

1. Legislative And Nominating Committee Agenda 04-23-2018

Documents:

[LEGISLATIVE AND NOMINATING COMMITTEE AGENDA 04-23-2018.PDF](#)

2. Bert Jongerden Harbor Commissioner Testimony

Documents:

[BERT JONGERDEN HARBOR COMMISSIONER TESTIMONY.PDF](#)

2.I. City Clerk Memo For Legislative And Nominating Committee

Documents:

[CITY CLERK MEMO FOR LEGISLATIVE AND NOMINATING COMMITTEE.PDF](#)



CITY OF PORTLAND
LEGISLATIVE AND NOMINATING COMMITTEE

April 23, 2018

A G E N D A

1. Welcome
2. Review 4/9/18 meeting minutes
3. Harbor Commissioners
4. Plan for review of appointed entities with City Clerk Kathy Jones
5. Update on bills of concern and any new bills
6. New business
7. Next meeting?

April 16, 2018

Committee Chair, Councilor Pious Ali
Councilor Jill Duson
Councilor Kimberley Cook

CC: Julianne Sullivan

City of Portland
389 Congress Street
Portland ME 04101

Dear Councilors,

I am writing to provide comments concerning term limits for Portland appointees to the Harbor Commission.

My first comment is anecdotal, but it appears that the pool of citizen volunteers to board & commissions is getting smaller. My assumption is that time and family constraints determine availability – but another concern may be that by making board/commission decisions could expose members to favorable/unfavorable social media posts and potential litigation.

My point here is that the City needs seasoned and experienced board & commission volunteers to make good decisions in the best interest of all parties involved.

I have served on the Harbor Commission for three, 3-year terms – my feeling was my skills would benefit the Commission, but volunteering has been a continual learning experience.

To be brief, the Commission is charged with:

- 1) The safety and economic prosperity of the harbor
- 2) Regulation of highly educated & trained Ship Pilots and Docking Masters
- 3) Hiring & over-site of the Harbor Master including administrative staff and on-water deputies
- 4) Administration of 1000 recreational moorings
- 5) Permitting of harbor construction & dredging projects

The Harbor Commission is currently administrating a Brownfields Grant to examine underwater soil conditions around private piers in conjunction with in-harbor dredging and CAD cell disposal.

Additionally, the Commission coordinated a lobster relocation project ahead of planned maintenance dredging of the federal channel in 2013-2014.

Being a Harbor Commissioner requires specialized skill sets – marine construction, commercial maritime knowledge and administrative oversight.

A basic understanding of law and legislative process is also very desirable.

The Harbor Commission will be experiencing turn-over for 2018 in that one member and possibly both South Portland Commissioners are resigning along with Commissioner Dan Haley terming-out and myself in December of 2018.

The Commission, like any other organization, needs to transition in members carefully – having an entire Board step-down, or be termed-out in a single year would not serve the Harbor or Cities of Portland & South Portland.

I am willing to continue volunteering on the Board of Harbor Commissioners in my capacity as Treasurer after December 2018 – and I encourage this Committee to eliminate or extend term limits currently imposed on Harbor Commission citizen volunteers.

Regards,

A handwritten signature in black ink, appearing to read "Bert Jongerden". The signature is fluid and cursive, with the first name "Bert" being more prominent.

Bert Jongerden, Treasurer
Board of Harbor Commissioners
103 Revere Street
Portland ME 04103



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Legislative and Nominating Committee
FROM: Katherine L. Jones, City Clerk
DATE: April 10, 2018
RE: Boards and Commissions

One page description of the Harbor Commission, including the number of members, how it was formed, where our authority to appoint comes from, who else appoints.

The Harbor Commission consists of five representatives charged with the responsibility of regulating navigation and commerce with Portland Harbor. The Commission Authority results from a various private and special laws passed by the Maine Legislature. Under the statutes, the Harbor commission issues permits for creating or maintaining any structure or obstruction in any of the navigable waters of Portland Harbor. Therefore, they regulate wharfs and piers, decks, mooring, slips and other similar structures. They also appoint and license the pilots that operate in the harbor and set the fees the pilots may charge for those services. The rules imposed by the Commission are generally enforced by the Harbor Master.

Currently the Commission includes two members appointed by the City of Portland, two members by the City of South Portland and one member appointed by the Governor. Under the statutes that created the Commission, Commissioners are to serve for 3-year terms. There is no limit in the statute on the number of terms a particular commissioner may serve.

Current Portland appointees:

Daniel Haley (danielthaleyjr@gmail.com)

Bert Jongerden (longerden@gwi.net)



City of Portland's Ordinance

Chapter 2 of the Portland City Code governs boards and commissions. Under Sec. 2-32 a number of City boards and committees have set term limits. That section provides as follows:

Sec. 2-32 Limitations on terms of service

- A. No person shall be appointed to, nor serve, more than three years (3) consecutive full terms or nine years whichever comes first.
- B. Shall apply to only to service as a regular member of the board or commission, and shall not to service as an alternate nor as non- voting members.
- C. To the extent that this code provides for a different limitation on the term of service for a specific board or commission, the limitation provided in this article shall apply.

Under the Code, the term limits contained in Section Sec. 2-32 apply to the following:

1. Board of Appeals
2. Board of Assessment Review
3. Harbor Commission
4. Civil Service Commission employment
5. Citizen Review Sub Committee
6. CDBG
7. Park Commission
8. Historic Preservation Committee
9. Land Bank Commission
10. Planning Board
11. Portland Public Art Committee

Sec. 2-33

Under the Code, the term limits contained in Section 2-32 apply to the following:

With respect to the Board of Harbor Commissioners, specifically, the term limits imposed by Section 2-32 obviously only apply to the members appointed by the City of Portland. It does not appear that any term limits apply to the members appointed by South Portland or by the Governor.



A list of all boards, etc. this committee is responsible for vs what the Mayor is responsible.

The Nominating Committee is responsible for interviewing and making recommendations to the full City Council for approval of the above mentioned Boards and Commissions. It also interviews, candidates for the Creative Portland Board, Portland Development Corporation, Fish Exchange, Portland Housing Authority and Fair Hearing Officers. Portland Development, Fish Exchange, Portland Housing Authority have different term limits than the other boards.

The City Charter directs the appointments of the Mayor

Article II Section 5. Section (1) to appoint the members and chairs of the city Council committees and various ad hoc committees and communicate such appointments to the city council, which may override such appointments by a vote of at least six (6) council members.