

Order 21-10/11

Given first reading on 8/2/10

Passage, as amended 8-0 8/16/10 (Duson absent)

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CITY OF PORTLAND
IN THE CITY COUNCIL

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**ORDER APPROVING PROPOSED BALLOT QUESTIONS AND SUMMARIES
RE: MODIFICATIONS TO PORTLAND CITY CHARTER AND
PLACING THEM ON THE NOVEMBER 2, 2010 MUNICIPAL BALLOT**

WHEREAS, the City Council hereby finds that it is not practical to print the proposed modifications on the ballot and that a summary would not misrepresent the subject matter of the proposed modifications, and

WHEREAS, the attached summaries fairly describe the content of the proposed modifications and do not contain information designed to promote or oppose the modifications;

NOW THEREFORE, BE IT ORDERED, that the summaries for the Charter modifications recommended by the Portland Charter Commission are hereby approved as Attachment 1 (Popularly elected mayor; ranked choice voting); Attachment 2 (School related modifications) and Attachment 3 (Technical changes); and

BE IT FURTHER ORDERED, that the City Clerk shall place the attached Questions and Summaries on the ballot at the Municipal election to be held on November 2, 2010.

QUESTION #1

SHALL THE MUNICIPALITY APPROVE THE CHARTER MODIFICATIONS RECOMMENDED BY THE CHARTER COMMISSION TO PROVIDE FOR A POPULARLY ELECTED MAYOR AS SUMMARIZED BELOW?

Summary: This amendment provides that the at large council seat up for election in November, 2011 will become the seat of a full-time, non-partisan mayor elected at large by majority vote. The mayor's term will be for 4 years, with a limit of two consecutive terms.

The elected mayor will have these powers and duties:

- To be the official head of the city and to provide leadership for the city;
- To preside as chair of council meetings; prepare agendas; and vote on all matters brought before the council, with the exception of the vote on a veto override described below;
- To be able to veto, for reasons to be stated in writing, the annual municipal budget appropriation, subject to override by a vote of at least 6 members of the council;
- To lead an annual council workshop to reach consensus on the city's goals and priorities;
- To facilitate implementation of city policy through the office of the city manager;
- To represent the city with other levels of government, the business community and other organizations;
- To consult with and provide guidance to the city manager in preparation of the city and capital improvement budgets and any other city budgets requiring council approval and provide the council with his or her comments on them when they are presented to the council;
- To work with the city manager, city council, the schools and the public to secure passage by the city council of the annual city and school budgets;
- To give an annual state of the city address and articulate the city's vision and goals;
- To work with other council members to establish performance guidelines for the council appointees (city manager, city clerk and corporation counsel), and to perform regular council evaluations of those appointees, which evaluations shall take into consideration, as applicable, the achievement of city policies and priorities;
- To chair a council subcommittee to appoint or remove the city manager, city clerk or corporation counsel;
- To appoint the members and chairs of the city council and ad hoc committees, subject to override of such appointments by a vote of six (6) council members; and
- To appoint an acting mayor for absences or disabilities of up to 60 consecutive days; the council will appoint an acting mayor if the mayor is unable to do so; or

if the absence is more than 60 consecutive days, until such time as a vacancy may be declared and an election held.

The mayor's compensation shall be set by the city council prior to the date nomination papers are available, and from time to time thereafter, but the salary shall be no less than 1.5 times the median household income in Portland as published by the U.S. Census Bureau. Compensation will include both salary and customary city benefits. The city manager will continue to be the administrative head of the city, in charge of its day to day operations and management of the budget passed by the council.

The mayor's position only will be determined by ranked choice voting, in which the voter ranks candidates in their preferred order. If no candidate receives a majority of first place votes in the initial count, then the city clerk will conduct an instant runoff, in which the candidate with the fewest first place votes is eliminated from further consideration and the voters' second choice on that candidate's ballots is allocated to the remaining candidates. This is done in rounds until a candidate achieves a majority of the votes cast in that round.

QUESTION # 2

SHALL THE MUNICIPALITY APPROVE THE CHARTER MODIFICATIONS RECOMMENDED BY THE CHARTER COMMISSION RELATING TO THE SCHOOLS AS SUMMARIZED BELOW?

Summary: These amendments change the name of the school committee to the board of public education (the “school board”) and include the following new provisions:

- The school board shall be responsible for the sound fiscal management of the schools;
- The chair of the school board shall deliver an annual state of the schools address to the city council and the public;
- The amendments codify recent practice in regard to submission and review of the school budget prior to its submission to the city council. Within 30 days of submission of the superintendent’s budget to the board, the city council and the board, or their subcommittees, will hold at least two joint meetings to review the superintendent’s proposed budget. A budget format similar to that of the city budget will be provided for this review;
- Language is added to encourage the city and school department to share staff and resources and cooperate to provide better city and school services in a cost effective manner; and
- The members of the board of public education shall be compensated in the same amount as members of the city council, other than the mayor. The chair of the board shall receive an additional stipend to compensate for his or her additional duties as chair. All such compensation shall be set by the city council.

QUESTION # 3

SHALL THE MUNICIPALITY APPROVE THE CHARTER MODIFICATIONS RECOMMENDED BY THE CHARTER COMMISSION AS TECHNICAL CHANGES AS SUMMARIZED BELOW?

Summary: The technical amendments were recommended to the charter commission by the city clerk, the finance director and the corporation counsel. In general, they are intended to remove obsolete language or clarify and conform that language to current practice or law, as follows:

- Preamble: Adds a Preamble stating the intent of the charter to reflect the ideals of self-governance and of education.
- Article I, Grant of powers to the council deletes the reference to a specific maximum fine for violation of ordinances and allows this to be governed by the applicable ordinance and/or by an applicable state law.
- Article II, City Council, reflects the fact that the current Council appointed chairman is called the “mayor”, without changing any of that person’s authority (see Question 1 regarding an elected mayor, which would supersede this provision if passed). Makes consistent the reference to when nomination papers are first made available for signature.
- Article III, Schools, substitutes “Chair” for chairman of school committee; allows the first meeting to be held on the first Monday in December “or as soon thereafter as possible”, as is currently allowed for the first meeting of the city council, in the event it is required to be delayed, e.g. because of severe weather. Permits the council to shorten the time frame for nomination petitions for a mid-term school committee vacancy in the event a special election is required as is currently permitted for mid-term council vacancies.
- Article IV, Elections, is amended to clarify the relationship of this article to state law in regard to write-in candidacies, the form of the ballot, the counting of ballots, ballot notice and posting requirements and who may certify nomination petitions; clarifies that a person can get signatures for only one position for each election.
- Article V, Recall is clarified as to when a member of the city council or school committee member may be subject to recall (no later than November 30 of the year prior to his or her next scheduled next), and distinguishes between recall of an at large member of either body and a district member in terms of the number of signatures needed to start the affidavit process and the number needed for the petition to place the member on the ballot for recall. The number of signatures needed for the district member is one-half of those needed for an at large member, with the at large number remaining the same: 500 signatures for the affidavit and 3000 signatures on the petition to require a recall election. Only residents of the applicable district can sign petitions and vote on the recall of their district councilor or school representative.

- Article VI, Administrative Officers deletes obsolete reference to a board of voter registration and to the limit on the number of constables able to be appointed by the council. It authorizes the city manager to appoint an acting city manager in the event of absence or disability of up to 60 consecutive days; if a longer absence occurs, the Council would designate a person to perform the duties of the city manager
- Article VII, Business and Financial Provisions, is updated to reflect current terminology and practice, requires the finance director to have in place adequate financial controls for paying bills; adds a reference to “generally accepted accounting principles”; permits the city council to authorize bonds for any purpose permitted by state law; clarifies the publication of notice of pending bond orders; deletes obsolete numerical references in the bond referendum requirement while retaining the current formula for determining when bonds must be put out to referendum, and clarifies that the public hearing on the school and city budgets do not have to be held at the same time.