

Amendment to the Community Preservation Ordinance, Section 2.15.050 of the
Ordinances of 2020

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Be it ordained by the City Council of the City of Malden as follows

Section 1: That Section 2.16.050 of the Ordinances of 2020 be amended by adding the provisions underlined below and striking the provisions shown in the margins:

2.16.050 COMMUNITY PRESERVATION COMMITTEE

1. The Community Preservation Committee shall consist of nine Malden residents, who shall serve without compensation and be appointed as follows:
 1. One member designated by the Conservation Commission from among its members who shall serve for a term of three years;
 2. One member designated by the Historical Commission from among its members who shall serve for a term of three years;
 3. One member designated by the Planning Board from among its members who shall serve for a term of three years;
 4. One member designated by the Housing Authority from among its members who shall serve for a term of three years
 5. Five members from the general public, not currently serving in an elected or appointed position in the city nor employed by the city or any of its agencies.
 1. The five members from the general public shall reside in different wards from each other.
 2. General public members shall be nominated, interviewed and appointed through a public process led by Chair of the Personnel and Appointments Committee. Such process may include a recommendation of multiple qualified candidates by the Personnel and Appointments Committee residing in Wards that do not have a general public member, with the final determination to be made by lottery at a City Council meeting.
 3. General public members serving on the Commission as of the effective date of this ordinance amendment shall continue to serve out their term until it expires.
 4. General public members appointed on or after the effective date of this ordinance amendment shall serve for terms of three years from their date of appointment.

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Deleted: 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. Appointments made by ward councilors shall be at their sole discretion; provided that no appointee of a ward councillor shall hold another

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(Current Ordinance with Changes proposed by Winslow 10/13/2021)

2. No member shall serve more than three consecutive terms.
3. Each board or commission entitled to designate a member shall notify the City Council through the City Clerk as to the member designated.
4. A vacancy occurs when a (a) member submits a letter of resignation to the City Clerk, including resignation from the board or commission that may have appointed such member to the Committee, (b) the City Clerk determines a member is no longer a resident of Malden, (c) a member is sworn-in to an elected or appointed position with the city (d) a member begins employment with the city or any of its agencies or (e) the term of a general public member expires and another resident has been nominated to such seat by the City Council.
 1. For any general public member seat, within 45 days of notice that such vacancy exists, the Chair of the Personal and Appointments committee shall initiate the public process prescribed by this ordinance to nominate, interview and appoint a new general public member for a three year team.
 2. For a vacancy in other seats, the relevant board or commission shall appoint a new member within ninety (90) days of such vacancy.
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 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.
8. The Committee shall promulgate rules and regulations for its own governance and for the transaction of business as it deems necessary and appropriate.
9. 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.
10. Duties and Responsibilities:
 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.

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(Current Ordinance with Changes proposed by Winslow 10/13/2021)

2. The Committee shall annually solicit applications for funding of community preservation projects and shall hold at least one public hearing on proposed projects.
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:
 1. eligibility for funding under the Community Preservation Act;
 2. consistency with needs outlined in the Community Preservation study;
 3. the availability of matching funds from the applicant or other source.
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.
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.
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:
 1. Open space, and land for recreational use;
 2. Historic resources;
 3. Community housing.
11. 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.