

**Chapter 2
City of Gloucester
Community Preservation Act**

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Section 2-514. Establishment

There shall be a Community Preservation Committee ("Committee"), in accordance with Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act, MGL chapter 44B, §1, et seq., which shall consist of nine (9) members as follows:

Section 2-515. Membership, Terms and Compensation

The community preservation committee shall consist of nine (9) members, all of whom shall be residents of the city. Committee members shall be appointed by the Mayor and confirmed by the city council for a period of three years expiring on February 15. Committee shall be composed of the following:

- 1) Four members shall be members of the boards and commission as required by the Community Preservation Act, GL c. 44B section 5 and appointed by the Mayor subject to confirmation of the City Council. If a statutory board or commission no longer functions or exists within the city then the Mayor shall appoint a member from the general public who has expertise or performs like duties as the board or commission. Each board or commission shall submit the name of one of its members to sit on the committee within 45 days of a vacancy of the statutory membership. The statute directs that a member from each of the following shall be designated as a member of the committee:
 - a) one member of the Conservation Commission as designated by the Commission.
 - b) one member of the Historical Commission as designated by the Commission.
 - c) one member of the Planning Board as designated by the Board.
 - d) one member of the Parks and Recreation Department.
 - e) one member of the Housing Authority as designated by the Authority.
- 2) There shall be four members of the general public not currently holding elected or appointed office, as appointed by the Mayor.

- a) The At-Large members may include a citizens who have expertise or demonstrated interest in open space, recreation, historic preservation, affordable housing and municipal finance and fiscal accounting practices.
- b) To the extent possible the members of the committee will be selected so that the five wards are fairly represented.

The commission and boards which may designate a member for appointment shall do so within 45 days of the effective date of this ordinance and shall forward the names to the Mayor. Should a commission or board fail to designate a member for appointment within 45 days, the Mayor shall appoint the member from the general public.

Should a member from a designated commission or board be no longer able to serve on the Preservation Committee, the Mayor shall appoint a successor member.

- 3) All committee members shall serve on the committee without compensation.

Section 2-516. Terms of Office

- 1) The term of office for each member of the Committee shall be three years. No member shall serve more than two terms.
- 2) In order to stagger the terms of the members, the terms of the initial appointments shall be as follows:
 - a. the Historic Commission member, the Conservation Commission member, two At-Large member appointed by the Mayor shall serve for three (3) years;
 - b. the Housing Authority member, the Planning Board member and one At-Large member appointed by the Mayor shall serve for two (2) years;
 - c. the Parks and Recreation Member and one At-Large member appointed by the Mayor shall serve for one (1) year.
 - d. For purposes of this clause, the initial one (1) and two (2) year appointments shall be deemed not to constitute full terms.

Officers:

- 1) The committee shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate.
- 2) A Committee member may serve as chairperson for 2 consecutive years, after which he/she shall not be eligible to be nominated for the same position. However, a two-thirds (2/3) vote of the Committee can waive this provision.

Vacancies:

Any vacancy shall be filled by the respective Board, Commission, Authority or Mayor for the remainder of the unexpired time.

- 1) In the event that a Committee member is unable for any reason to complete serving a term, whether by failure of reappointment to his or her underlying board, commission or authority, or otherwise, the board, commission or authority responsible for designating said committee member shall forthwith designate another of its members to complete the remainder of the term.

Section 2-517. Authority, Duties and Responsibility

- 1) The Community Preservation Committee shall study the needs, possibilities and resources of the city regarding community preservation. The committee shall consult with the Mayor, the City Council, the Community Development Director, the Housing Authority Director, the Conservation Commission, the Historical Commission, the Zoning Board, the Parks and Recreation Director, the Chair of the Gloucester Housing Trust, Grants Director, Public Works Director and any persons acting in those capacities or performing like duties when conducting such studies.
- 2) As part of its study, the Committee shall hold one or more public information hearings annually on the needs, possibilities and resources of the City regarding the community preservation possibilities and resources, notice of which shall be posted publicly and published for each of the two weeks preceding a hearing in a newspaper of general circulation in the City and published electronically on the city's web site.
- 3) The Committee shall meet as necessary to carry out its duties, but in any fiscal year shall hold no fewer than three (3) meetings.
- 4) On or before November 1st of each year, the Committee shall make recommendations to the City Council for:
 - a. the acquisition, creation and preservation of open space;
 - b. the acquisition, preservation, rehabilitation and restoration of historic resources;
 - c. the acquisition, creation, preservation and support of community housing;
 - d. the acquisition, creation and preservation of land for recreational use; and
 - e. the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section.
- 5) With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

- 6) 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.
- 7) The Committee may recommend the issuance of general obligation bonds or notes, in accordance with the provisions of M.G.L., Chapter 44B, § 11, in anticipation of revenues to be raised pursuant to M.G.L., Chapter 44B, § 3, the proceeds of which shall be deposited in the Community Preservation Fund.
- 8) In every fiscal year, the Committee shall recommend that the City Council either spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of the following:
 - a. open space (not including land for recreational use);
 - b. historic resources
 - c. community housing
- 9) All recommendations and proposals submitted by the Committee to the City Council shall include the anticipated costs thereof.
- 10) The Committee shall submit to the Mayor, by March 1st of each year, an annual administrative and operating budget for the Committee for the next fiscal year, which shall not exceed five (5%) percent of that year's estimated annual Community Preservation Fund revenues. The Community Preservation Fund budget shall be submitted by the Mayor to the City Council with the entirety of the city budget pursuant to the city charter.
- 11) No appropriation shall be made from the Community Preservation Fund without the approval of the City Council.

Section 2-518. Quorum and Voting

- 1) Five (5) members shall constitute a quorum for the purpose of convening a meeting and of conducting the business of the Committee.
- 2) The Committee shall approve its actions by a majority vote of the quorum.

Section 2-519. Severability

In the event any part of this Ordinance is for any reason declared invalid or unconstitutional by any court, the remainder of this Article shall continue in full force and effect.