



City of Portland, Maine
Charter Commission
Governance Committee
MINUTES

November 8, 2021

Committee Members Attending via Zoom: Commissioner Robert O'Brien (Chair), Commissioner [Ryan Lizanecz](#) (Vice Chair), Commissioner [Nasreen Sheikh-Yousef](#) (Secretary), Commissioner Shay Stewart-Bouley (6:45pm).

1. Call Meeting to Order and Conduct Roll Call

Chair O'Brien called the meeting to order at 5:30pm and called the roll. Commissioners Lizanecz, Sheik-Yousef, and O'Brien were present. (Commissioner Stewart-Bouley was expected to be tardy and arrived at 6:45pm).

2. Approval of October 13, 2021 Minutes

Chair O'Brien called for a motion to approve the Minutes of October 13, 2021. Moved by Commissioner Lizanecz and seconded by Commissioner Sheik-Yousef, the motion carried unanimously (Commissioner Stewart-Bouley absent).

3. Governance Committee Work Plan: review and discuss

Chair O'Brien reviewed the Committee Work Plan with members. Commissioner O'Brien recommended another evening of interviews for City Council members in the first week of December. A subsequent meeting in the middle of December would be when the committee first starts deliberating on a recommended model of city leadership. A final meeting in early January would produce a formal recommended model from this committee to send to legal counsel for drafting. The full Charter Commission should be prepared to receive that model to take action shortly after.

4. New Business

Commissioner Lizanecz raised the prospect of collecting all of the committee materials in one central location, like a publicly available Google Drive. The experience of submitting materials to City staff has been inconsistent in how it is shared in a timely manner.

5. Public Comment (paraphrased)

Mr. Webber would like to see summarized points from interviews reflected in the meeting minutes, for both the public's benefit, and for commissioners to agree upon what they heard. Mr. Webber would also like to learn from the speakers this evening what the basis is for considering the institution of the city manager inherently racist.

Mr. Rhault would like the Commission to steep itself in the history of the Charter, specifically exploring revisions to the Charter that have occurred over the decades (and why). Mr. Rhault shared that in 1921 a referendum to change Portland's Charter from executive mayor to city manager form of government failed, only to pass a few short years later. He pointed out that Home Rule laws in the 1970's first necessitated the need for a Charter Commission, and that simple revisions to city government were easier before then. Mr. Rhault concluded with the issue of what can be done legally with a vacated elected seat in Portland under current Charter rules, and what might be proposed to remedy that in future recommendations.

6. Interviews with Government Experts

The members of the Governance Committee hosted three separate interviews with Dr. Chyrl Laird; Dominick Pangallo; and Dr. James Svara.

Dr. Chyrl Laird: Professor of Government & Politics, University of Maryland

- History of the creation of manager system model (generally) that is aligned with business and based off of the *Taylor Model*: (Progressive Era)
- Idea of political machines was resulting in a problematic system. (Combating corruption, etc, was the idea)
- Management, streamlined and businesslike government type
- Not necessarily nefarious intent in the early 1900s, but rather streamlining.
- To some extent was to minimize the power of recent immigrant groups and potentially enhance the power of white individuals.
- City manager model creates systems where cities are run like a business. (Historical intent)
- City Manager system can lead to residents feelings of lack of power (particularly in communities of color)
- Motivating communities of color would be aided by the potential creation of a "stronger" mayor system.
- Strong mayor system thoughts and their drawbacks:
 - Potentially beholden to donors
 - Mayor can overrule city council (veto power)
 - Mayor is in the position to make decisions based on what they believe they think is the right thing to do. Based on feedback from the community, etc.

- What degree of accountability does the mayor feel? From whom? The council? The public? These are major questions that could impact the design of the position.
- Responsive to business leaders and the public -- or potentially not and this could backfire, because they could just appeal to their constituency.
- Changing administrations every 4 years:
 - Provisions built into the office of the mayor for checks and balances.
 - Should be built into any of these offices.
 - But administrations could change and thus the policy of predecessors, etc.
- Ability to remove city manager:
 - If someone isn't removable, this could lead to stagnating policy and public participation.
- Voting coalitions and their impacts:
 - People who aren't paying attention search for party affiliations for signals on how to vote.
 - Parties may spend more to get people to the polls in the city.
 - Coalitions now in Portland are more interest groups, neighborhood groups, grassroots groups.
 - Are endorsements enough signaling, or should people have more?
- Difference in outcomes when elections are held? Example: mayoral run on a presidential year
 - This would increase turnout because there is a lot more spending in the community on the state and federal level. There will be a lot more GOTV and more high profile attention.
 - Maybe keep elections nonpartisan? But something to think about.
 - Lewiston, Idaho: just decided to pick a strong mayor.
 - Other cities have gone in the other direction.
- Cities and business models:
 - Running cities like a business can have human consequences, it's inherently different.
 - Who is making the decisions and why?

Dominick Pangallo: Chief of Staff to Executive Mayor in Salem, MA

- Pros and cons of executive mayor and city manager:
- How is the system set up for both strengths and weaknesses of strong executive mayor?
 - Mayor (4 year mayor) and council are co-equal branches.
 - Risk of having an unqualified individual and role of the dice in the community.

- More accountability to a mayor than a city manager.
- Mayor appoints department heads
 - These appointments are subject to approval by the council
 - Departments heads can draft policy and this can be vetoed by the mayor/overridden by council
- Mayor makes the budget
 - Council must approve everything in the budget
- How is professional work done?
 - Departments heads report to the mayor
 - Clerk reports to the council
 - The mayor has discretion on how to run the city. Decides payroll, contracts, meets weekly with senior staff. What's going on in the community, personnel issues, tax classifications, etc.
 - Department heads and finance directors all meet to help build the budget annually.
- As government becomes more complicated and requires more expertise, the role of the mayor has shifted and having experience is important.
- Population of 45,000 in Salem (Portland, 68,000).
- If it was an open race, would you feel confident that you have a strong enough talent pool in your city to take this position on?
 - Yes. We have a lot of committed citizens.
- Appointment powers and council:
 - Time for councilors to contact appointees, ask questions, and interest in serving on the board.
 - A lot of councilors give deference to the mayor in this.
- Mayor & Council Notes:
 - Mayor chairs the school board.
 - Mayor is not chair of city council.
 - Nonpartisan races.
 - Chair of the council:
 - Every year the council elects a council president that appoints members to committees, etc.
 - Council members get paid \$15,000 a year, mayor \$150,000
 - Council meets twice a month
 - 7 wards (2 precincts each), 7 councilors and additional at large councilors.
 - 3-4 hours long
 - Each council member is on a committee that meets once or twice a month (or often)
- Demographics of Salem:

- 20% hispanic or latino
- Recent immigrant communities: how do these fit in? (“Point neighborhood”)
 - Development/parks/other services.
 - Mayor led the effort to help the community.
 - Agencies and the mayor’s office are able to work together.
- In a crisis: the ability to make decisions quickly is critical.
 - Strong mayor with a strong team advising the mayor and navigating these challenges can work well.
 - Opportunities for change and giving people a chance to have a say in their city government
- Moving the mayor race to the presidential year?
 - No, there is a culture of voting on these off year elections in Massachusetts.

Dr. Jim Svara: Editing Researcher of 9th Ed. of National Civic League’s Model City Charter

- Strong endorsement of council-manager.
- Increasing role of the mayor.
- Expanding resident engagement.
- Promoting social equity in the work of city government.
- The National Civic League has consistently pushed for a council-manager system.
- Unitary model rather than separation of powers.
- Moving away from separation of powers as a means of combating corruption.
- Mayor should be directly elected to enhance potential for leadership.
- Council/manager/mayor:
 - Mayor helps tie the parts together, but without trying to handle the executive function of government at the same time.
 - Effective mayors communicate within the council and to the manager.
 - Strong mayors can be overextended and could cause the sacrifice of other programs/ideas.
 - Mayor can communicate, facilitate, etc., but is NOT a chief executive or separate from the council.
- Stress points in city government: What about when the mayor and manager don’t get along? What happens when the manager is overreaching? Vice versa?

- We shouldn't be putting the council in a limited reactionary role to implement the mayor's agenda.
- Department heads shouldn't be extensions of the mayor's office.
- Mayor, manager, and councilors can have a shared vision for our city and work together.
- Maybe Portland made the change so late that the public hasn't adjusted yet.
- Mayor is the leader of the council and can help incorporate shared vision with the council.
- Strong mayor: need to look at political considerations instead of what's best always, and consider their own job.
- What other rules or duties exist with this sort of government?
 - Coordination, pulling together the parts to improve the result to make the elements work together more smoothly.
 - Manager is continuously accountable to the council.
 - Mayors are using the position to enhance their political position for other offices.
 - Strong mayors undermine the potential of the council as a governing body because they force the council to address their own agendas.
 - Strong mayors can limit information to the council on how things are going.

7. **Adjournment**

Chair O'Brien asked for any additional business. Hearing none, he called for adjournment. The motion was moved by Commissioner Stewart-Bouley, and seconded by Commissioner Lizanecz. The motion was approved unanimously and the meeting was adjourned at 8:00pm.