



City of Portland Charter Commission Agenda

Charter Commission Meeting
January 19, 2022 at 6:00 PM

1. Call to Order

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: Jan 19, 2022 06:00 PM Eastern Time (US and Canada)

Topic: Charter Commission Education Committee

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82209775327?pwd=YlZwaDBGa0pGckNadjJoZ3NqaXM3dz09>

Passcode: 006170

Or One tap mobile :

US: +16465588656,,82209775327#,,,,*006170# or
+13017158592,,82209775327#,,,,*006170#

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Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 720 707
2699 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 822 0977 5327

Passcode: 006170

International numbers available: <https://us06web.zoom.us/j/82209775327?pwd=YlZwaDBGa0pGckNadjJoZ3NqaXM3dz09>

2. Review and Approval of Minutes

a. Approval of the December 22, 2021 draft meeting minutes.

3. Committee Reports

- a.
 - Departments: [Resources](#)
 - Education
 - Elections
 - Governance
 - Procedures

4. Public Comment

- a. This period will be for general public comments. During subsequent meetings when votes are scheduled for specific reform proposals. We will take proposal-specific public comments. No proposals will be voted on at this meeting.

5. Workshop on Governance Models

- a. Members of the Governance Committee will describe the various features of the two models for the city's governing structure. The goal of this section is to increase commissioners' understanding of the various available options and to begin full-commission deliberations about the final governance model proposal we will vote on. There will be no vote at this meeting.

Relevant Documents(s)

- a. Governance Committee Leadership Model Recommendations
- b. Commissioner Sheikh-Yousef Leadership Model Proposal

6. First read on Communications Policy

- a. Members of the Procedures Committee will describe their proposal to change the styles that govern communications between city staff and elected officials. There will be no vote at this meeting.

Relevant Documents(s);

- a. Proposal for a Charter Provision Governing Communications Between City Staff and Elected Officials

7. First read on Clean Elections

- a. Members of the Elections Committee will describe their proposal for a clean election system. There will be no vote at this meeting.

Relevant Documents(s);

- a. Elections Proposal and Cost Estimate

8. First read of Civilian Police Review Board Proposal

- a. Members of the Departments Committee will describe their proposal for a reform to Portland's civilian review board. There will be no vote at this meeting.

Relevant Document (s):

- a. Civilian Police Review Board Amendment Proposal.

9. New Business

10. Adjourn



City of Portland Charter Commission Meeting

December 22, 2021 (Remote via Zoom)

1. Call to Order

- a. Due to the existence of an "emergency or urgent issue" the Charter Commission 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.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82327155327?pwd=Z0YzQmgya2RjMklSRmJVTFlOTU2QT09> Passcode: 699357

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+13126266799,,82327155327#,,, *699357#

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248 7799 or +1 720 707 2699

Webinar ID: 823 2715 5327

Passcode: 699357

International numbers available: <https://us06web.zoom.us/j/82327155327?pwd=Z0YzQmgya2RjMklSRmJVTFlOTU2QT09>

- b. Commission Chair Kebede called the meeting, held by remote participation by Zoom videoconference, to order at 6:01 PM.

Present were Chair Kebede, Vice Chair Stewart-Bouley, Secretary Eglinton, Commissioners Barowitz, Buxton, Chann, Houston, Lizanecz, O'Brien, Sheikh-Yousef, Washburn, and Waxman (Quorum established)

2. Approval of the Prior Meeting Minutes

- a. Motion to approve draft meeting minutes of October 27, 2021. Moved by Commissioner Washburn, seconded by Commissioner Houston. Motion passes 12-0 by roll call vote.

3. Review of Commission's Leadership Structure and Support Needs

- a. Affirmation that the Executive Committee members would like to continue in their roles.
- b. Self-evaluation by the Executive Committee and Committee Chairs.
- c. Assessment of additional needs (e.g., staffing); and
- d. Discussion. The Chair, Vice-Chair, and Secretary expressed a desire to continue in their current roles, and there was no opposition. Executive Committee members noted the public's concerns with the timeliness and ease of finding agendas, minutes, and Commission/Committee materials on the City's website. They informed the Commissioners that they had relayed these concerns to the City's Interim City Manager and Corporation Counsel, who offered their assistance and discussed ways in which the City might address these concerns, while also explaining current City staffing issues. Commissioner Chann voiced concerns about the need for additional staffing, especially in the preparation of Preliminary and Final Reports. He also raised the possibility of preparing a forum to engage the public, such as an "Ask the Charter Commission" on Reddit, or a similar service. Commissioner Buxton volunteered to draft a proposal and budget for building a web platform for more effective community engagement without burdening City resources, and indicated she would informally consult with other Commissioners as appropriate in development of that draft, which would be presented to the entire Commission for consideration.

4. Committee Reports

- a. Departments. Chair Lizanecz provided the Committee update. The Committee has prepared draft amendment language to establish a Police Oversight & Review Board, and presented an outline of its powers and duties, membership, staffing and funding. It also has been gathering information about the creation of a City Ombudsman/public advocate position and of the provision of constituent service. The Committee has met with officials from other municipalities to learn of their experiences with these processes. See attached materials for additional information.
- b. Education. Chair Houston presented the Committee report. The Committee has heard from educators, managers, counselors, consultants, and attorneys discussing how City-Portland Public Schools collaboration can be promoted and increased. The Committee is now beginning to look at the next steps – proposals for more collaboration in budgeting and capital improvement planning, participatory budgeting, placing equity-based language into Preamble, changing name of Board of Public Education. In particular, Commissioner Houston has proposed that more collaborative structures be put in place – 1)

authorize the School Board to establish bottom line budget number and put it out to referendum vote; 2) create a School Board- City Council Liaison Committee with two members from each body to regularly meet and collaborate on issues of mutual interest; and 3) participatory budgeting for school budget. Commissioner Eglinton has proposed: 1) 8-member school Joint Committee on Budget Guidance to develop two-year budget guidelines (similar to Sanford); and 2) School Superintendent and City Manager to meet and prepare a multi-year capital improvement plan to joint City Council-School Board meeting before submission of budget; change name from Board of Education to School Board. Commissioner Chann proposed preamble changes to include diversity, equity, and inclusion. See attached materials for additional information.

- c. Elections. Chair Chann presented the Committee report. The Committee is still in a workshop phase, focusing on clean elections; improvements to ranked choice voting for multi-seat races; and non-citizen/universal resident voting. It has been receiving comment from the public, from State and local government and from non-profit organizations regarding these issues to learn about policy options. Other concepts are being considered, including creation of a commission to support the City Clerk's office to increase outreach, engagement and participation, and redistricting – increasing the number of seats to make elected government more representative. See attached materials for additional information.
- d. Governance. Chair O'Brien presented the Committee report. The Committee initially met with a facilitator to help design its process, and since then, has met with the Mayor, public policy and government experts, city managers, and Councilors. It has discussed general values; creating more avenues to initiate public policy – not just the by manager but also by the mayor, councilors on their own and on behalf of public, and by public petition; more emphasis on elected mayor to develop budget in consultation with City manager.(reversing current priority); a City administrator to oversee staff; a chief of staff to be responsible to City Council for all City Council staffing needs and all FOAA requests; and additional functions for the elected mayor. Commissioner Sheikh-Yousef also has prepared and circulated a draft for public and Committee comment regarding the Mayor/Council form of government and a strong Mayor concept. See attached materials for additional information.
- e. Procedures. Chair Washburn presented the Committee report, outlining the Committee's progress on a number of issues, including: a revised Preamble, councilor disclosure rules, citizen initiatives, conflicts of interest and a code of ethics, a policy to govern City councilors working with City staff, compensation of City officials, and participatory budgeting. See attached materials for additional information.

5. Public Comment

Several members of the public presented their comments and suggestions.

6. Scheduling

- a. The Commission will meet next on Wednesday, January 19 to receive Committee reports and to conduct a first reading of three to four proposals, with the opportunity for clarifying questions from the Commissioners.
- b. The Commission then will meet on Wednesday, January 26, with at least 10 days' published notice of the date, time, and place of hearing, to conduct a public hearing on two or more of the proposals previously heard, as determined by the Executive Committee, followed by deliberation and a vote on each proposal.
- c. The Commission then will meet every other week thereafter. The Commission is aware of potential cost concerns of proposals and may consider attaching a fiscal impact note to proposals where possible and appropriate, although this is not required. The Commission also has been asked by its Chair to consider whether it may need an extension of time to complete its work.

7. Other Business

8. Motion to Adjourn

Moved by Commissioner Washburn and seconded by Commissioner Houston. Motion passes 12-0 by roll call vote. Meeting adjourned at 9:15 p.m.

DEPARTMENTS COMMITTEE REPORT

12/22/2021

Ryan Lizanecz (D5), Zack Barowitz (D3), Marques Houston (D4)

Fellow Commissioners & Members of the Public,

The Departments Committee is excited to present our first proposal for the broader Commission for consideration and feedback. We are seeking your input, and advice (as well as an ultimate vote for passage to the ballot at another date). While a final decision need not be determined today, we would appreciate any feedback and suggestions the Commission may have. This Amendment has been the product of several months of research and consultation with local and national experts.

Please find the proposed Amendment below. You will also find all our research and relevant documentation for this proposal here, including minutes:

<https://drive.google.com/file/d/1-LH1Dv4voOEeRDFDd3fmmml1so6aN514/view?usp=sharing>

The Departments Committee is continuing to pursue a few more potential proposals. First, the creation of a City Ombudsman/Public Advocate/Auditor. Second, addressing Constituent Services. These two proposals could be interconnected and we are just in the beginning stages of this process.

At our Monday meeting (12/20/2021) our Committee discussed the creation of an Ombudsman/Public Advocate/Auditor with (1) Mary Hull Caballero - City Auditor of Portland, Oregon; (2) Kim Cook (Former Portland City Councilor); (3) Anna Kellar - Fair Elections Portland; (4) Patrick Dowd - National Ombudsman Association Representative.

We will provide additional updates to the larger Commission when deemed appropriate.

AMENDMENT DRAFT LANGUAGE

Police Oversight & Review Board

- **Powers & Duties:**

- The Board shall receive community complaints and shall refer complaints to Internal Affairs and/or Command.
 - Command Staff and Internal Affairs shall report their conclusions to the Board for consideration no more than 14 days upon conclusion of their investigations.
- The Board shall review investigations by Internal Affairs for due process in terms of being fair, thorough, objective, and timely
- The City Council shall create an appeals process for complaints within the confines of applicable law.
 - The Board shall be granted authority to refer appeals to an appropriate body.
- The Board may recommend data-driven policy evaluations of the Police Department and recommend policies based upon these findings annually to the City Council, as applicable.
- The Board shall make policy recommendations.
- The Board shall prepare an annual report to the City Council, including (but not limited to) policy recommendations, funding spent, number of complaints and number of resolutions.
 - The Board, at its discretion, may address the city council on a quarterly basis.
- The Board shall present the annual report to the City Council and Mayor.
- The City Council and Mayor may add duties and responsibilities as it sees fit to the Board at any time.
- The council and mayor may assign recommendations to members of city staff to enact.

- **Membership:**

- Members of the board shall be any resident of the City of Portland over 18 years of age.
 - Three members of the board are appointed by the City Council.
 - Five members appointed by Community Chairs¹ if applicable (if not, council)
 - One member appointed by the Mayor
 - Three Non-Voting members: (e.g., community groups nominees, student reps, organizational representatives) as determined by the city council.
 - Length of term to be three years with opportunity for reappointment.

- **Staff & Funding:**

- The Board shall be funded by the City Council in the annual budget.
- The Board shall have professional staff.
 - Must include Community Liaison (“credible messenger”)
- The Board shall work in partnership with the Communications Department, Internal Affairs, and any other offices and agencies including the Police Department/IA.

¹ Pending proposal to create another level of elected office - smaller than council district but larger than neighborhood - perhaps comprising 2-3 neighborhoods. Roles would be non-legislative, but they could have some duties, including (1) liaison between council member and community; (2) run participatory budgeting meetings; (3) role in appointments to boards and committees; (4) review and recommend development projects; (5) platform for leadership development. Not under consideration by the Departments Committee at this moment. Should this proposal not advance, membership appointments shall return to the council.

- Shall include police liaison familiar with Standard Operating Procedures
- Board members shall receive a stipend to be determined by the City Council. Members may opt out of the stipend.
- Board members shall receive thorough training germane to the Board's function
- The Board shall engage city residents as to the board's:
 - Purpose/Goals
 - Increase confidence/trust in the police department by the public
 - To improve police practices, procedures, policies in regards to interactions with the public. For example:
 - Helping officers identify individuals having a mental health crisis
 - Identifying people whose disability or medical condition may be affecting their behavior (e.g., diabetes)
 - De-escalation methods
 - Crowd control techniques
 - Discourage police misconduct
 - Help officers feel vindicated in both their own eyes and the public
 - Reassure the public their complaints are investigated thoroughly and fairly.
 - Help the public understand the nature of police work.
 - To provide oversight to Internal Affairs.
 - Diffuse public hostility.
 - Findings
 - Complaint Process
 - Roles
 - Limitations



December 22, 2021

Members: Marcques Houston (D4 - chair), Peter Eglinton (AP - vice chair), Marpheen Chann (AL - secretary)

Since the Education Committee's last report to the full Charter Commission, the committee has been at work gathering more information and creating some preliminary proposals. After hearing the perspectives of guests that the committee has met with throughout this process, commissioners have chosen 2-3 topics that they would like to look into more and make preliminary proposals. At the time of the committee's last report, members were in the fact-finding stage of the process. The committee is now moving into a phase of preparing proposals while still gathering information and hearing from members of the public.

The following people have spoken at workshops organized by the Education Committee since the committee's last report:

- Steven Buck, Sanford City Manager¹
- Grace Valenzuela, Multilingual and Multicultural Center, Portland Public Schools
- Anita St. Onge, Portland Adult Education, Portland Public Schools
- Attorney James Katsiaficas, Perkins Thompson

During the committee's workshops, members heard from other folks, both in Portland and out of Portland, who reiterated the importance of maintaining strong methods of collaboration between the school board and city council when it comes to topics, such as the school board. Referring back to the original Drummond Woodsum memo and hearing from individuals from other municipalities, the committee members have several models to look at and decide which one makes the most sense for Portland.

As stated in the committee's last report to the commission, there are some legal questions surrounding the topic of budget autonomy for the school board. On the topic, the committee has heard from members of the school board and received

¹ [Recommendations from Steven Buck, Sanford City Manager](#)

memorandums from Drummond Woodsum² and Perkins Thompson³. In both of those memorandums, the committee has heard differing interpretations of home rule authority and State of Maine statutes. During the committee's last report, this was listed as a possible constraint and that remains the case.

Through the presentation of preliminary ideas and discussion, the following topics have been identified as areas of interest to direct the committee's exploration:

- Increasing collaboration between city council and school board in areas pertaining to the school budget and capital improvement projects
- Implementing a participatory budgeting process for the school budget
- Inserting equity-based language into the preamble
- Changing the name of the Board of Public Education to School Board

Next Steps

1. Discuss collaboration methods between school board and city council
2. Discuss participatory budgeting process for school budget
3. Invite more guests to talk with us about the topics listed above, as needed
4. Prepare recommendations for full commission

Conclusion

In conclusion, the Education Committee will continue to explore the topics listed above and prepare to make recommendations for the full commission. After hearing thoughts on the commissioner's preliminary proposals (see below) from the full commission and the public, the committee will plan to move forward in solidifying what some of these topics may look like in the Charter. As the committee moves forward in this process, members will continue to gather information, learn from experts, and hear from the public to ensure that the necessary and appropriate steps are taken for the betterment of Portland and our public schools.

Below you will find the preliminary proposals from each of the commissioners that serve on the committee.

² [Memorandum from Drummond Woodsum](#)

³ [Memorandum from Perkins Thompson](#)

Commissioner Preliminary Ideas:

Preliminary Ideas from Commissioner Eglinton as of 12/15/2021

1. Establish a public process for gaining agreement on joint budget guidance
 - Establish a Joint Committee on Budget Guidance, with four City Councilors and four School Board members
 - Meet each year in advance of the budget process to develop joint guidance for the City and Portland Public Schools, including their respective priorities and constraints -- guidance would cover a two-year period, updated annually
 - Obtain public input through hearings in multiple locations in the city
 - Vote on a joint resolution by full City Council and School Board

Rationale:

- Improves collaboration between the School Board and the City Council
 - Provides more parity between the School Board and the City Council in developing budget guidance
 - Increases transparency of budget guidance and gains earlier agreement on underlying, shared objectives
 - Allows for flexibility along with longer-term goal-setting
2. Establish a joint Capital Improvement Plan process: "The city manager and superintendent must jointly prepare and submit to a joint meeting of the council and school board a multi-year CIP before submission of the budget, and must publish a general summary of the CIP. The CIP must be revised and extended each year with regard to capital improvements pending or in process of construction or acquisition." (Auburn)
Rationale: Demonstrates the joint importance of city- and school-related capital improvement projects
 3. Change "Portland Board of Public Education" to "Portland School Board" Rationale: Simplifies references to the Board, while maintaining one of intents of the last charter commission, which changed references from "Committee" to "Board" to clarify the body's authority and that it is not a city committee

Preliminary Ideas for Education Committee from Marques Houston - District 4

1. More budget autonomy for School Board
 - a. There are some legal questions surrounding this topic, as outlined by the Drummond Woodsum memo sent to the committee in early Fall. In my view, collaborative efforts between the city council and school board should be set in place to discuss matters relating to the School Budget, but the School Board would have authority over the bottom line number, as opposed to the City Council. That budget would then go out to the voters.
2. Establish a School Board-City Council Liaison Committee
 - a. This committee would consist of two (2) members of the School Board and two (2) members of the City Council. The committee would allow members of City Council and the School Board to confer on a regular basis with various staff, community members, and stakeholders to collaborate on issues of mutual interest regarding Portland Public Schools.
3. Establish Participatory Budgeting process for School Budget
 - a. This would be a public process to engage students, parents, educators, and staff in deciding how to spend a part of the school budget.
 - b. Rationale: This would enable residents of Portland to work with the School Board and Superintendent and have a voice in the budget process to address changes that they would like to see in Portland Public Schools. This would also increase the level of community engagement by allowing stakeholders, parents, children, teachers, staff, and so on to make proposals and make decisions regarding the changes that they would like to see in their schools.

Preliminary Ideas from Marpheen Chann - At Large

PREAMBLE

We, the People of Portland, Maine, establish this Charter to secure the benefits of local governance and to provide for the general health, safety and welfare of our community. In so doing, we build a government that meets the needs of the people it serves and whose character it reflects. Our government shall further cooperation, encourage leadership, solicit our input and support the active participation of our residents in their governance. Our government shall be effective and accountable and shall promote equal rights, **diversity, equity, and inclusion**, and representative democracy.

Our government shall provide public education that enables all residents to acquire the knowledge, ~~and~~ skills, **and experiences** necessary to participate fully in Portland's civic, intellectual, cultural and economic life, in order to enrich and strengthen our **diverse** community ~~and our common~~ **toward a more just and equitable** future.

(Referendum 11/2/10)



MEMORANDUM

Portland Charter Commission Ad Hoc Elections Committee Activities Oct. 28-Dec. 21

TO: Chair Michael Kebede, Portland Charter Commission

FROM: Portland Charter Commission Ad Hoc Elections Committee
(Buxton, Chann, Washburn)

SUBJECT: Memorandum On Elections Committee Oct. 28-Dec.21

DATE: December 22, 2021

Introduction

The Charter Commission Ad Hoc Elections Committee (Committee) since the October 27th, 2021, full Charter Commission (Commission) meeting has continued working on the major issues listed in our October 27th report. Those issues are clean elections, proportional ranked choice voting, and universal resident voting.

Clean Elections

Work on a clean elections proposal brought forth by Commissioner Buxton continues to take shape as the Committee works to finetune the draft language to address concerns and issues related to sustainability and funding, staffing and departmental support, and corporate donations.

The initial workshop on the proposal on December 21, 2021, was tabled in order to prioritize the public hearing for universal resident voting. The draft language can be found in the Appendix. We expect to have a public hearing and a vote to move clean elections to the full commission sometime in early January.

Proportional Ranked Choice Voting

Commissioner Chann has tabled some preliminary ideas to implement PRCV across the board in Portland elections and is working on language to allow for the use of PRCV in the event of a multi-seat election. That proposal will likely come before the Committee in mid- to late-January.

Universal Resident Voting

The Committee has held several workshops on this item and held a public hearing on the issue at the Committee's December 21, 2021, meeting. The proposal, sponsored by Commissioner Washburn, was tabled in order for Commissioner Washburn to work with attorneys and other experts to address concerns regarding safety and privacy of noncitizens.

Minutes from the December 21, 2021, meeting are included in the Appendix, along with other materials.

Other Issues

The Committee has had preliminary discussions and workshops on two ideas brought forth by Commissioner Chann, including the establishment of an Elections Commission to support the City Clerk's office and to increase representation and the number of seats on the City Council. Proposals for each are expected sometime in late January.

Draft language for the Elections Commission can be found in Appendix.

Conclusion

The Committee will continue to work on its draft proposals and hope to get those proposals before the Commission in February.

APPENDIX A
SUPPLEMENTARY MATERIALS FOR
UNIVERSAL RESIDENT VOTING

Add to Article II the following:

Section 4.

The right of all adult residents of Portland to vote in municipal elections and on municipal initiatives is established, regardless of citizenship status.

City officials will take all reasonable care to ensure that exercising this right does not allow non-citizen voters to violate federal or state laws, including providing translated or interpreted information for non-English speakers.

While the city's voter list is a matter of public record, city officials will not make public the citizenship status of any voter or provide information to any enforcement agency beyond what is on the public record.

MEMORANDUM

TO: Members of the Portland Charter Commission

FROM: James N. Katsiaficas, Emily A. Arvizu

DATE: November 12, 2021

RE: Universal Resident (or Noncitizen) Voting in Municipal Elections

This memorandum updates a July 29, 2009 memorandum from former Corporation Counsel Gary Wood to Members of the Portland Charter Commission regarding whether a municipal charter may be amended to allow noncitizens to vote in municipal elections (the “Wood Memo”). This memorandum provides background on the issue, a brief summary of discussions on the topic by the 2010 Charter Commission, and an overview of recent legislative efforts and opinions, followed by our opinion on the issue.

2010 Charter Commission Discussions

At the public’s request, the previous Portland Charter Commission, which convened in 2009 and issued its Final Report in 2010, took up the issue of whether to amend the Charter to allow for noncitizen voting in municipal elections. According to the Final Report, the motion to recommend an amendment to the Charter that would have allowed legal residents of Portland to vote in municipal elections failed by the margin of 7 to 5.¹ A Minority Report, drafted by the five commissioners who voted in favor of noncitizen voting, is contained in that Final Report.

The Final Report did not include the majority’s reasoning for voting against posing the issue to voters, but a brief review of some archived documents from the 2010 Commission indicates there may have been concern over the legality of such an amendment. As previously noted, Corporation Counsel Wood submitted a memorandum to the 2010 Commission in July 2009 explaining the legal issues described below. He ultimately recommended that the Commission take up the issue on the merits, and pose it to the voters if a majority of the Commission wanted to. If the voters approved the stand-alone question, a court could issue a declaratory judgment deciding the legality of the measure. However, when the 2010 Commission later approached Corporation Counsel Wood again in 2010, requesting that he provide “a risk assessment on whether I think that issue would survive legal challenge if it were put to the voters and the voters approved,” he concluded that “the chances are 60/40 against that right surviving legal challenge. In other words, I think the stronger legal arguments favor a court decision that would declare the right illegal in light of existing state law.” Similarly, William W. Livengood, then Director of the Legal Services

¹ Portland Charter Commission, Final Report (July 16, 2010),
<https://www.portlandmaine.gov/DocumentCenter/View/14761/Charter-Commission-Final-Report>.
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PORTLAND, ME 04112-0426
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www.perkinsthompson.com

Department of the Maine Municipal Association, provided a memorandum to the 2010 Commission also concluding that “in my opinion the authority of a municipality to adopt a home rule charter provision permitting non-citizens to vote in municipal elections is, at best, questionable.”² The unknown legality of a noncitizen voting provision seems to have been a sticking point for the 2010 Commission, which opted not to pose the question to voters.

The Legal Issues

Maine’s Constitution, in Article II, Section 1, requires persons to be U.S. Citizens in order to vote for State governor, senator or representative, but does not place the same, or any, requirement on municipal elections. The principal legal issue here, then, is whether a municipality, under its home rule authority under the Maine Constitution, has the ability to amend its charter to allow for noncitizen legal City residents to vote in its municipal elections. The issue arises out of the interplay between State and local election law. Article VIII, Part Second, Section 1 of the Maine Constitution affords inhabitants of a municipality “the power to alter and amend their charters on all matters, *not prohibited by Constitution or general law*, which are local and municipal in character.”³ Title 30-A of the Maine Revised Statutes governs municipalities and provides in § 2501 that “[e]xcept as otherwise provided by this Title *or by charter*, the method of voting and conduct of a municipal election are governed by Title 21-A.”⁴ As the Wood Memo noted, § 2501 “explicitly provides” that Charter authority “supersedes state law on the issues of the method of voting and conduct of a municipal election but doesn’t extend that authority to the qualifications for voting in par. [subsection] 2.” This is because §2501 (2), the subsection to which Corporation Counsel Wood referred, establishes qualifications for voting; it reads: “[t]he qualifications for voting in a municipal election conducted under this Title are governed **solely** by Title 21-A, section 111.”⁵ (emphasis added) Title 21-A M.R.S. §111 then provides that “A person who meets the following requirements may vote in any election in a municipality . . . [t]he person must be a citizen of the United States.”⁶ The express authority of a municipality to override the qualifications for voting set by the Maine Legislature by adoption or amendment of a charter is notably missing from this subsection.

Corporation Counsel Wood suggested that some ambiguity exists in Section 2501 because it includes the phrase “municipal election *conducted under this Title*”. He wrote that “[t]he inclusion of those words suggest that there are elections held at the local level that are not conducted under Title 30-A”, leaving such elections beyond the purview of Section 111’s citizenship requirement and subject only to the municipality’s home rule charter.

There also is the additional concern of whether such a charter provision is prohibited by the Maine Constitution, but it generally is regarded that the bar to such a charter provision is statutory, and not constitutional. In May 2009, then-Attorney General Janet Mills submitted written testimony that a bill before the Maine Legislature authorizing any municipality to enact an

² Memorandum from William W. Livengood, Director, Legal Services Dept. of the Maine Municipal Ass’n, to the Portland Charter Comm. (July 28, 2009).

³ Me. Const. art. VIII, pt. 2, § 1 (emphasis added).

⁴ 30-A M.R.S. § 2501 (emphasis added).

⁵ 30-A M.R.S.A. § 2501(2).

⁶ 21-A M.R.S.A. § 111(1).

ordinance allowing noncitizen residents to vote in municipal elections would not face any “constitutional impediment”.⁷ The bill at issue was an attempt by the Maine Legislature, not by a municipality, to extend municipal voting rights to noncitizens. Thus, while there is little doubt of the authority of the Maine Legislature to grant municipalities the power to extend municipal voting rights to noncitizen residents, the authority of a municipality itself to extend such rights by municipal charter alone remains in question.

Recent Developments

In the years since the last Charter Commission, the issue of noncitizen municipal voting rights has continued to be a matter of public debate. Most recently, the Maine Legislature considered L.D. 107, which sought to amend the State Constitution to expressly limit the right to vote in any state, county, municipal or local election exclusively to citizens.⁸ Attorney General Aaron Frey submitted written testimony stating that the amendment would be duplicative because “municipalities are not currently able to adopt ordinances to allow non-citizens to vote in municipal elections” since doing so would violate Titles 30-A and 21-A (as described above).⁹ The Maine Municipal Association also testified in 2021 that L.D. 107 was duplicative because, under section 2501 of Title 30-A, municipalities may only amend their charters with regard to the method of voting and the conduct of a local election, “and not with respect to who is eligible to vote.”¹⁰

Conclusion

The issue of whether a municipality has home rule authority to amend its charter to permit what now is called “universal resident voting” by noncitizen residents in municipal elections remains unresolved. There has been no relevant new legislative enactment or State constitutional amendment and there have been no Maine court decisions interpreting these provisions since the 2010 Final Report was issued. However, in the context of proposed legislation in 2021 for a constitutional amendment to limit the right to vote in municipal elections to U. S. citizens, the position expressed by the Office of the Maine Attorney General and by the Maine Municipal Association was that it was unnecessary because State law already limited voting in municipal elections to citizens, and by defeating that bill, the Maine Legislature apparently accepted that position. Thus, while the law has not changed since 2010, the opinion of parties with knowledge and influence regarding the interpretation of that law has changed. As a result, while it is impossible to state definitively how Maine courts would rule, we think the better position on the issue is that absent an amendment to State law, a municipality does not have home rule authority under Maine’s Constitution to amend its charter to extend the right to vote in a municipal election

⁷ *An Act To Allow Noncitizen Residents To Vote in Municipal Elections: Hearing on L.D. 1195 Before the J. Standing Comm. On Legal and Veterans Affairs*, 124th Legis. 1 (2009) (written testimony of Janet T. Mills, Attorney General).

⁸ See L.D. 107 (130th Legis. 2021).

⁹ *Resolution, Proposing an Amendment to the Constitution of Maine to Specify the Qualifications of Electors: Hearing on L.D. 107 Before the J. Standing Comm. On Legal and Veterans Affairs*, 130th Legis. 2021 (written testimony of Aaron M. Frey, Attorney General).

¹⁰ *Resolution, Proposing an Amendment to the Constitution of Maine to Specify the Qualifications of Electors: Hearing on L.D. 107 Before the J. Standing Comm. On Legal and Veterans Affairs*, 130th Legis. 2021 (written testimony of the Maine Municipal Association).

to noncitizens, since State law -- 30-A M.R.S. §2105(2) -- establishes voter qualifications for local elections that effectively prohibit such a charter amendment.

APPENDIX B
DRAFT CLEAN ELECTIONS PROPOSAL

Section 12a. Public Financing of Municipal Elections

The City Council shall establish and fully fund a mechanism providing public campaign funds to qualified candidates for mayor, city council, and school board. The Council will provide an independent allocation from the City's budget each year in order to ensure the program is sustained and can be made available to candidates for each election.

Commented [1]: included this to address Marpheen's concern about sustainability.

The mechanism must:

- Provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns.
- Be voluntary.
- Limit the amount of private funds a candidate may raise.
- Only be available to candidates who demonstrate public support.
- Require that contributions to any campaigns are searchable in a public database, regardless if a candidate uses public funds or not.
- Be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program.
- Require that all unused funds from a candidate's campaign from a particular year are returned to the municipal public election funding program within 100 days of the election.
- Be limited to candidates who agree to participate in at least one city-sponsored debate or voter education event.

The mechanism must be available by the 2024 municipal elections.

The mechanism shall be administered by paid staff within the Office of the City Clerk, with the assistance and oversight of the Elections Commission, as established by Section 3 of this article.

The city council may adopt additional regulations and ordinances not inconsistent with this section.

Section 12b. Corporate Contributions

A business entity may not make contributions to any candidate for municipal office. The term business entity refers to a firm, partnership, corporation, incorporated association or other organization, whether organized as a for-profit or a nonprofit entity.

Commented [2]: what about referenda? how would that back fire? for example would campaign committees be able to exist still?

Commented [3]: I did not put a ban on unions in here or mention separate segregated funds...is that necessary?

APPENDIX B
CLEAN ELECTIONS DRAFT PROPOSAL

Section 2. Election participation and education a priority.

The city shall ensure that all residents are able to participate and exercise their right to vote in the city's elections. To this end, the city shall ensure that information about voting and elections are, to the extent practicable, accessible in multiple languages, platforms, devices, and forms of media.

An elections commission of five (5) members shall be established and its members appointed by the city council from among the residents of the city. In appointing members of the elections committee, the city council shall ensure the body is diverse and representative of the city and that it includes representation of historically underrepresented communities.

In manners not inconsistent with applicable state law, the duties of the elections commission shall be to support the city clerk in conducting elections outreach, education, and community engagement, to provide an annual report on voter turnout and participation, and to provide recommendations to the city clerk and city council when necessary.

The city council may, by ordinance, adopt additional regulations and guidance on the duties and responsibilities of the elections commission not inconsistent with this section.

APPENDIX C
MEETING MINUTES

Elections Committee Dec. 7, 2021

Meeting called to order 6:02 p.m.

Present: Chann, Buxton, Washburn

Approval of Nov. 30 minutes

Buxton moved, Washburn second

Buxton: Tiebreakers, is there a requirement that there be an apparent winner before a recount can be ordered? Washburn and Chann say yes. Buxton will clarify on her own later.

Minutes approved unanimously.

Workshop on draft Clean Elections proposal

Suggestion that program should be administered by City Clerk's office rather than creating new structures/offices.

Should we ban corporate contributions (which would include labor unions)? Yes, but let's do it for everyone, not just Clean Elections candidates. Buxton and/or Washburn to draft this language.

Should we restrict how the candidates can spend their funds? Voters actually have a pretty good handle on this. Refer to John Wayne (Maine Ethics Commission) or counsel.

What to do with unused funds? CE candidates, roll back into fund. Non-CE candidates, what are we allowed to specify?

Public comment on Clean Elections proposal

Anna Kellar: also look at setting a lower threshold for contributions (statewide it's \$500). Also look at streamlining campaign finance reporting and make the information more accessible.

Karen Snyder: Good first draft, agrees on streamlining information and City Clerk administration. Also, look at other cities.

Workshop on draft Elections Commission proposal

Washburn questions why this is necessary. Chann cites need to increase voter engagement and turnout. Buxton and Washburn suggest including diversity rationales.

Public comment on Elections Commission proposal

Anna Kellar: Why not set a turnout/engagement goal for the City Clerk's office? Also allow residents to submit complaints to the commission.

LWV has done some research on voter turnout by race, age, and poverty rates in Maine. Poverty tends to correlate with lower voter turnout. Group could help with that.

Big question: Does this commission have an enforcement role?

Workshop on Universal Resident Voting proposal

Buxton asks to provide more structure around role of city staff and their responsibilities. Washburn agrees and will consult relevant counsel.

No public comment was offered.

Meeting adjourned 8:33 p.m.



City of Portland
Charter Commission Ad Hoc
Elections Committee Meeting Minutes
November 30, 2021 at 6:00 PM

Present: Chann, Buxton, Washburn^[1]_{SEP}

Guests: Jen Thompson, Interim Corporation Counsel
Will Hayward, League of Women Voters of Maine
Deb McDonough
Jim Katsifiacas, counsel to Charter Commission

Chann calls meeting to order 6:03 p.m.
Minutes of previous meeting approved unanimously

Ms. Thompson thanks committee for giving her time to finish reporting on issues arising from the at-large City Council race

—

Mr. Katsifiacas:

Can a municipality amend its charter to make changes to election laws?

Municipalities have home-rule charter authority. The residents have the power to alter and amend charters on all matters not prohibited by state law or Constitution. That's a broad authority, but it has limits.

Title 30A has most of the state's municipality-related laws. Section 25-01 establishes primacy of state law over municipal elections. To vote in state races, you have to be a US citizen. Is there a legal way for a municipality to amend its charter to allow for universal resident voting in municipal elections?

Last charter commission looked at this and the then-city attorney gave 60-40 odds that courts would overturn such a charter proposal.

Has anything changed from 2009-2010? No. If anything, the climate at the state level appears to be increasingly in favor of citizen voting only.

Also, voter rolls for non-citizens are a matter of public record unless the state acts to protect that information.

Ms. Thompson: There is some legal protection for non-citizens' information in relation to law enforcement, but not for voting.

Chann: Can a city have a different voter registration card from other municipalities? Jim K thinks no.

(Jim K: MMA has training on election laws in case we're interested.)

—

Q&A with Jen Thompson

Clean elections: To what extent can we implement clean elections within the confines of the current system? What changes do we need to make to make this happen?

Jim K: Your charter is your constitution, keep it as clean as possible

Jen T: Note that this is a matter of pending litigation

However, I don't know of any objection to including clean elections in the charter

MMA guidance from 1992 suggests the charter is really not the place to correct personality conflicts or personnel issues

Chann: We have a draft from the LWV (a "large paragraph") which will provide a starting point

What about the council race tie? Is there anything we can do to make this easier for the city?

Jen T: I don't know that the process was all that flawed

Buxton: Maybe skip the drawing of lots and proceed to an automatic recount?

Jen T: State law says there cannot be a recount unless there is an apparent winner and an apparent loser. So the tie has to be resolved so that the loser can then request the recount.

At the state level, ties are resolved by holding another election but there is a cost to that.

Buxton: Withdrawal of candidates — what is the advice on changing that language?

Jen T: Voter information is probably the biggest concern, and also printing deadlines for ballots

Public comment period on issues discussed so far

Joey Brunelle: try to find a way that you can do URV or clean elections

Kate Sykes: you're looking a little mopey! You're doing great work!
Nothing has changed since 2010
Fear should not get in the way of our convictions

Phil Steele: Charter commission should take a role in elections laws that would affect city councilors

Consider the wishes of the voters

Proportional RCV

Chann: already lowered the number of required signatures

Hayward supports election commission idea
Concerned about oversight and appeals role (fold in with clean elections?)

Washburn: wants more smaller districts

Buxton: question about effectiveness of volunteer commission vs. paid staff

Hayward: Both models have pros and cons

Chann: Providing stipends for volunteers may be a solution

Buxton: Connect with Departments Committee re ombudsman program

Chann: Voting Rights Act has some provisions about language access

Jen T: How would proposed commission interact with state laws specifying how city clerks should administer elections?

Break

Chann introduces proportional RCV language

Chris Hughes, RCVRC

Deb M: Single-winner RCV is not designed for multi-winner elections

Presentation on RCV

Suggests automatic recounts

There are a lot of models out there for election commissions

Maine LWV has not taken a formal stand on proportional RCV

No requirement for party affiliations

No changes to ballot or voting process, but to tabulation process

Example of vegetable balloting

“Vote for N” system can have effect of excluding minority populations

“Can you draw a circle around them”? (i.e. are plurality blocs geographically clustered?)

Discussion.

Public comment on PRCV

Joey Brunelle: opposes larger districts and citywide candidate list

People do not have equal access to voters

Phil Steele: districting is a different question vs. whether to use PRCV in multi-winner races. Favors electing 3 councilors from each of existing 5 districts.

Dave Aceto: Access to City Hall. What are we doing to make it easier and more desirable to run for office? The city can do better to help streamline the process and attract more people to the process.

Damon Yakovleff: Agree that there are barriers to running for office, supports more and smaller districts and a larger council. This country has a fascist problem. Also pay the councilors more.

Kate Sykes: concern about fascist getting elected. Clean elections are important to keep money out of the process. I do not support putting clean elections on the ballot in a chunk with PRCV.

Chris, brief presentation on Voting Rights Act

Clean elections on next meeting agenda

Meeting adjourned 9:20 p.m.

Elections Committee: Nov. 16, 2021

Present: Buxton, Chann, Washburn

Meeting **called to order** 6:05 p.m.

Agenda amended to reflect that past meeting's minutes were from Oct. 19. (Washburn moved, Buxton seconded, motion passed unanimously.)

Minutes of Oct. 19 meeting approved unanimously. (Buxton moved, Washburn seconded.)

Nov. 2 meeting was canceled to encourage members of the public to vote on Election Day.

Workshop on **work plan and timetable** followed.

Recommendations should have two reads before a vote on whether or not to adopt.

Buxton: Can we get at least some recommendations in front of the full commission Dec. 22?

Washburn to draft language on universal resident voting.

Buxton suggests further discussion needed on clean elections.

Nov. 30, Atty Katsifiacas to provide overview of state and local election laws. Interim Corp Counsel Jen Thomas to add information from the municipal perspective. This is in addition to regularly scheduled meetings.

Buxton to draft language on Clean Elections, Chann on proportional representation.

Dec. 7 focus on Clean Elections

Dec. 21 final reading on Clean Elections and vote, probably not on all three issues as we want to make sure the public has a chance to weigh in and holidays are a thing that happens.

Buxton: are there other issues we should be considering?

Chann: Campaign finance, but might not be possible within state and federal constraints.

Buxton suggests we may be able to find some expertise in the city and ideas for what we can do locally. Washburn: Let's not take on a lot more until we resolve the issues we have.

Brief discussion of adjustments to ranked-choice vote counting.

Public comment period

George Rheault encourages the city to look at the charter to fill a vacancy on the City Council (caused when Spencer Thibodeau resigned Sept. 20), following examples in Bangor and Boston.

Discussion of how we handle candidates who drop out and serving elected officials who resign. We will follow up with Attorney Katsifiacas.

Chair Chann to allow Buxton and Washburn to review questions for Jim K.

Meeting adjourned 7:12 p.m.



City of Portland, Maine
Charter Commission
Governance Committee

Notes from City Leadership Model Deliberations

November 29, 2021

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.

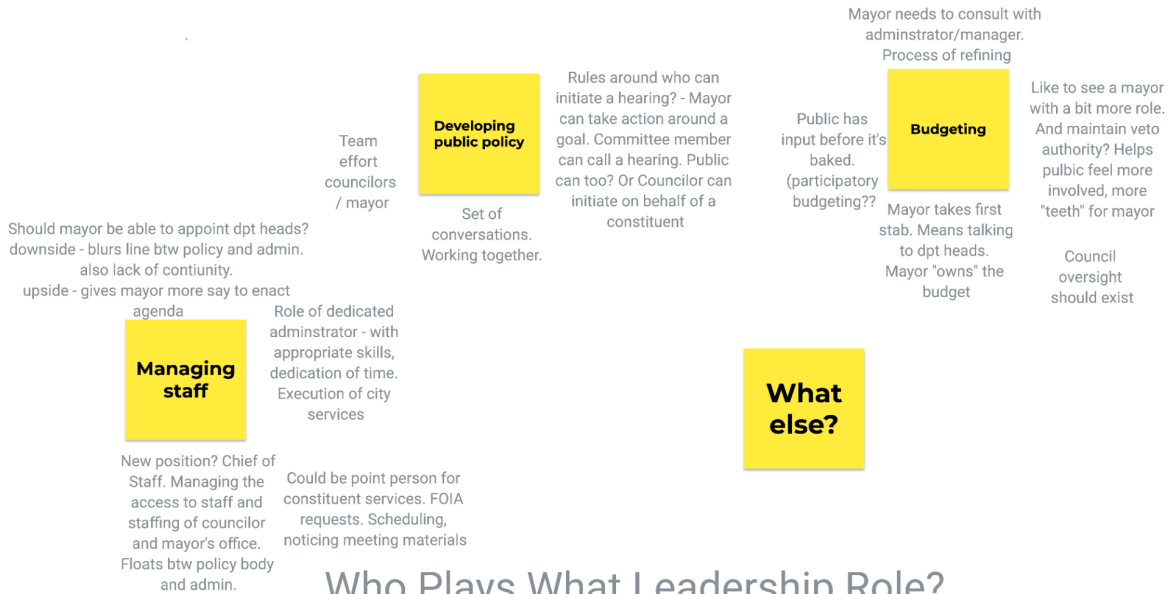
Councilors:

- 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.

Key Functions / Tasks of City Hall Leadership



Key Leadership Roles





City of Portland, Maine
Charter Commission

GOVERNANCE COMMITTEE

WORK PLAN

ELECTION OF OFFICERS & DEVELOPMENT OF WORK PLAN

September 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=39849

Minutes: <https://tinyurl.com/minutes-sept-8>

VALUES MAPPING & DESIRED OUTCOMES

September 22, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=40131

Notes about Values: <https://tinyurl.com/commission-values>

- With facilitator David Plumb

MAYORS INTERVIEWS

October 13, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=40566

Notes from Mayors interviews: <https://tinyurl.com/mayor-interviews>

- Kate Snyder
- Michael Brennan
- Panel of Jill Duson, Jim Cohen, and Karen Geraghty
- Ethan Strimling

EXPERTS INTERVIEWS

November 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41035

Notes from Expert interviews: <https://tinyurl.com/expert-interviews>

- Dr. Chyrl Laird, recent Government professor at Bowdoin, now at U Maryland
- Dominick Pangallo, Chief of Staff in Salem, MA
- Dr. Jim Svava, UNC researcher/editor of 4th ed. of National Civic League's *Model City Charter*

MANAGERS INTERVIEWS

November 10, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41102

Notes from Manager interviews: <https://tinyurl.com/manager-interviews>

- Joe Gray, former City Manager of Portland
- Tanisha Briley, City Manager in Gaithersburg, MD; formerly in Columbus Heights, OH
- Kevin Sutherland, ex Chief of Staff in Ithaca, ex City Administrator in Saco, finalist for City Manager in Bar Harbor
- Sheila Hill-Christian, former Acting City Manager in Portland
- Note: Jon Jennings was invited but formally declined

CITY COUNCILORS INTERVIEWS

November 29, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41552

Notes from Councilor interviews: <https://tinyurl.com/council-interviews>

- Belinda Ray, 2015-2021
- David A. Marshall, 2006-2015
- Pious Ali, 2016-present
- Kimberly Cook, 2017-2020

LEADERSHIP MODEL DELIBERATIONS

December 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41743

Notes from deliberations: <https://tinyurl.com/deliberation-notes>

- With facilitator David Plumb

CHARTER COMMISSION "GUIDANCE STATEMENT" ratified on August 25, 2021

"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 September 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 through a democratic process

Integrity

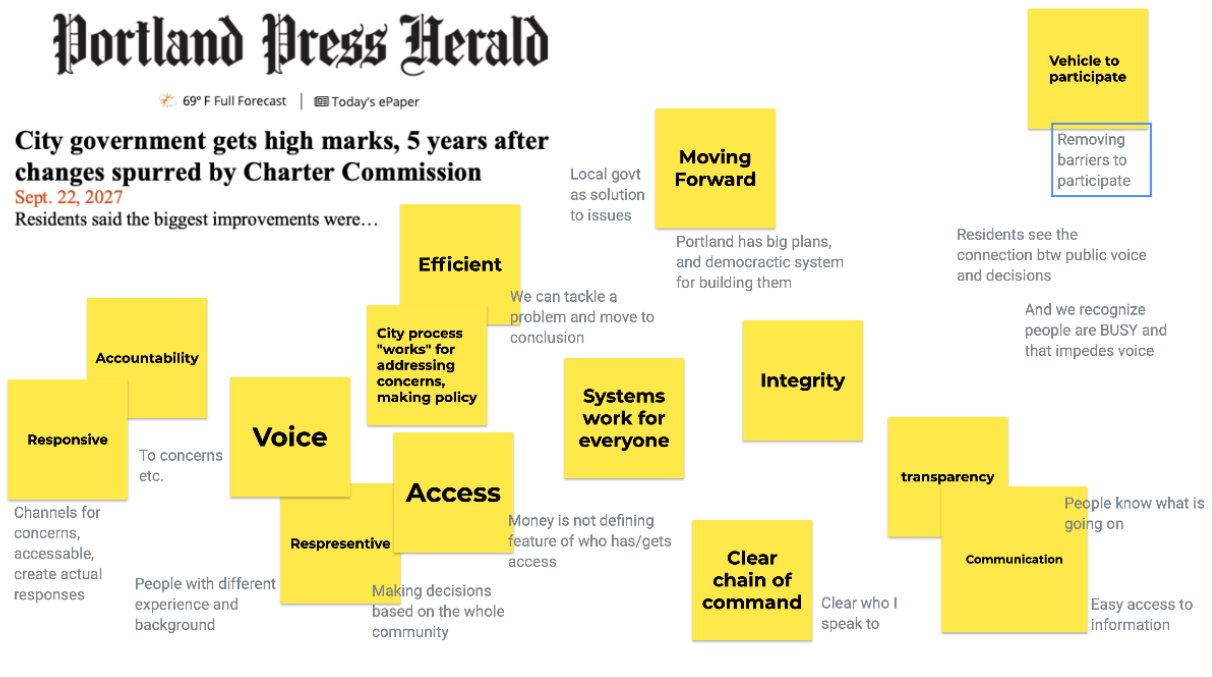
Portland Press Herald

69° F Full Forecast | Today's ePaper

City government gets high marks, 5 years after changes spurred by Charter Commission

Sept. 22, 2027

Residents said the biggest improvements were...



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

North Dakota	Fargo	124,844	Mayor
South Carolina	Charleston	136,208	Mayor
Connecticut	Bridgeport	144,900	Mayor
Mississippi	Jackson	164,422	Mayor
Rhode Island	Providence	179,335	Mayor
South Dakota	Sioux Falls	181,883	Mayor
Arkansas	Little Rock	197,881	Mayor
Utah	Salt Lake City	200,591	Mayor
Alabama	Birmingham	208,928	Mayor
Iowa	Des Moines	216,853	Manager
Idaho	Boise	228,790	Mayor
New Jersey	Newark	282,090	Mayor
Alaska	Anchorage	291,538	Mayor
Hawaii	Honolulu	347,397	Mayor
Kansas	Wichita	389,225	Manager
Louisiana	New Orleans	399,187	Mayor
Minnesota	Minneapolis	427,728	Mayor
Virginia	Virginia Beach	450,189	Manager
Nebraska	Omaha	468,262	Mayor
Georgia	Atlanta	504,527	Mayor
Missouri	Kansas City	507,928	Mayor
New Mexico	Albuquerque	560,218	Mayor
Wisconsin	Milwaukee	592,025	Mayor
Maryland	Baltimore	599,827	Mayor
Kentucky	Louisville	620,578	Mayor
Nevada	Las Vegas	647,829	Manager
Oklahoma	Oklahoma City	649,021	Manager
Oregon	Portland	661,189	Commission
Michigan	Detroit	672,662	Mayor
Tennessee	Nashville	681,928	Mayor

Massachusetts	Boston	699,927	Mayor
District of Columbia	Washington, D.C.	702,455	Mayor
Colorado	Denver	716,492	Mayor
Washington	Seattle	749,627	Mayor
Indiana	Indianapolis	867,125	Mayor
North Carolina	Charlotte	881,819	Manager
Ohio	Columbus	895,477	Mayor
Florida	Jacksonville	903,889	Mayor
Pennsylvania	Philadelphia	1,587,828	Mayor
Arizona	Phoenix	1,660,272	Manager
Texas	Houston	2,325,502	Mayor
Illinois	Chicago	2,705,994	Mayor
California	Los Angeles	3,994,928	Mayor
New York	New York City	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.			



MEMORANDUM

Portland Charter Commission
Ad Hoc Procedures Committee Activities Oct. 28-Dec. 21

TO: Chair Michael Kebede, Portland Charter Commission
FROM: Portland Charter Commission Ad Hoc Procedures
Committee (Washburn, Barowitz, Kebede, Waxman)
SUBJECT: Memorandum On Elections Committee Oct. 28-Dec.21
DATE: December 22, 2021

Introduction

The Charter Commission Ad Hoc Elections Committee (Committee) since the October 27th, 2021, full Charter Commission (Commission) meeting has continued working on the major issues listed in our October 27th report.

Approved by Committee for Referral to Counsel

- Revised Preamble including Native American land acknowledgment. (To incorporate input from Education Committee)

In Proposal Form, Awaiting Committee Decision on Referral

- Revised Pay Structure for City Council
- Disclosure Rules
- Communication Policy for Elected Officials and City Staff

In Workshop Process, Awaiting Proposals

- Code of Ethics
- Participatory Budgeting (in collaboration with Education Committee)

- Citizen Initiatives

Conclusion

The Committee will continue to work on its draft proposals and hope to get those proposals before the Commission in February.

APPENDIX A SUPPLEMENTARY MATERIALS

Preamble

We, the people of Portland, Maine, establish this Charter to secure the benefits of local governance and to provide for the health, safety, and common good of all people in our community. In so doing, we seek to build a representative, responsive, and effective government that encourages leadership and participation from all members of that community, with an emphasis on accountability, equity, and inclusion, and a system of public education that supports Portland's civic, intellectual, cultural, and economic life.

Portland is located in unceded territory of the Aucocisco Band of the Wabanaki, which also includes the Abenaki, Maliseet, Mi'kmaq, Passamaquoddy, and Penobscot people. European colonizers displaced Wabanaki people by force and went on to displace and harm indigenous peoples throughout what is now Maine and the United States. We acknowledge that displacement and that harm with sorrow, even as we celebrate and honor the Wabanaki knowledge and culture that continues to thrive in the Tribal Nations that have and always will call this place, the Dawnland, their home.

Council Pay

Portland's City Council is responsible for an active and challenging set of issues while remaining responsive to an engaged and wide-ranging electorate in the state's largest and most economically active city.

All Portland citizens should be able to serve in elected office, regardless of age or wealth. Thus, the need to appropriately compensate councilors for their work is seen as important to improve access to public office, create more competition and thus greater choice for voters, and as a safeguard against corruption.

We recommend envisioning the City Council position as requiring 20 hours a week of work, including time spent understanding proposals before the city, meeting with and responding to constituents, and participating in council and committee meetings. We therefore recommend a pay

rate amounting to \$17 an hour, slightly less than one would make as a line cook in a city restaurant, a manager trainee at a convenience store, or an administrative assistant at a local company, which would set each councilor's earnings at \$17,680 annually. This amount would be incremented annually by a percentage reflecting the average percentage of all raises provided to non-union city staff, such increment to be added at the same time staff raises take effect.

Nothing in this proposal is intended to prevent the current practice of providing health insurance and retirement benefits to city councilors.

Disclosures

The City Council shall devise and make available a form in which all elected officials and executive level staff shall in writing disclose all their sources of income, as well as those of close family members. In accordance with common and accepted practices. These disclosures shall be made publicly accessible and posted together on the city's website and on the page of that elected official.

Communication

Article VI, Section 5 of the Portland City Charter shall be amended to include the following language:

The Chief Executive shall use their best efforts to see that the laws and City ordinances are enforced and that the duties of all subordinate officers are faithfully performed. The Chief Executive shall take care that the funds of the City are properly expended, and shall recommend whatever measures the Chief Executive may deem necessary for the prudent and efficient management of the affairs of the City, including but not limited to rules that govern communications between city staff and elected officials, for the approval of the City Council.

Article VI, Section 5 of the Portland City Charter shall be amended as follows:

~~Neither the mayor nor members of the city council shall direct, request or interfere with the appointment or removal of any of the officers or employees of the city for whom the city manager is responsible, nor shall any of them give an order, publicly or privately, to any such city officer or employee relating to any matter in the line of that officer's or employee's city employment.~~

~~Notwithstanding the foregoing, nothing herein is intended to prevent the city manager from assigning staff to work and communicate directly with councilors, boards and commissions, council committees, neighborhood and other groups and organizations, on city work.~~

CLEAN ELECTIONS PROPOSAL

Sponsored by Commissioner Catherine Buxtion (At-Large)

Section 12. Public Financing of Municipal Elections

The City Council shall establish and fully fund a mechanism providing public campaign funds to qualified candidates for elected municipal offices. The Council will provide an independent allocation from the City's budget each year in order to ensure the program is sustained and can be made available to candidates for each election.

The mechanism must:

- Provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns.
- Be voluntary.
- Limit the amount of private funds a candidate may raise.
- Only be available to candidates who demonstrate public support.
- Be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program.
- Require that all unused funds from a participating candidate's campaign are returned to the public election fund within 100 days of election.
- Be limited to candidates who agree to participate in at least one city-sponsored debate or voter education event.

The mechanism must be available by the 2024 municipal election.

The mechanism shall be administered by the City Clerk. The Clerk shall ensure there are adequate resources, including paid staff, to ensure effective administration of the program.

The city council may adopt additional regulations and ordinances not inconsistent with this section.

Section 13. Campaign Finance Rules for All Candidates

- a. **Corporate Contributions.** A business entity may not make contributions to any candidate for municipal office. The term business entity refers to a firm, partnership, corporation, incorporated association or other organization, whether organized as a for-profit or a nonprofit entity.
- b. **Campaign Contributions Reporting.** All contributions to campaigns for candidates or ballot questions must be reported to the City Clerk, aligning with all state guidelines. The Clerk must establish a searchable online publicly accessible database to include all reported campaign finance information.

COST ESTIMATE FOR CLEAN ELECTIONS PROGRAM IN PORTLAND, MAINE

Cost Estimate Compiled By: Commissioner Marpheen Chann (At-Large), Chair, Charter Commission Ad Hoc Elections Committee

Initiative: Establishes a Clean Elections fund to be administered by paid staff within the Office of the City Clerk, funds to be allocated by the City Council on an annual basis.

COST ESTIMATE	FY 23-24	FY 24-25
POSITIONS	1.00	1.00
Personal Services	\$87,733.73*	\$90,365.75
All Other	\$200,000**	\$200,000
TOTAL COST ESTIMATE	\$287,734.73	\$290,366.75

*Grade: 2022 BAND C42 (37.5), Step: 0 (<https://www.portlandmaine.gov/DocumentCenter/View/31790/Order-254-2021>); City Clerk Correspondence; Benefits = 36.9% on average for City of Portland Non-Union Employee. FY 24-25 figure calculated with standard 3% COLA.

** Estimate from League of Women Voters Presentation on Clean Elections on September 21, 2021 (Slide 11)(attached).

Clean Elections Position in the clerks office

Katherine Jones <klj@portlandmaine.gov>
To: Marpheen Chann <mchann@portlandmaine.gov>

Tue, Jan 11, 2022 at 3:56 PM

Hi Marpheen

Currently the Business License administrator's salary is around \$56,000. The Principal Administrative Officer's pay range is roughly \$65,000. I would think that the position of overseeing the Clean Elections for the City would require a financial background and an understanding of elections. So my best guess would be somewhere in the vicinity of \$65,000.

Does this make sense?

Kathy

Katherine Jones, City Clerk, CCM, CMC, Registrar

City of Portland

[389 Congress Street](#)

[Portland, ME 04101](#)

(207) 874-8614

(207) 874-8612 Fax

CITY OF PORTLAND, MAINE
FY22 Proposed Non-Union Pay Plan (2.0%)

Effective 07/04/21

Grade / Step	0	1	2	3	4	5	6	7	8	9	10
BU #2000: NON UNION											
2002 BAND B21 (37.5) (H)	<u>\$18.1800</u>	<u>\$18.7300</u>	<u>\$19.2900</u>	<u>\$19.8700</u>	<u>\$20.4600</u>	<u>\$21.0700</u>	<u>\$21.7200</u>	<u>\$22.3600</u>	<u>\$23.0300</u>	<u>\$23.7300</u>	<u>\$24.4300</u>
Period / Weekly	<u>\$681.75</u>	<u>\$702.38</u>	<u>\$723.38</u>	<u>\$745.13</u>	<u>\$767.25</u>	<u>\$790.13</u>	<u>\$814.50</u>	<u>\$838.50</u>	<u>\$863.63</u>	<u>\$889.88</u>	<u>\$916.13</u>
Annual	\$35,451.00	\$36,523.76	\$37,615.76	\$38,746.76	\$39,897.00	\$41,086.76	\$42,354.00	\$43,602.00	\$44,908.76	\$46,273.76	\$47,638.76
2003 BAND B22 (37.5) (H)	<u>\$19.8300</u>	<u>\$20.4300</u>	<u>\$21.0400</u>	<u>\$21.6800</u>	<u>\$22.3200</u>	<u>\$22.9900</u>	<u>\$23.6800</u>	<u>\$24.3900</u>	<u>\$25.1200</u>	<u>\$25.8800</u>	<u>\$26.6600</u>
Period / Weekly	<u>\$743.63</u>	<u>\$766.13</u>	<u>\$789.00</u>	<u>\$813.00</u>	<u>\$837.00</u>	<u>\$862.13</u>	<u>\$888.00</u>	<u>\$914.63</u>	<u>\$942.00</u>	<u>\$970.50</u>	<u>\$999.75</u>
Annual	\$38,668.76	\$39,838.76	\$41,028.00	\$42,276.00	\$43,524.00	\$44,830.76	\$46,176.00	\$47,560.76	\$48,984.00	\$50,466.00	\$51,987.00
2004 BAND B23 (37.5) (H)	<u>\$21.4800</u>	<u>\$22.1300</u>	<u>\$22.8000</u>	<u>\$23.4800</u>	<u>\$24.1800</u>	<u>\$24.9100</u>	<u>\$25.6500</u>	<u>\$26.4300</u>	<u>\$27.2100</u>	<u>\$28.0300</u>	<u>\$28.8800</u>
Period / Weekly	<u>\$805.50</u>	<u>\$829.88</u>	<u>\$855.00</u>	<u>\$880.50</u>	<u>\$906.75</u>	<u>\$934.13</u>	<u>\$961.88</u>	<u>\$991.13</u>	<u>\$1,020.38</u>	<u>\$1,051.13</u>	<u>\$1,083.00</u>
Annual	\$41,886.00	\$43,153.76	\$44,460.00	\$45,786.00	\$47,151.00	\$48,574.76	\$50,017.76	\$51,538.76	\$53,059.76	\$54,658.76	\$56,316.00
2006 BAND B24 (37.5) (H)	<u>\$23.5500</u>	<u>\$24.2700</u>	<u>\$24.9900</u>	<u>\$25.7400</u>	<u>\$26.5100</u>	<u>\$27.3100</u>	<u>\$28.1200</u>	<u>\$28.9700</u>	<u>\$29.8400</u>	<u>\$30.7400</u>	<u>\$31.6600</u>
Period / Weekly	<u>\$883.13</u>	<u>\$910.13</u>	<u>\$937.13</u>	<u>\$965.25</u>	<u>\$994.13</u>	<u>\$1,024.13</u>	<u>\$1,054.50</u>	<u>\$1,086.38</u>	<u>\$1,119.00</u>	<u>\$1,152.75</u>	<u>\$1,187.25</u>
Annual	\$45,922.76	\$47,326.76	\$48,730.76	\$50,193.00	\$51,694.76	\$53,254.76	\$54,834.00	\$56,491.76	\$58,188.00	\$59,943.00	\$61,737.00
2008 BAND B25 (37.5) (H)	<u>\$26.0300</u>	<u>\$26.8200</u>	<u>\$27.6200</u>	<u>\$28.4500</u>	<u>\$29.3000</u>	<u>\$30.1800</u>	<u>\$31.0800</u>	<u>\$32.0300</u>	<u>\$32.9800</u>	<u>\$33.9700</u>	<u>\$35.0000</u>
Period / Weekly	<u>\$976.13</u>	<u>\$1,005.75</u>	<u>\$1,035.75</u>	<u>\$1,066.88</u>	<u>\$1,098.75</u>	<u>\$1,131.75</u>	<u>\$1,165.50</u>	<u>\$1,201.13</u>	<u>\$1,236.75</u>	<u>\$1,273.88</u>	<u>\$1,312.50</u>
Annual	\$50,758.76	\$52,299.00	\$53,859.00	\$55,477.76	\$57,135.00	\$58,851.00	\$60,606.00	\$62,458.76	\$64,311.00	\$66,241.76	\$68,250.00
2010 BAND B32 (37.5) (H)	<u>\$26.0300</u>	<u>\$26.8200</u>	<u>\$27.6200</u>	<u>\$28.4500</u>	<u>\$29.3000</u>	<u>\$30.1800</u>	<u>\$31.0800</u>	<u>\$32.0300</u>	<u>\$32.9800</u>	<u>\$33.9700</u>	<u>\$35.0000</u>
Period / Weekly	<u>\$976.13</u>	<u>\$1,005.75</u>	<u>\$1,035.75</u>	<u>\$1,066.88</u>	<u>\$1,098.75</u>	<u>\$1,131.75</u>	<u>\$1,165.50</u>	<u>\$1,201.13</u>	<u>\$1,236.75</u>	<u>\$1,273.88</u>	<u>\$1,312.50</u>
Annual	\$50,758.76	\$52,299.00	\$53,859.00	\$55,477.76	\$57,135.00	\$58,851.00	\$60,606.00	\$62,458.76	\$64,311.00	\$66,241.76	\$68,250.00

CITY OF PORTLAND, MAINE
FY22 Proposed Non-Union Pay Plan (2.0%)

Effective 07/04/21

Grade / Step	0	1	2	3	4	5	6
BU #2000:							
NON UNION							
2020 BAND C41 (37.5)	\$31.2939	\$32.2317	\$33.2011	\$34.2011	\$35.2211	\$36.2816	\$37.3632
Period / Weekly	<u>\$1,173.52</u>	<u>\$1,208.69</u>	<u>\$1,245.04</u>	<u>\$1,282.54</u>	<u>\$1,320.79</u>	<u>\$1,360.56</u>	<u>\$1,401.12</u>
Annual (A)	<u>\$61,023.00</u>	<u>\$62,852.00</u>	<u>\$64,742.00</u>	<u>\$66,692.00</u>	<u>\$68,681.00</u>	<u>\$70,749.00</u>	<u>\$72,858.00</u>
2022 BAND C42 (37.5)	\$32.8645	\$33.8435	\$34.8539	\$35.9040	\$36.9755	\$38.0973	\$39.2395
Period / Weekly	<u>\$1,232.42</u>	<u>\$1,269.13</u>	<u>\$1,307.02</u>	<u>\$1,346.40</u>	<u>\$1,386.58</u>	<u>\$1,428.65</u>	<u>\$1,471.48</u>
Annual (A)	<u>\$64,086.00</u>	<u>\$65,995.00</u>	<u>\$67,965.00</u>	<u>\$70,013.00</u>	<u>\$72,102.00</u>	<u>\$74,290.00</u>	<u>\$76,517.00</u>
2024 BAND C43 (37.5)	\$34.5067	\$35.5368	\$36.6083	\$37.6989	\$38.8317	\$40.0045	\$41.1979
Period / Weekly	<u>\$1,294.00</u>	<u>\$1,332.63</u>	<u>\$1,372.81</u>	<u>\$1,413.71</u>	<u>\$1,456.19</u>	<u>\$1,500.17</u>	<u>\$1,544.92</u>
Annual (A)	<u>\$67,288.00</u>	<u>\$69,297.00</u>	<u>\$71,386.00</u>	<u>\$73,513.00</u>	<u>\$75,722.00</u>	<u>\$78,009.00</u>	<u>\$80,336.00</u>
2026 BAND C44 (37.5)	\$36.3939	\$37.4851	\$38.6072	\$39.7701	\$40.9632	\$42.1872	\$43.4517
Period / Weekly	<u>\$1,364.77</u>	<u>\$1,405.69</u>	<u>\$1,447.77</u>	<u>\$1,491.38</u>	<u>\$1,536.12</u>	<u>\$1,582.02</u>	<u>\$1,629.44</u>
Annual (A)	<u>\$70,968.00</u>	<u>\$73,096.00</u>	<u>\$75,284.00</u>	<u>\$77,552.00</u>	<u>\$79,878.00</u>	<u>\$82,265.00</u>	<u>\$84,731.00</u>
2030 BAND C45 (37.5)	\$39.0155	\$40.1883	\$41.4021	\$42.6360	\$43.9211	\$45.2373	\$46.5835
Period / Weekly	<u>\$1,463.08</u>	<u>\$1,507.06</u>	<u>\$1,552.58</u>	<u>\$1,598.85</u>	<u>\$1,647.04</u>	<u>\$1,696.40</u>	<u>\$1,746.88</u>
Annual (A)	<u>\$76,080.00</u>	<u>\$78,367.00</u>	<u>\$80,734.00</u>	<u>\$83,140.00</u>	<u>\$85,646.00</u>	<u>\$88,213.00</u>	<u>\$90,838.00</u>
2032 BAND C51 (37.5)	\$36.3939	\$37.4851	\$38.6072	\$39.7701	\$40.9632	\$42.1872	\$43.4517
Period / Weekly	<u>\$1,364.77</u>	<u>\$1,405.69</u>	<u>\$1,447.77</u>	<u>\$1,491.38</u>	<u>\$1,536.12</u>	<u>\$1,582.02</u>	<u>\$1,629.44</u>
Annual (A)	<u>\$70,968.00</u>	<u>\$73,096.00</u>	<u>\$75,284.00</u>	<u>\$77,552.00</u>	<u>\$79,878.00</u>	<u>\$82,265.00</u>	<u>\$84,731.00</u>
2034 BAND C52 (37.5)	\$39.0155	\$40.1883	\$41.4021	\$42.6360	\$43.9211	\$45.2373	\$46.5835
Period / Weekly	<u>\$1,463.08</u>	<u>\$1,507.06</u>	<u>\$1,552.58</u>	<u>\$1,598.85</u>	<u>\$1,647.04</u>	<u>\$1,696.40</u>	<u>\$1,746.88</u>
Annual (A)	<u>\$76,080.00</u>	<u>\$78,367.00</u>	<u>\$80,734.00</u>	<u>\$83,140.00</u>	<u>\$85,646.00</u>	<u>\$88,213.00</u>	<u>\$90,838.00</u>
2040 BAND D61 (37.5)	\$41.3611	\$42.5955	\$43.8701	\$45.1861	\$46.5432	\$47.9501	\$49.3784
Period / Weekly	<u>\$1,551.04</u>	<u>\$1,597.33</u>	<u>\$1,645.13</u>	<u>\$1,694.48</u>	<u>\$1,745.37</u>	<u>\$1,798.13</u>	<u>\$1,851.69</u>
Annual (A)	<u>\$80,654.00</u>	<u>\$83,061.00</u>	<u>\$85,547.00</u>	<u>\$88,113.00</u>	<u>\$90,759.00</u>	<u>\$93,503.00</u>	<u>\$96,288.00</u>
2042 BAND D62 (37.5)	\$43.4216	\$44.7272	\$46.0632	\$47.4405	\$48.8784	\$50.3373	\$51.8467
Period / Weekly	<u>\$1,628.31</u>	<u>\$1,677.27</u>	<u>\$1,727.37</u>	<u>\$1,779.02</u>	<u>\$1,832.94</u>	<u>\$1,887.65</u>	<u>\$1,944.25</u>
Annual (A)	<u>\$84,672.00</u>	<u>\$87,218.00</u>	<u>\$89,823.00</u>	<u>\$92,509.00</u>	<u>\$95,313.00</u>	<u>\$98,158.00</u>	<u>\$101,101.00</u>
2044 BAND D63 (37.5)	\$45.5939	\$46.9611	\$48.3789	\$49.8168	\$51.3165	\$52.8565	\$54.4373
Period / Weekly	<u>\$1,709.77</u>	<u>\$1,761.04</u>	<u>\$1,814.21</u>	<u>\$1,868.13</u>	<u>\$1,924.37</u>	<u>\$1,982.12</u>	<u>\$2,041.40</u>
Annual (A)	<u>\$88,908.00</u>	<u>\$91,574.00</u>	<u>\$94,339.00</u>	<u>\$97,143.00</u>	<u>\$100,067.00</u>	<u>\$103,070.00</u>	<u>\$106,153.00</u>
2047 BAND D64 (37.5)	\$49.7760	\$51.2651	\$52.8056	\$54.3968	\$56.0184	\$57.7016	\$59.4360
Period / Weekly	<u>\$1,866.60</u>	<u>\$1,922.44</u>	<u>\$1,980.21</u>	<u>\$2,039.88</u>	<u>\$2,100.69</u>	<u>\$2,163.81</u>	<u>\$2,228.85</u>
Annual (A)	<u>\$97,063.00</u>	<u>\$99,967.00</u>	<u>\$102,971.00</u>	<u>\$106,074.00</u>	<u>\$109,236.00</u>	<u>\$112,518.00</u>	<u>\$115,900.00</u>
2045 BAND D65 (37.5)	\$51.5611	\$53.1117	\$54.7032	\$56.3445	\$58.0379	\$59.7827	\$61.5672
Period / Weekly	<u>\$1,933.54</u>	<u>\$1,991.69</u>	<u>\$2,051.37</u>	<u>\$2,112.92</u>	<u>\$2,176.42</u>	<u>\$2,241.85</u>	<u>\$2,308.77</u>
Annual (A)	<u>\$100,544.00</u>	<u>\$103,568.00</u>	<u>\$106,671.00</u>	<u>\$109,872.00</u>	<u>\$113,174.00</u>	<u>\$116,576.00</u>	<u>\$120,056.00</u>
2046 BAND D71 (37.5)	\$48.0933	\$49.5312	\$51.0205	\$52.5611	\$54.1211	\$55.7533	\$57.4261

CITY OF PORTLAND, MAINE
FY22 Proposed Non-Union Executive Pay Plan (2.0%)

Effective 07/04/21

Grade / Step	0	1	2	3	4	5	6
BU #1100: EXECUTIVE							
1101 BAND E81 (37.5)	\$54.6517	\$56.2939	\$57.9872	\$59.7211	\$61.5061	\$63.3627	\$65.2595
Period / Weekly	<i>\$2,049.44</i>	<i>\$2,111.02</i>	<i>\$2,174.52</i>	<i>\$2,239.54</i>	<i>\$2,306.48</i>	<i>\$2,376.10</i>	<i>\$2,447.23</i>
Annual (A)	<u>\$106,571.00</u>	<u>\$109,773.00</u>	<u>\$113,075.00</u>	<u>\$116,456.00</u>	<u>\$119,937.00</u>	<u>\$123,557.00</u>	<u>\$127,256.00</u>
1102 BAND E82 (37.5)	\$57.3851	\$59.0989	\$60.8840	\$62.7099	\$64.5765	\$66.5245	\$68.5235
Period / Weekly	<i>\$2,151.94</i>	<i>\$2,216.21</i>	<i>\$2,283.15</i>	<i>\$2,351.62</i>	<i>\$2,421.62</i>	<i>\$2,494.67</i>	<i>\$2,569.63</i>
Annual (A)	<u>\$111,901.00</u>	<u>\$115,243.00</u>	<u>\$118,724.00</u>	<u>\$122,284.00</u>	<u>\$125,924.00</u>	<u>\$129,723.00</u>	<u>\$133,621.00</u>
1103 BAND E83 (37.5)	\$60.2517	\$62.0568	\$63.9235	\$65.8307	\$67.8099	\$69.8499	\$71.9411
Period / Weekly	<i>\$2,259.44</i>	<i>\$2,327.13</i>	<i>\$2,397.13</i>	<i>\$2,468.65</i>	<i>\$2,542.87</i>	<i>\$2,619.37</i>	<i>\$2,697.79</i>
Annual (A)	<u>\$117,491.00</u>	<u>\$121,011.00</u>	<u>\$124,651.00</u>	<u>\$128,370.00</u>	<u>\$132,229.00</u>	<u>\$136,207.00</u>	<u>\$140,285.00</u>
1104 BAND E92 (37.5)	\$68.1467	\$70.1867	\$72.2973	\$74.4600	\$76.6939	\$78.9995	\$81.3656
Period / Weekly	<i>\$2,555.50</i>	<i>\$2,632.00</i>	<i>\$2,711.15</i>	<i>\$2,792.25</i>	<i>\$2,876.02</i>	<i>\$2,962.48</i>	<i>\$3,051.21</i>
Annual (A)	<u>\$132,886.00</u>	<u>\$136,864.00</u>	<u>\$140,980.00</u>	<u>\$145,197.00</u>	<u>\$149,553.00</u>	<u>\$154,049.00</u>	<u>\$158,663.00</u>



Clean Elections: Context and Best Practices

Presentation to Portland Charter Commission, Elections Committee
Anna Kellar, Executive Director, Maine Citizens for Clean Elections

Nationwide Examples

New York City, NY	1988, 2018	Small Donor Match
Maine (1st State!)	1996, 2015	Clean Elections Grant
Arizona	1998	Clean Elections Grant
Boulder, CO	2001	Small Donor Match
Connecticut	2005	Clean Elections Grant
Santa Fe, NM	2008	Grant + Small Donor Match
Seattle, WA	2015	Voucher
Washington, DC	2018	Small Donor Match
Portland, OR	2018	Small Donor Match

...and more!

Goals

- Eliminate corruption or appearance of corruption
- Expand political equity
- Improve representation by allowing diversity of candidates
- Limit cost of elections

Key Features

A Starting Point: Public Funding Charter Amendment

Section 12. Public Financing of Municipal Elections

The city council shall establish and fund a mechanism providing public campaign funds to qualified candidates for mayor, city council, and school board. The mechanism must provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns, must be voluntary, must limit the amount of private funds a candidate may raise, must only be available to candidates who demonstrate public support, and must be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program. The mechanism must be available by the 2021 municipal elections.

Key Features

1. **“Provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns...”**

Candidates who use public funding must receive sufficient funds to get their message out to voters and respond to messages from opponents. However, competitive does not mean unlimited funding. Seed money or Seed Grants are also important elements.

Key Features

2. Must be voluntary

The US Supreme Court has ruled that public funding programs are constitutional so long as they are not mandatory. This means that no candidate can be legally compelled to participate. It also means that the overall campaign finance regulatory system cannot make it impossible or impractical to conduct a viable campaign with private funding.

Key Features

3. May limit the amount of private funds a candidate in the program may raise

Early campaign reforms focused on limiting candidate spending. But over three decades ago the Supreme Court ruled that limits on candidate spending are unconstitutional unless they are part of a voluntary system. The public strongly supports limits on campaign spending, and experience with the Maine Clean Election Act shows that candidates also like spending limits.

Key Features

4. Must only be available to candidates who demonstrate public support

Public funding should support viable candidates, who are willing to work hard and have the support of a significant number in the community. For example, under the Maine Clean Elections Act, candidates demonstrate public support by collecting a set number of \$5 contributions from their constituents before they qualify for public funds. This ensures that limited public resources are targeted to candidates who can show that they are truly viable.

Key Features

5. Must be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program

A voluntary public funding system not only allows for overall spending limits, but it also allows strict limits on what any one contributor may give to a candidate. This helps prevent corruption and the appearance of corruption, freeing elected officials to vote their conscience and the best interests of their constituents. With private funding, a single contributor can often give a very large amount, making many candidates feel a sense of obligation and indebtedness.

Additional Considerations

- Dedicated fund w/ annual appropriation and rollover, insulated from politics
- Independent administration w/ commission
- Public education and engagement mandate
- Allowing those with low/no disposable income to participate
- Date for implementation



Types of Programs

- Grant (ME, CT)
- Small Donor Match (NYC)
- Voucher (Seattle)
- Cost of fund is similar
 - Approx 100,000-250,000 per year
 - Less than 0.05% of budget

	JURISDICTIONS			
COST METHOD	ME (2018)	CT (2018)	Seattle (2019)	NYC (2021)
Annualized Cost per Person	\$1.68	\$2.79	\$1.63	\$3.43
Annualized Cost as % of Budget	0.025%	0.048%	0.021%	0.031%
Pro-rated for Portland per person	\$110,880.00	\$184,140.00	\$107,580.00	\$226,380.00
Pro-rated for Portland % of budget	\$67,050.00	\$128,736.00	\$56,322.00	\$8,314.20



What to consider

- Variation between administrative burdens
- Equity - how many people are donors? How can they participate?
- Albuquerque and Santa Fe examples





Questions?

Mainecleanelections.org
anna@mainecleanelections.org



**CITY OF PORTLAND, MAINE
CHARTER COMMISSION
GOVERNANCE COMMITTEE**

CITY LEADERSHIP MODEL RECOMMENDATIONS

January 11, 2022

PURPOSE

This report serves to summarize the activities and recommendations of the Portland Charter Commission's Governance Committee in its objective to propose structural changes to the leadership model of Portland's municipal government.

COMPOSITION

The Governance Committee comprises four members of the Portland Charter Commission:

- | | |
|------------------------------------|--------------------------------|
| • Robert O'Brien, Chair | Elected in Portland District 2 |
| • Ryan Lizanecz, Vice Chair | Elected in Portland District 5 |
| • Nasreen Sheikh-Yousef, Secretary | Elected At-Large |
| • Shay Stewart-Bouley | Elected in Portland District 1 |

RECOMMENDATIONS

The Governance Committee met eight times in the fall of 2021 and interviewed 17 speakers with experience in municipal government, in addition to phone calls, emails, and conversations that committee members may have had with engaged members of the public and public officials.

Several issues emerged about Portland's leadership structure:

- No elected mayor has been provided the opportunity to meaningfully influence the development of the city's draft budget, as specified in the current Charter.
- There are no clear mechanisms by which an elected mayor may propose policies outside of the Council committee structure.
- Council procedures make it difficult for individual councilors to advance policies outside of the committee structure.
- City Councilors' access to staff has been inconsistent over several administrations.
- There is no method for holding the Council accountable to its own rules or for keeping the administration in line with the Charter.

As such, these shortcomings have led to public impressions that the city manager is unaccountable and that the mayor is ill-equipped to pursue a policy platform. Furthermore, the limitations of developing policy only in Council committees has diminished the city's ability to be agile and proactive amid changing societal dynamics and a gentrifying economy. As a result, the Council is frequently reacting to external urgencies, and referenda campaigns have increased in number and success at the polls.

To address these issues, the Governance Committee recommends the following changes to Portland's leadership structure.

Regarding the Mayor

- Ensure that the elected mayor has a prominent role in the development of the city's draft budget with access to department heads and staff support.
- Allow the mayor to form by right a staffed public task force around any policy endeavor not taken up by Council committee.

Regarding access to City Hall staff

- Create a new Chief of Staff who reports directly to the Council and whose office shall:
 - Coordinate Council staffing needs and requests for direct access to staff.
 - Receive, initiate, and track constituent services.
 - Fulfill all Freedom of Information Act (FOIA) requests.
 - Notice all City meetings and post all materials.

Regarding policy development at the Council

- Formally allow individual councilors to introduce a policy proposal not on a Council committee at a Council workshop or public hearing.
- Allow a member of a Council committee to "call the question" (initiate a vote) on a policy that has been assigned to the committee for more than 90 days.
- Allow a councilor to sponsor a policy initiative on behalf of a constituent that is not already assigned to a Council committee.

- When a referendum campaign has reached a threshold of two-thirds of the required signatures, initiate a public hearing at the City Council.

Regarding accountable governance

- Require a duly elected Charter Commission to nominate three of its standing members and one alternate to serve on an arbitration panel after the Commission has been dissolved (and until such time as a new Commission is elected).
- The arbitration panel will convene when called upon by act of the City Council to interpret Charter language and provide a formal decision. These decisions will be binding for City business unless appealed to a court of law.

These recommendations are referred to the Charter Commission by unanimous consent of three members of the Governance Committee: Commissioners Robert O'Brien, Ryan Lizanecz, and Shay Stewart-Bouley. Commissioner Nasreen Sheikh-Yousef was absent from the committee's December 8 deliberations and has since sponsored her own proposal to the Charter Commission.

METHODOLOGY

At its meeting of August 11, 2021, the Charter Commission assigned these topics to the Governance Committee to examine:

- 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

From this list of topics, on September 8, 2021, the Governance Committee distilled related structural themes into one, overarching leadership topic:

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

The remaining topics assigned by the Commission were set aside for later examination.

At the meeting of September 8, all four committee members agreed to design a leadership model on a zero-basis, founded on input from research and interviews, rather than adopting or hybridizing an existing model.

WORK PLAN

Election of Officers & Development of Work Plan

September 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=39849

Minutes: <https://tinyurl.com/minutes-sept-8>

Values Mapping & Desired Outcomes

September 22, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=40131

Notes about Values: <https://tinyurl.com/commission-values>

- With facilitator David Plumb

Chair O'Brien researched and sought input from fellow committee members on the speakers invited for interview sessions. Speaker nominations were derived from the personal knowledge of committee members, proposals from engaged members of the public, and discussions with the Maine Municipal Association (MMA) and the International City/County Management Association (ICMA).

Mayors Interviews

October 13, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=40566

Notes from Mayors interviews: <https://tinyurl.com/mayor-interviews>

- Kate Snyder
- Michael Brennan
- Panel of Jill Duson, Jim Cohen, and Karen Geraghty
- Ethan Strimling

Experts Interviews

November 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41035

Notes from Expert interviews: <https://tinyurl.com/expert-interviews>

- Dr. Chyrl Laird, recent Government professor at Bowdoin, now at U Maryland
- Dominick Pangallo, Chief of Staff in Salem, MA

- Dr. Jim Svara, UNC researcher/editor of 4th ed. of Nat. Civic League's *Model City Charter*

Managers Interviews

November 10, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41102

Notes from Manager interviews: <https://tinyurl.com/manager-interviews>

- Joe Gray, former City Manager of Portland
- Tanisha Briley, City Manager in Gaithersburg, MD; formerly in Columbus Heights, OH
- Kevin Sutherland, ex Chief of Staff in Ithaca, NY; ex City Administrator in Saco; finalist for Town Manager in Bar Harbor (later hired)
- Sheila Hill-Christian, former Acting City Manager in Portland
- Note: former Portland City Manager Jon Jennings was invited but formally declined

City Councilors Interviews

November 29, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41552

Notes from Councilor interviews: <https://tinyurl.com/council-interviews>

- Belinda Ray, 2015-2021
- David A. Marshall, 2006-2015
- Pious Ali, 2016-present
- Kimberly Cook, 2017-2020

Leadership Model Deliberations

December 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41743

Notes from deliberations: <https://tinyurl.com/deliberation-notes>

- With facilitator David Plumb

FINDINGS

All committee agendas, minutes, and materials may be found at this link:

<https://drive.google.com/drive/u/1/folders/1Vivn114pB2mnff7fjbLUT0PYpZvmetFA>

Values

On August 25, 2021, the full Charter Commission ratified this 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.

On September 22, 2021, facilitator David Plumb led Governance Committee members in articulating which values they sought to be reflected in a leadership model. The results were:

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 through a democratic process.

Integrity

Key Takeaways: Mayors Interviews

- All three recent mayors (Snyder, Strimling, and Brennan) said there is misunderstanding by residents about the current mayor position's limited powers to pursue constituent services, to direct city services, or to enact executive orders.
- All three recent mayors said they had inadequate input on the city manager's draft budget.

- All three recent mayors said access to city staff changed dramatically among administrations, from virtually no prohibitions in the past to being highly regulated more currently.
- The panel of past councilor-mayors (Duson, Cohen, and Geraghty) said:
 - Councilor-mayors typically had outside employment and volunteered part-time at City Hall.
 - Councilor-mayors relied on a trusted, collaborative, and communicative relationship with the City Manager to pursue the mayor's objectives.
 - Councilor-mayors' goals were reliant on their relationships with fellow councilors.
 - Jill Duson noted that just prior to the last Charter Commission (2009-2010), the Council had gradually abdicated its policy-making powers to staff. The cultural norm on the Council had become for staff to present policies to Council for deliberation and endorsement.

Key Takeaways: Experts Interviews

- Dr. Chyrl Laird told the committee that the national movement to professional management of municipal government in the early 20th century was in response to corruption in political patronage systems, like Tammany Hall in New York City.
- Dr. Laird also said the city manager system served to insulate the business class from more populist sentiments on city councils. At-Large council seats further diluted populist momentum.
- Dominick Pangallo serves as chief of staff an executive mayor in Salem, MA (pop. 43,252). The current mayor, Kim Driscoll, has been a city manager in the past and has those professional skills. Salem's mayor does not sit on the council and the council elects its own president, who also chairs the school board.
- Mr. Pangallo said an executive mayor can see the city's needs universally, similar to an at-large councilor, and can direct resources and programming to areas most in need.
- Mr. Pangallo also said a mayor tends to be more responsive to public needs than a city manager on account of their elected status.
- Mr. Pangallo said a four-year term is a very long time for an incompetent or destructive mayor to run a city hall largely unchecked. Salem's proximity to Boston benefits the city by the number of residents with professional skills who could run for mayor.
- Dr. Jim Svava said the National Civic League's *Model City Charter* endorses the council-manager form of government.
- Dr. Svava said a mayor should serve by the power of persuasion rather than executive authority, being the chief diplomat of city hall, interfacing between the council, manager, public, business interests, and outside officials.
- Dr. Svava later [emailed](#) the committee to say that upon reading Portland's Charter, he sees Portland's conflicts deriving from the partial powers extended to the mayor, leading to confusion and posturing.

Key Takeaways: Managers Interviews

- Joe Gray has 30 years of experience at Portland City Hall. He was first hired as an Urban Planner during the Urban Renewal era. Mr. Gray was installed as city manager on December 24, 2000 upon the untimely death of popular City Manager Bob Ganley. Mr. Gray retired on February 11, 2011. Mr. Gray served in a council-manager form of government.
- Mr. Gray said effective leadership required constant and diverse input from the mayor, individual councilors, neighborhood groups, service providers, and business interests. Open, honest, frank, and regular communication was necessary to achieve productive outcomes.
- Mr. Gray saw his job as listening to the mayor's and council's goals and setting up the systems to deliver on them.
- Tanisha Briley is the city manager in Gaithersburg, MD (pop: 69,657), and formerly of Columbus Heights, OH (pop: 44,571). She talked about seeking out citizens where they are for input, namely events where she is likely to talk to busy parents.
- In Gaithersburg, all council seats are at-large and Ms. Briley appreciated that for their city-wide perspectives. She valued councilors as crucial for "ears on the ground."
- Kevin Sutherland was once employed as chief of staff for an executive mayor in Ithaca, NY (pop: 30,569).
- He mentioned that staff can sometimes drag their feet to wait out an elected mayor rather than implement a directive they disagree with.
- Ithaca had to add the chief of staff position more recently to provide the mayor the professional expertise to run a city. Prior to hiring a chief of staff, mayors' budgets led to excessive spending in efforts to fulfill their platforms.
- In addition to managing city services, the chief of staff served as the gate keeper between the Council and City Hall staff.
- In Saco (pop: 19,497), where Mr. Sutherland was the city administrator, the mayor was full-time with an office at City Hall. The mayor nominated the city administrator for hire to the Council. The mayor there chaired the Council but only voted in the event of a tie. Their primary responsibility was to build and bridge relations between the administration, the Council, and the public – which takes a great deal of effort and is time-consuming.
- In Bar Harbor (pop: 5,535), where Mr. Sutherland was soon to be hired as town manager, all ordinances go to public vote at the Town Meeting.
- Sheila Hill-Christian has served as chief of staff in Richmond, VA (pop: 226,622), for both a council-manager form of government, and an executive mayor form of government.
- She said in a council-manager system of government, there is more neighborhood focus. The council's and manager's staffs talked daily.

- With an executive mayor, Ms. Hill-Christian observed, there is an emphasis on political agenda and political relationships. There is a closer relationship between mayor's office and administration than there is with the administration and the council.
- Ms. Hill-Christian said the mayor's platform was considered to represent the public's goals, but the day-to-day operations of delivering city services do not always come into consideration. It can be hard for City Hall to focus on the day-to-day when dealing with political issues. Executive mayors, she said, struggled with oversight of chief administrative officers.
- In Ms. Hill-Christian's view, mayors tend to think a few years out, not as long term as career professionals. Mayors wanted groundbreakings and ribbon cuttings to keep getting reelected.
- Ms. Hill-Christian also had these thoughts on at-large councilors versus district councilors: Local constituencies that people can refer to is important; many small districts force local councilors to come to the table and compromise to get their fair share; smaller districts allow more communities to have more voice and not be ignored; smaller districts allow more people to participate in politics.

Key Takeaways: Councilor Interviews

- Belinda Ray served on the Portland City Council for District 1 from 2015-2021.
- She shared:
 - Council holds annual goal-setting meeting every winter. Goals reflected in the city manager's budget in the spring.
 - Policy initiatives from councilors, the mayor, and administration all go to Council committees.
 - All councilors have access to city staffers for support services and research upon request.
 - She met regularly with City Manager Jon Jennings and had an honest and frank rapport with him. She found the administration to be responsive to her requests.
 - Policy adoption reflects the temperament of the Council – some ambitious goals could be scaled back, while other ambitious goals could be expanded.
- David Marshall was elected to the Portland City Council for District 2 and served from 2006-2015.
- Mr. Marshall:
 - Had advocated before the last Charter Commission (2009-2010) for a much stronger mayor than what we have today, though the current iteration is an improvement over the councilor-mayor model from before.
 - Observed the current model today with the mayor as a member of the Council limits the elected mayor's ability to pursue a platform.
 - Felt the newly required annual goal-setting meeting on the Council was an odd process to evaluate the merits of policy ideas.

- Saw the city's government oscillate between "strong manager-weak council" and "weak manager-strong council" over different managerial styles. It was a matter of personalities, not the Charter structure.
- Pious Ali is on the Portland City Council as an At-Large member. He was first elected in 2016.
- Mr. Ali says:
 - It is difficult for councilors to move policies outside of the committee structure.
 - If the administration or staff are against your policy goal, they can interfere with its progress.
 - The mayor currently has no mechanism for moving policy proposals outside of committee structure.
 - Councilors are at the mercy of staff to fulfill individual requests or constituent requests. He has experienced some requests go unfulfilled.
 - He supports at-large councilors on the council makeup for their balancing of universal needs over local district desires.
- Kimberly Cook represented District 5 on the Portland City Council from 2017-2020.
- Ms. Cook observed:
 - 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 on the Council is why Portland has seen public referenda in recent years.
 - Council rules are enforced only by Council, and inconsistently followed. There is no grievance mechanism when rules are breached. There is no means of holding the City responsible for its own rules of procedure.
 - Only one annual performance review of the city manager took place while she was on 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.

[END OF REPORT]

Dear fellow Commissioners,

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. It was developed based on the principles I told the voters I would represent, one-on-one feedback from fellow commissioners who also ran on these principles, testimony from our committee hearings (although we need to expand that input as described below), emails and comments many of us have received, my own research, and input from community members.

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

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, sworn in on the first Monday in January after the November election. 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) and sworn in on the first Monday in January after the November election. 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 (likely 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 .05% (half a 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.

Cost Analysis

This proposal is projected to be revenue neutral.

Implementing this Strong Council and Elected Mayor will save approximately \$200,000. With the elimination of the City Manager, the City will save about \$250,000 in salary and benefit costs. \$50K of that would be used for the enhancement of the Mayor's salary/benefits. The salary for the proposed City Administrator salary can be pulled from the current Chief of Staff position in the City Manager's office.

The Public Advocate's salary will be covered by shifting the current Deputy City Manager salary (will save about \$50K) and the Clerk and Attorney budgets will stay the same. The department will then have around \$250,000 for community liaisons, administrative work, and investigation costs.

The cost for the increase to Councilor's salaries is being explored by the "Procedures committee" and will be priced out in that committee. This proposal should take into account that a future Council may want to provide an additional stipend for the Council President.

All that said, obviously if this passes, the annual city budgeting process will determine whether any particular provision should receive more or fewer resources.

<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

Iowa	Des Moines	216,853	Manager
Idaho	Boise	228,790	Mayor
New Jersey	Newark	282,090	Mayor
Alaska	Anchorage	291,538	Mayor
Hawaii	Honolulu	347,397	Mayor
Kansas	Wichita	389,225	Manager
Louisiana	New Orleans	399,187	Mayor
Minnesota	Minneapolis	427,728	Mayor
Virginia	Virginia Beach	450,189	Manager
Nebraska	Omaha	468,262	Mayor
Georgia	Atlanta	504,527	Mayor
Missouri	Kansas City	507,928	Mayor
New Mexico	Albuquerque	560,218	Mayor
Wisconsin	Milwaukee	592,025	Mayor
Maryland	Baltimore	599,827	Mayor
Kentucky	Louisville	620,578	Mayor
Nevada	Las Vegas	647,829	Manager
Oklahoma	Oklahoma City	649,021	Manager
Oregon	Portland	661,189	Commission
Michigan	Detroit	672,662	Mayor
Tennessee	Nashville	681,928	Mayor
Massachusetts	Boston	699,927	Mayor
District of Columbia	Washington, D.C.	702,455	Mayor
Colorado	Denver	716,492	Mayor
Washington	Seattle	749,627	Mayor

Indiana	Indianapolis	867,125	Mayor
North Carolina	Charlotte	881,819	Manager
Ohio	Columbus	895,477	Mayor
Florida	Jacksonville	903,889	Mayor
Pennsylvania	Philadelphia	1,587,828	Mayor
Arizona	Phoenix	1,660,272	Manager
Texas	Houston	2,325,502	Mayor
Illinois	Chicago	2,705,994	Mayor
California	Los Angeles	3,994,928	Mayor
New York	New York City	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.			

Draft Language for a Charter Provision Governing Communications Between City Staff and Elected Officials

FROM: Michael Kebede

TO: Portland Charter Commission Procedures Committee, Commissioners Washburn, Waxman, and Barowitz

DATE: November 22, 2021

RE: Communications between City Staff and Elected Officials

Article VI, Section 5 of the Portland City Charter shall be amended to include the following language:

The Chief Executive shall use their best efforts to see that the laws and City ordinances are enforced and that the duties of all subordinate officers are faithfully performed. The Chief Executive shall take care that the funds of the City are properly expended, and shall recommend to the consideration of the City Council whatever measures the Chief Executive may deem necessary for the prudent and efficient management of the affairs of the City, including but not limited to rules that govern communications between city staff and elected officials.¹

Article VI, Section 5 of the Portland City Charter shall be amended as follows:

~~Neither the mayor nor members of the city council shall direct, request or interfere with the appointment or removal of any of the officers or employees of the city for whom the city manager is responsible, nor shall any of them give an order, publicly or privately, to any such city officer or employee relating to any matter in the line of that officer's or employee's city employment.~~

~~Notwithstanding the foregoing, nothing herein is intended to prevent the city manager from assigning staff to work and communicate directly with councilors, boards and commissions, council committees, neighborhood and other groups and organizations, on city work.~~

¹ 24 App. V.S.A. ch. 3, § 116, *available at* <https://legislature.vermont.gov/statutes/section/24appendix/003/00116>.

COST ESTIMATE FOR CLEAN ELECTIONS PROGRAM IN PORTLAND, MAINE

Cost Estimate Compiled By: Commissioner Marpheen Chann (At-Large), Chair, Charter Commission Ad Hoc Elections Committee

Initiative: Establishes a Clean Elections fund to be administered by paid staff within the Office of the City Clerk, funds to be allocated by the City Council on an annual basis.

COST ESTIMATE	FY 23-24	FY 24-25
POSITIONS	1.00	1.00
Personal Services	\$87,733.73*	\$90,365.75
All Other	\$200,000**	\$200,000
TOTAL COST ESTIMATE	\$287,734.73	\$290,366.75

*Grade: 2022 BAND C42 (37.5), Step: 0 (<https://www.portlandmaine.gov/DocumentCenter/View/31790/Order-254-2021>); City Clerk Correspondence; Benefits = 36.9% on average for City of Portland Non-Union Employee. FY 24-25 figure calculated with standard 3% COLA.

** Estimate from League of Women Voters Presentation on Clean Elections on September 21, 2021 (Slide 11)(attached).

Clean Elections Position in the clerks office

Katherine Jones <klj@portlandmaine.gov>
To: Marpheen Chann <mchann@portlandmaine.gov>

Tue, Jan 11, 2022 at 3:56 PM

Hi Marpheen

Currently the Business License administrator's salary is around \$56,000. The Principal Administrative Officer's pay range is roughly \$65,000. I would think that the position of overseeing the Clean Elections for the City would require a financial background and an understanding of elections. So my best guess would be somewhere in the vicinity of \$65,000.

Does this make sense?

Kathy

Katherine Jones, City Clerk, CCM, CMC, Registrar

City of Portland

[389 Congress Street](#)

[Portland, ME 04101](#)

(207) 874-8614

(207) 874-8612 Fax

CITY OF PORTLAND, MAINE
FY22 Proposed Non-Union Pay Plan (2.0%)

Effective 07/04/21

Grade / Step	0	1	2	3	4	5	6	7	8	9	10
BU #2000: NON UNION											
2002 BAND B21 (37.5) (H)	<u>\$18.1800</u>	<u>\$18.7300</u>	<u>\$19.2900</u>	<u>\$19.8700</u>	<u>\$20.4600</u>	<u>\$21.0700</u>	<u>\$21.7200</u>	<u>\$22.3600</u>	<u>\$23.0300</u>	<u>\$23.7300</u>	<u>\$24.4300</u>
Period / Weekly	\$681.75	\$702.38	\$723.38	\$745.13	\$767.25	\$790.13	\$814.50	\$838.50	\$863.63	\$889.88	\$916.13
Annual	\$35,451.00	\$36,523.76	\$37,615.76	\$38,746.76	\$39,897.00	\$41,086.76	\$42,354.00	\$43,602.00	\$44,908.76	\$46,273.76	\$47,638.76
2003 BAND B22 (37.5) (H)	<u>\$19.8300</u>	<u>\$20.4300</u>	<u>\$21.0400</u>	<u>\$21.6800</u>	<u>\$22.3200</u>	<u>\$22.9900</u>	<u>\$23.6800</u>	<u>\$24.3900</u>	<u>\$25.1200</u>	<u>\$25.8800</u>	<u>\$26.6600</u>
Period / Weekly	\$743.63	\$766.13	\$789.00	\$813.00	\$837.00	\$862.13	\$888.00	\$914.63	\$942.00	\$970.50	\$999.75
Annual	\$38,668.76	\$39,838.76	\$41,028.00	\$42,276.00	\$43,524.00	\$44,830.76	\$46,176.00	\$47,560.76	\$48,984.00	\$50,466.00	\$51,987.00
2004 BAND B23 (37.5) (H)	<u>\$21.4800</u>	<u>\$22.1300</u>	<u>\$22.8000</u>	<u>\$23.4800</u>	<u>\$24.1800</u>	<u>\$24.9100</u>	<u>\$25.6500</u>	<u>\$26.4300</u>	<u>\$27.2100</u>	<u>\$28.0300</u>	<u>\$28.8800</u>
Period / Weekly	\$805.50	\$829.88	\$855.00	\$880.50	\$906.75	\$934.13	\$961.88	\$991.13	\$1,020.38	\$1,051.13	\$1,083.00
Annual	\$41,886.00	\$43,153.76	\$44,460.00	\$45,786.00	\$47,151.00	\$48,574.76	\$50,017.76	\$51,538.76	\$53,059.76	\$54,658.76	\$56,316.00
2006 BAND B24 (37.5) (H)	<u>\$23.5500</u>	<u>\$24.2700</u>	<u>\$24.9900</u>	<u>\$25.7400</u>	<u>\$26.5100</u>	<u>\$27.3100</u>	<u>\$28.1200</u>	<u>\$28.9700</u>	<u>\$29.8400</u>	<u>\$30.7400</u>	<u>\$31.6600</u>
Period / Weekly	\$883.13	\$910.13	\$937.13	\$965.25	\$994.13	\$1,024.13	\$1,054.50	\$1,086.38	\$1,119.00	\$1,152.75	\$1,187.25
Annual	\$45,922.76	\$47,326.76	\$48,730.76	\$50,193.00	\$51,694.76	\$53,254.76	\$54,834.00	\$56,491.76	\$58,188.00	\$59,943.00	\$61,737.00
2008 BAND B25 (37.5) (H)	<u>\$26.0300</u>	<u>\$26.8200</u>	<u>\$27.6200</u>	<u>\$28.4500</u>	<u>\$29.3000</u>	<u>\$30.1800</u>	<u>\$31.0800</u>	<u>\$32.0300</u>	<u>\$32.9800</u>	<u>\$33.9700</u>	<u>\$35.0000</u>
Period / Weekly	\$976.13	\$1,005.75	\$1,035.75	\$1,066.88	\$1,098.75	\$1,131.75	\$1,165.50	\$1,201.13	\$1,236.75	\$1,273.88	\$1,312.50
Annual	\$50,758.76	\$52,299.00	\$53,859.00	\$55,477.76	\$57,135.00	\$58,851.00	\$60,606.00	\$62,458.76	\$64,311.00	\$66,241.76	\$68,250.00
2010 BAND B32 (37.5) (H)	<u>\$26.0300</u>	<u>\$26.8200</u>	<u>\$27.6200</u>	<u>\$28.4500</u>	<u>\$29.3000</u>	<u>\$30.1800</u>	<u>\$31.0800</u>	<u>\$32.0300</u>	<u>\$32.9800</u>	<u>\$33.9700</u>	<u>\$35.0000</u>
Period / Weekly	\$976.13	\$1,005.75	\$1,035.75	\$1,066.88	\$1,098.75	\$1,131.75	\$1,165.50	\$1,201.13	\$1,236.75	\$1,273.88	\$1,312.50
Annual	\$50,758.76	\$52,299.00	\$53,859.00	\$55,477.76	\$57,135.00	\$58,851.00	\$60,606.00	\$62,458.76	\$64,311.00	\$66,241.76	\$68,250.00

CITY OF PORTLAND, MAINE
FY22 Proposed Non-Union Pay Plan (2.0%)

Effective 07/04/21

Grade / Step	0	1	2	3	4	5	6
BU #2000:							
NON UNION							
2020 BAND C41 (37.5)	\$31.2939	\$32.2317	\$33.2011	\$34.2011	\$35.2211	\$36.2816	\$37.3632
Period / Weekly	<u>\$1,173.52</u>	<u>\$1,208.69</u>	<u>\$1,245.04</u>	<u>\$1,282.54</u>	<u>\$1,320.79</u>	<u>\$1,360.56</u>	<u>\$1,401.12</u>
Annual (A)	<u>\$61,023.00</u>	<u>\$62,852.00</u>	<u>\$64,742.00</u>	<u>\$66,692.00</u>	<u>\$68,681.00</u>	<u>\$70,749.00</u>	<u>\$72,858.00</u>
2022 BAND C42 (37.5)	\$32.8645	\$33.8435	\$34.8539	\$35.9040	\$36.9755	\$38.0973	\$39.2395
Period / Weekly	<u>\$1,232.42</u>	<u>\$1,269.13</u>	<u>\$1,307.02</u>	<u>\$1,346.40</u>	<u>\$1,386.58</u>	<u>\$1,428.65</u>	<u>\$1,471.48</u>
Annual (A)	<u>\$64,086.00</u>	<u>\$65,995.00</u>	<u>\$67,965.00</u>	<u>\$70,013.00</u>	<u>\$72,102.00</u>	<u>\$74,290.00</u>	<u>\$76,517.00</u>
2024 BAND C43 (37.5)	\$34.5067	\$35.5368	\$36.6083	\$37.6989	\$38.8317	\$40.0045	\$41.1979
Period / Weekly	<u>\$1,294.00</u>	<u>\$1,332.63</u>	<u>\$1,372.81</u>	<u>\$1,413.71</u>	<u>\$1,456.19</u>	<u>\$1,500.17</u>	<u>\$1,544.92</u>
Annual (A)	<u>\$67,288.00</u>	<u>\$69,297.00</u>	<u>\$71,386.00</u>	<u>\$73,513.00</u>	<u>\$75,722.00</u>	<u>\$78,009.00</u>	<u>\$80,336.00</u>
2026 BAND C44 (37.5)	\$36.3939	\$37.4851	\$38.6072	\$39.7701	\$40.9632	\$42.1872	\$43.4517
Period / Weekly	<u>\$1,364.77</u>	<u>\$1,405.69</u>	<u>\$1,447.77</u>	<u>\$1,491.38</u>	<u>\$1,536.12</u>	<u>\$1,582.02</u>	<u>\$1,629.44</u>
Annual (A)	<u>\$70,968.00</u>	<u>\$73,096.00</u>	<u>\$75,284.00</u>	<u>\$77,552.00</u>	<u>\$79,878.00</u>	<u>\$82,265.00</u>	<u>\$84,731.00</u>
2030 BAND C45 (37.5)	\$39.0155	\$40.1883	\$41.4021	\$42.6360	\$43.9211	\$45.2373	\$46.5835
Period / Weekly	<u>\$1,463.08</u>	<u>\$1,507.06</u>	<u>\$1,552.58</u>	<u>\$1,598.85</u>	<u>\$1,647.04</u>	<u>\$1,696.40</u>	<u>\$1,746.88</u>
Annual (A)	<u>\$76,080.00</u>	<u>\$78,367.00</u>	<u>\$80,734.00</u>	<u>\$83,140.00</u>	<u>\$85,646.00</u>	<u>\$88,213.00</u>	<u>\$90,838.00</u>
2032 BAND C51 (37.5)	\$36.3939	\$37.4851	\$38.6072	\$39.7701	\$40.9632	\$42.1872	\$43.4517
Period / Weekly	<u>\$1,364.77</u>	<u>\$1,405.69</u>	<u>\$1,447.77</u>	<u>\$1,491.38</u>	<u>\$1,536.12</u>	<u>\$1,582.02</u>	<u>\$1,629.44</u>
Annual (A)	<u>\$70,968.00</u>	<u>\$73,096.00</u>	<u>\$75,284.00</u>	<u>\$77,552.00</u>	<u>\$79,878.00</u>	<u>\$82,265.00</u>	<u>\$84,731.00</u>
2034 BAND C52 (37.5)	\$39.0155	\$40.1883	\$41.4021	\$42.6360	\$43.9211	\$45.2373	\$46.5835
Period / Weekly	<u>\$1,463.08</u>	<u>\$1,507.06</u>	<u>\$1,552.58</u>	<u>\$1,598.85</u>	<u>\$1,647.04</u>	<u>\$1,696.40</u>	<u>\$1,746.88</u>
Annual (A)	<u>\$76,080.00</u>	<u>\$78,367.00</u>	<u>\$80,734.00</u>	<u>\$83,140.00</u>	<u>\$85,646.00</u>	<u>\$88,213.00</u>	<u>\$90,838.00</u>
2040 BAND D61 (37.5)	\$41.3611	\$42.5955	\$43.8701	\$45.1861	\$46.5432	\$47.9501	\$49.3784
Period / Weekly	<u>\$1,551.04</u>	<u>\$1,597.33</u>	<u>\$1,645.13</u>	<u>\$1,694.48</u>	<u>\$1,745.37</u>	<u>\$1,798.13</u>	<u>\$1,851.69</u>
Annual (A)	<u>\$80,654.00</u>	<u>\$83,061.00</u>	<u>\$85,547.00</u>	<u>\$88,113.00</u>	<u>\$90,759.00</u>	<u>\$93,503.00</u>	<u>\$96,288.00</u>
2042 BAND D62 (37.5)	\$43.4216	\$44.7272	\$46.0632	\$47.4405	\$48.8784	\$50.3373	\$51.8467
Period / Weekly	<u>\$1,628.31</u>	<u>\$1,677.27</u>	<u>\$1,727.37</u>	<u>\$1,779.02</u>	<u>\$1,832.94</u>	<u>\$1,887.65</u>	<u>\$1,944.25</u>
Annual (A)	<u>\$84,672.00</u>	<u>\$87,218.00</u>	<u>\$89,823.00</u>	<u>\$92,509.00</u>	<u>\$95,313.00</u>	<u>\$98,158.00</u>	<u>\$101,101.00</u>
2044 BAND D63 (37.5)	\$45.5939	\$46.9611	\$48.3789	\$49.8168	\$51.3165	\$52.8565	\$54.4373
Period / Weekly	<u>\$1,709.77</u>	<u>\$1,761.04</u>	<u>\$1,814.21</u>	<u>\$1,868.13</u>	<u>\$1,924.37</u>	<u>\$1,982.12</u>	<u>\$2,041.40</u>
Annual (A)	<u>\$88,908.00</u>	<u>\$91,574.00</u>	<u>\$94,339.00</u>	<u>\$97,143.00</u>	<u>\$100,067.00</u>	<u>\$103,070.00</u>	<u>\$106,153.00</u>
2047 BAND D64 (37.5)	\$49.7760	\$51.2651	\$52.8056	\$54.3968	\$56.0184	\$57.7016	\$59.4360
Period / Weekly	<u>\$1,866.60</u>	<u>\$1,922.44</u>	<u>\$1,980.21</u>	<u>\$2,039.88</u>	<u>\$2,100.69</u>	<u>\$2,163.81</u>	<u>\$2,228.85</u>
Annual (A)	<u>\$97,063.00</u>	<u>\$99,967.00</u>	<u>\$102,971.00</u>	<u>\$106,074.00</u>	<u>\$109,236.00</u>	<u>\$112,518.00</u>	<u>\$115,900.00</u>
2045 BAND D65 (37.5)	\$51.5611	\$53.1117	\$54.7032	\$56.3445	\$58.0379	\$59.7827	\$61.5672
Period / Weekly	<u>\$1,933.54</u>	<u>\$1,991.69</u>	<u>\$2,051.37</u>	<u>\$2,112.92</u>	<u>\$2,176.42</u>	<u>\$2,241.85</u>	<u>\$2,308.77</u>
Annual (A)	<u>\$100,544.00</u>	<u>\$103,568.00</u>	<u>\$106,671.00</u>	<u>\$109,872.00</u>	<u>\$113,174.00</u>	<u>\$116,576.00</u>	<u>\$120,056.00</u>
2046 BAND D71 (37.5)	\$48.0933	\$49.5312	\$51.0205	\$52.5611	\$54.1211	\$55.7533	\$57.4261

CITY OF PORTLAND, MAINE
FY22 Proposed Non-Union Executive Pay Plan (2.0%)

Effective 07/04/21

Grade / Step	0	1	2	3	4	5	6
BU #1100: EXECUTIVE							
1101 BAND E81 (37.5)	\$54.6517	\$56.2939	\$57.9872	\$59.7211	\$61.5061	\$63.3627	\$65.2595
Period / Weekly	<i>\$2,049.44</i>	<i>\$2,111.02</i>	<i>\$2,174.52</i>	<i>\$2,239.54</i>	<i>\$2,306.48</i>	<i>\$2,376.10</i>	<i>\$2,447.23</i>
Annual (A)	<u>\$106,571.00</u>	<u>\$109,773.00</u>	<u>\$113,075.00</u>	<u>\$116,456.00</u>	<u>\$119,937.00</u>	<u>\$123,557.00</u>	<u>\$127,256.00</u>
1102 BAND E82 (37.5)	\$57.3851	\$59.0989	\$60.8840	\$62.7099	\$64.5765	\$66.5245	\$68.5235
Period / Weekly	<i>\$2,151.94</i>	<i>\$2,216.21</i>	<i>\$2,283.15</i>	<i>\$2,351.62</i>	<i>\$2,421.62</i>	<i>\$2,494.67</i>	<i>\$2,569.63</i>
Annual (A)	<u>\$111,901.00</u>	<u>\$115,243.00</u>	<u>\$118,724.00</u>	<u>\$122,284.00</u>	<u>\$125,924.00</u>	<u>\$129,723.00</u>	<u>\$133,621.00</u>
1103 BAND E83 (37.5)	\$60.2517	\$62.0568	\$63.9235	\$65.8307	\$67.8099	\$69.8499	\$71.9411
Period / Weekly	<i>\$2,259.44</i>	<i>\$2,327.13</i>	<i>\$2,397.13</i>	<i>\$2,468.65</i>	<i>\$2,542.87</i>	<i>\$2,619.37</i>	<i>\$2,697.79</i>
Annual (A)	<u>\$117,491.00</u>	<u>\$121,011.00</u>	<u>\$124,651.00</u>	<u>\$128,370.00</u>	<u>\$132,229.00</u>	<u>\$136,207.00</u>	<u>\$140,285.00</u>
1104 BAND E92 (37.5)	\$68.1467	\$70.1867	\$72.2973	\$74.4600	\$76.6939	\$78.9995	\$81.3656
Period / Weekly	<i>\$2,555.50</i>	<i>\$2,632.00</i>	<i>\$2,711.15</i>	<i>\$2,792.25</i>	<i>\$2,876.02</i>	<i>\$2,962.48</i>	<i>\$3,051.21</i>
Annual (A)	<u>\$132,886.00</u>	<u>\$136,864.00</u>	<u>\$140,980.00</u>	<u>\$145,197.00</u>	<u>\$149,553.00</u>	<u>\$154,049.00</u>	<u>\$158,663.00</u>



Clean Elections: Context and Best Practices

Presentation to Portland Charter Commission, Elections Committee
Anna Kellar, Executive Director, Maine Citizens for Clean Elections

Nationwide Examples

New York City, NY	1988, 2018	Small Donor Match
Maine (1st State!)	1996, 2015	Clean Elections Grant
Arizona	1998	Clean Elections Grant
Boulder, CO	2001	Small Donor Match
Connecticut	2005	Clean Elections Grant
Santa Fe, NM	2008	Grant + Small Donor Match
Seattle, WA	2015	Voucher
Washington, DC	2018	Small Donor Match
Portland, OR	2018	Small Donor Match

...and more!

Goals

- Eliminate corruption or appearance of corruption
- Expand political equity
- Improve representation by allowing diversity of candidates
- Limit cost of elections

Key Features

A Starting Point: Public Funding Charter Amendment

Section 12. Public Financing of Municipal Elections

The city council shall establish and fund a mechanism providing public campaign funds to qualified candidates for mayor, city council, and school board. The mechanism must provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns, must be voluntary, must limit the amount of private funds a candidate may raise, must only be available to candidates who demonstrate public support, and must be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program. The mechanism must be available by the 2021 municipal elections.

Key Features

1. **“Provide sufficient funds to allow candidates who meet qualifying criteria to conduct competitive campaigns...”**

Candidates who use public funding must receive sufficient funds to get their message out to voters and respond to messages from opponents. However, competitive does not mean unlimited funding. Seed money or Seed Grants are also important elements.

Key Features

2. Must be voluntary

The US Supreme Court has ruled that public funding programs are constitutional so long as they are not mandatory. This means that no candidate can be legally compelled to participate. It also means that the overall campaign finance regulatory system cannot make it impossible or impractical to conduct a viable campaign with private funding.

Key Features

3. May limit the amount of private funds a candidate in the program may raise

Early campaign reforms focused on limiting candidate spending. But over three decades ago the Supreme Court ruled that limits on candidate spending are unconstitutional unless they are part of a voluntary system. The public strongly supports limits on campaign spending, and experience with the Maine Clean Election Act shows that candidates also like spending limits.

Key Features

4. Must only be available to candidates who demonstrate public support

Public funding should support viable candidates, who are willing to work hard and have the support of a significant number in the community. For example, under the Maine Clean Elections Act, candidates demonstrate public support by collecting a set number of \$5 contributions from their constituents before they qualify for public funds. This ensures that limited public resources are targeted to candidates who can show that they are truly viable.

Key Features

5. Must be limited to candidates who enter into a binding agreement not to accept private contributions other than those allowed by the public funding program

A voluntary public funding system not only allows for overall spending limits, but it also allows strict limits on what any one contributor may give to a candidate. This helps prevent corruption and the appearance of corruption, freeing elected officials to vote their conscience and the best interests of their constituents. With private funding, a single contributor can often give a very large amount, making many candidates feel a sense of obligation and indebtedness.

Additional Considerations

- Dedicated fund w/ annual appropriation and rollover, insulated from politics
- Independent administration w/ commission
- Public education and engagement mandate
- Allowing those with low/no disposable income to participate
- Date for implementation



Types of Programs

- Grant (ME, CT)
- Small Donor Match (NYC)
- Voucher (Seattle)
- Cost of fund is similar
 - Approx 100,000-250,000 per year
 - Less than 0.05% of budget

	JURISDICTIONS			
COST METHOD	ME (2018)	CT (2018)	Seattle (2019)	NYC (2021)
Annualized Cost per Person	\$1.68	\$2.79	\$1.63	\$3.43
Annualized Cost as % of Budget	0.025%	0.048%	0.021%	0.031%
Pro-rated for Portland per person	\$110,880.00	\$184,140.00	\$107,580.00	\$226,380.00
Pro-rated for Portland % of budget	\$67,050.00	\$128,736.00	\$56,322.00	\$8,314.20



What to consider

- Variation between administrative burdens
- Equity - how many people are donors? How can they participate?
- Albuquerque and Santa Fe examples





Questions?

Mainecleanelections.org
anna@mainecleanelections.org



Departments Committee Recommendation to Full Commission

Membership

- Ryan Lizanecz - Chair (District 5)
- Zack Barowitz - Vice Chair (District 3)
- Marcques Houston - Secretary (District 4)

Introduction

One overarching goal of the Charter Commission is to increase accountability and public trust in our city government. The Departments Committee has given special attention to the police department due to the fact that because mortal danger is inherent to police work, police reform has become one of the most pressing issues of our times.

However, the committee did not think that the charter is the appropriate forum to examine the intricacies of police procedures or the police budget. Instead, the focus was on improving the system of civilian oversight, specifically the practice of evaluating complaints brought against the police.

Portland's current oversight system is the Police Citizen's Review Subcommittee (PCRS) which is an appointed volunteer board that reviews completed investigation of complaints against the police as to whether the process met the standards of being "fair, objective, timely, and thorough" for which the PCRS submits an annual report to the city manager.

Because policing is a core function of municipal government, the committee recommends that citizen oversight should be in the charter to elevate the status of the existing board in order to mitigate the potential for harm, and to build broader public trust between civilians and police.

To these ends, the committee looked at various models and hybrid models¹. Including:

- The early oversight (1920s-1960s) took the form of volunteer **civilian review boards** wherein investigations conducted by police command/Internal Affairs are reviewed for being thorough, timely, objective and fair. This is the least active form of oversight and is the model that we currently use as with the PCRS.

¹ A review of research and documentation, including minutes can be found here:
<https://drive.google.com/file/d/1-LH1Dv4voOEeRDFDd3fmmML1so6aN514/view?usp=sharing>

- In the 1970s-1980s some cities initiated **investigative** offices of trained staffers to investigate misconduct. This is a far more active, and far more expensive, form of oversight than review boards.
- Beginning in the 1990s municipalities began to employ a professional **auditor** to get a big picture assessment by reviewing cases, looking for patterns, and making recommendations accordingly.
- Newer theories are focusing on gaining a degree of civilian control of policies and procedures.

Despite advances in the field, the rule of thumb of Civilian Oversight is not “best practice” but best *fit*. Given that Portland has both an excellent Police department and a low crime rate, the committee did not feel that chartering a professional investigative or auditing office was either operationally or fiscally necessary; and that such action is best left to the City Council or another office. Rather, the committee recommends retaining some of the current review board system with several enhancements to strengthen community involvement and oversight capabilities.

Methodology

The Departments Committee consulted with a diverse range of experts, readings, and community members for their input on this topic. They are as follows.

October 4th, 2021:

1. Maria Testa: (Former Member of the Portland Police Citizen Review Subcommittee)
2. Dr. Brendan McQuade: (Professor of Criminology at University of Southern Maine)
3. Cameron McElhiney: (Dir. of Training and Education at National Association Civilian Oversight of Law Enforcement)

October 25th, 2021:

1. Dr. Lelia DeAndrade: (Former Member of Portland’s Racial Equity Steering Committee)
2. Emily West: (Current Chair of the PCRS)
3. Ali Ali: (Former Member of Portland’s Racial Equity Steering Committee & Currently with Maine Youth Justice)

November 1st, 2021:

1. Discussion with Commission Attorney Katsiaficas

November 15th, 2021:

1. Workshop on Police Oversight Board language

December 6th, 2021:

1. Workshop on Police Oversight Board language
2. Unanimous vote for passage out of Committee

Documents & Research Consulted

- PCRS meeting minutes, videos and documents
- National Association for Civilian Oversight of Law Enforcement documents
 - “Guidebook for the Implementation of New or Revitalized Police Oversight”
 - “A Review of the Strengths and Weaknesses of Various Models of Police Oversight”
 - “Civilian Oversight of Law Enforcement: Assessing the Evidence”
- Portland’s Racial Equity Steering Committee Final Report
- Memo from Commission Attorney Katsiaficas
- Portland Police Chief Heath Gorham feedback & memo

Findings

AMENDMENT DRAFT LANGUAGE

Civilian Police Review Board

- **The establishment of a Civilian Police Review Board (CPRB)**
- **Purpose and Goals**
 - Increase confidence/trust in the police department by the public
 - Discourage police misconduct
 - Help officers feel vindicated in both their own eyes and the public
 - Reassure the public their complaints are investigated thoroughly and fairly.
 - Help the public understand the nature of police work.
 - To provide oversight to Internal Affairs.
 - Diffuse public hostility.
 - Reduce the likelihood of lawsuits against the City.
 - To improve police practices, procedures, policies in regards to interactions with the public. For example:
 - Helping officers identify individuals having a mental health crisis
 - Identifying people whose disability or medical condition may be affecting their behavior.
 - De-escalation methods
 - Crowd control techniques
- **Powers & Duties:**
 - The Board shall receive community complaints and shall refer complaints to Internal Affairs and/or Command.
 - Command Staff and Internal Affairs shall report their conclusions to the Board for consideration no more than 14 days upon conclusion of their investigations.
 - The Board shall review investigations by Internal Affairs for due process in terms of being fair, thorough, objective, and timely
 - The City Council shall create an appeals process for complaints within the confines of applicable law.
 - The Board shall be granted authority to refer appeals to an appropriate body.

- The Board may recommend data-driven policy evaluations of the Police Department and recommend policies based upon these findings annually to the City Council, as applicable.
- The Board shall be able to make policy recommendations.
- The Board shall prepare an annual report to the City Council, including (but not limited to) policy recommendations, funding, number of complaints, and number of resolutions.
 - The Board, at its discretion, may address the city council on a quarterly basis.
- The Board shall present the annual report to the City Council and Mayor.
- The City Council and Mayor may add duties and responsibilities as it sees fit to the Board at any time.
- The Council and Mayor may assign recommendations to members of city staff to enact.
- **Membership:**
 - Members of the board shall be any resident of the City of Portland over 18 years of age.
 - Three members of the board are appointed by the City Council.
 - Five members appointed by Community Chairs² if applicable (if not, council)
 - One member appointed by the Mayor
 - Three Non-Voting members: (e.g., community groups nominees, student reps, organizational representatives) as determined by the city council.
 - Length of term to be three years with opportunity for reappointment.
 - A plan whereby members of the current PCRS would become members of the new CPRB and to on-board new members by a specified time.
- **Staff & Funding:**
 - The Board shall be funded by the City Council in the annual budget.
 - The Board shall have professional staff.
 - Must include Community Liaison (“credible messenger”)
 - The Board shall work in partnership with the Communications Department, Internal Affairs, and any other offices and agencies including the Office of the Corporation Counsel and the Police Department/IA.
 - Shall include police liaison familiar with Standard Operating Procedures
 - Board members shall receive a stipend to be determined by the City Council. Members may opt out of the stipend.
 - Board members shall receive thorough training germane to the Board’s function
 - The Board shall engage city residents as to the board’s purpose and goals.
 - Findings
 - Complaint Process
 - Roles
 - Limitations

² Pending proposal to create another level of elected office - smaller than council district but larger than neighborhood - perhaps comprising 2-3 neighborhoods. Roles would be non-legislative, but they could have some duties, including (1) liaison between council member and community; (2) run participatory budgeting meetings; (3) role in appointments to boards and on committees; (4) review and recommend policy initiatives ; (5) platform for leadership development. Not under consideration by the Departments Committee at this moment. Should this proposal not advance, membership appointments shall return to the council.