

## **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. Passed first reading 05/05/14. ROLL CALL VOTE. Passage requires majority vote.

***POSITION:***

During deliberations on the voting district boundary changes the City Council discussed eliminating the voting district residency requirement for board/committee appointees but ensure balanced representation from across the City by restricting no more than three (3) board or committee members residing in a single voting district from serving on a single board or committee.

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

The ordinance amendment passed first reading on May 5, 2014 and is in order for second reading and final action.

***REQUESTED ACTION:***

Council passage of ORDINANCE #15-13/14

  
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

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District Five  
GERARD A. JALBERT

ARTICLE III. BOARD AND COMMISSIONS

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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).

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#### ***DIVISION 4. COMMUNITY DEVELOPMENT ADVISORY COMMITTEE***

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##### **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.

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#### ***DIVISION 5. PLANNING BOARD***

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##### **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.

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#### ***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."~~

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***DIVISION 7. ECONOMIC DEVELOPMENT COMMITTEE***

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**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.

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

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### **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.

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

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- (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.

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## Chapter 13

### LIBRARIES

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#### ARTICLE III. LIBRARY ADVISORY BOARD

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##### 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."~~ 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.~~

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Fiscal Note: Less than \$1,000

Dated: May 5, 2014