



City of Portland, Maine
Charter Commission
Departments Committee
MINUTES
January 31, 2022

Committee Members Attending via Zoom: Commissioner [Ryan Lizanecz](#) (Chair), Commissioner Zachary Barowitz, Commissioner Marques Houston. Governance Committee members Commissioner Robert O'Brien and Commissioner Nasreen Sheik-Yousef also in attendance. Staff member Jesse Denno taking minutes.

Call Meeting to Order and Conduct Roll Call

Chair Lizanecz called the meeting to order at 6:00 pm and called the roll. Commissioners Barowitz, and Lizanecz were present. Commissioner Houston joined the meeting at 6:30. Commissioner O'Brien and Commissioner Sheik-Yousef from the Governance Committee also in attendance.

Review and Approval of Minutes

Chair Lizanecz called for a motion to approve the minutes of the Committee's December 20th and January 3rd meetings. Commissioner Barowitz motioned to approve the January 3rd minutes, and Chair Lizanecz seconded. The motion passed unanimously.

Commissioner Barowitz stated that he had noticed errors in the December 20th minutes. Chair Lizanecz motioned to amend the minutes and Commissioner Barowitz seconded. The motion passed unanimously.

Interviews: Monique Y. Glaude', Director of Community Engagement & Ombudsman, City of Topeka, Kansas

Chair Lizanecz prefaced interviews by stating that Jennifer Prado, Director of the Mayor's Office of Constituent Services for Wilmington, Delaware, had needed to cancel. Michael Pastor, Professor of Law at New York Law School, had been added to the agenda in her stead.

On her work, experience, and path to the Ombudsman's office.

Glaude' has spent over 15 years as a public servant in Topeka. She began serving as a Community Liaison in 2012, her first position directly related to that of Ombudsman. She was appointed the city's Director of Community Engagement, her first citywide office. Topeka's Ombudsman position was created in 2020 to address distrust between the city government and the public, and she is the first to serve in the position. Since assuming she has distributed over 18,000 infographics informing citizens of the office, and raised awareness through social media, television interviews, and community meetings.

Glaude' sees the Ombudsman office as a conduit between citizens and the government. She describes the work as 30% providing resource information, 25% as serving for the initial contact for complaints, 20% is devoted to following up on complaints and service requests, and 25% is educating the public on how the government works and government processes.

Topeka has a "See-Click-Fix" system where residents can file complaints via an app or website, that has transformed the dynamics of how complaints are addressed, as citizens are often able to resolve issues themselves.

The position requires exemplary customer service skills, tough skin, and assertiveness. She strives create positive interactions between residents and their government. The creation of the office has cut down on complaints to the governing body and the City Manager's office.

Thoughts on the term "Ombudsman."

She has found the title to be confusing for people, and she often describes herself as a liaison between the public and city government, and prefers the term "Resident Liaison."

On her the structure of Topeka's government and her office's role in Topeka.

Glaude' reports to the City Manager. She maintains direct contact to the Manager, and keeps him informally apprised of her office's work. The manager has declined her offer of monthly reports. All complaint forms are logged in a shared file accessible to the Manager and his assistant. She is also accessible to Council members and department heads, and who often direct members of the public to her office.

Government officials and staff must acknowledge and respond to any formal request from the Ombudsman's office within 24 hours. This system was instituted by the City Manager after being proposed by Glaude'.

Glaude' does not handle the entirety of the city's constituent service needs, but she is often the point of contact for people following up on an initial complaint.

To avoid the perception of being seen as a "tattletale" by city officials and employees, she works hard build strong relationships with the people in city government, and seeks to convince them that she is their "quarterback," that can solve complaints on their behalf if she has the necessary information.

Topeka has a population of about 127,000, that swells to 167,000 during the day. Topeka has a Mayor-City Manager-Council form of government.

On the Ombudsman's role in larger issues like human rights violations, government corruption and malfeasance, and complaints by city employees against their superiors.

Employee complaints would be directed to the city's Human Resources department. If she was contacted by an employee dissatisfied with HR's resolution, she would take the matter directly to the City Manager.

Discrimination complaints are directed to the city's Human Rights Commission.

Allegations of misadministration or corruption in city government are outside of the Ombudsman's purview, and she would refer the matter to the City Attorney.

On the appointment process.

The idea for an Ombudsman generated within the Council, initially to provide some oversight for the Police Department. The City Manager made the Ombudsman a position with a citywide brief, and appointed Glaude' to the position.

On access to files and city staff.

If she can pull necessary information from a department's website, that is her preferred method, and she only contacts department heads when necessary. There are no restrictions on her access to staff

Chair Lizanecz and commissioners thanked Glaude' for her time and attention.

Interviews: Jessica Grondin, Director of Communications and Digital Services, City of Portland

On her path to the office, and her work for Portland.

Grondin has worked for Portland since 2014, having previously worked for the city of Boston. In the position, she seeks to provide municipal services effectively and efficiently, and use digital tools to foster civic engagement, and to facilitate public interaction with their government.

The position has evolved somewhat over time, and has come to encompass digital communications, civic engagement, and digital tools like the city's website, social media, and mass alert system. She handles media and public relations, and oversees the city's 311 system. She also oversees agenda management software, live streaming and public participation tools, serves as the city's FOIA officer, and handles internal city communications. She manages a staff of two.

Grondin reports directly to the City Manager.

Given her broad range of duties, on whether the office is appropriately balanced for its title, and whether some duties would ideally be shifted elsewhere.

She finds the balance and structure appropriate, but wishes the department had more resources. She was only recently able to add a second staff member to the department.

Grondin works closely City Manager's chief of staff, who also handles constituent services, to ensure messaging is consistent and issues are getting resolved. She also works closely with the City Clerk on digital services to ensure agendas are posted, that live-streaming is working, and videos of meetings are accessible. She is currently working with Clerk on the implementation of a new Boards & Commissions Portal.

On, as an employee reporting directly to the City Manager, how she works with the Mayor and Council.

Of all department heads, she probably works most frequently with the Mayor and Council. She routinely assists them with public information, media requests and press releases. The City Manager is made aware of their requests, but has never asked her department to deny their requests.

On whether, and if so, how, her office handles larger questions of maladministration, malfeasance, corruption and employee misconduct.

Grondin sometimes receives complaints about staff interaction, or staff not following policy, which she refers to Human Resources or the department head, and then follows up with the complainant. FOIA requests regarding city employees are handled in conjunction with Corporation Counsel and Human Resources. Grondin did not remember receiving any complaints that rose to the level of corruption.

After Human Resources and/or department takes action, there is no further means of appeal or recourse to a complainant within the municipal structure.

On whether it makes sense for constituent services and communications to be combined under one roof, or if it makes more sense for constituent services to fall under the umbrella of decisions maker, i.e. the City Manager.

As communications staff currently report to the City Manager, it doesn't greatly matter if the duties are formally grouped in the same department or not. Grondin believes people like to interact with the city in different way, and their means of access should not be strictly limited to one employee or department, or in method of accessing the city.

It is the City Manager's office that currently compiles and tracks requests and complaints.

On FOIA requests, and the office's access to files and information.

The City Clerk often handles FOIA requests for easily accessible public records, otherwise they go through Grondin's office, in cooperation with Corporation Counsel. The bulk of FOIA requests received come from reporters and other media sources.

FOIA requests involving the Police are referred by Grondin to the Police Department's attorney.

Grondin has access to the city's financial and human resources records.

Grondin also works with Corporation Counsel on requests that involve legislation, ordinances and policy matters.

On who in the city handles calls from members of the public who are upset or aggrieved, and need to vent or talk through their issues.

One of Grondin's staff members handles phone calls, listens to people, and ensures they have access to services.

Her office also often hears from people who require State or County services, or the services of a non-profit institution, and her office does its best to connect callers to the appropriate body.

On finding the balance between limiting conduits of information, and ensuring the public has access to the city, and can contact the government via their preferred means.

There is value in adhering to procedures, to prevent communication breakdowns, but information should be shared for best communication and to ensure broad access.

On redundancy in city e-mail communications.

It's a largely a matter of capacity and resources. One media distribution list is shared by multiple offices, making it difficult for a constituent to pick and choose the communications they receive. She is cautious about limiting channels, because people want to find their information through different means.

Chair Lizanecz thanked Grondin for her time and service.

Interviews: Michael J. Pastor, Adjunct Professor of Law and Senior Fellow, New York Law School

Pastor directs an institute at the law school that focuses on the business of law and in-house counsel. He also teaches State and Local Government, and has taught similar classes at other area law schools. He has also served as an attorney in several capacities for the City of New York, most recently as General Counsel for two of the city's technology agencies.

On the mechanisms for providing "enhanced constituent services," and where in structure of a municipal government such an office is best placed.

In New York, the Public Advocate is a citywide elected position, that is by law an ombudsman, created to be a "watchdog" over city agencies, and an office specifically created as means by which members of the public can seek redress for failures of the city government. As it serves a city of 8.5 million, the office necessarily focus on issues on which it receives complaints more frequently than others. The office then sheds light on an issue through its platform, e.g. landlord not providing sufficient heat in the winter.

The Public Advocate does not have the power to mandate change. It has the authority to access records, and its power lies in its ability to bring attention to a

matter. The office reports to no one in the government, being directly elected. Its authority is buoyed by the robustness of local news in New York, as the Advocate has channels for drawing attention to a matter. The Public Advocate can be very influential, but there is the potential for creating false expectations when the office can not implement the changes it recommends.

The city's Comptroller is also a citywide independent elected office, with the statutory authority to audit agencies, and publish its results. The Comptroller also receives complaints, and can address government corruption and malfeasance.

New York also has a 311 system, through which people can file complaints about the actions of city government by phone, web browser, or mobile application. The system directs complaints to the appropriate agencies, and serves as central clearinghouse that compiles and tracks data.

On an elected Public Advocate versus an appointed Ombudsman, and which system provides better effectiveness and accountability.

Pastor believes an elected Public Advocate serves best as an effective watchdog, accountable only to the public.

New York also has a Department of Investigation, that specifically addresses issues of wrongdoing by public officials. With a Commissioner appointed by the Mayor, the agency still maintains a great deal of independence, because the commissioner can only be removed for cause.

The City Council, an elected body, also serves as a check on the Mayor, and possesses investigative powers and subpoena authority.

On commonalities in the backgrounds of people who seek the office of Public Advocate, and the political nature of the office.

The office has only existed since 1993, so there have not been that many who have held the office. They have tended to come from backgrounds in community activism and city politics.

The position often serves as a stepping stone to higher office. Prior to his election to Mayor, Bill de Blasio served as the Public Advocate, and Mark Green was the Democratic candidate for Mayor. The Public Advocate also serves as interim mayor for 60 days if the Mayor becomes incapacitated or resigns.

The Public Advocate is selected through partisan primaries, often in a crowded field, with the winner of the Democratic primary selected in the general election thus far.

On tension with other offices, particularly during campaign season.

Pastor has not noticed the tenor of the Public Advocate's press conferences and communications significantly changing in the run-up to elections, but a Public Advocate's focus may shift. It is inherently a political role, and often adversarial in its relationship to the Mayoralty and other city bodies.

On the Public Advocate's relationship to the City Council, and the potential advantages of placing such an office under the Council's purview.

In New York, the Public Advocate can introduce legislation, and participate in Council hearings. A robust Advocate can provide greater investigative authority to a city in conjunction with a City Council, and there tends to be a great deal of synergy between watchdog and lawmaking roles.

On Boards of Ethics, and how they can fit into a municipal government.

New York has a Conflicts of Interest Board, an independent body with members appointed by the Mayor and Comptroller. Pastor does not recommend placing such a body under the Council or Mayor, because it should be free to investigate those bodies. In addition to investigations, the Board issues advisory opinions, providing ethical guidelines to officials and city staff.

Chair Lizanecz thanked Pastor for sharing his expertise, and donating his time on short notice.

Quick Break

Chair Lizanecz called a five-minute recess.

Discussion of Constituent Services/Ombudsman Model

Chair Lizanecz provided an outline for discussion, if other commissioners found it amenable. Commissioner Barowitz suggested reviewing and discussing what the committee had larded through its interviews. Commissioner O'Brien suggested identifying commonalities among commissioners, and then discussing their differences.

Commissioner Barowitz opined that Portland would be best served by a "Goldilocks scenario," with a position less limited than that of Topeka's Ombudsman, but not with the same level of prominence as New York's Public Advocate.

Chair Lizanecz stated that he found Council appointment preferable to public section for such an office. Commissioner Barowitz responded that he was content with either method of appointment, but wished to see the office guaranteed a wide brief and independent investigative authority.

Commissioner O'Brien said the title of "Chief of Staff" currently under discussion in the Governance was created a placeholder, and "Community Liaison" or "City Liaison" would be more accurate to his vision of the office. O'Brien said he was not comfortable with placing such an office under the City Manager. He also wished to see greater transparency and availability of recourse in public complaints regarding city actions and staff.

Commissioner Sheik-Yousef expressed concern over who would provide Council oversight, if a watchdog agency was placed under the Council and reported to the Council. Commissioner Sheik-Yousef suggested the title of "Public Advocate" as a starting point for finding common ground. Sheik-Yousef said she believed the office should be elected and independent, and accountable directly to the people.

Chair Lizanecz also suggested Council committee as a means of appointment, with the availability of recall by the Council if necessary.

Commissioner O'Brien said he comfortable with Council appointment because, unlike the City Manager, the position would not directly influence policy or the budget.

Commissioner O'Brien said that, while the Governance committee had previously envisioned a Chief of staff handing Council scheduling and arranging meeting between Council members and city staff, he was now willing to jettison those duties from the position in the interest of efficiency and streamlining.

Commissioner Barowitz envisioned the position as providing a second avenue for recourse when Council and other governments acted incorrectly, before a complainant sought redress in the legal system. Commissioner O'Brien said that an independent body that could provide alternate legal interpretations would still not trump the interpretations of the City Attorney, and might be of limited utility. Barowitz said the position as he envisioned it would be limited to the powers of persuasion.

Commissioner Sheik-Yousef suggested making the City Attorney, and possibly the City Clerk, an elected position, to make the office accountable to the public. She would be more comfortable with an appointed Public Advocate/Ombudsman/City Liaison if the City Attorney were elected.

Chair Lizanecz said that eliminating the office of City Manager might make it easier to identify and call out municipal malfeasance. Lizanecz did not agree that making the City Attorney an elected position would serve the public good. Commissioner O'Brien said he was open to debating whether the City Attorney should be elected, noting that Attorneys General were often elected to office.

Commissioner O'Brien introduced the idea of a panel of attorneys that could be petitioned if a legal opinion was disputed.

Commissioner Barowitz advocated for such a body being appointed by the Council, saying it would empower the city's elected representatives.

Commissioner Sheik-Yousef reiterated her idea of an elected City Clerk, in the interest of accountability, transparency, and a government with necessary checks and balances.

Chair Lizanecz asked for ideas on how to best proceed, following the evening's conversation. He asked for conceptual, baseline areas of agreement that could be brought to the full Commission. Commissioner Houston said the Committee had created a good list of potential powers and duties that would serve as good starting point for Commission discussion.

Commissioner O'Brien agreed the committee had reached a good stopping point, and he wished to hear the thoughts of Governance Committee member Commissioner Stewart-Bouley. O'Brien suggested reconvening with an expert that could help the committee identify the pros and cons of various approaches discussed. Commissioner Sheik-Yousef agreed that it would be helpful to discuss matters with an expert, possibly an academic.

Chair Lizanecz asked staff member Denno to look into any research that addressed these issues and could help the committee.

Adjournment

Chair Lizanecz called for adjournment. The motion was made by Commissioner Barowitz and seconded by Commissioner Houston. The motion was approved unanimously and the meeting was adjourned at 9:15 pm.