

**PORTLAND CHARTER COMMISSION**  
**MINUTES of MARCH 18, 2010**

**Agenda #1:** Acting Chair Pro-Tem Gooch called the meeting to order (Plumb and Mermin absent)

\*Introduction of members

**Agenda #2:** Public comment on agenda – none.

**Agenda #3:** Minutes of 3/11/2010 meeting approved (7-0)

**Agenda #4:** Announcements - Commissioners

\*Comm. Valleau

- Need to update schedule on website
- At Chamber breakfast had a discussion of elected mayor and the issue of what the mayor would be paid and the office would cost was prominent
- Revisit the issue of who controls the budget; mayor or manager

\*Comm. Spritz

- Issue of minority reports: must be included as part of preliminary report, 1000 words or less.

**Agenda # 5:** Remaining school items

**5.a. Role and name of School Committee Chair position**

\*Chair pro tem Cohen – Comm. O'Brien to lead the discussion

\*Comm. O'Brien

- The real problem with the School Committee is the turnover in the membership
- Difficult to get people to run
- Very time-consuming
- Chair spends at least 20 hours/week with committee and superintendent
- So either have uninformed school committee or just rely on administration
- Want to bolster the role of the chair; put language in charter reflecting the greater commitment required by the chair.
- Increase the stipend of the chair

\*Comm. Valleau

- How is chair chosen and how often does it change?
- Ans. Chosen by committee members every year.

\*Comm. Spritz

- Not sure that a little more money gets to the issue at all, or to what degree the issue of turnover is a new one to this community

\*Comm. Davis

- Other municipalities do have different approaches. Augusta elects its chair of the board of education and current chair is a former elected mayor.
- In Portland, city council is seen as a step up
- \*Comm. Chipman
  - Like idea of having pay level set; maybe the person should be elected to be the chair
- \*Comm. Valleau
  - 1 year chairmanship cedes too much power to administration; should have longer terms
- \*Comm. O'Brien
  - Can be healthy to have the chair selected each year; not sure a longer term solves the problem. The last two chairs have each served 2 terms.
  - Think a higher stipend, say \$10,000 – 20,000 would help with stability.
  - More compensation would make them feel more obligated and able to spend more time on it.
- \*Comm. Gooch
  - How much committee time is spent on educating the committee members?
  - What if we phrased it to be elected for “no less than” a year
- \*Comm. O'Brien
  - Only ½ day orientation; start in middle of fiscal year
- \*Comm. Spritz
  - Should there be a “boot camp” for newly elected members with a financial person on hand?
- \*Chair pro tem Cohen
  - Concerned about ability to attract good candidates
  - Demands on elected officials are huge;
  - Difficult time in past few years with school funding crisis; down economy
  - Not sure what the solution is – open to considering higher salary for school committee chair.
  - Key is good management to relieve burden on members.
- \*Comm. Smith
  - Not clear that the school committee has always felt it had control over policy issues or critical budget issues the way the council has. Maybe there is a sense of powerlessness.
  - Have observed that School Committee attracts people deeply committed to the schools and interested in the program part of the schools, but not necessarily the big picture policy and fiscal control.
  - Share the worry but not sure what the fix is.
- Comm. Davis
  - Really wrestling with fact that role of education in our city has dramatically changed.
  - Area of municipal undertaking in terms of what it does, who it serves and how we do it.

-Has not attracted backgrounds in business or policy, nor is it emphasized in superintendent education. Even school finance officers do not have specific training.

-School committee used to be fairly simple; now it's not.

-School committee does not get much training.

-Education is leverage point which will move Portland ahead and we have most demanding

\*Chair Pro-Tem Cohen

-We've identified the problem: turnover

-Causes: time; frustration, compensation component

-Question is, is there a charter solution to these issues?

**\*Motion by O'Brien –that the compensation for the chair of the school committee shall be at a level to reflect the full responsibilities of the position and in order to retain talent and service on the board**

\*Comm. Ranaghan

-Reminder that we previously voted that the compensation for school committee and for councilors be the same

\*Comm. Smith

-So right now we give the school committee chair an extra stipend but the pay is not comparable

-We're talking about parity between regular councilors, not mayor, and school committee members, not chair

\*Comm. Spritz

-We're going to write the current practice of giving additional compensation to the chair into the charter?

\*Comm. Treverrow

-I seconded this because it's very similar to language we adopted around mayor's salary to set the salary reflecting the responsibilities of the position.

-We could work more on defining the role of the chair

\*Chair pro-tem Cohen

-If we don't attract good talent, that can cost a lot more money as happened recently

-Many changes are needed given fall in funding and poor economy

-To extent we make it more likely that people are willing to put in the time and stand up to the pressures, the better it is.

\*Comm. Smith

-We have to assume the council will act on this in good faith and that they would come up with an additional stipend that is fair.

-School and school law is very complex now.

\*Comm. Valleau

-Would the council be precluded from giving a stipend if the charter just said parity?

Ans. If the intent is to give an extra stipend then it would be better to write it into the charter.

\*Comm. O'Brien

- School committee members will not come to council and ask for more money.
- Don't know when the school committee pay was last updated.
- This is needed because otherwise difficult to get any increases, especially in difficult economic times.

\*Comm. Gooch

- This is more complex than at first glance; problem much bigger than just the compensation; may need to have an independent school committee, but that is beyond this commission.

\*Comm. Ranaghan

- Would like more information re current pay and benefits.
- What's the total remuneration?

\*Comm. Davis

- Don't know whether we defined "compensation" for parity purposes
- Also issue of letting it go up and down via a reasonable indicator rather than voting each year
- My impression was that we were talking about entire compensation package.

Discussion of current compensation: Councilors get approximately \$5000, mayor gets another \$1500, plus health insurance and retirement. School committee gets \$3000 plus a contribution to a retirement plan and chair gets \$1000 more.

\*Comm. Ranaghan

- It is more expensive when add in health insurance and retirement provided to councilors.

\*Chair pro-tem Cohen

- Not talking about what "parity" means yet; the narrow item before us is whether chair of the school board should make a little more money

\*Comm. Smith moves to amend the main motion/seconded and not get into retention

**The council shall provide for such additional compensation to the chair of the school committee as is appropriate to reflect the additional responsibilities of that job**

**Adopted unanimously as amendment to main motion**

**Passed as amended 9-1 (Ranaghan)**

\*Comm. O'Brien

- Need to bolster the school committee side and want to revisit question of title of the chair to greater define the role of the two bodies.
- Confusion when refer to as "chair" because there is always more than one chair in a meeting (chair of subcommittee, etc)
- General use of the term President across the country
- Gives them more equality with Mayor

\*Comm. Spritz

- Seems like a technical amendment; if it's important to members of the school committee, then I am willing to vote for it.

\*Comm. Chipman

-Would like to table this because he has had negative impact on name change of school committee; want some feedback on change of name for chair.

-Would move to table it.

**Motion to reconsider (Valleau) prior vote on name of school committee chair (Smith); passed 6-4 (Chipman, Gooch, Valleau, Ranaghan)**

Question as to whether it requires 7 votes under Commission rules

Parliamentary ruling by chair pro tem the reconsideration passes by 6 votes.

\*Comm. Smith

-Do not think that the two are co-equal; the council does have the ultimate say on the total budget.

-Would prefer something other than President

\*Comm. Chipman

-Lots of e-mails against the name change of the School Committee

-Do not like the title of president

\*Comm. Gooch

-School committee could do this on its own if it's confusing at meetings

**Vote on motion to change chair to president fails (4-6) (Spritz, O'Brien, Cohen, Davis)**

**5.2 Charter language regarding public education in public life**

\*Comm. Davis

-Want statement about the importance of education, not lengthy, global piece talking about role of education preparing citizens for life, work, etc.

-Make it part of aspirational language which has been discussed for the city council

\*Chair pro tem Cohen

-Issue is whether we should have aspirational language in charter about schools

\*Comm. Smith

-Could be a preamble to the charter, talk about increasing complexity both city government and schools face, setting context for increasing compensation and role of mayor etc.

\*Comm. Ranaghan

-Wonder where it stops? The charter is not the place for this; part of the budget process and the state of the city message.

\*Comm. Spritz

-Do not agree; the current charter starts right in with mechanics and law. Think that it should have some language

\*Comm. Gooch

-Will volunteer to try to do this for charter and for start of school section

**Motion to request chair to appoint a subcommittee to draft a preamble to the school section and to city section of the charter**

Motion to amend the main motion to have a single preamble – not seconded

**Smith – would like to leave it up to the subcommittee as to one or 2 preambles passes (8-1) (Valleau)**

**Motion to have subcommittee to draft a single preamble, passes 8-1 (Valleau)**

**5.3. Annual strategic vision**

\*Comm. O'Brien

-Not going to bring this forward but wanted to have it discussed.

-Thought it would be too detailed for Charter, but thought it would coordinate school and city better.

\*Comm. Spritz

-Would support having this done by superintendent annually on "state of the schools"

\*Comm. Chipman

-Should be a report from the Chair of the School Board to the Council an annual state of the schools address.

\*Comm. Davis

-Agree it should be done in a public meeting, from the Chair of the School Board

\*Comm. O'Brien

-Superintendent already has to do a state of the schools message to School Board

-Important that it be a vision for the schools; not just a state of where we are

\*Comm. Smith

-We may lose the public if the charter document is too long

-But if part of goal is to provide leadership and vision for city, then this might be one of those occasions.

\*Comm. Spritz

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**Motion that language be included in charter to require annually that the Chair of Board of public Education address the city council regarding the state of the school system (Spritz/O'Brien) passes 9-1 (Valleau)**

**5.4 Public referendum on school budget if not required by state law**

\*Comm. O'Brien

-Sunset clause in the state referendum law; no reason to vote if not much change in school budget. Portland will probably eliminate the requirement as permitted under state law

-But for years which school and city cannot reconcile, either body could trigger a referendum on the budget

**No motion made**

**5.5 Improving coordination of council and school committee areas of shared responsibility**

\*Comm. Ranaghan

-Don't think there is any need to put joint maintenance into the charter.

-But there are finance areas of overlap

- Finance Director has a lot of control over the finances of the schools
- Current Charter language currently puts financial responsibility for city and schools on the Finance Director.

At some point in time Schools took on more of the financial work

- Now have duplicative functions despite the charter language.

- Total \$6 million for both schools and city

- a. Finance – \$1.6 million – city

- Finance - .6 million – schools

- Total: \$2.2 million city & schools finance

- b. MIS - \$2 million city

- MIS - .6 million - schools

- Total: \$2.6 million city and schools MIS

- c. Human Resources - \$600,000 each side for

- Total \$1.2 million HR

- Clearly if tightened up, departments would be forced to come back into one, or largely so.

- Could say we encourage city manager and school superintendent to get together and make this happen (consolidate)

- Currently have quarterly reports from Finance Director on budget comparisons, do not do monthly balance statements, Finance Director says do not have ability to do it.

- What they get are quarterly budget comparison statements

- Financial analysis of much smaller organizations is much more intense

- Clearly the financial functions can come out of one shop

- Very heavy administratively when you have two functions; combining could save substantial dollars; guess 10% range would be very doable in short run.

- May want to hear from Finance Director, School Business Manager on item.

\*Comm. Smith

- Would approach with open mind; worth a closer look

- How do other comparable cities do it?

\*Comm. Gooch

- Biggest problem would be process and making this change would involve more work than already being done in those offices, but that would be temporary

- Making more forceful statement in charter on unity of finance would be consistent with all other changes we are recommending

\*Comm. O'Brien

- How much time did Finance Committee take up during budget season?

- Ans. A lot (Cohen); multiple hours of meeting several times per week on top of normal meeting schedule.

- Similar on school side. Could one Director of Finance handle both budgets?

- Ans. Yes (Cohen)

\*Comm. Chipman

- Very worthy of discussion and consideration; prepared to support it.
- \*Comm. Spritz
  - Would want both school and city here to discuss this
  - But want to explore this with broad language, but not go into the details of who is going to arrange merger, how long it will take, who's going to lose a job, would be up to the city manager and department heads.
  - Barring strong objections from city and schools, think we should consider this.
- \*Comm. Davis
  - There are huge differences in the functions on the school and city side
  - My perception is that both finance staffs are busy and that there might be savings over time with some reorganization
  - Could encourage collaboration and cooperation in charter but don't think we should direct the merger in the charter
  - Oversight could be greater and have better financial reporting
- \*Comm. Smith
  - To date, staff have said it's not a good idea
  - Is this institutional inertia or are there compelling reasons for this not being a good idea?
  - There is an advocacy piece to budgeting; mission ambiguity for 1 finance director dealing with two elected bodies who may have differing views
  - As councilor, often felt there was a lack of transparency and never sure if dealing with apples to apples in school and city budgets; lack of transparency and/or trust might go away if have one finance director.
- \*Chair pro tem Cohen
  - Have thought about this a lot
  - Have advocated consolidation of functions, both in the city and regionally; one of the challenge is "who's on top".
  - If you're the city, cannot force the schools to go in a certain direction; if the schools, cannot force the city.
  - Heard the issue of serving two masters but we are one city and have one tax bill. Glad to see the maintenance issue has been addressed.
  - Don't know if there are savings which can be calculated, but do know that there are costs in being separate.
  - When there was a crisis, city finance director did serve as finance director for schools and that was a period of great trust between the two bodies.
  - Will hear how it cannot be done and bad idea with reasons why, but my suspicion is it is a good idea.
- \*Comm. Ranaghan
  - 80% of school budget is personnel
  - It is just running the numbers and it can be done.
  - Know several communities in northeast where it is combined and will get some information on this.
- \*Comm. Spritz
  - Superintendent Morse is considering a CFO in central office, and says there will be net savings.

- Could affect how we think about the merger.
- \*Comm. Valleau
  - Understand there is some risk and some opposition but am attracted to the idea
  - No matter what we put in the Charter, if the school department wants finance, IT and human resource people, they would have them.
- \*Comm. Ranaghan
  - Good point, but would have to put language in charter that there would be one finance and administration that will run a, b, c and be very specific but cannot guarantee that there wouldn't be some drift back over time.
- \*Comm. Gooch
  - Would encourage dialogue with Superintendent Morse
- \*Comm. Davis
  - Who would the department head report to if have a joint department?
- \*Comm. Ranaghan
  - The City side
- \*Comm. O'Brien
  - The MIS staff share office space and work with one another
  - Very helpful to have staff under one roof to communicate
  - Cannot imagine a superintendent not having a financial officer available to them 24/7 to answer questions
- \*Comm. Ranaghan
  - I envision people being assigned to the school department for certain functions and they would live there, but having 1 chief.
  - Right now have 2 directors for finance, 2 for HR, 2 for MIS
- \*Chair pro tem Cohen
  - City has staff dedicated to labor negotiations; schools do not.
  - Can improve the quality of the service.
  - Not worried about loss of a separate staff, but think it can lend more cooperation and development of synergy and added value.
- \*Comm. Gooch
  - Should we reconstitute a group to work on this issue?
- \*Comm. Smith
  - Should we find out who would like to work with Comm. Ranaghan on this issue, not limit it to original school group.
- \*Comm. Spritz
  - What is the intent for this group?
- \*Comm. Gooch
  - Have them look at feasibility and if feasible, develop a strawman proposal to bring back to Commission
- \*Comm. O'Brien
  - Think it could be simpler than this, Comm. Ranaghan suggested some language
  - Do need to hear specifically from financial staff about this before a vote; could craft something very simple for a future agenda.
- \*Comm. Smith

- Would be interesting to look at organizational chart of combined finance functions.
- Would like to know if it was feasible, with a little more examination.
- \*Chair pro tem Cohen
  - Putting staff in difficult position; please design a system which might eliminate your jobs
  - But when times get tough, changes get made. But don't think we can ask our staff to provide that kind of analysis.
  - Could get help in how to craft it
  - Cape Elizabeth shares staff between city and school system and is an excellent school system
  - Do not want to get bogged down in whether existing staff is supportive of the change; we should listen but want to develop some external information.
  - Have a process question on the table.

**Motion that a subset of the Commission be designated by the chair to look at developing information and come back to the Commission with information and recommendation (Gooch/Chipman) passes 10-0**

Any other issues?

- \*Comm. Valleau
  - Discussion with former Superintendent. Whynot-Vickers re decreasing number of school board members from 9 to 7.
  - What if two of the seats were appointed by Portland City Council with 1 from field of financial expertise and 1 from educational policy
- \*Comm. Chipman
  - Harry Pringle told us that we could not appoint members
- \*Comm. Gooch
  - I recall disagreement over this issue
- \*Chair pro tem Cohen
  - Don't think that issue was definitely decided
- \*Comm. Ranaghan
  - Think these are good ideas, especially appointing 2 members.
  - Mayors often do sit on the school committee in other municipalities
- \*Chair pro tem Cohen
  - 12/3/09 minutes did say it was worth re-visiting having mayor or council make appointments to school committee.
- \*Comm. Spritz
  - If still had 5 district representatives, and 2 at large, with 2 non-voting experts. Do not want mayor obliged to sit at school committee meetings.
- \*Comm. Davis
  - Many school committees do have appointed members

- Should not limit to finance and policy for appointments; might have someone elected with those backgrounds so could have flexibility in who should be appointed.
- What about them not having a vote?
- What about compensation?
- \*Comm. O'Brien
  - Would burn out fast if have only 7 members.
- \*Chair pro tem Cohen
  - Support current balance on school committee
  - 3 student representatives, they vote but their votes don't count
  - Is it of value to have a finance expert?
  - Right now have a very good school committee but do we want to hard wire a finance voice into the discussion to add to expertise of staff?
- \*Comm. Smith
  - Oppose appointing financial expertise; have already put language in regarding fiscal responsibility of the school committee.
  - Need to nurture the culture of expectation about where the buck stops is with the school committee, not the superintendent.
- \*Chair pro tem Cohen
  - Difference between having non-voting member of the board versus a staff person; staff person provides information but does not participate in the debate over an item.
- \*Comm. Chipman
  - If they cannot vote, don't know what the argument is for having them in the debate; don't understand the need for it
- \*Chair pro tem Cohen
  - Difference is being able to respond, not just wait to be called upon
- \*Comm. Smith
  - Fundamental idea is to put school committee in hands of an elected body, and when you appoint someone they have a disproportionate influence though unelected.
- \*Comm. Gooch
  - If take away the vote, take away that influence
- \*Chair pro tem Cohen
  - Have 3 student members who can participate but do not vote
- \*Comm. Spritz
  - But the 3 student representatives are there because they are the constituency; this is very different which is perception that school committee may not have the ability to address certain issues so city council would appoint them an "expert".
- \*Comm. Gooch
  - There is no motion on the floor; just discussing relative merits and we are running out of time
- \*Chair pro tem Cohen
  - Any other discussion on this issue
  - Any other issues on schools?

-We have two committees that the chair will appoint to bring back some items for this committee.

-Next week will be the technical issues again.

\*Comm O'Brien – thank everyone for their time and attention to these issues.

Motion to Adjourn passed unanimously.