City of Portland
Charter Commission Agenda

March 23, 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. Zoom Information
   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/81506694378?pwd=Z1J1OUQyTXJGenNvaGFqd0E4d213dz09
      Passcode: 590888
      Or One tap mobile :
      US: +13017158592,,81506694378#,,,,*590888# or +13126266799,,81506694378#,,,,*590888#
      Or Telephone:
      Dial(for higher quality, dial a number based on your current location):
      US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 720 707 2699
      Webinar ID: 815 0669 4378
      Passcode: 590888
      International numbers available: https://us06web.zoom.us/u/keCWkF2OPL

2. Call to Order (6:00-6:05 pm)

3. Review and Approval of Draft March 16, 2022 Meeting Minutes (6:05-6:10 pm)

   a. Approval of the March 16, 2022 Draft Meeting Minutes.

4. Deliberation on Governance Models (6:10-7:50 pm)

   a. Description: Commissioners will deliberate on reforms to the basic structure of Portland's government.
   Relevant document(s).
   a. Commissioner Sheikh-Yousef's governance model proposal
   b. Governance Committee's governance model proposal
   c. Matrix comparison of two models
   d. Commissioner Barowitz's organizational charts
   e. Commissioner Chann's organizational chart
   f. Commissioner O'Brien's governance model
   g. Relevant research and interviews

   Break 7:50-8:30

5. Public Hearing, Deliberations, and vote on Clean Elections proposal from Elections Committee (7:50-8:30)

   a. Description: Commissioners will hold a public hearing, then deliberate and vote on the Clean elections proposal from the Elections Committee
   Relevant document(s)
   a. Clean elections proposal
   b. Cost Estimate
   c. Memo from James Katsiaficas

6. Public Hearing, Deliberations and vote on Redistricting proposal from Elections Committee (8:30-8:55 pm).

   a. Description: Commissioners will hold a public hearing, then deliberate and vote on a Council Redistricting proposal.
   Relevant document(s).
   a. Council District Proposal
   b. Council Structure Data
   c. LWV City Council Makeup
   d. NLC-Cities 101
   e. The Trade offs between At Large and Single member districts
   f. The Effect of At- large Versus District Elections on Racial Representation in U.S. Municipalities
   g. The Context Matters: The effects of Single member versus At-large districts on City Council Diversity
   h. Memo from James Katsiaficas

7. Public Hearing, Deliberations, and vote on Code of Ethics proposal from Procedures Committee (9:00-9:30 pm)

   a. Description: Commissioners will hold a public hearing, then deliverate and vote on a Code of Ethics proposal.

Relevant document(s).
a. Proposal on Code of Ethics

8. Public Hearing, Deliberations and vote on Participatory Budgeting Proposal from Procedures Committee (9:30-10:00)

   a. Description: Commissioners will hold a public hearing, then deliberate and vote on a Participatory Budgeting proposal.

   b. Description: members of the Education Committee will present and field clarifying questions on an amended school budget process. There will be no vote on this proposal.
   Relevant document(s)
   a. Proposal for school budget process

9. First Read of School Budget Process Proposal from Education Committee (10:00-10:05 pm)

   a. Description: members of the Education Committee will present and field clarifying questions on an amended capital improvement program process. There will be no vote on this proposal.
   Relevant document (s)
   a. Proposal for school budget process

10. First Read of Capital Improvement Program Process Proposal from Education Committee (10:05-10:10 pm).

   a. Description: members of the Education Committee will present and field clarifying questions on an amendment capital improvement program process. There will be no vote on this proposal.
   Relevant document(s):
   a. Proposal for capital improvement program process

11. First Read on Revised Governance Proposal

   a. Revised Governance Proposal

12. New Business

13. Adjourn

DRAFT

City of Portland Charter Commission
Meeting Minutes

March 16, 2022 (Remote via Zoom)

1. Zoom Information

The meeting was conducted as a remote meeting by Zoom videoconference in accordance with the Commission's Remote Participation Policy and State law (1 M.R.S. §403-B).

2. Call to Order

Chair Kebede called the meeting to order at 6:00 p.m.
Commissioners present were Barowitz, Chann, Eglinton, Houston, Kebede, Lizanecz, O'Brien, Sheikh-Yousef, Stewart-Bouley, Washburn, and Waxman; Commissioner Buxton, absent. (Quorum established)

3. Review and Approval of Minutes

On motion by Commissioner Eglinton, seconded by Commissioner Waxman, the Commission voted to approve the draft meeting minutes of March 9, 2022 by roll-call vote of 11-0.

4. Deliberation on Governance Models

Commissioners deliberated on reforms to the basic structure of Portland's government. Two facilitators, Samaa Abdurragib and Hilary North-Ellasante, guided the Commissioners' discussion. The Commissioners took a series of non-binding straw poll votes to assess the level of consensus for various elements of a governance model.

a. **Mayor as City's Chief Executive Officer.** Chair Kebede began the discussion by moving that the Commission take a straw poll vote as to whether the Chief Executive Officer of the City of Portland is its elected Mayor and that Portland has a chief administrative officer, seconded by Commissioner Washburn. He explained this was a way to establish consensus on a basic topic and to enable further discussion. Commissioner O'Brien asked to clarify that the straw poll vote was as to whether the City's chief executive officer should be the mayor or a city manager, and Commissioner Kebede agreed this was the effect of the question. Commissioner Chann sought to add that the Mayor would have oversight over and the support of the city manager or another person with professional managerial and financial expertise, to have assurance that there

would be professional management; after discussion, the vote on the motion proceeded without amendment. As to whether to hold the straw poll vote, the motion passed by vote of 10-1 (O'Brien). As to the straw poll vote on whether the Chief Executive Officer of the City of Portland is its elected Mayor and that Portland has a chief administrative officer, the Commissioners voted 7 yes (Kebede, Washburn, Barowitz, Lizanecz, Sheikh-Yousef, Houston, and Chann) and 4 no (Eglinton, O'Brien, Stewart-Bouley, and Waxman).

b. **Mayor's Powers.** Commissioner O'Brien stated that to him, the big question is unilateralism – can the mayor act unilaterally, without council ratification or vote, and when? The Commissioners then began reviewing the potential powers of an executive mayor.
   1) Hiring and Firing. Commissioner Lizanecz moved for a straw vote poll that the executive mayor be granted authority to unilaterally hire and fire City staff; Commissioner O'Brien seconded. Commissioner Washburn preferred such authority be limited to department heads only, since staff are subject to union agreements or are subject to the civil service system and personnel policies. Commissioner Barowitz wanted to exempt from the motion the mayor's unilateral authority to hire the mayor's own staff, such as a chief of staff, political director, and constituent services person – to be able to hire/fire trusted advisors. After refinement by Commissioners Washburn and Lizanecz, the motion was to take a straw poll vote whether the mayor shall not be granted unilateral authority to hire and fire department heads and the city manager. As to whether to hold the straw poll vote, the motion passed by vote of 10-1 (Sheikh-Yousef). As to the straw poll vote on whether the mayor shall not be granted unilateral authority to hire and fire department heads and the city manager, the Commissioners voted 9 yes (Kebede, Eglinton, Barowitz, Lizanecz, O'Brien, Stewart-Bouley, Waxman, Houston, and Chann) and 2 no (Washburn, Sheikh-Yousef).
   2) Prepare Budget. Commissioner Sheikh-Yousef moved for a straw vote poll that the executive mayor be granted authority to draft/prepare the City's annual budget; Commissioner Washburn seconded. The Commissioners voted 8 yes (Kebede, Washburn, Sheikh-Yousef, Barowitz, Lizanecz, Stewart-Bouley, Houston, and Chann) and 3 no (Eglinton, Waxman, O'Brien) to approve the motion.
   3) Date of Mayor's Election. Commissioner Barowitz noted that the mayor currently s elected in an off-year election, and suggested there would be more voter interest and participation in that election if it were held in a presidential election year. Therefore, he moved for a straw vote poll that the election of the executive mayor be held in a presidential election year; Commissioner Houston seconded. The Commissioners voted 9 yes (Kebede, Washburn, Sheikh-Yousef, Eglinton, Barowitz, Lizanecz, Stewart-Bouley, Houston, and Chann) and 2 no (Waxman, O'Brien) to approve the motion.

5. First read of Redistricting proposal from Elections Committee

Members of the Elections Committee presented and fielded clarifying questions on a Council Redistricting proposal. There was no vote on this proposal.

Commissioner Chann presented the Elections Committee proposal, which features a 13-member City Council, with 10 district seats and 3 at-large seats. The Council members would elect a chair or president. He explained that an odd number of councilors was chosen to avoid tie votes, and that the increase in numbers of councilors is intended to better align issues and districts for more effective representation. He, Commissioner Washburn, and the Commission recognize the ongoing issues political scientists report in the literature, with at-large seats promoting gender equality and district seats promoting racial and ethnic diversity, and they decided to bring these issues to the Commission to resolve. Commissioner Stewart-Bouley asked about the possibility of a Peaks Island council seat; however, given the population of the Island, the population of Portland and the one person-one vote constitutional requirement, it appears that doing so would require many more councilors to accomplish. Commissioners asked about how districts currently are determined and what legal standards apply, and Chair Kebede asked if increases in City Council district seats necessarily require an increase in School Board seats – the commission's legal advisor will respond.

6. New Business

Chair Kebede shared a document from the City's Finance Director showing that the Commission to date has spent approximately $36,500 of its $75,000 budget. Several Commissioners inquired whether the legal fees should be counted in that budget, and the Chair said he would investigate. The Executive Committee will obtain quotes on the cost of outside legal counsel to provide an opinion and the required final report letter on the Universal Resident Voting proposal.

7. Adjourn

On motion by Commissioner Sheikh-Yousef, seconded by Commissioner Houston, the Commission voted to adjourn by roll-call vote of 11-0. Meeting adjourned at 10:22 p.m.

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 Svara, 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

THE	VOTERS				**PLAN PROS**
					Least fiscal impact
ELECT THE LEGISLATIVE ARM					Council retains most control over fiscal impact
					Mayor's powers/duties/influence strengthened and clarified
CITY COUNCIL	MAYOR				Allows Mayor to develop policy proposals in public
9 Districts	President of the Council				Allows Mayor to oversee management of the city
2 At-Large	Votes only in case of a tie				Prevents the Mayor from acting unilaterally
At-Large/Mayor run as ticket;	Appoints Council committees				Does not isolate Mayor from Council
Individual councilors may	Directs draft City Budget				Prevents potential Mayor-Council President power clash
introduce proposal(s) for vote;	Issues Council agendas in compliance with Council rules				Reduces Manager-Council bypassing the Mayor
Individual councilor may	Advises and consents to Manager's department head nominations before vote by Council				Reduces Manager's influence on Council
sponsor public proposal	Meets regularly with Manager re: Council policy implementation/coordinate messaging/ID lobbying needs				Reduces Manager's role in policy development
for vote by council rules;	Participates in Councilor-Manager meetings (eg, committee chairs meet periodically with manager)				Allows for more change agents: mayor, councilors, and public
Holds public hearing for	Chairs Manager's Annual Review / May call executive session of Council to discuss performance				Eliminates duplication/confusion of managerial powers
referendum campaigns	Sits on City's Economic Development Team				Reduces gatekeeping of city services/information
	May form *public* task force by right with staffing support for any issue not taken up by Council				Provides way for mayor/council/public to examine gov't conduct
	Portland's lobbyist in Augusta/Washington				Reduces costs/effort to run at-large by running as a ticket
	Official spokesperson for City and Council				Reduces "mandate" conflict between mayor/at-large councilors
					Reduces number of councilors competing on ballot for mayor
OVERSEE CITY OFFICES					Mayor elected with two allies on Council
CITY MANAGER	OFFICE OF INFORMATION	CITY CLERK	CORP. COUNSEL		
	Communications				
	Constituent Services				
	FOIA Requests				
	Meeting Noticing				
	Councilor requests for docs/clarifying questions for staff (according to council rules)				
STAFFS REVIEW BOARDS					
	OVERSIGHT COMMISSION			CIVILIAN POLICE REVIEW BOARD	
	Renders advisory opinions to Council by request on:			As detailed in independent proposal	
	Adherence to Rules / Procedures / Ordinances / Charter				
	Offers Second Legal Opinions by request				
	Offers Second Opinions on Conflict of Interest by request				
	Evaluates Program Delivery & Effectiveness by request				
	Receives Annual Finance Audit Report, Forwards to Council				
	Receives & Refers Malfeasance Complaints, Reviews How Handled				
	Receives & Refers Whistleblower Complaints, Reviews How Handled				
	Staff research support by Office of Information				
	Staff report writing support by Corporation Counsel's Office				
	May request funding from Council for independent investigators				
	Mayor may submit formal requests				
	Council may submit requests by majority vote				
	Two councilors may submit formal requests				
	Staff may submit whistleblower complaints				
	Public may submit formal requests by signature thresholds				
	7 members appointed by council				
	3-year terms, 3 terms max				
	At least 3 volunteer attorneys as members on commission				

CHANN/LIZANECZ/STEWART-BOULEY TWO-BRANCH COMPROMISE FRAMEWORK

EXECUTIVE + ADMINISTRATION | **LEGISLATIVE + OVERSIGHT**

EXECUTIVE

LEGISLATIVE

ELECTED OFFICIALS

MAYOR ← POLICY → COUNCIL

Can propose policies to Council, gives State of City Address

Prepares and presents City Budget

Oversees implementation of policies set by Council, City Manager, and implementation of City Budget

Can be removed by 2/3 majority of Council

Elects Chairperson

Any councilor can propose policy

Votes on and adopts City Budget

Provides oversight of City Executive, Constitutional Officers, and Administration on behalf voters through Ombudsman

CONSTITUTIONAL OFFICERS

Joint Exec/Leg Committee Nominates, Council Confirms and Appoints
Join Exec/Leg Committee Recommends Dismissal, Council Confirms Dismissal

Reports to ↑

CITY MANAGER

Supports Mayor in managing implementation of policies set by Council and implementation of City Budget

Manages day-to-day operations of the city and oversees department heads and staff

Supports Mayor in preparation of City Budget; oversees and coordinates preparation of departmental budgets

CITY ATTORNEY

Advises Mayor and Council and represents the City in legal matters

CITY CLERK

Manages scheduling, notice, public meetings

Manages and oversees elections

Reports to ↑

OMBUDSMAN

Assists the Council in providing Constituent Services

Coordinates fulfillment of FOIA and information requests

Investigates complaints and reports to Ethics Commission or Council for actiom

Enforces conflicts of interest policies and ordinances

ADMINISTRATION

OVERSIGHT

CITY ADMINISTRATION ↔ CITY BOARD & COMMITTEES

Joint Exec/Leg Committee Nominates Department Heads, Council Confirms and Appoints
Department Heads manage hiring and firing of staff; no unilateral hiring/firing by Mayor

Joint Exec/Leg Committee Nominates Appointments, Council Confirms and Appoints

FIRE DEPARTMENT	POLICE DEPARTMENT	POLICE REVIEW BOARD
PERMITTING & INSPECTIONS	PLANNING AND URBAN DEV	HISTORIC PRESERVATION, RENT BOARD
HOUSING & ECONOMIC DEV	SUSTAINABILITY OFFICE	PLANNING BOARD, ZONING BOARD OF APPEALS
		CDBG ALLOCATION COMM., PORTLAND DEV CORP
		RENTAL HOUSING ADVISORY
HEALTH & HUMAN SERVICES		CONTINUUM OF CARE, EMERGENCY SHELTER
		DISABILITY ADVISORY
PUBLIC WORKS	JETPORT	PARKS COMMISSION, SOUND OVERSIGHT
PARKING	PARKS & RECREATION	PUBLIC ART COMMITTEE, PESTICIDE MANAGEMENT
		LAND BANK COMMISSION
ASSESSOR	HUMAN RESOURCES	ASSESSMENT REVIEW, CIVIL SERVICE COMMISSION
FINANCE	INFORMATION TECHNOLOGY	

Portland's Current Distribution of Powers & Authority Compared to Proposals for Change

Powers & Authority	Current Portland Charter	Governance Committee Proposal	Shiekh-Yousef Proposal
1) Who is the Chief Executive Officer?	City Manager	City Manager	Mayor
2) Who has policy making authority?	City Council	City Council; Mayor has special right to form staffed public task force on policy not taken up by Council Committee.	City Council; Mayor can propose policy to Council, which would be required to consider and vote on it.
3) Who oversees policy implementation?	City Manager	City Manager	Mayor
4) Who are the top city officials?(note 1)	City Manager, City Clerk, Corporation Counsel	City Manager, City Clerk, Corporation Counsel, Chief of Staff (note 2)	City Administator, City Clerk, Corporation Counsel, Public Advocate (note 3)
5) What is the process for filling top city official positions	Mayor chairs committee with at least 2 other Council members to nominate City Manager, Clerk, and Corporate Counsel. Council confirms by majority vote.	Same as current for City Manager, Clerk, Counsel, and Chief of Staff	Public Advocate is elected. Clerk and Counsel nominated by Public Advocate. Administrator nominated by Mayor. Council confirms all by majority vote.
6) What is the process for removing top city officials	Mayor-chaired 3 person Council Committee may recommend removal; Council approves by majority vote.	No change	Public Advocate may recommend removal of City Clerk or Corporate Counsel; Council must approve with 2/3rds vote. City Administrator serves at will of the Mayor. Public Advocate may be removed by citizen's recall.
7) Who manages day to day operations of city affairs?	City Manager	City Manager	City Administrator under direct supervision of Mayor
8) How are Department Heads hired/supervised/ removed?	City Manager nominates, Council approves. Heads serve at will of the City Manager.	no change	Mayor nominates, Council approves; department heads serve at will of the Mayor.

Powers & Authority	Current Portland Charter	Governance Committee Proposal	Shiekh-Yousef Proposal
9) Is mayor a member of Council? If yes, does mayor have a vote?	Mayor is voting member and chairs the Council.	no change	Mayor is not a member. Council elects its own President from amongst its members.
10) Who Creates and Appoints members to Council Committees?	Mayor, but council may override with 2/3 vote.	no change	President of Council can create committees and appoint members.
11) Who appoints members of city boards and commissions?	Council	no change	PA nominates; Council approves/ rejects by majority vote.
12) Who has authority for preparing/ approving Municipal Budget	City Manager prepares with "guidance" from Mayor; Council approves.	Mayor prepares with assistance from Manager; Council approves.	Mayor prepares with assistance of Administrator; Council approves.
13) Who has authority for preparing/ approving School Budget?	School Board/Superintendent with guidance from Council; approval by Council and then by voters.	no change	Mayor prepares with School Board Chair and Superintendent; School Board approves and sends to voters; no Council vote.
14) Can Mayor veto the municipal budget approved by the Council?	Yes Override requires 6 (of 8) votes. Mayor does not vote.	No	Yes; 75% majority needed to override veto.
15) Can Mayor veto other Council decisions?	No	No	Yes -- full veto power over all policies, ordinances, orders, expenditures, etc.; Council requires 75% vote to override.
16) How long does the Mayor serve in office?	4 years	4 years	4 years, corresponding with Presidential election years
17) Are their mayoral term limits?	3 terms	3 terms	2 terms
18) Can Mayor be removed before term is over?	Via citizens' recall	Via citizens' recall	Via citizens' recall

Powers & Authority	Current Portland Charter	Governance Committee Proposal	Shiekh-Yousef Proposal
19) Have new powers/authority been proposed for non-city officials	Not applicable	Charter Arbitration Panel (note 4) and required City Council hearing for Referendum Advocates (note 5). Council required to develop procedures through which citizens may formally propose policies for council consideration (note 6).	None

Notes:

1) For purposes of this chart, current top city officials (other than mayor) include the city manager/administrator, city clerk, and corporate counsel as these are often in a town's Charter. New top positions proposed include a Chief of Staff and a Public Advocate.

2) Duties of proposed Chief of Staff: coordinate Council staffing need; receive and track constituent services and FOIA requests; post notices of city meetings and post all materials.

3) Duties of proposed Public Advocate: serve as independent ombudsman to improve city government. Provide outside review of city agencies, investigate citizen complaints, and make proposals for improvement to Mayor and Council. Respond to FOIA requests. Serves as Mayor in case of vacancy or incapacity of elected Mayor.

4) Arbitration panel will convene when called to act by City Council to interpret Charter language and provide a formal decision. Panel to consist of 3 members from previous Charter Commission.

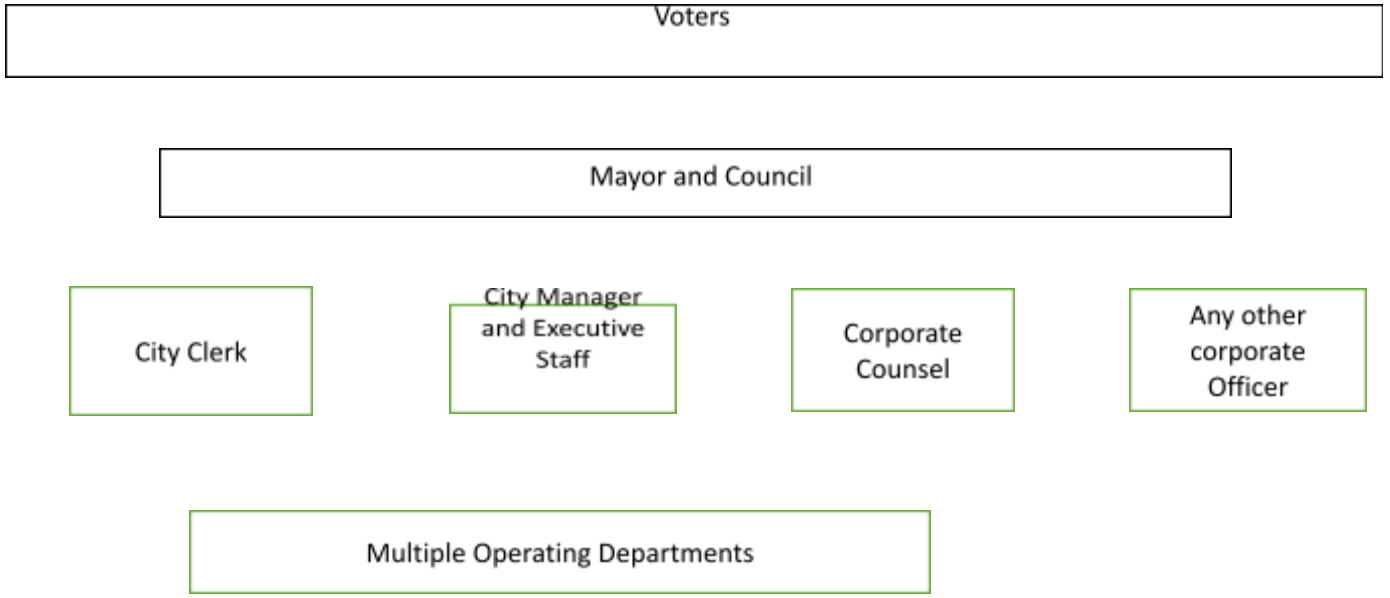
5) When a referendum campaign has collected 2/3 of the required signatures, City Council will be required to hold a public hearing.

Structural Examination of Systems of City Government

A Visual Representation of the Elements of City Government

Submitted by Zack Barowitz, D3

One Branch



Defining Characteristics

1) Council has all executive, legislative, and oversight powers.
2) Mayor is head of Council, sets meeting agendas, and typically has some other legislative powers no other council member has.
3) All (most) executive powers delegated by Council to an appointed City Manager

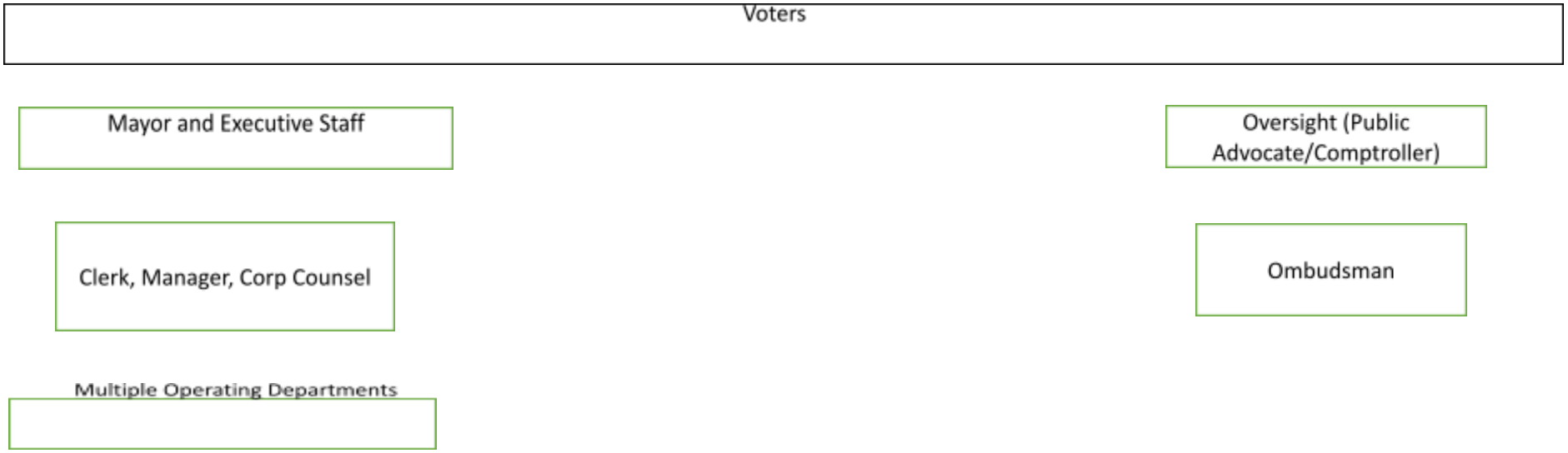
Often Cited Advantages of this form

a) Executive decisions are made by a professionally trained expert in city management
b) CEO is not influenced by political considerations relating to his/her own electoral interests
c) CEO devotes more time to administrative functions including policy implementation than to policy development
d) No interbranch divisiveness and maximal congruence between policy development and policy implementation

Often Cited Disadvantages of this form

a) CEO is not accountable to the voters, a fundamental disconnect with the principle that government decision-makers should be accountable to the people they serve.
b) No direct incentive for CEO to be responsive to individual citizen or interest group concerns
c) Little to no incentive for meaningful oversight of government agencies, programs, and policies or individual behavior of corporate officers

One Branch + Elected Oversight



Defining Characteristics

1) Single branch for legislative & administrative
2) Oversight branch has investigatory and advisory powers but not adjudicative ones

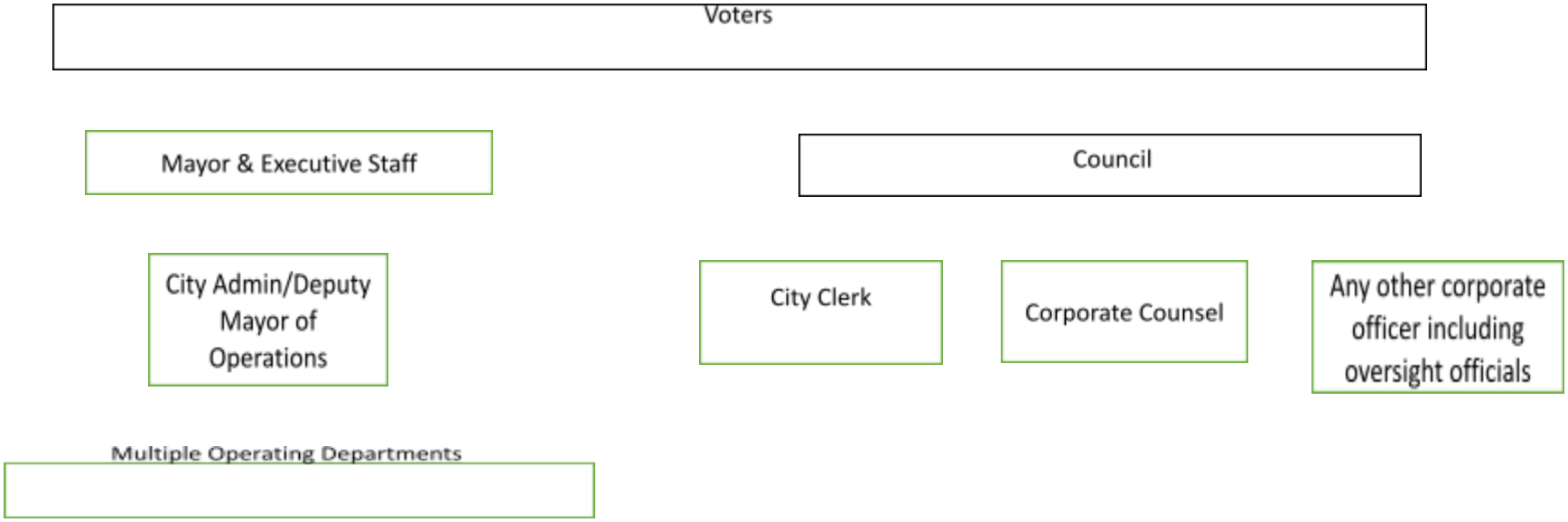
Often-cited Advantages of this form

a) Branch dedicated to government oversight will lead to more comprehensive investigation and reporting of how city government is functioning
b) Independence of oversight branch reduces influence of other government officials in determination of what is investigated/researched, what recommendations are made, and what final reports actually say
c) Independent branch dedicated to reviewing operations of city government is best place to house “ombudsman” providing non-judicial recourse for citizens dissatisfied with executive and/or legislative branch decisions

Often-cited Disadvantages

a) Single branch gives less authority to elected officials

Two Branches



Defining Characteristics

1) Separate branches for executive and legislative functions
2) Mayor not a member of the Council

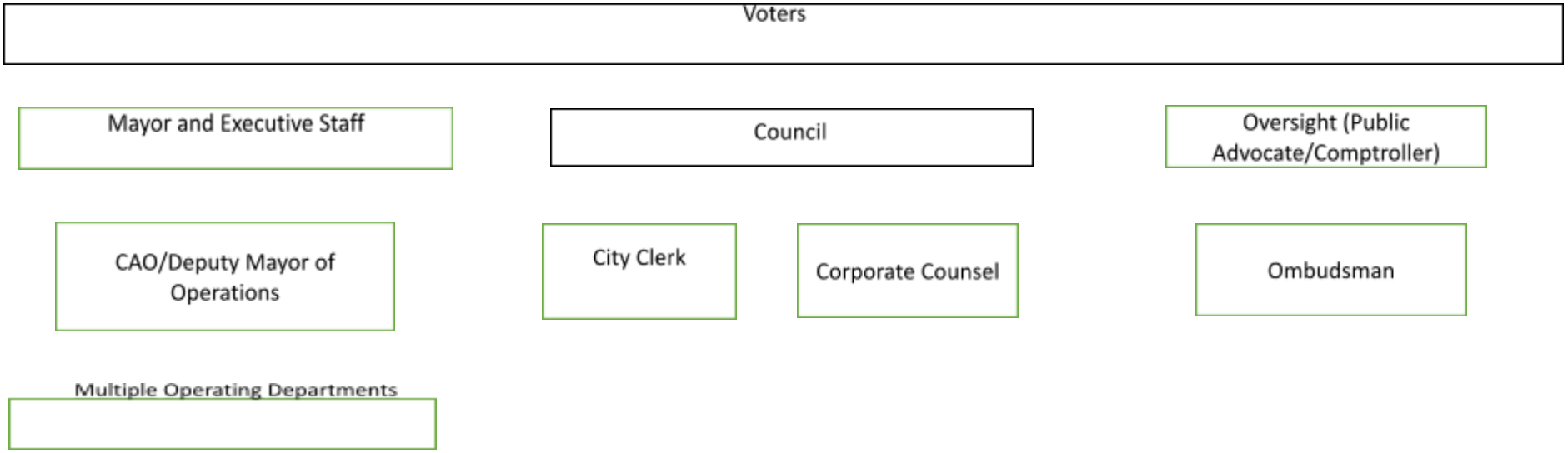
Often Cited Advantages of this form

a) Leaders responsible for executive and legislative functions are directly accountable to voters
b) Leaders of both branches have electoral incentives to be responsive to individual citizens and interest groups
c) Checks and balances between both branches, including legislative branch oversight of city agencies, are typically built-in

Often Cited Disadvantages

a) CEO (Mayor) typically has little to no city management experience
b) Potential politicization of city services
c) Interbranch divisiveness has tendency to develop

Three Branches



Defining Characteristics

3) Separate branches for executive, legislative, and government oversight functions, each with elected leaders
4) Oversight branch has investigatory and advisory powers but not adjudicative ones
5) Public Advocate position tends to be breeding ground for individuals with ambitions for higher office

Often-cited Advantages of this form

d) Branch dedicated to government oversight will lead to more comprehensive investigation and reporting of how city government is functioning
e) Independence of oversight branch reduces influence of other government officials in determination of what is investigated/researched, what recommendations are made, and what final reports actually say
f) Independent branch dedicated to reviewing operations of city government is best place to house "ombudsman" providing non-judicial recourse for citizens dissatisfied with executive and/or legislative branch decisions

Often-cited Disadvantages

b) Additional branch increases likelihood of interbranch divisiveness

Evaluation of the systems based on goals, values, and anticipated outcomes.

Because values are more easily agreed upon than methods, I think a consideration of goals is a good place to start. My current thinking on structure of government is to test various models against various values, goals, and expected outcomes.These could include:

- Responsiveness of government to constituent needs–*and* to change, innovation, and unexpected events
- Efficient administration
- Provide avenues for public recourse
- Transparent oversight/daylight to minimize waste, fraud, and abuse
- Empower the legislative/elected body
- Mitigate red tape
- Increase public participation

NB: *This is presented for the sake of illustration not necessarily as a methodological framework.*

Example:

	Current System (One Branch)	Enhanced One Branch	One Branch w/elected oversight	Two Branches: Council-Mayor	Thee Elected Branches: Council-Mayor-Oversight
Efficient Admin					
Empowered Elected Officials					
Public/Transparent Oversight					
Avenues for Public Recourse					
Cost					

Proposed Process for Commission Decision Making

1) Using the above charts, commissioners discuss how many branches Portland's government should have

2) At the end of discussion, a straw-vote is taken on the above question.

3) After straw vote is taken, the Powers/Authority Matrix is used to flesh out the specific powers of the officers in whichever government form has won the most votes. A "Commission Proposal" Column has been added to the previous Matrix to facilitate this "fleshing out". All of the cells in that column are currently blank. Some will be filled in as a result of the above straw-vote (i.e., who is the CEO? And who manages day-to-day operations of city staff?). The Commissioners will then proceed (row by row) to decide how to complete each unfilled cell in the Commission Proposal Column, picking from what's been proposed in the other columns for each row or coming up with some other option entirely. After discussing all the options for each row, further straw-votes would be taken on what goes into each blank cell.

4) After all cells are completed on a straw-vote basis, the Commissioners would then take a final vote on what is contained in the Commission Proposal column as a whole. Presumably some commissioners may disagree with how some of the cells have been completed, but they may still decide to vote in favor of the Commission Proposal as a whole.

Note: To speed up the process described in (3) above, one idea is to give each commissioner their own matrix and have them complete each blank cell themselves. Then all the individual responses could be tabulated (anonymously) to see how much agreement or disagreement there is in terms of each cell. Cells where there is substantial disagreement would (presumably) be the place where discussion and debate would begin.

[NB: This process in particular, and much of the work on this document generally, was developed by Valerie Kelly and Phil Steele, who worked in close collaboration with Cmsr. Barowitz.]

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

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- 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 though 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.

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- 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 Svara said the National Civic League's *Model City Charter* endorses the council manager form of government.
- Dr. Svara 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. Svara 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.

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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]

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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. 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.

Forms of government for the largest city of every state			
State	**Largest City**	**Population**	**Chief Executive**
Vermont	**Burlington**	42,899	**Mayor**
West Virginia	**Charleston**	47,215	**Mayor**
Wyoming	**Cheyenne**	63,957	**Mayor**
Maine	Portland	66,417	Manager
Delaware	**Wilmington**	70,635	**Mayor**
New Hampshire	**Manchester**	112,525	**Mayor**
Montana	**Billings**	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.			

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).

Portland Maine Yes. Google's good here.

Marpheen Chann <mchann@portlandmaine.gov>

Clean Elections Position in the clerks office

Katherine Jones <klj@portlandmaine.gov> Tue, Jan 11, 2022 at 3:56 PM
To: Marpheen Chann <mchann@portlandmaine.gov>

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)	**$18.1800**	**$18.7300**	**$19.2900**	**$19.8700**	**$20.4600**	**$21.0700**	**$21.7200**	**$22.3600**	**$23.0300**	**$23.7300**	**$24.4300**
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)	**$19.8300**	**$20.4300**	**$21.0400**	**$21.6800**	**$22.3200**	**$22.9900**	**$23.6800**	**$24.3900**	**$25.1200**	**$25.8800**	**$26.6600**
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)	**$21.4800**	**$22.1300**	**$22.8000**	**$23.4800**	**$24.1800**	**$24.9100**	**$25.6500**	**$26.4300**	**$27.2100**	**$28.0300**	**$28.8800**
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)	**$23.5500**	**$24.2700**	**$24.9900**	**$25.7400**	**$26.5100**	**$27.3100**	**$28.1200**	**$28.9700**	**$29.8400**	**$30.7400**	**$31.6600**
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)	**$26.0300**	**$26.8200**	**$27.6200**	**$28.4500**	**$29.3000**	**$30.1800**	**$31.0800**	**$32.0300**	**$32.9800**	**$33.9700**	**$35.0000**
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)	**$26.0300**	**$26.8200**	**$27.6200**	**$28.4500**	**$29.3000**	**$30.1800**	**$31.0800**	**$32.0300**	**$32.9800**	**$33.9700**	**$35.0000**
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	***$1,173.52***	***$1,208.69***	***$1,245.04***	***$1,282.54***	***$1,320.79***	***$1,360.56***	***$1,401.12***
Annual (A)	**$61,023.00**	**$62,852.00**	**$64,742.00**	**$66,692.00**	**$68,681.00**	**$70,749.00**	**$72,858.00**
2022 BAND C42 (37.5)	$32.8645	$33.8435	$34.8539	$35.9040	$36.9755	$38.0973	$39.2395
Period / Weekly	***$1,232.42***	***$1,269.13***	***$1,307.02***	***$1,346.40***	***$1,386.58***	***$1,428.65***	***$1,471.48***
Annual (A)	**$64,086.00**	**$65,995.00**	**$67,965.00**	**$70,013.00**	**$72,102.00**	**$74,290.00**	**$76,517.00**
2024 BAND C43 (37.5)	$34.5067	$35.5368	$36.6083	$37.6989	$38.8317	$40.0045	$41.1979
Period / Weekly	***$1,294.00***	***$1,332.63***	***$1,372.81***	***$1,413.71***	***$1,456.19***	***$1,500.17***	***$1,544.92***
Annual (A)	**$67,288.00**	**$69,297.00**	**$71,386.00**	**$73,513.00**	**$75,722.00**	**$78,009.00**	**$80,336.00**
2026 BAND C44 (37.5)	$36.3939	$37.4851	$38.6072	$39.7701	$40.9632	$42.1872	$43.4517
Period / Weekly	***$1,364.77***	***$1,405.69***	***$1,447.77***	***$1,491.38***	***$1,536.12***	***$1,582.02***	***$1,629.44***
Annual (A)	**$70,968.00**	**$73,096.00**	**$75,284.00**	**$77,552.00**	**$79,878.00**	**$82,265.00**	**$84,731.00**
2030 BAND C45 (37.5)	$39.0155	$40.1883	$41.4021	$42.6360	$43.9211	$45.2373	$46.5835
Period / Weekly	***$1,463.08***	***$1,507.06***	***$1,552.58***	***$1,598.85***	***$1,647.04***	***$1,696.40***	***$1,746.88***
Annual (A)	**$76,080.00**	**$78,367.00**	**$80,734.00**	**$83,140.00**	**$85,646.00**	**$88,213.00**	**$90,838.00**
2032 BAND C51 (37.5)	$36.3939	$37.4851	$38.6072	$39.7701	$40.9632	$42.1872	$43.4517
Period / Weekly	***$1,364.77***	***$1,405.69***	***$1,447.77***	***$1,491.38***	***$1,536.12***	***$1,582.02***	***$1,629.44***
Annual (A)	**$70,968.00**	**$73,096.00**	**$75,284.00**	**$77,552.00**	**$79,878.00**	**$82,265.00**	**$84,731.00**
2034 BAND C52 (37.5)	$39.0155	$40.1883	$41.4021	$42.6360	$43.9211	$45.2373	$46.5835
Period / Weekly	***$1,463.08***	***$1,507.06***	***$1,552.58***	***$1,598.85***	***$1,647.04***	***$1,696.40***	***$1,746.88***
Annual (A)	**$76,080.00**	**$78,367.00**	**$80,734.00**	**$83,140.00**	**$85,646.00**	**$88,213.00**	**$90,838.00**
2040 BAND D61 (37.5)	$41.3611	$42.5955	$43.8701	$45.1861	$46.5432	$47.9501	$49.3784
Period / Weekly	***$1,551.04***	***$1,597.33***	***$1,645.13***	***$1,694.48***	***$1,745.37***	***$1,798.13***	***$1,851.69***
Annual (A)	**$80,654.00**	**$83,061.00**	**$85,547.00**	**$88,113.00**	**$90,759.00**	**$93,503.00**	**$96,288.00**
2042 BAND D62 (37.5)	$43.4216	$44.7272	$46.0632	$47.4405	$48.8784	$50.3373	$51.8467
Period / Weekly	***$1,628.31***	***$1,677.27***	***$1,727.37***	***$1,779.02***	***$1,832.94***	***$1,887.65***	***$1,944.25***
Annual (A)	**$84,672.00**	**$87,218.00**	**$89,823.00**	**$92,509.00**	**$95,313.00**	**$98,158.00**	**$101,101.00**
2044 BAND D63 (37.5)	$45.5939	$46.9611	$48.3789	$49.8168	$51.3165	$52.8565	$54.4373
Period / Weekly	***$1,709.77***	***$1,761.04***	***$1,814.21***	***$1,868.13***	***$1,924.37***	***$1,982.12***	***$2,041.40***
Annual (A)	**$88,908.00**	**$91,574.00**	**$94,339.00**	**$97,143.00**	**$100,067.00**	**$103,070.00**	**$106,153.00**
2047 BAND D64 (37.5)	$49.7760	$51.2651	$52.8056	$54.3968	$56.0184	$57.7016	$59.4360
Period / Weekly	***$1,866.60***	***$1,922.44***	***$1,980.21***	***$2,039.88***	***$2,100.69***	***$2,163.81***	***$2,228.85***
Annual (A)	**$97,063.00**	**$99,967.00**	**$102,971.00**	**$106,074.00**	**$109,236.00**	**$112,518.00**	**$115,900.00**
2045 BAND D65 (37.5)	$51.5611	$53.1117	$54.7032	$56.3445	$58.0379	$59.7827	$61.5672
Period / Weekly	***$1,933.54***	***$1,991.69***	***$2,051.37***	***$2,112.92***	***$2,176.42***	***$2,241.85***	***$2,308.77***
Annual (A)	**$100,544.00**	**$103,568.00**	**$106,671.00**	**$109,872.00**	**$113,174.00**	**$116,576.00**	**$120,056.00**
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	***$2,049.44***	***$2,111.02***	***$2,174.52***	***$2,239.54***	***$2,306.48***	***$2,376.10***	***$2,447.23***
Annual (A)	**$106,571.00**	**$109,773.00**	**$113,075.00**	**$116,456.00**	**$119,937.00**	**$123,557.00**	**$127,256.00**
1102 BAND E82 (37.5)	$57.3851	$59.0989	$60.8840	$62.7099	$64.5765	$66.5245	$68.5235
Period / Weekly	***$2,151.94***	***$2,216.21***	***$2,283.15***	***$2,351.62***	***$2,421.62***	***$2,494.67***	***$2,569.63***
Annual (A)	**$111,901.00**	**$115,243.00**	**$118,724.00**	**$122,284.00**	**$125,924.00**	**$129,723.00**	**$133,621.00**
1103 BAND E83 (37.5)	$60.2517	$62.0568	$63.9235	$65.8307	$67.8099	$69.8499	$71.9411
Period / Weekly	***$2,259.44***	***$2,327.13***	***$2,397.13***	***$2,468.65***	***$2,542.87***	***$2,619.37***	***$2,697.79***
Annual (A)	**$117,491.00**	**$121,011.00**	**$124,651.00**	**$128,370.00**	**$132,229.00**	**$136,207.00**	**$140,285.00**
1104 BAND E92 (37.5)	$68.1467	$70.1867	$72.2973	$74.4600	$76.6939	$78.9995	$81.3656
Period / Weekly	***$2,555.50***	***$2,632.00***	***$2,711.15***	***$2,792.25***	***$2,876.02***	***$2,962.48***	***$3,051.21***
Annual (A)	**$132,886.00**	**$136,864.00**	**$140,980.00**	**$145,197.00**	**$149,553.00**	**$154,049.00**	**$158,663.00**

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.

MCCE
MAINE CITIZENS FOR CLEAN 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.

MCCE
MAINE CITIZENS FOR CLEAN ELECTIONS

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

MCCE
MAINE CITIZENS FOR CLEAN ELECTIONS

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

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.

PERKINS THOMPSON

MEMORANDUM

To: Portland Charter Commission

From: Jim Katsiaficas

Date: March 22, 2022

Re: Legal Issues – Charter Revision Question(s); Districting Questions

At a recent Charter Commission Meeting, Commissioner O'Brien asked who decides whether and how to organize charter commission revisions into one or more ballot questions. The answer is that the Charter Commission determines this by majority vote. Title 30-A M.R.S. §2105(1)(A) provides "A. If the charter commission, in its final report under section 2103, subsection 5, recommends that the present charter continue in force with only minor modifications, those modifications may be submitted to the voters in as many separate questions as the commission finds practicable. The determination to submit the charter revision in separate questions under this paragraph and the number and content of these questions must be made by a majority of the charter commission."

Commissioners have asked how City Council districts currently are determined and what legal standards apply, and asked if increases in City Council district seats necessarily require an increase in School Board seats.

Article II, Section 1 of the current Charter provides for the division of the City into five districts for purposes of all City elections:

> For the purpose of all elections the city, including its islands, shall be divided into five (5) districts to establish compact and contiguous districts of approximately equal population.
>
> The city council for voting purposes may by ordinance divide the election districts into voting districts.

The number of both City Council and School Board district seats are based on this provision. Article II, Section 2 provides for election of one City councilor to "be elected from each of the five (5) districts heretofore provided for [in Article II, Section 1]." Article III, Section 1 provides for five School Board members to be elected from each of the five districts established under Article II, Section 1.

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State law (30-A M.R.S. §2503) requires municipalities that have districts to reapportion their districts through enactment of a reapportionment ordinance by the municipal legislative body within one year after the Maine Legislature completes its reapportionment, which follows each decennial national census. In that reapportionment, "Each district must contain as nearly as possible the same number of inhabitants as determined according to the latest Federal Decennial Census, but districts may not differ in number of inhabitants by more than 10% of the inhabitants in the smallest district created." This is the result of U.S. Supreme Court decisions requiring equal weighting of votes. The City Council, as Portland's municipal legislative body, establishes district reapportionment by ordinance. The City currently is conducting its reapportionment, which must be completed by August 10, 2022, 90 days before the November election.

As noted above, the City Charter establishes five districts for purposes of **all** City elections, and so this sets out the number of districts and district seats for both Council and School Board elections. Except for the current Charter, I know of no other legal requirement that the number of School Board district seats equal the number of City Council district seats.

However, there is the practical issue of conducting City elections if there were differing numbers of Council and School Board districts, since there would be two different sets of districts with different boundaries. Election workers at polling places would have to offer multiple district ballots since Council and School Board district lines would not be the same. This already happens where State legislative district lines divide City districts, and would add another layer of complexity to City election management.

Moreover, in discussing this with the School Board's legal counsel, I understand that the School Board has not taken a position on the potential of increasing the number of district seats, but that the Superintendent believes the School Board's general desire for greater diversity of representation and for parity with the City Council means that the School Board would want to increase the number of district seats accordingly.

Council Districts Proposal

Sponsored by Commissioner Marpheen Chann (At-Large)

An issue that has been raised both during the Charter Commission election and deliberations has been that of increasing the size of the City Council to ensure more representation on the Council. The proposal is loosely based on Burlington's (VT) model and Maine's State Senate and State House districts (where State Senate districts overlay numerous House districts).

In looking at the existing Council, another issue that arises is what to do with at-large seats. Currently, at-large seats are held by councilors from diverse backgrounds: Councilor Pious Ali, Councilor April Fournier, and Councilor Roberto Rodriguez. Research articles detailing the tradeoffs of at-large and single-member districts are attached.

The original proposal taken up offered two avenues: Keep at-large seats or create larger districts that overlay ward/precincts that preserve the "unifying effect."

During a joint Governance and Elections Committee meeting, there was consensus that the number of total districts should be thirteen (13). Commissioners disagreed on whether or not to keep at-large seats. The Elections Committee at their February 15th, 2022, meeting agreed to forward the discussion on at-large seats to the full commission along with a proposal of a thirteen (13) member council.

PROPOSAL:

- Thirteen (13) Member Council
    - Ten (10) Districts or Wards
    - Three (3) At-Large
- Redistricting
    - Use voting precincts as template for wards
- Mayor Role
    - Governance proposals have mayor separate from the Council

Council Structure Analysis

10 Largest Maine Cities	Population	Size of Council	District Seats	At-Large Seats	Is Mayor on Council?	Pop/District Seat	Accountability For how many members may a voter vote?***	Note
Portland	66,215	9	5	3	yes	13,243	5 of 9	
Lewiston	36,409	8	7	0	yes	5,201	2 of 8	
Bangor	32,356	9	0	9	no mayor		9 of 9	
South Portland	25,364	7	5	2	no mayor	5,073	7 of 7	
Auburn	23,564	8	5	2	yes	4,713	4 of 8	
Biddeford	21,526	10	7	2	yes	3,075	4 of 10	
Sanford	21,387	7	0	6	yes		7 of 7	
Saco	20,554	8	7	0	yes	2,936	2 of 8	
Westbrook	19,266	7	5	2	no	3,853	3 of 7	
Augusta	18,795	9	4	4	yes	4,699	6 of 9	
average		8.2	4.5	3		4,279		

***figure includes 1 district member, all at-large members, and elected mayor if mayor sits on council
exception is South Portland where district seats must be occupied by a district resident but all voters may vote for all council positions

Cities similar in population to Portland in other states with 1-3 congressional districts								
Bismarck, ND	74,100	5	0	4	yes		5 of 5	
Missoula, MT	73,489	13	12	0	yes	12,248	3 of 13	all 6 districts elect 2 members
Rapid City, SD	75,258	11	10	0	yes	15,052	3 of 11	all 5 districts elect 2 members
Santa Fe, NM	84,683	9	8	0	yes	21,171	3 of 9	all 4 districts elect 2 members
Cheyenne, WY	64,618	9	9	0	no	21,539	3 of 9	all 3 districts elect 3 members
Idaho Falls, ID	64,618	7	0	6	yes		7 of 7	
Charleston, WVA	48,864	27	20	6	yes		7 of 27	
Grand Island, NE	51,267	11	10	0	yes	10,253	3 of 11	all 5 districts elect 2 members
Burlington, VT	44,743	13	8	4	yes	5,593	3 of 13	8 districts divided into 4 regions and each elects 1 at-large member
average	64,627	11.7	8.6	2.2		14,309		

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City Council Make-Up

November 2021

The Portland Charter Commission will examine two important changes regarding the make-up of Portland's City Council:

1. Should the number of seats on the Council be expanded?
2. Should Portland keep its hybrid structure (at-large + district seats) or opt for a council with a different structure?

Political debate over the make-up of legislative bodies (national, state, and local) in the US goes back to colonial times with no conclusion as to what constitutes an optimal solution.[1] This is because any given council structure involves complex trade-offs between multiple and oftentimes conflicting aspects of what constitutes "good government". Municipal reform advocates have posited several widely-shared core values or goals for evaluating council reform efforts.[2] Specifically, such efforts might be designed to:

- increase the representativeness of council members
- increase the responsiveness of the council to community needs
- increase citizen engagement in council deliberations
- increase the accountability of the council to voters
- increase the council's ability to make decisions for the public good
- enhance the efficiency of council operations

Experience has shown that reforms which make improvements in one or more areas can have negative effects in others. As a simple example, increasing the number of district councilors by having smaller electoral districts may be expected to increase the representativeness and responsiveness of a council but reduce its operational efficiency, its ability to reach consensual decisions, and the ability of individual voters to hold the council responsible for its actions.

The attached chart shows the impact on each core value of three alternative proposals to change the make-up of Portland's current Council.[3]

What we know about Council size

The 2018 Municipal Form of Government Survey conducted by the International City/County Management Association (ICMA) provides data on existing council sizes in the US. For cities with 50-100,000 in population (n=184), council size ranged from 3-40 members with the mean, median, and mode being 7.[4] Small councils (4 members or less) and large ones (10 or more members) are unusual. Small councils do not provide the level of human resources and variety of views needed to run a city while large councils become unwieldy and make it difficult to

[1] "No political problem is less susceptible to a precise solution than that which relates to the number convenient for a representative legislature…", James Madison, The Federalist, #54.

[2] For example: Muzzio, D. and T. Tompkins (1989) On the Size of the City Council: Finding the Mean in Proceedings of the Academy of Political Science, Vol. 37, No. 3, pp. 83-96 available at jstor and City Club of Portland (Oregon,2020) New Government for Today's Portland: Rethinking How We Vote.

[3] Evaluation of impacts based on info in Muzzio and Tompkins, City Club of Portland, Naional League of Cities, Cities 101: At-Large and District Elections, and ACE Electoral Knowledge Network.

[4] Numbers provided by Tad McGalliard, ICMA Director of Research, in email dated 9/20/21.

develop coherent policies. Five, seven, and nine member councils are most common with the odd number of members favored to avoid tie votes.

There are few empirical analyses of the effects of city council size because it is difficult to isolate size effects from the influence of other factors, leaving much of the available information speculative and anecdotal. One size cannot be called better than others; rather, different sized councils are conducive to different goals.[5]

What we know about Council composition and election methods

The 2018 ICMA survey found that exclusively at-large councils are most popular in cities of Portland's size (49% of respondents). A mix of at-large and district seats was found in 31% of cities that responded to the survey; only 20% of respondents had district only seats.[6]

Conclusive research on how well the different approaches support particular values is scarce. In general, at-large only councils tend to be less representative of a city's diversity than councils with some or all district seats. Although at-large systems remain popular, the Supreme Court has frequently found them discriminatory because they make it difficult for minority communities to elect members to the council. An outlier is Cambridge MA which elects a diversified at-large council all at one time using a proportional ranked-choice voting system.[7]

Exclusively district representation tends to produce more representative and responsive councils, but only if gerrymandering is under control. On the downside, district only seats can lead to councilors focusing on narrow district needs rather than what is best for the entire city.

Traditional single-member district systems are now being challenged by proponents of multi-member districts. For example, if a single member district system had a council with 8 district councilors, the multimember version might have 3 districts and 8 councilors, with 2 or 3 council members elected per district, depending on size. Proponents argue that multimember districts facilitate majority and minority representation from each district, increase voter choice, encourage voters to diversify their votes, allow more candidates to enter each race, and allow underrepresented groups to boost individual candidates.[8] The larger the district and the number of councilors per district, the more likely elections will yield a diverse council.

Portland's experience with a hybrid system has not been systematically studied in terms of the values listed in our table. In terms of representativeness, however, it is interesting to note that in the 110 council elections since 1984, women have won 35% (20 of 63) of district races and 30% (14 of 47) of the at-large races. Minority candidates have won 3% (2 of 63) of district races and 19% (9 of 47) of the at-large races. Portland's experience runs counter to the conventional wisdom that minorities do better in district races and women do better in at-large races.

Conclusion

The structure and size of the City Council are two among many interacting factors that affect city politics, so any changes must be evaluated in the context of other changes that the Portland Charter Commission may recommend. No single model is best for all situations, so understanding the advantages and disadvantages of different options is a first step toward identifying a path forward for Portland.

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[5] Muzzio and Tompkins.

[6] Numbers provided by IMCA on 9/20/21. (n=183).

[7] FairVote, Spotlight: Cambridge, accessed 10/20/21.

[8] ACE Electoral Knowledge Network. Accessed 8/20/2021. Look for headings on Single-member districts: Advantages and Disadvantages and Multimember districts: Advantages and Disadvantages.

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November 2021

ANTICIPATED EFFECTS ON CORE VALUES OF POSSIBLE CHANGES TO PORTLAND'S COUNCIL MAKE-UP

("plus" indicates increased support; "minus" indicates diminished support)

- Possible Changes -

Core Value/Evaluation Criteria	Increase Council Size to 11 (3 at large; 7 district members plus Mayor)	Replace Current Mix with 8 Single Member Districts (council size stays at 9 including mayor)	Replace Current Mix with 4 Districts electing 2 members at same time using proportional RCV (council size stays at 9 including mayor)
	(numbers in parentheses refer to notes under the chart)		
Representativeness (degree to which the geographic/economic/cultural/political diversity of Council reflects that of the city as a whole)	plus (1)	plus (1)	double plus (1) (2)
Responsiveness (degree to which Council responds to individual voter communications and concerns)	plus (3)	plus (3)	double plus (4)
Citizen Engagement (degree to which voters participate in, and feel confidence with, Council decisions	plus (5)	plus (5)	double plus (4)
Accountability to Voters (% of all council members for whom each voter may vote)	small minus (6)	large minus (7)	minus (8)
Decision-Making Capability (ease with which Council can make concensual decisions for the public good)	minus (9)	double minus (10)	double minus (10)
Efficiency (degree to which Council conducts its business efficiently)	minus (11)	small minus (12)	small minus (12)

Footnotes

(1) Gerrymandering in revising districts could limit or even eliminate positive impact.
(2) Eliminating winner take all outcomes increases likelihood multiple constitutencies will be represented; expected impact lessened if district councilors are not elected using proportional RCV.
(3) Constitutent services and responsiveness of councilors expected to improve with smaller districts.
(4) Double number of district councilors to represent each citizen.
(5) Smaller districts make it easier to run for office and more likely that each citizen knows their district representative.
(6) Each citizen could vote for 5 of 11 (currently 5 of 9).
(7) Each citizen could vote for 2 of 9.
(8) Each citizen could vote for 3 of 9.
(9) More districts means potential increase in NIMBYism; larger council size means more views to accommodate.
(10) Elimination of at-large councilors means only mayor brings city-wide perspective.
(11) Larger council size leads to increased diversity of views/interests and slower decision-making. Impact may be lessened depending on how much council work is done through committees.
(12) To the extent council decisions have significantly different effects amongst the districts, the absence of at-large councilors may slow the council's decision-making process.

Cities 101 -- At-Large and District Elections

December 14, 2016

Background

The form of municipal elections varies from city to city, with three common variations: some cities elect their local representatives by at-large elections, some by district, and some using a mixed system.

The election system of a given city is determined by the nature of the council members' constituency and by the presence or absence of party labels on the ballot. With regard to the first feature, there are two types of constituencies for city council members: at-large and district.

At-Large

All at-large members are elected to serve the same constituency, which is the population of the city as a whole. At-large election proponents favor having council members elected by the entire city because:

- Council members in an at-large system can be more impartial, rise above the limited perspective of a single district and concern themselves with the problems of the whole community;
- Vote trading between councilmembers may be minimized; and
- The number of candidates available for election tends to be larger.

However, at-large elections can weaken the representation of particular groups, such as people of color, especially if the group does not have a citywide base of operations or is an ethnic or racial group concentrated in a specific ward.

At-large election systems are prevalent at the municipal level and a considerable majority make use of at-large voting in some way. At-large elections tend to be more practical in small cities and more homogeneous areas.

District

These elections select a single council member from a corresponding geographical section of the city, called a district or ward. District election proponents favor having council members elected to represent individual wards because:

- District elections give all legitimate groups, especially those with a geographic base, a better chance of being represented on the city council, especially communities of color. Several court decisions have forced jurisdictions to switch from at-large elections to district elections, and in most cases the reason was to allow more representation by specific ethnic and racial groups acknowledging that the prior system was a denial of equal access to the city's political process. (See: McNeil v. City of Springfield, IL, 1987; and Williams v. City of Dallas, 1990; and Montes v. City of Yakima, 2014);
- District councilmembers are more attuned to the unique problems of their constituents, such as crime levels, small lot development, trash pick-up, potholes, and recreation programs; and
- District elections may improve citizen participation because councilmembers who represent a specific district may be more responsive to their constituency.

However, councils elected by district elections may experience more infighting and be less likely to prioritize the good of the city over the good of their district. Larger municipalities tend to use district elections (Chicago and Philadelphia are examples).

Mixed-System

More than twenty percent of municipalities combine these two methods by electing some council members at-large and some from districts. Mixed systems which provide more district seats than at-large seats are more likely to stand Constitutional scrutiny.

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The Trade-Offs between At-Large and Single-Member Districts

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The Trade-Offs between At-Large and Single-Member Districts

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This report provides a review of the existing literature about the trade-offs between at-large and single-member districts at the local offices in the United States. Overall, at-large districts were the most common form of representation in most local offices until the 1960s and the passage of Voting Rights Act in 1965. Since the 1960s single-member districts have been the method of choice for most local elections because they enable smaller, geographically situated communities to send their own representatives to larger legislative assemblies. The history behind these two electoral systems corresponds with their respective pros and cons. In general, at-large elections are found to improve diversity in gender representation on city councils with more female councilors being elected. On the other hand, single-member districts benefit the representation of some racial minority groups, including African Americans and Latinos. But the positive potential depends on context: (1) the concentration, (2) the size, and (3) the polarization of the vote. Specifically, the advantages of single-member districts are minimal in a largely homogenous community or in a community where underrepresented groups are not concentrated geographically. African Americans are found to be overrepresented on school boards with at-large elections when African Americans occupy a smaller part of the population.

Keywords: at-large districts, single-member districts, gender representation, racial representation.

Background

The literature on structures of elections focuses on local levels in the United States because there is little variation in representation structures in higher offices (Davidson 1979; Meier and Stewart 1991; Rocha 2007; Zax 1990). The United States does have single member (hereafter: SM) districts in the 43 states that have two or more members in the House of Representatives, while U.S. senators are elected at-large (hereafter AL) in all 50 states, as are almost all executive officers at the state level. That being the case, the best opportunity to study the effects on of electoral systems are in the thousands of local offices in the U.S., specifically school districts, county commissions and city councils. Overall, at-large districts were the most common form of representation in most local offices until the 1960s and the passage of Voting Rights Act (VRA) in 1965 (Davidson 1992).

The history behind SM and AL districts systems correspond with their respective pros and cons. While context is key, the following section is a broad overview of the existing literature about the trade-offs in both systems. Then we move to the discussion of more nuanced findings pertaining to gender and racial representation in these two systems.

At-large elections have been employed when ruling majorities attempt to emphasize the corporate identity of particular jurisdictions and to suppress partisan or ethnic factionalism. The basic idea being that those elected to AL districts will be more likely to work toward the best result for the whole community rather than pander to the specific demands in parts of the community. Work in political science broadly illustrates that substantive representation is most common in AL systems for the wealthiest and most connected in the community (Enns and Wlezien 2011; Gilens and Page 2014; Meier et al. 2005). Additionally, AL systems have the benefit of increasing the diversity in gender representation with more women being elected in these systems (Trounstine and Valdini 2008). However, people of color are less likely to be elected in AL systems because the votes of racial minorities are diluted in elections that cover a broader area (Trounstine and Valdini 2008). The importance of AL systems for diverse cities has been the focus of lawsuits and VRA compliance. In more homogenous communities, the difference between AL and SM districts are less pronounced in terms of racial representation, while the overall trends of representation patterns along gender and economic lines remain.

Since the 1960s SM districts have been the method of choice for most local elections because they enable smaller, geographically situated communities to send their own representatives to larger legislative assemblies. SM systems provide the benefits of localized democracy. In cases of city councils and school boards, elected members in SM systems might only represent a small neighborhood which allows legislators to be intimately aware of the issues of the local community. This allows the elected member to focus on the needs of their localized constituency rather than the interests of all. In diverse places, especially where diversity is in highly segregated communities, the SM systems promote diversity with increasing minority representation (Leal, Martinez-Ebers, and Meier 2004; Meier et al. 2005; Trounstine and Valdini 2008; Zax 1990).

Yet, this diversity in racial representation is likely to be contrasted with the loss of gender representation and the tendency for fewer women to be elected in these systems. As noted, SM systems have become more popular in the United States after passage of the VRA as a mechanism to increase representation of racial minorities (Davidson 1992). In some cases, SM systems were implemented due to lawsuits such as Thornburg v. Gingles in 1986 alleging the AL systems in place unduly discriminated against cohesive groups of people of color to participate equally in the process by electing disproportionately white officials (Kosterlitz 1986).

Finally, a small, but growing number of communities have incorporated a mixed approach that combines AL and SM systems. The Houston City Council is an example of these mixed bodies. While there is variation in the impacts of mixed system (they should be thought of as a continuum between AL and SM) the conclusion in the literature is that mixed systems typically provide benefits similar to SM districts. These mixed systems and modified AL systems provide descriptive representation similar to SM districts (Brockington et al. 1998; Karnig and Welch 1982; Welch 1990). Given the proportion of SM to AL districts (11 to 5) on the Houston City Council,[1] it is especially likely to produce representation outcome similar to purely SM district systems.

[1] https://www.houstontx.gov/council/.

The Voting Rights Act and Electoral Structures

In the United States, AL elections were popular for local elections; especially as a mechanism to ensure that a bloc-voting white majority could deny black citizens the opportunity to choose representatives of their choice in local governments. In 1965, mass politics changed the landscape of racial diversity and racial representation through the VRA. Language allowing judicial review of minority vote dilution efforts in places with a history of disenfranchising minority voters initially helped push communities away from AL systems. However, court rulings undermined this language in the late 1970s. By 1980, the courts had established that racial minorities must prove that a challenged election structure was designed or maintained intentionally to dilute their voting power. However, the passage of the VRA of 1982 changed this standard was from racial intent to vote dilution in practice, making minority lawsuits more likely to succeed. The 1986 Thornburg v. Gingle ruling created a quicker and easier process for providing a remedy for vote dilution, resulting in widespread changes from AL elections to SM elections, through both litigation and legislation (Davidson 1992; Kosterlitz 1986). Although the courts would later reverse course on some aspects of the VRA, the legacy of the rulings in the 1980s has become the status quo.

Electoral Systems and Gender Representation

One major focus in the relevant literature is on the role of gender representation in AL versus SM structures. **Table 1** summarizes the trade-offs between these two systems regarding gender representation in particular. While SM districts are typically seen as a remedy to a lack of diversity, AL districts are the most likely to produce female elected members (Trounstine and Valdini 2008). Unlike racial diversity, gender diversity among the population is stable across geography. The existing scholarship on gender representation overwhelmingly suggests that SM districts either lead to fewer women being elected on city councils (Darcy, Welch, and Clark 1985; Hogan 2001; Matland 1995; Matland and Brown 1992; Rule 1994; Schwindt-Bayer and Mishler 2005; Welch and Studlar 1990) or no effect (Alozie and Manganero 1993; Bullock and MacManus 1991). This result may make more sense in terms of the non-exclusive relationship between race and gender (Githens and Prestage 1977). For instance, nuanced analysis of intersectionality found that black women tend to be advantaged by AL elections in cities while black men are disadvantaged by this structure (Darcy, Hadley, and Kirksey 1993; Rule 1992). However, there is no influence of SM versus AL districts for Mexican American women or men (Karnig and Welch 1979). A more recent study (2008) by Trounstine and Valdini that focused on more than 7,000 United States cities also found that the impact of either AL or SM district on gender representation is much more significant regarding white female and black male representation than was the case for Latinas or black women.

Table 1. The Trade-Offs between At-Large and Single-Member Districts – Gender Representation

Electoral Systems	Effects	Literature
Single-member districts	(1) Have positive effect on the representation of African American men in city councils.	Karnig and Welch (1979)
	(2) Have negative effect on the representation of African American women in city councils.	Herrick and Welch (1992)
	(3) Have no effect on the representation of Mexican American women or men in city councils.	Karnig and Welch (1979)
At-large districts	(1) Promote diversity in gender representation on city councils.	Trounstine and Valdini (2008)
	(2) Benefit African American female candidates.	Darcy, Hadley, and Kirksey (1993)
	(3) African American male candidates are disadvantaged by this structure.	Rule (1992)

Note: Regarding mixed systems, they are considered to provide descriptive representation similar to single-member districts (see e.g., Brockington et al.). Same for **Table 2**.

Electoral Systems and Racial Representation

The historical transformation at the local level from AL to SM has had the expected impact. Majority-minority districts became very popular in the 1990s and the representation of underrepresented groups began to improve (Cameron, Epstein, and O'Halloran 1996). **Table 2** lists the trade-offs on racial representation specifically. Numerous studies put forward that SM districts have positive effect on the representation of some racial groups in city councils, including African Americans and Latinos (Arrington and Watts 1991; Bullock and MacManus 1990; Davidson and Grofman 1994; Polinard, Wrinkle, and Longoria 1991; Welch 1990). If equity in representation is the goal, in a diverse community, then SM districts are overwhelmingly cited as a better mechanism.

Table 2. The Trade-Offs between At-Large and Single-Member Districts – Racial Representation

Electoral Systems	Effects	Literature
Single-member districts	(1) Improve diversity in racial representation on city councils.	Cameron, Epstein, and O'Halloran (1996)
	(2) Have positive effect on the representation of African Americans and Latinos in city councils.	Davidson and Grofman (1994)
	(3) These effects are conditional on the context. The benefits are minimal in a largely homogenous community or in a community where underrepresented racial groups are not geographically concentrated.	Trounstine and Valdini (2008)
At-large districts	(1) Lead to over-representation of minority voters where racial minority groups are geographically concentrated or where democratic voters make up a larger proportion of the population.	Arrington and Watts (1991)
	(2) Lead to over-representation of African Americans on school boards where African Americans make up a smaller proportion of the population.	Meier and Rutherford (2014)

Despite the positive potential, the improved representation of historically underrepresented groups depends on context (Trounstine and Valdini 2008). The concentration (Sass 2000), size (Bullock and MacManus 1990; Leal, Martinez-Ebers, and Meier 2004), and polarization (Brace et al. 1988) of the vote are the key variables to consider. For instance, in a largely homogenous community or in a community where underrepresented groups are not concentrated geographically, the benefits of SM districts are minimal (Trounstine and Valdini 2008). Conversely, AL districts lead to over-representation of minority voters under some circumstances where Democratic voters make up a larger proportion of the population and racial minority groups are concentrated in the area (Arrington and Watts 1991). Similarly, African Americans are found to be overrepresented on school boards with AL elections when African Americans occupy a smaller part of the population (Meier and Rutherford 2014).

Houston Specific Outlook

Given the trends found in scholarship on SM versus AL districts, we can make some educated predictions about the impact of these districts specifically for the City of Houston. Houston is a geographically large city with an incredibly diverse racial makeup; however, this racial diversity is also highly segregated by neighborhood (Houston Chronicle 2015[2]). These two patterns make Houston an ideal location for a mix of AL and SM districts. The result of the concentrated pockets of different ethnic and racial groups in these districts will allow greater descriptive representation of the diverse communities within the city in the SM districts while the AL members must appeal to the broader diverse electorate of the entire city.

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CHAPTER 13

The Effect of At-Large Versus District Elections on Racial Representation in U.S. Municipalities

Richard L. *Engstrom and Michael* D. *McDonald*

Whether the members of a city council should be selected through at-large, citywide elections or through geographically designated (usually single-member) districts within a city has been a major election law issue in the United States for many years. Election at large has been one of the central planks in the platform of the American municipal "reform" movement. The first model city charter issued by the National Municipal League in 1899 recommended that this electoral system be adopted in place of the single-member district or ward system used at that time; this recommendation has been retained in all subsequent editions of the model charter. At-large elections, these reformers argued, would attract a "better class" of council members and improve the quality of councilmanic decisions. Successful candidates within this system would have to appeal to more than a particular neighborhood or ethnic group, and therefore were more likely to be people of education and accomplishment (or expressed differently, wealth and social standing). These "better-qualified" councilmanic representatives were in turn expected to make decisions on the basis of what they perceived to be good for the entire city, not just one geographic or social segment of it. This combination of council members with better judgment and a citywide decisional referent,

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these reformers maintained, would improve dramatically the quality of municipal government (see, e.g., Judd, 1979, pp. 87–100).

The municipal reformers were remarkably successful in that their recommended electoral system was widely adopted (often in combination with a nonpartisan ballot). A survey conducted in the early 1970s of cities with populations exceeding 10,000 discovered that in over three fourths of these cities (78.2%) at least some members of the city council were elected at large; in 63.3%, the *entire* council was elected at large (Svara, 1977, p. 168). A more recent survey of the largest central cities within each standard metropolitan statistical area (SMSA) has disclosed that in 83.6% of the cities, some of the members of the council are elected at large, and in 47.0% *all* of the members are elected at large.[1] The municipal reform campaign was so successful, in fact, that for many commentators at-large elections, in combination with the nonpartisan ballot and city manager plan, became virtually synonymous with the idea of "good government" itself.

This association with good government has not been accepted by everyone, however. In recent years what might be called "a new wave of reformers" (Grofman, 1982a, p. 124) has been active, attempting to undo much of what the earlier reformers had accomplished. This second generation of reformers, unlike the first, is predominately black, and its activity has been concentrated largely within the American South.

The "new reformers" argue that cities should elect council members from districts within the city because this electoral system is much "fairer" than are at-large elections—a city council elected in this fashion is likely to be more "representative" of the municipal population. Specifically, black opponents of at-large elections complain that citywide elections are discriminatory toward the racial minorities residing within America's cities. Given the racially polarized voting patterns often found in American cities, the black minority has enormous difficulty electing the candidates of its choice, especially black candidates. The white majority, it is argued, effectively controls access to all of the at-large seats on the council, an especially serious matter when the entire council is elected in that manner. White council members electorally accountable to a white majority, they complain, are not likely to be very responsive to the needs of the black minority. If the city is divided into districts, however, the black minority can often take advantage of being residentially concentrated and control the selection of one or more council members, who will be more directly accountable to, and presumably responsive toward, the black electorate.

This new wave of reform has been especially pronounced in the American South, a region in which the municipal reformers had been especially successful (see, e.g., Wolfinger and Field, 1966; Dye and MacManus, 1976). The 1972 survey just noted disclosed that over eight in ten (81.7%) of the cities with a population above 10,000 and located within the southern and border states elected at least some of the council members at large; almost three fourths (74.6%) elected all members of the council at large (Svara, 1977, p. 171). The more recent survey of central cities likewise found that 89.3% of the cities in the South (defined as the 11 states of the Confederacy) elected at least some council members at large, while 59.2% elected all of them at large. The South was the region of the country with the highest proportion of cities utilizing at-large councilmanic elections in the later survey.[2]

The South is also the region in which blacks have been the most severely underrepresented on city councils. The percentage of a city's council members who are black is usually less than the percentage of a city's population which is black. Numerous studies have documented the fact that this is especially true of cities in the South (see, e.g., Jones, 1976; Karnig, 1976; Taebel, 1978; Karnig and Welch, 1980, chap. 4; Engstrom and McDonald, 1982; and Heilig and Mundt, 1983). Much of this underrepresentation, the new reformers maintain, is attributable to the extensive use of at-large elections within the region. Indeed, at-large elections have been at the center of the *vote dilution* controversy in the South.

Since passage of the Voting Rights Act in 1965, the barriers to black people registering to vote and actually casting ballots have been largely removed throughout the American South, and as a consequence black registration and electoral participation have increased significantly (see, e.g., Engstrom, forthcoming). Despite these gains, however, the issue of racially discriminatory electoral laws continues to be an important legal and political issue within that region. The nature of that issue has changed, however; as the black electorate has grown, the previous preoccupation with denial of the vote has shifted to a more contemporary concern, dilution of the vote. Blacks have become acutely aware of the fact that when voting patterns are polarized along racial lines, the actual impact of the votes they cast may well be dependent upon the way in which electoral competition is structured. Placing electoral decisions in the hands of a white citywide majority is commonly cited as one of the major techniques for reducing the potential impact of the black vote. Blacks in the South, there-

fore, have launched an aggressive campaign against the continued use of at-large elections, seeking through referendum and/or litigation the substitution of single-member districts.[3]

A survey conducted by Peggy Heilig and Robert Mundt in 1980–1981 of cities with populations exceeding 10,000 and in which at least 15% of the population was black in 1970 has documented the southern focus to this latest "reform" activity. Their survey disclosed that 93% of the cities in which attempts were made to switch from at-large to single-member districts during the 1970s were located in the South. Such efforts, which were almost invariably initiated by black groups, occurred in 55% of the southern cities which in 1970 used at-large elections to select council members (Heilig and Mundt, 1983, p. 394; see also Claunch and Hallman, 1978). Efforts to switch to districts were especially likely to have occurred, not surprisingly, in the southern cities in which blacks were the most severely underrepresented on the council (Mundt and Heilig, 1982, pp. 1042–1043). These more recent "reform" efforts have not been without success, as 33% of the southern cities employing at-large elections in 1970 were found to have switched to geographic districting by 1980.[4]

This new reform movement, as just noted, is premised upon two important propositions: (1) that the black minority will be better able to convert its voting strength into the selection of black representatives if elections are conducted within districts rather than at large, and (2) that councilmanic decisions (and municipal policies generally) will become more responsive to the needs and interests of the black community as the percentage of black council members increases. Considerable empirical research has addressed the first proposition, and efforts to verify the second have been reported recently. The following section reviews and evaluates the evidence for these propositions.

Election Systems and Descriptive Representation

Numerous studies have addressed the issue of whether blacks are more likely to be elected to city councils if districts rather than at-large elections are used. The central concept in virtually all of these studies has been what Hanna Pitkin has called "descriptive representation," the correspondence between the black percentage of a city's population and the percentage of seats on that city's council to which black people have been elected (Pitkin, 1967, pp. 60–91). The focus of inquiry has been to account for why blacks are more or less proportionately represented across city councils.

Despite the tremendous variation of sampling criteria employed in these studies (e.g., cities with different size populations and having various proportions of black residents) and the variety of analytic designs applied, there is an overwhelming consensus among the researchers that when blacks are a citywide minority, their presence on the city council is likely to be less proportionate when elections are held at large rather than through districts (see, e.g., the review of these studies by Grofman, 1982b). Black candidates, these studies suggest, are simply much less likely to be elected if forced to compete citywide. Indeed, few generalizations in political science appear to be as well verified as the proposition that at-large elections tend to be discriminatory toward black Americans.

There is not, however, unanimity among researchers on this issue. A dissenting view has been put forward which maintains that the electoral framework through which city council members are selected is actually little more than a relatively unimportant intervening variable—a structural dimension which happens to intervene between more explanatory socioeconomic factors and the level of black representation. The degree to which blacks are elected is far better accounted for, according to this view, by the socioeconomic characteristics of a city's population than by the city's electoral structure. We will focus on those studies which we believe offer the most persuasive evidence of the discriminatory impact of the at-large format, studies utilizing both cross-sectional and longitudinal data, and also on those studies which have formed the basis for the dissenting viewpoint.

Described by Grofman as "the best of the cross-sectional studies" (Grofman, 1982b, p. 7), Engstrom and McDonald (1981) treat the electoral format as a specifying variable which affects the rate at which blacks are able to convert their voting strength into the election of black council members. The major independent variable, the variable expected to have the greatest effect on the black percentage of council members, is the percentage of the population which is black (in only a few cities is the race of registered voters recorded). The study attempts, by regressing the black council percentage onto the black population percentage, to assess how the relationship between these two variables will differ, depending on the electoral structure being employed. The results of this analysis, based on a 1976 survey of the largest central city within each SMSA ($N = 239$), are displayed in Figure 13.1.[5]

In cities in which all of the members of the council are elected from districts, the relationship between the black population and the black membership on the council is virtually proportional. Although excep-

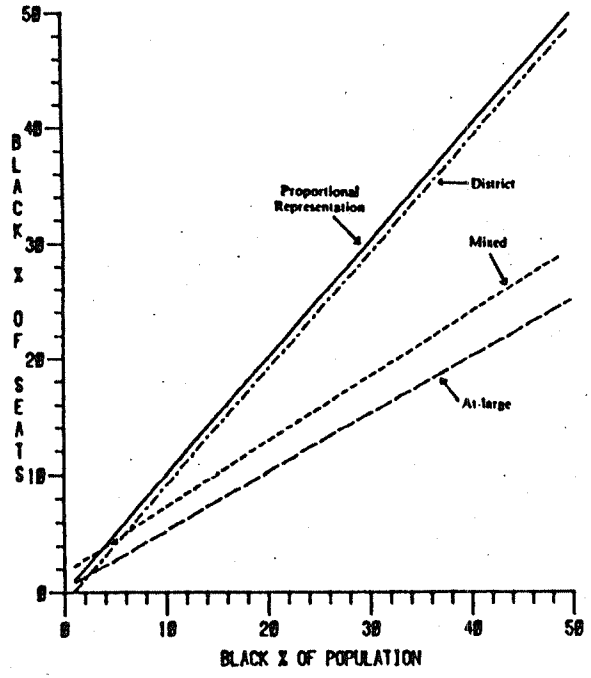

FIG. 13.1. Relationship between black percentage of population and black percentage of city council in different electoral formats. (From Engstrom and McDonald, 1981, p. 348.)

tions can always be cited, as a general matter blacks can be expected to be almost proportionally represented if districts are the exclusive medium through which council members are selected. If at-large elections are used, however, blacks can be expected to be underrepresented. The correspondence between the population percentages and council percentages drops dramatically if some councilmanic seats are filled through citywide contests (the mixed category), and even further if all of the council members are elected in that manner. The electoral format, according to this analysis, has a major impact on how black electoral strength translates into black elected officials.

It is further estimated in this study that this differential impact will be present even when the black percentage of the population in a city is quite small. In Figure 13.2, 90% confidence bands have been added to the regression lines for cities employing either districts or at-large elections exclusively (i.e., we can be 90% confident that the actual

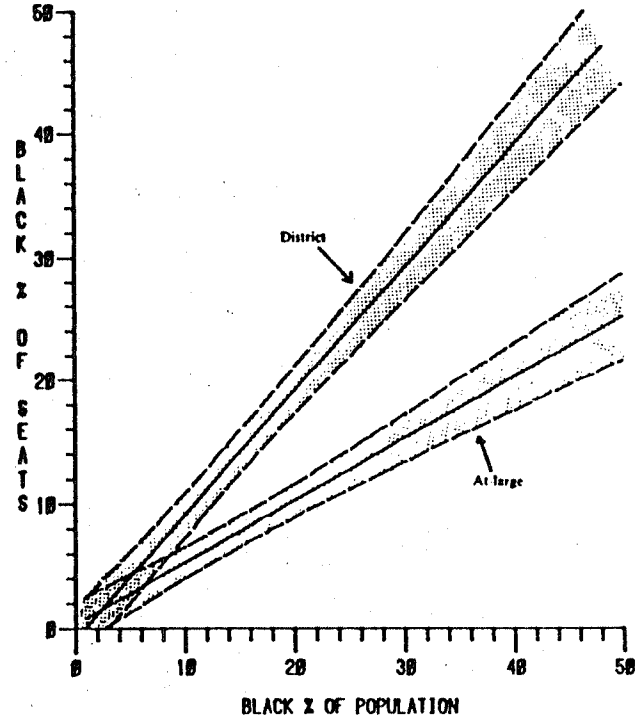

FIG. 13.2. Estimated seats/population relationships with 90% confidence bands in districted and at-large electoral formats. (From Engstrom and McDonald, 1981, p. 349.)

seats/population relationship lies within the band). Because these bands separate completely at a point below 10% black population, the authors argue that the 10% figure can be (conservatively) considered to be a threshold or critical point—whenever blacks constitute 10% or more of the population, at-large elections are likely to have an adverse impact on how proportionately they are represented. The differential impact of election structures was not affected in this study when statistical controls were applied for a variety of socioeconomic factors which other researchers have suggested might relate to the election of blacks (such as the educational, occupational, and income characteristics of the cities' populations).

Another cross-sectional study which complements the Engstrom-McDonald analysis very well is that by Albert Karnig and Susan Welch (1982). This study, based on a 1978 survey of all cities with

TABLE 13.1. Representational Indices for Mixed Cities by Electoral Format

	Representational Ratio	Representational Deficit	Percent of Cities Without Any Black Council Member
A. Districts + At-large (N=50)			
District seats	.952	−2.4	14.0
At-large seats	.499	−11.6	72.0
B. Districts + At-large with Residency Requirement (N=6)			
District seats	1.047	+1.4	12.0
At-large seats	.478	−12.0	50.0

Source. Karnig and Welch (1982, p. 105).

populations greater than 25,000 in 1970 and in which black people constituted at least 10% of the population (N=264), focuses special attention on the representational situation in cities employing mixed electoral arrangements. This approach was adopted because in those cities, differences in how proportionately blacks have been elected to the at-large seats and how proportionately they have been elected to the seats allocated to districts can be attributed directly to the different electoral contexts. Other variables which may be expected to have an impact on the election of black council members are "naturally controlled" in this approach.

> When comparing two election forms within the same city, socioeconomic, demographic, political context, and other variables are controlled, since aggregate indicators of income, education, percent blacks, region, partisanship, form of government, and so on, are precisely the same for both the at-large and the district parts of the election in the same municipality (Karnig and Welch, 1982, pp. 103–104).

In this analysis, the dependent variables are two measures of the deviation from proportional racial representation in each city. One measure, the representational ratio, is simply the quotient obtained when the black population percentage is divided into the percentage of council members who are black. This ratio is, of course, zero when no blacks serve on the council and 1.0 if the two percentage figures are equal. If the percentage of black council members is higher than the population percentage, then the ratio will exceed 1.0. The other measure, the representational deficit, is the result obtained when the popu-

TABLE 13.2. Representational Indices for Single Format Cities by Electoral Format

	Representational Ratio	Representational Deficit	Percent of Cities Without Any Black Council Member
District Elections	.922	−1.3	10.0
At-large Elections	.616	−9.6	44.0
At-large Elections with Residency Requirements	.443	−14.0	45.0

Source. Karnig and Welch (1982, p. 107).

measure, a score of zero reflects perfect proportionality, and scores above or below zero register the relative degree of over- or underrepresentation respectively.[6] Different electoral arrangements are then treated as independent variables affecting the scores for various cities on these measures.

Reported in Table 13.1 are the average scores within the districted and at-large components across cities in which both of these electoral mechanisms were used to select council members. In 50 of the cities, a combination of districts and "pure" at-large elections (i.e., candidates residing in any area of the city may compete for any at-large seat) were used. In 6 others, a residency requirement was attached to the at-large component (i.e., only candidates residing in specified areas of the city were permitted to compete for certain at-large seats). It is disclosed in Table 13.1 that blacks come very close to winning a proportional number of district-based seats in these cities, while winning a disproportionally low number of the at-large seats (including those in which council members are required to live in dispersed areas throughout the city). One reason why the representational indexes reflect such a greater deviation from proportional representation within the at-large components is apparent in the third column of the table; blacks are often excluded completely from election to the at-large seats, while winning at least one of the districted seats in almost every city.

Although the evidence from the cities with mixed electoral systems is quite impressive, Karnig and Welch find additional evidence for the differential impact thesis in their analysis of those cities using only one electoral format as well. Reported in Table 13.2 are the representational indexes for those cities in which only district elections are used to select council members, those in which only "pure" at-large elec-

residency requirements. Once again, blacks are close to being proportionally represented when districts are employed but are considerably "underrepresented," and often excluded completely, when elections are held at large. These differences between electoral systems remained when statistical controls for a number of demographic and other variables were applied.

Most of the evidence which has been marshaled in support of the argument that at-large elections have a racially discriminatory impact has been cross-sectional in nature (see also Kramer, 1971; Jones, 1976; Karnig, 1976; Taebel, 1978; Robinson and Dye, 1978; Latimer, 1979; and Engstrom and McDonald, 1982). As noted, however, the recent movement to force the abandonment of at-large elections in favor of districted arrangements has not been without success. Heilig and Mundt (1983; p. 394), for example, discovered that among the southern cities in their sample which were electing council members at large in 1970, one third had switched to either a mixed or districted system by 1980. This has created an opportunity to approach the differential impact question using longitudinal rather than cross-sectional data, that is, examining the level of black representation within a city both *before* and *after* the adoption of a different electoral arrangement.

Two studies have brought longitudinal data to bear on this question. The first to be reported was that by Chandler Davidson and George Korbel (1981). They report scores for both the representational ratio and the representational deficit for blacks and Mexican-Americans (combined) for all 21 municipalities in Texas which switched from elections at large to either a mixed or districted arrangement between 1970 and 1979. The differences between the before and after scores in these cities were dramatic—the average ratio was .28 prior to the systemic alteration and .86 after, while the average deficit was −18.7 before the change and only −3.3 after. While this is impressive evidence of the impact of these structural revisions, the absence of any "control" group of cities in this analysis (cities in which electoral arrangements were not altered) does leave open the possibility that these increases in minority representation are a result of some other factor or factors. Without a control group,

> [I]t is difficult to be sure that increased equity in minority representation is occurring *because* of change of election system—especially in a period where some minority groups (in particular, Blacks in the South) have been making extensive electoral gains based on increased voter registration and the easing of traditional barriers such as intimidation (Grofman 1982b, pp. 5–6).

TABLE 13.3. Representation Ratios for Southern Cities, 1970s and 1980

	Representation Ratio		
	1970s	1980	Difference
At-large ($N=122$)	.31	.37	+ .06
Mixed ($N=10$)	.44	.57	+ .13
Districts ($N=13$)	.45	.74	+ .29
Changed from At-large to Mixed ($N=19$)	.16	.70	+ .54
Changed from At-large to Districts ($N=25$)	.15	.87	+ .72

Source. Heilig and Mundt (1983, p. 396).

This problem is at least partially overcome in the second analysis employing longitudinal data. Heilig and Mundt (1983) have examined the representation ratios over time for blacks in 209 southern cities (i.e., cities located in the former Confederacy) in which there are more than 10,000 residents, at least 15% of which are black. Heilig and Mundt employ a "natural" experimental design (see, e.g., Shively, 1980, pp. 92–93)—differences in representational ratios over time are compared across groups of cities, some of which have altered their electoral arrangements and some of which have not. In their analysis, those cities which used only at-large, mixed, or districted systems during the period 1970–1980 serve as "control" groups, while those in which a systemic change from an at-large to a mixed or districted arrangement occurred sometime during the 1970s serve as "treatment" groups. The average representation ratio for these groups in 1980 is compared to the average ratio throughout the 1970s for the control groups, and the average ratio in the 1970s prior to the systemic adjustments for the treatment groups.

The results of the Heilig and Mundt analysis, which are presented in Table 13.3, strongly support the differential impact thesis. Changes in the representational ratios were much greater in the treatment groups than in the control groups. The average ratio in 1980 for the 25 cities switching to districts exclusively was .72 higher than the average ratio for those cities prior to the adoption of districts. For the 19 cities adopting a mixed plan, the average ratio increased .54. Among the

control groups, the average ratio increased substantially within only one group, that in which districts had been employed over the entire period. This increase (.29), however, was still well below that for either of the groups of cities in which there had been a change. In the other two groups the ratio changed only minimally, + .06 for cities employing only at-large elections over the entire period and + .13 for those using a mixed arrangement.

Although this analysis does employ "control" groups against which before and after scores can be compared, it does not solve completely the inferential problem just noted. Alternative explanations for the increased minority representation in the treatment groups, beside that of the alteration in the electoral systems, are still possible because cities, although "matched" by region (i.e., all are located in the South), have not been placed into the treatment and control groups randomly (a situation which is characteristic of the "natural experiment"). This leaves open the possibility that another factor or factors may be responsible for both the change in the electoral system and the increase in the number of blacks elected to the councils. One such factor, for example, might be a high degree of political mobilization or organization within the black community. As Grofman has noted,

> [C]ities which change from at-large to ward elections are *ipso facto* more likely to be characterized by a minority political organization of some strength which will be likely to generate greater minority representation under *any* electoral system . . . (Grofman, 1982b, p. 6).

The fact that the representation ratios for the treatment groups in this analysis during the period in which at-large elections were employed were substantially below those for the at-large control group during the 1970s (.15 and .16 vs. .31) and that the ratios for 1980 were substantially above those for the respective control groups in 1980 (.57 vs. .70 for those with mixed systems, and .74 vs. .87 for those with districts only) suggests that another factor or factors may also be at work. While alternative explanations for these "experimental" results therefore cannot be precluded, the Heilig and Mundt analysis does provide impressive empirical support for the differential impact thesis.

The longitudinal and cross-sectional analyses just described provide, we believe, a solid basis from which to generalize about the racial consequences of alternative electoral structures. As just noted, however, there has not been unanimity among researchers on this

electoral frameworks have only minimal, if any, impact on the election of blacks to municipal councils.

The most extensive analysis in which electoral structures have been reported to be relatively unimportant was conducted by MacManus (1978). Utilizing data gathered in 1975 on 243 central cities of SMSAs, MacManus discovered that differences in the local electoral structures across those cities had virtually no impact on how proportionately blacks were represented within them. Various demographic characteristics of these cities, however, such as population size and growth, median family income, median school years completed, and the proportion of workers employed in white-collar occupations, were related to the representation levels. This leads MacManus to suggest that these environmental factors were the more important determinants of the rate at which blacks were elected, while the councilmanic election system was "only an intervening variable" (MacManus, 1978, p. 159) which itself had very little effect on whether or not blacks were elected.

The analysis conducted by MacManus, however, does not provide an adequate basis for abandoning the differential impact notion. The basic problem with the study concerns the use of the representational deficit (the percentage of council members who are black *minus* the black percentage of the city's population) as the measure of descriptive representation without also requiring that the cities included in the study contain at least some minimal number or percentage of black residents (a threshold commonly set at 10% or 15%). In cities in which there are proportionately very few black residents, no more than a minimal level of underrepresentation can be recorded on this measure, even if the municipal council is composed exclusively of white members. One can hardly expect any electoral system to have a racially discriminatory impact in these virtually all-white cities.

Sixty of the cities in the MacManus analysis in which no black was serving on the council also had black population proportions of *less than 5%*. In over half of these cities, councilmanic elections were conducted *at large*.[7] It should not be surprising, then, to discover that the electoral system variable has little impact on the scores recorded by the deficit measure—blacks can hardly be seriously disadvantaged by the use of at-large elections in places such as Fargo, North Dakota; Provo, Utah; Dubuque, Iowa; and Sioux Falls, South Dakota! Nor should it be surprising, given the absence of any minimal black population threshold, that MacManus ultimately concluded that blacks are most likely to be equitably represented in "small [central] cities, char-

lations . . . regardless of the plan of electing council members" (MacManus, 1978, p. 160). These are precisely the types of cities most likely to have minimal percentages of blacks in their populations and therefore cities in which blacks cannot be seriously underrepresented, by definition (given the deficit measure). There is a strong negative relationship between the percentage of blacks in the populations of cities and the representation scores recorded on the deficit measure, and when statistical controls are imposed for these black population percentages, the relationships between the environmental variables MacManus focused upon and black representation levels virtually disappear (see Engstrom and McDonald, 1981, pp. 350–351). The MacManus analysis, therefore, does not provide a very solid foundation upon which to challenge the differential impact thesis.

A second study which also questions the differential impact notion is a much more limited analysis by Cole (1974). Examining the 16 cities in New Jersey with a population of 25,000 or more, at least 15% of which were black, Cole discovered that it was not possible to distinguish, on the basis of their electoral systems, between those cities in which blacks were close to being proportionally represented (in 1972, based on the deficit measure) and those in which they were not. Cole (1974, pp. 23–28) concluded, therefore, that the differential impact thesis had been exaggerated and, like MacManus, suggested that the socioeconomic characteristics of a city's residents were much more important determinants of black electoral success. Blacks were more likely to be equitably represented, he reported, in those cities in which the municipal population had the highest levels of formal education, largest proportions of residents employed in relatively prestigious occupations, and the highest median annual incomes.

Although the analysis performed by Cole does not suffer from the methodological problems present in the analysis by MacManus, the data base is clearly too limited to provide a basis for generalization (see, e.g., Karnig, 1976, p. 224). Given that other, more extensive cross-sectional studies have controlled for these and similar environmental variables without equivalent results (e.g., Engstrom and McDonald, 1981; Karnig and Welch, 1982; Robinson and Dye, 1978; and Latimer, 1979), it hardly seems appropriate to abandon the differential impact thesis on the basis of Cole's limited analysis.

There is substantial evidence for the first proposition upon which the campaign against at-large elections is premised—that the black minority will be better able to convert its voting strength into the selection of black representatives if councilmanic elections are held

within districts rather than citywide. This appears to be especially true for cities within the South, the region in which this campaign is most intense. Southern cities tend to have the most racially segregated residential patterns, and therefore the blacks in these cities are likely to benefit the most from the adoption of geographic districting (see, e.g., Van Valey et al., 1977; Vedlitz and Johnson, 1982; and O'Loughlin and Taylor, 1982).

The impact of this campaign on the racial composition of municipal councils in that region has already been impressive. The data reported by Heilig and Mundt (1983, p. 396) demonstrate that the dramatic increase over the past decade in the number of black people serving on city councils in the South can be attributed almost entirely to the adoption of district elections. The regional differences (South vs. non-South) in how proportionately blacks are represented were, by 1980, only slight in those cities employing districted or mixed electoral arrangements, yet still substantial in those employing only at-large elections. Heilig and Mundt have concluded, therefore, that the continued adoption of district elections "is the key to increasing black representation in the South" (Heilig and Mundt, 1983, p. 396). Indeed, it has been estimated that if the distribution of electoral systems across southern cities were the same as that across cities outside the South, not only would the relative underrepresentation of southern black people disappear, but blacks within that region will be likely to be more proportionately represented on city councils than black people outside the South (Engstrom and McDonald, 1982).

Black Representation and Responsiveness

While electing black people to city councils is a major goal of the new reform movement, that in itself is of course "only half the battle [and] perhaps the lesser half at that" (Karnig and Welch, 1980, p. 150). Black demands to employ district-based elections are premised on the expectation that the election of black council members will result in a difference in the way in which a municipal government responds to the needs and interests of its minority citizens. As expressed by Eisinger,

> A central assumption in the practice of ethnic [or racial] politics is that a particular group will be in a more powerful position to have its demands met if it has a coethnic in a position of authority than if it must supplicate an officialdom controlled by other groups (Eisinger, 1982, p. 388; see also Bullock, 1975, p. 727; and Keech, 1968, pp. 57–58).

The presence of blacks on city councils, therefore, is expected to result in more than "symbolic representation"; it is expected to translate into "substantive representation" as well (see, e.g., Preston, 1978).

The second proposition upon which this more recent reform movement is based, however—that councilmanic decisions (and municipal policies generally) will become more responsive to the needs and interests of the black community as the percentage of council members who are black increases—has not been documented anywhere near as impressively as the initial proposition linking different electoral systems to black electoral success. While there is impressionistic evidence suggesting that black elected officials do make the expected difference (see esp. Cole, 1976, pp. 221–223), only a few efforts at systematic empirical verification of this second proposition have as yet been attempted. Although these initial attempts at verification have been limited (and must be considered far from conclusive), they do suggest that it would be wise, at least at this time, to heed Marguerite Barnett's warning against any naive acceptance of "the *careless equation* of black political presence with black political power" (Barnett, 1982, p. 28; emphasis added; see also Walton, 1972, pp. 196–202).

Measuring the influence of black elected officials in the policy-making process, especially across a large number of municipalities, is admittedly an investigative task "fraught with methodological and conceptual difficulties" (Karnig and Welch, 1980, p. 115). One of the initial, and most serious, conceptual problems researchers working in this area must confront is the specification of the types of impact that black council members can be expected to have on municipal policies and programs. Mack Jones has provided a useful approach to this problem by identifying three conceptually distinct areas in which the impact of black elected officials may be evaluated. According to Jones,

> [T]he political power of black officeholders may be assessed in terms of: (1) their success in *reordering the priorities* of their boards and commissions and persuading them to seek novel solutions to outstanding problems, particularly those especially salient in black communities; (2) garnering for the black community a *more equitable distribution of existing benefits and services* provided by government; (3) *thwarting the passage of measures inimical* to the welfare of their constituents (1978, pp. 98–99, emphasis added).

The efforts to verify the increased responsiveness thesis have to date examined the first and second of Jones's dimensions; the third has yet to be the subject of systematic, comparative inquiry.

the reordering of public priorities. This was the focus of the first broadly based comparative study to attempt to link different levels of black councilmanic representation to changes in municipal policies. Albert Karnig and Susan Welch (1980) attempted to determine whether the changes in the amount of money spent for different categories of municipal functions (both per capita and as a proportion of the total budget) could be attributable to the level of black representation on municipal councils. They had hypothesized that as the black percentage on a council increased, there would be *greater increases* in spending on social welfare functions (health, housing, welfare, and education) and *smaller increases* in spending for protective services (fire and police), physical facilities (streets, sanitation, sewage, and hospitals), and amenities (parks and libraries). When they related the percentage of council members who were black (the average percentage for 1970 and 1972) in 139 cities (each greater than 50,000 in population) to the changes in the municipal expenditures in these categories between 1968 and 1969 and 1974 and 1975, however, they discovered that the level of black representation had minimal, if any, impact on any of the policy areas, including the social services category (Karnig and Welch, 1980, pp. 124–141).[8]

Karnig's and Welch's results surely will not bring comfort to those who assume (or hope) that a linkage exists between the presence of blacks on municipal councils and the policies and programs of municipalities. But these results must be considered, at best, as only suggestive. It would be premature to dismiss the increased responsiveness thesis on the basis of this analysis alone. While the findings certainly are not supportive of that thesis, neither are they, by themselves, a sufficient basis for rejecting it.

Karnig and Welch have relied upon changes in the amount of money spent in various functional areas as an indicator of changes in "responsiveness." The relationship between these budgetary categories and the actual needs and/or demands of minority residents, however, is far from clear, and, as Karnig and Welch (1980, p. 117) acknowledge, may vary from municipality to municipality. Eisinger has argued that "assigning special racial interests to broad functional expenditure categories is an exercise fraught with ambiguity," one which requires the researcher to make "questionable assumptions" (Eisinger, 1982, p. 382)—such as assuming that blacks will place a relatively low priority on spending for protective services, despite the fact that they are disproportionately the victims of both crimes and fires. Even if such racial assignments could be made, the problem of assuming a

Schumaker and Getter have commented in this regard that "[T]here is no single, a priori distribution of policy which can be considered responsive" (Schumaker and Getter, 1977, p. 249; see also Getter and Schumaker, 1978). Ideally, a study assessing changes in responsiveness should have an independent measure or measures of minority needs and/or demands so that responsiveness could be inferred from a relationship between variables, rather than defined through the researcher's own selection of a dependent variable or variables.

Another problem with the use of aggregate expenditure levels as a medium for assessing the impact of black council members is that the level at which budgetary categories are funded is something over which council members may have minimal control, especially in the short run. As expressed by Thomas Dye and James Renick, "Much of a city's budget is composed of 'uncontrollables'—items over which neither black nor white . . . council members have much authority" (Dye and Renick, 1981, p. 475). To expect dramatic changes in the levels at which existing programs and services are funded is to impose, therefore, a very stringent test on the increased responsiveness thesis. A more important problem with the use of aggregate expenditure figures, however, is that the level at which programs and services are funded may not be a good indicator of who is actually benefiting from the expenditures. Money spent in functional areas assumed to be important to blacks may or may not be spent in a fashion directly benefiting the black community. This relates, of course, to the second dimension of possible impact identified by Jones—"garnering for the black community a more equitable distribution of existing benefits and services" (Jones, 1978, p. 98). This, in fact, may be the area in which black council members can be expected to have the greatest influence. As Karnig and Welch suggest:

> It is quite possible, owing to financial straits as well as the difficulty of changing policy in other than an incremental fashion, that the emphasis of black officials may be on shifting program benefits from white to black neighborhoods. For example, the stress may be on more police protection in black neighborhoods, more spending on black schools, improved paving and repair of streets in black areas, and so forth (Karnig and Welch, 1980, p. 153).

This type of change in policy, as Karnig and Welch recognize, "may occur without changing the distribution of expenditures in the overall policy categories" (Karnig and Welch, 1980, p. 153).

Support for the expectation that black councilmanic representation will result in blacks being treated more equitably has been found in a study of municipal employment patterns. Unlike broad categories of expenditures, "the distribution of public-sector jobs is clearly divisible by race" (Eisinger, 1982, p. 382) and can be used, therefore, to measure differences in how equitably blacks are treated, both across communities and over time within specific municipalities. Dye and Renick have suggested that this is one area in which black council members are most likely to have an impact.

> If there are any policy consequences at all which stem from increased minority representation, certainly increased minority employment in government ought to be one of those consequences. Even if minority council members cannot solve all of the problems confronting the nation's cities, they can still act to obtain more and better city jobs for their minority constituents. (1981, p. 476)

When Dye and Renick compared the race of full-time municipal employees across various occupational categories for 42 cities in 1977 (all with populations of 25,000 or more, at least 10% of which were black) with the percentage of councilmanic seats filled by blacks in 1976, they discovered a very pronounced relationship. The greater the percentage of black council members in a city, the higher the percentage of blacks employed in administrative, professional, and protective (police, fire, corrections, etc.) positions, regardless of the relative size and the educational and income characteristics of the black population within a city. For each of these employment categories, the level of black representation was the variable most strongly related to the level of black employment, prompting Dye and Renick to conclude that "black representation on city councils is a *crucial link* in improving black employment opportunities" (1981, p. 485, emphasis added).

Eisinger (1982) has analyzed data very similar to that relied on by Dye and Renick, however, and reached a conclusion inconsistent with theirs. Examining employment data for 43 cities with populations exceeding 50,000 and which were also at least 10% black (only 14 of which were included in the Dye and Renick study), Eisinger discovered that the degree to which blacks were represented on a city council in 1977 had virtually no impact on the percentage of blacks in administrative or professional positions in 1978. (The presence of a black mayor, however, was related to black employment in these categories.) Eisinger's indicator of black representation, however, was the ratio measure frequently utilized in studies of "descriptive representation"; that is, the percentage of council members who were black

divided by the percentage of the population which was black, and the results of the analysis therefore cannot be considered a test of the increased responsiveness thesis. The causal variable specified by that thesis is *not* how proportionately black people are represented but the proportion of the council which is black. When the issue is the policy impact of black representatives, the latter is clearly the more appropriate variable. In this regard, we are in agreement with Karnig and Welch, who state:

> An equitable proportion on the city council is probably less important to meeting policy objectives than is the absolute representation that blacks possess on the council. That is, we would expect blacks to have greater influence where they hold 60% of the council seats, even if that is only 80% of the equitable rate, than where they hold one quarter of the seats and this reflects an equity ratio 1.5 times their share of the population (Karnig and Welch, 1980, p. 116; see also Meier and England, 1982, p. 13).

Much more research obviously needs to be completed before the increased responsiveness thesis, the second proposition upon which the new reform movement is based, can be considered empirically sound. The degree of congruence between a greater variety of measures of "policy" and indicators of the needs and/or demands of black residents needs to be investigated. In addition, some important analytic issues concerning the assumed linkage between black representation and policy outputs need to be resolved. One such issue is the degree to which increased responsiveness may be a function of the race of the representative, or the race of the represented. Earlier research has reported that municipal policies are more responsive to the interests and needs of blacks in those cities in which council members are elected by district, rather than at large (see, e.g., Liebert, 1974, pp. 781–782; Karnig, 1975, pp. 99–100; Lyons, 1978, pp. 126–129; and Schumaker and Getter, 1977, pp. 265, 273–275; 1983, p. 25). The race of councilmanic representatives was not included in these analyses. Because districted systems presumably create situations in which black voters have more electoral influence, these studies suggest that the important variable may be the ability of blacks to hold representatives electorally accountable, regardless of the race of those representatives. In other words, responsiveness may result from a fear of electoral retribution by black voters, a fear that is presumably shared by black and white officeholders alike (and is felt more immediately by a greater percentage of council members in districted cities). The efforts

system variable or the black representation variable, but never both. Each needs to be included in future research designs so that the relative impact of each can be better clarified. Another related issue concerns a more complete elaboration of the manner in which the presence of blacks on a city council affects responsiveness. Is the percentage of blacks on a council best understood as an intervening variable in a causal sequence (as suggested by Dye and Renick, 1981, p. 485) and therefore viewed as having a direct affect on the adoption of policies that are congruent with the needs or demands of blacks, or is it best understood as a specifying variable which establishes conditions under which the relationship between black needs or demands and policies will vary? In statistical terms, should it be viewed as having an additive or a multiplicative impact? These, and undoubtedly other issues, will have to be addressed in future research efforts before we have an adequate empirical basis upon which to accept the increased responsiveness thesis.

Conclusions

At-large councilmanic elections have been a central plank in the platform of municipal reformers for many years. These elections, it was assumed, would result in the selection of "responsible" council members from the middle and upper classes, who would make decisions on the basis of a citywide, "public-regarding" viewpoint (see Banfield and Wilson, 1963, pp. 87–96, and Lineberry and Fowler, 1967). Many American municipalities have adopted and are today using this "reformed" electoral structure as the means for selecting council members. This electoral system has drawn an adverse reaction from America's black minority, however, which has argued that at-large elections are often racially discriminatory. District-based electoral systems, they maintain, would provide black people with a much more equitable opportunity to elect fellow blacks to city councils, a situation which in turn is expected to result in municipal governments being more responsive to minority needs and interests. This has stimulated another "reform movement," focused largely on municipalities within the southern portion of the United States, which seeks to substitute single-member districts for the at-large arrangement.

The empirical evidence for the two propositions upon which this new black reform movement is based has been reviewed in the preceding pages. The first proposition, that blacks will be represented

elections are employed, has been impressively documented. Indeed, this proposition is among the best verified empirical generalizations in political science. The second proposition, however, that governmental responsiveness will increase as the level of black representation increases, does not rest upon nearly as solid an empirical foundation as the first. Systematic efforts to verify this second proposition have begun only recently and have reached inconsistent conclusions. It would seem prudent, therefore, to exercise considerable caution before generalizing about the policy consequences associated with different levels of black councilmanic representation. It is not possible, as yet, to state with any confidence whether these inconsistent findings are related to the type of policy dimensions analyzed (priorities or equitability of distributions), the measurement of black strength on the council (black proportionality or black percentage), and/or the failure to account for other factors that might make a difference (such as variation in black needs or demands or the likelihood of greater electoral accountability generally in districted as opposed to at-large systems).

Even if the impact that black elected officials have on municipal policies and programs should prove to be of less magnitude than many black reformers would like, this should not suggest that the current electoral reform movement is therefore unimportant. District-based election systems do generally facilitate the election of blacks to city councils, and the presence of blacks on councils may serve other important functions beside that of altering policies. The presence of blacks on a council may very well result in increased constituency service for black citizens (see, e.g., Jewell, 1982, pp. 145–146). And feelings of political competence and affect among blacks may increase as a result of blacks being in decision-making positions. As expressed by Michael Preston:

> [S]ymbolic representation is not only desirable but necessary for black Americans. Because of past historical conditions, blacks need role models in government; they need representatives that they believe will represent their interests; they need to know that good leadership (or bad) is not dominated by one race or group. Most important, blacks must become more self-reliant. Self-reliance is a basic ingredient of political influence. To be self-reliant is to believe in oneself, and to seek out others who can be influenced to act in one's behalf (Preston, 1978, p. 198; see also Karnig and Welch, 1980, p. 109).

Regardless of the type of impact that black council members may (or may not) ultimately have, the better electoral prospects for black candidates in districted as opposed to at-large systems will continue to compel the racial minority to view districted systems as the more fair alternative, in the sense that "the fairness of the electoral method depends on whether substantial numbers of voters who wish to elect one of their own members . . . can, in fact, do so" (Lijphart, 1982, p. 144). On this dimension, the black reformers are unquestionably correct.

Notes

1. This data was collected through a telephone survey of city clerks' offices during the spring of 1982. The authors wish to thank Albert Ringelstein for assisting with this survey.
2. The South was second to the West in the proportion of cities utilizing at-large elections in the earlier study of cities with populations exceeding 10,000. For the regional percentages in the earlier survey, as well as the definition of the West employed in both, see Svara (1977, p. 171).
3. The litigation has been premised on the Fourteenth and Fifteenth amendments to the United States Constitution and on section 2 of the Voting Rights Act. For an excellent discussion of the history of this litigation, and commentary on the standards applied, see O'Rourke (1982).
4. Efforts to switch to at-large elections in those southern states covered by section 5 of the Voting Rights Act, which requires federal "preclearance" of any changes in laws affecting elections, are generally prevented by the Department of Justice, or the United States District Court for the District of Columbia, on the grounds that they may have a racially discriminatory effect (see Motomura, 1983, pp. 210–214).
5. Four central cities in which blacks constituted a *majority* of the population were excluded from this analysis.
6. The correlation between these two measures is exceptionally high when they are applied to cities having populations which are at least 10% black but is reduced dramatically if a lower black population threshold is applied (see Engstrom and McDonald, 1981, p. 346).
7. These figures are based on the data collected in 1976 by Robinson, not the data collected by MacManus. For analyses of the data collected by Robinson, see Robinson and Dye (1798) and Engstrom and McDonald (1981, 1982).
8. Karnig and Welch (1980, p. 120) attempted to minimize the impact that the differences in the functional responsibilities of cities might have on these results by examining changes over time within each city's budget and by eliminating from the analysis of each category of expenditures any cities that did not have expenditures in that category in either of the two observed fiscal years. On the importance of taking these differences into account, see Liebert (1974).

The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity

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The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity

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Scholars continue to debate the degree to which electoral institutions matter for representation. The literature predicts that minorities benefit from districts while women benefit from at-large elections. The mechanisms by which institutions affect the ability of traditionally underrepresented groups to win seats have been understudied. Using an analysis of over 7,000 cities and interviews with city councilors, we find that compared to at-large systems, district systems can increase diversity only when underrepresented groups are highly concentrated and compose a substantial portion of the population. In addition, we find that the electoral system has a significant effect on representation only for African American male and white female councilors; the proportion of African American women and Latina councilors is not affected by the use of either district or at-large systems.

Extensive research has been devoted to understanding the continuing underrepresentation of women and people of color in legislatures. At the city level scholars have found mixed results for the effect of single-member district elections in increasing descriptive representation. Particularly in places where citywide elections were implemented to dilute the vote strength of racial groups, districts have been seen as a key factor in increasing racial and ethnic diversity. Alternatively for women, districts have been found to be detrimental to the election of female councilors. Scholars have proposed numerous, contradictory explanations for these findings. For minorities the focus has been on residential segregation and size of the group, while women are said to benefit from the multicandidate setting of at-large elections. For women of color these explanations are in direct conflict. This article contributes to this large literature by exploring the mechanisms by which institutions affect the representation of different groups, concurrently testing the segregation and group size hypotheses and taking into account the joint relationship between race and gender. Many of our findings confirm conventional wisdom, but advance our knowledge in this area by offering empirical estimates of the effect of different demographic contexts in varied institutional environments.

As the Supreme Court anticipated in the landmark case *Thornburg v. Gingles* (1986), we demonstrate that compared to citywide elections, districts increase representation when a group is geographically concentrated and moderately sized. Further, we find districts only benefit black men. That is, the positive effect of districts is conditional on the context. Districts can increase opportunities for representation, but in some cases districts are not helpful. Only rarely do districts have a substantial impact. Taking advantage of variation among city institutional structures, council composition, and demographics, we use quantitative and qualitative methods to study these relationships. We analyze data from surveys of city clerks and election results from more than 7,000 cities and connect this analysis to the experience of local legislators through interviews with city councilors.

While the existing literature on underrepresentation is vast, our article makes several contributions to the understanding of the relationship between electoral institutions and representation. First, we offer a methodological contribution. While no model is perfect, our analyses

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improve on previous research by taking into account the large number of cities with no female or minority councilors, allowing us to make more precise predictions. We use tobit models to predict, first, the likelihood that a city will elect any women or people of color and then, to estimate the proportion of female and minority councilors. Second, while existing research on electoral systems and underrepresentation has tested the effects of either segregation *or* group size, we are the first to include both variables in our analysis. Further, much of the work on the effect of districts studies councils at or before 1990 and/or is limited to a small sample of cities; we use recent data on a large number of cities to analyze patterns across time and place. Finally, most previous research as well as the *Thornburg v. Gingles* (1986) decision assumes that the effect of electoral systems on the election of people of color is constant across gender. For example, the justices refer to the effect of districts on the representation of "minority groups" or "black citizens," but there is no discussion of the possibility that electoral institutions work differently for men as opposed to women of color. The fourth contribution of our article is to question this assumption, and, although we have limited data, we present evidence that the effect of electoral institutions is significantly different for men versus women of color.

Even after decades of progress there remain substantial disparities in the representation of black/African American, Latino/Hispanic, and women city council members compared to their population proportions.[1] The average city in our data set has a population that is 8% African American, 7.6% Latino, and 52% female while the average city council has a membership that is 4.8% African American, 2.3% Latino, and 20.5% female. Yet, there is wide variation among municipalities and across time. A clear question emerges: why do some cities do better than others at electing women and people of color?

Single-Member Districts: An Institutional Solution?

One of the most persistent findings by scholars of urban politics is that single-member district elections increase descriptive representation of underrepresented racial and ethnic groups on city councils.[2] This effect has been found to be particularly strong for African Americans (see, for example, Arrington and Watts 1991; Bullock and MacManus 1990; Davidson and Grofman 1994; Polinard, Wrinkle, and Longoria 1991; Welch 1990).[3] Districts have also been found to be beneficial to Latinos (e.g., Davidson and Korbel 1981; Heilig and Mundt 1983; Leal, Martinez-Ebers, and Meier 2004; Taebel 1978).[4] These statistical findings have been supported by extensive case study and historical research as well (Bridges 1997; Rice 1977). In sum, the literature concludes that "the effect of . . . districts is unequivocally . . . greater equity" (Mundt and Heilig 1982, 1035).

The literature on the representation of women finds precisely the opposite effect for single-member districts. While there are some exceptions, the vast majority of the research has concluded that districts are either meaningless (Alozie and Manganero 1993; Bullock and MacManus 1991) or disadvantageous for women candidates (see, for example, Darcy, Welch, and Clark 1987; Hogan 2001; King 2002; Matland 1995; Matland and Brown 1992; Norris 1985; Rule 1994; Schwindt-Bayer and Mishler 2005, Welch and Studlar 1990).

Because race and gender are not mutually exclusive categories, a handful of scholars have also sought to understand how electoral institutions affect women of color given that they face a potential double disadvantage (Githens and Prestage 1977) and conflicting institutional effects. Existing research finds that black women are most likely to be elected in state multimember districts (analogous to at-large elections in cities) while black men are disadvantaged by this structure (Darcy, Hadley, and Kirksey 1993; Rule 1992). Similarly, Herrick and Welch (1992) and Karnig and Welch (1979) find that black men, but not black women, are advantaged by districts. Further, Karnig and Welch (1979) find no effect of districts for Mexican American men or women. This suggests that the effect of districts should be conditional on the characteristics of the group as well as the candidate in question.

In addition to academic work, the process of vote dilution and the effect of institutional structures on representation have been the subject of intense legal analysis. The United States Supreme Court held in *Thornburg v. Gingles* (1986) that in challenging at-large or multimember districts minority plaintiffs must demonstrate (among other things) that the group in question is sufficiently large and compact enough to constitute a majority of a single-member district. While these criteria are consistently used in legal and scholarly work, there have been

[1] We use the terms *black/African American* and *Hispanic/Latino* interchangeably. Due to data limitations we are not able to study the effect of electoral institutions for Asian Americans.

[2] Descriptive representation and substantive representation are not interchangeable. See Guinier (1992) and Tate (2003) for in-depth discussions.

[3] Others find that districts are not superior (e.g., Bullock and MacManus 1993) or that the effect of districts has substantially weakened over time (Welch 1990).

[4] Others find that at-large systems offer better representation for Latinos (e.g., Mladenka 1989)

no studies that have determined whether or not districts serve to increase representation when these conditions are met at the local level. We begin to do so here.

Cities in the United States tend to elect their city councils using two electoral system types: single-member districts or at-large elections. When councilors are elected by district, the city is divided into geographic areas of roughly equal population size that elect a single member to the city council in a plurality or majoritarian contest. An at-large system is one in which members of the city council are selected by the entire city electorate. In most cities this means that voters are offered a slate of candidates and are allowed the same number of votes as there are seats available. Cities often have majoritarian requirements such that if a candidate does not receive 50% of the vote she is forced into a run-off election. Some cities designate seats or residency requirements for at-large positions turning the election into a series of single-member contests, while other cities vote for only one at-large member in any given election. A small but growing number of cities use mixed systems, electing some council members by district and others at-large. Scholars have found that these mixed systems as well as modified at-large systems that employ different vote count procedures lead to descriptive representation at levels closer to single-member districts (Brockington et al. 1998; Karnig and Welch 1982; Welch 1990). The number of cities using pure at-large systems has declined over the past 20 years, but at-large elections remain a common feature in city politics. The majority of cities in our study elect their members at-large.

In order for district elections to increase the proportion of councilors relative to the population size of an underrepresented group, previous literature has posited that three factors might come into play: concentration, size, and polarization of the vote. First, the group must be geographically concentrated to take advantage of districts (Sass 2000; Vedlitz and Johnson 1982). If group members are spread throughout the city so that they do not compose a simple majority of any one district, presumably districts would not increase representation of the group compared to an at-large system.

The size of the group (of voting age citizens) should also impact the efficacy of districts (Brace et al. 1988; Bullock and MacManus 1990; Grofman and Handley 1989; Leal, Martinez-Ebers, and Meier 2004). At minimum, if the group represents less than one-half of the population needed to elect a single council seat, districts are unlikely to ensure greater representation than at-large systems. Alternatively, if a group composes a majority of the city population in a majoritarian, at-large system, the group may be able to win all of the council seats. Districts might even decrease the group's representation on the city council. We predict that geographically concentrated, midsized groups will benefit most from district elections.

Finally, these expectations rely on an assumption of polarized voting. The group must vote in a substantial bloc for candidates who are members of the group, and other groups must be substantially unwilling to vote for members of the group (Brace et al 1988; Davidson and Korbel 1981; Engstrom and McDonald 1982). If either one of these does not hold, it is unclear whether the electoral system will have any direct effect on group representation.

Polarized voting affects different racial and ethnic minorities to different degrees. For instance, the more heterogeneous the group is, the less likely they may be to vote as a bloc, which is particularly important for Latino communities (Pachon 1999). For this reason we expect the effect of districts to be less pronounced for Latinos relative to African Americans. However, we still expect districts to have some impact. Research has found that Latinos share a significant number of characteristics that encourage ethnically based voting, including discrimination, immigrant experiences, Latin American heritage, and Spanish language (see Barreto 2004 for a literature review). Further, due to the lack of partisan identification in most city-level contests, candidate characteristics like race, ethnicity, or gender may take on additional importance for voters looking for informational cues (Bobo 1988; Kaufmann 2004; Popkin 1991; Tate 2003; Valdini 2006).

Nearly all of the research on racially polarized voting has concentrated on state- and federal-level elections (see Hutchings and Valentino 2005 for a review). At the local level, Hajnal and Trounstine (2005) found that blacks and Latinos tended to vote most cohesively for the same candidate. Across 10 of the United States' largest cities, 74% of blacks and 72% of Latinos voted for the group's majority preferred candidate. This was compared to 67% of whites voting for the group's first choice. Additionally they find a significant racial/ethnic divide in votes for the winning candidate, with a 39 percentage point gap between whites and African Americans, and a 20 percentage point gap between whites and Latinos. These figures bolster our prediction that districts will be most helpful for African Americans.

The logic of concentration and group size also works to explain potential differential effects of districts for people of color and women. Women are rarely (if ever) highly concentrated in a community. The same can be said for group size and the representation of women. Because women are nearly always between 48% and 52% of a community's population, we cannot expect that they will be aided by districts. Furthermore, there is little evidence of gender-polarized voting. A number of studies have found

that voters evaluate female candidates drawing on gendered stereotypes (e.g., Dolan 2004; Huddy and Terkildsen 1993; McDermott 1997; Valdini 2006) and that these stereotypes can affect perceptions about candidates (Koch 2000) and vote choice (Brown 1994; Brown, Heighberger, and Shocket 1993; Sanbonmatsu 2002).

However, stereotyping only equates to polarized voting when there are gendered differences in the judgments of voters. Some research has determined that women are more likely to prefer female candidates and men to prefer male candidates (Sanbonmatsu 2002). But, other scholars argue that there is little evidence of gender group consciousness (Conover 1988; Gurin 1985) and that women are equally if not more unlikely to vote for female candidates as men (Darcy and Schramm 1977; Karnig and Walter 1976). In the aggregate, the gender gap (while persistent) tends to be small with regard to support for parties and candidates (see Norrander 2003 for a review).

So although it is likely that women are treated differently from men in elections, it is unclear how these differences should interact with institutional variation. According to the criteria specified in *Thornburg v. Gingles* (1986), women are unlikely to benefit from districts. Scholars have suggested, among other reasons, that women might do better in multimember elections (such as at-large systems) because the competition is not zero-sum, meaning that voters need not choose women at the expense of men (Karnig and Welch 1979; Matland and Brown 1992; Matland and Studlar 1996). On the other hand, scholars have not proposed that the zero-sum calculation applies to racial and ethnic minorities.[5] This implies that the electoral structure is predicted to affect racial and ethnic minorities in a different way and for different reasons than women. So how should our expectation change when we are talking about women of color; do the predictions for multimember elections only apply to white women?

There is some evidence that racial bloc group voting does not apply to women of color, particularly when men of color are also running. McClain, Carter, and Brady (2005) find that black women have a harder time gaining the support of race-based organizations compared to black men, and Philpot and Walton (2007) find that black women are the strongest supporters of black female candidates. Given that our concentration and size hypotheses depend on polarized voting, we might not expect districts to help black women. On the other hand, some scholars have found that black women and Latinas are *better* represented than white women (Darcy and Hadley 1988; Garcia Bedolla, Tate, and Wong 2005; Montoya, Hardy-Fanta, and Garcia 2000). Garcia Bedolla, Tate, and Wong (2005) explain this finding as potentially resulting from block group voting. This would also be supported by Philpot and Walton's (2007) finding that black men tend to be stronger supporters of black female candidates than white women or white men. Further, a number of studies have found that race trumps gender in determining voting behavior and attitudes (Gay and Tate 1998; Lien 1998) and that the gender gap is essentially the same across racial and ethnic groups (Welch and Sigelman 1992). In sum, while we expect white women to benefit from at-large elections, and black men to benefit from districts, there are no clear hypotheses that emerge for black women and Latinas with regard to the effect of institutional structure.

[5]Clearly more research should be done to determine the extent to which zero-sum calculations apply to different groups. It is possible that even in at-large settings such a calculation could be invoked, particularly when cities use designated post systems or staggered elections.

Testing the Effects of the Electoral System on Representation

To understand more about why single-member districts help certain underrepresented groups and not others, we begin by testing the relationship between electoral structure and diversity in cities. Our data come from surveys by the International City/County Manager's Association (ICMA) conducted in 1986, 1992, 1996, and 2001. The ICMA survey is mailed to city clerks in approximately 7,500 cities including all municipalities with more than 2,500 residents. The average survey response rate for the years we analyze is 63%.[6] The survey provides demographic information about council members and institutional variables for the cities. To control for city-level demographics we use 1990 census data for all 1986 observations, 2000 census data for all 2001 observations, and linearly interpolate values for 1992 and 1996. In total we have 7,174 unique cities in the data set.

[6]Determining the effect of response rates to the ICMA is difficult because no other source contains institutional data for the same time period; but we can use data from the 1987 Census of Governments (COG) as a comparison for our main independent variable. The proportions of councilors elected in each type of system are similar in the two data sets. In the 1986 ICMA data 72.3% of cities elected councilors at-large, 11.6% used districts, and 16.2% used a mixed system. The COG reports 74.2% of cities elected councilors at-large, 13.5% used districts, and 12.3% used a mixed system. It does appear that western and southern cities are underrepresented in the ICMA compared to the census. The control variables included in our analyses should mitigate the effect of this underrepresentation; nonetheless we add the caveat that our findings are most directly applicable to the types of cities included in the ICMA sample. Weighting by region does not change our conclusions. Summary statistics for all variables are available from the authors.

In addition to the statistical analysis, we present responses from interviews of current city councilors from a sample of cities with mixed electoral systems.[7] These interviews served a number of purposes in our investigation. First, they helped us to identify the contextual factors that interact with institutions and affect the election of women and minority councilors. Secondly, they provide useful examples of our empirical findings. Finally, they offer face validity of our findings from people working in city politics. As we had hoped, all of the interviewees in our sample were familiar with both types of electoral systems and made a decision to run in one type rather than the other. Of the 174 councilors serving in 2006, 98 (or 56%) were female and/or persons of color. We randomly selected one-third of these members for an interview. Eleven councilors chose to participate in a phone interview in which we asked respondents open-ended questions regarding the effect of electoral institutions for electing white women, women of color, and men of color.[8]

In the quantitative analysis our dependent variables are the proportion of city councils that are black, Latino, and female. Unfortunately, the ICMA survey data do not specify the race of women councilors or the gender (or ethnic background) of those in the included racial categories. While it would be ideal to augment our discussion of women of color with ICMA data, we cannot. However, using data from a different source for 1986 we are able to perform a separate analysis of the effect of districts for black women versus black men and Latinas versus Latinos. In all of the analyses our primary independent variable is the percentage of councilors elected by district in each city. The majority of cities in our data set have a city council that is either elected wholly by districts or at-large, but some have mixed systems in which a portion of the council is elected by district and a portion elected at-large. To capture this variation we use a continuous version of the variable.

We add to these regressions a number of other institutional variables that have been linked to minority council representation either directly or indirectly through turnout and mobilization effects. These controls include nonpartisan versus partisan elections, mayor council versus council manager systems,[9] the size of the city council,[10] the presence of term limits, and a dummy variable noting whether city elections are held concurrently with national elections.[11] Because some city institutions are subject to closer scrutiny as a result of the Voting Rights Act (VRA) and our primary independent variable (elections by district) may in fact be the result of challenges brought under the VRA, we include a dummy variable indicating jurisdictions required to secure preclearance as per Section 5. We include citywide socioeconomic variables to account for the possibility that female or minority presence on the council is linked to wealthier or more educated communities.[12]

We control for potential region effects and the racial and ethnic makeup of the city population. Latinos have lower citizenship rates and younger populations than whites and African Americans, perhaps limiting their ability to affect election outcomes (Jones-Correa 1998). To control for this we include a measure of the total proportion of the city population that are noncitizens and the proportion that is 18 and older. To account for liberal leaning communities that might be more likely to elect women and minorities, we include a measure of the countywide vote for the Democratic presidential candidate in 1988 and a dummy variable for central cities. To control for the likely relationship between time and our independent and dependent variables, we include year fixed effects (with 2001 as the base category). Finally, in all models we include the population proportions of African Americans, Latinos, and Asians in each city.[13] As was true with our dependent measure of racial and ethnic representation, we

[7] The cities are the 10 largest mixed system cities: Houston, Philadelphia, Charlotte, Jacksonville, Indianapolis, Boston, Washington DC, Denver, Nashville, and New Orleans.

[8] We interviewed six white women, two African American men, one African American woman, one Latino, and one Latina. Prior to each interview we requested permission to record and quote each councilor. We received consent from all but one council member who is not quoted by name in this manuscript. Transcripts are available from the authors upon request.

[9] Using a more nuanced version of this variable allowing for mayor council systems with a city manager makes no difference to the results.

[10] Scholars have argued that in smaller councils the value of each seat is greater and therefore less likely to be represented by minorities or women (see Welch and Karnig 1979).

[11] Ideally we would have also included controls for the city's vote-count procedure, but these data are not collected by ICMA, and the large size of the data set precluded us from collecting it.

[12] Unfortunately, group-specific versions of these demographic variables are not available from the 1990 census so we were unable to test the alternative argument that group resources determine representation (see, for example, Cole 1974; Karnig 1979).

[13] Ideally these proportions would be in reference to the population of citizens over the age of 18. However, the census did not provide data for citizens over the age of 18 by race/ethnicity for our entire time period. We tested alternative formulations of population measures assuming in 2000 a constant citizenship rate across age groups and in 1990 a constant citizenship rate across racial and ethnic groups. The alternative specification made little difference to the results and is available from the authors.

cannot account for racial and ethnic group heterogeneity in these models.[14]

Like most research on this topic, we restrict our results to cities with substantial minority populations. Rather than select an arbitrary minimum for the size of groups, we allow the threshold to vary by city depending on the size of the city council. An observation is included if the group in question composes at least one-half of the percentage that a single council seat represents.[15] Our analysis assumes that black residents will be the strongest supporters of black candidates and Latino residents for Latino candidates. The larger the city council the easier it should be for any group to win representation. Using a varying threshold takes this into consideration.

The mean number of council seats is six, so on average a city is included if the underrepresented group is at least 8% of the city's total population. We apply this selection criterion regardless of the electoral system employed. When we test the hypothesis that the size of the group matters for the effectiveness of the electoral system, we relax this selection criterion and restrict the analysis to cities that have nonzero populations of the group in question. This allows us to directly test the assumption that a group will benefit most from districts when its population is larger than one-half of the percentage of a single council seat but less than a majority of the total population.

Due to the extremely large number of cities that have no female or minority councilors, we use a random-effects tobit model to estimate the effects of districts on council representation [$y_i^* = x_i'\beta + \varepsilon_i^*$, where $y_i = y_i^*$ if $y_i^* > 0$ & $y_i = 0$ if $y_i^* \leq 0$].[16] The model, a maximum-likelihood estimation censored at zero, combines the logic of probit and multiple regression to estimate both the probability of a council having any female or minority members, and given this, predicts the expected proportion of female councilors and councilors of color.

Do districts increase the proportion of African American, Latino, and women councilors? The results displayed in Table 1 confirm that district elections continue to aid minority members in getting elected and are a nominal detriment to women. A variety of simulations help to clarify the relationships between district elections and representation. We predict the marginal effect of the electoral system on the proportion of women and minority council members when moving from a system in which a majority of the council is elected at-large to a system in which a majority of the council is elected by district, holding all other variables constant at their mean values. First, we predict the effect of districts on the probability of a city having any members of the underrepresented group on the council. Then, we predict the effect of districts on the expected proportion of female and minority council members, weighted by the probability that this value is positive.[17]

For African Americans, having a majority of council members elected by district increases the probability of electing any African Americans to the city council by more than 10 percentage points, from 73% in at-large cities to 84% in district cities.[18] The expected proportion of African American councilors increases by about five percentage points under districts, from 13% to 18%. Because the average city in our data set has six council members, in order for a group to gain an additional seat districts need to provide about a 16-point advantage. In our model, districts clearly fall short of this threshold for African Americans.

The key factor in increasing African American representation is the proportion of the city that is black. For Latinos, districts have a weaker effect on representation. For both at-large and district systems the probability of having any Latino councilors at all is low; 27% in at-large systems and 33% in district systems. When this is taken into consideration the relationship between district systems and the expected proportion of the Latino councilors is limited to about $1\frac{1}{2}$ percentage points, going from 4.1% in at-large systems to about 5.5% in district systems. The Latino population in a city plays a key role in the election of Latino council members. Nearly equal in effect is the percentage of the city that has the rights of citizenship.

Echoing the results of our regression analyses, nearly every interviewee in our sample agreed that district systems were better than at-large systems for electing people of color. For example, Councilman Jamie Isabel, an African American member on the Nashville City Council, explained, "It's happened again and again where African Americans can't get enough votes to win at-large." Susan Burgess, a white woman serving in an at-large seat in the Charlotte City Council, echoed his

[14]Scholars find that assuming ethnic or racial group homogeneity severely biases estimates of representation (DeSipio 1996; Sass 2000; Tam 1995), but we have no fix for this problem.

[15]We repeated the analyses using a 5% threshold of the group in question instead of allowing the threshold to vary based on council size (available upon request from the authors). The results are extremely similar and our conclusions hold in all cases.

[16]The likelihood function for each unit is computed using the Gauss-Hermite quadrature. The estimates were stable in multiple tests. Alternate specifications using a tobit model with Huber/White clustered standard errors are nearly identical. We further tested weighted models to correct for heteroskedasticity and got similarly strong results.

[17]Effects on uncensored observations are also available from the authors.

[18]Predictions calculated using Stata/SE 9.2 mfx command.

sentiments, stating that districts are "absolutely" better than at-large seats for electing people of color. Councilwoman Rosemary Rodriguez, a Latina serving on the Denver City Council, believes so strongly in the positive consequences of district elections for increasing the representation of people of color that she worked for electoral reform for other local offices in her city. She explains: "I actually persuaded the legislature to adopt single-member districts for Denver for a majority of the school board seats so that we could try to achieve Hispanic representation. And ever since that bill was passed, we have had a Hispanic member elected to the school board."

The Effect of Institutions for Women

For women, the results in Table 1 suggest that the probability of a council having at least one female councilor is high: about 83% in at-large systems and about 80% in district systems, with the expected proportion of female

TABLE 1 Tobit Regression on the Percentage of Minority and Female Council Members

	% Black		% Latino		% Women	
	Coefficient	St Err	Coefficient	St Err	Coefficient	St Err
% District	0.06**	0.01	0.05**	0.02	−0.02**	0.01
Demographics						
% Latino	0.18**	0.07	1.68**	0.08	−0.00	0.03
% Black	0.85**	0.03	0.17*	0.09	0.12**	0.02
% Asian	−0.41**	0.21	0.53**	0.16	0.08	0.07
% Women	0.43**	0.16	−0.53*	0.32	−0.16	0.10
Total Pop (mil)	0.02	0.03	0.02	0.05	0.05*	0.03
% Poor	0.29**	0.10	−0.00	0.18	−0.07*	0.04
Med. Income (ths)	−0.00	0.00	0.00	0.00	−0.00	0.00
% Coll. Grad	0.23**	0.07	0.26**	0.13	0.21**	0.03
% Noncitizens	−0.05	0.15	−1.26**	0.14	0.00	0.07
% Pop Over 18	0.02	0.11	−0.02	0.15	0.18**	0.05
Democratic Vote	−0.14**	0.05	0.15*	0.09	−0.01	0.02
Institutions						
Term Limits	−0.00	0.01	0.03	0.02	0.02**	0.01
Nonpartisan	0.00	0.01	−0.01	0.03	−0.00	0.01
Mayor Council	−0.00	0.01	0.02	0.02	−0.00	0.00
Council Size	0.00	0.00	0.01**	0.00	0.00**	0.00
Concurrent	−0.01	0.02	0.02	0.02	0.01*	0.01
VRA	0.00	0.01	0.04	0.03		
Geography						
Central City	0.07**	0.01	0.08**	0.02	0.02**	0.01
West	0.08**	0.03	0.05*	0.03	0.10**	0.01
Northeast	0.02	0.02	−0.03	0.04	0.02**	0.01
Midwest	−0.00	0.01	0.00	0.04	0.04**	0.01
1986	−0.07**	0.01	−0.03	0.03	−0.07**	0.01
1992	−0.02**	0.01	−0.01	0.02	−0.02**	0.01
1996	−0.01	0.01	−0.00	0.03	0.07**	0.01
Constant	−0.37**	0.15	−0.46*	0.26	0.03	0.06
N	3042		2749		11537	
Wald χ^2	1670.83**		1258.24**		1668.51**	

*p < .10, **p < .05.
Source: International City/County Manager's Association (ICMA) surveys of 1986, 1992, 1996, and 2001.

councilors going from 20% in at-large cities to 18% in cities with district elections. None of the other variables perform particularly well predicting women's representation. The model suggests that increasing the proportion of women in a city negatively impacts the chance of having women on the council. Women are also aided by larger city councils. To test whether or not this finding reflects the benefit of increased district magnitude that other scholars identify, we interact this variable with a dummy variable indicating whether the majority of the councilors are elected at-large or by district. Our findings reflect the conventional wisdom (e.g., Alozie and Manganaro 1993); women do better with larger city councils, but in at-large cities this effect is much more pronounced. Once the interaction is included, the independent effect of at-large elections actually disappears. This offers indirect support for the argument that women benefit from a nonzero-sum setting.

The opinions of our interviewees reflect these muddled findings of the effects of at-large versus district elections for women. Councilperson Carol Boigon felt strongly that at-large seats are better for electing women candidates. She explained that in her council, "the two at-large seats run at the same time—no differentiation occurs—one race, two top vote getters get seated. So there were seven men and me. So you win by a plurality, which really strengthens the hand of women." Council members Jamie Isabel, Glorious Johnson, Susan Burgess, and Anna Verna, on the other hand, all felt that districts are the better choice for increasing the number of women in office. However, when asked *why* they felt that district elections are better for electing women, every respondent gave a different answer.

Councilwoman Johnson explained districts were better because of the ability of women to be active and known within their districts, stating that the women currently serving in district seats on her council "have . . . clout when it comes to that district because they have been known since they were children." Councilwoman Burgess suggested that districts are better for women because they are less competitive. She explained, "Once you win a district election, many times the district representatives don't even have competition in their subsequent elections. At-large is always competitive. Very tough races, to be truthful and we have only one woman and three men." Three other council members all argued, however, that it was a toss-up and/or that the election of women depended on factors specific to each electoral contest, not the electoral system. Councilwoman Sanders of Indianapolis stated, "I don't know that there's really much difference [between at-large versus district elections], at least not in my experience."

Clearly, the variety of responses and opinions given on this subject is quite different from the nearly uniform responses given on the effects of district elections for the election of people of color. The wide range of responses regarding the effect of institutions on the representation of women is not too surprising given our statistical results. We found that women are negatively affected by districts, but the results were small, with the predicted proportion of women increasing only about 2% in at-large cities. In sum, after controlling for a variety of factors, it appears that districts have a limited but distinctly positive effect on increasing representation for underrepresented racial and ethnic groups and a small negative effect for women that appears to be driven by the multimember nature of at-large elections.

The Intersection of Race and Gender

Given that racial and ethnic minority groups seem to benefit from districted systems while women seem to do better in at-large systems, how do black women and Latinas fare in these cities? Our main data set does not provide the racial and ethnic background by gender of city councilors; however, the United States Census of Governments collected these statistics in one year that matches our data—1986. In this year about 16% of white and black councilors and about 18% of Hispanic councilors were women. For the following analyses we use as dependent variables the proportion of the city council that is black women, black men, Latinas, Latinos, and white (non-Hispanic) women. We include all of the controls described above. As above we only include cities with substantial minority and female populations.[19]

The results in Table 2 suggest differential effects of districts for black women and Latinas. Where district elections have no significant effect on increasing the proportion of councilors who are black women, black men get a significant boost from this institutional structure. In fact all of the predicted increase in representation found in Table 1 is attributable to black men. The predicted probability of a council having any black women is about 13%, and the expected proportion of black women is about 1.6% regardless of the electoral system. The probability of a council having any black men is much higher, about 53%

[19]We chose not to select cities on the combined basis of race and gender (e.g., only including cities with a substantial population of black women) because previous scholarship has indicated that race is a more important predictor of vote choice than gender. Thus we assume that the presence of black men and Latinos are important for the election of black women and Latinas.

TABLE 2 Tobit Regression on the Percentage of Council Members of Color by Gender

	% Black Women		% Black Men		% Latinas		% Latinos		% White Women	
	Coefficient	St Er	Coefficient	St Er	Coefficient	St Er	Coefficient	St Er	Coefficient	St Er
% District	−0.00	0.03	0.08**	0.02	0.04	0.09	−0.01	0.05	−0.02	0.01
Demographics										
% Latino	0.29	0.28	0.08	0.15	0.97**	0.27	1.63**	0.15	−0.15**	0.05
% Black	0.54**	0.1	0.58**	0.05	0.67**	0.33	0.27	0.19	−0.08**	0.04
% Asian	1.36**	0.63	−0.03	0.36	0.43	0.6	0.21	0.36	−0.09	0.13
% Women	−0.19	0.57	0.49	0.31	−0.02	1.22	0.58	0.78	−0.36*	0.19
Total Pop (mil)	−0.06	0.11	0.01	0.05	0.07	0.13	−0.04	0.08	0.06	0.05
% Poor	0.01	0.36	0.42**	0.19	0.67	0.6	0.25	0.36	−0.03	0.07
Med. Income (ths)	−0.00	0.00	0.00	0.00	0.01	0.01	0.01	0.00	0.00*	0.00
% Coll. Grad	0.42*	0.23	0.01	0.13	0.06	0.54	0.13	0.32	0.19**	0.05
% Noncitizens	−0.61	0.64	−0.07	0.34	−0.7	0.46	−1.21**	0.26	0.00	0.14
% Pop Over 18	−0.09	0.45	−0.07	0.24	0.25	0.79	0.17	0.47	0.32**	0.09
Democratic Vote	−0.03	0.15	−0.20**	0.08	−0.35	0.35	0.15	0.18	0.03	0.03
Institutions										
Term Limits	0.12**	0.06	−0.04	0.04	−0.04	0.11	0.08	0.06	0.04**	0.02
Nonpartisan	0.01	0.04	0.00	0.02	0.04	0.12	−0.04	0.06	0.00	0.01
Mayor Council	−0.03	0.03	−0.03**	0.02	−0.13	0.09	0.03	0.04	−0.02*	0.01
Council Size	0.01	0.01	0.00	0.00	0.03*	0.02	0.02	0.01	0.01**	0.00
Concurrent	0.03	0.05	0.00	0.03	0.06	0.08	0.04	0.05	0.01	0.01
VRA	−0.03	0.04	−0.01	0.02	−0.03	0.10	0.04	0.06		
Geography										
Central City	0.12**	0.04	0.08**	0.02	0.01	0.09	0.10*	0.05	0.04**	0.01
West	−0.14	0.11	0.03	0.05	0.03	0.10	0.09	0.06	0.12**	0.01
Northeast	0.06	0.06	0.00	0.03	−0.12	0.19	−0.15	0.11	0.01	0.01
Midwest	0.00	0.05	−0.02	0.02	−0.15	0.20	−0.02	0.10	0.04**	0.01
Constant	−0.35	0.55	−0.38	0.3	−1.44	1.03	−1.45**	0.63	−0.13	0.12
N	893		893		698		698		3563	
Wald χ^2	62.12**		303.92**		30.31		321.97**		430.62**	

*p < .10, **p < .05.
Source: United States Census of Governments 1986.

in at-large councils and nearly 70% for district councils. The expected proportion goes from 8% in at-large cities to 14% in districted cities.

For Hispanics the story is different. The electoral structure has no significant effect on the proportion of the council that is Latino or Latina. However, Latinos are much more likely to be represented on councils. The probability of having any Latinos on the council is about 21% and the expected proportion about 3.5%, while the probability of having Latinas on the council is about 4% and the expected proportion less than 1%. Finally, in these results it appears that the positive effect of at-large elections is all going toward white women, although the coefficient does not quite reach statistical significance. The probability of a council having any white women increases from 64% under districts to 67% in at-large cities, with the expected proportion increasing from 12% to 13%.

In sum, black men and white women are the only groups in our analysis that are substantively and significantly affected by electoral institutions, and the biggest benefit of the system appears to be increasing the probability of having any black men or white women, rather than the proportion.

Concentration of Population Matters

The reason that the electoral system may have a relatively small overall effect for racial and ethnic minorities may

lie in population size and residential concentration of the groups. We now look to see whether districts have a larger effect if these factors are taken into consideration. As opposed to women, African American and Latino voters can be heavily concentrated. The theory that concentration drives the relationship between district elections and representation of racial and ethnic minorities has a substantial number of subscribers (Brace et al. 1988; Davidson and Korbel 1981; Engstrom and McDonald 1982; Mladenka 1989; Vedlitz and Johnson 1982). Yet there have been few attempts to actually test this claim directly (Sass 2000 is an exception). We use 1990 and 2000 census data on concentration in 331 metropolitan areas to do so here.[20]

Demographers rely on a variety of different measures of racial and ethnic concentration and segregation calculated using demographic data collected at the census-tract level (Massey and Denton 1988). One measure is the isolation index, which ranges from 0 to 1 and represents the probability that group members will meet members of their own group in their census tract. A score of .6 for African Americans means that the average African American lives in a census tract that is 60% black. This measure has the benefit of being sensitive to a group's size in addition to the distribution of the group throughout a community. It would be impossible to have a high isolation score unless a group composes a substantial portion of the total community. Both factors are likely important for a group to transform membership into voting strength.

In order to analyze the effect of concentration, we split our data into four samples based on the isolation index for each group and run the same tobit models presented above for each quartile.[21] We hypothesize that the benefits of district elections should be most likely if a group can reasonably generate a voting majority in some neighborhoods. In other words we predict increasingly significant effects as the isolation index increases. The following analyses are restricted to cities with nonzero populations of African Americans and Latinos. We present only the variables of interest, but the models include all of the controls listed in Table 1. The full models are available from the authors.

[20]The census did not produce concentration data at the municipality level until 2000, and then only for large cities. To show the effects of concentration across time for as many cases as we can, we rely on the MSA-level statistics, but because of the potential mismatch between MSA- and city-level concentration, we rerun the analysis using 2000 data at the city level for 596 cases.

[21]We elected not to present an interaction model because the effect is nonlinear. We had enough data to estimate the effect in a split sample allowing the coefficients to vary.

The results in Table 3 are clear. Only when a group is concentrated will districts promote increased descriptive representation on the council. For African Americans, the effect of districts goes from being negative at very low levels of concentration to significantly positive at high levels. Districts have the largest effect for cities in the third quartile, where moving from an at-large system to a district system increases the estimated probability of electing an African American council member by about 10 percentage points, from 14% to 24%. This is a powerful effect compared to the first quartile, where districts decreased both the probability of having any African American councilors (from 7% to 3%) and the expected proportion from .9% to .3%. When the isolation index is very high for African Americans the effect of districts becomes insignificant. This could indicate the decreased importance of the electoral system when a group makes up a majority of the electorate. The size of the black population is most dominant in the first and fourth models, suggesting that African American council representation in cities at the two ends of the isolation spectrum is best predicted by the size of the minority group itself.

We repeated this analysis with the 1986 census data using the proportion of black men and the proportion of black women as dependent variables. As expected the results hold systematically for the election of black men, but not black women. For black men districts have a negative effect in the first quartile and an increasingly powerful effect in the second through fourth quartiles. For black women the electoral institution has no effect in the first through third quartiles, but districts are extremely powerful and positive in the fourth quartile. When blacks compose a majority of a city's population, districts—not at-large elections—help black women.

As shown in the bottom half of Table 3, for Latinos, the effect of the interaction between districts and concentration is even more striking. The effect of districts is small and highly insignificant in the first and second quartiles. The effect in the third quartile is substantial but not quite statistically significant. Unless Latinos are extremely concentrated, districts make little difference for representation. In the fourth quartile, the impact is large. Districts increase the probability of electing Latinos to the council to 98% from 75% under at-large systems.[22] The predicted proportion of Latinos on the council increases by more than 25 percentage points from 19% in at-large cities to 48% in district systems.[23]

[22]We could not run these models on Latinos and Latinas separately because of a lack of data.

[23]Using city-level isolation measures from 2000 for large cities, the results are extremely similar though not exactly the same. For blacks

TABLE 3 Tobit Regression on Proportion of African American Council Members, Controlling for Concentration

	0 ≤ isolation < .25		.25 ≤ isolation < .50		.50 ≤ isolation < .75		.75 ≤ isolation ≤ 1	
	Coefficient	St Err	Coefficient	St Err	Coefficient	St Err	Coefficient	St Err
% District	−0.13**	0.05	0.04**	0.02	0.08**	0.02	0.06	0.04
% Black	3.15**	0.48	1.29**	0.08	1.22**	0.06	1.31**	0.10
VRA	0.14**	0.06	−0.03**	0.02	0.06**	0.03	−0.90	73.3
Constant	−0.92	0.60	−0.05	0.22	0.13	0.26	1.44	0.68
N	1373		2247		2735		908	
Wald χ^2	94.15**		680.00**		902.92**		383.65**	

Tobit Regression on Proportion of Latino Council Members, Controlling for Concentration

	0 ≤ isolation < .25		.25 ≤ isolation < .50		.50 ≤ isolation < .75		.75 ≤ isolation ≤ 1	
	Coefficient	St Err	Coefficient	St Err	Coefficient	St Err	Coefficient	St Err
% District	0.03	0.11	−0.00	0.04	0.06	0.05	0.32**	0.16
% Latino	4.63**	0.94	1.53**	0.17	1.53**	0.15	2.14**	0.40
% Noncitizens	−4.98**	1.67	−1.22**	0.35	−0.97**	0.23	−0.64	0.67
Constant	−2.80	1.73	−0.35	0.48	−0.53	0.46	1.61	1.19
N	4542		1966		968		133	
Wald χ^2	163.28**		241.99**		427.35**		198.88**	

*p < .10, **p < .05.
Source: U.S. Census Bureau 1990 & 2000; International City/County Manager's Association (ICMA) surveys of 1986, 1992, 1996, and 2001.

There are at least two reasons that the effect of districts occurs only at the highest levels of isolation for Latinos. First, Latinos have lower levels of turnout compared to their population proportions than African Americans or whites. This may indicate that Latinos need to be a larger share of the population before they can affect electoral outcomes as a group. Secondly, these results may indicate a lower level of polarized voting and bloc group voting until Latinos are highly concentrated and a large portion of the population. It is plausible that ethnic group identity would be associated with a higher degree of segregation and a larger minority group presence. In general though, these data provide strong support for our hypothesis that the benefit of single-member district elections for minority groups operates through patterns of concentration. Furthermore, the negative results for African Americans in the first quartile of isolation suggest that underrepresented groups may fare better in at-large elections when they are highly dispersed throughout the community.

the effect of districts is negative in the first quartile, small and insignificant in the second quartile, and increasingly positive in the third and fourth quartiles. For Latinos the effect is negative in the first quartile, nearly zero in the second and fourth quartiles, and very powerful in the third quartile.

This is precisely the conclusion drawn by one of our interviewees, Councilman Felix Arroyo, the first Latino elected to the Boston City Council. Councilman Arroyo stated that he chose to run for an at-large seat rather than the district seats also available because "it is very difficult to win if you are a person of color by district except for two districts which are actually communities of colors." Further, he explained that because of the demographics of the city, the at-large seat was better for electing Latinos in Boston, "because most of the Latino community is spread across the city, as well as the immigrant community and the progressive groups." For Arroyo, the lack of concentration of his primary constituency means that districts do not offer him the best opportunity for election.

Councilor Carol Boigon, a white woman serving on the Denver City Council, also emphasized the power of district elections when groups are concentrated. She explains:

> ... in a district seat ... some of the ethnic concentrations have an opportunity to be represented .... That's the advantage I see. We have two seats that could reliably elect a black council person, the 8th and 11th. And those of us who feel

> that it's important to have diverse voices at the table and who are not black, you would say "Why would you run from one of those seats then?" I wouldn't.

Councilwoman Boigon's point is clear: African American council members benefit electorally in areas of the city that have large concentrations of black voters.

Size of the Group Interacts with Districts

We hypothesized that the effect of districts should interact with group size, being most effective when groups are moderately sized. Our use of the isolation variable in the previous section tested this indirectly, but because the index combines concentration with group size, in this section we test this hypothesis directly by splitting our sample by the size of the underrepresented group.[24] We divided our data into three subsamples for African Americans and Latinos. The first sample includes cities that have minority populations greater than zero, but less than the one-half of the percentage that a council seat represents. The second sample includes cities with minority groups equal to or larger than one-half of the percentage the council seat represents, but less than a majority of the population. The third sample includes cities where the group in question composes a majority of the population.

The results confirm our expectations. Districts matter most for groups that are a moderate proportion of the population. For very small and very large groups the electoral system has no significant effect on representation in the models. Rather than present these as regression results, we have included a graph of the benefit of districts compared to at-large systems for African Americans and Latinos depending on the size of the black or Latino population.

The results in Figure 1 suggest that districts have a much stronger effect for African Americans than Latinos, as would be expected given the differences in concentration and bloc voting between the groups. For both groups the only statistically significant differences between electoral systems occur when the group is moderately sized. In no case does the electoral system bring a group to representational parity, but in cities where there are very large populations of African Americans and Latinos, there is virtually 100% probability of at least a single council member being African American or Latino. This suggests that African Americans and Latinos are breaking into the political system when they command a substantial voting bloc.

In our interviews a number of councilors emphasized group size in combination with concentration in their discussion of the superiority of district for electing people of color. Councilman Jamie Isabel, an African American member on the Nashville City Council, explained that districts are better because at-large systems "dilute the votes." Similarly, Councilor Susan Burgess, a white woman on the Charlotte City Council, stated that

> . . . the reason is because we have drawn our districts to make sure we have minority representation. Three [out of seven] of our districts are majority-minority. And there's always a minority elected there. We have had difficulty electing minorities at-large, even when they are extremely qualified . . . We've had awesome African American candidates who have tried to go from districts to at-large and lost citywide.

Councilperson Joanne Sanders, a white woman serving in the Indianapolis council (which is consolidated with the county), nearly repeated the sentiments of Councilwoman Burgess, stating that

> because of the demographics of the county, I think that the district level was better for people of color . . . we still have heavily black areas, in our communities, where it's easily a seventy-thirty Democrat district. So for people of color that's much easier than trying to run county-wide where some of the outlying areas are predominantly white. Although, the black people who have run on the at-large ticket have been successful but again you can tell by the numbers unfortunately they don't always glean the most amount of votes.

Councilor Sanders's response hints at the presence of racially polarized voting in Indianapolis. Other interviewees expressed similar sentiments. When asked why black candidates had been unsuccessful in winning at-large seats, Councilman Isabel ascribed the outcome to polarization:

[24] A single model including the interactions between districts, group size, and dummy variables for subsamples also generated significant results. There is no significant difference between at-large and district systems when a group is very small; increasing the group population increases the proportion of minority group members and districts enhance this result. We present the split sample analysis because the results are easier to interpret.

FIGURE 1 Estimated Benefit of Districts Compared to At-Large Elections by Group Population Size, 1986–2001

Source: U.S. Census Bureau 1990 & 2000; International City/County Manager's Association (ICMA) surveys of 1986, 1992, 1996, and 2001.

> I think whites have a reluctance to vote for African Americans. We're in the south, I think up north or back where you are out west, there may be some differences. But I think here in the south whites really haven't come to the reality that African Americans can represent them well.

Similarly, Councilor Burgess suggested that "subtle racism" kept African Americans from winning citywide elections. A number of our interviewees also insinuated that some groups formed more cohesive voting blocs than others. Councilor Rodriguez from Denver highlighted the benefits of districts for Latino candidates because of the strategy of "single-shot[ting]" where voters pool votes in a multicandidate, at-large race for a single candidate. She told us that the African American community used this approach successfully to elect representatives whereas Latinos tended to divide their votes among a slate of candidates and so "every time a Hispanic candidate would run, they would be defeated." According to these council members, racially polarized voting continues to be a significant factor in city council elections, and different groups are affected in different ways by these types of vote patterns.

Conclusions

One final possibility in explaining the benefit of districts for female and minority council membership is the attraction of running in a district versus citywide election. Districts might aid racial and ethnic minorities because more traditionally underrepresented candidates choose to run in district races. If the organizing, fundraising,

and campaign costs are substantially different between districts and citywide races, this may well be a factor. Furthermore, it remains to be explained why some cities elect more women than others: it does not appear to make a substantial difference whether women run in district or at-large electoral systems. Nonetheless, we believe that we have taken a step forward in explaining the effect of electoral systems on underrepresented groups.

By taking advantage of the institutional variation across cities in the United States, we have gained a more nuanced understanding of the representation of women and racial and ethnic minorities. Single-member district systems can increase diversity only when underrepresented groups are highly concentrated and compose moderate portions of the population. These factors are most important in an arena where polarized voting predominates and where groups leverage their population size to achieve descriptive representation. In addition, the effect of the electoral system is not constant across all people of color, nor is it constant across both genders; race and gender interact to produce different results. Our findings demonstrate the need for caution when making declarations of the benefit or detriment of institutional settings; while the electoral rules certainly have an effect, the context in which they are employed is also crucial to gain a complete understanding.

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PERKINS THOMPSON

MEMORANDUM

To: Portland Charter Commission

From: Jim Katsiaficas

Date: March 22, 2022

Re: Legal Issues – Charter Revision Question(s); Districting Questions

At a recent Charter Commission Meeting, Commissioner O'Brien asked who decides whether and how to organize charter commission revisions into one or more ballot questions. The answer is that the Charter Commission determines this by majority vote. Title 30-A M.R.S. §2105(1)(A) provides "A. If the charter commission, in its final report under section 2103, subsection 5, recommends that the present charter continue in force with only minor modifications, those modifications may be submitted to the voters in as many separate questions as the commission finds practicable. The determination to submit the charter revision in separate questions under this paragraph and the number and content of these questions must be made by a majority of the charter commission."

Commissioners have asked how City Council districts currently are determined and what legal standards apply, and asked if increases in City Council district seats necessarily require an increase in School Board seats.

Article II, Section 1 of the current Charter provides for the division of the City into five districts for purposes of all City elections:

> For the purpose of all elections the city, including its islands, shall be divided into five (5) districts to establish compact and contiguous districts of approximately equal population.
>
> The city council for voting purposes may by ordinance divide the election districts into voting districts.

The number of both City Council and School Board district seats are based on this provision. Article II, Section 2 provides for election of one City councilor to "be elected from each of the five (5) districts heretofore provided for [in Article II, Section 1]." Article III, Section 1 provides for five School Board members to be elected from each of the five districts established under Article II, Section 1.

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State law (30-A M.R.S. §2503) requires municipalities that have districts to reapportion their districts through enactment of a reapportionment ordinance by the municipal legislative body within one year after the Maine Legislature completes its reapportionment, which follows each decennial national census. In that reapportionment, "Each district must contain as nearly as possible the same number of inhabitants as determined according to the latest Federal Decennial Census, but districts may not differ in number of inhabitants by more than 10% of the inhabitants in the smallest district created." This is the result of U.S. Supreme Court decisions requiring equal weighting of votes. The City Council, as Portland's municipal legislative body, establishes district reapportionment by ordinance. The City currently is conducting its reapportionment, which must be completed by August 10, 2022, 90 days before the November election.

As noted above, the City Charter establishes five districts for purposes of **all** City elections, and so this sets out the number of districts and district seats for both Council and School Board elections. Except for the current Charter, I know of no other legal requirement that the number of School Board district seats equal the number of City Council district seats.

However, there is the practical issue of conducting City elections if there were differing numbers of Council and School Board districts, since there would be two different sets of districts with different boundaries. Election workers at polling places would have to offer multiple district ballots since Council and School Board district lines would not be the same. This already happens where State legislative district lines divide City districts, and would add another layer of complexity to City election management.

Moreover, in discussing this with the School Board's legal counsel, I understand that the School Board has not taken a position on the potential of increasing the number of district seats, but that the Superintendent believes the School Board's general desire for greater diversity of representation and for parity with the City Council means that the School Board would want to increase the number of district seats accordingly.

CITY OF PORTLAND ETHICS COMMISSION & CODE OF ETHICS

1. The proper operation of the City of Portland requires that all City officials, whether elected, appointed, or city employees be impartial, equitable, and responsive to the needs of the people and each other in the performance of their respective functions and duties; that proper conduct by City officials will promote public confidence in the integrity of government and will be maintained by all City officials; that public office not be used for personal or financial gain or advantage; and that the structure of City government be used properly in decision and policy-making. In recognition of these goals and the importance of protecting public interest and City officials, a Ethics Commission shall hereby be established for all by the City Council.

1.1 PURPOSE: To provide impartial oversight as to ensure that standards of conduct are defined and upheld; and to make public the sources of income as well as other areas of personal and pecuniary interests to city officials, their family members, and major supporters for purposes of recusal.

Section 1.2 Ordinance required.
The City Council shall maintain an ordinance defining the code of ethical conduct of elected and appointed City officials, as well as all employees of the City in accordance with all applicable labor laws, contracts, and confidentiality requirements. The ordinance shall be developed and recommended by the Ethics Commission, as provided in Section 2, and be approved and later amended with the approval of 2/3 of City Councilors present and voting. The ordinance shall establish the process for filing complaints and soliciting advisory opinions by residents of Portland and city employees.

1.3 The code shall include and encompass but not be limited to the following:

Standards of Conduct
Disclosure of Confidential Information
Conflicts of Interest
Disclosure of Conflict
Determination of Conflict

1.3.1 Whereby the disclosures as provided in Sec. 1.3 wherein prior to being sworn into office, all elected city officials and executive and senior city staff shall complete a disclosure form. The form shall disclose all sources of income, as well as those of close family members, in accordance with common and accepted practices consistent with state and community standards. Applicable forms shall be public documents and may be referenced by the public for purposes of recusal. The form shall be updated on an annual basis or upon change of employment or situation. These disclosures shall be made publically accessible and posted

together on the city's website and on the page of that city official as applicable and in accordance with all applicable labor laws, contracts, and confidentiality requirements.

1.4 The Board shall devise, with the assistance from city staff and/or outside counsel, a code of ethics for Portland City officials and employees which shall include but be not limited to:

- Councilors
- School Board
- All other elected officials
- All appointments including but not limited to boards, commissions, and task forces
- All city employees

1.5 Anyone, whether they be a city official or member of the public, may bring a complaint to the attention of city officials for the purposes of consideration of a conflict of interest or the appearance of a conflict of interest, or for any violation of the code of ethical conduct.

Section 2. Formation of Ethics Commission.
The ordinance shall direct the formation of an Ethics Commission, consisting of seven (7) members who are residents of the City, to review the code ordinance not less than once every three (3) years. The commission shall be appointed by the City Council. Elected officials, candidates for any elected office, and their immediate family members shall not be permitted to be members of the commission. The commission shall meet as needed, but no less than once every three (3) months.

Section 2.1. Independence.
The Commission shall remain an independent body, free from interference from any City employees or elected officials. The Commission may request funding from the City Council for an independent investigation as needed.

Section 2.2. Term.
Commissioners shall serve for a term of three (3) years.

Section 2.3 Duties.
The Commission shall develop the Code of Ethics. The Commission shall provide a report to the City Council no less than annually. The Commission shall consider questions and render advisory opinions.

Section 2.3.1. Advisory Opinions.
The Ethics Commission or quorum of at least five (5) members, shall be convened on request for an advisory opinion by no less than two (2) members of the City Council, the Mayor, or the Chief Executive of the City. The Commission may issue, at its discretion, advisory opinions upon request of any city officer, official, employee, or resident of the City of Portland at any time.

The names of complainants shall be protected by confidentiality, unless they elect to waive it. No complainant shall be retaliated against for filing a complaint.

Section 2.3.2. Advisory Interpretation of the City Charter
The Ethics Commission may, at its discretion, also render non-binding, advisory opinions on City compliance with The City Charter. The Commission shall provide its written interpretation of the Charter on the written request of any resident or official of the City. The Commission's interpretation is advisory only and for educational purposes and shall not be the basis for any legal action. A copy of the request and the proposed response shall be provided to the City Council, Mayor and City Manager for review prior to being issued.

Section 2.3.3. The Ethics Commission shall deliver all advisory opinions including but not limited to ethics violations, conflicts of interest, and charter opinions, to the City Attorney, Chief Executive/Administrator, Mayor and City Council in compliance with applicable law, no less than 14 days after a decision is made. AND PUBLIC REVIEW??

Section 3. Violations of Ethics Code.
Violations apply to both elected and appointed officials and any member of city staff. If the Commission finds violations of the ethics code, the Commission may recommend, by a simple majority vote, advisory opinions to the applicable hiring authority any appropriate disciplinary or removal proceedings and notify the city attorney that further action should be taken in accordance with state law. Opinions rendered by the Commission are not legally binding and purely advisory in nature and shall be

rendered in accordance with all applicable labor laws, contracts, and confidentiality requirements. .

In no circumstances shall the ethics commission have access to any personal information protected by state law.

Any City Councilor or Mayor found in violation of the ethics code may be reprimanded by the City Council. The Council may decide to do nothing, censure a member, remove a member, or set a recall election. Whichever option is selected, requires a 2/3rds majority vote of the City Council.

Suspected criminal conduct shall be reported immediately to the Portland police department.

The complainant shall receive a response to the complaint regarding the outcome.

Section 3.1 Conflict of Interest of Elected Officials, Boards, and *ad hoc* Committees

3.1.1 Determination of Conflict

If the subject is a member of an elected or appointed body, including but not limited to council, board, committee, or task force, the complaint shall be brought to the attention of the chair (or equivalent) of that body. Once the complaint of conflict of interest has been initiated against a member of a body as provided above, the body shall deliberate the matter themselves or refer deliberation to an appropriate office or entity.

If the complaint is against the chair, then the complaint shall be brought to the attention of the next most senior member who is not subject of the complaint or who is not the complainant themself.

Once a complaint has been made, the subject shall be notified of the complaint and shall have the option to recuse themself or to request deliberation. Public notice shall be given of the complaint unless confidentiality requirements prohibit it.

Complaints determined by the chair of the relevant body (or the next most senior member, to whom the complaint is not against) to be frivolous, scurrilous, libelous, baseless, unfounded, of nuisance, or otherwise without account need not be deliberated or referred if the complaint is publicly designated as such.

Members of the public may bring their complaint to the entire body or to other city officials including the Ethics Commission. The Commission may refer complaints to the appropriate office or body for consideration. Except as described in the preceding paragraph, all complaints shall be considered or deliberated in as timely manner as possible and in any case shall be considered in advance of deliberation on the relevant proposal or law.

Section 3.2 Acknowledgement of Complaint
The complainant shall receive a response to the complaint regarding the outcome.

Section 3.3 Failure to Disclose or Comply with Code of Ethics
Failure to disclose or comply with the code of ethics shall result in disciplinary action that may include termination of the individual from their position with the city.

Examples of Ethics Boards/Commissions/Ordinances/Charter Amendments:

Bangor, ME: Population: 31,753

- Ordinance: https://ecode360.com/6889057
- Charter Amendment (establishes board & requires creation of code): https://ecode360.com/14956369

Waterville, ME: Population: 15,828

- Ordinance:http://www.waterville-me.gov/ordinances/wp-content/uploads/sites/25/2018/02/Ethics-Ordinance-Revised-010518.pdf
- Charter Amendment: Article VI (establishes board & requires creation of code) http://www.waterville-me.gov/clerk/wp-content/uploads/sites/10/2017/08/2020-Charter-with-Revision-Markups.pdf

Windham, ME: *Population: 18,434*

- Ordinance (establishes both the Ethics Board & code): https://www.windhammaine.us/DocumentCenter/View/1017/Ethics-Policy---Board-of-Ethics?bidId=

York, ME: *Population 13,723*

- Ordinance (no board established - up to chairs & department heads to regulate conduct): https://www.yorkmaine.org/DocumentCenter/View/1348/a-Code-of-Ethics-2021-06-14?bidId=

Bristol, ME: Population 2,834

- Ordinance (no board established but complaints are brought straight to the selectmen to decide).

https://www.bristolmaine.org/sites/g/files/vyhlif4191/f/uploads/code_of_ethics_and_conduct.pdf

Lisbon, ME: Population 9,711

- Ordinance (establishes an ethics panel of three voters and issues advisory opinions on conflicts of interests) https://library.municode.com/me/lisbon/codes/code_of_ordinances?nodeId=PTICOOR_CH12ETCOIN_S12-3ETPA

Ogunquit, ME: Population 1,577

- Ordinance (no board, ethics violations are determined internally on boards and committees) https://www.townofogunquit.org/vertical/Sites/%7B2524508A-BBA7-433A-9EAA-E74D93FCB25D%7D/uploads/CODE_OF_ETHICS_FOR_BOARDS_AND_COMMITTEES.pdf

Madison, ME: Population 2,433

- Ordinance (includes ethics board with advisory opinions provided to select board) https://ecode360.com/9856843

Kennebunk, ME: Population 11,536

- Internal procedures governing rules for the council. https://www.kennebunkmaine.us/DocumentCenter/View/218/Select-Board-Code-of-Ethics?bidId=

Bridgton, ME: Population 5,418

- Ordinance (establishes penalty for violation and applies to all elected officials and employees) https://bridgtonmaine.org/wp-content/uploads/2017/09/Code-of-Ethics.pdf

New York, NY: Population: 8.5 Million

- Charter Chapter 68 (establishes the Conflicts of Interest Board, defines its powers and obligations, defines prohibited interests and conduct, establishes reporting requirements, establishes the Board's power to impose penalties, authorizes the Board to investigate and adjudicate gifts by lobbyists): https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCcharter/0-0-0-5995
- The Rules of the City of New York https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-86448

El Paso, TX: Population: 679,813

- Charter Title 2, Chapter 2.92 (establishes board, Standard of Conduct, duties, jurisdiction, and procedures) https://library.municode.com/tx/el_paso/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.92ET_ARTIIIETRECO_2.92.150ADOP
- Ordinance https://library.municode.com/tx/el_paso/ordinances/code_of_ordinances?nodeId=1078214

Philadelphia, PA: Population 1.58 Million

- Charter Chapter 11 (establishes Board, powers and duties) https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-182492
- Code (defines duties, standards, prohibited conduct, penalties, establishes standard of conduct and financial disclosure requirements) https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-217009

Examples of Charter Compliance Commissions:

Provincetown, MA: Population: 2,994 - Charter Compliance Commission

- Charter Amendment: https://www.provincetown-ma.gov/125/Charter-Compliance-Commission
- https://www.provincetown-ma.gov/DocumentCenter/View/202/Charter-PDF?bidId= (page 6)

Bourne, MA: Population: 19,872 - Charter Compliance Commission

- Charter Amendment: *https://www.townofbourne.com/sites/g/files/vyhlif7346/f/uploads/town_charter_2016.pdf*
- https://www.townofbourne.com/charter-compliance

Milton, VT: Population 2,507 - Charter Compliance Commission

- Charter Amendment: https://legislature.vermont.gov/statutes/section/24appendix/129/00702

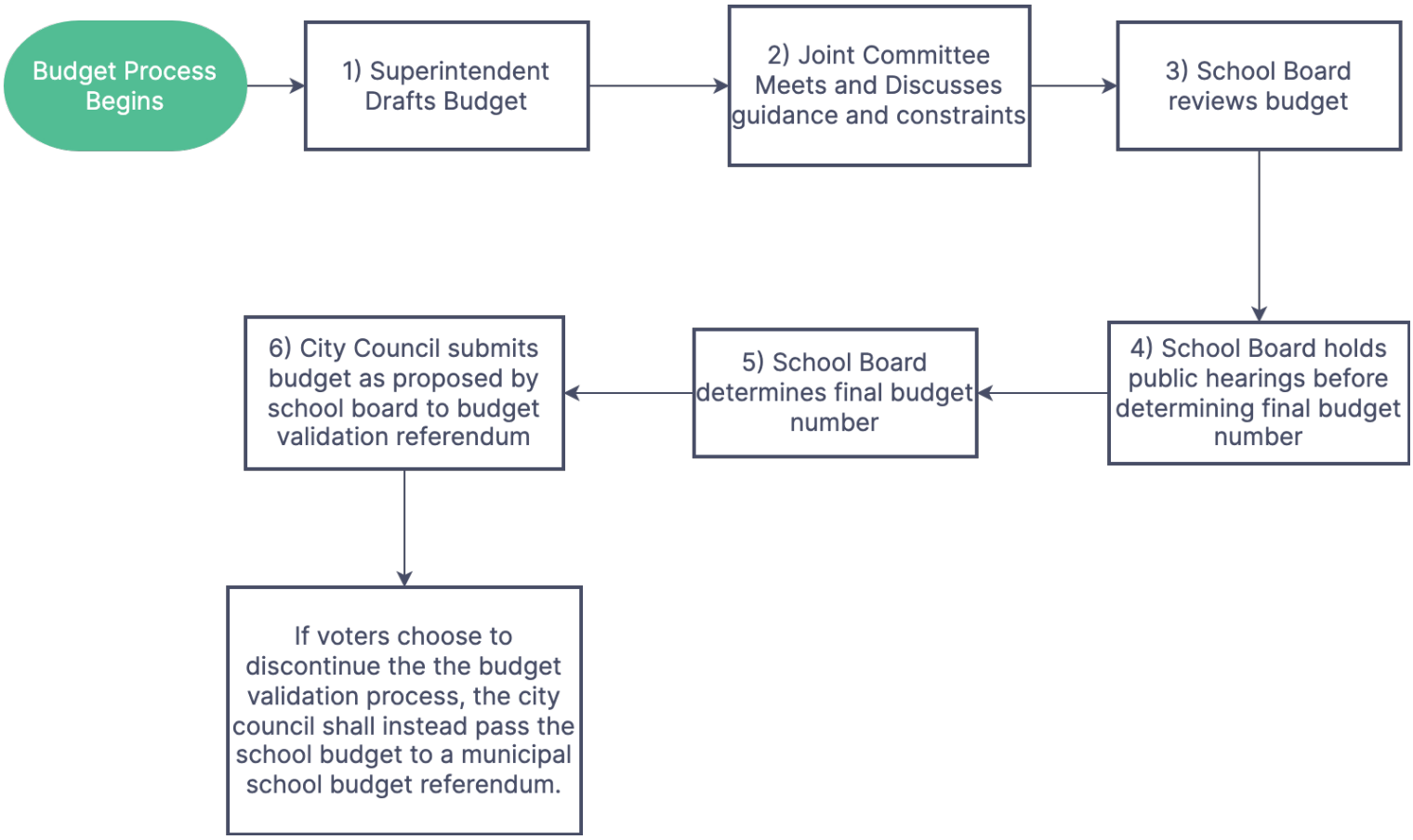
Reasoning:

1. Protect whistleblowers.
2. Fight and discourage corruption, waste, fraud, abuse, and favoritism from both elected and unelected individuals.
3. Increase transparency and accountability in municipal government.

4. Be a safe, independent place to send complaints and concerns regarding ethical conduct.
5. Creates an ethics mission and code for the City of Portland.
6. Cost effective, productive ethical conduct oversight.
7. To bring more voices at the table and the community oriented decisions on what ethical conduct is, rather than one individual.
8. Build public trust in municipal government
9. No associated costs chartered in.

Procedures Committee Proposal on Participatory Budgeting

"The City Council shall develop and implement a participatory budgeting system wherein a portion of the municipal budget and/or the Capital Improvement program is allocated based on a process that involves the input of as many residents of Portland as possible. The City Council may establish a subcommittee, a task force, or any other structure that is necessary and proper for the design, implementation, and management of a participatory budgeting system."


Budget Process Begins
1) Superintendent Drafts Budget
2) Joint Committee Meets and Discusses guidance and constraints
3) School Board reviews budget
4) School Board holds public hearings before determining final budget number
5) School Board determines final budget number
6) City Council submits budget as proposed by school board to budget validation referendum
If voters choose to discontinue the the budget validation process, the city council shall instead pass the school budget to a municipal school budget referendum.

SCHOOL BUDGET

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.

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 fFollowing 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)

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.

GOVERNANCE COMPROMISE

(AMENDMENT)

Co-Sponsors: Commissioners CHANN and O'BRIEN amended by BUXTON, KEBEDE, SHEIKH-YOUSEF, and WASHBURN

MAYOR AS CHIEF EXECUTIVE

- The mayor shall be the chief executive officer of the City of Portland, overseeing and supervising the city administrator and implementing policies passed by the City Council.
- The mayor is no longer a member of the Council and does not have a council vote.

COUNCIL AS LEGISLATIVE BRANCH

- Councilors shall together form an Executive Committee, which appoints members to committees and elects a 2-year council president.
- The council president develops and proposes council rules of procedure for adoption by the council.
- The council president serves as the official channel for Council to communicate with constitutional officers about policies, priorities, and agendas for Council meetings.
- The mayor may propose legislation to be taken up by council. Individual council members may sponsor legislation. All city staff and members of the public may petition a councilor to sponsor legislation to be taken up on their behalf.

PUBLIC FIGUREHEAD

- The mayor shall serve as the official representative of the city in Augusta and Washington, D.C.
- The mayor shall serve as the official spokesperson for the city.
- The mayor may form public task forces with staffing support for any issue not taken up by the council.

BUDGETARY POWERS

- The mayor, with the assistance of department heads and the city administrator, drafts and presents the annual city budget to the council for adoption.
- The mayor, with the assistance of the city administrator, works with department heads to develop their departmental budgets.

REMOVAL OF MAYOR

- If the mayor is convicted of a felony materially related to their official duties, the City Council may, upon a vote of ¾ of its members, remove the mayor from their office.
- If the mayor engages in official misconduct or neglect of duty, the council may schedule a recall election by a 3/4ths vote. (from Westbrook)

APPOINTMENTS AND STAFFING

- The mayor may not unilaterally hire and fire city staff, including the city administrator, city attorney, city clerk, and department heads.
- The mayor nominates department heads and the city administrator, and presents nominations to the City Council for confirmation.

- Only department heads may fire and hire city staff.
- The council cannot unilaterally fire or hire officers, including the city administrator or department heads. The mayor shall recommend removal of an officer, and the council can approve with simple majority. If council seeks to discharge an officer, they should seek approval of the mayor, who will make the recommendation for removal to be approved by a majority of the council. Should the council seek to remove an officer without mayoral approval, they may only do so with a ¾ majority vote.

POLICY IMPLEMENTATION, ECONOMIC DEVELOPMENT, AND DAY-TO-DAY OPERATIONS

- The mayor oversees the implementation of policies passed by the council and shall meet regularly with the Council Executive Committee to develop implementation plans and report on results and measure accountability.
- The mayor shall direct the city administrator and department heads to implement council policies.
- The mayor shall lead an economic development task force.
- The mayor shall chair the city administrator's annual performance review and may call, at any time, an executive session of the council to discuss performance.

[CHANGES TRACKED]

GOVERNANCE COMPROMISE

Co-Sponsors: Commissioners CHANN and O'BRIEN amended by KEBEDE, BUXTON, SHEIKH-YUSUF, and WASHBURN

MAYOR AS CHIEF EXECUTIVE

- The mayor shall be the chief executive officer of the City of Portland, overseeing and supervising the ~~City Manager~~ city administrator and implementing policies passed by the City Council.
- The mayor is no longer a member of the Council and does not have a vote.
- ~~The mayor signs or vetos all legislation enacted by the Council.~~
- ~~The mayor shall preside as chair of a twelve (12) member council.~~
- ~~The mayor shall cast a vote only in the event of a tie.~~
- ~~The mayor and At-Large Councilors shall together form an Executive Committee, who will appoint Council members to committees.~~
- ~~The Executive Committee will develop and propose Council rules of procedure for adoption by the City Council.~~
- ~~The Executive Committee will serve as the official channel for the mayor and Council to communicate with Constitutional Officers about policies, priorities, and to set agendas for Council meetings.~~

COUNCIL AS LEGISLATIVE BRANCH

- Councilors shall together form an Executive Committee, which appoints members to committees and elects a 2-year council president.
- The council president develops and proposes council rules of procedure for adoption by the council.
- The council president serves as the official channel for Council to communicate with constitutional officers about policies, priorities, and agendas for Council meetings.
- CB added: The mayor may propose legislation to be taken up by council. Individual council members may sponsor legislation. All city staff and members of the public may petition a councilor to sponsor legislation to be taken up on their behalf.

PUBLIC FIGUREHEAD

- The mayor shall serve as the official representative of the city in Augusta and Washington, D.C.
- The mayor shall serve as the official spokesperson for the city.
- The mayor may form public task forces ~~by right~~ with staffing support for any issue not taken up by the council.

BUDGETARY POWERS

- The mayor, with the assistance of department heads and the city administrator, drafts and presents the annual city budget to the council for adoption.

Commented [1]: Veto power was not in original document Michael sent. I think the veto powers significantly alters the powers of the mayor and makes this **much** less of a compromise proposal than Michael's original text. I'm still not sure where I land on veto power, but I think if the goal is still to encourage some council-mayor collaboration, it might be better to allow Mayor to sponsor legislation (and spell this out in detail in this proposal) and form legislative tasks force, rather than give mayor veto power. If the mayor doesn't have veto power and instead needs to collaborate w/ councilors to push their agenda, is that more collaborative? I don't think their lack of a veto makes them any less "accountable" to voters, we've just seen veto power abused pretty extensively in Maine, especially with such a split electorate.

Either way-- I think veto power is up for debate and I think we should hash it out as commission. I don't know if i can sign on to something with veto power for the mayor.

Commented [2]: Is this a Committee of the Whole or do councilors elect a few of their members as executives?

Commented [3R3]: Similar question: I think the WHOLE council should elect the whole of their executive committee-- so they all vote on their president and 2(?) other committee members to serve on Exec.

broader q is do they need an exec committee or is it better just to have 1 CP?

Commented [4]: this was a common thread b/tw Gov Committee and NSY proposal.

- The mayor, with the assistance of the ~~shall direct the drafting of the City Budget by the City Manager, who will work with~~and city administrator, ~~shall~~ works with department heads to develop their departmental budgets.

REMOVAL OF MAYOR

- If the mayor is convicted of a felony materially related to their ~~the performance of the Mayor's~~ official duties, the City Council may, upon a vote of ¾ of its members, remove the mayor from their office.
- If the mayor engages in official misconduct or neglect of duty, the council may schedule a recall election by a 3/4ths vote. (from Westbrook)

APPOINTMENTS AND STAFFING

- The mayor may not unilaterally hire and fire city staff, including the ~~City Manager~~city administrator, city attorney, city clerk, and department heads.
- The mayor ~~advises and consents to City Manager's shall~~ nominate~~s~~ions department heads and the city administrator, and presents nominations to the City Council for confirmation.
- Only department heads may fire and hire city staff.
- ~~The city council may not unilaterally discharge department heads or the city administrator. These individuals Department heads/City Administrator may only be fired if the Mayor recommends such action and a majority of the council approves.~~ The council cannot unilaterally fire or hire officers, including city administrator or department heads. The mayor shall recommend to remove an officer, council can approve with simple majority. If council seeks to discharge an officer, they should seek approval of mayor, who will make the recommendation for removal to be approved by majority of council. Should the council seek to remove an officer without mayoral approval, they may only do so with a ¾ majority vote.

POLICY IMPLEMENTATION, ECONOMIC DEVELOPMENT, AND DAY-TO-DAY OPERATIONS

- The mayor oversees the implementation of policies passed by the council and shall meet regularly with the Council Executive Committee to develop ~~a plan for~~ implementation plans and report on results. ~~to help ensure and measure accountability.~~
- The mayor shall direct the city administrator and department heads ~~City Manager~~ to implement council policies.
- The mayor shall lead an economic development task force.
- The mayor shall chair the ~~City Manager~~city administrator's annual performance review and may call, at any time, an executive session of the council to discuss performance.

Commented [5]: I'm not sure I'm 100% behind this addition, I think it makes sense for the council to not be able to fire a mayor's staff out from under them, but at the same time...what if a mayor hires someone who turns out to be a real dumpster fire of a person, but they won't fire them because they're a personal friend, you'd want a check on that thru the council, right?)

Does it make more sense that the mayor can nom, hire, fire w/ a vote of 2/3rds of council, and council likewise can by 2/3 or even larger majority opt to remove a high level staffer? It offers a balance on power and addresses sone folks concerns about cronyism better.

Commented [6]: This section feels a little convoluted. Does it make sense to say more simply:
"Mayor may hire and fire department heads and the city administrator with nomination and approval for any new hires or discharges with a 2/3 council vote? Department heads are responsible for hiring and firing of their own staffers."

GOVERNANCE COMPROMISE

Co-Sponsors: Commissioners CHANN and O'BRIEN

MAYOR AS CHIEF EXECUTIVE

- The Mayor shall be the chief executive officer of the City of Portland with supervision of the City Manager and the implementation of policies passed by the City Council.
- The Mayor shall preside as chair of the City Council.
- The Mayor shall cast a vote only in the event of a tie.
- The Mayor and At-Large Councilors shall together form an Executive Committee, who will appoint Council members to committees.
- The Executive Committee will develop and propose Council rules of procedure for adoption by the City Council.
- The Executive Committee will serve as the official channel for the Mayor and Council to communicate with Constitutional Officers about policies, priorities, and to set agendas for Council meetings.

PUBLIC FIGUREHEAD

- Mayor shall serve as the official representative of the City in Augusta and Washington, D.C.
- Mayor shall serve as the official spokesperson for the City.
- May form public task force by right with reasonable staffing support for any issue not taken up by Council.

BUDGETARY POWERS

- The Mayor shall present the City Budget to the Council for adoption.
- The Mayor shall communicate their and City Council's priorities for the drafting of the City Budget by the City Manager, who will work with Department Heads to develop their departmental budgets.
- The Mayor may veto the City Budget and the Council can override with a 2/3 majority vote.

HIRING & FIRING OF CITY STAFF

- The City Manager, Corporation Counsel, and City Clerk shall be hired following a search process that includes the Mayor and City Council and a majority vote of the City Council.
- The Mayor shall chair the City Manager, Corporation Counsel, and City Clerk's annual performance review and may call, at any time, an executive session of the Council to discuss performance. These officers may be removed following a majority vote of the City Council.
- The Mayor shall not have the power to unilaterally hire and fire city staff, including the City Manager, City Attorney, City Clerk, Department Heads.
- The Mayor advises and consents to City Manager's nominations of Department Heads and presents to City Council for confirmation.

POLICY IMPLEMENTATION, ECONOMIC DEV & DAY-TO-DAY OPERATIONS

- The Mayor shall ensure that policies passed by the Council are implemented by the City Manager and city staff and shall meet regularly with the Executive Committee and the City Manager to develop a plan for implementation to help ensure and measure accountability.
- The Mayor shall lead an economic development task force.