

**BYLAWS OF THE
BRATTLEBORO CONSERVATION COMMISSION**

Adopted on January 29, 2008

Section 1. Appointment, Term, and Vacancy

- a. The Town of Brattleboro Conservation Commission (the "Commission") shall have not less than three (3) nor more than seven (7) members as determined by the Brattleboro Selectboard. All members shall serve without compensation, but may be reimbursed by the municipality for necessary and reasonable expenses.
- b. Members of the Conservation Commission shall be appointed and any vacancy filled by the Selectboard of the Town of Brattleboro. The term of each member shall be for four (4) years, except for those first appointed, whose terms shall be varied in length so that in the future the number whose terms expire in each successive year shall be minimized. Any member may be removed at any time by for just cause by vote of the Selectboard, for reasons given to him or her in writing and after a public hearing thereon if he or she so requests. Any appointment to fill a vacancy shall be for the unexpired term.

Section 2. Officers

The officers of the Commission shall consist of a Chair, Vice-Chair, Treasurer and Clerk elected by the Commission at the annual meeting for a term of one year. In the event the Clerk shall be absent from any meeting, the officer presiding shall designate an acting Clerk.

Section 3. Duties of Officers

The duties and powers of the officers of the Commission shall be as follows:

a. Chair

1. To preside at all meetings of the Commission.
2. To call special meetings of the Commission in accordance with these Bylaws.
3. To sign official documents, including minutes, of the Commission.
4. To see that all actions of the Commission are properly taken.
5. To prepare the agenda for all meetings of the Commission.
6. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
7. To represent the Commission at all official meetings requiring attendance of a member(s) of the Conservation Commission and in his or her absence, designate an authorized representative.

b. Vice Chair

During the absence, disability or disqualification of the Chair, the Vice Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

c. Clerk:

1. To keep the minutes of all meetings of the Commission in an appropriate Minutes Book.
2. To give or serve all notices required by law or by these Bylaws.
3. To be custodian of Commission records.

Section 4. Powers and Duties

As provided for under Title 24 VSA 4505, the Commission may:

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(1) make an inventory and conduct continuing studies of the natural resources of the municipality including but not limited to:

- (A) air, surface and ground waters, and pollution thereof;
- (B) soils and their capabilities;
- (C) mineral and other earth resources;
- (D) streams, lakes, ponds, wetlands, and floodplains;
- (E) unique or fragile biologic sites;
- (F) scenic and recreational resources;
- (G) plant and animal life, especially the rare and endangered species;
- (H) prime agricultural and forest land, and other open lands;

(2) make and maintain an inventory of lands within the municipality which have historic, educational, cultural, scientific, architectural, or archaeological values in which the public has an interest;

(3) recommend to the legislative body of the municipality the purchase or the receipt of gifts of land or rights thereto, or other property, for the purposes of this chapter;

(4) receive appropriations for operating expenses including clerical help by appropriation through the budget of the legislative body;

(5) receive money, grants or private gifts from any source, for the purposes of this chapter. Grants and gifts received by the trustee of public funds shall be carried in a conservation fund from year to year to be expended only for purposes of this chapter;

(6) receive gifts of land or other property for the purposes of this chapter, by consent of the legislative body or by the affirmative vote of the municipality;

(7) administer the lands, properties and other rights which have been acquired by the municipality for the purposes of this chapter;

(8) assist the local planning commission or zoning board of adjustment or the district environmental commission, by providing advisory environmental evaluations where pertinent to applications made to those bodies, for permits for development;

(9) cooperate with the local legislative body, planning commission, zoning board of adjustment, road committee, or other municipal or private organizations on matters affecting the local environment or the natural resources of the municipality;

(10) prepare, collect, publish, advertise and distribute relevant books, maps and other documents and maintain communication with similar organizations; and encourage through educational activities the public understanding of local natural resources and conservation needs;

(11) make a brief annual report to the municipality of its finances and transactions for the year just passed, and its plans and prospects for the ensuing year.

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Section 5. Annual Meeting

The annual meeting of the Commission shall be the first regular meeting in the month of July of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Commission.

Section 6. Regular Meetings

Regular meetings of the Commission shall be held in the Municipal Center at 6:00 pm on the fourth Tuesday of each month. At such meetings the Commission shall consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting or at the discretion of the Chair.

Section 7. Special Meetings

Special meetings of the Commission shall be held at a time and place designated by the Chair. Written notice thereof shall be given not less than twenty-four (24) hours in advance thereof.

Section 8. Meeting Notice

Notice for all meetings of the Commission shall be given pursuant to the Vermont "Open Meetings Law" (1 VSA 310-314). In addition to the notice of the date of regular meetings of the Commission indicated under Section 6, above, the agenda of each regular meeting of the Commission shall be posted outside the offices of the Brattleboro Planning Services Department, made available to the news media, and delivered to each member of the Commission at least 24 hours before the meeting. For special meetings of the Commission, the time place and purpose of the meeting shall be publicly announced by posting a notice of the meeting in or near the office of the Town Clerk and in at least two other public places in town, made available to the news media, and delivered to each member of the Commission at least 24 hours before the meeting.

Section 9. Quorum

At any meeting of the Commission, a quorum shall consist of a majority of the voting members of the Commission. No action shall be taken in the absence of a quorum.

Members who are unable to attend a meeting shall notify the Chair and Planning Department staff ahead of time. If a member has a pattern of unexcused or repeated absence, that may be cause for referral to the Selectboard for action.

Section 10. Voting

At all meetings of the Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice. The affirmative vote of at least a majority of the voting members shall be necessary for the adoption of any resolution or other voting matter.

Section 11. Conflict of Interest

In the event that any member of the Commission shall have a direct or indirect financial interest of any kind in a matter then before the Commission, the member shall disclose his or her interests and shall be disqualified from voting upon the matter. In the event that any member of the Commission shall have a personal conflict of interest, be it real, potential or apparent, in a matter then before the Commission, the member shall disclose his or her interests. Should a member with a personal conflict believe that such conflict will not impact his or her judgment on the matter, the member may participate in a vote provided a majority of the other members present vote to affirm that there will be no impact. A disqualified member shall not preside at the meeting or hearing or be counted by the

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Commission in establishing the required quorum but may participate in the hearing as a private citizen.

Any interested party to a matter pending before the Commission may petition the Commission to disqualify a member because of a conflict of interest.

Section 12. Proceedings

a. At any regular meeting of the Commission, the following is the suggested order of business:

1. Roll Call
2. Minutes of the preceding meeting
3. Adjustments to the agenda
4. Public hearings
5. Old and new business
6. Communications
7. Adjournment

b. Each formal action of the Commission required by law, Town Charter, rule or regulation shall be embodied in a formal resolution duly entered in full upon the Minutes Book after a vote as provided in Section 10 hereof. Minutes shall be available within five days of any meeting of the Commission.

Section 13. Rules of Procedure

All meetings of the Commission shall be conducted in accordance with Robert's Rules of Order, latest edition, with the following exception:

- a. All votes must be preceded by a Motion.
- b. All motions must be seconded.
- c. Ex-officio members may neither make motions nor vote on motions.

Section 14. Amending Bylaws

These Bylaws may be amended at any regularly scheduled meeting of the Conservation Commission provided that said proposed amendment is provided to each member in writing at least one month prior to said meeting.

BRATTLEBORO CONSERVATION COMMISSION