



Approach to the Charter Commission

1. What do you see as the role of a city's charter? Should the charter, as the city's constitution, solely address how the city is governed, leaving policy issues such as health, labor and the environment to be addressed through ordinance? Why or why not?

Robert O'Brien: *Yes, the functions of the Charter should be reserved for the framework of our democratic government. It should strive to maximize inclusion, access, transparency, and responsiveness in our government, and from there trust in the process of democracy to enact policies and programs.*

Mayoral Power

2. Do you favor expanding the role of Portland's elected mayor to include the ability to hire and oversee city staff such as the police chief or public works director? Why or why not?

O'Brien: *Yes, I support elevating the position of elected mayor to chief operating officer of the city, with certain checks and balances. First, that the elected mayor serves a three-year term so that they're never too far from being held accountable at the polls; second, that job descriptions of department heads be ratified by the Council and no nominations shall be put forth by the mayor who aren't qualified; third, that employees shall only be dismissed for cause (not politics); and that department heads shall be given contracts (one to three years), during which time they can only be dismissed for cause.*

My rationale is that while a city manager is more likely to come equipped with the important technical skills to run a city, a mayor is more likely to apply extra diplomacy in executive decisions for fear of fallout. A city manager is more likely to present the city council with an up-or-down decision and let the council be burdened with the controversy (take the proposed sale of Congress Square Park or the consolidation of the India Street Clinic by two different city managers), while an elected mayor is more likely to do the diplomatic work ahead of time (meeting with stakeholders, finding alternative solutions) in anticipation of the political optics.

3. Do you favor expanding the role of Portland's elected mayor to include oversight of day-to-day functions of city government, including decisions regarding paving and repairs, and city licensing? Why or why not?

O'Brien: *Like a proper CEO, the elected mayor described above should nominate department heads who will carry out those duties described above. The mayor should focus on their duties around budget development, policy development, diplomatic duties, economic development, and advocacy (lobbying) roles.*

I think there should be an additional position called a public advocate or ombudsman who would intercede at City Hall if there are questions about service delivery. This position could also answer FOIA requests and handle constituent inquiries. This would remove the appearance of political interference with a mayor following up with employees about permitting or paving.



4. Do you favor allowing Portland's elected mayor to have a role in awarding contracts for city services, such as paving contracts, software agreements, or consulting services? Why or why not?

O'Brien: *I don't think the mayor should be prohibited in involving themselves in the contract process, but for rote contracts, the mayor should leave those processes to department staff. Where I do think it is appropriate for the mayor to involve themselves in contracts is when a contract may be controversial (say, replacing a high-profile failed vendor relationship) or when there is a large commercial development requiring the city's partnership (e.g., the city building a new pier to accommodate a new international ferry).*

In order to avoid a conflict of interest (in terms of favoring donors or political supporters in contracts), the public advocate or ombudsman position described in the question above could review (upon request) the contract award process to ensure it was competitive and that applicants were scored fairly.

5. Do you favor allowing Portland's elected mayor having a direct role in police investigations or enforcement actions? Why or why not?

O'Brien: *The Charter should replace the current Police Citizen Review Subcommittee with a Citizen Public Safety Review Commission with appointments nominated by the mayor and ratified by the council. The Commission should review all aspects of our emergency response services and report directly to the city council. The council may request the public advocate (described above) investigate a procedural inquiry and the council may send recommendations for change to the mayor or enact ordinances themselves.*

The police and fire chiefs should report to the mayor like any other department head, and the mayor may involve themselves in administrative matters like the city manager does now. But the mayor should be focusing on their primary duties (budget, policy, diplomacy, economic development, and advocacy) and not the administrative duties of each department.

6. Do you favor allowing Portland's elected mayor to have sole authority to appoint city councilors to city council policy committees, similar to the Maine Legislature or US Congress (currently such authority is subject to override by a majority of the Council)? Why or why not?

O'Brien: *It depends. There's one model where an executive mayor's office is separate from the council and the mayor does not serve on the council. In that case, the council will need a chair. It should be the chair's prerogative to appoint members to various committees. If the mayor remains on the council, however, I support the mayor in that scenario making those appointments as a member of the council.*

Electoral Reform

7. Do you favor having Portland taxpayers pay for the campaigns of candidates running for City Council, Mayor, or School Board through a clean elections system? Why or why not?

O'Brien: *Yes, for three reasons: 1. The amount of money being raised for municipal campaigns in Portland in the last few years is alarming. Those donations risk having undue influence. 2. Fundraising is often an entry barrier for new candidates. It gives incumbents an upper hand when they have an established donor base to lean on. Voters*



are limiting their choices for school board and council by not leveling the playing field for campaign funding. 3. I support eliminating the at-large seats in Portland so candidates are only elected from small districts (except for the mayor). As such, it should not take much of a campaign budget to run in a small neighborhood district. The cost to the city for these races should be reasonable.

8. Should the City Council have the authority to amend citizen-initiated referendum questions passed by the voters? Why or why not?

O'Brien: *No. But I do support changes to the referendum process. After a referendum campaign reaches a threshold of qualifying signatures (say, 50%), it should trigger a public hearing at the city council on the issue. If the council takes up the issue to the referendum campaign's satisfaction, the organizers may abandon their campaign (but they also have the right to proceed). The council has three options to avoid an ill-conceived referendum: 1. Take up the referendum issue on the council and adopt solutions; 2. Offer a competing referendum question on the ballot; 3. Send referendum amendments to voters in subsequent elections. I would be open to reducing the period of time the council is prohibited from altering passed referenda from five to three years.*

Mayor and Council Process

9. Do you favor giving Portland's Mayor/City Council dedicated staff to respond to constituents and research policy proposals? Why or why not?

O'Brien: *I support the addition of a new public advocate who reports to the city council and can investigate administrative matters, respond to constituent inquiries, and reply to FOIA requests.*

In terms of additional staff support, I believe the city council should ratify department heads' job descriptions and in so doing include a clause that requires them to provide staffing support to council committees pertaining to the department's expertise.

10. Do you favor allowing city councilors direct access to city staff as part of their policymaking function? Why or why not?

O'Brien: *I believe councilors should forward constituent concerns about city services to a public advocate, and that department heads should appoint staff to work directly with council committees on initiatives. Only committee chairs should be communicating to appointed staff, and only about coordinating the committee's work.*

11. Do you favor increasing the number of City Councilors beyond the current nine (Mayor and eight councilors)? Why or why not?

O'Brien: *I support keeping the nine. Whether an executive mayor serves on the council or not is up for debate, but I don't think the sum total should be more than nine seats on the council. My reasoning is that I believe we should eliminate at-large seats and add new district seats. Eight or nine district seats seems to me to be the right size per representative.*