

CITY OF SALEM
FIRST PASSAGE

In the year two thousand and thirteen

An Ordinance to relative to 'Boards, Commissions, Committees and Authorities, Community Preservation Committee

Be it ordained by the City Council of the City of Salem, as follows:

Section I. Chapter 2 is hereby amended by adding a new division within Article IV Boards, Commissions, Committees and Authorities as follows:

**"ARTICLE IV. BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES
DIVISION 15. COMMUNITY PRESERVATION COMMITTEE**

Sec. 2-1010. Established

There is hereby established a Community Preservation Committee, in accordance with the *Massachusetts Community Preservation Act*, M.G.L. Chapter 44B, consisting of nine (9) voting members.

Sec. 2-1011. Membership and Terms

The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- (1) One member of the Conservation Commission as designated by the Commission for a term of three years.
- (2) One member of the Historical Commission as designated by the Commission for an initial term of two years, and thereafter for a term of three years.
- (3) One member of the Planning Board as designated by the Board for an initial term of one year, and thereafter for a term of three years.
- (4) One member of the Park and Recreation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- (5) One member of the Housing Authority Board as designated by the Board for an initial term of two years and thereafter for a term of three years.
- (6) Two members appointed by the City Council, two of the general public or in the alternative one member of the City Council recommended by the Council President and one member of the general public, to be appointed for a term of one year and thereafter for a term of two years for appoints from the general public.
- (7) Two members of the general public to be appointed by the Mayor, confirmed by majority vote of the City Council, one member to be appointed for a term of one year and thereafter for a term of two years and one member to be appointed for a term of two years and thereafter for a term of three years.
- (8) All members of the Committee must be Salem residents.

The Commissions, Boards, Council and Mayor who have appointment authority under this Division shall appoint such representatives within 45 days of the effective date of this ordinance. Should there be a vacancy or resignation in any of the Community Preservation Committee

positions, the Commissions, Boards, Council or Mayor who have appointment authority under this Division shall appoint a new representative within 45 days of the first date of a known vacancy or resignation.

As a prerequisite to appointment to the Community Preservation Committee, a Commission or Board appointee must be in good standing, meaning that the member's term of appointment from the Board or Commission shall not have lapsed. In the event that a Committee member who is appointed by a Board or Commission has term of appointment to the underlying Board or Commission that lapses while he or she is a member of the Committee, that appointee shall be ineligible to vote on any matter before the Committee until the member is back in good standing or replaced.

Should any of the Commissions or Boards who have appointment authority under this Division be no longer in existence for whatever reason, the appointment authority for that Commission or Board shall become the responsibility of the City Council.

Should the Mayor fail to appoint a committee member into his/her two allotted spots within 45 days following adoption of this Division or a known vacancy, the appointment authority for that position shall be the City Council.

Should the City Council fail to appoint a committee member into their two allotted spots within 45 days following adoption of this Division or a known vacancy, the appointment authority for that position shall be the Mayor.

Should any of the Commissions or Boards who have appointment authority under this Division fail to appoint a representative within 45 days following adoption of this Division or a known vacancy, the appointment authority for that position shall be the Mayor. In the event the Mayor appoints following a Commission or Board's failure to do so, the individual chosen must be a current member in good standing of the Commission or Board and whose appointment shall be subject to approval of the City Council. In the event 45 additional days have lapsed since the Mayor was to appoint a member to the Committee from a Board or Commission and the Mayor fails to make such appointment, the City Council shall then become the appointing authority for that position.

Sec. 2-2012. Powers and 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 City Council, the conservation commission, the historical commission, the planning board, the park and recreation commissioners and the 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.

Upon approval of any rule or regulation by the committee, a copy of the same shall be filed with the City Clerk and become effective as of the date of filing thereof unless the specific vote of the committee establishes a later effective date.

Sec. 2-2013. Amendments

This Division may be amended from time to time by a majority vote of the City Council, provided that the amendments would not cause a conflict to occur with MGL, Chapter 44B.

Sec. 2-2014. Severability

In case any section, paragraph or part of this division is 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.

Section II. This ordinance shall take effect as provided by City Charter.

In City Council February 28, 2013
Referred to the Committee of The Whole
In City Council March 28, 2013
Adopted for first passage

ATTEST:

CHERYL A. LAPOINTE

ADV: 4/3/2013