

Portland's 12 Charter Commissioners are now engaged in a year-long review of the structure of our city government. Many of them promised during their campaigns to pursue charter changes that would strengthen the powers of the mayor relative to the City Manager and to the other members of the City Council. Individual campaign promises aside, the Charter Commission as a whole must now decide what is problematic about the existing allocation of powers and duties amongst the key "players" in our city government and what specific changes will best address those problems -- without creating other problems of their own.

The LWVME has created a chart comparing the powers given to mayors in Portland (both currently and before the 2010 charter revisions) and the three Maine cities that presently have relatively strong mayors. The information comes from a review of the charters of each city and related ordinances. The 16 rows of the table may be thought of as "tools" which cities (and the Charter Commission) can use to increase or decrease the powers of the mayor's position relative to the city council and the city manager. The columns have been aligned left to right based on an assessment of the strength of the mayor's powers in these cities (strongest mayor on the left). This table is a first step in understanding the levers available for adjusting mayoral power; it should be complemented with information from cities outside Maine that are like Portland.

Portland has a mayor/council/manager structure. Mayor/council structures (without the manager) became popular in the early 19th century and went through numerous transitions, primarily in terms of powers granted to the mayor and the introduction of professional city managers. Today, most cities with elected mayors have a city manager answerable to the mayor and/or council. The elected mayor is expected to demonstrate leadership, provide vision, and conduct strategic planning. The elected council members are responsible for legislating through passage of ordinances. The hired city manager takes care of the day-to-day operation of the city, and the implementation of legislation and policy established by elected officials. What differentiates cities with this structure is the level of authority granted by the Charter and ordinances to mayors versus other actors.

Some mayors in this system may have little control over executive functions (e.g., the budget or the hiring and firing of municipal personnel). This is the current situation in Portland. These executive functions are assigned to the city manager who insulates government employees from undue influence by either the council or the mayor. The city council makes most policy decisions in consultation with the mayor, who may also sit on the council. Mayors may or may not have a vote on the Council and their veto power over the council is limited.

In other cases, the city may grant the mayor some or all the executive and governance powers listed in the chart on page two. Smaller cities tend to distribute the powers listed in the table among the council, the city manager, and the mayor, while larger cities (population over 500,000) tend to give their mayors many or all these powers while retaining city administrators to take care of day-to-day operations under the direction of the mayor.

An important criterium for assessing the effectiveness of municipal government is how well the mayor, city council, and professional staff collaborate in the best interests of the city. Portland's experience since the 2010 Charter Commission that re-established an elected mayor has been challenging in this respect. Elected mayors have indicated that although they are elected to be policy advocates, the Charter did not give them the authority to move their policy agenda forward. The task before the Charter Commission is to find an appropriate balance of authority among the key actors -- a balance that makes the mayor more effective but also maintains checks and balances to guard against corruption and politicization of municipal decision making.

Portland's Mayoral Powers Compared to Maine's Three "Strong Mayor" Cities

	← stronger mayor system			weaker mayor system →	
Powers & Authority	Westbrook	Biddeford	Saco	Portland (post 2010 CC)	Portland (pre 2010 CC)
Who is the Chief Executive Officer?	Mayor	Mayor	Mayor is Chief Executive. City Administrator is Chief Administrator, reporting to the Mayor and the Council.	City Manager	City Manager
Who manages day to day operations of city affairs?	City Administrator, reporting directly to the Mayor.	City Manager	City Administrator	City Manager	City Manager
Who hires top city officials? (1)	Mayor appoints all. City Council confirms City Administrator by at least 3/4 vote and City Clerk by at least 2/3 vote. (2)	Mayor appoints city manager, city clerk, and city solicitor with confirmation by City Council.	Mayor appoints City Administrator; Council confirms. Other top officials appointed by Administrator with Council confirmation.	Mayor chairs committee with at least 2 other council members to appoint city manager, clerk, and Corporate Counsel; full council confirms.	City Council
Who hires Department Heads?	Mayor	City manager "after consultation with the Mayor and confirmation by the city council"	City Administrator with approval of Council	City Manager with approval of Council	City Manager
Who Appoints members to Council Committees?	President of the Council	Mayor appoints; Council approves.	Mayor appoints and Council confirms.(3)	Mayor, but council may override with 2/3 vote.	Mayor, but council may override with 2/3 vote.
Who appoints members of city boards and commissions?	Mayor appoints; Council approves.	Mayor appoints; Council approves.	Mayor has 30 days to nominate; council approves. If 30 days passes without nomination, Council decides.	Mayor appoints; Council approves.	City Council
Is mayor a voting member of Council?	No	Mayor presides over Council but only votes to break a tie.	Mayor presides over Council (and the school board) but only votes to break a tie.	Yes	Yes
Who has authority for preparing Municipal Budget	City Administrator under direction of the Mayor. (4)	City Manager drafts, with input from Council budget committee.	City Administrator	City Manager with "guidance" from Mayor	City Manager
Can Mayor veto the budget approved by the Council?	Yes including line item veto. Override requires 2/3 vote.	Yes Override requires 2/3 vote.	Yes including line item veto. Override requires 5 (of 7) Council Votes	Yes Override requires 6 (of 9) Council votes.	No
Can Mayor veto other council decisions?	Yes including line item veto. Override requires 2/3 vote.	Veto limited to orders appropriating money. Override requires 2/3 vote of Council.	Veto limited to orders appropriating money. Override requires 5 (of 7) Council votes.	No	No
Mayoral Term	3 years	2 years	3 years	4 years	1 year
Term Limit	none	none	none	3 terms	1 year
Removal of City Manager	Mayor alone can remove by written order	No clear statement re removal but Mayor and Council responsible for evaluating performance.	Council can remove for cause.	Council committee can recommend removal; full Council approves.	Council decision

Notes:
 (1) For purposes of this chart, top city officials include the city manager/administrator, city clerk, and city solicitor/corporate counsel as these are often designated in a town's Charter.
 (2) Rules for appointing Westbrook City Administrator established by ordinance.
 (3) Not clearly stated in Charter, but this was practice for 12/2020 administrative ordinance (Sec 4.38) establishing a council committee.
 (4) The Charter does not specify, but by ordinance the City Administrator prepares it under the direction of the Mayor.