

# MAINE STATE LEGISLATURE

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# FINAL REPORT

## PORTLAND CHARTER COMMISSION

*CITY OF PORTLAND, MAINE*



Charter Commission Chairman:

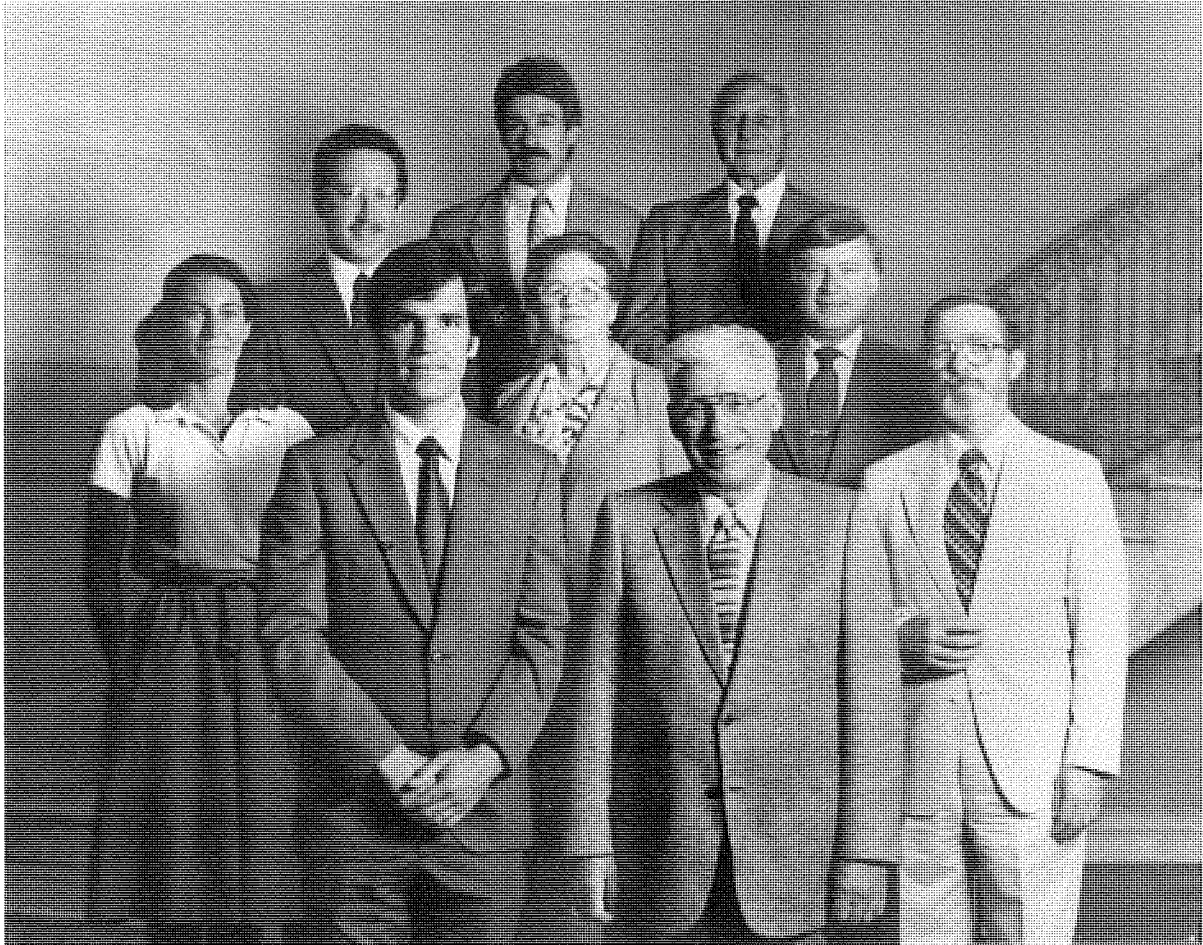
Mitchell Cope

Charter Commission Members:

Thomas H. Allen  
Cora L. Brown  
Ronald J. Dorler  
Carleton G. Lane  
Donald E. Nicoll  
Pamela P. Plumb  
Richard B. Romanow  
Sidney S. Thaxter

July 24, 1986

Members of the  
PORTLAND CHARTER COMMISSION



First Row:	Thomas H. Allen, Vice Chairman Mitchell Cope, Chairman Donald E. Nicoll, Secretary*
Second Row:	Pamela P. Plumb* Cora L. Brown Ronald J. Dorler
Third Row:	Richard B. Romanow* Sidney S. Thaxter Carleton G. Lane

\*indicates member appointed by Portland City Council

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# CITY OF PORTLAND, MAINE

## HARTER COMMISSION



CHARLES A. LANE  
General Counsel  
F. PAUL FRINSKO  
Special Counsel

MITCHELL COPE,  
Chairman  
THOMAS H. ALLEN,  
Vice Chairman  
DONALD NICOLL,  
Secretary  
CORA L. BROWN  
RONALD J. DORLER  
SIDNEY S. THAXTER  
RICHARD B. ROMANOW  
PAMELA P. PLUMB  
CARLETON G. LANE

July 24, 1986

Mayor & Members of the Portland City Council  
Portland City Hall  
389 Congress Street  
Portland, Maine 04101

Re: Final Report of 1984 Charter Commission

Dear Mayor & Councilors:

On behalf of the Commission, I am pleased to submit its Final Report for your information prior to its submission to the voters for a November 4, 1986 referendum.

On November 6, 1984, the citizens of the City of Portland voted to establish a Charter Commission. The Commission held its organizational meeting at Portland City Hall on December 13, 1984. Subsequently, at a meeting held on January 3, 1985, the Commission voted to meet on the second Thursday of every month and it has generally followed that schedule up to the time of this Report.

The Commission held the public hearing required by 30 M.R.S.A. §1913(5), on January 10, 1985. At that public hearing and at the other meetings following it, the Commission received testimony and reports from members of the 1977 Charter Review Committee, the Mayor and members of the City Council, members of the Portland School

Committee, representatives of the Portland Taxpayers' Association, municipal financial experts, the City Manager and several members of the City's administrative staff, David A. Lourie, Corporation Counsel who submitted a comprehensive list of technical amendments, and the Commission also considered material from its own staff as well as comments by individual citizens. As a result of the information received by it and the broad powers granted to it under state law, the Commission decided to enlarge its review of the Charter to include matters outside of financial issues.

After reviewing the information generated by the above process and debating the various proposals recommended to it, the Commission has drafted a number of proposed specific amendments to the Charter for submission to the voters.

The categories of Commission changes, that are intended to be presented in four referenda questions, are as follows:

1. Technical Changes

The Commission is recommending a number of technical changes that are designed to eliminate obsolete references, tighten up on certain requirements (such as protection against conflict of interest and against officers holding inappropriate dual offices), and insure consistency in different sections of the Charter. None of the proposed technical changes would affect governance of the City.

2. Recall.

The Commission concluded that the number of signatures required to initiate recall of a city council member or school board member should be more rigorous than those for nomination of candidates for those posts. At the same time the Commission is recommending that

the petitions for recall be available at locations outside the city clerk's office. That will make it easier for voters to have access to the petitions.

### 3. District Elections.

Effective January 1, 1976, following voter approval, the City adopted a procedure of electing five city councilors and five school board members from single districts. Until that time so called "district" elected officials had been required to reside in a particular district, but had been elected at large. Proponents of the 1976 change hoped that district elections would lead to greater voter participation in municipal elections.

The anticipated increase in voter participation has not occurred. Moreover, several witnesses complained that under the present system they cannot vote for council and school committee candidates from the four districts other than their own. A majority of the Commission concluded that the "more direct relationship or stronger tie" that some believe is created by district elections was not enough to justify depriving voters of the City of the opportunity to vote for four of the nine members of each body. In addition, the majority believes that the interests of Portland's citizens do not frequently diverge along the geographic lines of our five districts, at least not frequently enough to justify true district elections. Requiring five of the nine members of the city council and school board to reside in particular districts should ensure that each district's particular concerns are expressed.

The Commission also concluded that at-large elections would remove any risk of parochialism among the district members.

This issue was not considered by the 1977 Charter Review Committee because the change to district elections had so recently been approved by the voters. Four members of the 1977 Committee expressed their opposition to the change in a separate opinion.

The Commission recommends that the voters elect all members of the council and school board at large, but that each of the five districts of the City have at least one resident on each body.

#### 4. Financial Issues.

Portland's method of paying debt was considered because of financial concerns brought to the attention of the public by the efforts of the Portland Taxpayers' Association. The Commission was also aware of the many different ways new financial obligations of municipalities are being created.

The Portland Taxpayers' Association brought out over 6,000 Portland citizens who believed they should be consulted wherever the City obligates itself to make sizable future payments. The Commission agreed and the question to be voted on mandates citizen approval of the creation of certain indebtedness.

The Portland Taxpayers' Association proposed a figure of \$500,000.00 as the point beyond which citizen approval should be sought. The Commission believed that that figure was too low and recommended \$900,000.00, or five one-hundredths of one per cent of state valuation of Portland's property as being more practical and less cumbersome on the City's normal operations. This limitation applies to general obligations which are completely dependent on tax revenues for their payment. The Commission went further, however,



and considered the implications of other forms of indebtedness which were likely to be created for capital projects in the future. Examples might be the purchase of a large computer or the construction of a public garage. Such expenditures are expected to pay for themselves over a period of time either through savings or revenues. The measure of the size of those kinds of projects will require adding together the total of principal and interest over the life of the debt, instead of considering just principal, as in the case of general obligation securities. Therefore, the point at which voter approval must be secured for such commitments is recommended to be half again as high as that imposed in the case of general obligation securities. That amount is \$1,350,000.00 or seven and one-half one-hundredths of one percent of state valuation. Neither of these referendum requirements is applicable to refunding of securities, projects for streets, sidewalks or sewers, or for declared emergencies.

One further change is recommended, but only if the voters should approve the proposals discussed above. The Commission concluded that with citizen ratification of large future indebtedness assured, the present requirement that bonded indebtedness be paid off in equal amounts of principal could be safely removed. That would allow principal repayments to more nearly represent income (received from self-liquidating projects) which tends to increase substantially over their useful life.

If, however, less than ten (10) percent of the registered voters of the city should cast votes for and against any financial undertaking requiring voter referendum, then such an undertaking would be deemed to have been approved. The Commission's reason for the ten (10) percent requirement was that, if so few voters should be interested

in a particular project, then the vote of the city council should be deemed to be approved because the question obviously was not one of substantial voter interest.

A summary of the Commission's more significant recommendations is set forth below. A more detailed statement of its proposals appears in the document "Final Report of Charter Commission" which is attached hereto.

#### Article I -- Grant of Power to the City

Article I remains unchanged.

#### Article II -- City Council

Article II was amended in several ways: §1 was amended by deleting obsolete references to legislative districts; the language in §2 was clarified to reaffirm the traditional understanding that a person elected to serve on the council may not simultaneously hold another office within city government for which he or she would receive compensation; and §4 was amended to provide that the recall of a councilor would create a vacancy.

Undoubtedly, the most significant change recommended for Article II relates to the method of electing members of the council. At its May 29, 1986 meeting, the Commission voted to allow the voters to decide whether all the members of the council should be elected by a city-wide vote (the practice prior to January 1, 1976) or whether the present system should be retained.

#### Article III -- School Committee

The amendments proposed for Article III are similar to those recommended for Article II. For example, obsolete language relating

to "grandfathered" members of the school committee was deleted from §1; §5 was amended to provide that recall of a member would trigger a vacancy; and, as in the case of council elections, the voters will be asked to decide whether they want to elect all the members of the school committee by means of a city-wide vote.

#### Article IV -- Elections

A number of changes are proposed for Article IV. In brief, they include: deletion of obsolete language in §2; an increase in the time within which nominating petitions must be filed as well as a procedure for challenging them in §6; and §7 was amended to provide for some minor changes in the form of the ballot.

#### Article V -- Recall

Article V was entirely redrafted. The proposed revision increases the number of voters who can initiate a recall, increases the number of voters required to petition for a recall election, and provides that recall petitions may be signed outside of city hall.

#### Article VI -- Administrative Officers

Article VI has been amended to delete a number of references to obsolete administrative posts, such as assistant assessor, and to authorize the city council to provide by ordinance for municipal officials whose positions are mandated by state law.

#### Article VII -- Financial Provisions

The most significant recommendations for changing the Charter are reflected in the Commission's proposals to require voter ratification of certain bond issues, as well as other forms of indebtedness in order to match revenues with expenses more closely.

### Article VIII -- Miscellaneous Provisions

Article VIII has been amended by adopting the recommendations of the 1977 Charter Commission concerning conflict of interest provisions. In addition, the summons-subpoena power of the council and civil service commission has been clarified, and several superfluous or obsolete sections have been deleted. Section 5 was added to provide that all Private and Special Laws relating to the City's Charter which were not repealed or amended by action of the Commission shall be deemed to remain in full force and effect.

### Conclusion

The specific recommendations of the Commission, as set forth above as well as in the attached "Final Report", were determined by majority vote. Individual members of the Commission, however, have expressed separate views on specific items and their views are set forth in the attached minority report.

The issues presented to the Commission were significant and represented strong citizen views. Commission members differed with each other on a number of questions. In their deliberations the members benefited from the 1977 Charter Review Committee's report and counsel from its members, the interest, advice and support of members of the City Council, and the active participation by members of the general public at its meetings. The thoughtful exploration and thorough debate on the issues considered by the Commission made possible the consensus it achieved.

A list of those subjects which the Commission considered, but did not elect to submit to the voters, is described in the Summary of Charter Issues which follows the minority reports.

We hope that our recommendations will assist in continuing the excellent municipal government which has been Portland's proud hallmark since the adoption of the present Charter in 1924, providing for the Council-Manager form of government. In closing, we wish to express our gratitude for the assistance we have been given by Charles A. Lane, Assistant Corporation Counsel, David A. Lourie, Corporation Counsel, Brian L. Dudley, former Deputy City Manager, Jane Durkin, City Clerk, and William Livengood, an attorney with the Maine Municipal Association, and our special counsel, F. Paul Frinsko. We also wish to express our gratitude to the several municipal financial experts who assisted us: Henry Hall, Esquire, Robes & Grav, Boston, MA; Gerald Mecca, Assistant Vice President Public Finance, Bank of Boston; David MacNichol, Vice President Municipal Services, Maine National Bank; John Petersen, Executive Director, Government Finance Research Center, Washington, D.C.; and Richard J. Ranaahan, Jr., Director of Finance of the City of Portland. Without their professional expertise we could not have completed the task assigned to us by the voters of the City of Portland.

Respectfully submitted,

---

Mitchell Cope, Chairman

**MINORITY REPORT ON THE**  
**ISSUE OF DISTRICT ELECTIONS**

When the Charter Review Commission first looked at the question of whether or not to return to City-wide election of district councilors in the summer of 1985, the Commission agreed unanimously not to propose any change. But, when the subject was brought up again in the Spring of '86, the vote was to return to the City-wide election format. There were two principle arguments for making the change. First, it was felt that City-wide election of district councilors would generate more voter turn out, since the voters would have more candidates on the ballot when their own district was not up for election. I do not believe that there will be any increase in voter turn out. When the change was made in the mid-seventies from at-large to district elections, there was no decrease in turn out, so it is hard to understand how reversing that decision will generate an increase.

Secondly, proponents of the proposal claim that the district election method generates parochialism and encourages a councilor to represent only the needs of his/her district without concern for the City as a whole. In my tenure on the Council, this has never been an issue, in part because of the long tradition of responsible government and in part because it is not possible for a single Councilor to promote a local project at the expense of the rest of the City. It takes five positive votes to pass an Order. Four other Councilors, either at-large or from other districts, have to agree with any project put forward. The system itself guards against parochialism.

There are several positive aspects of the current district election system which would be lost with the proposed change. First, the district system has created a more direct relationship or stronger tie between the district Councilor and his/her constituency. The Councilor can and must get out and know the district more thoroughly. Constituents feel they have someone who will be particularly responsive to their needs.

Secondly, the current system makes it impossible for the rest of the City to elect a district Councilor that the district does not want. In a City-wide election, a Councilor could lose in his/her district, but win the election. This is particularly important where you may have a concentration of a special population such as low income in one district.

Thirdly, with district elections, there are five seats on the Council where name recognition of an incumbent is not an insurmountable obstacle for a challenger.

Lastly, district elections can be run on a shoestring budget, where meeting people can be more effective than costly advertising.

I think our decade of experience with district elections has been very positive. I can see no reasons to return to the old system and several good reasons to stay with district elections.

Pamela P. Plumb  
City Councilor - District 2

I concur with Councilor Plumb's views on this issue.

Donald E. Nicoll

## CHARTER COMMISSION

### **City of Portland, Maine**

#### Minority Report of Sidney St. F. Thaxter

While generally I approve of the Charter Commission's recommended changes, I believe that a number of important charter provisions were either not properly addressed or not addressed at all. My major concern is the failure of the Commission to treat the issue of meaningful voter participation in the decision making process.

I believe that Article IV, Section 1, should be changed so that elections are held in the fall with the national and state-wide elections. The May elections draw less than 25% of the registered voters, an unacceptable turnout. While some argue that city issues take a back seat if held in the fall elections, I feel it is imperative to have more voter participation. If our goal is to let the voters have more involvement in city government, we should assure that the elections can be held when there will be meaningful voter participation.

Another of my concerns is that the Charter Commission spent a great deal of time on the bonded indebtedness issue. The Commission agreed in its deliberations that its goal was to let the voters speak on controversial issues. The proposed Article VII, Section 16, does little or nothing to achieve this end. While the concept of a referendum is laudable, the referendum as proposed is not the right method of obtaining meaningful voter involvement. Referendum



elections under the proposal could be decided by six percent of the voters. Given that the elections would be one-issue elections with very low turnout, I feel that the Commission is proposing minority rule. The city councilors are elected by and strive to serve the desires of the majority and I prefer a vote of the elected city councilors to a referendum in which 6% of the voters could decide an issue of major importance.

Additionally, the new charter amendment does not provide a mechanism to distribute or publish sufficient information so that the public can be fully informed on referendum issues. The City should set aside a budget for a public information program on all referenda. It is important that the public be fully informed so that its vote can be truly meaningful.

The Charter Commission went beyond the bonded indebtedness issues and put a limitation on all orders or resolves of the City obligating amounts over a threshold amount for capital items. In light of the testimony of the many experts and the unusual nature of this provision, I believe it is unsound to legislate against a perceived action by the City Council. This Commission perceiving a possible method by which the council might sidestep the bonded indebtedness limitation further restricted the Council's ability to act. The Commission heard a number of expert witnesses who all agreed that Portland had a good bond rating because it has always acted in a financially prudent manner, its infrastructure is in good order, and it has been well managed. Additionally, the experts noted that Portland's requirements of seven council votes out of nine for the approval of bonded indebtedness is one of the strictest limitations in the New England area.

The recommendation of the Commission to limit the council's authority as set forth in Article VII, Section 16(a)(2), should not be passed. We should not change a successful method of governing because of a perceived notion that a future council may try to end run the bonded indebtedness limitations especially at a time when municipal funding mechanisms are already complex. We may cause more problems by trying to legislate against perceived actions.

Finally, the proposal for elimination of voting in any district for district councilors and school committee members is of concern. While I voted that this issue should be presented to the public for a vote, I am against a change from our present charter and join in the minority report of Commission member Pamela P. Plumb.

SUMMARY OF CHARTER ISSUES  
CONSIDERED BY THE COMMISSION BUT  
NOT REFERRED TO VOTERS

<u>Reference</u>	<u>Issue</u>
1) Article II Section 1	<u>Reduce number of Council Seats from 9 to 7</u>
2) Article II Section 2	<u>Limit Terms of Office (i.e., no more than 2 or 3 consecutive terms)</u>
3) Article II Section 3	<u>Timing of selection of Council Chairman</u>
4) Article II Section 3	<u>Establish strong Mayor form of government</u>
5) Article II Section 3	<u>No Councilor in 3rd year of term can serve as Mayor</u>
6) Article II Section 4	<u>Reduce number of allowable absences from Council Meetings</u>
7) Article II Section 8	<u>Review Emergency Preamble requirements</u>
8) Article III Section 1	<u>Limit Terms of Office (i.e., no more than 2 or 3 consecutive terms for Councilors and School Committee members)</u>
9) Article III Section 1	<u>Reduce number of School Committee Seats from 9 to 7</u>
10) Article III Section 2	<u>Timing of selection of Council School Committee Chairman</u>

<u>Reference</u>	<u>Issue</u>
11) Article III Section 4	<u>Make Schools Fiscally Autonomous</u>
12) Article III Section 4	<u>Reduce number of Council Votes to cut school budget from 6 to 5</u>
13) Article III Section 4	<u>Give City Council line item veto/review power over school budget</u>
14) Article III Section 4	<u>Potential for deadlock for appropriation resolve and school budget</u>
15) Article IV Sections 2-3	<u>Appointment, rather than election, of wardens &amp; ward clerks</u>
16) Article IV	<u>Limit Campaign Expenses to \$100.00 for Councilors and Members of the School Committee</u>
17) Article IV Section 2	<u>Change Election Day from May to either June or November:</u>
18) Article IV Section 7	<u>Randomize listing of Names on Ballot (i.e. No alphabetizing)</u>
19) Article IV Section 8	<u>Rotate names on ballots at polling places</u>
20) Article VI Section 5	<u>Establish strong Mayor form of government</u>
21) Article VII Section 6	<u>Potential for deadlock for appropriation resolve and school budget (see also Article III, §4.)</u>
22) Article VIII (Miscellaneous)	<u>Require residency for all employees of the City and the School Department</u>

## NOTE ON TEXT

The following contains the text of the Charter which the Commission has recommended to the public. It incorporates the technical amendments included in Ballot Question #1, the proposed article on recall included in Ballot Question #2, the City-wide election of councilors and members of the school committee included in Ballot Question #3, and voter referenda on capital bond issues included in Ballot Question #4.

Appendices A, B, C, and D reflect the various results which would occur in the text if only some of the Commission's recommendations, as reflected in the ballot questions, are accepted.

The explanatory text (which appears on the pages designated "E") refers the reader to the appropriate ballot question and appendices reflecting the several changes recommended by the Commission.

[The following Text shows the complete Charter and all of the changes recommended by the Charter Commission]

## ARTICLE I

### Grant of Powers to the City

**Section 1. Corporate existence retained.** The inhabitants of the City of Portland shall continue to be a body politic and corporate by the name of the City of Portland, and shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises, and shall be subject to all the duties, liabilities, and obligations provided for herein, or otherwise, pertaining to or incumbent upon said city as a municipal corporation or to the inhabitants or municipal authorities thereof; and may enact reasonable by-laws, regulations, and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine, and impose penalties for the breach thereof, not exceeding one thousand dollars in any one case, to be recovered for such uses as said by-laws, regulations, or ordinances shall provide.

**Section 2. Powers and duties.** The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, except the general management, care, conduct, and control of the schools of said city which shall be vested in a school committee as hereinafter provided, and also except as otherwise provided by this charter, shall be and are vested in one body of nine members, which shall constitute and be called the city council, all of whom shall be inhabitants of said city, and shall be sworn in the manner hereinafter prescribed.

The members of the city council shall be and constitute the municipal officers of the City of Portland for all purposes required by statute, and, except as otherwise herein specifically provided, shall have all powers and authority given to, and perform all duties required of, municipal officers and mayors of cities under the laws of this state.

All other powers now or hereafter vested in the inhabitants of said city, and all powers granted by this charter, except as herein otherwise provided, shall be vested in said city council.

In Article II, Section 1 the provisions dealing with state legislative districts and the grandfathering of city council and school committee members in office on July 1, 1978 have been deleted, since council districts are no longer co-extensive with legislative districts. In addition, the last sentence of the fourth paragraph of Article II, §1, dealing with district representation, has been transferred to Article IV §1.

The above modifications are included among the technical amendments addressed in Ballot Question #1 and reproduced separately in Appendix D. They will become effective if the voters should approve Ballot Question #1.

## ARTICLE II

### City Council

Section 1. City to be divided into election districts. For the purpose of all elections, the city, including its islands, shall be divided into five (5) districts. Each of said five (5) districts shall contain and be coterminous with two (2) of the Maine House of Representatives legislative districts established pursuant to Article IV, Part First, Sections 2 and 3 of the Constitution of Maine as follows: election district one shall consist of state Representative Districts 21-1 and 21-2; election district two shall consist of state Representative Districts 21-3 and 21-5; election district three shall consist of state Representative Districts 21-4 and 21-6; election district four shall consist of state Representative Districts 21-7 and 21-8; and election district five shall consist of state Representative Districts 21-9 and 21-10.

Each district city councilor and district school committee member in office on July 1, 1978, elected prior to that date from an election district shall represent the election district of the same numerical designation as constituted on July 1, 1978, except that the district city councilor elected by and from election district six as the same existed prior to July 1, 1978, shall represent the city at large.

If for any reason the state Representative Districts are increased or decreased in number from 10 or if the total area of said districts fails to equal the area of the city, the city council shall by ordinance make such adjustments in city election district boundaries as may be necessary to establish compact and contiguous districts of approximately equal population.

In the event of any redistricting of the city as herein provided, each district city councilor and district school committee member then in office shall continue to serve until a successor is duly elected and qualified, notwithstanding that such redistricting has caused such district councilor or district school committee members to reside in a district other than that from which such person was elected. Each district councilor and district school committee member in office on the effective date of any such redistricting shall be deemed to represent the newly constituted district of the same numerical designation as that formerly represented.

The city council, for voting purposes, may by ordinance divide said election districts into voting districts.

Section 2. Composition, election, tenure of office, salary compensation. The city council shall be composed of nine (9) members, who shall hold office for a term of three (3) years and until their successors are elected and qualified. Four (4) shall be elected at large from and by the registered voters of the entire city, and one



Article II §2 was amended to provide that a member of the city council could not simultaneously serve as a member of the council and hold another position within either the city government or school department, as an officer or an employee, without losing his or her council seat. In addition, "compensation" was substituted for "salary", and the word "quarterly" was deleted. See comment on technical amendments appearing on page 2E.

In Article II, §2 the Commission has proposed that all members of the council be elected by the voters of the entire City, instead of the present system whereby district councilors are elected by the voters in their respective districts. This modification is addressed in Ballot Question #3. Appendix A contains language advising the voters on how the proposed modifications would be integrated into the Charter, depending upon the voters' acceptance or rejection of the several questions presented to them.

~~(1) shall be elected from each of the five (5) districts heretofore provided for from and by the registered voters of each district. Each councilor shall be elected by the registered voters of the entire city: four (4) shall be nominated at large, and five (5) shall be nominated from each of the five (5) districts in which they reside and which they seek to represent.~~

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which the nomination papers are to be filed. ~~Each member shall be entitled to receive a salary, payable quarterly, for all services rendered, and shall not be eligible during the term for which he or she was elected for any other office, the salary of which is payable by the city or school department, nor to hold the office of city manager, nor to act as city manager, nor shall he or she during such term hold any such office.~~ The city council shall by order establish the amount each member shall be entitled to receive as salary compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their salary compensation shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance. No member shall hold any office or employment the compensation of which is payable by the city or school department during the term for which he or she was elected.

**Section 3. Chairman.** On the first Monday in June following the regular municipal election, or as soon thereafter as possible, the city council shall elect one (1) of its members as chairman of the council for the ensuing year, and until a successor is elected and qualified, and the city council may fill for the unexpired term any vacancy as chairman that may occur.

If the chairman shall fail from sickness, disability, absence from the city, or other cause, to attend to and perform the duties incumbent on him or her as such chairman, the remaining members of the city council may by unanimous vote, after notice and hearing, terminate the term of office of said chairman and remove him or her therefrom, and thereupon by majority vote may elect some other member of said city council chairman, and such newly elected member shall thereupon and thereafter hold the office and perform the duties of chairman for the balance of that year and until a successor is elected and qualified.

The chairman shall preside at all meetings of the council, and shall perform such other duties consistent with this office as the council may provide. He or she shall be entitled to vote, and such vote shall be counted upon all matters and things as a vote of other members of the council. The chairman shall be the official head of the city and shall be called mayor. He or she shall perform the duties of chairman of the city council as set forth herein and shall

The first paragraph of Article II §4 has been amended to clarify that a vacancy will occur when a member of the Council has been recalled.

Following the recommendation of the city clerk, the third paragraph of Article II §4 has been amended to increase the time within which a special election is required to be held from 60 days to 90 days.

A new second paragraph was added to §4 to indicate that the consequence of an individual's being both a member of the city council as well as an officer or employee of either the city or the school department or a member of any board or Commission appointed by the council would be that such a person would lose his or her council seat.

The word "councilmen" appearing in the first sentence of Article II §5, has been changed to "councilor", and the phrase "or as soon thereafter as possible" was repositioned.

The above modifications constitute technical amendments. See comment on page 2E.

have the powers and authority given to perform the duties required of mayors of cities for all purposes required by any statute. In the temporary absence or disability of the chairman the council may select a chairman pro tempore from among its number and such person shall exercise all the powers of the chairman.

**Section 4. Vacancies.** A vacancy in the membership of the city council shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member, pursuant to the provisions of Article V. The council shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the city council, or at least sixty (60%) percent of the regular meetings of the city council held in any one calendar year unless said member shall be excused (by vote of at least four (4) other members) for health reasons or other good cause.

The council shall declare a vacancy in its membership to exist upon the qualification of any member for any city or school department office, or the acceptance of any employment with the city or school department, the compensation for which is payable by the city or school department.

A member may in writing addressed to the council resign his or her office effective at a future date specified in said written resignation. Once submitted to the council, said resignation may not be withdrawn, and said member's office shall become vacant on said specified future date.

If a vacancy in the membership of the city council occurs or is declared more than six (6) months prior to the next regular municipal election, the vacancy shall be filled by a special election to take place not less than forty-five (45) nor more than ~~sixty (60)~~ ninety (90) days after the date of such occurrence or declaration, the warrant for which shall upon vote of the city council be issued by a member of the city council by vote designated for that duty. Such election shall be called and held and nominations made as in other elections.

**Section 5. Meetings of the council.** The city council shall meet at the usual place for holding meetings on the first Monday in June following the regular municipal election, or as soon thereafter as possible, and at said meeting the councilmembers-elect shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk. The city council shall at such meeting ~~or as soon thereafter as possible~~, establish by resolution a regular place and time for holding its meetings, and shall meet regularly at least twice each month.

**Section 6. Special meetings.** Special meetings may be called by the chairman, and in case of his or her absence, disability, or refusal, may be called by a majority of the members of the city council. Notice of such meeting shall be served in person, or left at the residence of each member of the city council, at least twenty-four hours before the time for holding said special meeting.

**Section 7. Quorum.** A majority of the members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four hours' notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

**Section 8. Procedure.** The city council shall keep a record of its proceedings and shall determine its own rules of procedure and make lawful regulations for enforcing the same. The meetings of the city council shall be open to the public. The city council shall act only by ordinance, order, or resolve. All ordinances, orders, and resolves, except orders or resolves making appropriations of money, shall be confined to one subject which shall be clearly expressed in the title. An appropriation order or resolve shall be confined to the subject of appropriations only. No ordinance and no appropriation order or resolve shall be passed until it has been read on two (2) separate days, except when the requirement of a second reading on a separate day has been dispensed with by the vote of seven (7) members of the city council. The yeas and nays shall be taken upon the passage of all ordinances and entered on the record of the proceedings of the city council by the clerk. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the city council. Every ordinance, order, and resolve shall require on final passage the affirmative vote of five (5) members of the city council. No ordinance shall take effect until thirty (30) days after its passage and no order or resolve shall take effect until ten (10) days after its passage, except as herein otherwise provided for emergency ordinances, orders and resolves.

The city council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders, or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the city council shall be conclusive.

Article III §1, has been amended, to delete the reference to "grandfathered" members of the school committee. See comment on technical amendments appearing on page 2E.

In Article III, §1 the Commission has proposed that all the members of the school committee be elected by the voters of the entire City instead of the present system whereby school committee members are elected by the voters in their respective districts. This modification is addressed in Ballot Question #3. Appendix B contains language advising the voters on how the proposed modification would be integrated into the Charter, depending upon the voters' acceptance or rejection of the several questions presented to them.

## ARTICLE III

### School Committee

Section 1. Composition, election, tenure of office; compensation. The school committee shall be composed of nine (9) members who shall hold office except as hereinafter provided, for a term of three (3) years and until their successors are elected and qualified. Each member of the school committee shall be elected by the registered voters of the entire city: four (4) shall be nominated at large, and five (5) shall be nominated from each of the five (5) districts in which they reside and which they seek to represent. ~~Four (4) shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for in Section 1 of Article II from and by the registered voters of each such district. -- Except as might otherwise be provided in this charter, it is the intent of this amendment that the terms of those school committee members in office on the first day of January, 1977, shall continue in such office until said terms would normally have expired and until their successors are elected and qualified. -- At the regular municipal election in 1977, five (5) members of the school committee shall be elected; three (3) members shall be elected at large, the member elect who shall receive the largest number of votes cast shall hold office for three (3) years, the member elect who shall receive the second largest number of votes cast shall hold office for two (2) years, and the member elect who shall receive the third largest number of votes cast shall hold office for one (1) year; one school committee member shall be elected from district 4, and one school committee member shall be elected from district 5. -- At the regular municipal election of 1979, three (3) members shall be elected at large; one school committee member shall be elected from district 1 and one school committee member shall be elected from district 2. At the regular municipal election of 1980, three (3) members shall be elected; two school committee members shall be elected at large, and one school committee member shall be elected from district 3.~~

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed.

The city council shall by order establish the amount each member of the school committee shall be entitled to receive as compensation for all services rendered.

Section 2. Chairman. On the first Monday in June following the regular municipal election, or as soon thereafter as possible, the school committee shall elect one of its members as chairman for

Article III §5 has been amended in the same way Article II §4 was amended to indicate that a vacancy will occur when a member of the school committee has been recalled. See comment on technical amendments appearing on page 2E.



the ensuing year and until a successor is elected and qualified, and may fill for the unexpired term any vacancy as chairman that may occur.

**Section 3. Organization.** The school committee shall meet for organization on the first Monday in June following the regular municipal election. The members elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the city clerk, and a record made thereof. The members shall at such meeting, or as soon thereafter as possible, establish a regular place and time for holding meetings and shall meet regularly at such place and time. A majority of the whole number elected shall be a quorum.

**Section 4. Powers and duties.** The school committee shall have all the powers, and perform all the duties in regard to the care and management of the public schools of said city which are now conferred and imposed upon school committees by the laws of this state, except as otherwise provided in this charter. Not later than two (2) months before the end of the fiscal year the school committee shall submit to the city council budget estimates of the various sums required for the support of public schools for the ensuing fiscal year and shall thereafter provide the city council with such information relating to such estimates as the city council shall require. A budget hearing on such budget estimates shall be held together with the hearing on the budget estimates of the city manager. The city council in its appropriation resolve for the ensuing year shall, in addition to amounts appropriated for other general city purposes, appropriate one gross amount for the support of public schools, which amount shall not be less than the sum required to be appropriated for such purposes by the general laws of the state. Such gross amount shall not be less than the sum requested by the school committee except by a vote of six (6) members of the city council. Such appropriation shall be expended under the direction and control of the school committee but no such appropriation shall be exceeded except by consent of the city council.

**Section 5. Vacancies.** A vacancy in the membership of the school committee shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member, pursuant to the provision of Article V. The school committee shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the school committee or at least sixty percent (60%) of the regular meetings of the school committee held in any one calendar year unless said member shall be excused (by a vote of at least four (4) of the members) for health reasons or other good cause. A member may in writing addressed to the school committee resign his office effective at a future date specified in said written resignation. Once submitted to the school committee, said resignation may not be withdrawn and said member's office shall become vacant on said specified future date.

Article III §5 has also been amended, in the same way Article II §4 was, to increase the time for special elections from 60 days to 90 days. See comment on technical amendments appearing on page 2E.

If a vacancy in the membership of the school committee occurs or is declared more than six (6) months prior to the next regular municipal election, the vacancy shall be filled by a special election to take place not less than forty-five (45) nor more than ~~sixty (60)~~ ninety (90) days after the date of such occurrence or declaration, ~~the warrant~~ for which shall upon vote by the city council be issued by a member of the city council by vote designated for that duty. Such election shall be called and held and nominations made as in other elections.

Article IV §1 has been changed to delete the phrase "as herein provided" so that the section will apply to all redistricting, for whatever reason. The final sentence contains the substance of provisions transferred from Article II §1.

Article IV §2 has been amended by deleting obsolete references to persons who had either been elected in 1977 or were holding office in 1978.

Article IV §3 has been amended by deleting obsolete references to events following the 1979 and 1980 regular municipal elections.

The above modifications constitute technical amendments. See comment on page 2E.

## ARTICLE IV

### Elections

**Section 1. Continuity in office.** In the event redistricting of the city ~~as herein provided~~ shall cause a then council member or school committee member to reside in a district other than that from which such person was elected, the office of such member shall not thereby be considered vacated but such member shall continue in office until a successor is duly elected and qualified. Each district councilor and district school committee member in office on the effective date of any such redistricting shall be deemed to represent the newly-constituted district of the same numerical designation as that formerly represented and shall continue to serve in that capacity until expiration of his or her term.

**Section 2. Regular municipal election.** On the first Tuesday in May, 1979, ~~and every first Tuesday in May of each year thereafter,~~ the regular municipal election shall be held and the registered voters of the city or district, as the case may be, shall ballot for such councilors and for such members of the school committee as may be necessary to fill the offices of those whose terms would then normally expire and fill any existing vacancy in an unexpired term of office. ~~The terms of office of those city councilors, school committee members, and wardens and clerks in office on the first day of July, 1978, shall expire on the first Monday in June following the December in which they normally would have expired except for the election date charter amendment adopted herein. At the regular municipal election to be held in 1977, the qualified voters of each voting district shall ballot for a warden and a clerk, and thereafter each year the qualified voters of the respective voting districts shall ballot for a warden or a clerk to fill the unexpired term of any warden or clerk whose office is then vacant and whose term would not then have normally expired and for such wardens or clerks as may be necessary to fill the office of those whose term would then expire.~~

**Section 3. Wardens and ward clerks. qualifications, powers, duties, vacancies, calling of ward meetings.** The wardens and clerks chosen ~~as provided above,~~ shall be and remain residents of the voting district for which they are ~~elected~~ qualify and hold their office for three years from the first Monday in June following their election qualification and until others have been chosen and qualified in their stead, ~~except that the wardens and clerks chosen for voting districts from which council members will next be elected in the 1979 and 1980 regular municipal elections shall so serve for terms to coincide with their respective incumbent district councilors. Thereafter wardens and clerks shall serve for terms of three years.~~ The warden and the ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath

In Article IV §4 the word "school committeeman" was changed to "school committee member". Provision was made for appointment of wardens and ward clerks, should state law ever permit the City to do so. See comment on technical amendments on page 2E.

shall be entered by the clerk on the records of said ward. ~~The warden shall preside at all ward meetings, with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. - Such warden shall have all rights and powers now held by the warden of such ward. If neither the warden or the ward clerk shall be present, any legal voter in the ward may preside until a ward clerk pro tempore shall be chosen and qualified. - Immediately following the election of a ward clerk pro tempore, a warden pro tempore shall be chosen.~~

~~The ward clerk shall record all the proceedings and certify the votes given and deliver over to his or her successor in office all such records and journals in his or her possession or under his or her control, together with all documents and papers held by him or her in his or her capacity as ward clerk. - The ward clerk shall have and perform all rights and duties now held and performed by the ward clerk of such ward so far as consistent with this charter.~~

~~All ward meetings shall be notified and called by the city council in the manner provided by the statutes of this state for notifying and calling town meetings by the selectmen of the several towns.~~

**Section 4. Nominations.** The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for ~~at-large~~ councilman or ~~at-large~~ school committeeman shall be signed by not less than three hundred (300) nor more than five hundred (500) qualified voters of the city. The petition of a candidate for a district council seat or a candidate for a district school committee seat shall be signed by not less than seventy-five (75) nor more than one hundred fifty (150) qualified voters of the respective district. In the case of an election of wardens and ward clerks, the candidate's nomination petition ~~The petition of candidates for warden and ward clerk shall~~ be signed by not less than twenty-five (25) nor more than one hundred (100) qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than one (1) candidate for each office to be filled at the election and should any voter sign more than one (1) such petition, his or her signature shall be counted only upon the first petition filed and shall be held void upon all other petitions.

**Section 5. Form of nomination petition.** The signatures to nomination petitions need not all be affixed to one nomination petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers of each petition, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street or their description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

Article IV §6 has been amended by enlarging the time within which nominating petitions may be filed. As amended, a candidate could file his or her petition not earlier than 49 days prior to the election nor later than 35 days before the election. The change was recommended by the city clerk to allow time for the printing of ballots and the distribution of absentee ballots abroad. A new provision establishes a deadline for challenging nominating petitions. See comment on technical amendments appearing on page 2E.



To the city clerk of the City of Portland:

We, the undersigned voters of the City of Portland, hereby nominate, whose residence is \_\_\_\_\_, for the office of \_\_\_\_\_ to be voted for at the election to be held in the City of Portland on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and we individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name \_\_\_\_\_ Street and Number \_\_\_\_\_, being duly sworn, deposes and says, that he (she) is the circulator of the foregoing nomination petition containing \_\_\_\_\_ signatures, and that the signatures appended thereto were made in his (her) presence and are the signatures of the persons whose names they purport to be.

(Signed) \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_, 19\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace  
Notary Public

If this petition is deemed insufficient by the city clerk, he or she shall forthwith notify by mail \_\_\_\_\_ at \_\_\_\_\_.

**Section 6. Filing of nomination petitions, and acceptance of nomination.** The nomination petitions for any one (1) candidate must be assembled and united into one (1) petition and filed with the city clerk during normal business hours not earlier than ~~forty-two (42)~~ forty-nine (49) days nor later than ~~twenty-eight days (28)~~ ~~thirty-five (35)~~ days before the date of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing at the time of filing of said nomination petitions his or her consent accepting nomination, agreeing not to withdraw, and if elected, to qualify. Such nomination petitions and consent, once filed, may not be withdrawn. Any challenge to a nomination petition must be submitted to the city clerk in writing, setting forth the specific reasons for the objection, no later than five (5) days, excluding Saturdays, Sundays, and legal holidays, from its date of filing, or it is barred. No person shall be nominated, nor shall any person consent to being nominated, at the same election for any other elective office provided for by this charter, and no person shall simultaneously hold more than one (1) elective office provided for by this charter.

Article IV §7 was amended to address changes in the form of the ballot used in municipal elections. The changes were recommended by the city clerk to clarify the method for voting and to reflect the current practice of the clerk's office. The principal change was to move the place where a voter would demonstrate his or her preference from the right of a candidate's name to the left. See comment on technical amendments appearing on page 2E.

**Section 7. Form of ballot.** All official ballots for use in all municipal elections shall be prepared by the city clerk and furnished by the city. Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence, and the office for which they are candidates. The candidates for each office shall be grouped under the title of each office, plainly and distinctly marked. There shall be ~~at least two~~ (2) as many blank lines spaces under the name of each office which ~~may be filled by writing in the name of the candidate. Stickers may be used in lieu of writing in a name of a candidate,~~ but as there are vacancies to be filled. These spaces may be used by a voter to write or paste in the name of any person for whom the voter desires to vote. No sticker shall be used save except in the blank spaces provided. Such ballots shall also contain such measures as may be submitted to the voters of the city by the legislature or by the city council and shall be without party mark or designation.

In preparing all ballots for election under this charter, the city clerk shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames.

The face of the ballot shall be substantially in the following form:

~~CITY OF PORTLAND  
REGULAR (OR SPECIAL) MUNICIPAL ELECTION  
OFFICIAL BALLOT~~

~~Candidates for office in the City of Portland at an election held on the --- day of -----, A.D. 19--.~~

~~To vote for any person, make a cross (X) or a check mark (-) the square at the right of the name voted for.~~

~~To vote for a person whose name is not on the ballot, write in the name or use a sticker in the blank space, and mark a cross (X) or a check mark (-) at the right of the name voted for.~~

~~-----COUNCILMAN~~

~~(-) to be chosen ----- Mark (-) cross or check mark  
Vote for (-) ----- (-) in this column -----  
Name of candidate  
and residence -----~~

~~SCHOOL COMMITTEEMAN~~

~~(-) to be chosen ----- Mark (X) cross or check mark  
Vote for (-) ----- (-) in this column -----  
Name of candidate  
and residence -----~~

WARDEN

~~I to be chosen-----Mark (X) cross or check mark~~  
~~Vote for I-----(-) in this column-----~~  
~~Name of candidate~~  
~~and residence-----~~

WARD CLERK

~~I to be chosen-----Mark (X) cross or check mark~~  
~~Vote for I-----(-) in this column-----~~  
~~Name of candidate~~  
~~and residence-----~~

Portland, Maine  
Monday, \_\_\_\_\_ A.D. 19\_\_

Official Ballot  
Ward-----  
(Facsimile of signature)  
City Clerk

CITY OF PORTLAND  
REGULAR (OR SPECIAL) MUNICIPAL ELECTION  
OFFICIAL BALLOT

Candidates for office in the City of Portland at an election held  
on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_.

To vote for any person, make a cross (X) or a check mark ( ) in  
the square at the left of the name of the candidate for whom you wish  
to vote.

To vote for a person whose name is not on the ballot, either  
write in the name or use a sticker in the appropriate blank space,  
and mark a cross (X) or a check mark ( ) in the square at the left of  
the name of the write-in candidate.

COUNCILOR

Vote for ( ).

(Name of candidate and residence)

[ ]

\_\_\_\_\_

[ ]

\_\_\_\_\_

SCHOOL COMMITTEE MEMBER

Vote for (     ).

(Name of candidate and residence)

[1

\_\_\_\_\_

[1

\_\_\_\_\_

WARDEN

Vote for (     ).

(Name of candidate and residence)

[1

\_\_\_\_\_

[1

\_\_\_\_\_

WARD CLERK

Vote for (     ).

(Name of candidate and residence)

[1

\_\_\_\_\_

[1

\_\_\_\_\_

Portland, Maine

\_\_\_\_\_ A.D. 19 \_\_\_\_\_.

Official Ballot

Ward \_\_\_\_\_

(Facsimile of signature)

City Clerk .

**Section 8. Specimen ballots.** The city clerk shall cause specimen ballots to be prepared from the arrangement of the first group of ballots as provided above and to be posted in public places in each ward and voting precinct, and advertised in the newspapers not later than ten (10) days prior to the municipal election, and advertised in the newspapers at least twice more prior to said election. Such specimen ballots shall be printed on colored paper and marked "Specimen Ballot", and shall contain the names of the certified candidates with the residence of each, instructions to voters, and such measures as may be submitted to the voters by the legislature or by the city council. Such specimen ballots shall also be without party mark or designation.

**Section 9. Count of ballots.** As soon as the polls are closed, the warden shall immediately open the ballot boxes, take therefrom the ballots, and sort, count, and declare them in open meeting in the presence of the ward clerk; and the ward clerk shall make a list of the persons voted for, with the number of votes for each person against his or her name and shall make a true and fair record thereof in the presence of the warden and in open ward meeting enter the total number of votes for each candidate on a tally sheet provided by the city clerk, which tally sheet shall be duly attested by the warden and ward clerk and forthwith returned to said city clerk. The ward clerk shall thereupon deliver to each ~~person-elected-a~~ warden or ward clerk a certificate of election, and shall forthwith deliver to the city clerk a certified copy of the record of such election.

**Section 10. Canvass of returns.** The city clerk shall present the returns of the several wards to a meeting of the city council held not later than forty-eight (48) hours after the receipt of said returns by him or her. At such meeting the city council shall determine and declare the successful candidates as follows: The person or persons, not exceeding the number to be voted for at any one time for any office, having the highest number of votes given at said election shall be determined and declared to be elected.

**Section 11. State laws applicable.** The laws of the state relating to the qualifications of electors, registration, the manner of voting, the duties of election officials, and all other particulars in respect to preparation for conducting and managing elections, so far as they may be applicable, shall govern all municipal elections in the City of Portland, except as otherwise provided herein.

The provisions of Article V, Recall, were entirely redrafted. The changes recommended by the Commission include the following. The number of voters who can initiate a recall in the case of a district councilor or school committee member was increased from 50 voters to 100 voters; in the case of an at-large councilor or school committee member, the number was increased from 50 voters to 500 voters.

The places where petitions for recall may be signed has been expanded to include several sites outside of City Hall. The amendment also addresses the times when such locations shall be open to receive signatures and how they shall be staffed.

The number of signatures required to mandate a recall election has been increased. In the case of district councilors or school committee members, 600 voters must request recall, as opposed to 200 in the present Charter. In the case of at-large councilors and school committee members, 3,000 voters must request recall, as opposed to 1,000 in the present Charter.

The form of the ballot has been amended to delete the potentially confusing requirement that a voter simultaneously vote to recall an official and also elect his or her successor at the same time.

The Commission's recommendations will be submitted to the voters as Ballot Question #2. If the voters should approve Ballot Question #2 (Recall), but fail to approve Ballot Question #3 (City-wide election), then the provisions of Appendix C would apply.

## ARTICLE V

### Recall

Section-1.- Applicability.--Any member of the city council or the school committee may be recalled and removed therefrom by the qualified electors of the City of Portland as herein provided.

Section-2.- Petition for recall.--Any fifty (50) voters of the city, or in case of a district councilor or a district school committee member, any fifty (50) voters of the respective district may make and file with the city clerk an affidavit containing the name or names of the member or members whose removal is sought and a general statement of the reasons why such removal is desired.

The city clerk shall thereupon prepare petition blanks for such removal with a copy of said affidavit and general statement printed thereon or attached thereto, which shall contain the signature of said city clerk, his or her official seal, shall be dated, addressed to the city council, and contain the name or names of the person or persons whose removal is sought.--The city clerk shall file said petition blanks and shall, during office hours for thirty (30) business days thereafter, keep the same open for signature by qualified voters of the city, and no such petition blanks shall be signed or presented for signature at any place other than the city clerk's office.

The recall petition to be effective in the case of an at-large councilor or an at-large school committee member must be signed by not less than one thousand (1,000) registered voters of the city. In the case of a district councilor or a district school committee member who has been elected as such by the registered voters of said district, the petition must be signed by not less than two hundred (200) registered voters of the respective district.--To every such signature required by this section shall be added the place of residence of the signer, giving the street and number or other description sufficient to identify the place.--

Section-3.- Examination; petition.--At the expiration of said thirty (30) days, the city clerk shall declare the petition closed and shall within ten (10) days thereafter ascertain whether or not the petition is signed by the requisite number of voters, and shall attach thereto his or her certificate showing the result of such examination.

Section-4.- Calling of recall election.--If the petition shall be certified by the city clerk to be sufficient, he or she shall submit the same with his certificate to the city council at its



meeting and shall notify the member or members whose removal is sought of such action. The city council shall thereupon, within ten (10) days of the receipt of the city clerk's certificate, order an election to be held not less than forty (40) nor more than sixty (60) days thereafter; provided that, if a regular municipal election is to occur within ninety (90) days after the receipt of said certificate, the city council may in its discretion provide for the holding of the recall election on the date of such other municipal election. The recall election shall be called and held and nominations made as in other elections under this charter except for the specific limitations of this section.

**Section 5. - Form of ballot.** - Unless the member or members whose removal is sought shall have resigned within ten (10) days after the receipt by the city council of the city clerk's certificate, the form of a ballot at such election shall be as nearly as may be: - "Shall A be recalled? - Shall B be recalled?", etc., the name of the member or members whose recall is sought being inserted in place of A, B, etc., and the ballot shall also contain the names of the candidates nominated in place of the persons recalled, as follows: - "Candidates for the place of A, if recalled; Candidates for the place of B, if recalled," etc., but the persons whose recall is sought shall not themselves be candidates upon such a ballot. If the person or persons sought to be removed shall have resigned within ten (10) days after the receipt by the city council of said certificate, the form of ballot at said election shall be the same, as nearly as may be, in the form and arrangement in use at regular municipal elections.

**Section 6. - Count of ballots.** - In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he or she shall be thereby removed, and, in that event, the candidate to succeed such person for the balance of the unexpired term shall be determined as provided for regular municipal elections.

**Section 7. - Election may be ordered.** - Should the city council fail or refuse to order an election as herein provided, such election may be ordered by any justice of the Supreme Judicial Court.

**Section 1. Applicability.** Any member of either the city council or the school committee may be recalled and removed from office by the qualified voters of the City of Portland, as hereinafter provided, except that this provision shall not apply to a member of either body who has one year or less to serve in his or her term.

**Section 2. Petition for recall.** In the case of either a councilor or member of the school committee, any 500 qualified voters of the City may affirm and file with the city clerk an affidavit containing the name or names of the member or members whose removal is sought, together with a statement of the reasons why such removal is desired.

Upon receipt of such an affidavit, the city clerk shall prepare a sufficient number of petitions which shall be addressed to the city council, and contain the signature of the city clerk, his or her official seal, the date, and the name or names of the person or persons whose removal is sought. In addition, the affidavit and statement of reasons for removal referred to above shall either be printed on such petitions or attached thereto.

The city clerk shall file the completed petitions in his or her office. During the thirty (30) days following their filing, the city clerk shall arrange to have petitions, noting that removal is being sought as well as the reasons therefor, available for signature both at City Hall and also at public places as indicated below. Notice of the location of the public places where petitions may be signed shall be given by publication at least 48 hours in advance and such notice shall contain the specific location of such public place or places, the dates it or they will be open, and the times during which petitions may be signed. In the case of either a district councilor or a district school committee member, the city clerk shall select one site outside of City Hall, but within the district of the member whose removal is sought, and such location shall be open for four (4) days between the hours of noon and 8:00 p.m. In the case of other councilors or members of the school committee, the city clerk shall select four (4) sites outside of City Hall and such locations shall be open for four (4) days each between the hours of noon and 8:00 p.m.

The city clerk shall designate election clerks to supervise each such site. Election clerks shall be residents of Portland and at least 18 years of age. They shall be sworn to the faithful performance of their duties by the city clerk. Each qualified voter who signs a petition shall include his place of residence, providing either the street and number or a description sufficient to identify the place.

To mandate a vote, the recall petition in the case of a councilor or a member of the school committee, the recall petitions must be signed by at least 3,000 qualified voters.

**Section 3. Verification of recall petition.** At the expiration of the thirty (30) day period for signing petitions described in §2, the city clerk shall declare the petition closed; and, within ten (10) days thereafter, shall ascertain whether or not the petitions have been signed by the requisite number of qualified voters. The city clerk shall attach his or her certificate, showing the results of such examination, to the petitions.

If the clerk's certificate should show that the petitions are insufficient, he or she shall advise both the city council and also the person or persons whose removal was sought of that fact. A finding of insufficiency shall not prejudice the filing of a new petition for the same purpose, except that such new petition shall

not be filed within twelve (12) months from the date of the receipt of the clerk's certificate by the city council.

**Section 4. Calling of recall election.** If the clerk's certificate should show that the petitions are sufficient, he or she shall submit them, together with the clerk's certification, to the city council at its next regular meeting following certification, and shall also notify the person or persons whose removal is sought. The city council shall, within ten (10) days of receipt of the clerk's certificate order an election to be held not less than forty-five (45) nor more than ninety (90) days thereafter; except that, if a regular municipal election should occur within ninety (90) days after receipt of the certificate, the city council may, in its discretion, schedule the recall election for the same date as the regular municipal election. The recall election shall be called and held as other elections under this charter, except for the specific limitations imposed by this article.

**Section 5. Form of ballot.** Unless the member or members whose removal is sought shall have resigned within ten (10) days after the receipt by the city council of the clerk's certificate, the form of the question to be submitted to the voters shall, as nearly as possible, be: "Shall (name of official and his or her title) be recalled?"

**Section 6. Count of ballots.** In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he or she shall be thereby removed, and, in that event, the candidate to succeed such person for the balance of the unexpired term shall be determined as provided for in the case of a vacancy in the office.

If a majority of those voting should decline to recall a particular official, then no proceedings, seeking the recall of that same official, shall be initiated under this Article within twelve months from the date of the election in which his or her recall was sought.

**Section 7. Election may be ordered.** If a member of either the city council or school committee who is recalled should either request a recount or dispute the election as permitted by law, then that member shall remain in office until the recount or dispute has been finally determined; and the provisions of Article II, §4 and Article III, §5, relating to vacancies in the city council or school committee, shall be stayed.

Article VI §1(a) has been amended to delete the words "by ballot", because they imply that the Council could make the appointments by secret ballot.

Article VI §1(c) has been amended to make it clear that the assistant corporation counsels are responsible to the corporation counsel.

Article VI §2 has been amended by adding a new sub-section which provides for a director of finance and also authorizes the city council to designate by ordinance those department heads required to perform certain duties by state law.

The above modifications constitute technical amendments. See comment on page 2E.

## ARTICLE VI

### Administrative Officers

#### Section 1. Appointments.

(a) The following officers and boards shall be appointed by ballot by vote of five (5) members of the city council: city manager, city clerk, corporation counsel, and two members of the Board of Registration under the statutes of the State of Maine, and they may appoint not more than twenty (20) constables at large.

(b) All department heads shall be appointed by the city manager, subject to confirmation by the city council.

(c) All attorneys employed in the corporation counsel's office shall be appointed by the corporation counsel, subject to confirmation by the city council.

~~(c)~~(d) All other employees shall be appointed by the city manager upon recommendation of the heads of their department.

Section 2. Organizational powers. The city council shall have power to provide by ordinance for the organization, conduct, and operation of the departments, agencies, offices, and boards of the city, for the creation of additional departments, agencies, offices, and boards and for the division of any such department, agencies, offices, and boards; and for the alteration, abolition, assignment, or reassignment of all such departments, divisions, agencies, offices, and boards; provided, however there shall be a director of finance to perform the functions specified in Article VII of this Charter. The city council shall, by ordinance, designate those department heads responsible for performing duties required by state law.

Section 3. Civil Service rules. The city council shall provide by ordinance for a system of civil service rules for the appointment, promotion, demotion, lay-off, reinstatement, suspension, and removal of the members of the police department and of the fire department, other than the chiefs of said departments, and for a civil service commission to administer the same.

Section 4. Compensation and tenure of offices. The city council shall fix by order the salaries of the appointees of the city council. Salaries of the appointees of the city manager shall be fixed by the city manager, subject to the approval of the city council. All appointive officers shall hold office during the pleasure of the appointing power.

Section 5. Appointment; qualifications, powers, and duties of the city manager. The city manager shall be chosen solely on the basis of character and executive administrative qualifications, and may or may not be a resident of the City of Portland or of the State of Maine at the time of appointment. Such person shall give bond for the faithful discharge of his or her duties to the City of Portland in such sum as the city council shall determine and direct,

Article VI §5(a) has been amended to reflect that the term "misdemeanor" is no longer used in the Criminal Code.

Article VI §§7, 8, 9, and 10 which presently deal with the duties of several administrative officers have been amended to eliminate references to obsolete offices (e.g. "assistant assessors" and "director of public welfare").

The above modifications constitute technical amendments. See comment on page 2E.

and with surety or sureties to be approved by the city council. The premium on said bond shall be paid by the city. Such person shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. The city manager's powers and duties shall be as follows:

(a) To see that the laws and ordinances are enforced, but shall delegate to the chief of the police department the active duties connected therewith regarding criminal ~~misdemeanor~~ conduct.

(b) To exercise control over all departments, divisions, agencies, offices, and boards created herein or that may be hereafter created.

(c) To make appointments as provided in this charter.

(d) To attend meetings of the city council, except when his or her removal is being considered, and recommend for adoption such measures as he or she may deem expedient.

(e) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures, and data connected therewith when requested.

(f) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

**Section 6.** Vacancy in office of city manager. During any vacancy in the office of city manager, and during the absence or disability of the city manager, the city council may designate a properly qualified person to perform the duties of manager and fix such person's compensation. While so acting, such person shall have the same powers and duties as those given to and imposed on the city manager. Before entering his or her duties, he or she shall give bond to the City of Portland in a sum and with surety or sureties to be approved by the city council. The premium on said bond is to be paid by the city.

~~Section 7. - Assessor of taxes. - There shall be an assessor of taxes who shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to, under the laws of the state. - The assessor may appoint temporary assistant assessors, if the city council so directs, whose duty it shall be to furnish the assessor with all the necessary information relative to persons and property taxable. - The compensation of such assistant assessors shall be fixed by the city council, but such assistant assessors shall hold office during the pleasure of the assessor.~~

Sections 7 and 8 have been renumbered and no changes were made in them. See comment on technical amendments appearing on page 2E.



Section 8.- Director of public welfare.- The director of public welfare shall be the overseer of the poor and shall have and exercise all powers and perform all the duties conferred or imposed by the law upon overseers of the poor.-

Section 9.- Director of finance.- The director of finance shall have and exercise all powers and perform all the duties conferred or imposed by law upon treasurers and collectors of taxes.

Section 10.- Purchasing agent.- The purchasing agent shall purchase all supplies for the City and for the several officers and boards thereof, excepting supplies for the city schools, which school supplies he or she shall purchase only upon requisition by the school committee.-

The purchasing agent shall see to the delivery of supplies to each office and department to whom they belong and take and file receipts therefor.- The purchasing agent shall conduct all sales of property belonging to the city which are unfit or unnecessary for the city's use, but only after such sale has been authorized by the city council, and subject to such restrictions as the city council may by ordinance provide.-

Section 11 7. Duties of administrative officers. Duties of administrative officers shall be prescribed by the appointive power, but such duties shall not be inconsistent with this charter or any ordinance enacted by the city council as provided herein.

Section 12 8. Continuity in office. Any and all officers, department heads, and employees of the City of Portland on the effective date of this charter shall continue in such capacity until a successor is appointed and qualified as provided herein, unless sooner removed by the appointive power as designated herein.

The modifications prepared for Article VII are addressed in Ballot Question #4. The various changes are discussed both on this page and also on page 27E which deals with the issues of voter ratification of certain municipal financial obligations.

Article VII §3 was amended to reflect the City's current fiscal year.

Article VII §4 was amended by adding the word "hearing" for clarification that ten days is required between the required hearing and the final passage of the appropriation resolve.

The above modifications constitute technical amendments. See comment on page 2E.

## ARTICLE VII

### Business and Financial Provisions

**Section 1. Accounts and records.** Accounts shall be kept by the director of finance showing the financial transactions of all departments of the city and the school department. A general accounting system for same shall be recommended by the director of finance and prescribed by the city manager and approved by vote of the city council in regular session. Accounts shall be kept in such a manner as to show fully at all times the financial condition of the city. The director of finance shall furnish to the city manager each month a report containing in detail the receipts and disbursements of the city on all accounts, and for each appropriation item the expenditures made and the obligations incurred during the preceding calendar month and the total unencumbered balance. All the accounts of the city shall be audited annually by a qualified accountant to be chosen by the city council.

**Section 2. Reports.** The director of finance shall publish each month a statement of the financial condition of the city.

Each of the administrative officers and boards shall annually, on such date as may be fixed by the city council, render to the city manager a full report of the transactions of his or their department for the year. On the basis of these reports, the city manager shall prepare and publish an annual report for general distribution. In addition to a summary of the services rendered by the various departments, the report shall show:

(a) Receipts classified according to sources.

(b) Expenditures classified according to objects. The classification of receipts and expenditures in the report shall conform in general to the classification in the director of finance's books.

(c) Balance sheets.

(d) Such other financial information as may be required by the city council.

**Section 3. Fiscal year.** The fiscal year of the city shall be ~~the calendar year July 1 through June 30, or such other fiscal year as the city council shall determine.~~

**Section 4. Annual budget.** Not later than two (2) months before the end of the fiscal year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year.

An accurate summary of such budget shall be made available not later than two (2) weeks after its submission to the city council. The city council shall fix a time and place for holding a public hearing upon the city manager's budget, and shall give a not less than ten (10) days' prior public notice of such hearing, which hearing shall be at least ten (10) days before the final passage of the appropriation resolve.

**Section 5. Budget content.** The city manager's budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require. In organizing the budget, the city manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating proposed tax levies, and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

The total of proposed expenditures shall not exceed the total of proposed income.

**Section 6. Appropriation Resolve.** The city council shall adopt the annual appropriation resolve for the next fiscal year on or before the last day of the twelfth month of the fiscal year currently ending. Such resolve shall appropriate those amounts deemed necessary for general city purposes and additionally one gross amount for school purposes as required by Section 4 of Article III hereinbefore. The total amount appropriated shall not exceed the estimated revenue of the city.

If it fails to adopt said resolve by this date, the city council may make appropriation for current departmental expenses, chargeable to the appropriation for the year, when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation resolve is in force.

The city council may by resolution appropriate to any purpose or object for which there shall have been no appropriation for the current year, or for which the appropriation for the current year has proved insufficient, any accruing revenue of the city not appropriated as hereinbefore provided and any unencumbered appropriation balance, or portion thereof, remaining after the purpose of the appropriation shall have been satisfied or abandoned.

**Section 7. Surpluses.** All appropriations in the annual budget shall lapse at the close of the fiscal year unless specifically continued by order of the city council, and the unencumbered balances shall be transferred to the surplus account.

The modifications prepared for Article VII are addressed in Ballot Question #4. The various changes are discussed both on this page and also on page 27E which deals with the issues of voter ratification of certain municipal financial obligations.

The fourth sentence of §9 was deleted in order to permit the structuring of repayment of debt. For a more detailed statement see the explanation of changes in Article VII §16.

Article VII §9 was also amended by deleting the word "serial" in the last sentence and adding the word "each". The same sentence was also amended by deleting the words "tax levy" and substituting therefor the word "appropriation".

Article VII §10 was amended at the suggestion of the City's bond counsel, by deleting the words "paid within one (1) year and are" in Section 10, because Maine Statutes currently permit such bonds to be paid over a two (2) year period. The change recommended by him would provide the City with more flexibility in paying off such debts.

**Section 8. Borrowing.** The borrowing of money by and for the City shall be limited as to form and purpose by Section 9 and Section 10 of this Article. The credit of the city shall in no manner be loaned to any individual, association, or corporation.

**Section 9. Bond issues.** Money may be borrowed, within the limits fixed by the constitution and statutes of the state, now or hereafter applying to said Portland, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the acquisition of land, the construction, reconstruction, major alteration, extraordinary repairs, and equipment of buildings and other permanent public improvements, the purchase of departmental equipment, and the payment of refunding of bonds, notes, and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in two (2) public places in the City of Portland, and publishing said notice in at least two (2) daily newspapers published in said Portland at least two (2) weeks before final action of the city council and the approval of seven (7) members of the city council. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bonds shall not exceed the estimated period of utility of said improvement but the declaration of the city council embodied in the order authorizing the issue shall be conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed thirty (30) years. ~~Bonds issued after the adoption of this charter shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual, serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of \$5,000 with odd amount coming in first or last year; and, (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year.~~ Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of each annual ~~serial~~ installment of the principal and interest, and ~~such~~ amounts shall be included in the ~~tax-levy appropriation~~ for each year until the debt is extinguished.

**Section 10. Temporary loans.** Money may be borrowed in anticipation of receipts from taxes during any fiscal year but the aggregate amount of such loans outstanding at any one (1) time shall not exceed eighty percent (80%) of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of the receipts from taxes for the fiscal year in which the loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be ~~paid within one (1) year and are~~ subject to the provisions of the laws of the State of Maine in relation thereto. This section shall not limit in any way the power granted to towns and cities to borrow money as

contained in the Revised Statutes of the State of Maine and acts amendatory thereof and additional thereto.

**Section 11. Sinking fund.** The sinking fund shall be applied only to the payment of bonded indebtedness of the city. The sinking fund shall be invested as provided by the Revised Statutes of the State of Maine and all acts in addition thereto and in amendment thereof.

**Section 12. Payments.** Money shall be paid out only in warrants on the city treasury issued by the director of finance.

The director of finance shall examine all payrolls, bills, and other claims and demands against the city, and shall issue no warrant for payment until he or she finds that the claim is in proper form, correctly computed, duly certified, and legally due and payable.

The director of finance may require any claimant to make oath to the validity of his or her claim, may investigate any claim, and for such purpose or purposes may examine witnesses under oath.

**Section 13. Bonds of officers.** The city council shall require a bond with sufficient surety or sureties, satisfactory to the city council, from all persons trusted with the collection, custody, or disbursement of any of the public moneys; and may require such bond from such other officials as it may deem advisable; the premium charges for said bonds to be paid by the City.

**Section 14. Collection and custody of city moneys.** All moneys received by any officer, employee, or agent of the city belonging to the city, or for or in connection with the business of the city, shall forthwith be paid by the officer, employee, or agent receiving the same into the city treasury, and shall then be deposited by the director of finance with some responsible banking institution or institutions to be chosen by said city council. All interest from all deposits of money belonging to the city shall accrue to the benefit of the City.

**Section 15. Cumulative reserve fund.** A cumulative reserve fund is hereby authorized for the purpose of enabling the city to pay losses incurred under deductible insurance policies. Such fund shall be derived from contributions from other accounts within the general and other operating funds which shall be appropriated annually. The City council may appropriate additional sums to such fund and shall, in the annual appropriation resolve, include provisions for payment out of such cumulative reserve fund all losses which may occur during the next fiscal year. Such cumulative reserve fund shall be a permanent fund to be used for the purposes herein set forth, and no other, and shall continue from year to year, its surplus not reverting to the general fund surplus at the end of any fiscal year. Said fund shall be kept, held, and administered as provided by the Revised Statutes for other reserve funds of municipalities.

Article VII §16 is new. It requires voter approval of certain bond issues.

Portland's method of paying debt was considered because of financial concerns brought to the attention of the public by the efforts of the Portland Taxpayers' Association. The Commission was also aware of the many different ways new financial obligations of municipalities are being created.

The Portland Taxpayers' Association brought out over 6,000 Portland citizens who believed they should be consulted whenever the City obligates itself to make sizable future payments. The Commission agreed and the question to be voted on mandates citizen approval of the creation of certain indebtedness.

The Portland Taxpayers' Association proposed a figure of \$500,000.00 as the point beyond which citizen approval should be sought. The Commission believes that that figure is too low and has recommended \$900,000.00, or five one-hundredths of one per cent of the state valuation of Portland's property as being more practical and less cumbersome on the City's normal operations. This limitation applies to general obligations which are completely dependent on tax revenues for their payment. The Commission went further, however, and considered the implications of other forms of indebtedness which were likely to be created for capital projects in the future, such as large purchases, like computers, or for building parking garages. The measure of the size of those kinds of projects will require adding together principal and interest over the life of the debt, instead of considering just principal as in the case of general obligations securities. Therefore a limit half again as high as that imposed on general obligations securities was established. That amount is \$1,350,000.00 or seven and one-half one-hundredths percent of the state's valuation. Neither of these referendum requirements is applicable to refunding of securities, projects for streets, sidewalks or sewers or for declared emergencies.

One further change is recommended, but only if the voters should approve the proposals discussed above. The Commission concluded that with citizen ratification of large future indebtedness assured, the present requirement that bonded indebtedness be paid off in equal amounts of principal could be safely removed. That would allow principal repayments to more nearly represent income (received from self liquidating projects) which tends to increase substantially over their useful life.

If less than 10 percent of the registered voters of the city should cast votes either for or against any financial undertaking requiring voter referendum, however, then such an undertaking shall be deemed to have been approved. The Commission's reason for the 10 percent requirement was that if so few voters should be interested in a particular project, than the vote of the city council should be deemed to be approved because the question obviously was not one of substantial voter interest.



Section 16. Voter Referendum Required for Certain City Council Actions.

(a) The city council shall submit the following to voter referendum:

1. Orders or resolves authorizing the issuance of general obligation securities of the city in a principal amount greater than the larger of \$900,000 or five one-hundredths of one percent of the last certified state valuation of the city for a single capital improvement or item of capital equipment; or

2. Orders or resolves directly or indirectly obligating the city to expend, over a term greater than one municipal year, municipal tax funds in excess of an amount greater than the larger of \$1,350,000 or seven and one-half one-hundredths of one percent of the last certified state valuation of the city for a single capital improvement or item of capital equipment.

(b) The provisions of this section shall not be applicable to any order or resolve authorizing (i) the refunding of any securities or other obligations of the City; (ii) the issuance of general obligation securities, or other direct or indirect obligations, of the city for streets, sidewalks, or storm or sanitary sewers; or (iii) any construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other declared emergency. For purposes of this section, the city council may by vote of seven (7) of its members adopt emergency orders or resolves authorizing construction or financing of improvements or equipment needed as a result of fire, flood, disaster or other emergency and such orders or resolves shall contain a section in which the emergency is set forth and defined; provided, however, that the declaration of such emergency by the city council shall be conclusive.

(c) Any order or resolve described in subsection (a) of this section shall be approved by separate action of the city council.

(d) No order or resolve described in subparagraph (a) of this section, not excepted by subparagraph (b), shall become effective until approved by a majority of voters voting at a regular or special municipal election. In the event that the total number of votes cast for and against the question for the referred order or resolve should be less than ten percent (10%) of the registered voters of the city, then such order or resolve shall be deemed to be approved and effective.

(e) The form of the ballot question for the referred order or resolve shall be substantially as follows:

"Shall the order or resolve entitled '\_\_\_\_\_', be approved?"

Article VIII §1 has been amended to reflect recommendations of the 1977 Charter Commission concerning the type of activity which would constitute a conflict and to eliminate the "free pass" provision of the existing section. See comment on technical amendments appearing on page 2E.

## ARTICLE VIII

### Miscellaneous Provisions

Section 1. No personal interest. No member of the city council or school committee or board or commission thereof and no officer or employee of the city or school department ~~no city manager, no member of the city council, no subordinate city officer, no member of any board or commission charged with the expenditure of any money appropriated by the city council or belonging to the city, no officer or employee of the city, elected or appointed,~~ shall:

(a) Have a substantial financial interest, direct or indirect ~~be interested, directly or indirectly,~~ in any contract entered into by or ~~in~~ on behalf of the City of Portland or the school committee, except his or her employment contract, or in the sale to or by the city or school department of any land, materials, supplies or services ~~for work or material, or the purchase thereof, to be furnished or to be performed for the city,~~ when such officer, employee or member exercises on behalf of the city or school department any function or responsibility with respect to such contract or sale. ~~and~~ All contracts or sales made in violation hereof are void, and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such transaction contract.

(b) Purchase or accept anything from the city or school department, other than those items or services which are offered to the public generally, and then only upon the same terms and under the same procedures offered to and used for the general public. This shall not include those items or services which are received as compensation, or as a part of such person's employment contract, or which are necessary for the performance of such person's duties.

(c) ~~No such officer or employee, except a policeman or fireman,~~ shall accept or receive from any person, firm, or corporation acting under a franchise, contract, or license from the city or school department, any ~~frank, free pass, free ticket, or free service, or accept, directly or indirectly, from any such person, firm, or corporation any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise, or ordinance.~~

Section 2. Ordinances, rules, and regulations continued. All ordinances in force at the time that this charter takes effect, not inconsistent with this charter, shall continue in force until amended or repealed. All rules and regulations of the municipal officers, or of any office of the City of Portland in force at the time that this charter takes effect, not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

Article VIII §4 has been amended to clarify the summons-subpoena power presently existing in the Charter and to provide that failure to obey either a summons or subpoena will subject the offender to contempt.

Article VIII §5, as it exists in the present Charter, has been deleted as a result of the change in §4.

A new Article VIII §5 has been added to preserve certain rights granted to the City by special acts of the legislature such as, but not limited to, the act establishing the Portland High School Athletic Field Commission.

Article VIII §6 has been deleted because the effective date of Charter revisions is now established by 30 M.R.S.A. §1915(4).

The above modifications constitute technical amendments. See comment on page 2E.

Section 3. Continuity of actions. All rights, actions, proceedings, prosecutions and contracts of the city or any of its departments, pending or unexecuted when this charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed in all respects as though begun or executed hereunder.

Section 4. Summons before city council and civil service commission. The clerks of the supreme judicial and superior courts may issue summonses or subpoenas for witnesses to attend and to produce books, documents, and papers at any meeting of the city council or of the civil service commission of the City of Portland at which a hearing is had in any matter regarding any alleged dereliction, which summonses shall be served as summonses are required to be served in matters before the supreme judicial or superior courts. Failure to obey a summons or subpoena shall be punished by the appropriate court in the same manner as contempt is punished under the general law.

Section 5. - Failure to obey summons. - On complaint of failure to obey summons to the municipal court of the City of Portland, which court is expressly given jurisdiction to hear such complaints, said municipal court, if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than ten (\$10) nor more than one hundred dollars (\$100) or by imprisonment for not more than thirty (30) days, or both fine and imprisonment. Appeal from such conviction may be had to the Superior Court as provided in Revised Statutes, Chapter 146, Section 22, as amended.

Section 5. Effect of Private and Special Laws. Private and special laws which apply to the City of Portland in effect on November 4, 1986 shall continue in force until amended or repealed.

Section 6. - Effective date. - This charter shall take effect immediately upon its enactment and all acts or parts of acts inconsistent with the provisions contained herein are hereby repealed.

The following Appendices contain language intended to advise the voters of how the proposed modifications would be integrated into the revised Charter depending upon the voters' acceptance or rejection of the several questions to be submitted to them.

#### Appendix A

##### City-wide Election of Councilors and School Committee Members

The provisions of Appendix A would become effective if the voters approve both ballot question 1 (technical amendments) and also ballot question 3 (city-wide election of officials).

Comment. The Charter Commission voted to submit, as a separate question from the other changes recommended by it, the issue of whether the city should return to the former practice of electing all the members of both the city council and the school committee, including those representing particular districts, by the registered voters of the entire city.

If that change were adopted, provisions in Articles II, III, and IV would have to be amended. The changes which would be required are set forth in these Appendices.

##### City Council

Article II, §2. Composition, election, tenure of office, salary compensation. The city council shall be composed of nine (9) members, who shall hold office for a term of three (3) years and until their successors are elected and qualified. ~~Four (4) shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for from and by the registered voters of each district.~~ Each councilor shall be elected by the registered voters of the entire city: four (4) shall be nominated at large, and five (5) shall be nominated from each of the five (5) districts in which they reside and which they seek to represent.

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which the nomination papers are to be filed. ~~Each member shall be entitled to receive a salary, payable quarterly, for all services rendered, and shall not be eligible during the term for which he or she was~~

~~electd-for-any-other-office,-the-salary-of-which-is-payable-by-the-city-or-school-department,-nor-to-hold-the-office-of-city-manager,-nor-to-act-as-city-manager,-nor-shall-he-or-she-during-such-term-hold-any-such-office. The city council shall by order establish the amount each member shall be entitled to receive as salary compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their salary compensation shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance. No member shall hold any office or employment the compensation of which is payable by the city or school department during the term for which he or she was elected.~~

### School Committee

Article III, §1. Composition, election, tenure of office; compensation. The school committee shall be composed of nine (9) members who shall hold office except as hereinafter provided, for a term of three (3) years and until their successors are elected and qualified. Each member of the school committee shall be elected by the registered voters of the entire city: ~~four (4) shall be nominated at large, and five (5) shall be nominated from each of the five (5) districts in which they reside and which they seek to represent. Four (4) shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for in Section 1 of Article II from and by the registered voters of each such district. Except as might otherwise be provided in this charter, it is the intent of this amendment that the terms of those school committee members in office on the first day of January, 1977, shall continue in such office until said terms would normally have expired and until their successors are elected and qualified. At the regular municipal election in 1977, five (5) members of the school committee shall be elected; three (3) members shall be elected at large, the member elect who shall receive the largest number of votes cast shall hold office for three (3) years, the member elect who shall receive the second largest number of votes cast shall hold office for two (2) years, and the member elect who shall receive the third largest number of votes cast shall hold office for one (1) year; one school committee member shall be elected from district 4, and one school committee member shall be elected from district 5. At the regular municipal election of 1979, three (3) members shall be elected at large; one school committee member shall be elected from district 1 and one school committee member shall be elected from district 2. At the regular municipal election of 1980, three (3) members shall be elected; two school committee members shall be elected at large, and one school committee member shall be elected from district 3.~~

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period

of at least three (3) months prior to the date on or before which nomination papers are to filed.

The city council shall by order establish the amount each member of the school committee shall be entitled to receive as compensation for all services rendered.

### Elections

Article IV, §4. Nominations. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for ~~at-large~~ councilman or ~~at-large~~ school committee member shall be signed by not less than three hundred (300) nor more than five hundred (500) qualified voters of the city, except that the petition of a candidate for a district council seat or a candidate for a district school committee seat shall be signed by not less than seventy-five (75) nor more than one hundred fifty (150) qualified voters of the respective district. In the case of an election of wardens and ward clerks, the candidate's nomination petition ~~The petition of candidates for warden and ward clerk shall~~ be signed by not less than twenty-five (25) nor more than one hundred (100) qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than one (1) candidate for each office to be filled at the election and should any voter sign more than one (1) such petition, his or her signature shall be counted only upon the first petition filed and shall be held void upon all other petitions.



## Appendix B

### City-wide Election of Councilors and School Committee Members

The provisions of Appendix B would become effective if the voters fail to approve ballot question 1 (technical amendments) but approve ballot question 3 (city-wide election of officials).

#### City Council

Article II, §2. Composition, election, tenure of office, salary.  
The city council shall be composed of nine (9) members, who shall hold office for a term of three (3) years and until their successors are elected and qualified. ~~Four (4) shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for from and by the registered voters of each district.~~ Each of the councilors shall be elected by the registered voters of the entire city: four (4) shall be nominated at large and five (5) shall be nominated from each of the five (5) districts heretofore provided in which they reside and which they seek to represent.

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which the nomination papers are to be filed. Each member shall be entitled to receive a salary, payable quarterly, for all services rendered, and shall not be eligible during the term for which he or she was elected for any other office, the salary of which is payable by the city or school department, nor to hold the office of city manager, nor to act as city manager, nor shall he or she during such term hold any such office. The city council shall by order establish the amount each member shall be entitled to receive as salary for all services rendered, but no such order increasing their salary shall take effect during the then current municipal year.

#### School Committee

Article III, §1. Composition, election, tenure of office; salary.  
The school committee shall be composed of nine (9) members who shall hold office except as hereinafter provided, for a term of three (3) years and until their successors are elected and qualified. Each member of the school committee shall be elected by the registered voters of the entire city: four (4) shall be nominated at large and

five (5) shall be nominated from each of the five (5) districts in which they reside and which they seek to represent. ~~Each member of the school committee shall be elected by the registered voters of the entire city; four (4) shall be elected at large, and five (5) shall be elected from each of the five (5) district heretofore provided in Section 1 of Article III; from and by the registered voters of each such district.~~ Except as might otherwise be provided in this charter, it is the intent of this amendment that the terms of those school committee members in office on the first day of January, 1977, shall continue such office until said terms would normally have expired and until their successors are elected and qualified. At the regular municipal election in 1977, five (5) members of the school committee shall be elected; three (3) members shall be elected at large, the member-elect who shall receive the largest number of votes cast shall hold office for three (3) years, the member-elect who shall receive the second largest number of votes cast shall hold office for two (2) years, and the member-elect who shall receive the third largest number of votes cast shall hold office for one (1) year; one school committee member shall be elected from district 4, and one school committee member shall be elected from district 5. At the regular municipal election of 1979, three (3) members shall be elected; one school committee member shall be elected at large; one school committee member shall be elected from district 1, and one school committee member shall be elected from district 2. At the regular municipal election of 1980, three (3) members shall be elected; two school committee members shall be elected at large; and one school committee member shall be elected from district 3.

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed.

The city council shall by order establish the amount each member of the school committee shall be entitled to receive as salary for all services rendered.

### Elections

Article IV, §4. Nominations. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for ~~at-large~~ councilman or ~~at-large~~ school committee member shall be signed by not less than three hundred (300) nor more than five hundred (500) qualified voters of the city. The petition of a candidate for a district council seat or a candidate for a district school committee seat shall be signed by not less than seventy-five (75) nor more than one hundred fifty (150) qualified voters of the respective district. In the case of an election of

wardens and ward clerks, the candidate's nomination petition ~~The~~  
~~petition of candidates for warden and ward clerk~~ shall be signed by  
not less than twenty-five (25) nor more than one hundred (100)  
qualified voters of the ward wherein the candidate is to be elected.  
No voter shall sign petitions for more than one candidate for each  
office to be filled at the election and should any voter sign more  
than one such petition, his or her signature shall be counted only  
upon the first petition filed and shall be held void upon all other  
petitions.

## APPENDIX C

### RECALL

The provisions of Appendix C Section 1 would replace the present Article V if the voters approve ballot question 2 (Recall) and do not approve ballot question 3 (Election of all councilors and school committee members city-wide.)

#### Recall

**Section 1. Applicability.** Any member of either the city council or the school committee may be recalled and removed from office by the qualified voters of the City of Portland, as hereinafter provided, except that this provision shall not apply to a member of either body who has one year or less to serve in his or her term.

**Section 2. Petition for recall.** In the case of either a district councilor or a district school committee member, any 100 qualified voters of the respective district may affirm and file with the city clerk an affidavit containing the name or names of the member or members whose removal is sought, together with a statement of the reasons why such removal is desired.

In the case of either an at-large councilor or an at-large member of the school committee, any 500 qualified voters of the City may affirm and file with the city clerk an affidavit containing the name or names of the member or members whose removal is sought, together with a statement of the reasons why such removal is desired.

Upon receipt of such an affidavit, the city clerk shall prepare a sufficient number of petitions which shall be addressed to the city council, and contain the signature of the city clerk, his or her official seal, the date, and the name or names of the person or persons whose removal is sought. In addition, the affidavit and statement of reasons for removal referred to above shall either be printed on such petitions or attached thereto.

The city clerk shall file the completed petitions in his or her office. During the thirty (30) days following their filing, the city clerk shall arrange to have petitions, noting that removal is being sought as well as the reasons therefor, available for signature both at City Hall and also at public places as indicated below. Notice of the location of the public places where petitions may be signed shall be given by publication at least 48 hours in advance

and such notice shall contain the specific location of such public place or places, the dates it or they will be open, and the times during which petitions may be signed. In the case of either a district councilor or a district school committee member, the city clerk shall select one site outside of City Hall, but within the district of the member whose removal is sought, and such location shall be open for four (4) days between the hours of noon and 8:00 p.m. In the case of an at-large councilor or an at-large member of the school committee, the city clerk shall select four (4) sites outside of City Hall and such locations shall be open for four (4) days each between the hours of noon and 8:00 p.m.

The city clerk shall designate election clerks to supervise each such site. Election clerks shall be residents of Portland and at least 18 years of age. They shall be sworn to the faithful performance of their duties by the city clerk. Each qualified voter who signs a petition shall include his place of residence, providing either the street and number or a description sufficient to identify the place.

To mandate a vote, the recall petition in the case of either a district councilor or a district school committee member must be signed by at least 600 qualified voters; in the case of either an at-large councilor or an at-large member of the school committee, the recall petitions must be signed by at least 3,000 qualified voters.

**Section 3. Verification of recall petition.** At the expiration of the thirty (30) day period for signing petitions described in §2, the city clerk shall declare the petition closed; and, within ten (10) days thereafter, shall ascertain whether or not the petitions have been signed by the requisite number of qualified voters. The city clerk shall attach his or her certificate, showing the results of such examination, to the petitions.

If the clerk's certificate should show that the petitions are insufficient, he or she shall advise both the city council and also the person or persons whose removal was sought of that fact. A finding of insufficiency shall not prejudice the filing of a new petition for the same purpose, except that such new petition shall not be filed within twelve (12) months from the date of the receipt of the clerk's certificate by the city council.

**Section 4. Calling of recall election.** If the clerk's certificate should show that the petitions are sufficient, he or she shall submit them, together with the clerk's certification, to the city council at its next regular meeting following certification, and shall also notify the person or persons whose removal is sought. The city council shall, within ten (10) days of receipt of the clerk's certificate order an election to be held not less than forty-five (45) nor more than ninety (90) days thereafter; except that, if a regular municipal election should occur within ninety (90) days after receipt of the certificate, the city council may, in its discretion, schedule the recall election for the same date as the regular municipal election. The recall election shall be called and held as other elections under this charter, except for the specific limitations imposed by this article.

**Section 5. Form of ballot.** Unless the member or members whose removal is sought shall have resigned within ten (10) days after the receipt by the city council or the clerk's certificate, the form of the question to be submitted to the voters shall, as nearly as possible, be: "Shall (name of official and his or her title) be recalled?"

**Section 6. Count of ballots.** In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he or she shall be thereby removed, and, in that event, the candidate to succeed such person for the balance of the unexpired term shall be determined as provided for in the case of a vacancy in the office.

If a majority of those voting should decline to recall a particular official, then no proceedings, seeking the recall of that same official, shall be initiated under this Article within twelve months from the date of the election in which his or her recall was sought.

**Section 7. Election may be ordered.** If a member of either the city council or school committee who is recalled should either request a recount or dispute the election as permitted by law, then that member shall remain in office until the recount or dispute has been finally determined; and the provisions of Article II, §4 and Article III, §5, relating to vacancies in the city council or school committee, shall be stayed.

## **APPENDIX D**

### **Technical Changes**

The Provisions of Appendix D would become effective if the voters approve only ballot question 1 (technical amendments)

## ARTICLE I

[No change]

## ARTICLE II

### City Council

Section 1. City to be divided into election districts. For the purpose of all elections, the city, including its islands, shall be divided into five (5) districts. Each of said five (5) districts shall contain and be coterminous with two (2) of the Maine House of Representatives legislative districts established pursuant to Article IV, Part First, Sections 2 and 3 of the Constitution of Maine as follows: election district one shall consist of state Representative Districts 21-1 and 21-2; election district two shall consist of state Representative Districts 21-3 and 21-5; election district three shall consist of state Representative Districts 21-4 and 21-6; election district four shall consist of state Representative Districts 21-7 and 21-8; and election district five shall consist of state Representative Districts 21-9 and 21-10.

Each district city councilor and district school committee member in office on July 1, 1978, elected prior to that date from an election district shall represent the election district of the same numerical designation as constituted on July 1, 1978, except that the district city councilor elected by and from election district six as the same existed prior to July 1, 1978, shall represent the city at large.

If for any reason the state Representative Districts are increased or decreased in number from 10 or if the total area of said districts fails to equal the area of the city, the city council shall by ordinance make such adjustments in city election district boundaries as may be necessary to establish compact and contiguous districts of approximately equal population.

In the event of any redistricting of the city as herein provided, each district city councilor and district school committee member then in office shall continue to serve until a successor is duly elected and qualified, notwithstanding that such redistricting has caused such district councilor or district school committee members to reside in a district other than that from which such person was elected. Each district councilor and district school committee member in office on the effective date of any such redistricting shall be deemed to represent the newly constituted district of the same numerical designation as that formerly represented.

The city council, for voting purposes, may by ordinance divide said election districts into voting districts.



**Section 2. Composition, election, tenure of office, salary compensation.** The city council shall be composed of nine (9) members, who shall hold office for a term of three (3) years and until their successors are elected and qualified. Four (4) shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for from and by the registered voters of each district.

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which the nomination papers are to be filed. ~~Each member shall be entitled to receive a salary, payable quarterly, for all services rendered, and shall not be eligible during the term for which he or she was elected for any other office, the salary of which is payable by the city or school department, nor to hold the office of city manager, nor to act as city manager, nor shall he or she during such term hold any such office.~~ The city council shall by order establish the amount each member shall be entitled to receive as salary compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their salary compensation shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance. ~~No member shall hold any office or employment the compensation of which is payable by the city or school department during the term for which he or she was elected.~~

**Section 3. Chairman.** [No change]

**Section 4. Vacancies.** A vacancy in the membership of the city council shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member, pursuant to the provisions of Article V. ~~The council shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the city council, or at least sixty (60%) percent of the regular meetings of the city council held in any one calendar year unless said member shall be excused (by vote of at least four (4) other members) for health reasons or other good cause.~~

~~The council shall declare a vacancy in its membership to exist upon the qualification of any member for any city or school department office, or the acceptance of any employment with the city or school department, the compensation for which is payable by the city or school department.~~

A member may in writing addressed to the council resign his or her office effective at a future date specified in said written resignation. Once submitted to the council, said resignation may not be withdrawn, and said member's office shall become vacant on said specified future date.

If a vacancy in the membership of the city council occurs or is declared more than six (6) months prior to the next regular municipal election, the vacancy shall be filled by a special election to take place not less than forty-five (45) nor more than ~~sixty (60)~~ ninety (90) days after the date of such occurrence or declaration, ~~the warrant for which shall upon vote of the city council be issued by a member of the city council by vote designated for that duty.~~ Such election shall be called and held and nominations made as in other elections.

**Section 5. Meetings of the council.** The city council shall meet at the usual place for holding meetings on the first Monday in June following the regular municipal election, or as soon thereafter as possible, and at said meeting the councilmen ~~or elect~~ shall be sworn to the faithful discharge of their duties by a justice of the peace, or by the city clerk. The city council shall at such meeting ~~or as soon thereafter as possible,~~ establish by resolution a regular place and time for holding its meetings, and shall meet regularly at least twice each month.

**Section 6. Special Meetings** [No changes]

**Section 7. Quorum.** [No changes]

**Section 8. Procedure.** [No changes]

### **ARTICLE III**

#### **School Committee**

**Section 1. Composition, election, tenure of office; compensation.** The school committee shall be composed of nine (9) members who shall hold office except as hereinafter provided, for a term of three (3) years and until their successors are elected and qualified. Four (4) shall be elected at large from and by the registered voters of the entire city, and one (1) shall be elected from each of the five (5) districts heretofore provided for in Section 1 of Article II from and by the registered voters of each such district. ~~Except as might otherwise be provided in this charter, it is the intent of this amendment that the terms of those school committee members in office on the first day of January, 1977, shall continue in such office until said terms would normally have expired and until their successors are elected and qualified. At the regular municipal election in 1977, five (5) members of the school committee shall be elected; three (3) members shall be elected at large, the~~

~~member-elect who shall receive the largest number of votes cast shall hold office for three (3) years; the member-elect who shall receive the second largest number of votes cast shall hold office for two (2) years; and the member-elect who shall receive the third largest number of votes cast shall hold office for one year; one school committee member shall be elected from district 4; and one school committee member shall be elected from district 5. At the regular municipal election of 1979, three (3) members shall be elected; one school committee member shall be elected at large; one school committee member shall be elected from district 1 and one school committee member shall be elected from district 2. At the regular municipal election of 1980, three (3) members shall be elected; two school committee members shall be elected at large; and one school committee member shall be elected from district 3.~~

All candidates must be residents of the city for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed. The candidate from each of the five (5) districts must be a resident of such district for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed.

The city council shall by order establish the amount each member of the school committee shall be entitled to receive as compensation for all services rendered.

Section 2. Chairman. [No change]

Section 3. Organization. [No change]

Section 4. Powers and duties. [No changes]

Section 5. Vacancies. A vacancy in the membership of the school committee shall occur upon the happening of the following: (1) the death of a member; (2) the effective date of the resignation of a member; (3) the removal of a member from the district from which he or she was elected; (4) the removal of a member from the city; (5) the conviction of a member of a felony while in office; or (6) the recall of a member, pursuant to the provision of Article V. The school committee shall declare a vacancy in its membership to exist upon the failure of a member to attend any six (6) consecutive regular meetings of the school committee or at least sixty percent (60%) of the regular meetings of the school committee held in any one calendar year unless said member shall be excused (by a vote of at least four (4) of the members) for health reasons or other good cause. A member may in writing addressed to the school committee resign his office effective at a future date specified in said written resignation. Once submitted to the school committee, said resignation may not be withdrawn and said member's office shall become vacant on said specified future date.

If a vacancy in the membership of the school committee occurs or is declared more than six (6) months prior to the next regular municipal election, the vacancy shall be filled by a special election to take place not less than forty-five (45) nor more than ~~sixty-(60)-~~ ninety (90) days after the date of such occurrence or declaration, ~~the warrant~~ for which shall upon vote by the city council be issued by a member of the city council by vote designated for that duty. Such election shall be called and held and nominations made as in other elections.

## ARTICLE IV

### Elections

Section 1. Continuity in office. In the event redistricting of the city ~~as herein provided~~ shall cause a then council member or school committee member to reside in a district other than that from which such person was elected, the office of such member shall not thereby be considered vacated but such member shall continue in office until a successor is duly elected and qualified. Each district councilor and district school committee member in office on the effective date of any such redistricting shall be deemed to represent the newly constituted district of the same numerical designation as that formerly represented and shall continue to serve in that capacity until expiration of his or her term.

Section 2. Regular municipal election. On the first Tuesday in May, 1979, ~~and every first Tuesday in May~~ of each year thereafter, the regular municipal election shall be held and the registered voters of the city or district, as the case may be, shall ballot for such councilors and for such members of the school committee as may be necessary to fill the offices of those whose terms would then normally expire and fill any existing vacancy in an unexpired term of office. ~~The terms of office of those city councilors, school committee members, and wardens and clerks in office on the first day of July, 1978, shall expire on the first Monday in June following the December in which they normally would have expired except for the election date charter amendment adopted herein. At the regular municipal election to be held in 1977, the qualified voters of each voting district shall ballot for a warden and a clerk, and thereafter each year the qualified voters of the respective voting districts shall ballot for a warden or a clerk to fill the unexpired term of any warden or clerk whose office is then vacant and whose term would not then have normally expired and for such wardens or clerks as may be necessary to fill the office of those whose term would then expire.~~

Section 3. Wardens and ward clerks. qualifications, powers, duties, vacancies, calling of ward meetings. The wardens and clerks chosen ~~as provided above~~, shall be and remain residents of the voting district for which they are elected qualify and hold their office for three years from the first Monday in June following their election qualification and until others have been chosen and qualified in their stead, except that the wardens and clerks chosen for voting districts from which council members will next be elected in the 1979 and 1980 regular municipal elections shall so serve for terms to coincide with their respective incumbent district councilors. ~~Thereafter wardens and clerks shall serve for terms of three years.~~ The warden and the ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath shall be entered by the clerk on the records of said ward. ~~The warden~~

~~shall preside at all ward meetings, with the powers of moderators of town meetings, and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside until a warden pro tempore shall be chosen. -- Such warden shall have all rights and powers now held by the warden of such ward. If neither the warden or the ward clerk shall be present, any legal voter in the ward may preside until a ward clerk pro tempore shall be chosen and qualified. -- Immediately following the election of a ward clerk pro tempore, a warden pro tempore shall be chosen.~~

~~The ward clerk shall record all the proceedings and certify the votes given and deliver over to his or her successor in office all such records and journals in his or her possession or under his or her control, together with all documents and papers held by him or her in his or her capacity as ward clerk. The ward clerk shall have and perform all rights and duties now held and performed by the ward clerk of such ward so far as consistent with this charter.~~

~~All ward meetings shall be notified and called by the city council in the manner provided by the statutes of this state for notifying and calling town meetings by the selectmen of the several towns.~~

Section 4. Nominations. The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for at-large councilman or at-large school committeemember shall be signed by not less than three hundred (300) nor more than five hundred (500) qualified voters of the city. The petition of a candidate for a district council seat or a candidate for a district school committee seat shall be signed by not less than seventy-five (75) nor more than one hundred fifty (150) qualified voters of the respective district. In the case of an election of wardens and ward clerks, the candidate's nomination petition ~~The petition of candidates for warden and ward clerk shall~~ be signed by not less than twenty-five (25) nor more than one hundred (100) qualified voters of the ward wherein the candidate is to be elected. No voter shall sign petitions for more than one (1) candidate for each office to be filled at the election and should any voter sign more than one (1) such petition, his or her signature shall be counted only upon the first petition filed and shall be held void upon all other petitions.

Section 5. Form of nomination petition. [No change]

Section 6. Filing of nomination petitions, and acceptance of nomination. The nomination petitions for any one (1) candidate must be assembled and united into one (1) petition and filed with the city clerk during normal business hours not earlier than ~~forty-two (42)~~ ~~forty-nine (49)~~ ~~days~~ nor later than ~~twenty-eight (28)~~ ~~days~~ ~~thirty-five (35) days~~ before the date of election. No nomination shall be valid unless the candidate shall file with the city clerk

in writing at the time of filing of said nomination petitions his or her consent accepting nomination, agreeing not to withdraw, and if elected, to qualify. Such nomination petitions and consent, once filed, may not be withdrawn. Any challenge to a nomination petition must be submitted to the city clerk in writing, setting forth the specific reasons for the objection, no later than five (5) days, excluding Saturdays, Sundays, and legal holidays, from its date of filing, or it is barred. No person shall be nominated, nor shall any person consent to being nominated, at the same election for any other elective office provided for by this charter, and no person shall simultaneously hold more than one (1) elective office provided for by this charter.

**Section 7. Form of ballot.** All official ballots for use in all municipal elections shall be prepared by the city clerk and furnished by the city. Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence, and the office for which they are candidates. The candidates for each office shall be grouped under the title of each office, plainly and distinctly marked. There shall be ~~at least two~~ (2) as many blank lines spaces under the name of each office which ~~may be filled by writing in the name of the candidate. Stickers may be used in lieu of writing in a name of a candidate, but~~ as there are vacancies to be filled. These spaces may be used by a voter to write or paste in the name of any person for whom the voter desires to vote. No sticker shall be used ~~save~~ except in the blank spaces provided. Such ballots shall also contain such measures as may be submitted to the voters of the city by the legislature or by the city council and shall be without party mark or designation.

In preparing all ballots for election under this charter, the city clerk shall arrange the names of all qualified candidates for each office in alphabetical order according to surnames.

The face of the ballot shall be substantially in the following form:

CITY OF PORTLAND  
REGULAR (OR SPECIAL) MUNICIPAL ELECTION  
OFFICIAL BALLOT

~~Candidates for office in the City of Portland at an election held on the --- day of -----, A.D. 19--.~~

~~To vote for any person, make a cross (X) or a check mark (✓) the square at the right of the name voted for.~~

~~To vote for a person whose name is not on the ballot, write in the name or use a sticker in the blank space, and mark a cross (X) or a check mark (✓) at the right of the name voted for.~~

~~-----COUNCILMAN~~

~~(-) to be chosen ----- Mark (-) cross or check mark  
Vote for (-) ----- (-) in this column -----  
Name of candidate  
and residence -----~~

~~SCHOOL-COMMITTEEMAN~~

~~(-) to be chosen ----- Mark (X) cross or check mark  
Vote for (-) ----- (-) in this column -----  
Name of candidate  
and residence -----~~

~~WARDEN~~

~~1 to be chosen ----- Mark (X) cross or check mark  
Vote for 1 ----- (-) in this column -----  
Name of candidate  
and residence -----~~

~~WARD-CLERK~~

~~1 to be chosen ----- Mark (X) cross or check mark  
Vote for 1 ----- (-) in this column -----  
Name of candidate  
and residence -----~~

Portland, Maine  
Monday, ----- A.D. 19 --

Official Ballot  
Ward -----  
(Facsimile of signature)  
City Clerk

CITY OF PORTLAND  
REGULAR (OR SPECIAL) MUNICIPAL ELECTION  
OFFICIAL BALLOT

Candidates for office in the City of Portland at an election held  
on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_\_.

To vote for any person, make a cross (X) or a check mark ( ) in  
the square at the left of the name of the candidate for whom you wish  
to vote.

To vote for a person whose name is not on the ballot, either  
write in the name or use a sticker in the appropriate blank space,  
and mark a cross (X) or a check mark ( ) in the square at the left of  
the name of the write-in candidate.

COUNCILOR



Vote for (     ).

(Name of candidate and residence)

[ ]

[ ]

SCHOOL COMMITTEE MEMBER

Vote for (     ).

(Name of candidate and residence)

[ ]

[ ]

WARDEN

Vote for (     ).

(Name of candidate and residence)

[ ]

[ ]

WARD CLERK

Vote for (     ).

(Name of candidate and residence)

[ ]

[ ]

Portland, Maine

\_\_\_\_\_ A.D. 19 \_\_\_\_\_.

Official Ballot  
Ward \_\_\_\_\_  
(Facsimile of signature)  
City Clerk

Section 8. Specimen ballots. [No change]

Section 9. Count of ballots. [No change]

Section 10. Canvass of returns. [No change]

Section 11. State laws applicable. [No change]

## ARTICLE V

### Recall

[No change]

## ARTICLE VI

### Administrative Officers

#### Section 1. Appointments.

(a) The following officers and boards shall be appointed ~~by ballot~~ by vote of five (5) members of the city council: city manager, city clerk, corporation counsel, and two members of the Board of Registration under the statutes of the State of Maine, and they may appoint not more than twenty (20) constables at large.

(b) All department heads shall be appointed by the city manager, subject to confirmation by the city council.

(c) All attorneys employed in the corporation counsel's office shall be appointed by the corporation counsel, subject to confirmation by the city council.

~~(c)-(d)~~ (d) All other employees shall be appointed by the city manager upon recommendation of the heads of their department.

Section 2. Organizational powers. The city council shall have power to provide by ordinance for the organization, conduct, and operation of the departments, agencies, offices, and boards of the city, for the creation of additional departments, agencies, offices, and boards and for the division of any such department, agencies, offices, and boards; and for the alteration, abolition, assignment, or reassignment of all such departments, divisions, agencies, offices, and boards; provided, however there shall be a director of finance to perform the functions specified in Article VII of this Charter. The city council shall, by ordinance, designate those department heads responsible for performing duties required by state law.

#### Section 3. Civil Service rules. [No change]

#### Section 4. Compensation and tenure of offices. [No change]

Section 5. Appointment; qualifications, powers, and duties of the city manager. The city manager shall be chosen solely on the basis of character and executive administrative qualifications, and may or may not be a resident of the City of Portland or of the State

of Maine at the time of appointment. Such person shall give bond for the faithful discharge of his or her duties to the City of Portland in such sum as the city council shall determine and direct, and with surety or sureties to be approved by the city council. The premium on said bond shall be paid by the city. Such person shall be the administrative head of the city and shall be responsible to the city council for the administration of all departments. The city manager's powers and duties shall be as follows:

(a) To see that the laws and ordinances are enforced, but shall delegate to the chief of the police department the active duties connected therewith regarding criminal ~~misdemeanor~~ conduct.

(b) To exercise control over all departments, divisions, agencies, offices, and boards created herein or that may be hereafter created.

(c) To make appointments as provided in this charter.

(d) To attend meetings of the city council, except when his or her removal is being considered, and recommend for adoption such measures as he or she may deem expedient.

(e) To keep the city council fully advised as to the business and financial condition and future needs of the city and to furnish the city council with all available facts, figures, and data connected therewith when requested.

(f) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council.

Section 6. Vacancy in office of city manager. [No change]

~~Section-7.- Assessor-of-taxes.- There shall be an assessor of taxes who shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the several towns and cities in the state may exercise, and may now or hereafter be subject to, under the laws of the state.- The assessor may appoint temporary assistant assessors, if the city council so directs, whose duty it shall be to furnish the assessor with all the necessary information relative to persons and property taxable.- The compensation of such assistant assessors shall be fixed by the city council, but such assistant assessors shall hold office during the pleasure of the assessor.-~~

~~Section-8.- Director of public welfare.- The director of public welfare shall be the overseer of the poor and shall have and exercise all powers and perform all the duties conferred or imposed by the law upon overseers of the poor.-~~

~~Section-9.- Director of finance.- The director of finance shall have and exercise all powers and perform all the duties conferred or imposed by law upon treasurers and collectors of taxes.-~~

~~Section 10. -- Purchasing agent. -- The purchasing agent shall purchase all supplies for the City and for the several officers and boards thereof, excepting supplies for the city schools, which school supplies he or she shall purchase only upon requisition by the school committee.~~

~~The purchasing agent shall see to the delivery of supplies to each office and department to whom they belong and take and file receipts therefor. -- The purchasing agent shall conduct all sales of property belonging to the city which are unfit or unnecessary for the city's use, but only after such sale has been authorized by the city council, and subject to such restrictions as the city council may by ordinance provide.~~

**Section 11 7. Duties of administrative officers.** Duties of administrative officers shall be prescribed by the appointive power, but such duties shall not be inconsistent with this charter or any ordinance enacted by the city council as provided herein.

**Section 12 8. Continuity in office.** Any and all officers, department heads, and employees of the City of Portland on the effective date of this charter shall continue in such capacity until a successor is appointed and qualified as provided herein, unless sooner removed by the appointive power as designated herein.

## ARTICLE VII

### Business and Financial Provisions

**Section 1. Accounts and records.** [No change]

**Section 2. Reports.** [No change]

**Section 3. Fiscal year.** The fiscal year of the city shall be ~~the calendar year July 1 through June 30, or such other fiscal year as the city council shall determine.~~

**Section 4. Annual budget.** Not later than two (?) months before the end of the fiscal year, the city manager shall submit to the city council budget estimates for the ensuing fiscal year.

An accurate summary of such budget shall be made available not later than two (?) weeks after its submission to the city council. The city council shall fix a time and place for holding a public hearing upon the city manager's budget, and shall give a not less than ten (10) days' prior public notice of such hearing, which hearing shall be at least ten (10) days before the final passage of the appropriation resolve.

**Section 5.** Budget content. [No change]

**Section 6.** Appropriation Resolve. [No change]

**Section 7.** Surpluses. [No change]

**Section 8.** Borrowing. [No change]

**Section 9.** Bond issues. Money may be borrowed, within the limits fixed by the constitution and statutes of the state, now or hereafter applying to said Portland, by the issue and sale of bonds or notes pledged on the credit of the city, the proceeds to be used for the acquisition of land, the construction, reconstruction, major alteration, extraordinary repairs, and equipment of buildings and other permanent public improvements, the purchase of departmental equipment, and the payment of refunding of bonds, notes, and certificates of indebtedness previously issued. No order providing for the issue of bonds shall be passed without public notice given by posting notice of the same in two (2) public places in the City of Portland, and publishing said notice in at least two (2) daily newspapers published in said Portland at least two (2) weeks before final action of the city council and the approval of seven (7) members of the city council. Every issue of bonds shall be payable within a fixed term of years; if said bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bonds shall not exceed the estimated period of utility of said improvement but the declaration of the city council embodied in the order authorizing the issue shall be conclusive determination of the estimated period of utility thereof; and the term within which all bonds shall be made payable shall in no case exceed thirty (30) years. ~~Bonds issued after the adoption of this charter shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual, serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of \$5,000 with odd amount coming in first or last year; and, (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year.~~ Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of each annual ~~serial~~ installment of the principal and interest, and such amounts shall be included in the ~~tax-levy~~ appropriation for each year until the debt is extinguished.

**Section 10.** Temporary loans. Money may be borrowed in anticipation of receipts from taxes during any fiscal year but the aggregate amount of such loans outstanding at any one (1) time shall not exceed eighty percent (80%) of the revenue received from taxes during the preceding fiscal year. All such loans shall be paid within the year out of the receipts from taxes for the fiscal year in which the loans are made. Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued, in case such bond issue has been authorized; all such loans shall be ~~paid within one (1) year and are~~ subject to the provisions of the laws of

the State of Maine in relation thereto. This section shall not limit in any way the power granted to towns and cities to borrow money as contained in the Revised Statutes of the State of Maine and acts amendatory thereof and additional thereto.

Section 11. Sinking fund. [No change]

Section 12. Payments. [No change]

Section 13. Bonds of officers. [No change]

Section 14. Collection and custody of city moneys. [No change]

Section 15. Cumulative reserve fund. [No change]

## ARTICLE VIII

### **Miscellaneous Provisions**

**Section 1. No personal interest.** No member of the city council or school committee or board or commission thereof and no officer or employee of the city or school department ~~No city Manager, no member of the city council, no subordinate city officer, no member of any board or commission charged with the expenditure of any money appropriated by the city council or belonging to the city, no officer or employee of the city, elected or appointed,~~ shall:

(a) ~~Have a substantial financial interest, direct or indirect be interested, directly or indirectly, in any contract entered into by or in on behalf of the City of Portland or the school committee, except his or her employment contract, or in the sale to or by the city or school department of any land, materials, supplies or services for work or material, or the purchase thereof, to be furnished or to be performed for the city, when such officer, employee or member exercises on behalf of the city or school department any function or responsibility with respect to such contract or sale. and All contracts or sales made in violation hereof are void, and the city treasurer is expressly forbidden to pay any money out of the city treasury on account of any such transaction contract.~~

(b) ~~Purchase or accept anything from the city or school department, other than those items or services which are offered to the public generally, and then only upon the same terms and under the same procedures offered to and used for the general public. This shall not include those items or services which are received as compensation, or as a part of such person's employment contract, or which are necessary for the performance of such person's duties.~~

(c) ~~No such officer or employee, except a policeman or fireman, shall Accept or receive from any person, firm, or corporation acting under a franchise, contract, or license from the city or school department, any frank, free pass, free ticket, or free service, or accept, directly or indirectly, from any such person, firm, or corporation any service upon terms more favorable than those granted to the public generally. This provision shall not apply, however, to any free service now or hereafter provided for by contract, franchise, or ordinance.~~

**Section 2.** Ordinances, rules, and regulations continued. [No change]

**Section 3.** Continuity of actions. [No change]

**Section 4.** Summons before city council and civil service commission. The clerks of the supreme judicial and superior courts may issue summonses or subpoenas for witnesses to attend and to



produce books, documents, and papers at any meeting of the city council or of the civil service commission of the City of Portland at which a hearing is had in any matter regarding any alleged dereliction, which summonses shall be served as summonses are required to be served in matters before the supreme judicial or superior courts. Failure to obey a summons or subpoena shall be punished by the appropriate court in the same manner as contempt is punished under the general law.

~~Section 5. - Failure to obey summons. - On complaint of failure to obey summons to the municipal court of the City of Portland, which court is expressly given jurisdiction to hear such complaints, said municipal court, if it finds failure to obey said summons to be without reasonable excuse, shall impose a fine of not less than ten (\$10) nor more than one hundred dollars (\$100) or by imprisonment for not more than thirty (30) days, or both fine and imprisonment. Appeal from such conviction may be had to the Superior Court as provided in Revised Statutes, Chapter 146, Section 22, as amended.~~

Section 5. Effect of Private and Special Laws. Private and special laws which apply to the City of Portland in effect on November 4, 1986 shall continue in force until amended or repealed.

~~Section 6. - Effective date. - This charter shall take effect immediately upon its enactment and all acts or parts of acts inconsistent with the provisions contained herein are hereby repealed.~~

### PROPOSED BALLOT QUESTION

Question 1: Shall the municipality approve the Charter modifications recommended by the Charter Commission as technical changes which are summarized below?

Summary. The Charter Commission recommended a number of technical corrections to the present Charter. The Commission has used the word "technical" to describe those proposed modifications intended to remove obsolete language from the Charter and to clarify its existing provisions, where such changes were not of such a nature as to constitute a substantial change in the present Charter.

#### Article II - City Council

Section 1 deletes obsolete references. Section 3 allows additional time within which a special election may be held. Section 4 clarifies when a vacancy arises on the council and allows more time within which a special election to fill a vacancy may be held. Sections 2 and 5 contain linguistic changes.

#### Article III - School Committee

Section 1 deletes obsolete references. Section 5 was changed to be consistent with Article II.

#### Article IV - Elections

Section 1 contains linguistic changes and adds language transferred from Article II, Section 1. Sections 2 and 3 delete obsolete references. The duties of wardens and ward clerks are governed by state law and have been omitted. Section 6 allows more

time to file nominating petitions and adds a provision governing challenges to petitions. Section 7 makes stylistic changes in the form of the ballot.

#### Article VI - Administrative Officers

Section 1 will require a public vote on appointment of officials, and provides that attorneys, serving in the office of the corporation counsel be responsible to the corporation counsel rather than the City Manager. Sections 2, 7, 8, and 9 were amended to clarify that the city council may decide by ordinance which officials shall be responsible for performing functions under state law.

#### Article VII - Business and Financial Provisions

Section 4 clarifies that ten (10) days prior notice is required before both the public hearing and also before passage of the appropriation resolve.

#### Article VIII - Miscellaneous Provisions

Section 1 strengthens the conflict of interest provisions. Section 4 clarifies the summons-subpoena power of the city council and the civil service commission. Section 5 now provides that Private and Special Laws relating to the City of Portland shall remain in effect. Section 6 was deleted because the effective date of Charter revisions is established by state law.

**PROPOSED BALLOT QUESTION**

Question 2: Shall the municipality approve the Charter modification recommended by the Charter Commission relating to the recall of councilors and members of the school committee as summarized below?

Summary. The number of voters who can initiate a recall is increased and the places where petitions for recall may be signed are expanded to include several sites outside of City Hall. The form of the ballot is amended to delete a potentially confusing requirement that a voter simultaneously vote to recall an official and also elect his or her successor at the same time.

**PROPOSED BALLOT QUESTION**

Question 3: Shall the municipality approve the Charter modification recommended by the Charter Commission relating to the city-wide election of all members of the city council and school committee, as summarized below?

Summary. This change would permit voters throughout the City to vote in district as well as in at-large elections. (If this question is approved, and question 2 is also approved, the voters will be deemed to have approved those consistent changes in the recall provisions relating to the election of district councilors and school committee members set forth in the Appendices to the Final Report of the Charter Commission.)

The five district councilors, although elected by voters throughout the city, would have to reside in their districts as the incumbents now do.

### PROPOSED BALLOT QUESTION

Question 4: Shall the municipality approve the Charter modification recommended by the Charter Commission which (i) requires voter referenda on capital bond issues as well as other forms of indebtedness above a prescribed limit, with certain exceptions; and (ii) eliminates the present requirement that bonds be repaid in equal annual installments of principal, and as summarized below?

Summary. The Charter Commission has recommended that certain financial undertakings of the city be subject to voter ratification. Under the Commission's proposal two events would require voter review: (1) the issuance of general obligation securities in a principal amount greater than the larger of \$900,000.00 or five one-hundredths of one percent of the last certified state valuation of the city; or (2) other financial undertakings which would obligate the city to expend municipal tax funds in excess of the greater of \$1,350,000.00 or seven and one-half one-hundredths of one percent of the last certified state valuation. The referendum requirements are not applicable to bonds for the refunding of debt, street, sidewalk and sewer projects, or declared emergencies. If less than ten (10%) percent of the registered voters of the city should cast votes for and against any financial undertaking requiring voter referendum,

however, then such an undertaking shall be deemed to have been approved. Several minor changes which are more fully described in the Final Report were also proposed for Article VII.

# CITY OF PORTLAND, MAINE

## CHARTER COMMISSION



CHARLES A. LANE  
General Counsel  
F. PAUL FRINSKO  
Special Counsel

MITCHELL COPE,  
Chairman  
THOMAS H. ALLEN,  
Vice Chairman  
DONALD NICOLL,  
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PAMELA P. PLUMB  
CARLETON G. LANE

July 31, 1986

Mayor Ronald J. Dorler  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Re: Final Report of the Portland Charter Commission

Dear Mayor Dorler:

Pursuant to 30 M.R.S.A. §1913(5) I hereby certify that (i) I am an attorney admitted to the bar of the State of Maine; and (ii) that the charter modifications proposed by the Portland Charter Commission in its Final Report are not in conflict with the Constitution nor general laws.

Very truly yours,

Charles A. Lane, General Counsel  
Portland Charter Commission

CAL/dm

pc: Mitchell Cope, Chairman  
Portland Charter Commission