



City of Portland Charter Commission Agenda

February 16, 2022 at 6:00 PM

Due to the existence of an "emergency or urgent issue", the Charter Commission & its Committees will conduct meetings 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.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be available following the meeting in our Agenda Portal.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

1. Call to Order

a. a.

This meeting will take place remotely using Zoom.

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Charter Commission and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be available following the meeting.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81155903098?pwd=OU44VHpNS3A1SnZhZ3ArWFdGYVQ2dz09>

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International numbers available: <https://us06web.zoom.us/j/kbsVM8szxE>

2. Approval of the prior meeting minutes
 - a. Approval of the February 2, 2022 meeting minutes.
3. Discussion of proposals and next steps
 - a. Draft Language for Collaboration Between the City of Portland and the Portland Public Schools

Proposal by Commissioner Houston to Improve Portland's School Governance
4. Public Comment
5. New Business
6. Adjourn



City of Portland
Charter Commission Ad Hoc
Education Committee Meeting Minutes
February 2, 2022 at 6:00 PM

- I. CALL TO ORDER
- II. ATTENDANCE
 - PRESENT: EGLINTON, HOUSTON, CHANN.
- III. APPROVAL OF LAST MEETINGS MINUTES
 - EGLINTON moves to approve minutes. CHANN seconds. Roll Call: HOUSTON, yes. EGLINTON, yes. CHANN, yes.
- IV. BRIEF ON MEMO FROM DRUMMOND WOODSUM
 - School Board Chair Emily Figdor brief the committee on the memo that argues for more school board autonomy over the school budget and bonding authority.
 - Commissioners ask questions about the memo and different proposals for charter revisions.
- V. PUBLIC COMMENT ON MEMO DISCUSSION
 - Karen Snyder provided comment about June and November elections and that school budget votes should be in November when there's higher turnout and compared schools having bonding though city owns property is like renter taking loan out for landlords building.
- VI. WORKSHOP ON JOINT COMMITTEE PROPOSAL
 - EGLINTON presents and updates committee on the Joint Committee proposal that develops and drafts guidance to both the city and school on budget process. 4 members from each body.
 - EGLINTON discusses changes to CIP proposal
 - CHANN and HOUSTON ask whether recommendations made by PPS would be incorporated into the proposals.
 - HOUSTON mentioned proposals are looking good but not quite there yet.
- VII. PUBLIC COMMENT ON JOINT COMMITTEE PROPOSAL
 - Karen Snyder agrees with Eglinton proposals and asked if the joint committee meetings would be public.



VIII. NEW BUSINESS

- EGLINTON asks what timeline is to get EdComm proposals to the full Commission and whether extension will impact. HOUSTON mentioned they will reach out to Chair Kebede.

IX. ADJOURN

Draft Language for Charter Provisions Governing Budget Collaboration Between the City of Portland and Portland Public Schools

FROM: Peter Eglinton
TO: Portland Charter Commission Education Committee (Commissioners Houston, Chann, and Eglinton)
DATE: January 29, 2022
RE: Communications between City Staff and Elected Officials

The following proposals are intended to address recommendations raised in public comments to seek greater parity for the superintendent and school board in the discussions around and decisions affecting Portland Public Schools. Proposal 1 would shed light shift discussions that have frequently occurred among a small group of officials to a public process that benefits from the input of the full council, school board input, and residents. A joint committee, equally represented by members of the school board and city council, would engage in a process to prepare draft guidance for the full bodies of elected officials to consider, ensuring transparency and accountability. The guidance would set the context for budget guidance and allow both the school system and city to describe important priorities and constraints, including the flagging of unpredictable events that could affect the outcome (such as changes in state funding) and possible ways to address significant issues. The joint committee is similar to, although not based on, the model followed in Sanford. In summary, following are the goals of Proposal 1:

- 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

Proposal 2 would explicitly include the superintendent in the capital improvement planning process on an equal footing. This proposal is similar to the process used in Auburn.

PROPOSAL 1

[Note: Changes in blue reflect edits made since the last proposal. Changes in red and blue reflect proposed edits to the existing Charter.]

Amend Article III (Board of Public Education) as follows:

Section 5. School budget.

Prior to the submission of a school budget, the school board and city council shall establish a Joint Committee on Budget Guidance, consisting of ~~with~~ four city councilors and four school board members, appointed by the Mayor and school board chair, respectively. The

purpose of the joint committee is to develop guidance for the city and school district on budget priorities and constraints, covering a two-year period and updated annually. The joint committee shall obtain public comment on the guidance prior to submitting the guidance as a proposed non-binding joint resolution to the city council and school board for their approval. Although the resolution is non-binding, the intent is to agree on budget guidance at a sufficient level of detail so that the city council can approve the school budget without amendment should the school board ~~budget~~ follow the guidance.

Not later than three and one-half (3.5) months before the end of the fiscal year, the superintendent shall submit to the school board budget estimates of the various sums required for the support of public schools for the ensuing fiscal year and shall thereafter provide the school board with such information relating to such estimates as the school board shall require.

~~During the thirty (30) days following submission of the superintendent's proposed budget to the school board, the school board and the city council, or their designated subcommittees, shall meet jointly at least twice to review the proposed school budget, focusing on its underlying assumptions and supporting data and the ability of the city to raise the necessary funds for the support of such proposed budget. The superintendent and the city manager shall provide information regarding such proposed budget as reasonably requested by the school board and the city council, or their designated subcommittees.~~

The budget submitted by the superintendent ~~to be reviewed jointly by the school board and the city council~~ shall provide a complete financial plan of all school funds and activities for the ensuing fiscal year. In organizing the school budget ~~for joint review~~, the superintendent shall utilize the most feasible combination of expenditure classification by fund, organization, unit, program,

purpose or activity, and object. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. The total of proposed expenditures shall not exceed the total of proposed income.

Not later than the last Monday in April of each fiscal year, the school board shall submit to the city council a budget of the various sums required for the support of the public schools for the ensuing fiscal year in the format provided above, and shall thereafter provide the city council with such information relating to such budget as the city council shall require.

A budget hearing on such budget estimates shall be held prior to final action by the city council. The city council in its appropriation resolve for the ensuing year shall, in addition to amounts appropriated for other general city City of Portland Charter Code of Ordinances ~~Article III Rev. 12-6-12~~ purposes, appropriate one gross amount for the support of the public schools, which amount shall not be less than the sum required to be appropriated for such purposes by the general laws of the state. Such gross amount shall not be less than the sum requested by the school board except by a vote of at least six (6) members of the city council. Such appropriation shall be expended under the direction and control of the school board but no such appropriation shall be exceeded except by consent of the city council.

Note that additional amendments may be necessary under the city council's section of the Charter to further specify its role.

PROPOSAL 2

[Note: Changes in blue reflect edits made since the last proposal. Changes in red and blue reflect proposed edits to the existing Charter.]

At the appropriate location(s) in the Charter, specify that the city manager and superintendent must jointly prepare and submit to a joint meeting of the council and school board a multi-year capital improvement 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.

The Education Committee recognizes that changes in the city's governance structure may affect the roles of city officials in the CIP process. If no changes are made to the governance structure, the following amendments to the Charter appear to capture the intent of this proposal:

ARTICLE VI. ADMINISTRATIVE OFFICERS

...

Section 5. Appointment; qualifications; powers and duties of the city manager.

...

The city manager's powers and duties shall be as follows:

...

(i) To jointly prepare with the ~~Portland Public Schools~~ superintendent a five (5) year rolling capital improvement plan for annual presentation to a joint meeting of the city council and school board, which plan includes the following:

1. A one (1) year plan of specific projects and their cost;
2. A two (2) through five (5) year plan of specific projects and general categories, and amounts of proposed spending and funding sources; and
3. A discussion of the basis for the plan and the factors which went into its development or amendments.

...

Proposal by Commissioner Houston to Improve Portland's School Governance

This proposal includes the following components:

1. Makes the school budget the purview of the school board and the voters, since the school board has authority over public education and is not subordinate to the city council but derives its authority from the Maine Legislature.
2. Provides that a Joint Budget Committee of city councilors and school board members develop annual priorities for the city and schools. *[Question of necessity if executive mayor position is adopted]*
3. Includes Commissioner Eglinton's proposal for the city manager and superintendent to jointly prepare the capital improvement plan.
4. Grants the school board the authority to request the placement of school construction or renovation bond questions before city voters, with the city council calling and overseeing the referenda.
5. Fixes problems with school board vacancies to help ensure that voters have full representation.

SCHOOL BUDGET

Section 5. School budget.

Not later than three and one-half (3.5) months before the end of the fiscal year, the superintendent shall submit to the school board budget estimates of the various sums required for the support of public schools for the ensuing fiscal year and shall thereafter provide the school board with such information relating to such estimates as the school board shall require.

During the thirty (30) days following submission of the superintendent's proposed budget to the school board, ~~the school board and the city council, or their designated subcommittees, a~~ Joint Budget Committee, consisting of four city councilors and four school board members, appointed by the Mayor and school board chair, respectively, shall meet jointly at least twice to ~~review the proposed school budget, focusing on its underlying assumptions and supporting data and the ability of the city to raise the necessary funds for the support of such proposed budget~~ develop guidance for the city and school district on budget priorities and constraints for the upcoming fiscal year.

~~The joint committee shall obtain public comment on the guidance prior to submitting the guidance to the city council and school board for their consideration.~~ The superintendent and the city manager shall provide budget information ~~regarding such proposed budget~~ as reasonably requested by the Joint Budget Committee~~school board and the city council, or their designated subcommittees.~~

The budget submitted by the superintendent ~~to be reviewed jointly by the school board and the city council~~ shall provide a complete financial plan of all school funds and activities for the ensuing fiscal year. In organizing the school budget for ~~joint~~ review by the school board, the superintendent shall utilize the most feasible combination of expenditure classification by fund, organization, unit, program, purpose or activity, and object. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. The total of proposed expenditures shall not exceed the total of proposed income.

Not later than the last Monday in April of each fiscal year, the school board shall ~~submit to the city council~~prepare a budget of the various sums required for the support of the public schools for the ensuing fiscal year in the format provided above,~~and shall thereafter provide the city council with such information relating to such budget as the city council shall require.~~

~~The school board shall hold a~~ budget hearing on such budget estimates ~~shall be held at least seven (7) days~~ prior to ~~determining the total amount of the school budget~~final action by the city council. The city council shall thereafter submit the school budget determined by the school board to a budget validation referendum. If the voters discontinue use of the budget validation referendum process, the city council shall instead submit the school budget to a municipal school budget referendum. The warrant calling the budget validation referendum or the school budget referendum shall include voter information

containing the amount of locally raised funds and the amounts for each cost center summary budget category proposed by the school board.

The city council in its appropriation resolve for the ensuing year shall, in addition to amounts appropriated for other general city purposes, appropriate one gross amount for the support of the public schools, which amount shall equal the greater of (i) the amount adopted by the voters at the school budget referendum and ratified at the budget validation referendum, as necessary, or (ii) not be less than the sum required to be appropriated for such purposes by the general laws of the state. ~~Such gross amount shall not be less than the sum requested by the school board except by a vote of at least six (6) members of the city council.~~ Such appropriation shall be expended under the direction and control of the school board but no such appropriation shall be exceeded except by consent of the voters ~~city council~~. (Referendum 6/13/78; 11/2/10)

JOINT PREPARATION OF THE CAPITAL IMPROVEMENT PLAN, AS PROPOSED BY COMMISSIONER EGLINTON

ARTICLE VI. ADMINISTRATIVE OFFICERS

...

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(i) To jointly prepare with the superintendent a five (5) year rolling capital improvement plan for annual presentation to a joint meeting of the city council and school board, which plan includes the following:

1. A one (1) year plan of specific projects and their cost;
2. A two (2) through five (5) year plan of specific projects and general categories, and amounts of proposed spending and funding sources; and
3. A discussion of the basis for the plan and the factors which went into its development or amendments.

BOND ISSUES

Section 11. Bond issues.

Money may be borrowed, within the limits fixed by the constitution and statutes of the state, now or hereafter applying to Portland, by the issue and sale of bonds or notes pledged on the credit of the city, or on the revenues or assets of the projects financed with the proceeds of such borrowings, the proceeds to be used for the acquisition of land, the construction, reconstruction, major alteration, extraordinary repairs, and equipment of buildings and other permanent public improvements, the purchase of departmental equipment, for economic development to the extent determined by the City Council to serve a valid public purpose, to create reserves to settle workers' compensation obligations, to fund, refund, pay or to create reserves for the payment of the city's unfunded pension fund liabilities and for the payment of refunding bonds, notes and other evidences of indebtedness previously issued, or for any other purpose permitted by state law.

No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in two (2) public places in the City of Portland and publishing such notice at least twice in a newspaper of general circulation in Portland at least two (2) weeks before final action of the city council. In addition, the city council may, in its discretion, provide that such notice shall be published on the city's website and in such other additional media as the city council determines are appropriate to notify the general public of the public hearing.

Any order authorizing the issue of bonds must be approved by vote of at least seven (7) members of the city council, except as set forth in Section 11.A.

Section 11.A. Bond issues for school bonds.

The city council shall submit school project bonds to voter referendum in accordance with this section. When the school

board has voted to propose that the city issue bonds for school construction, renovation, or other capital purposes in an amount that requires the city council to submit an order or resolve to voter referendum by Section 16 of this Charter, the school board shall submit to the city council (i) a description of the project concept and concept budget; (ii) the major components of the project concept budget, including as applicable sums for real estate acquisition, design and other services, construction and site development, equipment, infrastructure, and project contingencies; and (iii) the proposed sources and amounts of funding for the project budget, including project debt. The city council shall order the issuance of bonds for the school project as proposed by the school board, subject to voter ratification of its bond order as provided in Section 16, in an amount sufficient to fund the debt portion of the project concept budget after deduction of issuance and other costs. The city council shall submit its order authorizing the issuance of debt for the project to voter referendum at the next regular city election occurring at least 120 days after the school board has submitted the project concept to the city council or at an earlier election. The city council shall use a separate referendum question to submit its bond order for each school project as proposed, except that if the school board has consolidated school projects into a single concept that it has approved, then the city council shall use a single referendum question to submit its bond order for that consolidated school project as proposed.

SCHOOL BOARD VACANCIES

Section 6. Vacancies.

A vacancy in the membership of the board of public education shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member pursuant to the provision of Article V. The school board shall declare a vacancy in its

membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the school board or at least sixty (60) percent of the regular meetings of the school board held in any one calendar year unless such member shall be excused (by a vote of at least four (4) of the members) for health reasons or other good cause. A member may in writing addressed to the school board resign his or her office effective at a future date specified in the written resignation. Once submitted to the school board, such resignation may not be withdrawn and such member's office shall become vacant on the specified future date.

If a vacancy in the membership of the school board occurs or is declared prior to the next regular municipal election, the vacancy shall be filled at a special election to take place on the same date as the next scheduled municipal or state election which is no less than 127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least six (6) of its members, calls a special election on an earlier date and shortens the time for obtaining and filing nomination petitions established in article IV, section 6. Such election shall be called and held and nominations made as in other elections. If a candidate wins an election for vacancy in the membership of the school board in an election year for which the term expires that November, the candidate does not need to run for re-election again that November but would serve for both the remainder of the existing term and the new three-year term. If a vacancy in the membership of the school board will exceed sixty (60) days, the school board may make an interim appointment until the next election. (Referenda 11/2/76; 11/4/86; 11/2/99; 11/2/10)