

**PORTLAND CHARTER COMMISSION
MINUTES of OCTOBER 8, 2009**

The scheduled meeting of the Portland Charter Commission was called to order at 5:35 p.m. with Commissioners Plumb, Gooch, Mermin, Ranaghan, Treverrow, O'Brien, and Chipman present; Davis, Smith, Cohen and Valleau present by 6 p.m.

Chair Plumb:

Discussing the relationship of school and city tonight; more on legal issues regarding schools on the 22nd. Then have panel on Mayor-Manager on the 26th and will go back to issue of an elected mayor.

Agenda Item #2 - Public Comment: No public comment.

Agenda Item #3 – Motion to approve Minutes of 9/24/09; Unanimously approved.
(Ranaghan/Gooch)

Agenda Item #4 – Announcements

What hard copies do you want printed out and available at meeting?

Decision: Have agendas available; print out any action item for everyone; have 3-4 copies of remainder.

Comm. Spritz: Update on Oct. 26th panel; Press release sent out; any other networks let him know. Should we pay for any space advertising or can we rely on editorial writers to promote the panel.

Chair Plumb: will get thoughts to you on other groups. Not sure cost-benefit ratio for paid advertising given the budget.

Agenda Item #5 -

Chair Plumb –

Issues previously identified by Commission:

*Should Commission recommend any Charter changes that would improve the working relationship between the Council and the School Committee or the functioning of the School Committee?

Problems identified:

*Perceived lack of control of budget

*Overlap of jurisdictions between the City and the Schools

*School Board is an oversight body but is elected which creates misunderstanding of expectations

Brainstorm of issues:

*How to ensure coordination and collaboration between School system and City government

*Different structures for selecting the School Committee

*Ways to make City and School finances more efficient

*Question of super-majority for the School budget.

Comm. O'Brien:

This and the next meeting will be on “what is”. Present tonight are Kate Snyder and Jaimey Caron, John Anton and Peter Eglinton; Harry Pringle and Jim Morse on the 22nd. Councilor Dan Skolnik also present.

Peter Eglinton – Chair of Portland School Committee

- *Power point presentation; (copy attached)
- *How far we’ve come from 2007
- *Worked hard to refocus School Committee and to rebuild trust
- *School Committee derives authority from state statute
 - Tension as the School Committee is locally elected but responsible to the State and for compliance with state law
- *Response to FY 07 Deficit
 - The deficit focused our attention on working with the City and putting everything on the table.
 - Dench report helped to identify structural problems;
 - Assistance from City finance department
 - Have joint finance committee meetings between Schools and City
- *Benefit of deficit was it forced attention on anything hurting the District
- *Plan for Sustainable Educational Quality in Portland
 - Will be posting a tracking document on their website
- *Elements of Sustainability Plan
 - Formal Collaboration Mechanisms
 - School Committee Resolutions
 - Multi year budgeting
 - Elementary school capital needs
 - Emergency preparedness
 - FY 2010 Curtailment Strategy (to come)
- *Suggested Reading

Kate Snyder: Chair of School Finance Subcommittee

- *Subcommittee responsible for conducting workshops and hearings; recommending budget to full SC
- *How to bring accountability to body that has had such trouble
- *Heading toward sustainable accountable model of management
- *Budget communicates the priorities
- *Want to develop systems so 2007 never repeated
- *Regain trust of public and City council
 - Fall of 2008 met with Portland legislative delegation
 - Working with City Finance committee
 - System of monthly YTD reports and quarterly reports
 - Sustainability Plan – being used as a tool to guide work
 - Auditor’s report: use deficiencies as guide for improvement in communication with City.
 - Multi-year budgeting resolution – working on a comprehensive 5 year planning document.
 - Now developing FY 2011 plan toward budgeting;

Looking at budget as a vehicle for savings – e.g. reserve account is available to school districts in Maine.

- *Role of schools in City fund balance, working with Harry Pringle on it.
- *Starting prep for mid-year curtailment; need to identify option for savings of \$2 million;
- *Priorities for this year: budget development; finance policies updates; sustainability plan; implementing multi-year budgeting;
- *Development of systems and procedures and of the culture; continue to cultivate relationships within School Committee, State DOE and City, and leadership on School Committee.

John Anton – City Councilor, member of Finance Committee

- *Committed to long term financial planning
- *Four pieces to discussion – two elected bodies and each of their professional staff
- *Greatest distance exists between City Council and School Finance staff and between School Committee and City finance staff.
- * The School Committee is doing as good a job as can be done within the current system.
- * The Sustainable Document is a good, rational document. Some pieces are in place, but for some there has been a lack of follow through.
- *Still much to be put in place from Sustainability Plan.
- *Example of school and city maintenance – both same skill set and merger has not happened but not for lack of will on elected bodies part
Function of personalities or structure?

Comm. Cohen –

- *One of authors of Sustainability Plan; appreciated positive spirit of all to move us forward.
- *Council and School Committee have slightly different roles; when system not working well the relationship became adversarial.
- *Structural issues:
 - What institutionalizes the collaborative model?
 - Opportunities to smooth out institutional barriers to collaboration

Ellen Sanborn – City Director of Finance

- *We (the Department of Finance) are in charge of the money for both schools and city; annual financial reports have schools as a department.
- *School Department has responsibility for maintaining all the detail of what they do and then City keeps control of that and reconciles at a higher level.
- *What can be saved if you combine payroll, AP - not much savings, still need same staff to do it. So how do you manage it? May be better way to manage it.
- *Do we need both Finance Director and School Budget Director? Companies that centralize do not have two legislative bodies to report to. Question is whether you want legislative structure to be changed. So long as there are two elected bodies, cannot centralize.

- *What structural pieces are in place to have confidence in what staff is doing.
- *Need to institutional the pieces that are working now.

Questions from Commission:

Comm. Gooch – to John Anton – if problem is structural, what are your thoughts on it?
Councilor Anton – HR could be integrated, particularly as to non-teaching personnel.

Ditto on maintenance; Have to agree that integration is a desired outcome. If the will does not exist at the staff level, it is easy to identify challenges and make them barriers. Staff resistance or unwillingness to prioritize is where the challenge lies.

Comm. Smith – Refreshing progress between School Committee and Council. Mystery has been how the money comes in and how to evaluate the quality of the information you have. On school side, have vagaries of federal grant overlay, changing numbers in schools, state funding. Can things be done to add transparency to process and does it need systemic fix or culture change?

Ellen Sanborn – School budget is easier to get around because it's primarily wages and benefits; only way to have fiscal responsibility centralized is to have one legislative body. Schools have a better understanding of the Council's need for information and sharing of information. Don't know how to institutionalize it unless there's one body in charge. The issue is: to which legislative body is a single director of finance beholden? What if they disagree?

Jim Cohen – What's difference between having one planning staff serving both Planning Board and Council?

Ellen Sanborn – Planning aspects not quite as bifurcated.

Comm. Cohen – one difference is Council appoints the planning board

Comm. Cohen – to Peter Eglinton; how much has the required referendum on the school budget influenced the process?

Peter Eglinton – hard to quantify that.

Ben Chipman – very frustrating that there are two separate building maintenance departments; what is the barrier to that?

Ellen Sanborn – there are different union contracts; negotiations required; have different pay plans; it has been desire to consolidate at the staff level. Have started doing HVAC because that was a contract service.

Comm. Mermin – is election the only legal mechanism to create a school committee?
Do district seats on School Committee add anything or have consequences?

Peter Eglinton – district seats make it more difficult to avoid being advocate for constituents; but make it easier for public to contact. There are models elsewhere but don't know about Maine.

Comm. Mermin – are there more subcommittees that should be jointly structured?

John Anton – Should have a joint facilities committee; technology committee;

Jaimey Caron – should there be something in the charter? Not required to do that, the two bodies can develop joint committees; Hope there will be a more concerted effort over next year or two on other joint efforts.

Comm. Mermin – what about mayor or councilor sitting on school committee.

Peter Eglinton – see benefits to having integration where it makes sense and it would only increase the understanding if had council person hearing the same things they are. The more the city council can understand the better.

Jaimey Caron – Harry Pringle can give more input on legal side. School Committee members are really agents of the state and have statutory responsibilities. Supposed to be acting for school district as a whole and students in it.

Kate Snyder – are we obliged to elect members of School Board? Maine law requires that there be a school board; members are chosen by voters of the town. Establishing some type of multi-disciplinary committees between the two groups. It is confusing to some degree to have district representatives on School Committee.

Comm. Ranaghan – They do represent the district; is it your recommendation to amend the Charter as to budget control or as to at-large; district elections, or anything else in the Charter?

Peter Eglinton – curious about what other models there are; as long as it doesn't create more barriers to getting the job done; maybe broad phrasing about sharing services where practicable with joint committees to address common areas of interest. How many employees in are there in the City finance department and school business office?

Ellen Sanborn – have 39-40 employees, including treasury; MIS; (\$3.5 million – primarily licenses for MIS).

Kate Snyder – have finance and HR – 17.5 employees, MIS 10.5

Ellen Sanborn – spend about \$95,000 year on the audit; about ½ of that is for schools. Hard to compare apples to apples because of state and grant reporting requirements.

Comm. Ranaghan – public brings up the duplication issue all the time; may not rise to Charter level, but if we can make the system better and save a little money too, then so much the better.

Comm. Cohen – would like to ask Jaimey Caron the issue of serving two masters

Jaimey Caron – Planning Board is an appointed body with narrow authority to act on its own and serves a broader advisory role to the council. Scope of relationship is quite different from that of SC and council.

Ellen Sanborn – the Planning Board doesn't hire and fire the planning staff.

Comm. Cohen – didn't we take finance functions out of the depts.?

Ellen Sanborn – no, departments still do day to day; central has more of a regulatory, global function

Comm. Spritz – would like to know if there are systemic changes that should/could be made that the School Committee members think should be made.

Peter Eglinton – planning to have a workshop on the Charter issue; would like to get a list of items teed up for the Commission in beginning. Would like to have more deliberation before responding.

Jaimey Caron – how do we get quality candidates to participate in local government? Didn't have anyone run for two of the seats. Whatever is designed has to have folks putting in a good faith effort to make it work.

Comm. Davis - the Council focus is budgetary; School Sommittee focus is education. Would not hire a city manager with no budget skill; schools would not hire a superintendent who had not been a teacher. So basic budgeting understanding is not really a requirement for school superintendent. In terms of savings by centralization, only have a savings if people are being underutilized. We have talked about mayor being a person who would bring vision and leadership to City. How would this gibe with the school's multiyear budgeting process?

Peter Eglinton – multi-year budgeting process more about setting priorities; would to show ramifications of budget decisions over time.

Comm. Davis – what if mayor had divergent visions?

Peter Eglinton – multiyear budget would get that out on the table.

Kate Snyder – the multiyear budget document is a communications and budget tool. Every year you adjust the work so that 5 year look is updated. Superintendent can still generate the educational vision and superintendent and mayor could work together to meet educational goals.

Comm. Valleau – interested in appointing members to the school committee; 2 members should be appointed. Why do people run for school committee? Because they had kids in the system. Probably didn't think they were there to keep track of the budget. People run for School Committee without knowing all it involves, come without technical skills needed. So the make-up of School Committee worthwhile discussing. Let's appoint 1 member with financial skills and 1 member whose area of expertise is national educational policy. What do you think about appointed members?

Peter Eglinton – intrigued by appointment idea. Bring on skills without having to campaign. Need to ensure that roles are of Superintendent and School Committee are clear.

Comm. Smith – what happens if a candidate doesn't run? If no one does, then should Council have authority to appoint a member if you put it in the Charter?

Comm. Cohen – what about someone from Council or Mayor serving on school committee? One factor might be required time commitment.

Peter Eglinton – time commitment fluctuates; past year with superintendent search and focus on budget has been very time-consuming. Also depends on the role, whether a chair of subcommittee. Have been meeting multiple nights; takes 20 hours a week, depending on how prepared the person wants to be

Jaimey Caron – also a distinction between official and unofficial business, getting to know staff, touring schools etc. Always plenty on the plate to get done.

John Spritz – like idea of appointing someone with financial expertise. What about mini boot camp for new members on variety of topics?

Laurie Davis – November election does not work well with the budget process. Prior May elections meant people came on at start of budget year and had time to learn before got to budget for next year.

Comm. Gooch – perhaps should be combined with June election; boot camp idea good. Bangor Council and Manager go off every year for a weekend to set priorities.

Comm. Ranaghan – never a good time to do elections; never a good time to do a budget.

Comm. Chipman – very poor turnout in May elections; don't want to change elections. Same way in all other levels of govt. State legislators have to submit all their bill titles for 2 years by December.

Chair Plumb – would like to know more about certain things; the School Board's own thoughts about Charter changes, if any. Is there a way to systematize these things so not dependent on people to succeed? If so, is that something you put in Charter or do you do it at a different level?

Comm. O'Brien – Next week we'll hear from Superintendent and Harry Pringle; hear about legal boundaries; test some straw men; draft "straw man" to float around and get reaction from School Committee.

Chair Plumb – next time look at more structural issues; could do process around individual ideas. Please get requests for any information and questions you want answered in.

Comm. Cohen – appointed or elected school committee or hybrid? Article III section 4 of charter lays out the budget process. Charter as aspirational document – may also want to address these goals.

Motion to Adjourn 8:25 – (Treverrow/Chipman) passed unanimously

Portland School Committee Overview

Presentation to the Portland Charter Commission

Peter Eglinton
School Committee Chair
October 8, 2009

“[S]chools are our most cherished institution... no department of our state government requires officials to be selected with greater care.” (Maine Supreme Court, *Lunn v. City of Auburn*, 110 Me. 241 (1913))

“[T]he [school] committee acts as a public board. It in no sense represents the town. Its members are chosen by voters of the town, but after election they are public officers deriving their authority from the law and responsible to the State for the good faith and rectitude of their acts.” (Maine Supreme Court, *Shaw v. Small*, 124 Me. 36, 41 (1924))

Duties of School Committees

- . Derive authority from state legislature, with powers and duties specified in statute
- . 20-A MRSA §1001 lists 18 duties, including:
 - Policies
 - School management
 - Superintendent selection, oversight
 - Curriculum
 - Districting
 - Expulsion
 - Code of conduct, safety

Structure of School Committee

- . 9 voting members (5 district and 4 at-large)
- . 3 student representatives
- . Full committee chair and finance committee chair elected by the body
- . Current standing subcommittees on Finance, Policy, and Personnel
- . Anticipated standing subcommittees on Finance, Facilities, and Curriculum

Response to FY07 Deficit

- . Resignation of superintendent and business manager
- . Dench investigation and report
- . Involvement of City finance department
- . Joint School Committee and City Council meetings, with increased collaboration between finance committees

- .Plan for Sustainable Educational Quality in Portland
- .Standards for reliable reporting of financial status
- .Scrutiny of budget process, accuracy
- .Plan to replenish fund balance
- .New superintendent and business manager

Plan for Sustainable Educational Quality in Portland

- .Resolution developed by Councilor Jim Cohen, adopted by City Council and School Committee (2007-2008)
- .Progress report and action plan (2008-2009)
- .Periodic updates on implementation
- .Important framework for ongoing and additional innovation regarding opportunities for collaboration, cost savings, and efficiency

Elements of Sustainability Plan

- .Existing collaboration between city and school department
- .School budget review and financial recovery plan
 - FY07 Budget Deficit Payback
 - Anticipated Changes in EPS Funding
 - State-Mandated Alternative Plan Cost Reductions
 - Grant Revenue
 - Ensuring Ongoing Fiscal Responsibility
- .Consolidation of facilities and services
 - Building Maintenance
 - Financial Management
 - Facilities
 - Technology Services
- .Other opportunities for savings and efficiencies

Formal Collaboration Mechanisms

- .Services provided by city and school department
- .Joint Finance Committee
 - Budget development, monitoring
 - Sustainability Plan implementation
 - Audit report response
- .Assistance from city finance director and staff
 - Recovery from FY07 budget deficit and loss of management
 - Conversion of accounting system
 - Ongoing support for financial issues and audit process

School Committee Resolutions

- .Multi-Year Budgeting Framework
- .Elementary School Capital Needs
- .Emergency Preparedness Capital Needs
- .Fiscal Year 2010 Curtailment Strategy (*forthcoming*)

Suggested Reading

- .Statutory duties of school committees (20-A MRSA §1001) and superintendent (20-A MRSA §1055)
- .Resolution Supporting a Plan for Sustainable Educational Quality in Portland
- .Plan for Sustainable Educational Quality in Portland: Progress Report and Action Plan (January 2009)
- .Resolution Establishing a Multi-Year Budgeting Framework for the Portland Public Schools
- .Resolution Authorizing a Review of the Elementary School Capital Needs of the Portland Public Schools
- .Resolution Authorizing a Review of the Emergency Preparedness Capital Needs of the Portland Public Schools