

BALLOT QUESTION # 2—Governance

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission Relating to Governance and Other Governance Related Matters as Summarized Below?

1. Proposed Summary:

These modifications establish an executive mayor, allow the council to remove or censure the mayor, change from a city manager to a chief administrator, increase the number of city council seats from nine (9) to twelve (12), and make other changes relating to governance as follows:

- Creates an executive mayor and replaces the city manager with the position of chief administrator;
- Grants the executive mayor the following powers: nominate for appointment and remove the chief administrator; nominate for appointment all department head positions; exercise veto power over the city budget and city ordinances subject to council override; recommend for adoption by the city council rules that govern communications between city staff and elected officials; issue executive orders to implement council policy; and introduce legislation to the council;
- Increases the mayor’s compensation from one-and-a-half (1.5) times to two (2) times the median household income and ties city council and school board member compensation to a minimum of ten percent (10%) of the mayor’s compensation;
- Establishes the chief administrator as responsible for the administration of all departments and delivery of city services and grants the chief administrator the right to remove department heads in consultation with the executive mayor;
- Changes the composition and size of the city council by increasing the number of districts from five (5) to nine (9) and maintaining the existing three (3) at-large councilors;
- Grants the city council the power to censure or remove the mayor for cause, and to order a recall election of the mayor, by super-majority vote;
- Requires that the city council elect from among its members a chair and vice-chair, who shall organize the council into various committees;
- Provides that the city council chair shall preside over city council meetings and set the council agendas;
- Requires that the city council create a review committee that shall (i) conduct regular evaluations of the performance of the corporation counsel and city clerk and (ii) hold regular meetings with the chief administrator and department heads to understand the general working conditions and morale at city hall; the mayor shall lead the annual performance review of the chief administrator;
- Changes the composition of the school board by increasing the number of districts from five (5) to nine (9) and eliminating the at-large seats so that all members will represent a district;
- Directs the school board and city council to establish a joint committee on budget guidance, consisting of four (4) city councilors and four (4) school board members, appointed by the council chair and school board chair, respectively, to develop a proposed non-binding budget guidance document for the city council and school board;

- Directs the city council to develop and implement a participatory budget development process for the city budget that involves input from as many Portland residents as possible;
- Modifies the capital improvement program process to require the chief administrator to jointly prepare with the superintendent a five-year capital improvement plan; and
- Modifies the vacancy provisions for the city council and school board to require a special election if the vacancy occurs more than six (6) months prior to the next municipal election. If the vacancy occurs within six (6) months prior to the next regular election, the city council or school board, as applicable, shall appoint a qualified person.

2. Charter Language

Note: This contains only the provisions related to the Commission proposals in **Question #2** and only those sections which will be changed if this proposal is adopted. Deletions are shown by ~~strikeouts~~; new language is underlined.

1. Amend the Table of Contents as follows:

Art. I-A. Mayor, §§1--5

2. Amend ARTICLE I., GRANT OF POWERS TO THE CITY, by amending Section 2, Powers and duties, as follows:

Section 2. Powers and duties.

The administration of all the fiscal, prudential, and municipal affairs of the City of Portland, with the government thereof, except the general management, care, conduct, and control of the schools of such city which shall be vested in a board of public education as hereinafter provided (also referred to herein as the “school board”), and also except as otherwise provided by this charter, shall be and are vested in the mayor and in one body of ~~nine~~ twelve members, which shall constitute and be called the city council, all of whom shall be inhabitants of the city, and shall be sworn in the manner hereinafter prescribed.

The executive powers of the city shall be vested in the mayor and exercised through the chief administrator and the several departments and boards of the city, under the mayor’s general oversight.

The legislative powers of the city shall be vested in the city council. The mayor and 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 such city, and all powers granted by this charter, except as herein otherwise provided, shall be vested in the city council. (Referendum 11/2/10)

3. *Amend the current CHARTER by adding the following new ARTICLE I-A, MAYOR, as follows:*

ARTICLE I-A. MAYOR

Section 1. Election, tenure of office.

The position of mayor shall be elected by majority vote as provided in section 3 of article II. The candidate(s) for mayor shall be nominated in the same manner as at large members of the council. The term of mayor shall be four (4) years, with a maximum limit of two consecutive terms. The election and position of mayor shall be a non-partisan, full-time position.

Notwithstanding the prior paragraph, for the municipal election in November of 2023, the election for mayor shall be for a one-time five-year term ending in 2028. Thereafter, the mayor shall be elected every four (4) years in line with the U.S. presidential election.

Section 2. Compensation of the mayor.

Prior to the date nomination papers are available for the first mayoral election, the city council shall set the mayor's compensation and shall re-set it prior to the date nomination papers are available for each mayoral election thereafter. During the mayor's term, the city council may adjust the mayor's compensation, but no such order re-setting the mayor's compensation shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance. At minimum, the mayor shall be paid compensation consisting of a salary which is no less than two (2) times the median household income for Portland as most recently published by the U.S. Census Bureau, American Community Survey, or successor index thereto, at the time such compensation is set or adjusted, plus customary city benefits.

The mayor shall not hold any other 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. Mayor's powers and duties.

The mayor shall be the chief executive officer of the city, responsible for providing leadership, and shall have the following powers and duties:

- (a) To articulate the city's vision and goals and build coalitions to further such vision and goals. The mayor shall give an annual state of the city address during a special meeting of the city council called for that purpose;
- (b) To attend, with the chief administrator, the annual workshop session of the city council to discuss and identify the city's goals and priorities. A summary of the session shall be made available to the public;
- (c) To represent the city with other municipalities, levels of government, community and

- neighborhood groups, and other communities;
- (d) To ensure the implementation of city policies and keep the city council informed as to the progress on all city council directives, the general financial standing of the city, the current status of all negotiations, and recommendations for city council action;
 - (e) To direct the chief administrator in the preparation of all city budgets and present the budget to the city council for approval;
 - (f) To direct the chief administrator in the preparation of the annual capital improvement program plan described in article VI, section 5, paragraph (j), and to present such program plan to the city council;
 - (g) To facilitate among the chief administrator, city council, board of public education and the public to secure passage of the annual city and school budgets;
 - (h) To exercise veto power over the annual city appropriation as provided in article VII, section 8;
 - (i) To exercise veto power over city council actions regarding city ordinances or amendments thereto as provided in article II, section 11;
 - (j) To be the public figurehead for the city. In this role the mayor shall serve as:
 - 1. the official representative of the city in Augusta, nationally and internationally; and
 - 2. the official spokesperson for the city; and
 - (k) To submit ordinances, orders, and resolves for city council consideration pursuant to the same rules and procedures that pertain to councilor-sponsored ordinances, orders, and resolves.

Notwithstanding the foregoing, the chief administrator shall manage the day-to-day operations of the city and administration of the city budgets presented by the mayor and approved by the city council, including, but not limited to, exercising control over all departments, divisions, agencies, and offices created herein or that may be hereafter created.

All directives issued by the mayor pursuant to this charter implementing city council approved ordinances, orders, and resolves, and affecting the outcomes of any city services, policies, procedures, or programs lasting more than 30 days (or multiple directives of a similar nature occurring within a 30-day period), shall be submitted in writing to the chief administrator as an “Executive Order.” Such Executive Orders shall appear on the next council agenda as a communication prior to taking effect. The council may schedule a public hearing and may take action on such Executive Order or allow the Executive Order to remain.

Section 4. Vacancy of the mayor.

A vacancy in the office of mayor shall occur upon the happening of the following: (1) the death of the mayor; (2) the effective date of the resignation of the mayor; (3) the removal of mayor from the city; (4) the conviction of the mayor of a felony while in office; (5) the recall of the mayor pursuant to the provisions of section 5 of this article and article V; or (6) the removal of the mayor by the council pursuant to section 5 of this article.

The council shall declare a vacancy in the office of mayor to exist upon the qualification of the mayor 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.

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

If a vacancy in the office of mayor occurs or is declared prior to the next regular municipal election, the vacancy shall be filled by corporation counsel until a special election to take place on the same date as the next scheduled municipal or state election which is no less than 127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least eight (8) of its members, calls a special election on an earlier date; provided that if the vacancy occurs with six (6) months or fewer remaining in the then mayor's term, then there shall be no special election to fill the vacancy. Such election shall be called and held and nominations made as in other elections.

Section 5. Censure, removal or recall of the mayor.

The mayor may be censured or removed from office by the city council for cause. The city council also may order a recall election for the mayor to be conducted pursuant to article V.

At any meeting of the city council, it shall be in order for any member thereof to give written notice, approved by seven (7) or more members of the city council, of the intention to move at the next meeting thereof occurring within not less than fourteen (14) days, an order that the mayor be censured or removed from office.

Such notice shall specify as particularly as possible the acts complained of and shall, if approved, be entered by the city clerk in the minutes of the city council. The clerk shall within two (2) days serve a copy thereof upon the mayor at the mayor's residence and electronically, and shall provide an electronic copy to each of the members of the city council.

At any subsequent hearing or meeting of the city council in which the censure or removal of the mayor is the topic, the mayor shall have the right to be present, speak, be represented by counsel, and present a defense. Such proceedings shall be conducted in accordance with state and federal laws and constitutional requirements.

Any vote to censure, remove the mayor from office, or order a recall election shall require a vote of three-fourths (3/4) of the full city council.

4. Amend ARTICLE II., CITY COUNCIL, by amending Section 1, City to be divided into election districts, Section 2, Composition, election, tenure of office, Section 4, Compensation of councilors and mayor, Section 5, Mayor’s powers and duties, Section 6, Absence or disability of mayor; acting mayor; Section 7, Vacancies, Section 8, Meetings of the council, Section 9, Special meetings, Section 10, Quorum, Section 11, Procedure, and adding new Section 12, Annual performance reports as follows:

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)~~ nine (9) districts to establish compact and contiguous districts of approximately equal population.

The city council for voting purposes may by ordinance divide the election districts into voting districts. (Referenda 11/2/76; 6/13/78; 11/4/86; 11/2/11)

Section 2. Composition, election, tenure of office.

The city council shall be composed of ~~nine (9)~~ twelve (12) members, including the ~~mayor chair and vice-chair~~ who each shall be one of the ~~nine (9)~~ twelve (12) members of the city council, and shall hold office for a term of three (3) years and until their successors are elected and qualified, except as provided below for the term of ~~mayor and for one at large seat~~ for the four new districts in the election of ~~2013~~ 2023 only. ~~Four~~ Three (3) ~~(4)~~ members, ~~including the mayor,~~ 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~~ nine (9) ~~(5)~~ districts heretofore provided for, from and by the registered voters of each district. ~~References in this charter to the city council, councilors, council, its members or membership, shall be deemed to include the mayor, unless otherwise specifically provided.~~

For the municipal election in November of ~~2013~~ 2023, ~~one of the two at large seats up for election shall have a one-time four-year term ending in 2017. Thereafter, the council term shall return to be three (3) years for this seat. The city clerk shall designate which seat shall be for the four (4) year term prior to the availability of nomination papers for the 2013 election, and nomination papers shall be separately issued for each of the two at large seats. Each at large candidate may take out and file nomination papers for only one of the at large seats. The municipal ballot will list the 4-year and 3-year council seats as separate questions.~~ one of the new districts shall have a one-time, one year term ending in 2024, two of the new districts shall have a one-time, two year term ending in 2025, and one of the new districts shall be elected for the standard three year term. Thereafter, the council term for all seats shall return to be three (3) years for the respective seats. The city clerk shall designate which seats shall be for the one (1) year term, two (2) year term, and three (3) year term, and nomination papers shall be issued for each seat.

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~~ nine (9) ~~(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.

~~Beginning with the regular municipal election in November, 2011, the at large position then up for election shall be designated as the mayor's position and shall continue as the mayor's position thereafter. The position of mayor only shall be elected by majority vote as provided in section 3 of this article. The candidate(s) for mayor shall be nominated in the same manner as other at large members of the council. The term of mayor shall be four (4) years, with a maximum limit of two consecutive terms. The election and position of mayor shall be a non-partisan, full-time position. (Referenda 12/1/75; 6/13/78; 11/4/86; 11/3/87; 11/2/10; 11/6/12)~~

Section 4. Compensation of councilors ~~and mayor.~~

~~Except as otherwise provided in the paragraph below for the mayor's compensation, the~~ The city council shall by order establish the amount each member shall be entitled to receive as compensation for all services rendered, and specify when any compensation shall be payable, but no such order increasing their compensation, including that of the mayor, shall take effect during the then current municipal year, and no such payment of compensation shall be made in advance. At minimum, each member of the city council shall be paid compensation at a level which is no less than ten percent (10%) of the salary paid to the mayor.

No member shall hold any other 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. (Referenda 12/1/75; 6/13/78; 11/4/86; 11/3/87; 11/2/10)

Section 5. City council chair

As described herein the city council shall be led by a chair and vice-chair who shall be elected annually by majority vote of the members of the city council. The chair shall preside over meetings of the city council and set the city council agendas in accordance with city council rules. The vice-chair shall preside over council meetings in the chair's absence. In the case of an absence of the chair and vice-chair, the city council shall choose a chair, pro tempore, by a majority of those members present and voting. In case of a vacancy in the office of chair of the city council by death, resignation or otherwise, the same shall be filled for the unexpired term by a majority vote of those members present.

Together, the chair and vice-chair shall have the authority to organize the council into various committees and recommend chairs for such committees. The committee members shall be responsible for appointing a chair for the committee.

Section 5. Mayor's powers and duties.

~~The mayor shall be the official head of the city, responsible for providing leadership, and shall have the following powers and duties:~~

- ~~(a) — To articulate the city's vision and goals and build coalitions to further such vision and~~

- ~~goals. The mayor shall give an annual state of the city address during a special meeting of the city council called for that purpose;~~
- ~~(b) To convene and lead an annual workshop session of the city council to discuss and identify the city's goals and priorities in order to provide guidance for the city manager and to inform the public. The city manager shall attend this workshop session, and a summary of the session shall be made available to the public;~~
 - ~~(c) To represent the city with other municipalities, levels of government, community and neighborhood groups, and the business community;~~
 - ~~(d) To preside as chair of the city council, and vote upon all matters in the same manner as other members of the city council, except as provided in article VII, section 8. The mayor shall direct the city manager in the preparation of council meeting agendas;~~
 - ~~(e) To facilitate the implementation of city policies through the office of the city manager;~~
 - ~~(f) To consult with and provide guidance to the city manager in the preparation of all city budgets and to provide comments on such budgets at the time they are presented by the city manager to the city council for approval;~~
 - ~~(g) To consult with and provide guidance to the city manager in the preparation of the annual capital improvement program plan described in article VI, section 5, paragraph (i), and to provide comments on such program plan at the time it is presented by the city manager to the city council;~~
 - ~~(h) To facilitate among the city manager, city council, board of public education and the public to secure passage by the city council of the annual city and school budgets;~~
 - ~~(i) To exercise veto power over the annual city appropriation as provided in article VII, section 8;~~
 - ~~(j) To establish performance guidelines in conjunction with the other members of the city council for regular evaluations, no less than annually, by the city council of the performance of the city manager, corporation counsel and city clerk, such evaluations to be based upon those guidelines. Such performance guidelines shall have measurable goals and objectives, taking into consideration, as applicable, the achievement of city policies and priorities;~~
 - ~~(k) To chair any subcommittee with at least two (2) other city councilors to recommend the appointment or removal of the city manager, corporation counsel or the city clerk, but the full city council shall have the final decision in regard to such appointment or removal by a vote of at least five (5) members of the council; and~~
 - ~~(l) To appoint the members and chairs of the city council committees and various ad~~

~~hoc committees and communicate such appointments to the city council, which may override such appointments by a vote of at least six (6) council members.~~

~~Notwithstanding the foregoing, the city manager shall be in charge of the day to day operations of the city and administration of the city budgets approved by the council. (Referendum 11/2/10)~~

~~Section 6. Absence or disability of mayor; acting mayor.~~

~~In the temporary absence or disability of the mayor, the mayor may select an acting mayor from among the other council members and such person shall perform the duties of the mayor during such temporary absence or disability for a maximum of sixty consecutive (60) days or return of the mayor, whichever comes first. If through physical or mental incapacity the mayor is unable to select an acting mayor, or if the mayor's absence or disability exceeds sixty (60) consecutive days, the council shall select an acting mayor from among its membership until such time as the mayor is able to resume his or her duties or a vacancy is declared pursuant to section 7 below and a new mayor elected. (Referendum 6/13/78; 11/7/00; 11/2/10)~~

~~Section 7~~ Section 6. 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 such member shall be excused (by vote of at least ~~four (4)~~ six (6) 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 such written resignation. Once submitted to the council, such resignation may not be withdrawn, and such member's office shall become vacant on such 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 unexpired term shall be filled at a special election, citywide or for a district, to take place on the same date as the next scheduled municipal or state election which is no less than 127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least ~~six (6)~~ eight (8) of its members, calls a special election on an earlier date. Such election shall be called and held and nominations made as in other elections. If a vacancy occurs within six (6) months prior to the next regular election, the city council shall appoint a qualified person from the same district or at-large, as appropriate,

to serve until the next regular municipal election. The council shall establish rules and procedures for appointments to fill such vacancies. (Referenda 11/2/76; 11/4/86; 11/2/99; 11/2/10)

~~Section 8~~ Section 7. Meetings of the council.

The city council shall meet at the usual place for holding meetings on the first Monday in December following the regular municipal election, or as soon thereafter as possible, and at such meeting the mayor and councilors-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 establish by resolution or rule a regular place and time for holding its meetings, and shall meet regularly at least twice each month. (Referenda 6/13/78; 11/4/86; 11/7/00; 11/2/10)

~~Section 9~~ Section 8. Special meetings.

Special meetings may be called by the mayor, and in case of his or her absence, disability, or refusal, may be called by ~~five~~ seven (7) (5) or more members of the city council. At least twenty- four (24) hours notice of the time and place of holding such special meeting shall be given to all members of the city council. (Referendum 11/2/10)

~~Section 10~~ Section 9. Quorum.

~~Five~~ Seven (7) (5) 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 (24) 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. (Referendum 11/2/10)

~~Section 11~~ Section 10. 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 in accordance with state law. 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 separate days, except when the requirement of a second reading on a separate day has been dispensed with by the vote of at least ~~seven (7)~~ nine (9) 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 at least ~~five~~ seven (7) (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 at least ~~seven (7)~~ nine (9) 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. (Referendum 11/2/10)

Section 11. Mayoral veto of city council action on city ordinances.

Within five (5) business days of the meeting at which the city council adopts any new or amended city ordinance, the mayor may veto such adoption by written communication to the city council. Such communication shall specify the reasons for such veto and shall, at minimum, be posted upon the city's website or similar location and sent to the councilors by electronic mail and by the same means that agendas are delivered to councilors.

An order to override the veto shall be placed on the next city council agenda which is at least five (5) calendar days after the date of the mayor's veto communication, and such veto may be overridden by a vote of at least two-thirds (2/3) of the members of the city council.

If a veto is overridden, the ordinance will take effect as legally adopted.

Section 12. Annual performance reports.

The city council shall request an annual report regarding the performance of (1) constituent services, (2) permitting, and (3) any other city functions the city council requests. Such reports shall be presented to the city council at a regularly scheduled public meeting and the public shall have the opportunity to provide feedback specific to the reports.

5. Amend ARTICLE III., BOARD OF PUBLIC EDUCATION, by amending Section 1, Composition, election, tenure of office, compensation, Section 5, School budget, by amending the first three paragraphs of the current charter and adding a new first paragraph, and Section 6, Vacancies, as follows:

Section 1. Composition, election, tenure of office, compensation.

The board of public education 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~~ One (1) shall be elected from each of the five (5) nine (9) districts heretofore provided for in section 1 of article II, from and by the registered voters of each such district.

To transition from the mix of district and at-large seats to all district seats, members who were elected to at-large seats shall serve until their current terms expire; for the municipal election in November of 2023, the at-large seat of the member whose term is then expiring shall

become one of the new district seats; for the municipal election in November 2024, the at-large seat of the member whose term is then expiring shall become the second of the new district seats; and for the municipal election in 2025, the remaining two at-large seats of the members whose terms are then expiring shall become the third and fourth of the new district seats.

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)~~ nine (9) 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.

The city council shall by order establish the amount each member of the school board shall be entitled to receive as compensation for all services rendered, which compensation shall be the same as that received by members of the city council, ~~other than the mayor~~. The city council shall provide additional compensation to the chair of the school board appropriate to reflect his or her additional responsibilities as chair. (Referenda 11/2/76; 6/13/78; 11/4/86; 11/3/87; 11/2/10)

Section 5. School budget.

Prior to the submission of a school budget, the school board and city council shall establish a Joint Committee on Budget Guidance, consisting of four (4) city councilors and four (4) school board members, appointed by the chair of the council and school board chair, respectively. The purpose of the joint committee is to develop guidance for the city and school district on budget priorities and constraints, covering a two-year period and updated annually. The joint committee shall obtain public comment on the guidance prior to submitting the guidance as a proposed non-binding joint resolution to the city council and school board.

Not later than three and one-half (3.5) months before the end of the fiscal year, the superintendent shall submit to the school board budget estimates of the various sums required for the support of public schools for the ensuing fiscal year and shall thereafter provide the school board with such information relating to such estimates as the school board shall require.

~~During the thirty (30) days following submission of the superintendent's proposed budget to the school board, the school board and the city council, or their designated subcommittees, shall meet jointly at least twice to review the proposed school budget, focusing on its underlying assumptions and supporting data and the ability of the city to raise the necessary funds for the support of such proposed budget. The superintendent and the city manager shall provide information regarding such proposed budget as reasonably requested by the school board and the city council, or their designated subcommittees.~~

The budget submitted by the superintendent ~~to be reviewed jointly by the school board and the city council~~ shall provide a complete financial plan of all school funds and activities for the ensuing fiscal year. In organizing the school budget for ~~joint~~ review by the school board, the superintendent shall utilize the most feasible combination of expenditure classification by fund, organization, unit, program, purpose or activity, and object. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income 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. Vacancies.

A vacancy in the membership of the board of public education 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 board 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 board or at least sixty (60) percent of the regular meetings of the school board held in any one calendar year unless such 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 board resign his or her office effective at a future date specified in the written resignation. Once submitted to the school board, such resignation may not be withdrawn and such member's office shall become vacant on the specified future date.

If a vacancy in the membership of the school board occurs or is declared more than six (6) months prior to the next regular municipal election, the ~~vacancy~~ unexpired term shall be filled at a special election, citywide or for a district, to take place on the same date as the next scheduled municipal or state election which is no less than 127 days after the date the vacancy occurs or is declared, unless the council, by a vote of at least ~~six~~ eight of its members, calls a special election on an earlier date and shortens the time for obtaining and filing nomination petitions established in article IV, section 6. Such election shall be called and held and nominations made as in other elections. If a vacancy occurs within six (6) months prior to the next regular election, the school board shall appoint a qualified person from the same district or at-large, as appropriate, to serve until the next regular municipal election. The school board shall establish rules and procedures for appointments to fill such vacancies. (Referenda 11/2/76; 11/4/86; 11/2/99; 11/2/10)

6. Amend ARTICLE IV., ELECTIONS, by amending Section 2, Regular municipal election, and Section 4, Nominations, as follows:

Section 2. Regular municipal election.

On the first Tuesday after the first Monday in November of each year, the regular municipal election shall be held and the registered voters of the city or district, as the case may be, shall ballot for a mayor and for such councilors and for such members of the school board 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. (Referenda 12/1/75; 11/2/76; 6/13/78; 11/4/86; 11/7/00; 11/6/01; 11/2/10)

Section 4. Nominations.

The nominations of all candidates for elective offices provided for by this charter shall be by petition. The petition of a candidate for mayor or an at large council seat or at large school board seat shall be signed by not less than three hundred (300) nor more than five hundred (500) registered voters of the city. The petition of a candidate for a district council seat or a candidate for a district school board seat shall be signed by not less than seventy-five (75) nor more than one hundred fifty (150) registered voters of the respective district. Voters may sign petitions for more than one (1) candidate for each office to be filled at the election. (Referenda 12/1/75; 11/2/76; 11/4/86; 11/4/08; 11/2/10)

7. Amend ARTICLE V., RECALL, by amending Section 1, Applicability, Section 2, Petition for recall, Section 4, Calling of recall election, Section 5, Form of ballot, and Section 7, Election may be ordered, as follows:

Section 1. Applicability.

The mayor or any ~~Any~~ member of either the city council or the school board may be recalled and removed from office by the registered voters of the City of Portland, as hereinafter provided, except that this provision shall not apply to the mayor or a member of either body who has ~~one (1) year~~ six (6) months or less to serve in his or her term, i.e., any petition to recall a member must be certified by the clerk no later than November 30 of the year prior to that member's next scheduled November re-election date. (Referenda 11/4/86; 11/2/10)

Section 2. Petition for recall.

In the case of either the mayor, or an at large member of the city council or of the school board, any five hundred (500) registered voters of the city may affirm and file with the city clerk an affidavit containing the name of the mayor or of the member of the city council or of the school board whose removal is sought, together with a statement of the reasons why such removal is desired. In the case of a district member of the city council or of the school board, any two hundred and fifty (250) registered voters of the member's district may affirm and file with the city clerk an affidavit containing the name of the district member whose removal is sought, together with a statement of the reasons why such removal is desired. Members of the city council and of the school board shall not be included on the same affidavit and only one member's name shall be on an affidavit.

Within seven (7) calendar days of receipt of such an affidavit, the city clerk shall prepare a sufficient number of petitions which shall contain the signature of the city clerk, his or her official seal, the date, and the name of the person whose removal is sought. In addition, the statement of reasons for removal referred to above shall either be printed on such petitions or attached thereto. Such petitions shall be on paper of uniform size with as many individual sheets as reasonably necessary.

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 forty-eight (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 board member, the city clerk shall select one (1) 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 the mayor or at large councilors or members of the school board, the city clerk shall select four (4) sites outside of city hall and such locations shall be open for four 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 eighteen (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 or her place of residence, providing either the street and number or a description sufficient to identify the place.

To mandate a vote in the case of the mayor or an at large councilor or an at large member of the school board, the recall petition must be signed by at least three thousand (3,000) registered voters of the city, or in the case of a district councilor or district member of the school board, by at least fifteen hundred (1,500) registered voters of that member's district. (Referenda 12/1/75, 11/4/86; 11/2/10)

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, or on its own in the case of a council vote to hold a recall election for the mayor under article I-A, section 5, 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.

All registered voters in the city may vote on the recall of the mayor or an at large member of the council or school board; only the registered voters of the applicable district may vote on the recall of a district member of the council or school board. (Referenda 11/4/86; 11/2/10)

Section 5. Form of ballot.

Unless the mayor or 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 or of the council's vote to hold a recall election for the mayor, 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?" (Referendum 11/4/86)

Section 7. Election may be ordered.

If the mayor or a member of either the city council or school board 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 I-A, section 4, article II, section 7 6, and article III, section 6, relating to vacancies in the office of the mayor, city council or school board, shall be stayed. (Referendum 11/4/86; 11/2/10)

8. Amend ARTICLE VI., ADMINISTRATIVE OFFICERS, as follows:

Section 1. Appointments.

- (a) The following officers shall be appointed by a vote of at least seven (7) members of the city council: city clerk and corporation counsel. By a vote of at least seven (7) members of the city council, the city council also may appoint constables at large.
- (b) Based on the procedure provided in this article VI, section 1(f), the chief administrator shall be nominated for appointment by the mayor and confirmed by a vote of at least seven (7) members of the city council.
- (c) Based on the procedure provided in this article VI, section 1(f), department heads shall be nominated for appointment by the mayor and confirmed by a vote of at least seven (7) members of the city council.
- (d) All attorneys employed in the corporation counsel's office shall be ~~appointed~~ nominated for appointment by the corporation counsel, subject to confirmation by a vote of at least seven (7) members of the city council. The corporation counsel shall have the right to remove any attorney employed in the corporation counsel's office.
- (e) All other employees shall be appointed and may be removed by the ~~city manager~~ chief administrator upon recommendation of the heads of their departments. (Referendum 11/4/86; 11/2/10)
- (f) The mayor shall declare the intent of the city to appoint any vacant chief administrator or department head position. The city staff shall post the declared positions pursuant to city procedure and provide the mayor with a list of qualified candidates that applied for such appointment. All persons nominated for appointment by the mayor shall be nominated solely on the basis of character and qualification to perform the duties of the office or position to be filled by the appointment.

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 departments, 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. (Referendum 11/4/86)

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 such 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~~ chief administrator shall be fixed by the ~~city manager~~ chief administrator, subject to the approval of the city council. All appointive officers shall hold office ~~during the pleasure of the appointing power~~ until removed pursuant to this charter.

Section 5. Appointment; qualifications; powers and duties of the ~~city manager~~ Chief Administrator.

The ~~city manager~~ chief administrator shall be nominated for appointment by the mayor and chosen confirmed by the city council 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 and 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 such bond shall be paid by the city. Such person shall be responsible for the administration of all departments and for the delivery of city services ~~the administrative head of the city~~ and shall be responsible to the mayor ~~city council~~ for the administration of all departments. The mayor shall recommend for adoption by the city council rules that govern communications between city staff and elected officials. ~~Neither the mayor nor members of the city council shall direct, request or interfere with the appointment or removal of any of the officers or employees of the city for whom the city manager is responsible, nor shall any of them give an order, publicly or privately, to any such city officer or employee relating to any matter in the line of that officer's or employee's city employment. Notwithstanding the foregoing, nothing herein is intended to prevent the city manager from assigning staff to work and communicate directly with councilors, boards and commissions, council committees, neighborhood and other groups and organizations, on city work.~~

The ~~city manager's~~ chief administrator's powers and duties shall be as follows:

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- (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 conduct.
- (b) To exercise control over all departments, divisions, agencies, and offices created herein or that may be hereafter created.
- (c) To hold annual reviews of department heads.
- (d) To implement the policy decisions of the mayor and city council.
- (e) To coordinate city programs and operations and recommend improvements in such programs and operations to the ~~council~~ mayor.
- (f) To prepare city budgets, ~~at the direction of the mayor, in consultation with and incorporating policy guidance of the mayor, and to present such budgets to the council. Upon presentation of the budget by the mayor to the council, the chief administrator may provide a memo to the council on behalf of city staff, which memo may include, but shall not be required, such advice, guidance, information or requests that the chief administrator believes is relevant on behalf of all non-union staff and departments.~~ at the direction of the mayor, in consultation with and incorporating policy guidance of the mayor, and to present such budgets to the council. Upon presentation of the budget by the mayor to the council, the chief administrator may provide a memo to the council on behalf of city staff, which memo may include, but shall not be required, such advice, guidance, information or requests that the chief administrator believes is relevant on behalf of all non-union staff and departments.
- (g) To make appointments as provided in this charter.
- (h) 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.
- (i) 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.
- (j) To jointly prepare with the superintendent a five (5) year rolling capital improvement plan utilizing the participatory budgeting process established by the city council pursuant to article VII, section 5, at the direction of the mayor, for annual presentation by the mayor to a joint meeting of the city council and school board, which plan includes the following:
 - 1. A one (1) year plan of specific projects and their cost;
 - 2. A two (2) through five (5) year plan of specific projects and general categories, and amounts of proposed spending and funding sources; ~~and~~
 - 3. A discussion of the basis for the plan and the factors which went into its development or amendments; and
 - 4. A listing and discussion of capital improvements pending or in process of construction or acquisition.

- (k) To prepare and submit to the city council such reports as are requested or he or she deems advisable, ~~and~~
- (l) To perform such other duties as may be prescribed by this charter or required by ordinance of the city council. (Referenda 11/4/86; 11/2/10)

Section 6. Removal of chief administrator.

The mayor shall have the right to remove the chief administrator from office. Prior to any removal from office, the mayor shall inform the city council, during executive session, of such intention and the reasons for the removal. Following the executive session, the city council may allow the removal to proceed without taking any further action or may, within two business days, schedule a hearing to be held within 30 days to discuss the removal of the chief administrator.

If the council schedules a hearing in which the removal of the chief administrator is the topic, the chief administrator shall have the right to be present, speak, be represented by counsel and present a defense, and such hearing shall be conducted in accordance with state and federal laws and constitutional requirements.

Following the hearing, the city council may override the mayor's decision to remove the chief administrator from office by a vote of a vote of at least seven (7) members of the city council.

Section 6 Section 7. Vacancy in office of ~~city manager~~ chief administrator.

During any vacancy in the office of ~~city manager~~ chief administrator, and during any absence or disability of the ~~city manager~~ chief administrator of more than sixty (60) days, the city council shall designate a properly qualified person to perform the duties of ~~city manager~~ chief administrator and fix such person's compensation. During a temporary absence of sixty (60) days or less, the ~~city manager~~ chief administrator may designate a qualified person to perform the duties of manager during such absence. While so acting, such person shall have the same powers and duties as those given to and imposed on the ~~city manager~~ chief administrator. 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 such bond is to be paid by the city. (Referendum 11/2/10)

Section 7 Section 8. 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. (Referendum 11/4/86; 11/2/10)

Section 8 Section 9. 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 designated herein~~ pursuant to the procedures provided for in this charter. (Referendum 11/4/86; 11/2/10)

Section 10. Removal of officers.

Officers appointed under section 1(a) of this article may be removed from office by a vote of at least seven (7) members of the full council.

Section 11. Removal of department heads.

In consultation with the mayor, the chief administrator shall have the right to remove any department head. The chief administrator shall provide notice and written explanation to the review committee within one week of such removal.

Section 12. Review committee.

The review committee shall consist of members of the city council. The review committee shall establish performance guidelines for regular evaluations, no less than annually, by the city council of the performance of the corporation counsel and city clerk, such evaluations to be based upon those guidelines. Such performance guidelines shall have measurable goals and objectives, taking into consideration, as applicable, the achievement of city policies and priorities.

The mayor shall lead the annual review of the chief administrator in conjunction with the review committee based upon the established performance guidelines.

To the extent consistent with state law, the city's personnel policies, and labor agreements, the review committee shall hold regular meetings, no less than annually, with the chief administrator and department heads. The purpose of these meetings shall be to understand the general working conditions and morale at city hall.

9. Amend ARTICLE VII., BUSINESS AND FINANCIAL PROVISIONS, by amending Section 1, Accounts and records, Section 5, Annual budget, Section 6 Budget content, Section 7, Appropriation resolve, and Section 8 Mayoral veto of general city purposes appropriations in the appropriation resolve, as follows:

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. 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~~ chief administrator and mayor each month a report containing in detail the revenues, expenses and expenditures 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 and the school department shall be audited annually by a qualified certified public accountant to be chosen by the city council. (Referendum 12/1/75; 11/2/10)

Section 5. Annual budget.

The city council shall develop and implement a participatory budgeting system wherein a portion of the city budget is allocated based on a process that involves the input from as many residents of Portland as possible. To achieve such participatory system, the city council may establish a subcommittee, task force, or any other structure that is necessary and proper for the design, implementation, and management of a participatory budgeting system.

~~Not~~ After the participatory budgeting process, but in no event later than two (2) months before the end of the fiscal year, the ~~city manager~~ mayor shall submit to the city council a proposed city budget prepared by the ~~city manager~~ chief administrator and mayor for the ensuing fiscal year. ~~The mayor shall submit comments on the proposed city budget, along with any proposed modifications, concurrently with the manager's submission.~~

The city council shall fix a time and place for holding a public hearing upon the proposed city budget prepared by the ~~manager~~ chief administrator and mayor, and shall give 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. (Referenda 6/13/78; 11/4/86; 11/2/10)

Section 6. Budget content.

The proposed city budget prepared by the ~~manager~~ chief administrator and mayor shall provide a complete financial plan of city general and enterprise funds and activities for the ensuing fiscal year. In organizing the budget, the ~~city manager~~ chief administrator and mayor 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. (Referenda 6/13/78; 11/2/10)

Section 7. 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 5 of article III. The total amount appropriated shall not exceed the estimated revenue of the city.

If it fails to adopt such 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. These continuing appropriations shall not be subject to the mayor's veto in section 8 below.

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. Such supplemental appropriations shall not be are subject to the mayor's veto in section 8 below. (Referenda 6/13/78; 11/2/10)

Section 8. Mayoral veto of general city purposes appropriations in the appropriation resolve.

Within five (5) business days of the meeting at which the city council adopts the annual appropriation resolve or any supplemental appropriation resolution referenced in section 7 of article VIII above, the mayor may veto the appropriation for general city purposes or the supplemental appropriation in such resolve by written communication to the ~~other members of the city council~~. Such communication shall specify the reasons for such veto and shall, at minimum, be posted upon the city's website or similar location and sent to the councilors by electronic mail and by the same means that agendas are delivered to councilors.

Any such veto of the appropriation for general city purposes shall not affect city payment of debt service obligations on previously authorized bonds, nor shall it affect the school budget appropriation.

An order to override the veto shall be placed on the next city council agenda which is at least five (5) calendar days after the date of the mayor's veto communication, and such veto may be overridden by a vote of at least ~~six (6)~~ two-thirds (2/3) of the members of the city council. ~~The mayor shall not vote on such override item.~~

If a veto is overridden, the general city purposes appropriation will take effect on the first day of the fiscal year, or on the day immediately following the override vote, if such vote is after the first day of the fiscal year.

If a veto is not overridden, then at the same meeting the override vote is taken, the general city purposes appropriation which was vetoed shall become an item for further consideration by the city council, without the need for a motion for reconsideration, and the city appropriation may be modified, amended, or otherwise acted upon to secure passage at that meeting or a subsequent meeting without the need for two readings prior to passage.

In the event the city council does not override the veto or does not secure passage of the annual appropriation for general city purposes prior to the start of the fiscal year, or has not

otherwise acted to provide continuing appropriations under the second paragraph of section 7 above, then the appropriations for general city purposes in effect for the prior fiscal year shall go into effect as of the first day of the fiscal year, with expenditures chargeable to the appropriation for the year, until the appropriation for general city purposes is approved. (Referendum 11/2/10)

10. Amend ARTICLE VIII., MISCELLANEOUS PROVISIONS, by amending Section 1 as follows:

Section 1. No personal interest.

Neither the mayor nor any ~~No~~ member of the city council or school board or board or commission thereof and no officer or employee of the city or school department shall:

- (a) Have a substantial financial interest, direct or indirect, in any contract entered into by or on behalf of the City of Portland or the school board, 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 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. 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.
- (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) 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. (Referenda 11/4/86; 11/2/10)