



**CITY OF PORTLAND, MAINE
CHARTER COMMISSION
GOVERNANCE COMMITTEE**

CITY LEADERSHIP MODEL RECOMMENDATIONS

January 11, 2022

PURPOSE

This report serves to summarize the activities and recommendations of the Portland Charter Commission's Governance Committee in its objective to propose structural changes to the leadership model of Portland's municipal government.

COMPOSITION

The Governance Committee comprises four members of the Portland Charter Commission:

- Robert O'Brien, Chair Elected in Portland District 2
- Ryan Lizanecz, Vice Chair Elected in Portland District 5
- Nasreen Sheikh-Yousef, Secretary Elected At-Large
- Shay Stewart-Bouley Elected in Portland District 1

RECOMMENDATIONS

The Governance Committee met eight times in the fall of 2021 and interviewed 17 speakers with experience in municipal government, in addition to phone calls, emails, and conversations that committee members may have had with engaged members of the public and public officials.

Several issues emerged about Portland's leadership structure:

- No elected mayor has been provided the opportunity to meaningfully influence the development of the city’s draft budget, as specified in the current Charter.
- There are no clear mechanisms by which an elected mayor may propose policies outside of the Council committee structure.
- Council procedures make it difficult for individual councilors to advance policies outside of the committee structure.
- City Councilors’ access to staff has been inconsistent over several administrations.
- There is no method for holding the Council accountable to its own rules or for keeping the administration in line with the Charter.

As such, these shortcomings have led to public impressions that the city manager is unaccountable and that the mayor is ill-equipped to pursue a policy platform. Furthermore, the limitations of developing policy only in Council committees has diminished the city’s ability to be agile and proactive amid changing societal dynamics and a gentrifying economy. As a result, the Council is frequently reacting to external urgencies, and referenda campaigns have increased in number and success at the polls.

To address these issues, the Governance Committee recommends the following changes to Portland’s leadership structure.

Regarding the Mayor

- Ensure that the elected mayor has a prominent role in the development of the city’s draft budget with access to department heads and staff support.
- Allow the mayor to form by right a staffed public task force around any policy endeavor not taken up by Council committee.

Regarding access to City Hall staff

- Create a new Chief of Staff who reports directly to the Council and whose office shall:
 - Coordinate Council staffing needs and requests for direct access to staff.
 - Receive, initiate, and track constituent services.
 - Fulfill all Freedom of Information Act (FOIA) requests.
 - Notice all City meetings and post all materials.

Regarding policy development at the Council

- Formally allow individual councilors to introduce a policy proposal not on a Council committee at a Council workshop or public hearing.
- Allow a member of a Council committee to “call the question” (initiate a vote) on a policy that has been assigned to the committee for more than 90 days.
- Allow a councilor to sponsor a policy initiative on behalf of a constituent that is not already assigned to a Council committee.

- When a referendum campaign has reached a threshold of two-thirds of the required signatures, initiate a public hearing at the City Council.

Regarding accountable governance

- Require a duly elected Charter Commission to nominate three of its standing members and one alternate to serve on an arbitration panel after the Commission has been dissolved (and until such time as a new Commission is elected).
- The arbitration panel will convene when called upon by act of the City Council to interpret Charter language and provide a formal decision. These decisions will be binding for City business unless appealed to a court of law.

These recommendations are referred to the Charter Commission by unanimous consent of three members of the Governance Committee: Commissioners Robert O’Brien, Ryan Lizanecz, and Shay Stewart-Bouley. Commissioner Nasreen Sheikh-Yousef was absent from the committee’s December 8 deliberations and has since sponsored her own proposal to the Charter Commission.

METHODOLOGY

At its meeting of August 11, 2021, the Charter Commission assigned these topics to the Governance Committee to examine:

- Redistricting and Council Structure
- Mayor/City Manager Roles, Powers, Duties, Accountability
- School Board/City Council Relationship
- Community and Neighborhood Boards
- Office of Public Advocate
- Home Rule
- Human Rights Commission
- City Staff Relationship to Elected/Appointed Officials

From this list of topics, on September 8, 2021, the Governance Committee distilled related structural themes into one, overarching leadership topic:

1. City Leadership Structure: powers & duties, relationships, districts, terms.
 - a. Administration
 - b. Mayor Position
 - c. Council
 - d. Council-Appointed Positions (Clerk, Corporation Council)
 - e. Neighborhood Voices

The remaining topics assigned by the Commission were set aside for later examination.

At the meeting of September 8, all four committee members agreed to design a leadership model on a zero-basis, founded on input from research and interviews, rather than adopting or hybridizing an existing model.

WORK PLAN

Election of Officers & Development of Work Plan

September 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=39849

Minutes: <https://tinyurl.com/minutes-sept-8>

Values Mapping & Desired Outcomes

September 22, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=40131

Notes about Values: <https://tinyurl.com/commission-values>

- With facilitator David Plumb

Chair O'Brien researched and sought input from fellow committee members on the speakers invited for interview sessions. Speaker nominations were derived from the personal knowledge of committee members, proposals from engaged members of the public, and discussions with the Maine Municipal Association (MMA) and the International City/County Management Association (ICMA).

Mayors Interviews

October 13, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=40566

Notes from Mayors interviews: <https://tinyurl.com/mayor-interviews>

- Kate Snyder
- Michael Brennan
- Panel of Jill Duson, Jim Cohen, and Karen Geraghty
- Ethan Strimling

Experts Interviews

November 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41035

Notes from Expert interviews: <https://tinyurl.com/expert-interviews>

- Dr. Chyrl Laird, recent Government professor at Bowdoin, now at U Maryland
- Dominick Pangallo, Chief of Staff in Salem, MA

- Dr. Jim Svava, UNC researcher/editor of 4th ed. of Nat. Civic League's *Model City Charter*

Managers Interviews

November 10, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41102

Notes from Manager interviews: <https://tinyurl.com/manager-interviews>

- Joe Gray, former City Manager of Portland
- Tanisha Briley, City Manager in Gaithersburg, MD; formerly in Columbus Heights, OH
- Kevin Sutherland, ex Chief of Staff in Ithaca, NY; ex City Administrator in Saco; finalist for Town Manager in Bar Harbor (later hired)
- Sheila Hill-Christian, former Acting City Manager in Portland
- Note: former Portland City Manager Jon Jennings was invited but formally declined

City Councilors Interviews

November 29, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41552

Notes from Councilor interviews: <https://tinyurl.com/council-interviews>

- Belinda Ray, 2015-2021
- David A. Marshall, 2006-2015
- Pious Ali, 2016-present
- Kimberly Cook, 2017-2020

Leadership Model Deliberations

December 8, 2021

Recording: https://townhallstreams.com/stream.php?location_id=42&id=41743

Notes from deliberations: <https://tinyurl.com/deliberation-notes>

- With facilitator David Plumb

FINDINGS

All committee agendas, minutes, and materials may be found at this link:

<https://drive.google.com/drive/u/1/folders/1Vivn114pB2mnff7fjbLUT0PYpZvmetFA>

Values

On August 25, 2021, the full Charter Commission ratified this Guidance Statement:

Create a structure of government which maintains expert administration while also promoting robust democratic representation, and public participation. This structure should ensure accountability, transparency, and accessibility while

increasing equity, inclusion, diversity, and justice.

On September 22, 2021, facilitator David Plumb led Governance Committee members in articulating which values they sought to be reflected in a leadership model. The results were:

Accountable and Responsive

- There are channels for concerns that are accessible and result in actual responses.
- There is a clear chain of command, and clarity on who you can speak with about your interests and concerns.
- People see the connection between the public voice and decision-making.

Transparent and Communicative

- People know what is going on and there is easy access to information.

Participatory

- There are vehicles to participate.
- Barriers to participate are removed – we recognize that time is a major barrier for working people.

Representative and Giving Voice

- Decisions are made considering the whole community.
- Local government includes people with different experience and background.
- Access to government is not defined by money.
- The systems work for everyone.

Efficient and Showing Leadership

- City can tackle problems and reach conclusions. Local government is seen a place of solutions.
- The city policy-making process works to address interests and concerns – people use it and see their interests met.
- The city has big plans and develop bold ideas through a democratic process.

Integrity

Key Takeaways: Mayors Interviews

- All three recent mayors (Snyder, Strimling, and Brennan) said there is misunderstanding by residents about the current mayor position's limited powers to pursue constituent services, to direct city services, or to enact executive orders.
- All three recent mayors said they had inadequate input on the city manager's draft budget.

- All three recent mayors said access to city staff changed dramatically among administrations, from virtually no prohibitions in the past to being highly regulated more currently.
- The panel of past councilor-mayors (Duson, Cohen, and Geraghty) said:
 - Councilor-mayors typically had outside employment and volunteered part-time at City Hall.
 - Councilor-mayors relied on a trusted, collaborative, and communicative relationship with the City Manager to pursue the mayor's objectives.
 - Councilor-mayors' goals were reliant on their relationships with fellow councilors.
 - Jill Duson noted that just prior to the last Charter Commission (2009-2010), the Council had gradually abdicated its policy-making powers to staff. The cultural norm on the Council had become for staff to present policies to Council for deliberation and endorsement.

Key Takeaways: Experts Interviews

- Dr. Chyrl Laird told the committee that the national movement to professional management of municipal government in the early 20th century was in response to corruption in political patronage systems, like Tammany Hall in New York City.
- Dr. Laird also said the city manager system served to insulate the business class from more populist sentiments on city councils. At-Large council seats further diluted populist momentum.
- Dominick Pangallo serves as chief of staff an executive mayor in Salem, MA (pop. 43,252). The current mayor, Kim Driscoll, has been a city manager in the past and has those professional skills. Salem's mayor does not sit on the council and the council elects its own president, who also chairs the school board.
- Mr. Pangallo said an executive mayor can see the city's needs universally, similar to an at-large councilor, and can direct resources and programming to areas most in need.
- Mr. Pangallo also said a mayor tends to be more responsive to public needs than a city manager on account of their elected status.
- Mr. Pangallo said a four-year term is a very long time for an incompetent or destructive mayor to run a city hall largely unchecked. Salem's proximity to Boston benefits the city by the number of residents with professional skills who could run for mayor.
- Dr. Jim Svava said the National Civic League's *Model City Charter* endorses the council-manager form of government.
- Dr. Svava said a mayor should serve by the power of persuasion rather than executive authority, being the chief diplomat of city hall, interfacing between the council, manager, public, business interests, and outside officials.
- Dr. Svava later [emailed](#) the committee to say that upon reading Portland's Charter, he sees Portland's conflicts deriving from the partial powers extended to the mayor, leading to confusion and posturing.

Key Takeaways: Managers Interviews

- Joe Gray has 30 years of experience at Portland City Hall. He was first hired as an Urban Planner during the Urban Renewal era. Mr. Gray was installed as city manager on December 24, 2000 upon the untimely death of popular City Manager Bob Ganley. Mr. Gray retired on February 11, 2011. Mr. Gray served in a council-manager form of government.
- Mr. Gray said effective leadership required constant and diverse input from the mayor, individual councilors, neighborhood groups, service providers, and business interests. Open, honest, frank, and regular communication was necessary to achieve productive outcomes.
- Mr. Gray saw his job as listening to the mayor's and council's goals and setting up the systems to deliver on them.
- Tanisha Briley is the city manager in Gaithersburg, MD (pop: 69,657), and formerly of Columbus Heights, OH (pop: 44,571). She talked about seeking out citizens where they are for input, namely events where she is likely to talk to busy parents.
- In Gaithersburg, all council seats are at-large and Ms. Briley appreciated that for their city-wide perspectives. She valued councilors as crucial for "ears on the ground."
- Kevin Sutherland was once employed as chief of staff for an executive mayor in Ithaca, NY (pop: 30,569).
- He mentioned that staff can sometimes drag their feet to wait out an elected mayor rather than implement a directive they disagree with.
- Ithaca had to add the chief of staff position more recently to provide the mayor the professional expertise to run a city. Prior to hiring a chief of staff, mayors' budgets led to excessive spending in efforts to fulfill their platforms.
- In addition to managing city services, the chief of staff served as the gate keeper between the Council and City Hall staff.
- In Saco (pop: 19,497), where Mr. Sutherland was the city administrator, the mayor was full-time with an office at City Hall. The mayor nominated the city administrator for hire to the Council. The mayor there chaired the Council but only voted in the event of a tie. Their primary responsibility was to build and bridge relations between the administration, the Council, and the public – which takes a great deal of effort and is time-consuming.
- In Bar Harbor (pop: 5,535), where Mr. Sutherland was soon to be hired as town manager, all ordinances go to public vote at the Town Meeting.
- Sheila Hill-Christian has served as chief of staff in Richmond, VA (pop: 226,622), for both a council-manager form of government, and an executive mayor form of government.
- She said in a council-manager system of government, there is more neighborhood focus. The council's and manager's staffs talked daily.

- With an executive mayor, Ms. Hill-Christian observed, there is an emphasis on political agenda and political relationships. There is a closer relationship between mayor's office and administration than there is with the administration and the council.
- Ms. Hill-Christian said the mayor's platform was considered to represent the public's goals, but the day-to-day operations of delivering city services do not always come into consideration. It can be hard for City Hall to focus on the day-to-day when dealing with political issues. Executive mayors, she said, struggled with oversight of chief administrative officers.
- In Ms. Hill-Christian's view, mayors tend to think a few years out, not as long term as career professionals. Mayors wanted groundbreakings and ribbon cuttings to keep getting reelected.
- Ms. Hill-Christian also had these thoughts on at-large councilors versus district councilors: Local constituencies that people can refer to is important; many small districts force local councilors to come to the table and compromise to get their fair share; smaller districts allow more communities to have more voice and not be ignored; smaller districts allow more people to participate in politics.

Key Takeaways: Councilor Interviews

- Belinda Ray served on the Portland City Council for District 1 from 2015-2021.
- She shared:
 - Council holds annual goal-setting meeting every winter. Goals reflected in the city manager's budget in the spring.
 - Policy initiatives from councilors, the mayor, and administration all go to Council committees.
 - All councilors have access to city staffers for support services and research upon request.
 - She met regularly with City Manager Jon Jennings and had an honest and frank rapport with him. She found the administration to be responsive to her requests.
 - Policy adoption reflects the temperament of the Council – some ambitious goals could be scaled back, while other ambitious goals could be expanded.
- David Marshall was elected to the Portland City Council for District 2 and served from 2006-2015.
- Mr. Marshall:
 - Had advocated before the last Charter Commission (2009-2010) for a much stronger mayor than what we have today, though the current iteration is an improvement over the councilor-mayor model from before.
 - Observed the current model today with the mayor as a member of the Council limits the elected mayor's ability to pursue a platform.
 - Felt the newly required annual goal-setting meeting on the Council was an odd process to evaluate the merits of policy ideas.

- Saw the city's government oscillate between "strong manager-weak council" and "weak manager-strong council" over different managerial styles. It was a matter of personalities, not the Charter structure.
- Pious Ali is on the Portland City Council as an At-Large member. He was first elected in 2016.
- Mr. Ali says:
 - It is difficult for councilors to move policies outside of the committee structure.
 - If the administration or staff are against your policy goal, they can interfere with its progress.
 - The mayor currently has no mechanism for moving policy proposals outside of committee structure.
 - Councilors are at the mercy of staff to fulfill individual requests or constituent requests. He has experienced some requests go unfulfilled.
 - He supports at-large councilors on the council makeup for their balancing of universal needs over local district desires.
- Kimberly Cook represented District 5 on the Portland City Council from 2017-2020.
- Ms. Cook observed:
 - There are no written, formal processes: the city manager will add items to the agenda as he sees fit.
 - The manager assigns staff, and how much a Councilor is helped depends on how much the manager supports an idea.
 - The difficulty of pushing forward big policy ideas on the Council is why Portland has seen public referenda in recent years.
 - Council rules are enforced only by Council, and inconsistently followed. There is no grievance mechanism when rules are breached. There is no means of holding the City responsible for its own rules of procedure.
 - Only one annual performance review of the city manager took place while she was on the Council, in 2020. The review was too narrow in its scope; there was not enough opportunity to ask questions, gather information, or engage the public.

[END OF REPORT]