

Ordinance No. 2013-11

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Chapter 2 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Administration be amended by inserting in Chapter 2, a new Division 10 Community Preservation Committee, and inserting under said division new sections to read as follows:

Section 1.

DIVISION 10. COMMUNITY PRESERVATION COMMITTEE

Sec. 2-363. Definitions.

Community housing - low and moderate income housing for individuals and families, including low or moderate income senior housing.

Community preservation - the acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation and restoration of historic resources; the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; the acquisition, creation, preservation and support of community housing; and the rehabilitation or restoration of open space and community housing acquired or created pursuant to M.G.L.A. c. 44B.

Historic resources - a building, structure, vessel, real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

Open space - shall include, but not be limited to, land to protect existing and future watershed land, wetlands, ocean, river, stream, lake and pond frontage, beaches, and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

Quorum - a majority of the members of the committee.

Sec. 2-364. Establishment.

There is hereby established a community preservation committee, consisting of nine (9) voting members. The composition of the committee, the length of the committee members' terms, and method of appointment shall be as follows:

- (1) One member of the conservation commission as designated by said commission;
- (2) One member of the historical commission as designated by said commission;
- (3) One member of the planning board as designated by said board;
- (4) One member of the board of park commissioners as designated by said board;
- (5) One member of the housing authority as designated by said authority;
- (6) Two citizens to be appointed by the Mayor; and
- (7) Two citizens to be appointed by the City Council.

When a commission is first established, the terms of the members shall be for one, two or three years as determined by the Mayor, and so arranged that the terms of approximately one-third of the members will expire each year. Successors shall be appointed for three year terms. In the event of a vacancy, the respective board, commission, authority or Mayor shall fill the vacancy for the remainder of the unexpired term.

(State law reference - M.G.L.A. c. 44B, § 5)

Sec. 2-365. Duties.

The duly appointed committee shall exercise all the rights, power and authority provided in M.G.L.A. c. 44B, §§ 5 – 14 and any and all additions thereto or amendments thereof and includes the following:

- (1) The committee shall study the needs, possibilities and resources of the city regarding community preservation. The committee shall consult with municipal boards in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city

regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation.

- (2) The committee shall make recommendations to the city council in accordance with M.G.L.A. c. 44B, § 5 and any and all additions thereto or amendments thereof. Recommendations to the city council shall include anticipated costs.
- (3) The committee shall keep a full and accurate record of all of its actions, including its recommendations and the action taken, appropriations or expenditures made from the community preservation fund, and real property interests acquired, disposed of or improved by the city. A copy of the committee's meeting minutes shall be forwarded to the City Council.
- (4) The committee may annually select a chairperson and vice chairperson to serve for one (1) year terms.
- (5) The committee shall meet at least eight (8) times per annum.

Sec. 2-366. Quorum requirement.

The community preservation committee shall not meet or conduct business without the presence of a quorum. Committee actions shall be approved by majority vote of the quorum.

Sec. 2-367. Mechanism for Appropriations.

The committee shall submit its proposed budget and anticipated costs to the Mayor, who shall, in turn, submit said budget and anticipated costs to the City Council who may approve or veto appropriations made pursuant to M.G.L.A. c. 44B. After receiving recommendations from the committee, the city council shall approve appropriations from the community preservation fund as set forth in M.G.L.A. c. 44B, § 7, and additional non-community preservation fund appropriations as it deems necessary.

By June 1 of each year, the committee shall provide all anticipated capital projects and funding sources to the City Council for the upcoming fiscal year.

(State law reference - M.G.L.A. c. 44, §§ 32, 33)

Sec. 2-368. Severability.

The invalidity of any portion or portions of this article shall not invalidate any other portion, provision or section thereof.

Section 2.

Appointments to the committee shall be made within 30 days of passage of this ordinance.

In City Council, March 26, 2013
Passed to be ordained, as amended

Approved, April 2, 2013
William A. Flanagan, Mayor

A true copy. Attest:
Alison M. Bouchard
City Clerk