



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?

Brian Batson: *I view the charter as the city's constitution and therefore should address how the city is governed. Policy should remain in the hands of our elected leaders who are elected to follow through on policy work. With that being said, there are opportunities within the charter to address diversity, equity, and inclusion from a constitutional perspective.*

Zack Barowitz: *Yes, I see the Charter as a structural document outlining how the city is governed, not a policy document. But within that constraint, the commission should seek ways to address important issues. The easiest (but not terribly effective) way would be to include non-binding resolutions to this effect. The Charter should be written to provide the best, most effective government possible; one that provides for real representative democracy while ensuring capable administration of the City of Portland and its \$350 million budget.*

Charlie Bryon: *I believe the charter should focus on how our city is governed and the roles of various government bodies and not direct specific policy. However, I also believe that our community has evolved to a point that our charter should define, advocate, and hold accountable our legislators for issues related to education, health, labor, environment. As a community, we don't know what the future will hold for our city, so policy should reflect the period we are living through, the needs of Portland's residents, and our city's resources at that time. By defining responsibility and accountability for improving these facets of our lives we can ensure that our government is better held accountable to measurable improvements to these fundamental concerns for our residents.*

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?

Batson: *I am open to expanding the powers of the mayor but am not in favor of empowering the mayor with complete executive power. Giving the mayor more involvement in the budget process, early transparent developing of their own budget through forums with residents is a helpful step towards this. Presenting this budget to the manager in order to work more collaboratively towards common goals, as well as council goals. Through a system of checks and balances it may be possible to give the mayor more power over terminating the city manager (could be vetoed by the council). I am not necessarily endorsing this idea but remain open to discussing thoughtful ways to empower the role through checks and balances.*

Barowitz: *This question seems to presuppose an elected Mayor (as opposed to a Council-Manager form of government) so I would look closely at the Westbrook model, which has an elected executive Mayor and an appointed City Administrator with skills and training similar to that of a City Manager. In such a case, a Mayor ought to have hiring decisions over the City Administrator, with a degree of Council oversight. The hiring of City Staff should*



be done by the City Administrator because they have the skills and training to do so and this would also help to ensure a professional staff, not a politicized one.

In any scenario, I am in favor of restoring the City Manager duties to the traditional role (and title) of a trained professional City Administrator who would oversee things such as: contracts, payroll, reporting, FOIAs, legal compliance, HR, etc. The City Administrator would be in charge of hiring department heads, such as the Public Works director. I might give more consideration to the Mayor hiring the Police Chief (with Council approval) than other department heads but given a collegial relationship between the Mayor and Manager, this might not be advised.

In terms of policy, City Staff should make recommendations on the basis of best practices/best options without a political consideration. The policy direction and political considerations should be made by the elected officials whether they be in the legislative or executive branch of government.

A Mayor ought also to be able to hire their own personal staff/ advisors to buffer the influence of special interests.

Bryon: *Being elected to the position of mayor or city councilor does not guarantee that a person is qualified to run the day-to-day operations of our growing city. Nor should the city manager have unchecked power to hire anyone to the head of various departments, especially the police chief, public works director, and other essential services. I believe that a collaborative hiring process would be our best solution coupled with a publicly transparent vetting process.*

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?

Batson: *No, I do not. The mayor is a full-time job. The city manager is a full-time job. Working in city hall I have witnessed and understand how cumbersome these roles are on their own, and in no universe can imagine a mayor being able to exist in their current policy role successfully while also managing the day-to-day operations of the biggest city in the state.*

Barowitz: *No. Again, I would look closely at the Westbrook model which has an elected executive Mayor and a City Administrator with skills and training similar to that of a City Manager. In this scenario, the City Administrator would be in charge of the day-to-day operations and overseeing department heads (with Mayoral and Council oversight) because that is commensurate with their training. The City Administrator would report to the Mayor and give guidance. I see no reason why the Mayor and City Administrator positions could not be complementary and collegial.*

I would also consider staggering the term of the Mayor and contract of the City Administrator to provide continuity from one election to the next.

Bryon: *I believe the day-to-day functions of the city should remain with the city manager under policy supervision of the mayor. The role of the mayor in city administration should be to guide and expedite approved policy, leaving the minutia to the city manager and various departments to execute. It would be a waste of city revenue to pay the mayor to oversee these activities and, as mentioned previously, there is no guarantee that any elected mayor will have the experience to manage these operations.*



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?

Batson: *I believe the city council awarding these contracts allows a greater form of checks and balances. If solely up to the mayor this opens up potential biases, and conflicts having a single elected individual versus a city-wide group of elected officials.*

Barowitz: *The City Administrator's/City Staff's role would be to prepare the RFP, review bids, and prepare contract terms with Mayoral and Council oversight. The Mayor's role could be as a participant in certain negotiations and would finalize the contract unless Council approval is needed as well (e.g., for large contracts). In simple terms, the elected officials should know what is going on but Staff should be doing the work.*

Bryon: *I believe that the role of the elected mayor should be to oversee and coordinate along with the city manager any matters that affect the broader Portland constituency including city contracts above a predetermined threshold to ensure fair and impartial review, public trust of the process, and to guarantee alignment with overarching policy goals.*

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

Batson: *Not entirely clear on what this is asking exactly. I feel we need police accountability everywhere in this country. We need a system that allows our elected officials, whether full council or mayor to be able to intervene if misconduct is occurring and it is not being properly addressed. Police accountability is imperative in our city, state, and country.*

Barowitz: *I see a Mayor as an executive position not an investigative or enforcement position, although a Mayor would necessarily have a role ensuring fair policing. For example, if the Council calls for a special investigation, the Mayor and Staff would be in charge of hiring the investigator. In some cases, such as use of deadly force, a Mayor could initiate an investigation, perhaps in such cases the Council would direct the hiring of the investigator. Although I don't favor a Mayor supervising a sensitive investigation, I think it is important to have an elected official be ultimately accountable.*

Bryon: *I believe that criminal investigations and law enforcement should be executed and managed by the police department under the guidance and supervision of the police chief. I also believe that the mayor could perform a strong function as mediator to a collaborative citizen-police oversight committee that ensures fair, equitable, and transparent justice.*

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?

Batson: *I am open to discussing this, yes. This may be an appropriate way to empower the mayor.*



Barowitz: *No. I favor the creation of a City Council Speaker who is elected by the other councilors who would do the appointments and set the agenda, because the leader of a governing body should be elected by that body. I favor a discreet separation of the Executive and Legislative branches: No mayoral participation in legislative (Council) functions. In our current system the Mayor is that of a City Council Speaker: They vote on the Council, assign committees, and set the agenda. However, given that they are popularly elected, there is no guarantee that the Mayor would have the support from any members of the Council. In the old system (before the last Charter reform) the then "Mayor" was elected by the Council but served more of a "Speaker" role with the support of the majority of Councilors.*

Bryon: *I believe our current system, which allows city councilor override, is important to maintain a system of checks and balances on city government and its officials.*

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?

Batson: *This was the entire reason the charter was opened. I am supportive of this. Everyone should be able to run for office whether they can afford to or not.*

Barowitz: *Yes, this would broaden the range of candidates. There are numerous clean elections programs, I would opt for one that provides adequate funding and would start with considering one based on the state model.*

Bryon: *I support the idea of clean elections and believe we should work to eliminate private interest in elections. I do not believe it is fair to use a taxpayer money to support candidates they may not align with politically or ideologically. Running and financing a campaign should be based on the merit of constituent engagement. I would rather see improvements to caps on spending and on donations from personal wealth or third-party contributions.*

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

Batson: *The 5-year rule precluding any council action on referendums needs to be addressed. So much can change in 5 years and we need to look at thoughtful ways to allow citizen led referendums to be exist without carving them into stone for several years.*

Barowitz: *I favor something like the State process. Wherein a city official (perhaps the City Clerk) would vet the language of the initiative to make sure that the meaning of the language coincides with the referendum question. For example, if the title of the initiative is a "Ban on lead paint in Portland," but the language reads: "Install twenty-six statues of Zack Barowitz in Portland and paint them with latex paint" the question ought to receive further review. I think there is also a place for the Council to make minor amendments to an initiative if the current language is found to be wholly unenforceable, administratively impossible, or counter to the intentions of the bill. Additionally, I am not in favor of raising or lowering the number of signatures required to put a question on the ballot because the bar is set sufficiently high.*



Ultimately the goal is to have a functional government where the use of referenda would be obviated by a more robust representative democracy.

Bryon: *Allowing voter passed initiatives and referendums to be amended after the fact opens the door to circumventing voter rights in my opinion. However, referendums are often written in such a manner that they are misleading to voters. I would like to have discussions with the charter commission members about the inclusion of "plain language" or "legislative intent" requirements on all referendums.*

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?

Batson: *The Maine legislature has this in OPLA's. Yes, I believe this should be discussed. City staff is already incredibly busy with their jobs, let alone working on behalf of councilors to assist in formulating policy. This could be a step towards freeing up staff and expediting council resources that are independent and unbiased.*

Barowitz: *Yes. A Mayor needs a staff of people who they can trust on sensitive matters and to buffer them from special interests. The Mayor may also enlist a staffer for community outreach so as to be more responsive to the public.*

The Council could use help on outreach, policy, and administrative matters as well.

Bryon: *It is reasonable to consider that the legislators of our city would require some staffing as we continue to grow and face new challenges. A budget that provides some staffing for policy research and community engagement/outreach should come with fiscally responsible review and measurable results so that it does not waste city resources.*

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

Batson: *Yes, the way the charter is currently written this precludes councilors from accessing staff without going through the city manager. I believe councilors should have direct access to staff in order to better streamline and formulate policy.*

Barowitz: *Although it has caused problems in the past with Councilors having too much access to City Staff, I think they need to have some, such as access to department heads. As a community advocate, I'm at a tremendous advantage over Councilors because I have access to both them and to City Staff [which I know ought not to be in capital case]. But in not having this communication channel, the Councilors effectiveness is severely curtailed as is our representative democracy.*

Bryon: *Access to city staff to learn about policy and constituent issues as well as finding ways to reduce waste and improve services should be part of every city councilors job. As such, they should have reasonable access to city staff*



when appropriate. This access should be monitored to eliminate the opportunity for misconduct, intimidation, misinterpretation, and waste of resources.

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

Batson: *I am open to expanding seats. There is of course a fine line with how many seats. There is such a thing as “too many cooks in the kitchen.” If this were to be undertaken it would have to be very thoughtfully explored in order to best represent those in the city and not marginalize groups of people.*

Barowitz: *I am considering this because the districts are all pretty varied demographically and some are quite large so more seats could give better representation. But what I am more interested in is the creation of Community Boards with an elected Chair. These boards could:*

- *Participate in making appointments to Boards & Committees (e.g., the Planning Board, CDBG committee, etc.)*
- *Have a budget in which to invest in community and economic development through participatory budgeting*
- *Have a role in setting neighborhood priorities*
- *Hold regular meetings with the community*
- *Hold regular public meetings with all Community Chairs and the Mayor with recorded minutes*
- *Advise on policy*
- *Serve as a platform for leadership development*
- *Increase the communication between people and city officials*

Bryon: *Some members of Portland’s community often face unique and specific challenges that should be better represented on the city council. Particular to Portland are our island communities and minority communities. I believe there should be a review and discussion of including city council representatives for each of these two underrepresented groups.*