

Draft

Repeal CHAPTER 4, BOARDS AND COMMISSIONS and replace with

CHAPTER 4,
BOARDS AND COMMITTEES

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.

Note: Do you want to expand on the role and practices of the Appointments Committee? Remember, adding it to an ordinance also reduces flexibility if a future appointments committee wants to change the process.

Possible guidance to Appointments Committee on making recommendations:

- advertise*
- conduct interviews*
- select diverse group? folks with expertise? geographical/gender/age diversity?*
- Ok to select people related to committee charge because conflict of interest or bias still applies*
- *appointment of town employee?*

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. A board or committee member's service during an unexpired term shall not be included in any applicable term limit.

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

- 5 A. Board of Trustees of the Thomas Memorial Library
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- 7 B. Board of Trustees of the Riverside Memorial Cemetery
- 8
- 9 C. Board of Directors of the Museum at Portland Head Light
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- 11 B. Board of Trustees of the Thomas Jordan Trust
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14 **SEC. 4-1-5. Operations of all Boards and Committees.** All boards and committees shall
15 perform their duties in compliance with the following provisions.
16

- 17 A. Chair. Every board and committee shall elect or have designated by the Town
18 Council a Chair [*?and Vice-Chair*] of the board or committee. The chair shall be
19 responsible for conducting meetings, for making reports to the Town Council
20 upon request, and for coordinating with town staff meeting logistics. The chair
21 shall serve for one calendar year on a standing board or committee or for the set
22 duration of an ad hoc committee. A standing board or committee chair shall not
23 serve more than two (2) consecutive years as chair. The chair shall be a full
24 participating and voting member of the board or committee.
25

26 *Note: Appointment of "secretary" has been deleted because staff will be responsible for minutes.*
27 *Also, may want to officially appoint a Vice-Chair for when the char is absent. Otherwise,*
28 *an "acting" chair will need to be designated at the meeting. Having a Vice-Chair can also*
29 *help with continuity of leadership.*
30

- 31 B. Public Participation. Boards and committees shall conduct all business in
32 compliance with the spirit and letter of the Maine Freedom of Access Act, as may
33 be amended, and Town Council policy. Compliance shall include, but not be
34 limited to the following:
35

- 36 1. Agenda. Every meeting of a board or committee shall have an agenda that
37 includes the name of the committee holding the meeting, date, time, and
38 place of the meeting, subject areas to be discussed at the meeting, and the
39 public participation allowed at the meeting.
40

41 *Do we need to define "meeting"*
42

1 2. Announcement. Board and committee meetings shall be announced in ample
2 time to allow public attendance, by posting on the town website and other
3 methods as appropriate. A meeting agenda shall be available prior to the
4 meeting. Board and committee meeting supplemental materials shall also be
5 available for the public to review at a designated town office.
6

7 3. Minutes. Minutes of all board and committee meetings shall be prepared and
8 posted to the town website. Minutes shall include the name of the board or
9 committee meeting, date, time and place of the meeting, board and committee
10 members present and a summary of any votes taken. The name and address
11 of members of the public who speak at the meeting, including a brief
12 summary of their comments, shall also be included. Board and committee
13 minutes shall be reviewed and adopted at the next meeting, except for the last
14 meeting of ad-hoc committees, when the minutes shall be reviewed and
15 approved by the board or committee chair.
16

17 4. Public Access. All board and committee meetings shall be open to the public
18 to attend. No board or committee business shall be conducted by board or
19 committee members outside of board or committee meetings. Individual
20 board or committee members may communicate with staff, and the board or
21 committee chair is expected to communicate with staff. Communications
22 relevant to board or committee business must be shared at the next meeting.
23 Nothing in this provision shall prohibit a board or committee from holding
24 an Executive Session as provided under state statute.
25

26 5. Public comment. Except as specified in board or committee bylaws, public
27 comment shall be allowed at every board and committee meeting. Boards and
28 committees shall also limit oral public comment at meetings to assure
29 completion of assigned duties. Boards and committees shall adopt public
30 participation rules, using the Town Council's rules of public participation as
31 guidance, and shall include public participation rules on each meeting
32 agenda. Written public comments shall be directed to the board or committee
33 staff, and staff shall distribute the comments to the board or committee
34 members and shall also keep a copy in the public file. Any written comments,
35 including email, received by a board or committee member regarding board
36 or committee business shall be forwarded to staff for distribution to all
37 members and added to the public file.
38

39 C. Conflict of Interest. Board and committee members should avoid both actual and
40 perceived conflicts of interest and bias. No board or committee member shall
41 participate by discussion or voting on any item for which they have a peculiar
42 financial interest [*get advice from attorney to refine this language*] or personal bias
43 that prevents them from considering the facts before the board or committee. If a

1 board or committee member may have a conflict of interest or bias, they should
2 seek advice from staff and also disclose the question at the board or committee
3 meeting. The board or committee shall then decide if the member should be
4 recused from that item.
5

6 **SEC. 4-1-6. Standing Boards and Committees.** Boards and committees with ongoing
7 responsibilities and duties are considered standing boards and committees. Except
8 where specifically designated by statute and/or town ordinance with authority
9 independent of the Town Council, standing boards and committees are advisory to the
10 Town Council.
11

12 A. Composition. A standing board or committee shall be composed of a defined
13 number of members who are residents of the town, unless otherwise specified in
14 the board or committee description. Board and committee members shall be
15 appointed for staggered, three (3) years expiring on January 1st. Board and
16 committee members shall be volunteers without compensation.
17

18 B. Responsibilities. All standing boards and committees shall perform the following
19 duties upon Town Council request:
20

21 1. Bylaws. If any board or committee promulgates bylaws in addition to the
22 provisions in Sec. 4-1-4, Operations of Boards and Committees, bylaws,
23 including amendments, must be submitted to the Town Council for approval.
24

25 2. Goals. All boards and committees, upon request, shall develop annual goals
26 for submission to the Town Council.
27

28 3. Budget. All boards and committees shall submit to the town manager
29 funding requirements for the next fiscal year, upon request.
30

31 4. Meetings. Boards and committees should meet as needed commensurate with
32 their duties and responsibilities. When a board or committee will be meeting
33 several times a year, an effort shall be made to establish a regular meeting
34 schedule for the year which may be posted on the town website.
35

36 ? *Year end report (calendar or fiscal)*
37

38 5. Vacancy. All boards and committees shall notify the Town Clerk of any
39 vacancy (not related to the end of a term) on the board or committee.
40

41 **SEC. 4-1-7. Establishment of Standing Boards and Committees.** The following
42 standing boards and committees are established. The Town Council shall appoint
43 members with staggered terms of 3 years. Board and committee members are limited to

1 serve no more than 3 consecutive terms without a break in membership. In addition to
2 the responsibilities described below, boards and committees shall provide
3 recommendations as the Town Council may require from time to time.

4
5 A. Board of Assessment Review

6
7 1. Membership. The Board of Assessment Review shall consist of three
8 members (3).

9
10 2. Purpose. The purpose of the Board of Assessment Review shall be to
11 comply with the statutes of the State of Maine in the establishment of
12 assessments for the purpose of taxation.

13
14 3. Duties. The Board of Assessment Review shall have the power to:

15
16 a. Review and revise assessments. Review on complaint of property
17 owners, and revise assessments for the purpose of taxation of real
18 and personal property within the town limits made by the town
19 assessor;

20
21 b. Administer oaths. Administer oaths;

22
23 c. Take testimony. Take testimony;

24
25 d. Hold hearings. Hold hearings; and

26
27 e. Adopt regulations. Adopt regulations regarding the procedure of
28 assessment review not inconsistent with statutory provisions

29
30 B. Community Services Committee

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32 1. Membership. The Community Services Committee shall consist of seven
33 (7) members. *Designate a member from the School Board?*

34
35 2. Purpose. The purpose of the Community Services Committee shall be to
36 provide advice to the Town Council about facilities and programming to
37 promote the health of town residents and to provide direction to the
38 Director of Community Services on the programming offered by the
39 Community Services Department.

40
41 3. Duties. The Community Services Committee shall have the following
42 duties and responsibilities:

- 1 a. Perform regular outreach efforts to assess satisfaction with current
- 2 programming and identify unmet needs. Outreach efforts shall
- 3 include at least two (2) focus groups targeted to a specific user
- 4 group annually.
- 5
- 6 b. Approve a catalog of offerings?
- 7
- 8 c. Annual budget recommendation to the Town Council?
- 9

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11 C. Conservation Committee

- 12
- 13 1. Membership. The Conservation Committee shall consist of seven (7)
- 14 members.
- 15
- 16 2. Purpose. The purpose of the Conservation Committee is to act in
- 17 the role of conservation commission as described in the statutes of
- 18 the State of Maine, to be the steward of the Cape Elizabeth
- 19 Greenbelt, and to advise on wetland and natural resource issues.
- 20
- 21 3. Duties. The Conservation Committee shall have the following duties and
- 22 responsibilities:
- 23
- 24 a. Stewardship of Town open space as described in the Conservation
- 25 Ordinance, Chapter 18, Article V, Open Space Management.
- 26
- 27 b. Advisory to the Planning Board in the review of open space set
- 28 aside as part of Subdivision Review, Subdivision Ordinance,
- 29 Chapter 16, and in the review of Resource Protection Permits,
- 30 Zoning Ordinance, Chapter 19.
- 31
- 32 c. Administration of the Open Space Evaluation and Preservation
- 33 Program.
- 34
- 35 d. Preparation of the Greenbelt Plan for Town Council consideration.
- 36
- 37 e. Other duties as assigned by the Town Council.
- 38

39 *Move the following into the Conservation Ordinance?*

40
41 **Sec. 4-5-4. Open Space Evaluation and Preservation Program.** The purpose of the open space
42 evaluation and preservation program is to establish an ongoing, standardized effort for
43 identifying, evaluating and recommending additions to the Town’s inventory of preserved

1 open spaces. The program shall be conducted by the Conservation Commission with updates
2 at each stage to the Town Manager. [Amended Eff. 7/10/2013].

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4 (a) Identification and Evaluation. The Conservation Commission shall periodically, which
5 shall be no less than annually, undertake a review of existing open space and consider
6 areas or specific parcels that may be desirable additions to the Town open space system.

7 (b) Open Space Evaluation Criteria. The Commission shall focus on land that meets open
8 space criteria adopted by the Town Council. The evaluation process shall include a public
9 participation component that invites suggestions and input from all members of the public
10 and stakeholders. If specific parcels held in private ownership are under consideration,
11 the Conservation Commission shall endeavor to meet with the property owner prior to
12 making a recommendation. In the absence of criteria adopted by the Town Council, the
13 following criteria shall be used:

- 14 1. Agriculture - undeveloped lands used for agriculture.
- 15 2. Greenbelt trails and recreation areas -land identified in the current Greenbelt Plan.
- 16 3. Wildlife habitat - undeveloped lands that provide a habitat for wildlife as identified
17 by the State of Maine such as the Beginning with Habitat information and field
18 verified.
- 19 4. Other - significant scenic, cultural and/or unique properties identified by the Town
20 Council.

21 (c) Recommendation. At the completion of its evaluation, the Conservation Commission
22 shall forward its open space recommendations to the Town Council. Recommendations
23 shall include a description of how the evaluation criteria has been met and any other
24 factors.

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27 D. Firing Range Committee

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29 1. Membership. The Firing Range Committee shall consist of five (5)
30 members.

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33
34 *Need to add specifics of membership or change Shooting Range Ordinance.*

35
36 SEC. 24-10-1. FIRING RANGE COMMITTEE

37 Firing Range Committee is hereby established to consist of the following:

- 38 1. One member of the Spurwink Rod & Gun Club who is a member of the
39 National
40 Rifle Association, to be designated by the Spurwink Rod & Gun Club;
- 41 2. One member of the public at large to be appointed by the Town Council;
- 42 3. One member of the public at large who is a certified firearms instructor to be
43 appointed by the Town Council; and
- 44 4. Two members of the Town Council to be appointed by the Town Council, one
45 of

1 whom shall serve as Chair of the Firing Range Committee. In the event that the
2 Spurwink Rod & Gun Club fails to designate a member of its organization within
3 30 days after having received a written request to do so, the Town Council shall
4 have the right to make an appointment to fill said position.
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8 2. Purpose. The purpose of the Firing Range Committee is to make
9 recommendations to the Town Council regarding licensing of shooting
10 ranges as conferred in the Shooting Range Ordinance, Chapter 24.
11

12 3. Duties. The Firing Range Committee shall have the following duties:
13

- 14 a. To review license applications for Shooting Ranges as conferred by
15 the Shooting Range Ordinance, Chapter 25.
16
- 17 b. To recommend amendments to the Shooting Range Ordinance, as
18 well as rules and regulations for shooting ranges, for Town Council
19 consideration.
20

21 E. Fort Williams Park Committee
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23 1. Membership. The Fort Williams Park Committee shall consist of seven (7)
24 members.
25

26 2. Purpose. The purpose of the Fort Williams Park Committee is to advise
27 the Town Council on policies and operations of Fort Williams Park.
28

29 3. Duties. The Fort Williams Park Committee shall have the following duties:
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- 31 a. To review any proposed new use or structure within Fort Williams
32 Park.
33
- 34 b. To review any special event proposed for Fort Williams Park.
35
- 36 c. To prepare, with the Town Manager and Director of Public Works,
37 special reports relating to maintenance, policies and uses.
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- 39 d. To recommend policies regarding use of the park.
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- 41 e. *To periodically prepare a master plan for park improvements*
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43 F. Personnel Appeals Board

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1. Membership. The Personnel Appeals Board shall consist of three (3) members. "*electors*" has been deleted.
2. Purpose. The purpose of the Personnel Appeals Board shall be to consider appeals *and grievances* 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.

G. Planning Board

1. Membership. The Planning Board shall consist of seven (7) members.
2. Purpose. The purpose of the Planning Board is 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. Shall 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. Shall provide advice to the Town Council in the amendment of the Zoning and Subdivision Ordinances, and other ordinances upon request.
 - c. Shall advise the Town Council, upon request, on short and long-term planning policies.
 - d. Shall advise the town planner on planning procedures and public participation efforts.

H. Recycling Committee

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1. Membership. The Recycling Committee shall consist of seven (7) members.
2. Purpose. The purpose of the Recycling Committee is to promote recycling of solid waste by residents to achieve financial savings and protect the environment.
3. Duties. The Recycling Committee shall have the following duties:
 - a. To conduct public education and promotion efforts to increase recycling.
 - b. To monitor recycling rates, trends and changes in the solid waste stream.
 - c. To recommend policies that increase recycling.

I. Riverside Cemetery Committee

1. Membership. The Riverside Cemetery Committee shall consist of three (3) members.
2. Purpose. The Riverside Cemetery Committee shall advise the Town Council on policies and operations of Riverside Memorial Park.
3. Duties. The Riverside Cemetery Committee shall have the following duties and responsibilities:
 - a. Recommend management policies that preserve the park as a respectful place for burial of town residents.
 - b. Recommend fees that promote responsible fiscal management.
 - c. Identify capital improvements;
 - d. Monitor capacity needs.

J. Thomas Memorial Library Committee

1. Membership. The Thomas Memorial Library Committee shall consist of seven (7) members.

- 1 2. Purpose. The purpose of the Thomas Memorial Library Committee is to
2 advocate for a library with a range of services that promotes civic learning
3 and the pursuit of knowledge.
4
5 3. Duties. The Thomas Memorial Library Committee shall have the
6 following duties and responsibilities:
7
8 a. To advise the Library Director on issues of concern to library
9 patrons including issues relating to the collection, the services, the
10 programs and the facilities of the Thomas Memorial Library.
11
12 b. To advise the Town Council on matters relating to the library and
13 especially relating to its long term needs.
14
15 c. To work cooperatively with groups that seek to assist the library.
16 Committee members may, upon request, serve on independent
17 boards whose purpose is to support the library, but may not make
18 any appointments to independent boards.
19
20 d. To perform other responsibilities that may be requested by the
21 Town Council.
22

23 K. Board of Zoning Appeals
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- 25 1. Membership. The Board of Zoning Appeals shall consist of seven (7)
26 members.
27
28 2. Purpose. The purpose of the Board of Zoning Appeals is to provide
29 property owners an opportunity to seek relief from the provisions of the
30 Zoning Ordinance, as required by Maine statute, or the decision of the
31 Code Enforcement Officer.
32
33 3. Duties. The Board of Zoning Appeals shall have the following duties and
34 responsibilities:
35
36 a. Shall exercise and perform such rights, powers, and duties as are
37 conferred or imposed under the provisions of the statutes and the
38 Zoning Ordinance, Chapter 19, and as the same may from time to
39 time hereafter be amended.
40
41 b. Shall consider appeals, applications for special permits, and
42 interpretations of the Sewer Ordinance, Chapter 15.
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1 **SEC. 4-1-8. Ad Hoc Committees.** Committees formed by the Town Council to
2 complete defined tasks and then be disbanded are ad hoc committees. The Town
3 Council may create an ad hoc committee as needed. When creating an ad hoc
4 committee, the Town Council shall adopt a committee charge that includes the name,
5 composition, and purpose of the committee, tasks to be completed, a deadline for
6 completion of committee work (which may be extended by the Town Council), and
7 direction to the Town Manager to assign staff support as needed. Ad hoc committees
8 shall perform their duties in compliance with Sec, 4-1-5, Operation of Boards and
9 Committees.

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