



CITY OF SOUTH PORTLAND

KATHERINE W. LEWIS
Mayor

SCOTT T. MORELLI
City Manager

EMILY F. SCULLY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

**IN CITY COUNCIL
AMENDED
ORDINANCE
#01-20/21**

District One
CLAUDE V.Z. MORGAN

District Two
KATHERINE W. LEWIS

District Three
MISHA C. PRIDE

District Four
APRIL L. CARICCHIO

District Five
DEQA DHALAC

At Large
KATELYN S. BRUZGO

At Large
SUSAN J. HENDERSON

WHEREAS, on August 13, 2019 the City of South Portland adopted an Open Space Plan, henceforth "Open Space Plan," and on October 15, 2019 amended the Comprehensive Plan to include the Open Space Plan as Appendix Q; and

WHEREAS, the Open Space Plan outlines steps that are required to implement its measures and policies, including Chapter 5 regarding the acquisition of additional open space; and

WHEREAS, an Open Space Acquisition Committee is needed to oversee the implementation of acquisition actions pursuant to the Open Space Plan.

NOW, THEREFORE, THE COUNCIL of the City of South Portland hereby ordains that Chapter 2, "Administration and Legislation," of the "Code of Ordinances of the City of South Portland, Maine" be, and hereby is, amended as follows (additions are underlined; deletions are ~~struck out~~):

Chapter 2

ADMINISTRATION AND LEGISLATION

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ARTICLE III. BOARDS AND COMMISSIONS

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DIVISION 13. OPEN SPACE ACQUISITION COMMITTEE

Sec. 2-151P. Establishment and Purpose.

An Open Space Acquisition Committee (OSAC) is hereby established. The purpose of the OSAC is to provide oversight and long-term management of open space acquisition. The OSAC will not have the authority to commit City resources or direct the work of City employees but rather will serve to make formal recommendations to the City Council on relevant open space acquisition issues.

Sec. 2-151Q. Composition; appointment; qualifications; and quorum.

- (a) The OSAC shall consist of eleven (11) members, to include:
- One (1) member from the South Portland Conservation Commission;
 - One (1) member from the South Portland Land Trust;
 - Seven (7) residents of the City, all of whom must be appointed by the City Council, but there shall be no more than three (3) members from any one voting district;
 - One (1) City Councilor (ex-officio, non-voting); and
 - One (1) representative from the Planning Department or the Parks, Recreation, and Waterfront Department (ex-officio, non-voting).
- (b) All members of the OSAC shall be selected upon the basis of their interest and qualifications in conservation of open space. In addition, the City Council should strive to include members who are representative of a diverse community.
- (c) A quorum shall consist of seven (7) members, at least six (6) of whom shall be voting members. Only members of the OSAC shall be allowed to vote on items before the committee. However, this shall not prevent the OSAC from conducting straw poll votes of meeting attendees or allowing non-members to participate in discussions.

Sec. 2-151R. Terms of office.

The City Council representative shall be chosen annually by the Council. The representative from the Planning Department or the Parks, Recreation and Waterfront Department shall serve for an indefinite term. The voting members shall serve three-year terms, with the initial appointments as follows:

- Three members, at least two of whom are City resident members: One year, beginning in October 2020, and then for three years beginning in October 2021 and thereafter;
- Three members, at least two of whom are City resident members: Two years, beginning in October 2020, and then for three years beginning in October 2022 and thereafter; and
- Three members, at least three of whom are City resident members: Three years, beginning in October 2020, and then for three years thereafter.

Sec. 2-151S. Duties generally.

Duties of the OSAC shall include, but are not limited to, the following:

- (a) Identification of private properties for potential future acquisition as open space land;
- (b) Outreach to private landowners about their interest in land sale or conservation;

- (c) In consultation with appropriate City Department Heads or staff and under the direction of the City Council, conduct evaluations of private properties for open space value;
- (d) Collaborate with the South Portland Land Trust and other similar organizations as stated in the Open Space Plan to support the acquisition of publicly accessible open space land;
- (e) Review the Land Bank account funds and activities, at a minimum annually;
- (f) Seek out funding strategies for open space acquisition funding;
- (g) Make recommendations for potential acquisition projects to the City Council; and
- (h) Prepare a report outlining open space acquisitions for submittal to the South Portland annual report and the Conservation Commission annual report.

Sec. 2-151T. Officers, meetings, and records.

- (a) There shall be three OSAC committee officers: Chair, Vice Chair, and Secretary. The Chair shall preside over the committee meetings and work with staff to set and distribute meeting agendas. The Vice Chair shall perform the functions of the Chair upon the Chair's absence from a meeting. The Secretary shall keep minutes of each committee meeting and prepare drafts to be voted on and approved by the full committee at the next meeting. Once approved, the Secretary shall file the minutes with the City Clerk's Office. The Secretary shall also ensure that meeting agendas are posted with the City Clerk's Office. Only resident members appointed by City Council shall be eligible to hold office. Elections of officers shall occur annually in January.
- (b) An annual written report of the OSAC's activities shall be submitted to the City Council in January of each year.
- (c) Meetings of the OSAC shall occur at least quarterly. Unless explicitly authorized by the City Council, the OSAC shall not have the power to direct the work of City employees or to expend funds. All meetings of the OSAC shall be open to the public. Notice of each meeting shall comply with the City's notice policies and Maine's Freedom of Access Act.
- (d) The committee shall have the power to recommend actions to the City Council by majority vote of those present and voting if a quorum exists.

Fiscal Note: Less than \$1,000.00

Dated: July 28, 2020