

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on August 2nd, 2016, at 6:30 p.m. to consider the following:

Be it hereby ordained, by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, that Chapter 2, Administration, Article IV—Boards, Committees, Commissions, Sections 2-398 (Ballpark Commission) Appointment, vacancies, term, Section 2-399, Powers and Duties, 2-401, Quorum, procedure, officers, and Section 404, Ballpark is land owned by the public but not considered a park, is hereby amended by deleting the strikethrough language and adding the underscored language to the Town of Old Orchard Beach Code of Ordinances, as follows:

Sec. 2-398. - Appointment, vacancies, term.

The ballpark commission ("commission") shall consist of seven members appointed by the town council for a term of three years each commencing on the date of appointment, except that of those first appointed, three shall be for a term of three years, three shall be for a term of two years and one shall be for a term of one year. Two of the Ballpark Commission members may be non-residents, but neither shall be elected Chair or Vice-Chair. Any vacancy in the membership of the commission shall be filled by the town council for the unexpired term. Members whose terms expire shall continue to serve until their successors are appointed and qualified. Members of the commission serve at the will of the town council and may be removed by vote of the council at any time for any reason. Commissioners shall attend at least 75 percent of commission meetings held during a calendar year, either in person or by telephone or video conferencing. Commission members shall actively contribute their efforts to various tasks (e.g., meeting participation, timely completion of assignments, sub-committees) important to the usefulness of the commission's powers and duties.

(Ord. of 3-16-2010, § 3; Ord. of 2-1-2011(1); Ord. of 1-21-2014)

Sec. 2-399. - Powers and duties.

Subject to town council oversight, the commission is responsible for developing the Ballpark's business planning including improvement, maintenance, financial tracking, marketing, operations, and long-term property enhancements, offering recommendations to the town manager and town council for consideration and approval. Operations may include, but is not limited to equipment, materials, vendors and park users.

In order to carry out that responsibility, the commission shall have the following powers and duties:

Undertaking maintenance of and improvements to the physical facilities, subject to appropriation of funds therefore by the town council and subject to the town's established purchasing and procurement procedures.

Scheduling events, subject to issuance by the town council of special events permits under [chapter 42](#), article IV, division 5 of the Town Code.

Raising funds to be used exclusively for the improvement, maintenance and operation of the Ballpark through the sale of advertising or other promotional activities and through soliciting and accepting donations on behalf of the town, all in accordance with the town's established finance and accounting procedures.

All such funds received by the commission shall be remitted to the town treasurer for deposit in a dedicated revenue account denominated "the Ballpark Fund."

Soliciting, supporting and organizing the efforts of volunteers to assist in the improvement, maintenance and operation of the Ballpark as a community facility.

With the approval of the town manager, obtaining the assistance of town employees in connection with the improvement, maintenance and operation of the Ballpark. Provide guidance to staff assigned to Ballpark management and operations by the Town Manager or Town Council.

Performing such other duties and responsibilities and exercising such other powers as the town council may, from time to time, by order, assign to the commission.

(Ord. of 3-16-2010, § 4; Ord. of 1-21-2014)

Sec. 2-401. - Quorum, procedure, officers.

Four members of the commission, three of which are Old Orchard Beach residents or own real estate in Old Orchard Beach, shall constitute a quorum for the purpose of conducting a meeting. Any action by the commission requires a majority vote of those members present and voting. The commission may adopt additional rules, not inconsistent with this division, for the conduct of its activities.

The commission shall choose annually a chairperson, vice chairperson, secretary, and may choose shall select a financial liaison from among its members. The secretary shall maintain a permanent record of the commission's meetings. The financial liaison will maintain maintains records of purchase orders, invoices and other financial documents including the town financial director's Finance Director's monthly reports. Original financial records, including purchase orders, invoices and other financial documents, are maintained by the town finance director Finance Director.

(Ord. of 3-16-2010, § 6; Ord. of 1-21-2014)

Sec. 2-404. - Ballpark is land owned by the public but not considered a park.

The Ballpark, as defined in this division, is intended to be operated as a sports/entertainment/events and recreation area that serves the Southern Maine regional market and not as a public park subject to the care and superintendence of the conservation commission. The Ballpark's operation shall not be considered a recreation program subject to oversight by the recreation board.

(Ord. of 3-16-2010, § 9; Ord. of 1-21-2014)

Per Order of the Municipal Officers this 19th day of July, 2016.

A True Copy

Attest:

S/Kim McLaughlin

Kim M. McLaughlin, Town Clerk