

2.2 Community Preservation Committee Ordinance

AMENDING CHAPTER 2, ARTICLE XXIV COMMUNITY PRESERVATION COMMITTEE

Chapter 2, is hereby amended by inserting after Section 2-240 the following new Article XXIV Community Preservation Committee:

Sec. 2-241 Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the Committee, the appointment authority, and the term of office for the Committee members shall be as follows:

- a. One member of the Planning Board (created by Section 81A of Chapter 41) as designated by the Board for a term of three years.
- b. One member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Commission for a term of three years.
- c. One member of the New Bedford Historical Commission (created by Section 8D of Chapter 40) as designated by the Commission for a term of three years.
- d. One member of the Board of Park Commissioners (created by Section 2 of Chapter 45) as designated by the Board for a term of three years.
- e. One member of the New Bedford Housing Authority Board (created by Section 3 of Chapter 121B) as designated by its Board of Directors for a term of three years.
- f. Four members of the general public for a term of three years, as appointed by the Mayor, subject to confirmation by the City Council, no more than one member maybe appointed by the Mayor from each ward unless the provision is waived by the City Council to fill a vacancy on the Committee.

In order to stagger the terms of the members, the initial appointments of the New Bedford Housing Authority member, the Planning Board member, and one member of the general public appointed by the Mayor, subject to confirmation of the City Council, shall be for two years; and the initial appointments of the Board of Park Commissioners member and two members of the general public appointed by the Mayor, subject to confirmation by the City Council, shall be for one year. Committee members shall be classified as special municipal employees for the purpose of Chapter 268A of the Massachusetts General Laws.

In the event a Committee member ceases to be a member of the commission, authority or board by which he or she was designated, that person shall also cease to be a Committee member, creating a vacancy of the Community Preservation Committee. Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member whose departure creates the vacancy by designating another member in accordance with the above for the unexpired term. Such vacancy shall be so filled within 45 days of the first date of the vacancy or resignation; otherwise said vacancy may be filled by appointment by the Mayor, subject to confirmation of the City Council.

Should any commission, authority or board that has appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that commission, authority or board shall become the responsibility of the Mayor, subject to confirmation by the City Council.

Sec. 2-242 Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the city regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the New Bedford Historical Commission, the Planning Board, the Board of Park Commissioners and the New Bedford Housing Authority, or persons acting in those capacities or performing like duties, 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 possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city. The Committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.
2. The Community Preservation Committee shall make recommendations to the City Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.
3. The Community Preservation Committee may include in its recommendation to the City Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

Sec. 2-243 Operations

1. Quorum: The Community Preservation Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum.

2. Cost impacts: Recommendations to the City Council shall include direct construction and project management costs, as well as a discussion of any anticipated expectations regarding ongoing City support.
3. Officers: The Committee shall annually elect one of its members to serve as chairperson and may elect such other officers as it deems appropriate.
4. Rules and regulations: The Committee may adopt procedural rules and establish any subcommittees as it deems appropriate.
5. Opportunity for reconsideration: In the event that the Committee initially proposes that a project be funded by the Community Preservation Act and that the initial proposal is rejected or reduced by the City Council, the Committee shall be given one opportunity to respond to such actions by the City Council and/or to adjust the scope and terms of any proposed project prior to a final decision by the City Council as to the allocation of Community Preservation Act funds for the given year.

Sec. 2-244 Amendments

The Community Preservation Committee shall, from time to time, review the administration of this Ordinance, making recommendations, as needed, for changes in the Ordinance and in administrative practice to improve the operations of the Community Preservation Committee. This ordinance may be amended from time to time by a majority vote of the City Council, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Sec. 2-245 Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Sec. 2-246 Effective Date and Timing of Initial appointments

Following City Council approval of this ordinance, each appointing authority shall have 60 days to make their initial appointments to the Community Preservation Committee.

Section 2. This ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.