



City of Portland Charter Commission Meeting Minutes

March 30, 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 6:20 p.m. (The meeting was delayed by technical difficulties.)

Commissioners present were Barowitz, Buxton, Chann, Eglinton, Houston, Kebede, Lizanecz, O'Brien, Sheikh-Yousef, Stewart-Bouley, Washburn, Waxman. (Quorum established)

3. Review and Approval of Minutes

On motion by Commissioner Washburn, seconded by Commissioner Eglinton, the Commission voted to approve the draft meeting minutes of March 23, 2022 by roll-call vote of 12-0.

4. Deliberation and Vote on Governance Models

Commissioners deliberated and conducted straw poll votes on reforms to the basic structure of Portland's government. There was consensus to proceed with the slides that described the overlap between the most recent proposals and to discuss differences. The provisions in the Chann-O'Brien proposal were colored in blue font and provisions from the proposal from Buxton, Washburn, Sheikh-Yousef, and Kebede were colored in purple font.

Commissioners Buxton and Stewart-Bouley suggested they were not sure if Commissioners are as much in agreement as may think, so will look at this slide-by-slide.

Commissioner Eglinton asked if whatever elements of a governance model that the Commission votes will come back for a public hearing on a single framework?

Commissioners Barowitz and Waxman agreed – this exercise is more of a set of straw polls and the public will have an opportunity to weigh in.

Using the charts under “Two Plans for Portland – An Overlap Analysis,” the Commissioners conducted straw polls on the topic headings and concepts included therein:

1) Mayor as Chief Executive

Chann-O’Brien (Blue) - 2 in favor (Chann, O’Brien)

Chann-O’Brien Amended (Purple) – 5 in favor (Washburn, Buxton, Houston, Kebede, Sheikh-Yousef)

Commissioner O’Brien expressed his concern that “supervision” is a human resources term; mayor should conduct annual performance review of manager – a high-level oversight, not involved in day-to-day operations of manager. Commissioner Eglinton doesn’t support either, but may support a modified proposal if there is to be an executive mayor. Commissioner Waxman of similar mind; concerned with mayor’s control over city manager – feels like an overreach.

- a. “Oversight and supervision” – underlying aim is to flesh out the concept of “chief executive officer.” Chair Kebede explained this is meant to capture the shift from Council-Manager to Council-Mayor, with professional management available. He envisions a more constrained chief executive mayor than say in Westbrook, who has the power to hire and fire. Commissioners Washburn and Sheikh-Yousef agreed. Commissioner O’Brien agreed on implementation of council policy as being an executive task, and drew the line at micromanaging day-to-day management.
- b. Mayor is chief executive officer (but difference as to how constrained that authority is). The Chief Executive Officer (CEO) supervises the Chief Operations Officer (COO), but does not manage the rest of City staff. (8 in favor – Washburn, Barowitz, Chann, O’Brien, Sheikh-Yousef, Houston, Kebede, Buxton; 2 opposed – Waxman, Eglinton; and 2 abstain – Lizanecz, Stewart-Bouley.)
- c. Mayor oversees the implementation of Council policy (Same vote as b. above; 8-2-2)
- d. Guardrails around the supervisory powers of the mayor over the COO/Manager (Administration – what flexibility? Traditional notion of supervision – direct supervision?) There are between 15 and 20 city departments. Chair Kebede said it is common for mayor and manager to jointly supervise department heads. He suggested that the COO is expert in execution and puts mayor’s vision into motion. He said he understands concerns over imperious leadership. Commissioner Buxton said she supports a model of equals among manager and department heads to uphold expertise. Commissioner O’Brien expressed concern with prospect of department heads having two bosses. There was consensus that City staff is managed exclusively by department heads (12-0). Chair Kebede suggested using term Chief Operating Officer (COO) rather than similar term of “City Manager” or “City Administrator” because City Manager is such a loaded term at present.
- e. Mayor has supervisory role over the COO and they will work on a coordinated approach to management of department heads. (7 in favor – Barowitz, Buxton, Houston, O’Brien, Kebede, Sheikh-Yousef, Washburn; 2 opposed – Waxman, Chann; and 2 abstain – Eglinton, Lizanecz.)

- f. Title for the COO – something other than City Manager. (8 in favor – Barowitz, Buxton, Houston, O’Brien, Kebede, Eglinton, Washburn, Waxman; and 2 opposed – Stewart-Bouley, Chann.)

2) Council as Legislative Branch

- a. Mayor to preside as chair of City council. Commissioners O’Brien and Chann supported the concept – like the Vice President and the U.S. Senate. Chair Kebede did not support – retaining mayor on City council blurs meaning of chief executive officer; there is no division of executive and policy roles. Adding both lawmaking power and leadership to a mayor with executive power is too much. A clear separation of powers will avoid concentration of power in mayor.
Commissioner Chann expressed that a mayor who is the champion for the City and a leader establishing a vision will have time to also preside over the City Council, and while this may muddy division of branches, it provides clarity as to who is political leader of the City. If mayor runs on policy, they have to have an outlet.
Commissioner Sheikh-Yousef questioned whether it would be awkward for executive mayor to also chair Council and set agenda – the mayor could use veto authority instead. Commissioner Barowitz stated that the person leading the legislative body – the council – should be a member of that body. Commissioner O’Brien said he does not want to put faith in “they will collaborate” because in Portland, the Mayor and City Manager “buted heads” for 8 years. He also asked who would be the political leader of the City – executive mayor or Council president? He said he wants to make clear who is the political leader of the City. He added that not having the mayor chair the Council would potentially set up an adversarial relationship between the mayor/executive branch and Council/legislative branch, since every at-large councilor will want to be mayor.
- b. Should Mayor preside as council chair?
Yes – 6 (O’Brien, Eglinton, Chann, Waxman, Lizancez, Stewart-Bouley)
No – 6 (Kebede, Washburn, Sheikh-Yousef, Barowitz, Buxton, Houston)
Commissioner Kebede noted that if the mayor is not part of council, can have the veto authority like a president or the governor, that can be overridden by council – majority or supermajority
Commissioner Chann expressed that this is why he preferred acting on a package; now that a strong executive mayor has been adopted, anything added to mayor’s powers looks like too much power; he has lost faith in this process.
Commissioner O’Brien offered a concept of mayor as facilitator of the council meeting, with no vote, the council sets agendas, and the mayor and executive committee assign subcommittee membership. Commissioner Kebede was willing to support a substantially unempowered mayor as council chair if that mayor is executive mayor.
Yes – 9 (Buxton, O’Brien, Sheikh-Yousef, Eglinton, Houston, Kebede, Lizancez, Chann, Stewart-Bouley)
No – 2 (Barowitz, Washburn)
Abstain – 1 (Waxman)
- c. Veto Power of Mayor
Yes – 3 (Barowitz, O’Brien, Sheikh-Yousef)

No – 3 (Washburn, Eglinton, Chann)

Abstain – 4 (Buxton, Houston, Lizanecz, Kebede)

Commissioners agreed there needed to be more discussion on the topic.

Commissioner O'Brien suggested a veto for policy and ordinances and budget veto as to entire budget. Commissioner Barowitz would like to see a line-item veto. The Commission agreed to table this topic for now.

3) Budgetary Powers

Commissioner O'Brien said he envisions a 2-step process: mayor presents budget and council adopts it, with mayor directing the COO in the preparation of the budget and communicates the budget to council. Mayor does not "get into the weeds" with the budget.

Chair Kebede both envisions mayor overseeing the drafting of the budget and presenting it to Council to consider and adopt. He said that many charters say the mayor will prepare the budget, but that does not mean that the mayor goes into detail.

With agreement in concept, the Commission considered this proposal: the mayor directs the COO in the preparation of the budget and communicates it to the council for consideration and adoption.

Yes – 9 (O'Brien, Barowitz, Kebede, Buxton, Lizanecz, Houston, Eglinton, Stewart-Bouley, Washburn)

No – 1 (Waxman)

a. Veto power for budget (leave veto for policy for another day)

Commissioner O'Brien noted that this is the one place a mayor can put a platform in effect if they cannot vote – the only leverage mayor has is the veto. Chair Kebede was persuaded by Commissioner O'Brien.

Mayor may veto city budget and council may override veto by 2/3 vote:

10 – Yes (O'Brien, Barowitz, Kebede, Buxton, Lizanecz, Houston, Eglinton, Stewart-Bouley, Chann, Sheikh-Yousef)

1 – No (Washburn)

1 – Abstain (Waxman)

5. Public hearing, deliberation, and vote on Code of Ethics proposal from Procedures Committee

Commissioner Lizanecz summarized the proposal, which includes a Charter amendment to require a Code of Ethics Ordinance to be prepared by an Ethics Commission and enacted by City Council, with Ethics Commission to provide non-binding guidance and advisory opinions and to interpret the Charter.

Public Comment was taken. Deliberation was postponed to the next meeting of the Commission.

6. Public hearing, deliberation, and vote on School Budget Process Proposal From Education Committee

The Commission tabled this item until the next meeting.

7. Public hearing, deliberation, and vote on Capital Improvement Program Budget Process Proposal from Education Committee

The Commission tabled this item until the next meeting.

8. Vote on Final Language for Citizen Police Oversight Board

On motion by Commissioner Chann, seconded by Commissioner Sheikh-Yousef, the Commission approve the final language of the Citizen Police Oversight Board proposal by roll-call vote of 11-0 (Waxman was absent).

9. New Business

Commissioner O'Brien said that he would like to bring the concept of an Office of Information as a proposal before the Commission at a future meeting.

10. Adjourn

On motion by Commissioner Washburn, seconded by Commissioner Sheikh-Yousef, the Commission approved a motion to adjourn by roll-call vote of 11-0 (Waxman was absent). The meeting adjourned at 10:41 p.m.