

CHAPTER 4,
BOARDS AND COMMITTEES
(Amended eff. 10-10-2018, 3-10-2021, 08-11-2021)

SEC. 4-1-1. Establishment. The Town Council shall have the authority to form boards and committees as are required by statute, by town charter and ordinances adopted thereunder, and by Town Council vote as it shall deem necessary from time to time. The Town Council shall establish a charge and duties for each board and committee, as described below or, in the case of future boards and committees, at the time the board or committee is created. Except when boards and committees are designated by statute with authority independent of the Town Council, all boards and committees shall be advisory to the Town Council. The Town Manager shall assign staff support to boards and commissions as appropriate.

SEC. 4-1-2. Appointment. Board and committee members shall be appointed by vote of the Town Council. The Town Council shall consider board and committee appointments recommended by the Appointments Committee. The Town Council may forego the Appointments Committee process if the appointment is time-sensitive, is related to unique subject matter, or the committee charge designates representatives from existing committees. The Town Council may select a sitting board or committee member to serve another term, but there should be no expectation of reappointment.

SEC. 4-1-3. Removal and Vacancies. Board and Committee members may be removed by a vote of the Town Council for cause shown. When a Board or committee member resigns prior to the end of the term, the Appointments Committee shall recommend a replacement for the portion of the unexpired term.

SEC. 4-1-4. Additional Town Council appointments. The Town Council designates itself to perform the duties of the following boards. The membership and terms of these boards shall be the membership and terms of the Town Council.

- A. Board of Trustees of the Thomas Memorial Library
- B. Board of Trustees of the Riverside Memorial Cemetery
- C. Board of Directors of the Museum at Portland Head Light
- D. Board of Trustees of the Thomas Jordan Trust

SEC. 4-1-5. Operations of all Boards and Committees. All boards and committees shall perform their duties in compliance with the following provisions.

- A. Chair. Every board and committee shall elect or have designated by the Town Council a Chair of the board or committee. The chair shall be responsible for conducting meetings, for making reports to the Town Council upon request, and for coordinating with town staff meeting logistics. The chair shall serve for one calendar year on a standing board or committee or for the set duration of an ad hoc committee. A standing board or committee chair shall not serve more than two (2) consecutive years as chair. The chair shall be a full participating and voting member of the board or committee.
- B. Quorum. Board and committee meetings shall only begin when a quorum is present. A quorum is more than fifty percent (50%) of the total board or committee membership. Meetings sponsored by a board or committee when no vote will be taken are not required to have a quorum and may include, but are not limited to, site walks and public information meetings.
- C. Public Participation. Boards and committees shall conduct all business in compliance with the spirit and letter of the Maine Freedom of Access Act, as may be amended, and Town Council policy. Compliance shall include, but not be limited, to the following:
1. Agenda. Every meeting of a board or committee shall have an agenda that includes the name of the committee holding the meeting, date, time, and place of the meeting, subject areas to be discussed at the meeting, and the public participation allowed at the meeting.
 2. Announcement. Board and committee meetings shall be announced in ample time to allow public attendance, by posting on the town website and other methods as appropriate. A meeting agenda shall be available prior to the meeting. Board and committee meeting supplemental materials shall also be available for the public to review at a designated town office.
 3. Minutes. Minutes of all board and committee meetings shall be prepared by staff and posted to the town website. Minutes shall include the name of the board or committee meeting, date, time and place of the meeting, board and committee members present and a summary of any votes taken. The name and address of members of the public who speak at the meeting, including a brief summary of their comments, shall also be included. Board and committee minutes shall be reviewed and adopted at the next meeting, except for the last meeting of ad-hoc committees, when the minutes shall be reviewed and approved by the board or committee chair.

4. **Public Access.** All board and committee meetings shall be open to the public to attend. No board or committee business shall be conducted by board or committee members outside of board or committee meetings. Individual board or committee members may communicate with staff, and the board or committee chair is expected to communicate with staff. Communications relevant to board or committee business must be shared at the next meeting. Nothing in this provision shall prohibit a board or committee from holding an Executive Session as provided under state statute.
5. **Public comment.** Except as specified in board or committee bylaws, public comment shall be allowed at every board and committee meeting. Boards and committees shall also limit oral public comment at meetings to assure completion of assigned duties. Boards and committees shall adopt public participation rules, using the Town Council's rules of public participation as guidance, and shall include public participation rules on each meeting agenda. Written public comments shall be directed to the board or committee staff, and staff shall distribute the comments to the board or committee members and shall also keep a copy in the public file. Any written comments, including email, received by a board or committee member regarding board or committee business shall be forwarded to staff for distribution to all members and added to the public file.

D. **Conflict of Interest.** Board and committee members should avoid both actual and perceived conflicts of interest and bias. Determinations of conflict of interest and/or bias shall be determined in accordance with state statute. Board and committee members shall also be guided by the Code of Ethics for the Town Council.

SEC. 4-1-6. Standing Boards and Committees. Boards and committees with ongoing responsibilities and duties are considered standing boards and committees. Except where specifically designated by statute and/or town ordinance with authority independent of the Town Council, standing boards and committees are advisory to the Town Council.

A. **Composition.** A standing board or committee shall be composed of a defined number of members who are residents of the town, unless otherwise specified in the board or committee description. Board and committee members shall be appointed for staggered, three (3) year terms expiring on December 31st. A board or committee member's service during an unexpired term shall not be included in any term limit. Board and committee members shall be volunteers without compensation.

B. Responsibilities. All standing boards and committees shall perform the following duties:

1. Bylaws. If any board or committee promulgates bylaws in addition to the provisions in Sec. 4-1-5, Operations of Boards and Committees, bylaws, including amendments, must be submitted to the Town Council for approval.
2. Meetings. Boards and committees shall meet as needed commensurate with their duties and responsibilities. When a board or committee will be meeting several times a year, an effort shall be made to establish a regular meeting schedule for the year to be posted on the town website.
3. Vacancy. All boards and committees shall notify the Town Clerk of any vacancy (not related to the end of a term) on the board or committee.

C. Upon Request Responsibilities. All standing boards and committees shall perform the following duties, and any other assigned tasks, upon Town Council request.

1. Goals. All boards and committees shall develop annual goals for submission to the Town Council.
2. Budget. All boards and committees shall submit to the town manager funding requirements for the next fiscal year.
3. Year end report. All boards and committees shall provide a calendar year end report.

SEC. 4-1-7. Establishment of Standing Boards and Committees. The following standing boards and committees are established. The Town Council shall appoint members with staggered terms of 3 years. Board and committee members are limited to serve no more than 3 consecutive terms without a break in membership. In addition to the responsibilities described below, boards and committees shall provide recommendations and policy changes as the Town Council may require from time to time.

A. Board of Assessment Review

1. Membership. The Board of Assessment Review shall consist of three members (3).

2. Purpose. The purpose of the Board of Assessment Review shall be to comply with the statutes of the State of Maine in the establishment of assessments for the purpose of taxation.
3. Duties. The Board of Assessment Review shall have the power to:
 - a. Review, on complaint of property owner, and revise assessments for the purpose of taxation of real and personal property within the town limits made by the town assessor.
 - b. Administer oaths.
 - c. Take testimony.
 - d. Hold hearings.
 - e. Adopt regulations regarding the procedure of assessment review not inconsistent with statutory provisions.
 - f. Hear an appeal of a decision of the Town Council relating to applications for abatement of local property taxes.

B. Community Services Committee

1. Membership. The Community Services Committee shall consist of seven (7) members.
2. Purpose. The purpose of the Community Services Committee shall be to advocate for versatile community programs offering educational, cultural, recreational and social enrichment opportunities.
3. Duties. The Community Services Committee shall have the following duties and responsibilities:
 - a. Perform regular outreach efforts to assess satisfaction with current programming and identify unmet needs.
 - b. Advise the Community Services Director on issues of interest that relate to the programming offered by the Community Services Department.

C. Conservation Committee

1. Membership. The Conservation Committee shall consist of seven (7) members.
2. Purpose. The purpose of the Conservation Committee shall be to act in the role of conservation commission as described in the statutes of the State of Maine, to be the steward of the Cape Elizabeth Greenbelt, and to advise on wetland and natural resource issues.
3. Duties. The Conservation Committee shall have the following duties and responsibilities:
 - a. Act as Steward of Town open space as described in the Conservation Ordinance, Chapter 18, Article V, Open Space Management.
 - b. Advise the Planning Board in the review of open space set aside as part of Subdivision Review, Subdivision Ordinance, Chapter 16, and in the review of Resource Protection Permits, Zoning Ordinance, Chapter 19.
 - c. Administer the Open Space Evaluation and Preservation Program, Chapter 18.
 - d. Prepare the Greenbelt Plan for Town Council consideration.

D. Diversity, Equity and Inclusion Committee (eff. 08-11-2021)

1. Membership. The Diversity, Equity and Inclusion Committee shall consist of seven (7) members. In addition, the committee may invite two student representatives from Cape Elizabeth High School and/or Cape Elizabeth Middle School to be non-voting representatives.
2. Purpose. The purpose of the Diversity, Equity and Inclusion Committee shall be to serve as a bridge between town government and the community to celebrate and advocate for diversity, equity and inclusion.
3. Duties.
 - a. Advise and recommend to the Town Council policies and practices to promote diversity, equity and inclusion. This shall include but not be

limited to review of policies and practices of town departments to promote anti-racism, equity and inclusion.

- b. Educate the community by developing programs, events and initiatives to promote diversity, inclusion awareness and anti-racism and provide ongoing guidance on approaches for training town officials and employees in order to eliminate explicit and implicit bias.
- c. Elevate community awareness and engagement by creating tools such as surveys in order to better understand community view and concerns about diversity, equity and inclusion and campaigns that promote Cape Elizabeth as a town that is a welcoming and respectful place to live, work and visit.

E. Firing Range Committee

- 1. Membership. The Firing Range Committee shall consist of five (5) members.
- 2. Purpose. The purpose of the Firing Range Committee shall be to make recommendations to the Town Council regarding licensing of shooting ranges as conferred in the Shooting Range Ordinance, Chapter 24.
- 3. Duties. The Firing Range Committee shall have the following duties:
 - a. Review license applications and inspect firing ranges in accordance with the Shooting Range Ordinance, Chapter 24.
 - b. Recommend rules and regulations for shooting ranges for Town Council consideration.
 - c. Review complaints.

F. Fort Williams Park Committee

- 1. Membership. The Fort Williams Park Committee shall consist of seven (7) members.
- 2. Purpose. The purpose of the Fort Williams Park Committee shall be to advise the Town Council on policies for Fort Williams Park.
- 3. Duties. The Fort Williams Park Committee shall have the following duties:

- a. Recommend policies regarding use of the park.
- b. Prepare or update a master plan or special reports for park improvements.
- c. Review any special event proposed for Fort Williams Park in accordance with the current Group Use Policy.

G. Personnel Appeals Board

1. Membership. The Personnel Appeals Board shall consist of three (3) members.
2. Purpose. The purpose of the Personnel Appeals Board shall be to consider appeals as provided for in the Personnel Code, Chapter 3, and any collective bargaining agreement that may confer such jurisdiction.
3. Duties. The Personnel Appeals Board shall have the following duties and responsibilities:
 - a. Hold hearings as provided for in the Personnel Code, Chapter 3.
 - b. Hold hearings as provided for in collective bargaining agreements when jurisdiction has been conferred.

H. Planning Board

1. Membership. The Planning Board shall consist of seven (7) members.
2. Purpose. The purpose of the Planning Board shall be to advocate that development of private and public property be done in an orderly manner that protects the public health, safety and welfare.
3. Duties. The Planning Board shall have the following duties:
 - a. Exercise and perform such rights, powers, and duties as are conferred or imposed under the provisions of the statutes, local ordinances, and regulations thereunder, and as the same may from time to time hereafter be amended.
 - b. Advise the Town Council in the amendment of the Zoning and Subdivision Ordinances, and other ordinances upon request.

- c. Advise the Town Council, upon request, on short and long-term planning policies.
- d. Advise the Town Planner on planning procedures and public participation efforts.

I. Recycling Committee

- 1. Membership. The Recycling Committee shall consist of seven (7) members.
- 2. Purpose. The purpose of the Recycling Committee shall be to promote recycling of solid waste in the community, provide environmental stewardship and protect the environment.
- 3. Duties. The Recycling Committee shall have the following duties:
 - a. Recommend policies that increase reuse and recycling in the community and promote environmental stewardship.
 - b. Conduct public education and promotional efforts to increase recycling.
 - c. Monitor recycling trends and changes in the solid waste industry.
 - d. Establish policies to manage the Bottle Shed Charitable Donation Program and determine charitable disbursements. (eff. 3-10-2021)

J. Energy Committee (eff. 10-10-2018)

- 1. Membership. The Energy Committee shall consist of seven (7) members.
- 2. Purpose. The purpose of the Energy Committee shall be to promote municipal and community energy efficiency, conservation, and sustainability goals.
- 3. Duties. The Energy Committee shall have the following duties and responsibilities:
 - a. Make recommendations to the Town Council of management approaches, policies, programs, and techniques now used by other municipalities in Maine and elsewhere that advance municipal and

community energy efficiency, conservation, and sustainability goals.

- b. Research, evaluate and recommend energy options that implement goals. Evaluation shall include an analysis of anticipated energy cost savings and return on investment.
- c. Conduct public education and promote energy efficiency, conservation, and sustainable energy efforts and opportunities in our community.
- d. Collaborate with neighboring communities to pursue environmental sustainability and energy efficiency.

K. Riverside Cemetery Committee

- 1. Membership. The Riverside Cemetery Committee shall consist of three (3) members.
- 2. Purpose. The purpose of the Riverside Cemetery Committee shall be to advise the Town Council on policies of Riverside Memorial Park.
- 3. Duties. The Riverside Cemetery Committee shall have the following duties and responsibilities:
 - a. Administer management policies that preserve the park as a respectful place for burial of town residents.
 - b. Monitor and manage capacity needs of the cemetery.
 - c. Prepare and update the master plan.

L. Thomas Memorial Library Committee

- 1. Membership. The Thomas Memorial Library Committee shall consist of seven (7) members.
- 2. Purpose. The purpose of the Thomas Memorial Library Committee shall be to advocate for a library that provides a wide range of services and enrichment opportunities for the community.
- 3. Duties. The Thomas Memorial Library Committee shall have the following duties and responsibilities:

- a. Advise the Library Director on matters of the library, such as the collection, services, programs, facilities, and policies.
- b. Work cooperatively with groups that seek to assist the library. Committee members may, upon request, serve on independent boards whose purpose is to support the library.

M. Board of Zoning Appeals

1. Membership. The Board of Zoning Appeals shall consist of seven (7) members.
2. Purpose. The purpose of the Board of Zoning Appeals shall be to provide property owners an opportunity to seek relief from the provisions of the Zoning Ordinance, as required by the statutes of the state of Maine, or the decision of the Code Enforcement Officer.
3. Duties. The Board of Zoning Appeals shall have the following duties and responsibilities:
 - a. Exercise and perform such rights, powers, and duties as are conferred or imposed under the provisions of the statutes and the Zoning Ordinance, Chapter 19, and as the same may from time to time hereafter be amended.
 - b. Consider appeals, applications for special permits, and interpretations of the Sewer Ordinance, Chapter 15 and the Stormwater Ordinance, Chapter 25.

SEC. 4-1-8. Ad Hoc Committees. Committees formed by the Town Council to complete defined tasks and then be disbanded are ad hoc committees. The Town Council may create an ad hoc committee as needed. When creating an ad hoc committee, the Town Council shall adopt a committee charge that includes the name, composition, and purpose of the committee, tasks to be completed, a deadline for completion of committee work (which may be extended by the Town Council), and direction to the Town Manager to assign staff support as needed. Ad hoc committees shall perform their duties in compliance with Sec. 4-1-5, Operation of Boards and Committees.