

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. 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

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.

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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 and policy changes as the Town Council may require from time to
17 time.
18

19 A. Board of Assessment Review
20

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

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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. Firing Range Committee

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

1 2. Purpose. The purpose of the Firing Range Committee shall be to make
2 recommendations to the Town Council regarding licensing of shooting
3 ranges as conferred in the Shooting Range Ordinance, Chapter 24.
4

5 3. Duties. The Firing Range Committee shall have the following duties:
6

7 a. Review license applications and inspect firing ranges in accordance
8 with the Shooting Range Ordinance, Chapter 24.
9

10 b. Recommend rules and regulations for shooting ranges for Town
11 Council consideration.
12

13 c. Review complaints.
14

15 E. Fort Williams Park Committee
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17 1. Membership. The Fort Williams Park Committee shall consist of seven (7)
18 members.
19

20 2. Purpose. The purpose of the Fort Williams Park Committee shall be to
21 advise the Town Council on policies for Fort Williams Park.
22

23 3. Duties. The Fort Williams Park Committee shall have the following duties:
24

25 a. Recommend policies regarding use of the park.
26

27 b. Prepare or update a master plan or special reports for park
28 improvements.
29

30 c. Review any special event proposed for Fort Williams Park in
31 accordance with the current Group Use Policy.
32

33 F. Personnel Appeals Board
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35 1. Membership. The Personnel Appeals Board shall consist of three (3)
36 members.
37

38 2. Purpose. The purpose of the Personnel Appeals Board shall be to consider
39 appeals as provided for in the Personnel Code, Chapter 3, and any
40 collective bargaining agreement that may confer such jurisdiction.
41

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

45 a. Hold hearings as provided for in the Personnel Code, Chapter 3.
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47 b. Hold hearings as provided for in collective bargaining agreements
48 when jurisdiction has been conferred.
49

1 G. Planning Board

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- 3 1. Membership. The Planning Board shall consist of seven (7) members.
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- 5 2. Purpose. The purpose of the Planning Board shall be to advocate that
- 6 development of private and public property be done in an orderly manner
- 7 that protects the public health, safety and welfare.
- 8
- 9 3. Duties. The Planning Board shall have the following duties:
- 10
- 11 a. Exercise and perform such rights, powers, and duties as are
- 12 conferred or imposed under the provisions of the statutes, local
- 13 ordinances, and regulations thereunder, and as the same may from
- 14 time to time hereafter be amended.
- 15
- 16 b. Advise the Town Council in the amendment of the Zoning and
- 17 Subdivision Ordinances, and other ordinances upon request.
- 18
- 19 c. Advise the Town Council, upon request, on short and long-term
- 20 planning policies.
- 21
- 22 d. Advise the Town Planner on planning procedures and public
- 23 participation efforts.
- 24

25 H. Recycling Committee

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- 27 1. Membership. The Recycling Committee shall consist of seven (7)
- 28 members.
- 29
- 30 2. Purpose. The purpose of the Recycling Committee shall be to promote
- 31 recycling of solid waste in the community, provide environmental
- 32 stewardship and protect the environment.
- 33
- 34 3. Duties. The Recycling Committee shall have the following duties:
- 35
- 36 a. Recommend policies that increase reuse and recycling in the
- 37 community and promote environmental stewardship.
- 38
- 39 b. Conduct public education and promotional efforts to increase
- 40 recycling.
- 41
- 42 c. Monitor recycling trends and changes in the solid waste industry.
- 43

44 I. Riverside Cemetery Committee

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- 46 1. Membership. The Riverside Cemetery Committee shall consist of three (3)
- 47 members.
- 48

1 2. Purpose. The purpose of the Riverside Cemetery Committee shall be to
2 advise the Town Council on policies of Riverside Memorial Park.

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

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

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

11
12 c. Prepare and update the master plan.

13
14 J. Thomas Memorial Library Committee

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

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

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

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

28
29 b. Work cooperatively with groups that seek to assist the library.
30 Committee members may, upon request, serve on independent
31 boards whose purpose is to support the library.

32
33 K. Board of Zoning Appeals

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

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

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

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

- 1
2 b. Consider appeals, applications for special permits, and
3 interpretations of the Sewer Ordinance, Chapter 15 and the
4 Stormwater Ordinance, Chapter 25.
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6 **SEC. 4-1-8. Ad Hoc Committees.** Committees formed by the Town Council to
7 complete defined tasks and then be disbanded are ad hoc committees. The Town
8 Council may create an ad hoc committee as needed. When creating an ad hoc
9 committee, the Town Council shall adopt a committee charge that includes the name,
10 composition, and purpose of the committee, tasks to be completed, a deadline for
11 completion of committee work (which may be extended by the Town Council), and
12 direction to the Town Manager to assign staff support as needed. Ad hoc committees
13 shall perform their duties in compliance with Sec. 4-1-5, Operation of Boards and
14 Committees.
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