

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

October , 2019

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Article VIII of Chapter 7 COMMUNITY PRESERVATION COMMITTEE** as follows:

Delete the provisions of sections 7-80 through 7-82 in their entirety, and **insert** in place thereof the following language:

Sec. 7-80. Establishment, duties and organization.

- (a) The Newton community preservation committee (“CPC”) is hereby established to carry out the functions and duties of such a community preservation committee as provided in General Laws chapter 44B, the Community Preservation Act, including,
 - 1. The community preservation committee shall study the needs, possibilities and resources of the city regarding community preservation.
 - 2. The community preservation committee shall make recommendations to the city council for funding of projects that involve open space, historic resources, land for recreational use, and community housing and that meet the other requirements in General Laws chapter 44B, including that such funds shall not be used for maintenance.
 - 3. It is the intent of this ordinance that, to the extent possible, projects using CPA funds seek to leverage other funding resources. CPA funds shall not replace existing operating funds, only augment them.
- (b) 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. (Ord. No. W-66, 11-19-01; Rev. Ord. 2007, § 2-350)
- (c) The CPC and city council shall evaluate all requests for project funding from the community preservation fund in the same manner, in accordance with the goals of the Community Preservation Act and the guidelines and procedures established by the CPC.
- (d) The CPC shall meet annually with the city council, separately from review of project funding recommendations and the annual budget, to review the status of the community preservation

fund, Newton's community preservation program, and the ordinance. The city council may request additional meetings with the CPC as needed.

Sec. 7-81. Composition; eligibility, terms of office, term limits.

- (a) The committee shall consist of nine members, as follows:
 - 1. The conservation commission, planning and development board, housing authority, historic commission and parks and recreation commission shall each designate one of its members, who may be an alternate member, to serve as a member of the committee (the "statutory members").
 - 2. The remaining four members (the "appointed members") shall be appointed by the mayor with approval of the city council in accordance with section 7-1 of the city ordinances. The appointed members shall include at least one citizen who has expertise or demonstrated interest in open space, at least one citizen who has expertise or demonstrated interest in recreation, at least one citizen who has expertise or demonstrated interest in historic preservation and at least one citizen who has expertise or demonstrated interest in affordable housing. In making such appointments, the mayor shall be guided by the goals that the committee's overall membership includes persons with relevant professional expertise and represents the diversity of the City's residents and neighborhoods.
 - 3. No appointed member shall be an employee or elected official of the City.
- (b) Members shall serve for terms of three (3) years or until their successors shall take office. Appointments shall allow for staggered terms.
- (c) No person shall be eligible to serve as a member for more than three (3) consecutive full terms.
- (d) Appointed members who remove their residence from the City shall be considered to have resigned from the committee.

Sec. 7-82. Mechanisms for legislative approval or veto.

- (a) The CPC shall transmit recommendations for expenditure of community preservation funds to the city council and shall provide a copy of such recommendations to the Mayor.
- (b) The city council shall refer each CPC funding recommendation to appropriate council committees, including the finance committee, for review.
 - (c) After receiving a project funding recommendation from the CPC, the city council may approve appropriations from the community preservation fund for an amount up to and including that recommended by the CPC; may vote not to appropriate the recommended funds; or may hold the item and return the funding recommendation to the CPC for revisions.
- (d) The city council may also condition its approval of community preservation funds on the availability of such additional non-community preservation funds as have been designated by their authorizing bodies for application to the project.

Sec. 7-83 Administration and operations

- (a) In response to the annual program budget proposed by the CPC, the city council shall make appropriations from the community preservation fund as it deems necessary for the CPC's administrative and operating expenses, including staffing. Such appropriations shall not exceed five (5) per cent of the annual revenues in the community preservation fund.
- (b) City departments hosting staff positions funded by CPC administrative and operating expenses shall collaborate with the CPC in finalizing job descriptions and organizational structure for said positions. The CPC Chair and up to one other appointed member of the CPC shall participate in the hiring process and shall have final approval of the Community Preservation Program Manager or any other CPC-funded staff.

Sec. 7-84 The provisions of this Article shall be interpreted and applied at all times consistently with the provisions of Chapter 44B of the General Laws, as Chapter 44B may be from time to time amended, and with the provisions of any relevant general or special law.

Secs. 7-85—7-89. Reserved.

Approved as to legal form and character:

ALISSA O. GIULIANI
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor