



City of Portland Charter Commission Agenda

March 2, 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. 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 use *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/85948854272?pwd=UHBUYzhjdDY5bzVCQXZYdzdSZm1Hdz09>

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2. Approval of the prior meeting minutes

- a. Approval of the Draft February 16, 2022 Education Committee meeting minutes
- 3. Public Hearing, deliberation and vote on Houston Proposal for School Budget Process
 - a. Proposal for School Budget Process
Budget Process Flow Chart
- 4. Public Hearing, deliberation, and vote on proposal for Bonding Authority for School Board
 - a. Proposal for Bonding Authority for School Board
- 5. Public Hearing, deliberation, and vote on Capital Improvement Projects proposal
 - a. Proposal on Capital Improvement Projects proposal
- 6. Public hearing, deliberation, and vote on School Board Vacancies proposal
 - a. Proposal for School Board Vacancies
- 7. New Business
- 8. Adjourn



City of Portland
Charter Commission Ad Hoc
Education Committee Meeting Minutes
February 16, 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. DISCUSSION OF PROPOSALS AND NEXT STEPS
 - HOUSTON presents proposal to improve Portland school governance that looks at school board parity, school board bond process, and school board vacancies.
 - EGLINTON asks for clarification on several parts of the first proposal on school budget preparation.
 - CHANN asks about language for requesting budget information and mention of city manager, whether governance proposals impact that.
 - EGLINTON asks which of the two proposals under consideration will appear first at public hearing for a vote.
 - CHANN suggested merging two proposals rather than having them compete.
- V. PUBLIC COMMENT ON PROPOSALS
 - Cheryl Leeman asked a number of questions around clarity on the process outlined in HOUSTON's proposal, question on if threshold of voter turnout required, and question on whether there would be redistricting similar to council.
 - School Board Chair Emily Figdor addressed some comments made previously, said that if Charter Commission proposes stronger mayor separate from council, joint committee would be duplicative and not needed.
 - Eamonn Dundon from Portland Regional Chamber of Commerce suggested getting clarification from Commission Attorney Katsiaficas on whether joint committee would be considered the municipal legislative body as outlined in state statute.
 - Superintendent Xavier Botana referenced Drummond Woodsum memo that said School Board can be a legislative body.
 - Karen Snyder asks for clarification on transparency on who helped to write the language, asked for sources for benchmarking of other cities/towns, confused by comments made by School Board Chair Figdor, concerned about mayor supplanting council role.
- VI. NEW BUSINESS



- EGLINTON asks if Attorney Katsiaficas can take a look and provide comments on the municipal legislative body question.
- HOUSTON will prepare materials requested by commenters.

VII. ADJOURN

CHANN moves to adjourn. EGLINTON seconds. Roll Call: CHANN, yes. EGLINTON, yes. HOUSTON, yes. Motion passes unanimously. Meeting is adjourned.

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 f~~Following submission of the superintendent's proposed budget to the school board ~~and the city budget to the city council, 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 Committeeschool board and the city council, or their designated subcommittees.~~

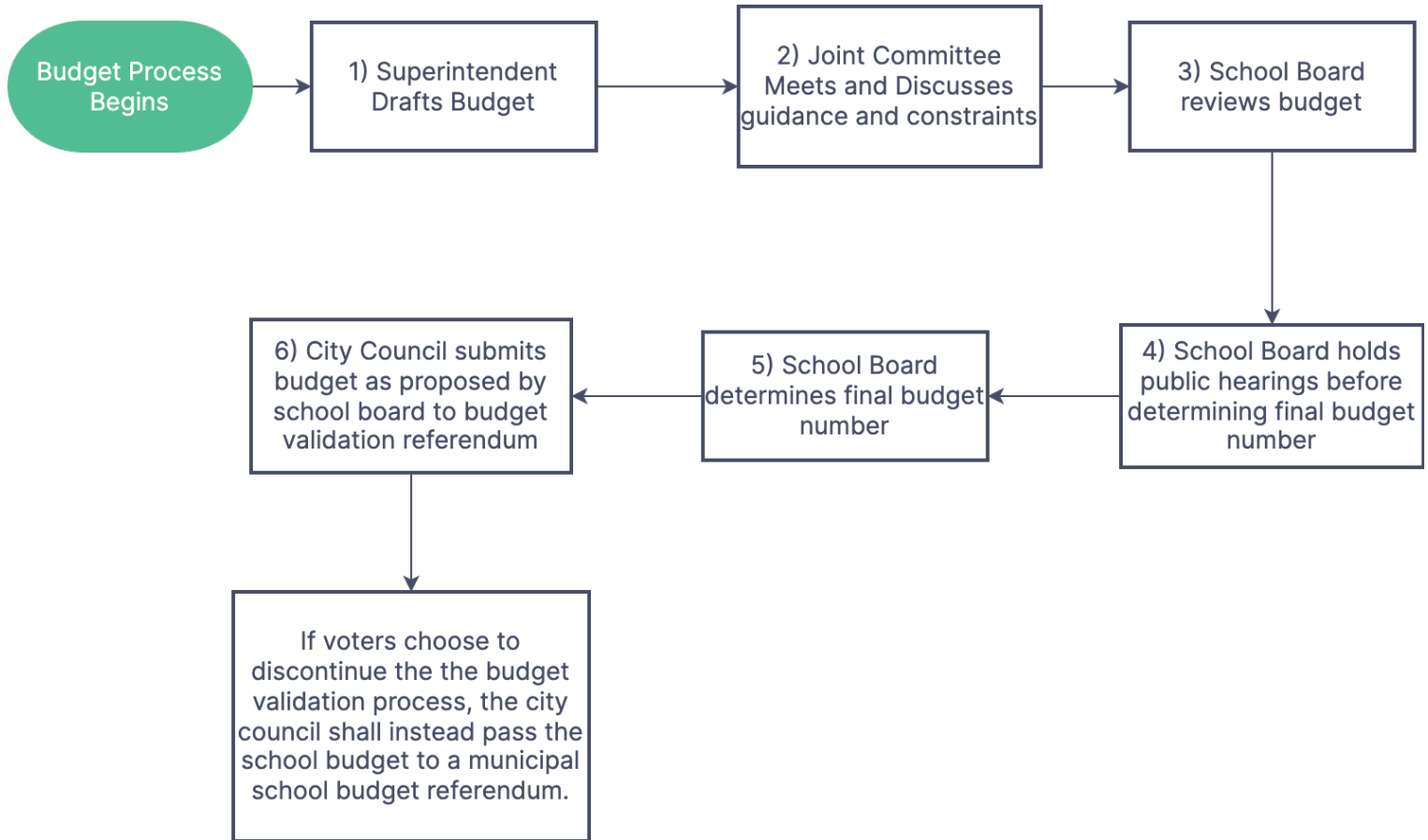
The budget submitted by the superintendent ~~to be reviewed jointly by the school board and the city council~~ shall provide a complete financial plan of all school funds and activities for the ensuing fiscal year. In organizing the school budget for ~~joint~~ review ~~by the school board~~, the superintendent 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~~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)



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.

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.

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)