



Legislation Details (With Text)

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Title: Order: Be it hereby 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: (See attached).

Sponsors: Stephen Winslow, Deborah DeMaria

Indexes:

Code sections:

Attachments: 1. CPC Ord Winslow Proposed Amendments 5-1-2020 v2

Date	Ver.	Action By	Action	Result
5/5/2020	1	City Council	referred	
5/5/2020	1	City Council	referred	Fail

Order: Be it hereby **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: (See attached).

[Amendment to the Community Preservation Ordinance, Section 2.15.050 of the Ordinances of 2020](#)

[Sponsors Councillor Winslow and DeMaria](#)

2.16.050 COMMUNITY PRESERVATION COMMITTEE

<<https://malden.municipalcodeonline.com/book?type=ordinances>>

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](#), 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~~not currently serving in an~~ elected or appointed position in the city nor be employed by the city or any of its agencies ~~shall serve for a term of two years that ends on June 30¹ of even number years. The five members from the general public shall reside in different wards from each other. Appointments to be a general public member shall be made as follows:~~

1. General public member seats that open on or after June 30, 2020 due to term limitations, resignation or otherwise shall be filled as follows:

1. There shall be a public announcement of the open position, with at least a two-week period for submittal of applications to the City Council. The public announcement shall specifically encourage applications from residents of wards that do not currently have a general public member.

2. The Council Committee on Personnel and Appointments shall screen all applicants, interview finalists and then make nominations to the full council for any open seat. In making nominations the Council Committee on Personnel and Appointments shall consider whether applicants have demonstrated interest in open space, recreation, historic preservation and housing and seek to ensure that general public member seats rotate between wards.

2. After June 30, 2020, general public members seeking a second term shall send notice to the City Council indicating their interest in serving a second term prior to expiration of their first term. ; and provided further that, 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 based on publication of the existence of a vacancy, an application process and interview of such candidates as the Council deems qualified for appointment

2. No member shall serve more than two 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. 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.
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; 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.

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.
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.

Section 2 Implementation

Notwithstanding any other provision of these Ordinances:

- (1) The term of any member who has served for three or more years as an appointee of a ward councillor shall be extended to and then expire on June 30, 2020 and such member shall be eligible for re-appointment for one additional term through the procedure set forth in Section 2.16.050.1.5;
- (2) The term of any member who has served for less than three years as an appointee of a ward councillor shall expire on June 30, 2022 and such member shall be eligible for re-appointment in 2022 for one additional term through the procedure set forth in Section 2.16.050.1.5.