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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.

**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

1 for coordinating with town staff meeting logistics. The chair shall serve for one  
2 calendar year on a standing board or committee or for the set duration of an ad  
3 hoc committee. A standing board or committee chair shall not serve more than  
4 two (2) consecutive years as chair. The chair shall be a full participating and  
5 voting member of the board or committee.  
6

7 B. Quorum. Board and committee meetings shall only begin when a quorum is  
8 present. A quorum is more than fifty percent (50%) of the total board or  
9 committee membership. Meetings sponsored by a board or committee when no  
10 vote will be taken are not required to have a quorum and may include, but are  
11 not limited to, site walks and public information meetings.  
12

13 C. Public Participation. Boards and committees shall conduct all business in  
14 compliance with the spirit and letter of the Maine Freedom of Access Act, as may  
15 be amended, and Town Council policy. Compliance shall include, but not be  
16 limited, to the following:  
17

- 18 1. Agenda. Every meeting of a board or committee shall have an agenda that  
19 includes the name of the committee holding the meeting, date, time, and  
20 place of the meeting, subject areas to be discussed at the meeting, and the  
21 public participation allowed at the meeting.  
22
- 23 2. Announcement. Board and committee meetings shall be announced in ample  
24 time to allow public attendance, by posting on the town website and other  
25 methods as appropriate. A meeting agenda shall be available prior to the  
26 meeting. Board and committee meeting supplemental materials shall also be  
27 available for the public to review at a designated town office.  
28
- 29 3. Minutes. Minutes of all board and committee meetings shall be prepared by  
30 staff and posted to the town website. Minutes shall include the name of the  
31 board or committee meeting, date, time and place of the meeting, board and  
32 committee members present and a summary of any votes taken. The name  
33 and address of members of the public who speak at the meeting, including a  
34 brief summary of their comments, shall also be included. Board and  
35 committee minutes shall be reviewed and adopted at the next meeting, except  
36 for the last meeting of ad-hoc committees, when the minutes shall be  
37 reviewed and approved by the board or committee chair.  
38
- 39 4. Public Access. All board and committee meetings shall be open to the public  
40 to attend. No board or committee business shall be conducted by board or  
41 committee members outside of board or committee meetings. Individual  
42 board or committee members may communicate with staff, and the board or  
43 committee chair is expected to communicate with staff. Communications  
44 relevant to board or committee business must be shared at the next meeting.  
45 Nothing in this provision shall prohibit a board or committee from holding  
46 an Executive Session as provided under state statute.  
47
- 48 5. Public comment. Except as specified in board or committee bylaws, public  
49 comment shall be allowed at every board and committee meeting. Boards and

1 committees shall also limit oral public comment at meetings to assure  
2 completion of assigned duties. Boards and committees shall adopt public  
3 participation rules, using the Town Council's rules of public participation as  
4 guidance, and shall include public participation rules on each meeting  
5 agenda. Written public comments shall be directed to the board or committee  
6 staff, and staff shall distribute the comments to the board or committee  
7 members and shall also keep a copy in the public file. Any written comments,  
8 including email, received by a board or committee member regarding board  
9 or committee business shall be forwarded to staff for distribution to all  
10 members and added to the public file.

- 11  
12 D. Conflict of Interest. Board and committee members should avoid both actual and  
13 perceived conflicts of interest and bias. Determinations of conflict of interest  
14 and/or bias shall be determined in accordance with state statute. Board and  
15 committee members shall also be guided by the Code of Ethics for the Town  
16 Council.

17  
18 **SEC. 4-1-6. Standing Boards and Committees.** Boards and committees with ongoing  
19 responsibilities and duties are considered standing boards and committees. Except  
20 where specifically designated by statute and/or town ordinance with authority  
21 independent of the Town Council, standing boards and committees are advisory to the  
22 Town Council.

- 23  
24 A. Composition. A standing board or committee shall be composed of a defined  
25 number of members who are residents of the town, unless otherwise specified in  
26 the board or committee description. Board and committee members shall be  
27 appointed for staggered, three (3) year terms expiring on December 31st. A board  
28 or committee member's service during an unexpired term shall not be included  
29 in any term limit. Board and committee members shall be volunteers without  
30 compensation.

- 31  
32 B. Responsibilities. All standing boards and committees shall perform the following  
33 duties:

- 34  
35 1. Bylaws. If any board or committee promulgates bylaws in addition to the  
36 provisions in Sec. 4-1-5, Operations of Boards and Committees, bylaws,  
37 including amendments, must be submitted to the Town Council for approval.  
38  
39 2. Meetings. Boards and committees shall meet as needed commensurate with  
40 their duties and responsibilities. When a board or committee will be meeting  
41 several times a year, an effort shall be made to establish a regular meeting  
42 schedule for the year to be posted on the town website.  
43  
44 3. Vacancy. All boards and committees shall notify the Town Clerk of any  
45 vacancy (not related to the end of a term) on the board or committee.

- 46  
47 C. Upon Request Responsibilities. All standing boards and committees shall  
48 perform the following duties, and any other assigned tasks, upon Town Council  
49 request.

- 1
- 2 1. Goals. All boards and committees shall develop annual goals for submission
- 3 to the Town Council.
- 4
- 5 2. Budget. All boards and committees shall submit to the town manager
- 6 funding requirements for the next fiscal year.
- 7
- 8 3. Year end report. All boards and committees shall provide a calendar year end
- 9 report.
- 10

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

17  
18 A. Board of Assessment Review

- 19
- 20 1. Membership. The Board of Assessment Review shall consist of three
- 21 members (3).
- 22
- 23 2. Purpose. The purpose of the Board of Assessment Review shall be to
- 24 comply with the statutes of the State of Maine in the establishment of
- 25 assessments for the purpose of taxation.
- 26
- 27 3. Duties. The Board of Assessment Review shall have the power to:
- 28
- 29 a. Review, on complaint of property owner, and revise assessments
- 30 for the purpose of taxation of real and personal property within the
- 31 town limits made by the town assessor.
- 32
- 33 b. Administer oaths.
- 34
- 35 c. Take testimony.
- 36
- 37 d. Hold hearings.
- 38
- 39 e. Adopt regulations regarding the procedure of assessment review
- 40 not inconsistent with statutory provisions.
- 41
- 42 f. Hear an appeal of a decision of the Town Council relating to
- 43 applications for abatement of local property taxes.
- 44

45 B. Community Services Committee

- 46
- 47 1. Membership. The Community Services Committee shall consist of seven
- 48 (7) members.
- 49

1 2. Purpose. The purpose of the Community Services Committee is to  
2 advocate for versatile community programs offering educational, cultural,  
3 recreational and social enrichment opportunities.  
4

5 3. Duties. The Community Services Committee shall have the following  
6 duties and responsibilities:  
7

8 a. Perform regular outreach efforts to assess satisfaction with current  
9 programming and identify unmet needs.  
10

11 b. Advise the Community Services Director on issues of interest that  
12 relate to the programming offered by the Community Services  
13 Department.  
14

15 C. Conservation Committee

16  
17 1. Membership. The Conservation Committee shall consist of seven (7)  
18 members.  
19

20 2. Purpose. The purpose of the Conservation Committee is to act in the role  
21 of conservation commission as described in the statutes of the State of  
22 Maine, to be the steward of the Cape Elizabeth Greenbelt, and to advise  
23 on wetland and natural resource issues.  
24

25 3. Duties. The Conservation Committee shall have the following duties and  
26 responsibilities:  
27

28 a. Act as Steward of Town open space as described in the  
29 Conservation Ordinance, Chapter 18, Article V, Open Space  
30 Management.  
31

32 b. Advise the Planning Board in the review of open space set aside as  
33 part of Subdivision Review, Subdivision Ordinance, Chapter 16,  
34 and in the review of Resource Protection Permits, Zoning  
35 Ordinance, Chapter 19.  
36

37 c. Administer the Open Space Evaluation and Preservation Program,  
38 Chapter 18.  
39

40 d. Prepare the Greenbelt Plan for Town Council consideration.  
41

42 D. Firing Range Committee

43  
44 1. Membership. The Firing Range Committee shall consist of five (5)  
45 members.  
46

47 2. Purpose. The purpose of the Firing Range Committee is to make  
48 recommendations to the Town Council regarding licensing of shooting  
49 ranges as conferred in the Shooting Range Ordinance, Chapter 24.

- 1  
2 3. Duties. The Firing Range Committee shall have the following duties:  
3  
4 a. Review license applications and inspect firing ranges in accordance  
5 with the Shooting Range Ordinance, Chapter 24.  
6  
7 b. Recommend rules and regulations for shooting ranges, for Town  
8 Council consideration.  
9

10 E. Fort Williams Park Committee

- 11  
12 1. Membership. The Fort Williams Park Committee shall consist of seven (7)  
13 members.  
14  
15 2. Purpose. The purpose of the Fort Williams Park Committee is to advise  
16 the Town Council on policies for Fort Williams Park.  
17  
18 3. Duties. The Fort Williams Park Committee shall have the following duties:  
19  
20 a. Recommend policies regarding use of the park.  
21  
22 b. Prepare or update a master plan or special reports for park  
23 improvements.  
24  
25 c. Review any special event proposed for Fort Williams Park in  
26 accordance with the current Group Use Policy.  
27

28 F. Personnel Appeals Board

- 29  
30 1. Membership. The Personnel Appeals Board shall consist of three (3)  
31 members.  
32  
33 2. Purpose. The purpose of the Personnel Appeals Board shall be to consider  
34 appeals as provided for in the Personnel Code, Chapter 3, and any  
35 collective bargaining agreement that may confer such jurisdiction.  
36  
37 3. Duties. The Personnel Appeals Board shall have the following duties and  
38 responsibilities:  
39  
40 a. Hold hearings as provided for in the Personnel Code, Chapter 3.  
41  
42 b. Hold hearings as provided for in collective bargaining agreements  
43 when jurisdiction has been conferred.  
44

45 G. Planning Board

- 46  
47 1. Membership. The Planning Board shall consist of seven (7) members.  
48

- 1           2.    Purpose. The purpose of the Planning Board is to advocate that  
2           development of private and public property be done in an orderly manner  
3           that protects the public health, safety and welfare.  
4  
5           3.    Duties. The Planning Board shall have the following duties:  
6  
7           a.    Exercise and perform such rights, powers, and duties as are  
8           conferred or imposed under the provisions of the statutes, local  
9           ordinances, and regulations thereunder, and as the same may from  
10          time to time hereafter be amended.  
11  
12          b.    Advise the Town Council in the amendment of the Zoning and  
13          Subdivision Ordinances, and other ordinances upon request.  
14  
15          c.    Advise the Town Council, upon request, on short and long-term  
16          planning policies.  
17  
18          d.    Advise the Town Planner on planning procedures and public  
19          participation efforts.  
20

21 H.    Recycling Committee  
22

- 23          1.    Membership. The Recycling Committee shall consist of seven (7)  
24          members.  
25  
26          2.    Purpose. The purpose of the Recycling Committee is to promote recycling  
27          of solid waste in the community, provide environmental stewardship and  
28          protect the environment.  
29  
30          3.    Duties. The Recycling Committee shall have the following duties:  
31  
32          a.    Recommend policies that increase reuse and recycling in the  
33          community and promote environmental stewardship.  
34  
35          b.    Review and recommend recycling policies.  
36  
37          c.    Conduct public education and promotional efforts to increase  
38          recycling.  
39  
40          d.    Monitor recycling rates, trends and changes in the solid waste  
41          industry.  
42

43 I.    Riverside Cemetery Committee  
44

- 45          1.    Membership. The Riverside Cemetery Committee shall consist of three (3)  
46          members.  
47  
48          2.    Purpose. The Riverside Cemetery Committee shall advise the Town  
49          Council on policies and operations of Riverside Memorial Park.

1  
2 3. Duties. The Riverside Cemetery Committee shall have the following  
3 duties and responsibilities:  
4

5 a. Administer management policies that preserve the park as a  
6 respectful place for burial of town residents.  
7

8 b. Monitor and manage capacity needs of the cemetery.  
9

10 c. Prepare and update the master plan.  
11

12 J. Thomas Memorial Library Committee  
13

14 1. Membership. The Thomas Memorial Library Committee shall consist of  
15 seven (7) members.  
16

17 2. Purpose. The purpose of the Thomas Memorial Library Committee is to  
18 advocate for a library which provides a wide range of services and  
19 enrichment opportunities for the community.  
20

21 3. Duties. The Thomas Memorial Library Committee shall have the  
22 following duties and responsibilities:  
23

24 a. Advise the Library Director on matters of the library, such as the  
25 collection, services, programs, facilities, and policies.  
26

27 b. Work cooperatively with groups that seek to assist the library.  
28 Committee members may, upon request, serve on independent  
29 boards whose purpose is to support the library, ~~but may not make~~  
30 ~~any appointments to independent boards.~~  
31

32 K. Board of Zoning Appeals  
33

34 1. Membership. The Board of Zoning Appeals shall consist of seven (7)  
35 members.  
36

37 2. Purpose. The purpose of the Board of Zoning Appeals is to provide  
38 property owners an opportunity to seek relief from the provisions of the  
39 Zoning Ordinance, as required by Maine statute, or the decision of the  
40 Code Enforcement Officer.  
41

42 3. Duties. The Board of Zoning Appeals shall have the following duties and  
43 responsibilities:  
44

45 a. Exercise and perform such rights, powers, and duties as are  
46 conferred or imposed under the provisions of the statutes and the  
47 Zoning Ordinance, Chapter 19, and as the same may from time to  
48 time hereafter be amended.  
49



- 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.