

**PORTLAND CHARTER COMMISSION
MINUTES of JULY 8, 2010**

1. Call to order and Review of Meeting Agenda *Chair Plumb* (7:00 p.m.)
 - Report on final language changes
 - Public comment
 - Approval of minutes and announcements
 - Final language changes if any
 - Review and approval of final language and ballot questions, and final overall vote

2. Report on final language changes from Elizabeth Boynton
 - *Clarifications in regard to authority of mayor, the manager and the city budget
 - Plus annual workshop; evaluations
 - Mayor consults and gives guidance on budgets; manager presents budgets and mayor offers his or her comments and recommendations for changes if any.
 - *Changes to ranked choice voting
 - Clarified that with each successive round you look at the total number of votes cast in that round to determine how many votes are needed for a majority. If 100 people voted in the first round, then a majority would be 51; if no winner and go to second round, and only 95 people named a second choice, then a majority to win would be 48.
 - *Mayor's veto over city budget
 - What happens if the mayor exercises veto, and it is not overridden?
 1. Council can do what is in current charter by passing appropriations department by department
 2. City appropriation is on the agenda the same time as override vote; can amend the appropriation that same night if there is a consensus
 3. If a stalemate and no appropriations are voted by council, then that current year budget continues into the new fiscal year.
 - *School budget and appropriation is not affected by the veto.

3. Public comment
 - *Will Everitt of 14 Vernon Place, League of Young Voters
 - I commend the Commission for all your hard work over the past year
 - League of Young Voters supports the amendments
 - League would like to help educate voters about the proposals over the next months and help get them enacted.

4. Minutes of 7/1/2010 approved unanimously

5. Announcements
 - *Comm. Valleau
 - If the proposal is passed tonight, I would like to withdraw my minority report. Report was filed 2-3 months ago, and since then Commission has

done more work, thoroughly re-deliberated the issues and come up with a proposal which I believe is fair and sensible and deserves to be on the ballot. I am still a fan of the existing system but I'll exercise that view in the voting booth.

*Comm. Spritz

-Will take photos at end of the session tonight, to be in the report
-Redid the fact sheet to bring it up to date with language changes; will send to executive committee and counsel after tonight

*Comm. Gooch

-Thank you to our staff person Elizabeth Boynton.

6. Narrative report

*Comm. Ranaghan

-Question the statement on page 4 that majority of city manager cities have an elected mayor.

*Comm. Cohen

-Don't remember precise source of the statement, think that Mr. Honey said 75%.

*Comm. Gooch

-In the ICMA data and in the book, both say 60-70% range.

*Comm. Ranaghan

-National League of Cities (2003) says council-manager is 58% of all cities; mayor council is 38%.

*Chair Plumb

-If we can corroborate that statement we will footnote the source; if we cannot find a source, the statement will come out.

*Comm. Ranaghan

-Comment on present/future mayor chart
Mayor currently represents city with other governments
Mayor currently appoints council committees
Mayor currently directs the agenda meetings

*Comm. Cohen

-Prepared by counsel with my massaging; powers on left are the only powers you can find in the current charter for the mayor.
-No language about appointing committees; representing city with other governments; directing agendas. This is a list of what the charter actually says.

*Comm. Ranaghan

-But that has been the practice for many years.

*Comm. Smith

-There is a qualitative difference in terms of representing the city.
-Appointments handled in accordance with custom
-Agenda preparation – don't remember having a say in agenda preparation as mayor. Could request things go on agenda, but did not sit down and review the agenda with the manager.

- *Comm. Cohen
 - Had a long discussion about this; right now manager prepares agenda and this is a change to have the mayor direct the preparation of the agenda
- *Comm. Ranaghan
 - Mayor cuts ribbons; has a say over what does and does not go on the agenda and makes council subcommittee appointments.
- *Comm. Mermin
 - List the powers on left hand side as “custom”
- *Comm. Spritz
 - Not sure if we should delve into the narrative language changes before we have agreement on the basic language we have in the charter; putting cart before the horse.
- *Comm. Davis
 - Chart is trying to list what is currently in the charter and what we propose to put in it. Powers assumed by custom is different than what is in the charter. Perhaps in the past some mayors have assumed some of the duties we are proposing for the charter.
 - Believe the chart is an accurate description and I don’t want to soften it.
- *Chair Plumb
 - Perhaps we just need to label the two columns more clearly to refer to exactly what it is.
- *Comm. Chipman
 - Agree with Comm. Davis, we’re the charter commission, not the customary practice commission. If it’s not in the charter, it shouldn’t be in the chart.
- *Comm. Trevorrow
 - Same in my mind; support labeling the chart more clearly but otherwise fine with it the way it is.
- *Comm. Smith
 - Add “express” charter provisions to the header for the chart; some things are handled by custom now by the mayor.
- *Chair Plumb
 - Could say that it is “Current Charter Description of the Mayor”; “Proposed Charter Description of the Mayor”.
- *Comm. Cohen
 - Put a header that says: “Comparison of Mayoral Powers and Attributes as Contained in the Current and Proposed Charter”.
- *Comm. Gooch
 - Very clear what this says and I am against changing it; language in revision is clear about what the chart does and doesn’t do. No reason for clarification.

*Comm. Smith

Substitute by Comm. Smith for a header: Put in sentence before chart: add “express” powers and duties in two places instead of a header on the chart passes 10-2 (Plumb, Valleau)

*Comm. O’Brien

A few grammatical themes:

- Consistency with capitalization
- Be consistent with numbers
- Symbols – percent or times should be written out rather than a symbol

Do we need to tighten use of the word “majority” since even in a plurality election, a majority can be less than 50%.

Narrative talks about wanting a mayor elected by a “majority”.

Ballot question #1, sec. 3

Didn't define the majority in ranked choice voting – took out “i.e. more than 50% of the votes cast”)

Will try to find the reference

Flow chart for ranked choice voting: language in box to right of word “no”, refers to “second”, but this doesn't cover subsequent rounds.

*Comm. Smith

When you get into third round, could be incorrect to refer to second place vote “highest vote cast for a candidate still in the running”.

*Comm. Spritz

-In charter language for ranked choice voting, section 3, had originally in items 1 and 3 referred to preference, and then changed it to choice. I still favor “preference”; is there anyone who wants to return to “preference”.

*Comm. Smith

-This became an issue in Burlington, where people claimed it created the impression that more than one of your votes was counted, so went to “choice” as more distinct. Also we call it “ranked choice voting”.

*Comm. O'Brien

Back to sec. 3, rank choice voting; instant runoff tabulation. in amended changes to charter, on rank choice voting, we had stricken part 2 and then added a new sentence, and thought it should be back in section 2.

Incorporate paragraph 4 into paragraph 2, defining “majority”.

*Comm. Smith

We have it in two different places because in first round the majority is 50% +1 of the votes cast; in #4, it is of the votes cast in successive rounds. If you add extra language in 2: leave the definition of 50% + 1 in 2, even if have it in 4 as well.

Motion to add in #2, if mayor receives a majority of the first votes cast (50% + 1 of The votes cast) passes 11-1 (Ranaghan)

*Comm. Gooch

In Narrative, section on instant runoff voting which begins “by way of example...” is too confusing. Split the paragraph into two paragraphs at end of sentence ending :... “remaining candidates for purposes of retabulation in the second round”, then at beginning of new second paragraph add: “Assuming all 100 people vote first, second and third choices, 51 favorable votes would decide the winner in any round. However, some voters may not elect to register any but their first choice. For example,

*Comm. Smith

Add “If not” at beginning of last sentence in that second paragraph in the example.

Motion to make these language changes in RCV “by way of example” paragraph passes unanimously.

*Comm. Cohen

In the Narrative on page 5 in description of the mayor’s powers, change “oversee the city manager” to be oversee the hiring and review process for the City Manager.

*Comm Ranaghan

Motion to add “City Clerk and Corporation Counsel” to this phrase passes 9-3

(Cohen, Spritz and Mermin)

*Comm. Spritz

Do not want to lose the “guidance” issue.

Main motion to “oversee the hiring and review process for the City Manager, City Clerk and Corporation Counsel” passes unanimously.

*Comm. Cohen

Add right after the phrase just amended, “facilitate the implementation of city policies through the office of the city manager,” passes unanimously.

*Comm. Chipman

The chart example for RCV on page 9, is somewhat misleading because under “what would the vote count look like” refers to needing 15,001 for a majority, but this may change if not everyone votes for a second or third choice.

*Comm. Gooch

Caution against making this too complicated; chart is kept quite simple, with all 30,000 people voting in all 3 rounds. If you try to make the chart answer all possible permutations, then end up with too complicated a chart for those encountering this for the first time.

*Comm. Smith

Can just add in parenthesis “in round one” after

*Comm. Plumb

“If the total votes cast are 30,000, then you need 15,001 for a majority”.

*Comm. Smith

Add to Chair Plumb’s sentence “in round one”.

*Comm. Davis

But the example shows 30,000 voting in each round so it is accurate the way that it is. By adding “in round one” you raise a question that is not answered.

*Comm. Cohen

Will have to add other language. “If 30,000 votes cast, then need 15,001 for a majority”.

Motion to add “in round one” fails 3-9 (Chipman, Trevorrow, Smith)

Motion to change sentence to “If 30,000 votes cast, then need 15,001 for a majority”

*Comm. Chipman

Would be more accurate to add “and voters rank all candidates” after “cast”

*Comm. Cohen

That is not accurate either.

*Comm. Davis

We were trying to give a straightforward example and not get into all of the permutations that might take place.

*Comm. Smith

Would like to get rid of everything after “What would the vote count look like”, unless you get into more complexity, you are going to mislead people.

Motion to amend Cohen amendment to add “and voters rank all candidates” after “cast” fails 3-9 (Chipman, Trevorrow, Smith)

*Comm. Spritz

This is not what voters will use to decide whether to have an elected mayor; this is a narrative accompanying recommendations; it is not for all time, so I would support Comm. Smith’s idea to remove it entirely

*Comm. Trevorrow

Want to leave table in, but just delete the sentence “Results (total votes cast 30,000; need 15,001 for a majority)”

*Comm. Chipman

Agree with eliminating the line starting with “Results....”

*Comm. Ranaghan

Important to leave this line in there to have a baseline of what is being talked about.

This is complicated; it is hard to understand; important to have the example, as amended by Comm. Cohen.

*Comm. Smith

The picture in the chart is what people will look at and if it is not subtle enough it is going to be misleading. We don’t have to fully explain everything in this report, and others will put out more detail. Misleading if we have this in there in this form.

*Comm. Mermin

People learn and read in different ways. Not sufficient to suggest that few people will read the report; this is our official report that we put our stamp on. This is a simplified example that is very helpful.

Motion to adopt Comm. Cohen’s amendment to say ““If 30,000 votes cast, then need 15,001 for a majority” before the table showing result passes 10-2 (Spritz, Gooch)

*Comm. Smith

Add identical language at head of Round 2: “If 30,000 votes cast, then need 15,000 for a majority” passes unanimously.

*Comm. Gooch

Motion to strike the chart starting with “What would the vote count look like” down through “Rank choice voting ensures....” fails 4-8 (Smith, Gooch, Spritz, Davis)

*Comm. O’Brien

Add to Major Issues Considered But Not Offered As A Recommendation on Non-Citizen voting: **Non-Citizen voting:** Following extensive presentations, public comment and Commission debate, a motion to allow non-citizen voting in Portland on municipal offices and questions failed.

Motion passed unanimously to add “in Portland on municipal offices and questions” to Non-citizen voting in Section IV passed unanimously

*Comm. Gooch

We didn't vote on whether to allow non-citizen voting, but whether to recommend this as an amendment to the voters.

What we voted on was whether or not to send it to the voters

*Comm. Ranaghan

Isn't this the same with the third bullet as well – use the same language in bullet 1 that we have used in bullet 3.

*Comm. Gooch

The Commission agreed to take this issue off its agenda.

*Comm. Cohen

There was a difference in what we did on bullet no. 1 and bullet no. 2.

*Comm. Trevorrow

Agree there was a difference; we voted whether or not to make a recommendation on non-citizen voting; on clean election funding, we just did not pursue it.

*Comm. Ranaghan

The heading covers it: major issues considered but not offered as a recommendation. Just have a list.

*Comm. Gooch

We had more public participation on non-citizen voting than any other issue, including whether or not to have an elected mayor. We need to offer some description on it.

*Comm. Mermin

Non-citizen voting issue was qualitatively different than the other issue listed. Should just change the sentence to “the commission elected not to recommend charter revisions on non-citizen voting”.

Motion to amend bullet on Non-Citizen voting: Following extensive presentations, public comment and Commission debate, the Commission elected not to recommend Charter revisions addressing non-citizen voting in Portland on municipal offices and questions. ~~a motion to allow non-citizen voting in Portland failed.~~ passes unanimously.

Motion to add “Non-Citizen voting in municipal elections: passes unanimously.

*Comm. Ranaghan

Motion to add the votes, if any, on the issues not recommended fails 5-7

*Comm. Mermin

Motion to amend page 5 of the Narrative to read: “... but the mayor would have a range of ~~soft~~ powers to help advance city policies...” passes unanimously.

Motion to adopt all of the changes to the narrative report as presented, and as further amended, passes unanimously

*Chair Plumb

Any other language changes any other place?

Motion to approve the additional language regarding the mayoral veto and action following a veto passes unanimously.

Motion to adopt the additional proposed language on RCV passes 11-0 (Chipman absent)

Motion to approve a technical amendment which does not require the public hearing to be on same night for city and school budgets passes 9-2 (Smith, Ranaghan)(Chipman absent)

Motion to approve the Charter language for mayor issue and rank choice voting passes unanimously.

Motion to approve the Charter language on the schools issue passes unanimously.

Motion to approve the Charter language on Technical issues passes unanimously.

Motion to approve the ballot question summaries as revised passes unanimously.

Motion to approve the overall report with the approved amendments to the preliminary report passes unanimously on a roll call vote.

Agreement that Counsel is authorized to make technical and housekeeping corrections to report and to charter language and to bring back any substantive issues to Executive Board.

Agreement that the photograph of the members is to go into the report.

Adjourned.