

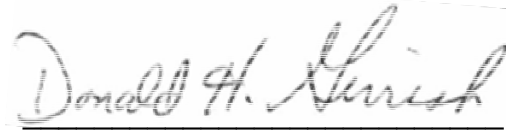
City Council Workshop

Agenda Item #3

February 15, 2017

Review of Upcoming Workshop Items

This item is brought forward to discuss upcoming City Council Workshop Items. This discussion is done on a monthly basis.

A handwritten signature in cursive script, reading "Donald H. Kurish". The signature is written in black ink and is positioned above a horizontal line.

Interim City Manager

Time Allocated Hours	Mins.	Workshop Date	Agenda Item	Date Added	Sponsors
		2/27/2017	Review O'Neil Street Re-Use Planning Process & Timeline	12/23/16	Reny
		2/27/2017	Proposed Amendments Ch. 27, CS Zone & new Affordable Housing section	1/10/17	Haeuser/Reny
		3/13/2017	Assessed Property Valuation	1/11/2017	Thomas
		3/13/2017	* Last non-budget workshop scheduled until April 24, 2017		
Ready to Go		Priority	Notes		
			Council contact with Corp Counsel		
			FOAA Discussion		
			Mini-Master Planning Grant Program	10/12/16	Council
			Redbank Community Ctr Project	10/3/16	Adams
			Committee Appointment Process	12/8/16	Gerrish
			2017 Council Goal Setting		Smith
			Historical Society Land Lease	1/20/17	Gerrish
In Progress			Notes		
			Open Space Plan		
			Ban on Single-Use Plastic Bottles	8/8/16	Fox/Rose
			Initiative & Referendum Ordinance	9/7/16	Council
			Multicultural Administrator	9/12/16	Rose/Fox
			Portland Street Pier	1/9/17	Morgan
			Economic Development	1/9/17	Morgan/Beecher
Awaiting Memos			Notes		Memo From
			Old Joe's Pond		Gerrish
			Complete Streets Ordinance	1/9/17	Haeuser



City Council

Workshop Proposal Form

Date Submitted: 2/9/2017

Title: Regulation Related to Single-Use Plastic Water Bottles

Sponsored by Councilor(s) Brad Fox (cosponsor Eben Rose)

Nature of Proposal: Information Exchange or Possible Council Action

If Possible Action: Ordinance

Summary/Description: The purpose of this workshop is to consider options for banning single-use plastic water bottles using, as models, legislation adopted in San Francisco, CA, and Concord, MA, and, looking abroad, Bunadoon, NSW Australia.

Is it time-sensitive? No Yes Deadline: none

Explain: This topic was brought to the workshop "parking lot" in March, 2016

Workshop Preparation Requested (i.e. staff presentation, guest speaker(s), Council discussion only, etc.):

Guest speaker may be arranged by sponsors; model ordinances may be provided by sponsors or by Clerk's Office or Legal Department.

Estimated Time Required: 60-90 minutes



City Council

Workshop Proposal Form

Date Submitted: 2/9/2017

Title: FOAA amid cries of foul: articulating the boundaries

Sponsored by Councilor(s) Eben Rose (cosponsor Brad Fox)

Nature of Proposal: Information Exchange or Possible Council Action

If Possible Action: Standing Rule

Summary/Description: Maine's Freedom of Access Act (FOAA) and guidance from formal FOAA training leave unresolved the boundary within a continuum of immanent "public business" and protected historical or political speech that is unrelated to immanent "public business". The stated Purpose of FOAA is to help facilitate, and not have a chilling effect on, the transaction of public business. Discussion of this boundary, guided by actual recent scenarios in which cries of foul have emerged (see attached sheet) will help us all understand what is expected of us in the creation and execution of public policy.

Is it time-sensitive? No Yes Deadline: none

Explain: This topic arose to be among the top four goal setting priorities at the start of 2016 amid high-profile accusations of FOAA transgression by one Councilor against another. An agreement to be independently self-policing rather than publicly or privately accusatory of other Councilors can obviate the need to bring this topic to a public workshop. However, if we are in the practice of crying 'foul' against one another, we must arrive at a mutually acceptable understanding of what the boundaries are that are being crossed.

Workshop Preparation Requested (i.e. staff presentation, guest speaker(s), Council discussion only, etc.):

Council discussion only

Estimated Time Required: 120+ minutes

Maine's Freedom of Access Act and guidance from formal FOAA training together leave unresolved the boundary between "public business" and protected historical or political speech unrelated to immanent "public business". One central aspect of this boundary is "ripeness" and the scope of Council action that lies somewhere on the continuum of political speech and immanent FOAA-responsive "public business". Discussion of this boundary will help us all understand what is expected of us in the creation and execution of public policy.

A series of questions are offered here to focus this discussion. These are based on actual situations that the Council and local government have confronted in recent years or confront as an ongoing matter. The goal of this discussion is to establish standards, such as through Ordinance or Order, that demarcate boundaries in a contested gray area in which some behaviors and activities have been permitted and continue to be permitted as a matter of course while other behaviors or activities have formed the basis of accusations of wrongdoing.

1. In fall of 2013, open letter was published by local newspapers that was authored and signed by 5 of 7 Councilors stating their collective opposition to the Waterfront Protection Ordinance (WPO)— an initiative that was already deliberated on and rejected by the Council and was consequently referred to voters. Was this open letter a resolution? If so, did its deliberation constitute a clandestine meeting? Why or why not? Was this a violation of Council Standing Rule §22?

2. We may all agree that items posted on public agendas are city "public business", but at what point, if any, in a continuum of discourse involving historical, political, or regional topics is protected political speech considered "public business" responsive to FOAA? Can the public agenda serve as a functional threshold here?

3. What folk wisdom guides protocols for the "rule of three" beyond what is stated in 1 MRSA §406? Do events such as the annual South Portland/Cape Elizabeth Chamber of Commerce dinner (in which most or all Councilors attend) a breach of this protocol? Why or why not? What discussions taking place at such a meeting would be considered "public business"?

4. Email exchanges among Councilors are discouraged by some Councilors as "unannounced meetings" when a Councilor copies more than two other Councilors on an exchange, even as a "reply all" to unsolicited emails received by that Councilor. However, executive staff may feel obligated to copy dialog with single Councilors to all Councilors, and this is deemed acceptable. What are the two standards that allow one to be one acceptable and the other not?

5. Does 1 MRSA §403(6) of FOAA provide the broad exemption for meetings among executive staff from FOAA record-keeping requirements (aside from those articulated in 1 MRSA §402(3)?). If so, then what is the status and expectation of transparency when public policies are formulated by executive action alone, e.g., SPPD body camera policy, or executive meetings with large-scale private developers hoping to modify or skirt existing zoning (e.g., NGL pre-meetings with Planning and Development staff in 2016).

If the outcome of this discussion falls short of generating explicit rules, it can at least engage a public discourse on the topic of transparency where cries of foul have, over the past few years, brought scrutiny to the integrity of this governing body to conduct public business openly and with integrity in the public interest. This workshop brings these off-agenda cries of foul to the public forum.



City Council

Workshop Proposal Form

Date Submitted: 2/9/2017

Title: Amendments to Resolve #6-16/17;

Sponsored by Councilor(s) Eben Rose

Nature of Proposal: Information Exchange or Possible Council Action

If Possible Action: Resolve Order Ordinance

Summary/Description: The following two amendments to Resolve #6-16/17 are offered as a directive for future potential deputization of the South Portland Police Department by Federal or State agencies for deportation or religious persecution:

#5 South Portland will not assist or cooperate with any raids or detentions or deportations of any immigrants or Muslims. This includes the assistance of any law enforcement or providing data to the Federal government without warrant or subpoena where the purpose of such data is to enable such raids or detentions or deportations.

#6 South Portland will not assist or cooperate with registration or surveillance programs of Muslims, or make any attempt to make our friends, neighbors, and loved ones the enemy.

Is it time-sensitive? No Yes Deadline: 2/27/2017

Explain: Public sentiment expressed during deliberation if Resolve #6-16/17 indicated a desire for a more toothsome, active response to the rapidly growing threat of institutionalized targeting of Muslim and immigrant inhabitants of South Portland

Workshop Preparation Requested (i.e. staff presentation, guest speaker(s), Council discussion only, etc.):

SPPD representatives should describe existing Federal programs that require such cooperation already, The limits of these programs, and the possible ramifications of noncompliance (e.g., withholding of funds, etc.).

Estimated Time Required: (unknown) minutes