expectations of the public and the Council.
- He was limited in his relevancy to constituents because he lacked the ability to reach into the daily operations of City Hall to address practical constituent concerns, e.g. filling a pothole.
- He lacked the ability to drive initiatives in the City Council, as he was constrained by the language of the charter.
- He worked with four City Managers during his tenure, and found the Mayor-Manager relationship to be dependent on personalities, and if the Mayor's and the Manager's personalities did not mesh, it could be problematic. This is an inevitability under the structure of the current charter.
- All City managers he worked with had different ways of interpreting the charter and the responsibilities of the position.

On the daily work of the Mayor.

- He had 15 to 20 meetings a week with City Hall, neighborhood associations, and external constituents.
- He spent one or two days per week in Augusta when the Legislature was in session, and met weekly with Portland's delegation to the Legislature.
- Ceremonial duties, like events and openings, as well as standing boards and obligations, consumed a portion of his time.
- Working to set an agenda with Council, while keeping an eye on looming critical issues.
- His work with the Mayors' Coalition.

On the relationship between the Mayor and the Council.

- There is an inherent tension between the Mayor and the Council under the current Charter.
- A mayor who runs on an issues-based platform should not have to sacrifice that agenda if Council has different priorities.
- While he was seeking to raise Portland's minimum wage, he faced the conundrum of whether he should step back when it was not included in the Council's goals, or whether he should continue alone to seek to advance the issue.
- It would be problematic for a Mayor to continuously step outside the Council's defined agenda.
- It should be an elected mayor's responsibility to engage the city in the major issues it is facing, like an approach to addressing homelessness.

On how he would alter the current position of Mayor.

- The position of the City Manager should be retained, but it should be the Mayor who is responsible for presenting a unified budget to the Council.
- Under the current system, the City Manager presents a budget that is 95 percent complete.
- To make the Mayor responsible, in consultation with department heads, would elevate the mayor in directing resources, rather than the Manager and city staff.
- There is currently a conflict between the School Committee budget and the city budget. It would be a positive for the city to have the Mayor taking a more comprehensive view of the budget, and being responsible for presenting it, and advocating for it, to the public.

On his relationship to professional staff.

- For the majority of his tenure, he had direct, ongoing access to city staff.
- When Sheila Hill-Christian came in as Acting City Manager, access became more limited.
- Access was generally a positive experience, but staff occasionally found it uncomfortable.

<u>Group Discussion with former Mayors Jill Duson, Karen Geraghty, and Jim Cohen, who served before the adoption of the 2011 charter</u>

On the Mayor's duties beyond that of a Council Member.

- JD- It was a "year of proclaiming and welcoming;" her duties were largely that of a councilor, with additional ceremonial responsibilities.
- As she was working a full-time job while serving as Mayor, she was limited in the amount of time she could devote to the position.
- She entered her mayoral year with two or three policy objectives, but the process of pursuing them did not differ from that of a Councilor.
- KG- as mayor, she established regular meetings with the City Manager, Council Members and committee members.
- The mayoralty amounted to a half-time job, on top of her regular, full-time employment.
- JC- agreed that managing city responsibilities while working full time proved challenging.
- He had an agenda he wanted to move forward, though pursuing it was a "soft skills position," rather than an exercise of any mayoral authority.

On whether they wished they had the ability to devote themselves more fully to the position of mayor.

- KG- would have wanted more time, but was able to make the position work through the strength of City Manager Bob Ganley, who she found an excellent collaborator and communicator: the situation was "not ideal," but "doable"
- JD- found that under the prior charter, Portland was missing an opportunity to exert influence in Augusta. With a rotating yearly mayor, there was difficulty in building relationships.

On how, as City Councilors, they found it different operating under the two types of mayor.

- JD- Took a more deferential role in Augusta after the adoption of the 2011 charter, as the elected mayor should be the face of the city.
- Because the Mayor and the Manager set the Council's agenda, there has been tension over whether councilors have the authority to bring issues forward or add items to the agenda.
- Though the charter sets up the government as a "push and pull" relationship between the Mayor, Council, and Manager, the council has not always exerted its authority to set policy.
- JC- Agrees with Duson's assessment. It is not a problem of the government's structure under the charter, but of specific language in the charter. The previous charter commission never considered that a Mayor or Manager would not add items to an agenda if asked by a councilor.

On whether councilors have enough of a voice in city business, particularly in its early stages.

- KG- As a councilor, always immediately became involved if there was any indication of business affecting her district. Never felt she lacked opportunity to engage.
- JC- Has had much the same experience, but believes that may not be as true now, because the Manager limits access to staff.
- The role of the Mayor in the hiring, managing, and reviewing the City Manager has not functioned as envisioned by the previous charter commission. Language should strengthen and clarify the Mayor's role.

On access to city staff during their tenures as Mayor in Council.

- KG- Never struggled over access to staff, and believes the government was a more "collaborative experience" before the 2011 charter, and there was no individual or body seeking to coalesce power.
- JC- Perhaps guaranteed Council access to staff should be memorialized in the charter. Policy makers should have access to the information to craft good policy.
- It is ultimately the responsibility of the Council to hire a Manager who will provide them with the access to staff they need.
- JD- Heavily relied on staff as mayor and a councilor.
- Power struggles between the Mayor and Manager harm constituents, and make them uncertain where to turn to resolve an issue.

On the process of moving an agenda or policy matter forward.

- JC- Done through relationships and by building trust with councilors, the Mayor, Manager and outride groups.
- Setting up processes, whether it be a city task force, an informal working group, or through the Manager.
- There was "no playbook."
- JD- It could could be a multi-year process that spanned multiple committee chairs.

- Largely a matter of finding colleagues who shared goals and interests.

Ethan Strimling (2015-2019)

On what his perception of the role was prior to serving, and how he found the reality different from her actual experience.

- He has studied the charter closely and observed Brennan's tenure.
- What is most important is how the public perceives the position, and the public expected leadership from the Mayor.
- There had been efforts spanning decades to create the position of an elected mayor, which he cites as evidence that Portland wanted accountable, elected leadership.
- He shouldered these leadership aspirations as a candidate and as Mayor.
- He believes there is a gap between the intent of the 2011 charter and how it came to be implemented: the Charter intended a Mayor that provided leadership and oversight, and had more input into the budget.
- His efforts to implement the vision he was elected on became "a pitched battle."
- The 2011 charter failed the stress test of its practical implication, not just in Strimling's mayoralty, but all mayoralties under the charter, in that it does not and cannot do what the people expect of the mayor, and therefore, "our government is not honest."
- A "fake democracy" has been created, where the public believe they have an elected mayor who can solve issues and lead the city, but they do not.

On how his time was occupied as Mayor.

- He spent significant time with constituents, in Augusta, and with boards.
- Fundamentally spent the majority of his time on advancing specific policy, through any variety of mechanisms and soft skills. The system "made it much more difficult than it should have been."

On his dynamic with Council, given he had never served on the Council prior to running for Mayor.

- One of the fundamental flaws of the current structure is that the Mayor is not a separate executive branch.
- The Mayor currently has too little authority, and the City Manager has too much.
- It is problematic to enter the office of Mayor after running on a policy-based platform, to head a body that hasn't chosen you as its leader. The council should choose its own speaker or chair, and the Mayor should be a separate entity.
- Differences of opinion are good and necessary, but systems need clearer rules and a better balance of power.
- The Council overruled both the language of the Charter and the opinion of the Corporation Counsel by making the Council responsible for setting the agenda.

- The courts cannot act as referee in disputes between the Mayor and Council, because with both as part of the same body, the Council's internal rules are not eligible for review by the court system.
- The Council should not resolve disputes of power between the Mayor and Council, because Council will always adjudicate in favor of Council.

On access to city staff.

- Had "zero access" to city staff.
- Access to staff is necessary in crafting policy.
- This is less a matter of a flaw of the charter, than the decision of one City Manager.
- It is a fundamental flaw of the current system that grants the Manager excessive authority.

On how the system could be tweaked, should voters reject a new charter.

- The structural flaws of Portland's government cannot be resolved by minor tweaks.
- Ninety percent of American cities have an elected executive mayor.
- The current system is rooted in exclusion, racism, and homophobia, and needs to be thoroughly re-conceived.

On how he advanced an agenda.

- The State of the City Address was an opportunity to roll out big agenda items.
- Making sure constituents were informed and involved. Garnering public support.
- Working with other elected officials.

CHARTER COMMISSION "GUIDANCE STATEMENT"

"Create a structure of government which maintains expert administration while also promoting robust democratic representation, and public participation. This structure should ensure accountability, transparency, and accessibility while increasing equity, inclusion, diversity, and justice."

COMMITTEE VALUES derived from workshop on Sep 22, 2021

What does success look like? We achieve a city government that is…

Accountable and Responsive

- There are channels for concerns that are accessible and result in actual responses.
- There is a clear chain of command, and clarity on who you can speak with about your interests and concerns
- People see the connection between the public voice and decision-making

Transparent and communicative

- People know what is going on and there is easy access to information

Participatory

- There are vehicles to participate
- Barriers to participate are removed – we recognize that time is a major barrier for working people

Representative and Giving Voice

- Decisions are made considering the whole community
- Local government includes people with different experience and background
- Access to government is not defined by money
- The systems work for everyone

Efficient and Showing Leadership

- City can tackle problems and reach conclusions. Local government is seen a place of solutions
- The city policy-making process works to address interests and concerns – people use it and see their interests met.
- The city has big plans and develop bold ideas though a democratic process

Integrity