

IN THE CITY COUNCIL
OF THE CITY OF WALTHAM
IN THE YEAR TWO THOUSAND SIX

Ordinance # 30452

Be it ordained by the City Council of the City of Waltham as follows:

THAT CHAPTER 2 OF THE GENERAL ORDINANCES OF THE CITY OF WALTHAM ENTITLED "ADMINISTRATION," AS MOST RECENTLY AMENDED IS HEREBY FURTHER AMENDED BY ADDING THE FOLLOWING NEW ARTICLE XXX:

ARTICLE XXX Community Preservation Committee

Section 2-394 Establishment

There is hereby established a Community Preservation Committee pursuant to the provisions of M.G.L., c. 44B, section 5.

Section 2-395 Composition

(a) The committee shall consist of five voting members, as follows:

The Conservation Commission, Board of Survey and Planning, Waltham Housing Authority, Waltham Historical Commission, and the Parks-Recreation Board shall each designate one of its members to serve as a member of the committee. Members shall be designated prior to the end of each fiscal year to serve a one-year term concurrent with the following fiscal year, except that in calendar year 2006 members shall be designated within 90 days following the enactment of this ordinance to serve a term ending June 30, 2007."

(b) *Election of chair, terms of office*

(1) The committee members shall annually at the first meeting in each fiscal year, elect a chairperson by majority vote, and a clerk who will keep the minutes of all meetings.

(2) 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.

(3) Any committee member may be removed for cause by his or her respective designating authority after hearing.

(4) All committee members shall serve on the committee without compensation.

Section 2-396 Duties

(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 Planning Director, the Housing Director, the Conservation Commission, the Waltham Historical Commission, the Board of Survey and Planning, the Parks-Recreation Board, the Waltham Housing Authority, the Waltham Housing Partnership Committee, and any persons acting in those capacities or performing like duties, in conducting such studies.

(2) As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city, and published electronically on the city's web site.

The committee shall meet as necessary to carry out its duties, but in any fiscal year shall hold no fewer than four meetings."

(3) The committee shall consider in its study appropriate criteria and goals articulated in any and all applicable plans, studies and reports produced by or for the city, including but not

limited to: Community Development Plan, Master Plan, Open Space and Recreation Plan, Housing Plan, Capital Improvement Program. In making its study and preparing recommendations, the committee shall consult for advice and recommendations, with all appropriate city officials, including but not limited to, the Mayor, City Council, Director of Planning, Housing Director, City Solicitor, Recreation Director, Building Commissioner, Director of Consolidated Public Works, and any other city official the committee deems appropriate to their study process.

(4) The Community Preservation Committee shall make recommendations to the City Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for 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 community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

(6) The Community Preservation 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 Community Preservation Committee may recommend the issuance of general obligation bonds or notes, in accordance with the provisions of Massachusetts General Laws, chapter 44B, section 11, in anticipation of revenues to be raised pursuant to M.G.L., Chapter 44B, Section 3, the proceeds of which shall be deposited in the Community Preservation Fund.

(8) In every fiscal year, the community preservation committee must recommend either that the legislative body 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; and

(c) community housing.

(9) No expenditures shall be made from the Community Preservation Fund without the approval of the City Council.

(10) The Community Preservation Committee shall submit to the City Council, by March 1st of each year, an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund.

(11) All recommendations and proposals submitted by the committee to the City Council shall include the anticipated costs thereof.

Section 2-397 Quorum

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall act only by majority vote of the entire committee.

Section 2-398: Severability

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

First Reading : June 12, 2006 Attest: Rosario C. Malone, CMC

Second Reading June 26, 2006 City Clerk

Third & Final Reading June 26, 2006

Approved : Returned unsigned by the Mayor