



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.