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**From:** Munjoy Hill Neighborhood Organization <info@munjoyhill.org>

**To:** info@munjoyhill.org

**Sent:** Saturday, October 15, 2022 at 09:48:22 AM EDT

**Subject:** Local Ballot Questions, Leaf Pickup, Food Trucks, Local Tours, and More

# Munjoy Hill Neighborhood Organization

92 Congress Street  
Portland, Maine 04101  
info@munjoyhill.org  
October 15, 2022



*Proudly serving Portland's Munjoy Hill neighborhood since 1979.*

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**LOTS OF COMPLICATED QUESTIONS: A BASIC  
GUIDE TO LOCAL BALLOT QUESTIONS**



Let's start with the basics. In addition to voting on individual candidates, on November 8, 2022 Portland's voters are going to be asked to vote on 13 individual ballot questions.

Eight of these ballot questions reflect the recommendations of the **Charter Commission for amendments to Portland's Charter** (described as its Constitution). The proposed Charter Commission recommendations are on the ballot as **Questions 1 through 8**. Each of the questions contains multiple proposed changes, to be voted on as one package. To read the Charter Commission's final 236 page report, visit <https://content.civicplus.com/api/assets/7cae899c-8d25-4e45-9e93-152ebc91be67>.

The other five ballot questions are **citizen-initiated referenda**. Organizers obtained the required 1,500 signatures to have their proposals appear on the ballot. They are identified on the ballot by letters, **Questions A through E**. Question A was proposed by an informal group that seems to be comprised of short term rental operators. Questions B through E were all initiated by the Maine chapter of the Democratic Socialists of America (DSA).

To see the full text of each of these ballot questions, go to the City's website for the November 2022 election: <https://www.portlandmaine.gov/176/November-Municipal-Election>. Warning: these can be lengthy documents. For example, the full ballot language for Question 2, "Governance" is 23 pages long and the full ballot language for Question C, "An Act to Protect Tenants in Portland" is 17 pages long. Others are much shorter, but few are simple.

By State law, citizen-initiated referenda (Questions A – E) may not be amended for 5 years after passage except by another citizen-initiated referendum. Even if there are unintended consequences or poorly drafted provisions, the City Council has no authority to adopt a fix or amend them in any way for at least 5 years.

Briefly, the **Charter Commission** ballot questions are as follows:

**Question 1 – Preamble and Land Acknowledgment:** It proposes to amend the Preamble to the City Charter and add a new "land acknowledgment" which, in summary, acknowledges that Portland is located on the unceded territory of the Aucocisco Band of the Wabanaki.

**Question 2 – Governance:** Among many other changes, it proposes to replace the current Council-Manager system of governance (where the City is governed by a policy-making City Council and a professional City Manager is charged with implementing those policies) with a Council-Executive Mayor system of governance. The strong Mayor would be given many more powers than the current Mayor, including the power to issue executive orders and to

veto City Council passed budgets and ordinances. The Mayor would not be part of the City Council; the Council would elect its own chair. The professional city manager would be replaced by a “chief administrator” who would be nominated by and could be removed by the Mayor. There are multiple procedures included in the proposed ordinance which are intended as checks and balances.

There are numerous other changes included within this Question 2, including: increasing the salaries of the Mayor, City Councilors and School Board members; increasing the number of voting districts from 5 to 9 (boundaries yet to be determined); retaining 3 at-large councilors, and electing one district councilor from each of 9 districts, resulting in 12 City Councilors; and eliminating the at-large School Board members and electing one School Board member from each district, resulting in 9 School Board members. The strong Mayor model was recommended by the Charter Commission on a split 8-4 vote. To read the minority report on Governance, filed by 4 of the 12 Charter Commissioners (Chann, Eglinton, Stewart-Bouley and Waxman), see pages 82-84 of that final report at <https://content.civicplus.com/api/assets/7cae899c-8d25-4e45-9e93-152ebc91be67>.

**Question 3 – Clean Elections** - If passed, this would direct the City Council to establish and fully fund a City of Portland Clean Election Fund to provide public campaign funds to qualified candidates for elected municipal offices starting in 2023. Candidate participation in the Clean Election Fund would be voluntary. In addition to establishing the Clean Election Fund, if passed, this provision would also prohibit corporate contributions to any candidate for municipal office; prohibit ballot question contributions or expenditures from any entity that is substantially under foreign influence; and require that all contributions to campaigns be reported to the city clerk and that the city clerk create a searchable online database of information contained in filed registrations and campaign finance reports.

In order to be on the ballot, for all of the recommendations, an attorney needed to certify that the ballot question does not contain any provisions prohibited by the US Constitution, the Maine Constitution or general laws. James Katsiaficas, legal advisor to the Charter Commission, declined to so certify for Question 3 due to concerns about the legality of it prohibiting corporate campaign contributions. Another attorney provided the certification. See pages 154 and 155 of the Charter Commission Report, <https://content.civicplus.com/api/assets/7cae899c-8d25-4e45-9e93-152ebc91be67>.

**Question 4 – Proportional Ranked Choice Voting** – This proposes to authorize the City Council to enact an ordinance to establish a proportional ranked choice voting method to be used for elections in which more than one person is to be elected to a single office (i.e. a multiple seat election). It does not specify the voting method; that would be determined by the City Council in the course of enacting the ordinance. Multiple seat races where this would apply are relatively rare, but it did come up in the last charter commission election.

**Question 5 – School Board Budget Autonomy** – This proposes to change the School Board budget process by removing City Council oversight. Instead this proposal would give the City Council an advisory role only, and allow the School Board to approve its own budget. Currently, as part of the process of developing the total real estate tax supported budget for the coming year, the City Council reviews the total dollar amount proposed by the School Board for the school portion of the budget. Currently, the City Council has the power to send the proposed School Board budget back for modification in the total amount if it believes the amount requested is too high. (In FY 2022 the school portion of the total City budget was 52.1%.) This proposal does not make a change in the State-required budget validation referendum election, which provides that the adopted school budget would then go to the voters.

James Katsiaficas, legal advisor to the Charter Commission, declined to certify Question 5 due to his concerns about whether it is consistent with state law on municipal legislative body approval of a school budget to substitute the School Board for the City Council. The

attorneys for the Portland Public Schools provided the certification instead to allow it to appear on the ballot. See pages 155 and 160 of the Charter Commission Report, <https://content.civicplus.com/api/assets/7cae899c-8d25-4e45-9e93-152ebc91be67>.

**Question 6 – Peaks Island Council** – This proposes to require the ordinance that establishes the Peaks Island Council to be maintained as part of the City Charter. The Peaks Island Council is an elected advisory body to the City Council.

**Question 7 – Civilian Police Review Board** – This proposes to replace the current Police Citizens Review Subcommittee with a new Civilian Police Review Board, with 9 or more members to be appointed by the City Council. The proposed ballot question establishes the board, with the City Council to enact procedural ordinance provisions. It leaves the amount of funding up to the City Council, to provide for part-time or full-time staff, including a community liaison and a police liaison.

**Question 8 – Ethics Commission and Code of Ethics** - This proposes to require the City Council to form an independent 7-member Ethics Commission and to adopt a Code of Ethics recommended by the Ethics Commission. It would give the Ethics Commission power to render advisory opinions of matters of city business and violations of public trust, including compliance with the City Charter. It allows the Ethics Committee to recommend the hiring of an Accountability Officer.

The Charter Commission did not prepare any statement of the fiscal impact of any of the eight recommendations. The City Manager and city staff did prepare an estimate of fiscal impacts at the request of Mayor Snyder.

See <https://www.pressherald.com/2022/09/16/portland-estimates-cost-of-charter-proposals-and-citizen-initiatives-at-over-6-5-million/>. That analysis estimated the cost of implementing the Charter Commission proposals at approximately \$1 million, much of which would be recurring annual costs. It noted that this \$1 million projection does not include costs associated with implementation of Question 5 (School Budget Autonomy) which are unknown and hard to predict. It also estimated that passage of the five citizen initiatives (Questions A – E), it would result in more than \$5.5 million in costs and lost revenue per year. Question E (Cruise Ships) would have the most impact, projected at \$3 million of the total \$6.5 million impact.

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## OBSERVATIONS OR OPINIONS TO SHARE ABOUT FOOD TRUCKS?

The City Manager's food truck survey closed at 4:30 on Friday, October 14th. But if you missed that, it is not too late to simply send an email to Interim City Manager Danielle West at [citymanager@portlandmaine.gov](mailto:citymanager@portlandmaine.gov).

Do you think food trucks belong in City parks? What do you think about food trucks in or near the Eastern Prom Park in particular? Do you have ideas about modifications that could be made to minimize impacts? What do you think is the appropriate balancing of the interests of multiple groups who want to use the park?

Two City Council committees and the City's Parks Commission are likely to be reviewing the Eastern Prom food truck pilot program in November. They will be provided with information gathered by Interim City Manager West. This is a good time to make your views known.

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## CURIOUS ABOUT WHAT'S GOING ON AT 58 FORE STREET/ "PORTLAND FORESIDE"? SIGN UP FOR A PUBLIC TOUR

The developers and promoters of 58 Fore Street (the former Portland Company industrial site, now identified as "Portland Foreside") are offering the public a one hour "walking tour, update and Q&A session" every Wednesday through December 14th starting at 11:30 am. The tours begin at the corner of Hancock Street and Thames Street on the Ocean Gateway side of the intersection.

To sign up for a tour, go to: <https://www.portlandforeside.com/site-tour>



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**Sundays from 3-5  
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Sundays, 3-5 pm  
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Welcome!

**SPIRITS ALIVE OFFERS OCTOBER EASTERN CEMETERY EVENT**

**WALK AMONG THE SHADOWS**

# Untimely Ends

Eastern Cemetery  
224 Congress St.  
Portland, ME

Suggested Donation  
\$10 - Adults  
\$5 - 12 & under

Meet the spirits of Jacob Adams, captain of the shipwrecked Schooner Charles, Thomas Bird, the first man hanged under the new U.S. constitution, and other victims of premature death by "misadventure." Learn about paupers' graves, burial of visitors far from home, early medicine, and more

**October 20-22 & 27-29 6:30-7:30pm**  
**Sunday, October 23 & 30 5:30 - 6:30pm**

Groups enter every 20 minutes | First come, first served | 224 Congress St. | [spiritsalive.org/wats](http://spiritsalive.org/wats) | tickets @ Eventbrite

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The non-profit group Spirits Alive will once again be offering their popular "Walk Among the Shadows" event in the Eastern Cemetery this October. This year's theme is "Untimely Ends", including accounts of 18th century medical treatments, pauper's graves, and burial of visitors from away. This year eight spirits will rise from their graves to recount the tales of their untimely ends at different locations throughout the graveyard.

Audience members will be led through the burial ground by specters, encountering stories of disease, shipwrecks, and death by misadventure. The event occurs live at Eastern Cemetery on October 20th through 22nd and October 27th through 29th at 6:30 pm. There will also be a twilight performance on Sundays, October 23rd and October 30th at 5:30 pm.

Audience groups will enter from the 224 Congress Street gate every 20 minutes during the event, on a first-come, first-served basis. Each performance lasts about 40 minutes. The audience is cautioned to dress for outdoor evening weather, and slightly uneven terrain.

Tickets are available on Eventbrite or at the gate on performance nights. Suggested donation for admission is \$10 for Adults (\$5 for children under \$12).

Spirits Alive is a non-profit organization formed in 2006, dedicated to the preservation of Eastern Cemetery. Eastern Cemetery is Portland's oldest graveyard, founded in 1668, and is on the list of National Historic Landmarks. Walk Among the Shadows is Spirits Alive's largest fundraiser. All proceeds from this event go to Spirits Alive to help accomplish their twin missions of education and preservation. More info can be found at [spiritsalive.org](http://spiritsalive.org).

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**LEAF CURBSIDE COLLECTION:  
Wed. Oct. 26 - Wed. Nov. 16**

Paper biodegradable leaf bags are required. Leaves and leaf bags are composted after collection. Place bags curbside by 6:30 am on your regular Wednesday trash and recycling collection day.

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***PRESIDENT'S NOTE:***

*Good morning! I am writing this on a stormy Friday in Portland. Here's hoping everybody stays safe and that the wind doesn't bring down all the leaves as we enter peak foliage, one of the joys of a Maine autumn!*

*This newsletter aims to bring you helpful information about the upcoming election. Some of you may have already voted; I have heard from neighbors that the absentee ballot is quite hefty and incidentally costs the city multiple dollars in postage for each one mailed. I plan to go to the polls on Election Day, as I get a real sense of patriotism voting alongside my fellow participants in our democracy; but no matter how you choose to submit your ballot, the important thing is to VOTE!*

*This year's ballot includes changes to the City's charter which could have a far-reaching impact on how the City operates. Each vote could potentially impact our daily lives. In one of our important off-cycle elections, only 14% of eligible voters turned out; We must do better!*

*If you vote at East End Community School on Election Day morning, keep an eye out for our MHNO table outside, weather permitting! We would love to say Hi!*

*And if you have already voted, Congratulations! You can skip right to the fun parts of this email! Have you been to Spirits Alive's "Walk Among the Shadows?" My sister and I go every year they offer it and we highly recommend it!*

*If you are a member of the MHNO and are interested in sitting in on the Board of Director's monthly meeting, please join us. If we are meeting in-person, as we currently plan, join us at 92 Congress Street at 6:00 p.m. on Monday, November 7th. (However, depending on exposures and test results, we might have to revert to zoom. If you send a request to [info@munjoyhill.org](mailto:info@munjoyhill.org) and we are back to zoom, a link will be forwarded.)*

*To join or rejoin as a member, please visit [www.munjoyhill.org](http://www.munjoyhill.org) and click on "Join Us."*

*Hope to see you soon,*

**Maggy Wolf**  
[m.wolf@munjoyhill.org](mailto:m.wolf@munjoyhill.org)  
President

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