

**PORTLAND CHARTER COMMISSION
MINUTES of DECEMBER 10, 2009**

Agenda #1: Chair Plumb called the meeting to order and reviewed tonight's agenda as modified.

Agenda #2: Minutes of 12/3/2009 approved 10-0 (Cohen/Ranaghan - Valleau, Davis absent)

Agenda #4: Announcements (taken up out of order)

Chair Plumb

*Bruce Smith here from Harry Pringle's office

*Next meeting date is 1/14/2010 and we will be working on Instant Runoff Voting (IRV), Clean Elections and changing number of districts.

Comm. Chipman

*Clean Elections is not a charter change and would like to eliminate it from Commission consideration, to be taken up in another forum.

Comm. Spritz

*Issue of number of districts – Would like to postpone this issue to later if there is interest in pursuing it.

Comm. Smith

*Let's have a sample election for IRV meeting.

Comm. Chipman

*Working on that as part of the presentation.

*Need some travel money for 2 people to come from Burlington, e.g. someone from Fair Vote and the Burlington Clerk.

Chair Plumb

*Will have information ready for commissioners by January 4th.

Comm. Spritz

*Handout of "December 2009 Report"

*Suggest that this be handed out to various groups, neighborhood groups

*Will work with Chair on media pieces

Chair Plumb

*If go to groups, try to collect the information in a way that it can be shared with the rest of the group.

Agenda #3: Public Comment

Charles Bragdon – Munjoy South

*Parity of Council and School Board members both as to stipend and benefits

*Education most important thing City does, need to have a Chair or President of School Board that is equal in power to the elected mayor.

Agenda #5: Deliberation on School related issues

Comm. O'Brien

*Review of Recommended Discussion Topics from school subcommittee

*Subcommittee wrestled with what should be a charter level change and what should be an ordinance change; let's start with Comm. Cohen's draft language
Comm. Cohen – draft amendments to Article III

*The amendment seeks to establish a budget process; final budget to be delivered no later than 2 months before the end of the fiscal year.

*School committee has to deliver a final budget to the City Council in April.

*There have been tussles over when to bring Council into the process and what kind of document is needed to be sent from Schools to Council.

*Need a document which shows what the schools need, not just what the final dollars would be.

*Joint Finance Committee Proposed Plan was developed between Comm. Cohen and Chair Eglinton of the School Committee

*Amendments give 2 more months for Superintendent to submit preliminary budget to School Committee and City Council

*Adds duty of sound fiscal management of the public schools

*Shared concerns about specificity of times and dates by Ellen Sanborn and Peter Eglinton

Chair Plumb

*Let's start with how much detail belongs in Charter and what do you want to accomplish

Duties of school committee

Process for budget review

Content of budget submissions

Comm. Smith

*Support adding "fiscal management" to the duties and responsibilities

Comm. Ranaghan

*Already included in "perform all the duties in ...care and management of the public schools"

*Already have to provide city council with "such estimates as the city council shall require".

Comm. Mermin

*Still think it helps to put something in charter regarding fiscal management

*Do not think we should put process itself into the charter or specific dates

*Think could take the 1st numbered paragraph of Proposed Plan of Joint Finance Committee sheet and put in Charter

Comm. Cohen

*Suggested the change in 1st sentence of Art. III, Sec. 4 because laws of state do not have language about responsibility for fiscal management.

*Question of whether the current language is adequate since Council can ask for information but only after budget is delivered and Council can ask, but it might not be provided.

Comm. Spritz

*Trying to determine how the two bodies are going to interact.

*Does make sense to try to hardwire a bit more of the recent good efforts in the Charter

*Would like to have two versions, one with detail and one more general – and then get comments from council and school committee

Comm. O'Brien

*Could have 3d option of adding language to require an agreement between the two bodies to have a process in writing for working together

Comm. Mermin

*Not just city council and school committee that have to live with this, also the members of the public

*Thought the former process was inadequate to permit public participation

*Fiscal management piece not clear enough to folks who ran and to public

Comm. O'Brien

*In past, School Department accounted for costs centrally, not by schools. Now can compare school by school which makes process much easier.

Comm. Gooch

*We have already asked for and received input from School Committee

Comm. Ranaghan

*If put joint finance committee into charter, need to define it and quantify it; it's an administrative function and might not be good for next 30 years

Comm. Chipman

*Would like some language in along the lines proposed by Comm. Cohen to guarantee this procedure for the future

Comm. Smith

*3 issues –

Fiscal management

Joint meeting process

Detail is not that bothersome

Chair Plumb

*Not comfortable with level of detail; no problem putting in something that says there will be an agreement regarding joint meetings

Discussion on adding language to charter that the duties include "sound fiscal management"

Comm. Mermin

*Support it and should add to Art. I as well

Comm. Ranaghan

*Take out the work "sound"

Comm. Spritz

*If this is just the "straw man" leave it in; Comm. Gooch agrees

Comm. Valleau

*Support adding the language

Vote on including this language on duties including "sound fiscal management" in the charter 11-1 (Ranaghan)

Discussion on having specific language on the content of the budget

Comm. Mermin

*Support having the language be parallel to that required of City Manager in regard to content of budget

Comm. Smith

*Have always had concerns about symmetry to school and city budgets; need to do this

Comm. Valleau

*The language is in form superintendent “deems desirable or shall utilize...” – which is it?

*Issue of having to do the budget the state’s mandated way

Comm. Cohen

*Good issue; perhaps both should be “and shall utilize”

Comm. O’Brien

*Comm. Valleau is correct; providing it in the exact same format between City and schools is problematical

Comm. Spritz

*Agree with Comm.O’Brien; don’t think the resources are there to do this unless combine departments

Comm. Mermin

*Other towns prepare budgets which show cost centers etc, and parallel language is not mandating an accounting system

*Want school department budget be clear and transparent

Comm. Ranaghan

*Big difference between accounting and budgeting; state reporting is the accounting system – budgeting can be done on cost center basis with level of detail.

*May want to call in School Finance Manager when Technical Subcommittee meets with Ellen Sanborn

*Should probably have its own section number of “budget content”

Comm. Davis

*Agree about parallel budgeting and having budgeting process be open and understandable

Comm. Smith

*Always frustrated about not being able to get information from schools similar to that which the city provides

*Transparency is essential when levying taxes

Comm. Cohen

*State law can change from time to time and language in charter would survive this

*Did school committee have resources to compile the information – yes, but they did it after the process was over

Bruce Smith

*Language should acknowledge the need for the 11 cost centers mandated by state

*May have school system putting together two different types of budgets

Comm. Davis

*Have to acknowledge that there will be some differences, should set out the intent to get there.

Vote on having parallel language to that for the Manager approved 12-0

Comm. Cohen

*Last piece is that there should be a process for joint meeting prior to delivery of the budget to the City of Portland – just broad language.

Comm. Ranaghan

*Don't really like to force people to meet.

*Have had years when the Finance Committee was a committee of the whole.

Comm. Mermin

*Want to promote the collaborative relationship and transparency of process in being a required public meeting prior to when forced to a budget vote

*Important to codify joint preliminary review.

Comm. Davis

*Set forth in joint responsibility of both bodies regarding expenditure of city's resources.

*Education will become way we achieve some of city's goals.

*Expectation that they will work jointly to achieve the goals.

Comm. Chipman

*Would like to clarify who would call the meetings – the mayor

Comm. Smith

*Should park that issue with duties of the mayor for later consideration

*Requiring a couple of meetings to air issues and acceptance of joint responsibility for the budget.

*Don't think it's too much micromanagement.

Chair Plumb

*Comfortable codifying the concept that there be work done together before schools present the budget to the council; would refer to need for memorandum of understanding about how they will manage their joint meetings.

Vote on broad statement to have language that speaks to requirement for joint meetings prior to delivery of the budget to the City passed 11-1 (Ranaghan)

Comm. O'Brien

*Issue of supermajority vote and whether council can raise it with a simple majority – left issue on list for clarity.

Comm. Valleau

*Interested in allowing simple majority to reduce or increase school budget

*Supermajority was put on ballot by school advocates and to give them more leverage in the process.

*Think it's a mistake that only need to convince 4 of the 9 that the school committee is right on the budget

Comm. Smith

*Always thought the supermajority was a nod in the direction of the effort the school committee put into the school budget. Not that uncomfortable with it.

*Can see merits of both sides

Comm. Mermin

*Think the supermajority vote is a nod to school committee

Comm. O'Brien

*So many federal and state mandates so have smaller percentage of budget which is "liquid", and margin of error is very slim

*School committee now very aware of “what will be the tax increase”

Comm. Gooch

*Trying to build process for all times but with changes in process we are proposing, then supermajority is appropriate; if don't make the changes, then agree it should not be supermajority.

Comm. Cohen

*Supermajority was never an issue; but when state law changed, to exceed the EPS cap, state law says it can be changed by majority vote. Practically speaking, we operate in a 5 vote situation.

Chair Plumb

*Supermajority worked and is nod

Language to change supermajority fails 1-11 (Valleau)

Comm. Chipman

*Suggestion for combined inauguration ceremonies swearing of both bodies on same day and at same time

Comm. Smith

*Sends nice message but not enough room to do both and maintain any intimacy

*School Committee is its own body

Comm. Ranaghan

*It's allowable under current language; let them choose; not a charter issue

Comm. Gooch

*Agree it's a good idea but doesn't need to be in charter

Comm. O'Brien

*Not a charter issue; each have to hold a meeting and not sure that part should be jointly held

Comm. Mermin

*Does not rise to level of

Vote on combining inaugurations fails 2-10 (Chipman, Treverrow)

Comm. O'Brien

*Does the stipend occur at the charter level?

Comm. Spritz

*Opposed to parity; no-one runs for the office for the money

*Difference between the two positions in terms of responsibilities to citizen of Portland

*City Councilor represents a much broader array of services for the public than a school committee person and Councilors have ultimate responsibility of asking for the tax dollars.

Comm. Chipman

*Really a token of appreciation; want parity in appreciation and add benefits

Comm. Ranaghan

*Don't remember Council ever setting the school committee stipend

*Wouldn't have problem with school committee setting its own stipend if it could not be larger than city council.

Comm. Mermin

*Would like the motion to say that we create parity; jobs involve a similar level of commitment; statement about how we value the two relative bodies

*Part of attraction and retention of school committee personnel

Comm. Cohen

*See sec. 1, last paragraph – city council sets stipend for school committee

*Is the right process to have an order on council agenda?

*Could remove the provision but have parity provision to prevent school committee

Review of salary information by Elizabeth Boynton

Bruce Smith

*State law says the salaries shall be set by the town

Comm. Smith

*Would it be inconsistent with statute to require parity in the charter?

*Do not think stature of office is diminished or increased by stipend paid

Comm. Gooch

*Assuming we can say something in charter, this is an opportunity to have an aspirational effect by requiring parity

Comm. Ranaghan

*Need definition of “parity”

Comm. Mermin

*Don’t think we need to get into detail of what numbers are in or out or benefits there are – that’s a city council decision and would leave it as that and their determination of what is parity.

*Needs to stay with the council

Comm. O’Brien

*I would like to see it set at a reasonable level to attract and retain qualified candidates and then tack it to a reasonable index.

Comm. Spritz

*Would support it

Chair Plumb

*Support the parity issue and have neither body have other

Vote on having parity in compensation between city and school committee passes 11-1
(Ranaghan)

No suggestions on changes to retain school committee members

Comm. O’Brien

*Consider role of school committee chair

-as balanced against new elected mayor

-as properly compensated

Comm. Treverrow

*The thinking was that in today’s charter saw the school committee as structurally parallel to city side and we are defining new roles for city side so might want to define new roles for school side.

Comm. O’Brien

*Flows with Board of Public Education (School Board). There is a perception that school committee is really a subcommittee of city council which affects attraction and retention of members of school committee.

*Will get better product if set the stature of two autonomous boards

Comm. Spritz

*Never known anyone who confused school committee with being part of city council; actually trying to get them to work more closely together.

*Name change doesn't raise to level of charter change

*Elected mayor would be elected by the people

*Presently school committee chair is elected internally, not by voters

*To try to bring up the Chair of school committee diminishes the mayor

Comm. Smith

*Okay with name change but not comfortable with taking wholesale look at the powers of the school committee chair.

Comm. Chipman

*Don't see need for name changes; prefer chair to president. Thought about having an elected chair of school committee but don't think anyone wants to take that on.

Comm. Gooch

*Thought state law set the name

Bruce Smith

*Statute calls them school board and school committee but think you can call them what you want in the charter

Comm. Cohen

*Don't feel strongly about this, but support change to School Board

Comm. Davis

*Think the change is important because it represents the change in education as more than buildings, changes the paradigm.

Comm. Ranaghan

*State law clear that it's a school committee and see no need to change; you're president of a company, not a school committee.

Comm. Smith

*Like the message it sends to change to Board of Public Education

Comm. Davis

*Would like charter to have open language to permit expansion in the future; we do adult education function for the community.

*Really about education, not schools

Comm. Mermin

*Everyone has different definition of what this change would mean

*Would vote against it now, but would be open to exploring the issue.

Comm. Smith

*Cannot emphasize enough the concept of Public Education; sends a very different message to get away from "school"

*They are engaged in a larger enterprise

Comm. Gooch

*Now think it makes sense, changes the importance and connotation

Comm. O'Brien

*Brought this issue up because of a public comment

*Comment that there is a perception that school committee is group of housewives and PTO members

Comm. Ranaghan

*Would think it would be the school committee which wants the name change

Peter Eglinton, Chair of School Committee

*Has not been a big issue but interested in what Comm. Davis said, but not an issue high on priority list.

Comm. Mermin

*Agree on intent, but not sure the change does what is intended

Chair Plumb

*Will vote against because it leaves me with concern that we are setting policy in charter that encourages them to go forth and do more than schools

Vote on change of name to Board of Public Education passes 7-5 (Ranaghan, Mermin, Valleau, Plumb, Chipman)

Comm. O'Brien

*Next issue is changing name of Chair to "President"

Vote on issue of changing from Chair to President fails 2-10 (O'Brien, Davis)

Chair Plumb

*Would like to finish the school issues

Comm. O'Brien

*Would like to look at role of school committee chair

*Strategic vision – need comments from school committee

*Public referendum issue

*Would like to put these off to another meeting

Comm. Mermin

*Should put them off and no opportunity to add to the list

*Should look at ways to improve coordination of city council and school committee on facilities and transportation

Comm. Spritz

*Would like to discuss

Comm. Ranaghan

*Would like to put off and add more than just facilities and transportation

Chair Plumb

*Will put these off and will restructure long-term plan

*Also put off question of whether to consider clean elections and number of districts

Comm. Smith

*Defer the issue to executive committee

Comm. Ranaghan

*Need budget report

*Defer to Executive Committee

Chair Plumb

*Will get budget report and take into account what Anna will need.

Comm. Cohen

*Worked on straw man language; will need real language and for pieces the group has decided can we have the drafting done for charter.
Discussion of possibility of meeting more often if needed.

Adjourned 8:25 p.m.