

SOUTH PORTLAND CITY COUNCIL

POSITION PAPER OF THE CITY CLERK

SUBJECT:

ORDINANCE #15-13/14 – Amending Chapter 2, “Administration and Legislation,” and Chapter 13, “Libraries,” regarding district representation for boards and committees. First reading. Passage requires majority vote.

POSITION:

On March 3, 2014, the City Council adopted amendments to Chapter 6, “Elections,” of the Code of Ordinances of the City of South Portland to reapportion the City’s five voting district boundaries in accordance with the 2010 South Portland Census. Several appointed board and committee members were affected by the new voting district boundaries. During the course of the reapportionment proceedings, the question was raised whether it made sense to remove the requirement that board and committee members reside in specific voting districts. Discussion ensued regarding eliminating the voting district residency requirement for board/committee appointees but ensuring balanced representation from across the City by preventing more than three (3) board or committee members residing in a single voting district from serving on a single board or committee.

At the April 14, 2014 Council workshop, staff was asked to proceed with preparing the necessary ordinance amendments and Charter amendments to change the board and committee member qualifications as discussed in February and March. The ordinance amendments are being presented tonight as three separate agenda items. Ordinance #15-13/14 will revise Chapters 2 and 13 to effectuate the desired outcome for the following boards and committees:

- Conservation Commission
- Community Development Advisory Committee
- Planning Board
- Economic Development Committee
- Energy & Recycling Committee
- Library Advisory Board

Ordinance #16-13/14 will amend Chapter 19, “Civil Service,” to make the necessary revision to the Civil Service Commission composition. Ordinance #17-13/14 will amend

Chapter 27, "Zoning," to make the necessary revision to the Board of Appeals composition. These two ordinance amendments are being addressed separately because the Civil Service Commission amendment will also require a Charter amendment (see Item #19, Order #147 setting the date of the Public Hearing on proposed Charter amendments) to reach the desired outcome, and the Board of Appeals amendment requires a Planning Board public hearing as well as at least five affirmative Council votes for adoption. The Board of Assessment Review composition change requires a Charter amendment only, and it is included as part of Item #19.

REQUESTED ACTION:

Council passage of first reading and set May 19, 2014 for second reading and action.


CITY CLERK



CITY OF SOUTH PORTLAND

GERARD A. JALBERT
Mayor

JAMES H. GAILEY
City Manager

SUSAN M. MOONEY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

IN CITY COUNCIL

District One
MICHAEL R. POCK

ORDINANCE #15-13/14

District Two
PATRICIA A. SMITH

THE COUNCIL of the City of South Portland hereby ordains that Chapter 2, "Administration and Legislation," and Chapter 13, "Libraries," of the "Code of Ordinances of the City of South Portland, Maine" be and hereby are amended as follows (additions are underlined; deletions are ~~struck out~~):

District Three
MELISSA E. LINSKOTT

Chapter 2

District Four
LINDA C. COHEN

ADMINISTRATION AND LEGISLATION

• • •

District Five
GERARD A. JALBERT

ARTICLE III. BOARD AND COMMISSIONS

• • •

At Large
MAXINE R. BEECHER

DIVISION 2. CONSERVATION COMMISSION

Sec. 2-76. Commission established.

At Large
THOMAS E. BLAKE

A conservation commission is hereby established to consist of seven (7) members appointed by the city council, all of whom shall be residents of the city, ~~one from each of the five (5) voting districts of the city who shall be a resident of the district for which he is appointed and two (2) members from the city at large,~~ and who shall serve without pay. There shall be no more than three (3) 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 three (3) members shall expire in any single year.

Upon recommendation of the commission, the city council may appoint seven associate members to the commission. Associate members shall be residents of the city, ~~one from each of the five (5) voting districts and two (2) at large~~. 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 his/her respective district/at-large primary~~ 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).

• • •

DIVISION 4. COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

• • •

Sec. 2-102. Composition and quorum.

The Community Development Advisory Commission shall consist of seven (7) members, ~~all of whom shall be residents of the city one member from each of the five (5) voting districts and two (2) members from at large. There shall be no more than three (3) members from any one voting district.~~ A quorum shall consist of four (4) members.

• • •

DIVISION 5. PLANNING BOARD

• • •

Sec. 2-113. Composition and quorum.

The planning board shall consist of seven (7) members, ~~all of whom shall be residents of the city one member from each of the five (5) voting districts and two (2) members at large. There shall be no more than three (3) members from any one voting district.~~ A quorum shall consist of four (4) members.

• • •

DIVISION 6. REPORTS AND VACANCIES

Sec. 2-121. Vacancies on boards and commissions.

A vacancy on any appointive board or commission of the city shall exist upon the occurrence of any of the following events:

- (a) Death of a member.
- (b) Resignation of a member.
- (c) Moving by a member of the member's place of residence from the City of South Portland, or, ~~in the case of district representation,~~ the moving by a member of the member's place of residence from the voting district ~~in from~~ which ~~that the~~ member ~~was resided at the time of~~ appointment to another voting districted and such move causes the board or commission to have more than three (3) members from any one voting district. When a member moves from the City of South Portland, the vacancy shall occur immediately and the member shall not serve -at any further meetings. When a member appointed moves to a different voting district within the City and causes the board or commission to have more than three (3) members from any one voting district ~~as a district representative moves from that district,~~ the vacancy shall occur six weeks ~~after from~~ the date the member moves, ~~from the district~~ and the member shall continue to serve for this six week period. If a ~~district representative's member's voting~~ district of residence changes following a change to the voting district boundaries and such change causes the board or commission to have more than three (3) members from any one voting district, the redistricted member shall continue to serve until the expiration of his or her respective term, ~~a vacancy shall occur six months from the effective date of the redistricting and the member shall continue to serve for this six-month period, unless the representative's term expires before the six-month period ends, in which case the member shall serve out the term and until a successor is appointed and sworn, provided that the total length of time served following the effective date of the redistricting shall not exceed six months."~~

• • •

DIVISION 7. ECONOMIC DEVELOPMENT COMMITTEE

• • •

Sec. 2-126. Composition and quorum.

The Economic Development Committee shall consist of seven (7) members, all of whom shall be residents of the city ~~one member from each of the five (5) voting districts and two (2) members who shall be at large.~~ There shall be no more than three (3) members from any one voting district. A quorum shall consist of four (4) members.

• • •

DIVISION 8. ENERGY AND RECYCLING COMMITTEE

• • •

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)

~~Seven~~Two representatives ~~nominated by the two At Large Councilors~~

~~One representative nominated by the Councilors representing each of the five voting districts and residing in that Councilor's district~~

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

• • •

Sec. 2-139. Officers, meetings and records

• • •

- (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, ~~one from each of the five (5) voting districts and two (2) at large, nominated~~ 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 ~~their respective district/at large a~~ regular Committee members.

• • •

Chapter 13

LIBRARIES

• • •

ARTICLE III. LIBRARY ADVISORY BOARD

• • •

Sec. 13-35. Composition and quorum; qualifications.

(a) — ~~The Board shall consist of seven (7) members, one from each of the five (5) voting districts of the city and two (2) "at large."~~ The Board shall consist of seven (7) members, all of whom shall be residents of the city, one from each of the five (5) voting districts of the city and two (2) "at large." There shall be no more than three (3) members from any one voting district. A quorum shall consist of four (4) members.

(b) — ~~An appointee to the Board shall be a qualified elector of the city if appointed as an "at large" member, and if appointed to represent a voting district shall be a voter and resident of the district for which he is appointed.~~

• • •

Fiscal Note: Less than \$1,000

Dated: May 5, 2014