



City of Portland Charter Commission Agenda

Wednesday December 29, 2021
Remote via Zoom

1. Call to Order and Conduct roll Call (6:00 pm)
 - 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 29, 2021 06:00 PM Eastern Time (US and Canada)

Topic: Charter Commission Governance Committee

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/87334603375?pwd=enpwNUQ1QmYyRE1wUHZ4VjMxcUxJUT09>

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2. Review and Approval of Minutes (6:02 pm)
 - a. a. November 10, 2021
b. November 29, 2021
c. December 8, 2021
3. Governance Committee Work Plan (6:05 pm)
 - a. a. Review of additional topics assigned by the Commission
b. Discussion of joint meeting with other committees working on those projects.

4. New Business (6:09 pm)
5. Public Comment (6:10 pm)
6. Committee Workshop on Leadership Model at City Hall (6:25 pm)
 - a. a. Review Committee draft recommendations from December 8, 2021
 - b. Discuss proposal from Commissioner Sheikh-Yousef
7. Adjourn (7:00 pm)



City of Portland, Maine Charter Commission Governance Committee MINUTES

November 29, 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 (6:00pm).

1. Call Meeting to Order and Conduct Roll Call

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

2. Approval of November 8, 2021 Minutes

Chair O'Brien called for a motion to approve the Minutes of November 8, 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 stated that facilitator David Plumb would join the Committee on December 8 to help develop a model to present to the full Commission, based on values identified by the Committee. O'Brien recommended that commissioners would then identify a date in late December or early January to reconvene to further deliberate on the model to be presented to the full Commission. He proposed another evening of interviews for City Council members in the first week of December. Chair O'Brien acknowledged the retention of Jesse Denno as contracted staff to perform administrative work for the Committee.

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)

Phil Steele asked whether the committee would be addressing the size and makeup of the Council, and stated that the League of Women Voters had submitted a framework for considering Mayoral-City Manager-Council authorities. Mr. Steele wished to know whether the submitted model would be publicly discussed. Chair O'Brien responded that the committee was considering the City's leadership, and that if those deliberations led to the structure of the Council, those issues would be discussed at a later date. The committee had received the League of Women Voters submission, and it would be shared with commissioners and David Plumb.

Joey Brunelle stated that the Elections Committee was currently considering the composition and structure of the Council, and that the Governance Committee should coordinate with Elections if it decided to confront those issues. Chair O'Brien responded that he was in communication with the Elections Chair, and that the full Commission would have the duty of reconciling committee recommendations.

6. Interviews with Current and Former Portland City Council Members

The members of the Governance Committee hosted three separate interviews with Belinda Ray, David A. Marshal, Pious Ali, and Kimberly Cook.

Belinda Ray, current Council Member for District 1

- On how policies are developed at the Council level
 - Through staff and individual Council members.
 - All but the simplest initiatives are considered and refined in committee.
- On the annual goal-setting process
 - Mayors have brought in an outside facilitator, who assigns homework, and brings forth committee agendas and work plans
 - Decisions are made identifying priorities, e.g. housing, sustainability, and transit.
 - Core values and goals are identified, and ideas are continuously evaluated to ensure they align with said goals and values.
 - The process is very helpful for setting and working toward policy goals.
- On how stock is taken throughout the year
 - Committees report on their work to the full Council at the end of the year.
 - Through work plans that assist in prioritization and continuity.
- On how lofty goals are kept from dying in committee

- Major issues like homelessness can not be simply added to an agenda and solved.
- Goals are continuously considered in budgetary discussions.
- Every item brought up in an agenda has an attached memo stating how it addresses annual goals.
- Ideas can die in committee, but the system works fairly well for the most part. For an initiative to pass, all that's needed is a coalition of five councilors.
- On whether big ideas (Chair O'Brien used the example of free public transportation), can survive Council.
 - Certainly if there is public support.
 - It depends on the Council to a large extent. It is possible for ideas to be diminished, but also expanded.
- On staff support at the committee level
 - Every Council member has a staff member who assists with administrative work like minutes, agendas, setting up meetings, and making sure all the technology is functioning.
 - Research staff is available as needed.
 - Has always found staff support sufficient.
- On the Mayor's role in developing policy and establishing an agenda
 - The Mayor and City Manager work together to set agendas, but any new idea will likely be referred to committee before adoption.
 - Ethan Strimling tended to bring forth policy ideas he wanted advanced, while Kate Snyder tends to act as a facilitator to understand Council priorities and shepherd initiatives through the legislative process.
- On the relationship Ray has with the City Manager as a Council member
 - She meets with the City manager one-on-one approximately twice per month. She met with the Manager more frequently when she was new to the Council.
- On the the City Manager's role in establishing policy
 - The Manager directs Council staff.
 - Sets up meetings with department heads and other City employees.
 - The Manager can influence policy through the budget, but always works with the Council to further its goals.
 - The Manager presents a budget to Council based on its guidance, that the Council then modifies as appropriate.
- On whether there have been instances where the City Manager disagreed with a policy or goal

- The Manager disagreed with Ray on her transit goals, but was always willing to implement policy when directed by a vote of five or more Councilors.
- It is appropriate for the Manager to push back, to properly gauge the will of the Council.

David A. Marshall, former Council Member for District 2 (2009-2015)

- Having served both before and after the 2011 Charter changes, on how the reality of government structure reflected its intentions
 - He had advocated for a much stronger Mayor's office than that which was adopted.
 - The current system is a compromise where the Mayor is more like the head of Council, rather than what one traditionally thinks of as a Mayor.
 - The system makes it difficult for a Mayor who ran for the office on a policy platform.
 - The current system is an improvement on the preceding system.
- On the changes to how policy was formed after 2011 Charter
 - Policy was generally formed on Council committees prior to the election of Mayor Brennan.
 - The annual agenda-setting process was established after the 2011 Charter. This led to an "odd process" of determining which ideas had merit and which did not.
- On how other "big ideas" were moved through the Council
 - If there is a confluence of public demand and like-minded Councilors, ideas outside of the established annual goals can be advanced.
- On how the City Manager influenced policy
 - As a councilor, Marshall had much more access to city staff under Manager Joe Gray than under Manager Mark Rees. Jon Jennings severely restricted direct access to City staff.
 - As generalists, City Council members rely on the expertise of department heads.
 - It's a matter of differing managerial styles by City Managers.
- On whether policy initiatives were driven more by City Hall or the Council
 - When Gray and Rees were managers, Portland had a "strong council/weak manager" form of government. When Jennings was appointed, it became a "weak council/strong manager" government.

- This was less a matter of the Charter and the creation of the elected mayor than a matter of differing personalities.
- The mayor currently lacks the authority to be effective. Having more power over the budget would make the mayoralty more effective.
- On how the elected Mayor position changed the tenor of the Council
 - Mayor Brennan did not tend to push particular policy agendas, but acted more as mediator. He did not bring a laundry list of items to goal-setting meetings or campaign on a policy platform.
- On the effectiveness of Mayor Brennan's creation of, and participation in, bodies outside of City Hall (e.g. task forces, public-private partnerships)
 - Brennan was "well-networked," and was able to use his connections to create "a buzz around certain ideas."
 - Brennan was an effective advocate for Portland at the State level.
 - It's a matter of differing managerial styles by City Managers.
- On constituent services, and how they affected his relationship with staff
 - Never found constituent services to be a partisan issue.
 - Constituent services are handled very differently from policy matters.
 - A large part of a district Councilor's work load consisted of making sure constituent needs are being served.
- On whether there is a model for advancing ideas as a Councilor, or if it is personality-based.
 - Anything is possible if there is sufficient political pressure.
 - The City Manager is the most powerful individual in city government, even though it is the Mayor who is elected.
 - This lack of executive authority leads to a high turnover in mayors.
- On what extent to which the Council's agenda is driven by public pressure
 - The public tends to get involved substantially only in certain "flashpoint" issues, like the proposed sale of Congress Square Park.
 - Ninety percent of policy is not exciting, and consists of small tweaks to make things better.
 - Public referendums are the most powerful political tool in the city right now.
- On the transitions between managers, and how they affected the balance of power
 - Joe Gray did not see his position as a policy role, and was primarily concerned with keeping five councilors happy at all times.
 - Mark Rees started to push policy ideas, and ran into trouble over his advocacy for Congress Square Park.
 - Jon Jennings openly advocates for policy ideas and seeks support.

- The position should be largely apolitical.

Pious Ali, Councilor-at-Large (2016-Present)

- On how policies move through the Council, and the Council's role in developing policy
 - It is different under each Mayor.
 - Mayor Strimling attempted to lead the political agenda.
 - Councilors can stall initiatives if they disagree with a policy initiative.
- On the extent to which the Council operates in response to public pressure
 - In recent years he has seen Council acting more in response to public pressure than in the past.
- On whether the City Council is reflective of public will
 - It depends on who is on the Council, and whether five votes can be found.
 - The Council relies on staff for information, but Council members do not hire the staff. Staff controls the data Councilors see, and they can make sure Councilors only see information that favors what staff wants.
 - Under the current work-plan-driven agenda on the committee level, it can be hard to add new ideas and business to the Council's agenda.
 - Agrees with Marshal's "strong manager/weak council" characterization, and believes the mayor is also too weak under the current system.
 - Mayors and councilors run on policy-driven platforms, but lack the authority to implement the platforms on which they are elected.
- On how staff working directly for the Council would be different than the current system
 - Manager Jennings has built a firewall between Councilors and City staff.
 - Councilors should, at a minimum, have access to department heads.
 - Council needs staff that will proactively act as links between the Council and agencies.
- On the Council's constituent services work
 - Responsiveness has improved since the appointment of Chief of Staff for the City Manager.
 - Councilors have no authority over how City staff responds to constituent services requests.
 - Ali has made requests that have gone unheeded.

- Staff need to agree with what a Councilor is asking for action to be taken.
- On whether policy initiatives promoted by a Councilor tend to be modified by Council, or simply advanced or killed
 - The City Manager can find five votes to kill any idea he opposes.
 - Has not personally sought to reintroduce modified versions of ideas once they have been voted down.
- On how often he meets with the Manager.
 - Usually meets with Manager once a month.
 - Met twice a month with the Mayor and Manager in the past.
- On who in city government drives policy
 - The Council drives policy, but is profoundly affected by the Manager and City staff.
- On the recommendations he would make to the Committee for a more efficient city government
 - Serving as Councilor is a full-time job, and Councilors should be paid to allow them to devote themselves to the demands of the position.
 - The institution of an executive Mayor.
 - Councilors need staff who work for the Council.
 - The institution of an internship program if paid staff is not feasible.
 - At-large Councilors should be retained, as they often act as an objective deciding vote.

Kimberly Cook, former Council Member for District 5 (2017-2020)

- On how policy is developed and advanced
 - The city needs a proactive Council and stronger Mayor.
 - There are no written, formal processes: the City Manager will add items to the agenda as he sees fit.
 - The Manager assigns staff, and how much a Councilor is helped depends on how much the Manager supports an idea.
 - The difficulty of pushing forward big policy ideas in the Council is why Portland has seen public referenda in recent years.
- On the frequency of her meetings with the Mayor and City Manager
 - Generally met with Mayors Strimling and Snyder once a month.
 - Met with Manager once a month until the Spring of 2019, and rarely thereafter.
- On whether the difficulties she faced advancing policy were structural issues, or due to personality
 - The 2011 Charter left ambiguities that allowed the situation to develop.

- The fundamental obstacle was Manager Jennings's personality.
- The Council made a choice to back Jennings in opposition to Mayor Strimling.
- A clear process should be instituted for adding agenda items.
- On the Council rules and their enforceability
 - Rules are enforced only by Council, and inconsistently followed.
 - The Mayor and Manager should be responsible for enforcing rules.
 - There is no grievance mechanism when rules are breached.
 - There is no means of holding the city responsible to its own rules of procedure.
- On the annual City Manager review process and its effectiveness
 - Only one review took place while she was in the Council, in 2020.
 - The review was too narrow in its scope, there was not enough opportunity to ask questions, gather information, or engage the public.
 - Would like to see State privacy laws amended to allow for greater openness in Manager reviews.
- On staff and staff support.
 - Did not find staff support adequate.
 - Staff support for committees is largely managerial and administrative.
 - Staff are not helpful in effecting substantive change, especially given the infrequency of meetings.
 - Council staffing would make a significant difference in the body's ability to craft and implement policy.
- On whether the City Manager had a policy agenda
 - Manager Jennings has policy goals and would seek to implement them without Council input.
 - Jennings's favored policy initiatives were featured prominently on the city's website, while those he opposed were difficult to find.

7. Adjournment

Chair O'Brien asked for any additional business. Hearing none, he called for adjournment. The motion was moved by Commissioner Lizanecz and seconded by Commissioner Stewart-Bouley. The motion was approved unanimously and the meeting was adjourned at 9:00pm.



City of Portland, Maine
Charter Commission
Governance Committee
MINUTES

November 10, 2021

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

1. Call Meeting to Order and Conduct Roll Call

Chair O'Brien called the meeting to order at 5:32 pm and called the roll. All committee members were present.

2. Acceptance of Notes from Mayors Interviews on November 8, 2021

Chair O'Brien explained that the minutes format has changed to include detailed notes from interviews. As such, he said the minutes from Monday's meeting are not ready for ratification as of yet. Commissioner Lizanecz was volunteering to take notes of the interviews again.

3. Governance Committee Work Plan: review and discuss

Committee members discussed the scheduling of future meetings at the end of November to interview city councilors and begin deliberations of a leadership model for city hall to recommend to the full Commission.

4. New Business

Chair O'Brien reiterated Commissioner Lizanecz's prior recommendation of hosting a Google Drive with all of the Committee's documentation and making it available for the public. Commissioner Lizanecz volunteered to set up the drive so O'Brien could populate it with Committee materials.

Commissioner Sheikh-Yousef asked when in our Work Plan the Committee would be taking up other issues in the City's structure. O'Brien replied that after a

leadership model is recommended to the full Commission, this committee may take up additional issues in the winter/spring.

5. Public Comment (paraphrased)

George Rhault raised the point that the Charter is not “self-executing”, meaning that there is no one person responsible for enforcing it if no one objects to a breach. He cited the case of District 2 councilor Victoria Pelletier being elected in November to a vacant seat, but not being installed until December at the City’s inauguration – despite the seat being vacant.

The second issue that Mr. Rhault raised is the political influence of neighborhood associations without demographic parity. He offered for consideration a former body politic in Portland called the Common Council, with three members elected for every district in the city, who could focus extensively on neighborhood issues and be a conduit between the Council and residents.

Bill Weber expressed his positive impressions of the Committee’s interview of Dr. Jim Svara, who is editor of the 9th edition of the Model City Charter by the National Civic League. He noted that the 9th edition is stressing equity in government structures. He urged committee members to compare their recommendations against the 9th edition. Mr. Weber recommended the Committee pose the question to tonight’s interviewees whether they think the office of city manager is a vehicle of systemic racism.

The Committee recessed until 6:00pm in keeping with the timing of the published agenda.

6. Interviews of City Managers

Joe Gray: former Portland City Manager for 10 years, 30 years in municipal government, just prior to the last major Charter changes in 2010.

- Considerable background in urban planning and city management, particularly in the City of Portland. Experience watching Portland change.
- Began his work in Portland as an urban planner in the late 1960s, first managing the Reiche School development in the West End, which included the clearing of three city blocks of housing.
- Was asked to serve as city manager to replace Bob Ganley, who passed away unexpectedly. Bob Ganley had been a popular, strong city manager.
- How would you describe the role of the City Manager before you took over?
 - Delivering city services and the budget in a sound fiscal management.
 - Positive relationship with the community, mayor, and city council.
 - Cooperative relationship between council and management. For the position to work well, you need the mayor, manager, and council to work together.

- Putting together a budget that everyone can get behind and one that everyone will stand behind and work to carry out.
- Ups and downs, at one point there was great discourse between council and manager. Leads to a difficult year going forward with a new budget.
 - It is up to the manager to try to ensure this positive relationship.
- Communication on the budget is key, what will impact services, etc. in working with the council and mayor.
- When did you start engaging with the finance chair and mayor?
 - Started developing budget in January and proposing it by March to the council. Looking at the various departments to see where the revenue is.
 - Example: the city gets lots of money from excise taxes on cars. When people don't buy cars, this tax revenue decreases.
 - In February, sit down with the finance chair and the mayor to discuss where we are. Ex: "This is what needs to be cut, this is what doesn't need to be cut."
 - Looking at where we need adjustments and what needs to change with department heads.
 - March and April: presentations with departments to the Finance Committee.
 - Public meetings would then be held and the council would vote on the budget.
- What about public participation?
 - Neighborhood meetings, mostly. But now at those meetings they more broadly discuss issues in the neighborhood. Otherwise, not much besides this and public comment.
- Created neighborhood advisory committee made up of various representatives from the neighborhoods to talk with the manager every month on what their priorities are.
- Established a business advisory committee with business representatives from all areas of the city to look at what issues are facing the community.
 - Council also had informal networks in districts and other committees from which they gave feedback on to the manager.
- Council/Manager/Mayor Relationship?
 - Met with the mayor at the beginning of their term, as well as multiple times per week.
 - Trusting and honest relationships with each other.
 - Annual reviews, and when the council was upset with something they were able to get through to him.

- Describe policy development: how does this happen under a City Manager?
 - Bringing in various players.
 - Neighbors, the council, the State (if appropriate), and businesses.
 - The applicable council committee would be involved, the neighborhoods, and (in some cases) the State.
 - Manager should be bringing the parties together to a solution. Not everyone is going to agree.
- How does the City Manager respond and allow marginalized communities to be heard?
 - E.g.: unhoused folks, recent immigrants, etc.
 - This can be done by working with agencies and nonprofits.
 - Funding outreach workers to identify where the people are who need a hand.
- How were you informed about what the needs were in the community? Especially marginalized ones?
 - Health and human services department.
 - Manager building relationships with agencies and service providers.
- Large scale development projects: how did this work?
 - Formal process: the city process, regulatory process, neighborhood meetings, permitting, etc.
 - Informal process: building relationships with the development group, so we know that this is something that will work in the neighborhood.

Tanisha Briley: City Manager in Gaithersburg, MD; recently City Manager in Cleveland Heights, OH.

- 20 years of public service total. Various municipalities.
- Describe what the role of the mayor is in other places you've worked?
 - Davenport:
 - Basis of the council/manager system.
 - Mayor fills the political role. Head of the city council and has the power to veto certain things.
 - Still has a city manager as the executive. City administrator is accountable to the mayor and city council.
 - Cleveland Heights:
 - 7 councilors decided who would be the mayor for two year terms.
 - The mayor has no additional responsibilities besides appointing to committees (with approval).
 - Manager works with the mayor to set the agenda. And the mayor ensures facilitation.

- They are now moving toward a strong mayor form of government and recently had a charter change. The new mayor will have the ability of full executive authority.
 - Gaithersburg:
 - Part time mayor. No vote or veto. Acts as the lead of the council. Facilitates the dialogue in council meetings. No executive authority in that role.
 - In the council/management form of government, you need a positive relationship between the branches.
- How do you get input from various stakeholders and parts of the city?
 - Critical that the staff is responsive to resident needs.
 - The basic core services run through the manager's office, so community engagement and public input is extremely important.
 - Find innovative ways to engage the community and bring in various communities. For people who don't have time to get involved in city government and get to these meetings: how do we reach them?
 - Try to find a balance so it's not just one person in the room or one group with a loud voice. We should be reaching those who rely on those services.
- How do we get diverse voices at the table?
 - Find out how to meet people where they are.
 - Each community has its own challenges. Find common ground and captive audiences.
- How do you handle policy development?
 - Manager's staff work with the council every day. Talks to the mayor every day.
 - Building a strong relationship with the council to get objectives across.
 - Count on councillors to share concerns as well.
- Is there a structure for more big, bold proposals to come forward (versus regular business)?
 - In the beginning, big policy changes are always disruptive.
 - Mayors and councilors don't need to be expert; they bring their experiences as residents. They need to be connected to their community.
 - A lot of ideas come from the council and are passed into the manager's office.
 - This happens on the manager's side as well. Managers can look at bigger ideas, too.
 - Ideas can come from anywhere.

- But any major policies need to be approved by the council. There are clear lines between the manager and the council on authority.
- Elected leaders call the major shots.
- You work for the council, but also the mayor, and the public. How do you prioritize competing concerns?
 - If there isn't a strong consensus, we don't move forward.
 - The Council should be there to represent the community.
 - Council needs to weigh recommendations from staff with community concerns.
 - Manager is usually aligned with the staff.
 - It's up to the mayor and council to make the decision. Align with the community or align with staff.

Kevin Sutherland: former Chief of Staff in Ithaca, NY; former City Administrator in Saco; finalist for City Manager in Bar Harbor.

- Ithaca: Strong executive mayor form of government.
 - Realized that a Chief of Staff was required to help make decisions. Having inexperienced mayors led to massive spending and more debt due to short-sighted agendas.
 - The Chief of Staff helps run the offices of the city while the mayor focuses on policy and politics. The mayor has the final say in everything.
 - Staff knew they could drag their feet until the mayor left in order to prevent the agenda.
 - Council had to go through the mayor or Chief of Staff to get things done.
 - Council approves Department Heads, including Chief of Staff.
 - Council doesn't have interactions with staff, just on policy issues.
 - Public input:
 - Community input is extremely important. Community meetings are the typical venue for that.
 - Every two weeks holding community meetings on important topics.
 - Developers were required to have neighborhood meetings.
 - Social media outreach.
 - Using newly elected officials to bring ideas to staff.
 - Asking: What have you learned on the street? How do we get this done?
 - How were budgets developed?
 - Look at the programs in each department and target what goals you are trying to achieve. This is all policy.

- What were the avenues for policy development?
 - Formal processes (for example: through the planning board and have community meetings).
 - Depends on the various ordinances.
- Where are the big ideas coming from in Ithaca?
 - Depends. A lot of times the mayor would still run on big idea platforms and a lot could come from there.
- Who are you beholden to?
 - The mayor, the public, but the relationship with the council is extremely important.
- **Saco: Weaker Mayor (some appointing power and full-time)**
 - Mayor doesn't have authority over personnel
 - The Mayor appoints the City Administrator subject to approval.
 - Their own office. Facilitates meetings..
 - Seven wards in Saco. Only votes in cases of a tie.
 - Required good working relationships with the mayor and council. Each mayor has different ideas on what this relationship looks like.
 - Building relationships with council members, members of the community, etc., can take a lot of effort and can be very time consuming.
 - Public input:
 - Online surveys.
 - Social media outreach is crucial.
 - Recently elected officials: What have you learned on the street? How do we get this done?
 - What were the avenues for policy development?
 - Formal processes (for example: through the planning board and have community meetings).
 - Depends on the various ordinances.
 - Where are the big ideas coming from in Saco?
 - More of a conservative community so big ideas weren't as much of a concern.
 - Holding public meetings, and having a pulse on the community is crucial.
 - Bold ideas generally come from the public.
 - Who are you beholden to?
 - The public, but the relationship with the council is extremely important.
 - Access to staff?
 - The Council has no direct access to the staff.

- **Bar Harbor: Council/management form of government**
 - All ordinances need to be approved by the public at town meetings.
 - **What model do you support (personally)?**
 - Council/Manager system: Council that is responsible for a manager that runs the day to day operations.
-

Sheila Hill-Christian: former Acting City Manager in Portland just after the Charter was last changed; Chief of Staff in Richmond (both types of systems).

- What was it like moving between a city manager and mayor system?
 - Council/manager system:
 - More neighborhood focus.
 - Council and manager's office/staff talked, oftentimes daily.
 - Strong mayor:
 - Emphasis on political agenda and political relationships.
 - Closer relationship between mayor's office and staff (but also council)
 - The mayor's platform represented the public's goals.
 - But the day to day operations don't always come into consideration.
 - It can be hard to focus on what is happening on a day to day basis while dealing with political/policy issues.
 - Strong mayors struggled with oversight of chief administrative officers.
 - Mayors tend to think a few years out, not as long term. Mayors wanted groundbreaking and ribbon cuttings to keep getting reelected.
- Time in Portland (2 years)
 - Mayor's access to staff was more about key issues (ex: homelessness talks to more human services people).
 - Generally good communication between staff and City Manager.
- Who were you most beholden to in Portland? The Council? The Mayor? The Public?
 - All of the above.
 - Tried to reach out to everyone and build relationships. Sometimes the council's budget priorities and mayor do not align.
 - The manager should not be marshalling the mayor or the council. Should try to be objective and facilitate disagreements between the different groups.

- Open and available to the public. Anyone should be able to give feedback.
- Citizen engagement:
 - Neighborhood teams/neighborhood councils: Strong governing bodies based on the districts.
 - Voluntarily nominated. Received some funding by city hall.
 - These can influence the city-wide budget.
- Thoughts on at-large councilors v. districts:
 - Local constituencies that people can refer to is important.
 - Forces districts to come to the table and compromise to get their fair share.
 - Allows more communities to have more voice and not be ignored.
 - Setting up the community so people can participate.
- Serving along strong managers who push agendas:
 - A strong manager who can work with everyone (most people) can get a lot done.
 - Most of it is about personality.
 - Strong leaders who have vision and bring a community together, they perform the best. Building positive relationships.
- Recommendations for a system:
 - Fan of city manager form of government.
 - Strong mayors can be more effective at getting an agenda done, big projects and proving vision.
 - City manager seems to be effective at running day to day things.

7. Adjournment

Commissioner Shay Stewart-Bouley made the motion to adjourn, seconded by Commissioner Nasreen Sheikh-Yousef. The vote was carried unanimously.



City of Portland, Maine
Charter Commission
Governance Committee
MINUTES

December 8, 2021

Committee Members Attending via Zoom: Commissioner Robert O'Brien (Chair), Commissioner [Ryan Lizanecz](#) (Vice Chair), Commissioner Shay Stewart-Bouley (6:00pm). Absent: Commissioner [Nasreen Sheikh-Yousef](#) (Secretary).

1. Call Meeting to Order and Conduct Roll Call

Chair O'Brien called the meeting to order at 5:36 pm and called the roll. Commissioners Lizanecz and Commissioner O'Brien were present. (Commissioner Stewart-Bouley was expected to be tardy and arrived at 5:45pm).

2. Acceptance of Notes from Mayors Interviews on October 13, 2021

The Governance Committee commissioned detailed notes to be taken from the recording of the Mayors Interview on October 13, 2021, but contractor Jesse Denno, by request of the public. Chair O'Brien called for a motion to accept the notes to the record. Moved by Commissioner Lizanecz and seconded by Commissioner O'Brien, the motion carried unanimously (Commissioners Stewart-Bouley and Sheikh-Yousef absent).

3. Governance Committee Work Plan: review and discuss

Chair O'Brien said that without Commissioners Stewart-Bouley and Sheikh-Yousef present, we cannot agree upon future scheduled meetings. O'Brien explained that the current Work Plan called for one more meeting following tonight's workshop to allow for public comment in response to the draft recommendations and to permit the Governance Committee to make any final changes to the recommendations before forwarding them to the Commission as a whole. However, O'Brien also said the Committee may decide that the extra meeting is not needed after tonight.

4. New Business

Chair O'Brien reiterated the intention to post all of the Committee's supporting documents – minutes, agendas, notes, and materials – on one central Google Drive for public and Commission consumption.

5. Public Comment (paraphrased)

Karen Snyder asked why public comment was being taken before the workshop deliberations. Chair O'Brien responded that public comment is built into the business section of every meeting, and that public comment is intended to be much more robust at the following meeting in response to a model that the committee drafts.

The Committee recessed until 6:00pm in keeping with the timing of the published agenda.

6. Workshop to Deliberate on a Leadership Model at City Hall

Chair O'Brien introduced facilitator David Plumb to conduct the workshop on leadership models for the city. Committee members started the meeting by reviewing the results of the visioning exercise they did in September, in particular the principles and elements of a success that they identified.

With those principles in mind, together with reflections on the many interviews that the committee had conducted, committee members began to build alignment around a set of specific proposals.

The committee used two pathways to generate the proposals. First, they identified key functions of city hall leadership and considered how they should be conducted. Second, they looked at key leadership roles, and the attributes they should have.

Key Tasks / Functions of City Hall Leadership

(Who plays what leadership role in these tasks?)

Developing public policy:

- Team effort between councilors and the mayor, a set of conversations, working together.
- There should be new rules around who can initiate the policy process and/or a hearing. The idea is to make the policy process more accessible, with fewer barriers to get ideas on the table and under discussion.
- Mayor can take action (ie, request a hearing) around a goal.
- Individual committee members can also call a hearing.
- Perhaps a mechanism for members of the public to initiate a hearing process as well (via their councilor or some other way).

Budgeting:

- Mayor takes the first stab. This means the mayor must talk to department heads.
- The mayor should “own” this draft budget, have more control than today.
- The mayor must consult with the manager/administrator, to refine the budget.
- Council oversight must exist.
- The public must have input before it’s “baked”.
- Also, is there a space for some participatory budgeting?

Managing Staff:

- This is the role for a dedicated administrator – with appropriate skills and dedication of time to execute city services.
- Should consider an additional position – chief of staff – which would be the council’s and mayor’s access point to city staff, taking the pressure off the manager/administrator to play this role. This position could also be a point person for constituent services. This position would allow the mayor and councilors to have more fluid interaction with staff.
- Probably not a good idea to have the mayor appoint department heads (though the committee considered this option). Better to have professional staff who can provide continuity in delivery of city services.

Key Leadership Roles

(What power / function should they have?)

Mayor:

- Additional functions/power (as compared with current role).
- First draft of the budget and staff access/capacity to do that.
- Ability to initiate policy discussions at the council, form staffed task forces.
- Remain chair of the council.
- Veto authority probably not needed if given these additional powers.
- Codify role as a deal-maker at the table, pushing major economic efforts.

City Manager/Administrator:

- Manages staff and oversees the delivery of city services.
- Assists the mayor to develop a budget.

Chief of Staff (new position):

- Manages access to city staff for councilors and mayor.

- Floats between the policy body (council) and administration.
- Ensures task forces, committees are sufficiently staffed.
- Could be point-person for constituent services, FOIA requests, scheduling & noticing meetings, etc.
- Employed similarly to Corporation Counsel, City Clerk, and City Manager who report to the Council.

Councilors:

- Should feel empowered to play the policy development role with less ambiguity around that role.
- Individual councilors can lift up policy initiatives, call hearings, etc.
- Chief of Staff helps provide predictable and smoother access to staff.
- Simple majority to fire the manager/administrator.

Voters/Public:

- Can we make a process by which residents can raise up policy proposals, get hearing called (via their councilor, or another way)?
- A certain number of referendum signatures can force a public hearing.

7. Next Meeting & Adjournment

Committee members discussed the prospect of a public hearing and workshop in December. After much deliberation, committee members agreed that the public would be well served to respond to the draft model when the full Charter Commission receives it. A public hearing scheduled in the middle of the December holidays may not produce a representative sample of public input.

Chair O'Brien thanked David Plumb for his facilitation of the workshop. He called the meeting to adjournment at approximately 6:00pm.

Charter Commission Committees and Potential Issues (8/11/2021)

Governance Committee

- Redistricting and Council Structure
- Mayor/City Manager Roles, Powers, Duties, Accountability
- School Board/City Council Relationship
- Community and Neighborhood Boards
- Office of Public Advocate
- Home Rule
- Human Rights Commission
- City Staff Relationship to Elected/Appointed Officials

Governance Committee “Issue Priorities” (9/8/2021)

1. City Leadership Structure: powers & duties, relationships, districts*, terms.
 - a. Administration
 - b. Mayor Position
 - c. Council
 - d. Council-Appointed Positions (Clerk, Corporation Council)
 - e. Neighborhood Voices
2. Appointed Boards & Committees
 - a. Office of Public Advocate*
 - b. Human Rights Commission
3. Home Rule**
4. School Board/City Council Relationship*

*Seek to avoid overlap with other committees

**Seek clarity



City of Portland, Maine
Charter Commission
Governance Committee

Notes from City Leadership Model Deliberations

November 29, 2021

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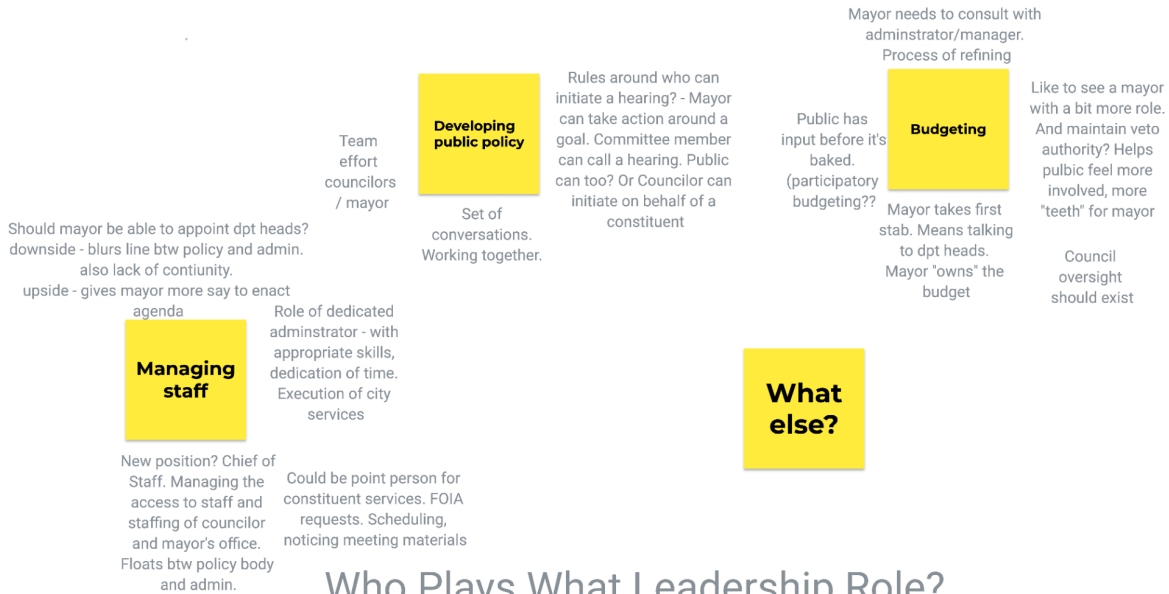
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Key Functions / Tasks of City Hall Leadership



Key Leadership Roles



What power / function should they have?

Governance Committee Colleagues,

I present the below proposal so that we can consider a system of government for Portland that more fully moves us away from our current undemocratic City Manager.

The core components of the model I am proposing are:

- **Democracy first;**
- **Strong checks and balances between both branches;**
- **Efficient administration;**
- **Public accessibility/accountability.**

What I outline is based on the Mayor-Council forms of government that almost all other states in America have in their largest cities (see attached document). Of particular note, I looked at the eight other northeast states, which all have elected mayors in their largest city (From [Bridgeport](#) to [Manchester](#) to [Providence](#) to [Boston](#), etc.). I also looked closely at [Wilmington, Delaware](#). Wilmington is perhaps the closest to Portland in terms of population vs ratio to the state (70,000 in Wilmington/1,000,000 in Delaware). It is also Delaware's service center, economic engine, and one of its most diverse cities, much like Portland.

That said, no individual model from another city will work perfectly for us. After reviewing and discussing the below proposal, I would suggest the committee invite a number of elected mayors from neighboring states to join us by zoom. We could then get their direct input on how their model works and what they would advise as we develop ours.

As you will see, I have tried to address some of the committee concerns regarding the day-to-day operations and ensuring that our elected Mayor does not get bogged down in the minutia, while still ensuring public accountability that services are being implemented according to our values.

Additionally, please note that my proposal contains an elected public advocate (PA). The public advocate position, as you'll see, is a bit of a bridge, but also creates third party accountability. It will be able to fulfill some of the roles that were described in the committee's version of a council chief of staff. The particulars are outlined below.

Thanks, and I look forward to discussing this further.

-Nasreen

Developed this proposal based on testimony from all the hearings the committee has held, emails and comments that we received, my own research, feedbacks from community members, and fellow commissioners.

Strong Council & Elected Mayor

Powers of the Council:

City Council becomes the chief policy-making body of the city, including powers to enact all policy proposals, approve/reject all nominees for department heads and boards/commissions, approval of the city budget and all revenue changes (including ongoing scrutiny of expenditures/revenues), and emergency power approvals (further detail of these powers described in sections below). Councilors serve three-year terms, rotating. No term limits.

City Council elects 2-year Council President from its own ranks with majority vote (removal by 2/3rds). The Council President is the voice of the Council and meets with the Mayor regularly. President chairs Council meetings, sets Council rules/agenda, and creates/appoints/removes all standing committees/committee members/chairs. The President may create and appoint members to any ad-hoc committee to investigate a particular policy and/or investigate government malfeasance. Plus, any/all other duties bestowed upon the office by a majority vote of the Council. Council Presidents may not serve more than 4 consecutive terms.

The City Council will have its own independent staff to meet its responsibilities, policy development, public communications, and administrative tasks. Council's budget will be determined within the annual city budget proposed by the Mayor and reviewed in accordance with the budget process.

Powers of the Mayor:

Elected Mayor ensures the implementation of policy and oversees the efficient administration of the city. No longer a member of the Council and does not have a vote. Does have the ability to propose policy for Council review and must sign/veto all legislation enacted by the Council (described below).

The Mayor will nominate for Council review and approval a "City Administrator" who will be responsible for the day-to-day supervision of all Department Heads, also nominated by the Mayor, and city operations. The "City Administrator" will serve under the direction of the Mayor, however, will be required to attend any Council Committee meeting when a committee chair requests it.

Mayor is elected on the same cycle as the US President (effective 2024). May serve only two consecutive 4-year terms.

Nomination and Oversight of Department Heads:

The Council reviews/approves/rejects all Mayoral nominees of Department Heads to lead city staff (Chief of Police, Director of Public Works, Director of HHS, etc.). Council approves/rejects each nominee with majority vote after the council committee of jurisdiction holds public hearings/vote on each nominee (for instance: Public Safety Committee reviews nominee for Chief of Police). Staff below department heads are hired by their respective supervisors and do not need Council approval.

All Department Heads, after review/approval by Council, will report to and serve at the will of the Mayor after approval by Council, with day-to-day oversight administered by the City Administrator. All Department Heads, or designee, are required to provide all requested information to council committees of jurisdiction and testify to committees when called upon. All

Department Heads may request to attend a Committee meeting to report on any matter pertaining to the committee's jurisdiction.

Policy Development

All policy proposals must go through Council for public review/amendment/final disposition.

All Councilors and the Mayor will have the right to submit policy proposals for Council consideration/review/action. All Department Heads, or their designee, will be available to elected officials for the purpose of any proposed policy development. (If a staff member or constituent wants to propose an idea for Council consideration, they can ask an elected official to sponsor the proposal).

All policies, ordinances, orders, expenditures, revenue changes, etc. approved by Council must then be signed into law by the Mayor or vetoed within 10 days of passage. Council may override all vetoes within 15 days, with 75%+ super-majority. If Council overrides, policy is enacted. If council fails to override, policy is not enacted. If Council fails to override, Council may amend to generate 75% support of Council or to gain Mayor's signature.

Council actions that solely impact the operations of the Council (rules, procedures, committee structures, vacancies, etc.) or that are non-binding statements do not need to be signed by the Mayor nor can they be vetoed.

Development, Passage and Implementation of Budgets:

Mayor develops/proposes City budget, excluding education expenditures, for Council consideration. Council amends/approves after public hearings. Same veto standard.

The Mayor oversees implementation of the City budget through Department Heads. Council monitors implementation of the budget through committees of jurisdiction. May request that any Department Head under their jurisdiction attend their committee meeting to present budget progress and answer any questions.

Mayor develops/proposes schoolwide education budget, in consultation with School Board Chair and Superintendent, for School Board consideration. School Board amends/approves after public hearings and sends to voters for approval. The city council no longer votes on the school budget.

Compensation:

Council salaries increased to \$17K a year (from \$6K), with annual COLA based on CPI (proposal from Procedures Committee member). Current benefits (HC/Pension, etc.) not changed. Commensurate for School Board members.

Mayor salary increased to twice the average income for a family of four in Portland as defined by the annual census (up from 1.5x to recognize the increased responsibilities). Adjusted at the start of each new term.

Succession Plan:

In the event of a vacancy or incapacity of the Mayor, the “Elected Public Advocate” (described below) is first in line to replace the Mayor. Council President is second.

In the event of a Council or School Board vacancy, the Mayor nominates three people for consideration. Council or School Board may only seat from the list of nominations. Should they reject all three, the Mayor must nominate three others. Once seated, the nominee remains in place until the next general election. The seated individual may run for the seat.

Elected Public Advocate

The Elected Public Advocate serves as an independent ombudsperson for city government whose mission is to improve the transparency, responsiveness, and accountability of City government. An additional set of eyes and ears on the council and mayor branches.

Public Advocate is elected on the same cycle as the US President (effective 2024). May serve only two consecutive 4-year terms.

Duties of the Public Advocate:

Public Advocate is charged with meeting constituent needs (direct or referred by any other elected official), providing outside review of city agencies, responding to FOIA requests, investigating citizens' complaints about city services, and making proposals to address perceived structural shortcomings or failures for Mayor or Council consideration. Public Advocate has authority to propose structural changes to city government and/or greater oversight controls for Council deliberation and consideration. In the event of a vacancy or incapacity of the mayor, the Public Advocate is first in line to become Mayor until the end of the elected term.

Nomination of the City Clerk:

The City Clerk, overseeing elections and Clerk functions, becomes an independent office of the executive and legislative branches by being nominated by the Public Advocate at the beginning of their term. City Clerk is approved/rejected by the Council. Once approved, the City Clerk reports to the Public Advocate and may not be removed without recommendation by the Public Advocate and 66% approval by the Council. The City Clerk is not term-limited and may cross over administrations.

Nomination of the City Attorney:

The City Attorney, providing legal advice to the Council/Mayor and constituents, becomes an independent office of the executive and legislative branches by being nominated by the Public Advocate and approved/rejected by the Council. Once approved, the City Attorney reports to the Public Advocate and may not be removed without recommendation by the Public Advocate and 66% approval by the Council. The City Attorney is not term-limited and may cross over administrations.

Development, Passage and Implementation of Budget:

The Public Advocate's office will be funded with no less than 1% (one percent) of total revenue to the city in order to keep it independent of Mayor/Council determinations (current City Clerk/Attorney budgets total \$1.5M). If they need additional funds, they may request such from Council for approval through the normal budget process.

Appointments to City Committees and Boards:

The Council reviews all nominations to board and commissions for final approval/rejection, which are now made by the Public Advocate through an open and transparent application process. Council approves/rejects each nominee with majority vote after the council committee of jurisdiction holds public hearings/vote on each nominee.

Public Advocate's Salary:

Public Advocate will be paid 1.5x the average salary for a family of four in Portland as determined by the annual census.

Succession Plan:

In the event of a vacancy or incapacity of the Public Advocate, the Council will appoint a Council member to fill the role, and a special election will be held to fill the term of the Public Advocate vacancy at the next general election.

<u>Forms of government for the largest city of every state</u>			
<u>State</u>	<u>Largest City</u>	<u>Population</u>	<u>Chief Executive</u>
<u>Vermont</u>	<u>Burlington</u>	42,899	Mayor
<u>West Virginia</u>	<u>Charleston</u>	47,215	Mayor
<u>Wyoming</u>	<u>Cheyenne</u>	63,957	Mayor
<u>Maine</u>	<u>Portland</u>	66,417	Manager
<u>Delaware</u>	<u>Wilmington</u>	70,635	Mayor
<u>New Hampshire</u>	<u>Manchester</u>	112,525	Mayor
<u>Montana</u>	<u>Billings</u>	116,827	Mayor
<u>North Dakota</u>	<u>Fargo</u>	124,844	Mayor
<u>South Carolina</u>	<u>Charleston</u>	136,208	Mayor
<u>Connecticut</u>	<u>Bridgeport</u>	144,900	Mayor

<u>Mississippi</u>	<u>Jackson</u>	164,422	Mayor
<u>Rhode Island</u>	<u>Providence</u>	179,335	Mayor
<u>South Dakota</u>	<u>Sioux Falls</u>	181,883	Mayor
<u>Arkansas</u>	<u>Little Rock</u>	197,881	Mayor
<u>Utah</u>	<u>Salt Lake City</u>	200,591	Mayor
<u>Alabama</u>	<u>Birmingham</u>	208,928	Mayor
<u>Iowa</u>	<u>Des Moines</u>	216,853	Manager
<u>Idaho</u>	<u>Boise</u>	228,790	Mayor
<u>New Jersey</u>	<u>Newark</u>	282,090	Mayor
<u>Alaska</u>	<u>Anchorage</u>	291,538	Mayor
<u>Hawaii</u>	<u>Honolulu</u>	347,397	Mayor
<u>Kansas</u>	<u>Wichita</u>	389,225	Manager
<u>Louisiana</u>	<u>New Orleans</u>	399,187	Mayor
<u>Minnesota</u>	<u>Minneapolis</u>	427,728	Mayor
<u>Virginia</u>	<u>Virginia Beach</u>	450,189	Manager
<u>Nebraska</u>	<u>Omaha</u>	468,262	Mayor
<u>Georgia</u>	<u>Atlanta</u>	504,527	Mayor
<u>Missouri</u>	<u>Kansas City</u>	507,928	Mayor
<u>New Mexico</u>	<u>Albuquerque</u>	560,218	Mayor
<u>Wisconsin</u>	<u>Milwaukee</u>	592,025	Mayor
<u>Maryland</u>	<u>Baltimore</u>	599,827	Mayor
<u>Kentucky</u>	<u>Louisville</u>	620,578	Mayor
<u>Nevada</u>	<u>Las Vegas</u>	647,829	Manager
<u>Oklahoma</u>	<u>Oklahoma City</u>	649,021	Manager
<u>Oregon</u>	<u>Portland</u>	661,189	Commission

<u>Michigan</u>	<u>Detroit</u>	672,662	Mayor
<u>Tennessee</u>	<u>Nashville</u>	681,928	Mayor
<u>Massachusetts</u>	<u>Boston</u>	699,927	Mayor
<u>District of Columbia</u>	<u>Washington, D.C.</u>	702,455	Mayor
<u>Colorado</u>	<u>Denver</u>	716,492	Mayor
<u>Washington</u>	<u>Seattle</u>	749,627	Mayor
<u>Indiana</u>	<u>Indianapolis</u>	867,125	Mayor
<u>North Carolina</u>	<u>Charlotte</u>	881,819	Manager
<u>Ohio</u>	<u>Columbus</u>	895,477	Mayor
<u>Florida</u>	<u>Jacksonville</u>	903,889	Mayor
<u>Pennsylvania</u>	<u>Philadelphia</u>	1,587,828	Mayor
<u>Arizona</u>	<u>Phoenix</u>	1,660,272	Manager
<u>Texas</u>	<u>Houston</u>	2,325,502	Mayor
<u>Illinois</u>	<u>Chicago</u>	2,705,994	Mayor
<u>California</u>	<u>Los Angeles</u>	3,994,928	Mayor
<u>New York</u>	<u>New York City</u>	8,879,928	Mayor
Total Population		39,829,721	
Pop. Mayor Cities		34,206,907	
% in Mayor Cities		86%	
Almost 90% of Americans, in comparable cities to Portland, operate with a directly elected mayor.			