

Malden CPA Committee Appointment Ordinance Recommendations

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| 1. | Goal | For easier tracking of terms and to avoid gutting the Committee |
| | Current Text | [Section 4] Within 30 days of notice that a vacancy exists, it shall be filled for the balance of the unexpired term in the same manner as the initial appointment was made. |
| | Issue | If multiple members have the same term limits, multiple seats are left open at one time. |
| | Suggestion | Each new appointee starts a full term based on their appointment date. <i>See Section 4</i> |
| 2. | Goal | To ensure balanced membership and clarify method of appointing |
| | Current Text | [Section 1.5] Five members, who shall serve for a term of two years, each of whom shall be appointed by a ward councilor chosen by a lottery conducted publicly during a City Council meeting; provided that only those wards not represented by statutory members, as listed above, shall be included in said lottery; and provided further that any ward not selected during one appointment period shall be guaranteed appointment during the following appointment period. [...] If the number of appointments made by ward councilors results in fewer than nine members, an additional member shall be appointed by vote of the entire Council. |
| | Issue | The current process for determining how vacant seats will be filled is contingent upon which Councilors appointed CPC members in the past. This leads to confusion and potential duplication of wards represented on the CPC. |
| | Suggestion | Each time there is a vacancy the councilor of a ward that is not currently represented on the committee at that time should fill the vacant seat. If more than one ward is unrepresented, then a councilor should be selected by lottery among the unrepresented wards. If all wards are represented at the time, then a new appointee can be selected “at large” by the entire Council. <i>See Section 1.5.a (Option 1)</i> |
| 3. | Goal | To ensure that Committee vacancies are filled in a timely manner |
| | Current Text | None. |
| | Issue | Seats on the CPC may remain vacant if the individual ward councilors responsible for making appointments do not select new members. |

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| | Suggestion | If the ward councilor responsible for filling a vacancy does not make an appointment within 30 (or 45) days, then the selection of the new appointee should revert to “at large” by the entire Council. <i>See Section 3.1.</i> |
| 4. | Goal | To enhance experience and broaden points of view within the committee |
| | Current Text | None. |
| | Issue | Councilors’ sole discretion doesn’t ensure the best qualified applicants. A strong committee thrives with diversity and breadth of variety of experience. Committee members are needed who (a) Have deep connections to different constituencies within the City to make it more responsive to the needs of its residents; (b) Can bring specific skills or knowledge regarding tasks required by the Committee (i.e. Public Service, Finance, Law, Architecture, Urban Design, Non Profits, Community Outreach, etc); (c) Can bring specific outlooks and points of view that may not normally be heard through the City's routine procedures; and (d) Value new approaches and ideas to identifying potential projects. |
| | Suggestion | Add language about qualifications for appointed members. <i>See Section 1.6</i> Selection of committee members should not be based on the <i>sole discretion</i> of Ward Councilors; Consider making all appointments “at large”, so that the balance of committee members’ wards is less important than the dedication and skill they bring to the committee. <i>See Section 1.5 Option 2</i> |
| 5. | Goal | To ensure fair exposure of open seats to the public |
| | Current Text | <p>) [Section 1.5] Appointments made by ward councilors shall be at their sole discretion; provided that no appointee of a ward councilor shall hold another elected or appointed position in the city nor be employed by the city or any of its agencies; [...] an additional member shall be appointed by vote of the entire Council based on publication of the existence of a vacancy, an application process and interview of such candidates as the Council deems qualified for appointment.</p> <p>) [Section 4] Within 30 days of notice that a vacancy exists it shall be filled...</p> |
| | Issue | The pool of applicants may be limited if the opening for an appointment is not well advertised. |

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| | Suggestion | <p>) Consider making all appointments “at large”, so that they are required to be advertised.</p> <p><i>See Section 1.5 Option 2</i></p> <p>) Consider lengthening the time to fill an appointment to 45 days so that it can be advertised and candidates can respond and be vetted by the Council, and so that appointing boards have time to select new members.</p> <p><i>See Section 3</i></p> <p>Publication and outreach for these positions must be widely advertised, using all available methods, including but not limited to, current methods, but also using social media as an additional tool.</p> |
| 6. | Goal | To ensure the Committee remains guided by non-City-employed residents only |
| | Current Text | None. |
| | Issue | There is no assurance that committee members will resign if they are no longer residents of Malden or would be disqualified from being appointed because of holding another elected or appointed position or being employed by the City. |
| | Suggestion | <p>An appointed member who subsequently removes their residence to another location in the city may continue to serve for the remainder of the term. However, an appointed member who removes their residence from the city shall be considered thereby to have resigned from the committee and acceptance of employment, election, or removal of residence from the town, shall be deemed a vacating of seat.</p> <p><i>See Section 1.7</i></p> |
| 7. | Goal | To ensure fair and balanced appointments |
| | Current Text | None. |
| | Issue | There is no clear instruction for what happens when a member is no longer sitting on a board which appointed them, or the board is no longer in existence. |

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| | Suggestion | <p>The ordinance should specify that resignation from an appointing board shall be considered to have resigned from the CPC and their seat must be re-appointed by their Board or Commission within 30 days.</p> <p>Should any of the Commissions, Boards, or persons who have appointment authority under this Article be no longer in existence for any reason, the appointment authority for that Commission or Board shall become the responsibility of the City Council.</p> <p><i>See Sections 1.7 and 1.8</i></p> |
| 8. | Goal | To retain knowledgeable and experienced committee members |
| | Current Text | <p>[Section 1.5] Five members, who shall serve for a term of two years, each of whom shall be appointed by a ward councilor...</p> <p>[Section 2] No member shall serve more than two consecutive terms.</p> |
| | Issue | <p>A two-year term length and maximum of two terms for council-appointed members is a relatively short tenure for the work the CPC does. The Committee may lose the benefit of members who have gained knowledge and expertise needed to effectively perform the responsibilities required.</p> <p>Statutory members by definition are serving on two committees. The appointing committees must identify members from a limited pool who are willing to serve in this dual capacity. Appointing committees should be able to appoint any of their members to serve on the CPC without being subject to term limits.</p> |
| | Suggestion | <p>Consider lengthening the term of council-appointed members to 3 years, and/or lengthen or eliminate the term limit. Consider exempting statutory members from the term limit.</p> <p><i>See section 1.5</i> <i>Consider changing Section 2</i></p> |
| 9. | Goal | To ensure active participation by all members |
| | Current Text | None. |
| | Issue | There is no recourse if Committee members do not fulfill their responsibilities in serving on the CPC. |

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| | Suggestion | <p>The Chairperson may recommend to City Council that any member of the committee be removed if, without good cause, that member has a number of unexcused absences that exceed twenty-five percent [25%] of the number of meetings of the committee held within a twelve [12] month period. Council would have the opportunity to accept, reject or take no action with regard to the recommendation of the Chairperson. Persons who have appointment authority shall appoint a new Committee Member within 45 days of the first date of vacancy or resignation.</p> <p><i>See section 7</i></p> |
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2.16.050 COMMUNITY PRESERVATION COMMITTEE

1. The Community Preservation Committee (CPC) shall consist of nine residents, who shall serve without compensation and be appointed as follows:

- 1.1 One member designated by the Conservation Commission from among its members who shall serve for a term of three years;
- 1.2 One member designated by the Historical Commission from among its members who shall serve for a term of three years;
- 1.3 One member designated by the Planning Board from among its members who shall serve for a term of three years;
- 1.4 One member designated by the Housing Authority from among its members who shall serve for a term of three years

1.5 [Option 1] Five members, who shall serve for a term of ~~three~~ years, each of whom shall be appointed by a ward councillor ~~whose ward is not represented by other members currently serving on the Committee.~~ Appointments made by ward councilors shall be at their sole discretions.

a. If more than one ward is currently unrepresented, then the appointing ward councillor shall be chosen from among the unrepresented wards by a lottery conducted publicly during a City Council meeting.

b. ~~If there is a vacancy on the Committee and all wards are represented, then the~~ additional member shall be appointed "at large", by vote of the entire Council based on publication of the existence of a vacancy, an application process and interview of such candidates as the Council deems qualified for appointment.

- Or -

1.5 [Option 2] Five members, who shall serve for a term of two ~~or three~~ years, each of whom shall be appointed by vote of the entire Council based on publication of the existence of a vacancy, an application process and interview of such candidates as the Council deems qualified for appointment.

1.6 Qualifications for appointed members:

a. In choosing persons for "appointed" positions the Council shall give preference to those residents who have expertise and/or a demonstrated interest in open space, recreation, historic preservation, affordable housing, capital planning, municipal finance, or fiscal accounting practices. ~~[If Option 2 is chosen:]~~ To the greatest extent possible appointed members of the committee shall be selected in a geographically balanced fashion so as to achieve a fair representation of the entire City.

b. It shall be required that all appointed members be residents of the city and be domiciled in the City of Malden.

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- c. No employee of the city, whether he or she is an employee of a municipal department, school department, shall be eligible to serve as an "appointed member" of the committee.
 - d. No official of the city, whether she or he is an elected or appointed official, shall be eligible to serve as an "appointed member" of the committee.
- 1.7 Acceptance of employment by the City, election to another position in the City, or removal of residence from the Malden, shall be deemed a vacating of seat. Statutory members who vacate the boards which appointed them to the CPC shall be deemed to vacate their seat on the CPC.
 - 1.8 Should any of the Commissions or Boards who have appointment authority under this Article cease to exist for any reason, the appointment authority for that Commission or Board shall become the responsibility of the City Council.
2. No Council-appointed member shall serve more than three consecutive terms. [or further increase number of terms or delete this clause]
 3. Persons or entities who have appointment authority under this Article shall appoint a new Committee Member within 45 days of the first date of vacancy or resignation.
 4. 3.1 If a ward councilor responsible for filling a vacancy does not make an appointment within 45 days, then the selection of a member will be made "at large" by the entire Council within the subsequent 45 days. Appointees shall commence full terms starting at the date that they assume their seat on the Committee.
 5. The Committee shall annually elect a chairperson from among its members; provided that no member shall serve as chairperson for more than two consecutive years, except upon vote of two thirds of the members.
 6. Except as provided above, actions shall be approved by a majority of the members present and voting; provided that a recommendation for the issuance of general obligation bonds or a recommendation involving action by eminent domain shall require a two thirds vote of members present and voting.
 7. The Chairperson may recommend to City Council that any member of the committee be removed if, without good cause, that member has a number of unexcused absences that exceed twenty-five percent [25%] of the number of meetings of the committee held within a twelve [12] month period. Council would have the opportunity to accept, reject or take no action with regard to the recommendation of the Chairperson. Persons who have appointment authority shall appoint a new Committee Member within 45 days of the first date of vacancy or resignation.
 8. The Committee may, in its discretion, appoint subcommittees and elect such other officers as it deems necessary and appropriate and may employ such subordinates and assistants as are provided for by funding; provided that no administrative funds may be used to enter into a contract with the Malden Redevelopment Authority or the Malden Housing Authority or any of their employees for the provision of administrative services.
 9. The Committee shall promulgate rules and regulations for its own governance and for the transaction of business as it deems necessary and appropriate.

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Within 30 days of notice that a vacancy exists, it

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10. On or before March 1 of each year, the Committee shall submit to the Mayor for inclusion in the annual appropriation order, a proposed operating budget for fiscal year next ensuing, which shall not exceed five percent of that year's estimated annual community preservation fund revenues.

11. Duties and Responsibilities:

11.1 The Community Preservation Committee shall annually, in consultation with appropriate city boards and commissions, conduct a study of the needs, possibilities and resources of the city regarding community preservation, including the consideration of regional projects. As part of its study, the Committee shall hold at least one public hearing on the needs, possibilities and resources of the city regarding community preservation possibilities and resources, notice of which shall be posted publicly and published at least once in each of the two weeks preceding the hearing in a newspaper of general circulation in the city and published electronically on the city's web site.

11.2 The Committee shall annually solicit applications for funding of community preservation projects and shall hold at least one public hearing on proposed projects.

11.3 The Committee shall evaluate proposals and make recommendation, including anticipated costs, to the City Council for funding of such projects as it believes will provide the maximum benefit to the city as a whole. In evaluating proposals, the Committee shall, at a minimum, consider the following factors:

- a. eligibility for funding under the Community Preservation Act;
- b. consistency with needs outlined in the Community Preservation study;
- c. the availability of matching funds from the applicant or other source.

11.4 The Committee may include in its proposal 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 or to set aside for later spending funds for general purposes that are consistent with community preservation; provided however, that funds expended pursuant to this chapter shall not be used for maintenance.

11.5 The committee may recommend the issuance of general obligation bonds or notes, in anticipation of revenues to be raised pursuant to the Community Preservation Act, the proceeds of which shall be deposited in the Community Preservation Fund.

11.6 In each fiscal year, the committee shall recommend that the City Council either spend, or set aside for later spending, not less than ten percent of the annual revenues in the community preservation fund for each of the following:

- a. Open space, and land for recreational use;
- b. Historic resources;
- c. Community housing.

12. Council Action on Committee Recommendations: The City Council may reject or reduce the funding for a recommended proposal; provided that the Council shall notify the Community Preservation Committee of any rejection or reduction in funding and provide the committee thirty (30) days from the date of council action to revise and resubmit such proposal; but provided further that Council action on a revised proposal shall be final.

