

City Council Workshop

Agenda Item #2

December 15, 2014

Conservation Commission/Energy &  
Recycling Committee - Associate Member  
Voting

During the Conservation Commission's presentation to the City Council on October 27<sup>th</sup>, the Commission made a request that the Associate Members on the Commission have an opportunity to vote. Currently Ordinance Section 2-76 states:

"Upon recommendation of the commission, the city council may appoint seven associate members to the commission. Associate members shall be residents of the city. Associate members shall serve for terms of three (3) years from the date of appointment. Associate members shall advise the commission and shall be nonvoting members except in the absence of a regular Conservation Commission member."

The Commission made the request on the thought that all commission members should hold similar voting rights and that vacancies may be easier to fill for associate members if the position was allowed to vote.

Around the same time the Conservation Commission's Ordinance was amended to include the associate member provision, the City Council adopted language establishing the Energy & Recycling Committee. The Energy & Recycling Committee was established with 7 members and 7 associate members. I have included revised language, for Council consideration, for the Energy & Recycling Committee.

In modifying the ordinance language a few questions are raised:

- Is the City Council okay with a 14 member committee? Even number?
- Should "associate member" still be used within ordinance language?
- Is a quorum of 8 acceptable?
- We currently have the allowance of 3 committee members coming from the same district; does the Council want to increase this to 6?

  
City Manager

**DRAFT FOR DECEMBER 15, 2014 WORKSHOP**

**IN CITY COUNCIL**

**ORDINANCE # \_\_\_\_-14/15**

THE COUNCIL of the City of South Portland hereby ordains that Chapter 2, "Administration and Legislation," be and hereby is amended as follows (additions are underlined; deletions are ~~struck out~~):

**Chapter 2**

**ADMINISTRATION AND LEGISLATION**

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**ARTICLE III. BOARD AND COMMISSIONS**

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***DIVISION 2. CONSERVATION COMMISSION***

**Sec. 2-76. Commission established.**

A conservation commission is hereby established to consist of ~~fourteen~~seven (14~~7~~) members appointed by the city council, all of whom shall be residents of the city, and who shall serve without pay. There shall be no more than ~~six~~three (3~~6~~) members from any one voting district. Vacancies created by members moving from their districts or from the city shall be governed by Code of Ordinances Sec. 2-121(c). The terms of office shall be three (3) years except that initial appointments after the date of adoption of this article shall be such that the terms of no more than ~~six~~ (6)three (3) members shall expire in any single year.

~~A quorum of the commission shall consist of eight (8) members. Upon recommendation of the commission, the city council may appoint seven associate members to the commission. Associate members shall be residents of the city. Associate members shall serve for terms of three (3) years from the date of appointment. Associate members shall advise the commission and shall be nonvoting members except in the absence of a regular Conservation Commission member.~~

All members, ~~including associate members~~, shall satisfy the attendance requirements for all boards and commissions in the City of South Portland as established in Sec. 2-121(d).

**Sec. 2-77. Purpose.**

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the city.

**Sec. 2-78. Qualifications.**

All members of the commission shall be selected upon the basis of their knowledge of conservation, environmental science or related fields.

**Sec. 2-79. Powers and duties.**

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the city council;
- (b) Shall conduct research in conjunction with the planning board into local land areas;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) Shall keep an index of all open areas within the city, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the city council or to any board of the city or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;
- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary;
- (f) Shall assist the city in promotion of its open space and park plans, including the Greenbelt Master Plan, the Clarks Pond Study and the Recreational Area/Open Space Study and Linkage Plan; and
- (g) Shall undertake any other conservation or environmental activity referred to it by the city council.

**Sec. 2-80. Officers, meetings and records.**

- (a) The members shall annually elect from their membership a chairman, a vice-chairman and a secretary.
- (b) All meetings of the commission shall be open to the public. Notice of each meeting shall comply with the city's notice policies.
- (c) Minutes shall be kept of all meetings with a copy filed with the city clerk. An annual report of the commission's activities shall be submitted to the city council in January of each year.

**Sec. 2-81. Limits of authority.**

Nothing contained within this section shall supersede the provisions of the City Charter, the Code of Ordinances, Chapter 2, Article IV, Tree Ordinance, or Chapter 18, Parks and Recreation. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.

**Secs. 2-82--2-95. Reserved.**



***DIVISION 8. ENERGY AND RECYCLING COMMITTEE***

**Sec. 2-134. Established.**

An Energy and Recycling Committee is hereby established.

**Sec. 2-135. Purpose.**

The City of South Portland is increasingly challenged by competing demands for raising funding for new public infrastructure, providing quality services to residents and businesses, ensuring economic development, and protecting the environment. Good planning for maximizing recycling and energy efficiency, implemented on a community wide process, will provide options for saving on long term operating costs while protecting the environment through the reduction of greenhouse gases.

The purpose of the Energy and Recycling Committee is to assist the city in an advisory capacity by examining opportunities for local sustainability through renewable resources and alternative transportation and fuels and by making recommendations to the City Council on ways to improve energy efficiency in residential, commercial and municipal buildings within the city. Committee members will be expected to seek collaborative solutions that will provide the greatest benefit to the citizens and businesses of the city.

The Energy and Recycling Committee will review and advise on methods for the city to reduce its dependence on imported fossil fuels, increase recycling percentages, and reduce greenhouse gases and other adverse impacts on the environment.

The Committee will focus on increasing recycling efforts, energy conservation, renewable energy, and greening city operations through a variety of approaches including education, programs and studies, data analysis, ordinance modifications, and public/private collaborations.

#### **Sec. 2-136. Composition and quorum**

- (a) The composition of the Committee is designed to involve interested citizens, business leaders, and other stakeholders to ensure that a variety of voices are heard and different sectors of the community are represented.

Accordingly, the Committee shall be made up of the following:

One representative from the Public Works Department (non-voting);

One representative from the School Department (non-voting); and

~~Fourteen~~Seven representatives appointed by the City Council, all of whom shall be residents of the city. There shall be no more than ~~six~~three (3) voting members from any one voting district.

- (b) A quorum of the Committee shall consist of ~~eight~~four voting members. ~~For purposes of determining a quorum, an associate member present and voting in the absence of a regular member shall count as a voting member.~~

#### **Sec. 2-137. Term of office**

The terms of office of the members of the Energy and Recycling Committee shall be three (3) years except that initial appointments after the date of this amendment shall be such that the terms of office of no more than ~~six~~ (6) ~~three~~ (3) voting members shall expire in any single year. ~~Initial appointments shall be for the following terms: District One, Two and Five members, one (1) year; District Three and Four members, two (2)~~

years; ~~all other members, three (3) years.~~

### **Sec. 2-138. Powers and Duties**

- (a) The Committee shall research best practices for energy efficiency and recycling.
- (b) The Committee may advertise, prepare, print and distribute books, maps, charts, and plans and pamphlets which are considered necessary, with approval of the City Manager or the City Manager's designee.
- (c) The Committee shall assist the city in promoting energy conservation and recycling efforts.
- (d) The Committee shall develop a long-range strategy for solid waste management initiatives related to waste reduction, reuse, and recycling.
- (e) The Committee shall identify tools, materials and funding for public education programs, including presentations, on waste reduction, waste diversion, recycling and composting.
- (f) The Committee shall develop a strategy for source separation of recyclable products at commercial, industrial and institutional facilities, including but not limited to card-board at grocery stores and cans at schools.
- (g) The Committee shall develop a strategy to encourage the city, businesses and residents to initiate large scale recycling to maximize revenues.
- (h) The Committee shall develop a strategy to enhance the collection of waste oil locally.
- (i) The Committee shall develop a baseline of the city's current energy usage and needs in order to establish priorities and develop goals and plans for greater energy efficiency.
- (j) The Committee shall develop sustainable energy solutions based on the baseline described in subsection (i) recommend to the City Council proposed actions and provide a cost-benefit analysis for each recommended action.
- (k) The Committee shall explore ways for the residents, businesses and the city to reduce their carbon footprints and greenhouse gas emissions.

### **Sec. 2-139. Officers, meetings and records**

- (a) The Committee members shall annually elect from their membership a chairperson, a vice chairperson and a recording secretary.
- (b) Generally, the Committee shall meet monthly. However, the chairperson may cancel scheduled meeting if a quorum will not be convened, if there are no items for the agenda, or for other good cause. In no event shall the Committee meet less often than quarterly.
- (c) All decisions of the Committee shall be in the form of resolutions duly passed by a majority of voting members who are present and voting. The Committee shall strive to reach consensus on issues; in the event it does not reach consensus,

minority recommendation shall be included with its communication to the City Council.

- (d) All meetings of the Committee shall be open to the public. Notice of each meeting shall comply with the city's notice policies and Maine's Freedom of Access Act.
- (e) Minutes shall be kept of all meetings and a copy shall be filed with the city clerk. An annual report of the Committee's activities shall be submitted to the City Council in January of each year.
- (f) ~~Upon recommendation of the Committee, the City Council may appoint seven associate members to the Committee. Associate members shall be residents of the city and appointed in the same manner and for the same terms as regular members. Associate members shall participate in Committee activities and discussions but shall be nonvoting except in the absence of a regular Committee member.~~
- ~~(g) All voting members, including associate members, shall satisfy the attendance requirements for all boards and commissions in the City of South Portland as established in Sec. 2-121(d).~~