



City of Portland Charter Commission Meeting Minutes

January 19, 2022 (Remote via Zoom)

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

- b. Chair Kebede called the meeting to order at 6:02 p.m.

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. Review and Approval of Minutes

- a. Motion to approve the draft meeting minutes of December 22, 2021. Moved by Commissioner Waxman, seconded by Commissioner Eglinton. Motion passes 12-0 by roll-call vote.

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3. Committee Reports

- a. Departments. Commissioner Lizanecz delivered the committee's report on its proposals:
 - 1) The committee will be examining the Chief of Staff/Ombudsman/Public Advocate position at an upcoming meeting and is in the preliminary stages of working with the Governance Committee on this issue.
 - 2) The Police Oversight and Review Board proposal is ready for presentation.
 - 3) In the time remaining, the committee is unlikely to present additional proposals.
- b. Education. Commissioner Houston delivered the committee's report on its proposals:
 - 1) Joint School Board-City Council committee on budget guidance, still in initial stages;
 - 2) Participatory budgeting;
 - 3) Language changes to Preamble; and
 - 4) Joint process on capital improvements.
- c. Elections. Commissioner Chann delivered the committee's report on its proposals:
 - 1) Clean Elections;
 - 2) Proportional Ranked Choice Voting for multi-seat elections;'
 - 3) Universal Resident Voting;
 - 4) Elections Commission; and
 - 5) Increase in number of City Council districts.
- d. Governance. Commissioner O'Brien delivered the committee's report on its proposals. The committee is looking at leadership models and reconciling the proposed concepts of chief of staff, ombudsman, chief information officer, and public advocate.
- e. Procedures. Commissioner Washburn delivered the committee's report on its proposals:
 - 1) Preamble language;
 - 2) Code of Ethics/Disclosure policy;
 - 3) Communications policy;
 - 4) Councilor pay; and
 - 5) Participatory budgeting

4. Public Comment

- a. Chair Kebede mentioned that this period was for general public comments. During subsequent meetings when votes are scheduled for specific reform proposals, the Commission will take proposal-specific public comments. He said that no proposals would be voted on at this meeting.
- b. Several members of the public presented their comments and suggestions.

5. Workshop on Governance Models

- a. Chair Kebede provided an overview of the workshop, saying that the members of the Governance Committee would describe the various features of the two models for the city's governing structure. The goal of the workshop was to increase commissioners' understanding of the various options and to begin full- commission deliberations about a final governance model proposal. He added that there would be no vote at this meeting.
- b. Governance Committee Leadership Model Recommendations. Commissioner O'Brien presented the major features of this model using a PowerPoint slide

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presentation (attached) summarizing the committee's report. He noted that the proposal is conceptual and represents a "zero-basis design," rather than trying to create a hybrid from the existing leadership structure. He explained that the issues the committee is trying to address are "Gatekeeping" (which prevents equal access by all councilors to data needed for policy development) and "Bottlenecking of Council priorities" (because of a lack of a formalized process to allow mayor and councilors to introduce policy initiatives). To address these issues the committee is discussing the concept of a new chief of staff position, which might also be called an ombudsman, chief information officer, or public advocate. This individual would be hired by and would report to the Council to facilitate Council's and public's access to the administration. The committee proposal also would change the mayor's powers by adding City budget development and the ability to create task forces to the mayor's current duties under the Charter. The committee has also discussed the creation of an arbitration panel consisting of three former commissioners from the most recent Charter Commission to hear and decide questions regarding interpretation of those Charter changes until such time as a court rules on those questions. Clarifying questions followed, including:

- How would this approach address concerns that many decisions in Portland are made by an unelected city manager? This model would allow more persons to initiate policy discussions, and the chief of staff position would be a tool to provide greater access to staff by councilors for policy development;
 - Is chief of staff the appropriate title? Would the individual have a staff? Where else has this approach been used? There would be no staff specified in the Charter. The committee is open to other titles for this position and function. Topeka, KS has a chief of staff and Wilmington, DE has a director of constituent services; and
 - Why not recommend a strong mayor? The committee was concerned about potential for turnover of department heads and staff with a change of strong mayor as frequently as four years – possible loss of institutional memory and of policy momentum.
- c. Commissioner Sheikh-Yousef Leadership Model Proposal. Commissioner Sheikh-Yousef presented the major features of her proposed leadership model using a PowerPoint slide presentation (attached) summarizing the key points, which include the following: a strong elected executive mayor who would not be a city councilor; an appointed city administrator; a strong elected city council with staff and a council president; and an elected public advocate, similar to New York City's in function, who would appoint the city clerk and city attorney. She explained that this structure would further the goals of placing democracy first and of providing a system of checks and balances among the mayor, Council, and public advocate. It also would increase efficiency; and would provide for accountability to the voters for all three branches of city government. Clarifying questions followed, including:
- Why place the city clerk and city attorney under the public advocate instead of remaining under the city council? Would this violate any State law or constitutional provisions regarding municipal clerks and their duties? This would provide for independence of the city clerk and city attorney from the mayor and council; if there are legal or practical difficulties with this, the Charter can keep remaining structure for city clerk and city attorney appointments;

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- Is the public advocate a good fit for either model? Are there legal and practical concerns? Position could be an appropriate way to be responsive to council and citizen requests and provide access to administration, but could be politicized if seen as stepping stone to mayor or other office; may be better appointed by council. Perhaps an auditor, controller, or position with an economic review component might be helpful.
- d. Chair Kebede introduced and led a discussion of two topics regarding the Commission's next steps: a. how to address the two governance proposals, and b. whether the Commission should be seeking an extension from the City Council of its time to submit preliminary and final reports.
 - 1) The governance concepts are not quite ready for presentation and hearing as a Committee and Commission proposal. Will be scheduled for both a public hearing (first) and a workshop (second) for further discussion at the Commission meeting in 1 to 2 weeks.
 - 2) The March 8 statutory deadline for issuance of a Commission preliminary report is fast approaching. Given anticipated higher voter turnout for November 2022 gubernatorial election, commissioners would prefer to finish this year to place its work before voters this November. The Commission asked its legal advisor to consult with Corporation Counsel and City Clerk to see what latest date is for submitting final report to allow election this November, and then to report to Commission next week on process to ask City Council for extension for the Commission's submission of preliminary and final reports to meet that date. The Commission would prefer to have City's agreement to this process in writing.
- 6. First read on Communications Policy
 - a. Members of the Procedures Committee described their proposal to change the styles that govern communications between city staff and elected officials (see document in the meeting packet).
 - b. No vote was taken at this meeting.
- 7. First read on Clean Elections
 - a. Members of the Elections Committee described their proposal for a clean election system (see documents in the meeting packet).
 - b. No vote was taken at this meeting.
- 8. First read of Civilian Police Review Board Proposal
 - a. Members of the Departments Committee described their proposal for a reform to Portland's civilian review board (see documents in the meeting packet).
 - b. No vote was taken at this meeting.
- 9. New Business

Commissioner Barowitz asked Chair Kebede to look into website issues, including meetings archived out of order and old meetings notices still posted.
- 10. Adjourn

Moved by Commissioner Houston, seconded by Commissioner O'Brien. Motion passes 12-0 by roll-call vote at 9:20 p.m.