

PEABODY CONSERVATION COMMISSION

BYLAWS

(Approved at the meeting of March 7th, 2001)



ARTICLE I. THE COMMISSION

The name of this organization is the Peabody Conservation Commission, hereinafter referred to as the Commission, and is located in the City of Peabody, Massachusetts. The Commission is established pursuant to Massachusetts General Law, Chapter 40, Section 8C and by adoption of said law by the City Council.

ARTICLE II. PURPOSE

The purpose of this Commission is to protect and preserve the natural resources of this City, including but not limited to: open space, wetlands, waterways, and waterbodies.

ARTICLE III. MEMBERSHIP

Number and Terms of Commissioners

The membership of the Commission shall consist of seven Commissioners whose term of office shall be three years, but with initial official appointments being made so that two are appointed for one year, two appointed for two years and three appointed for three years. Such appointments shall be made by the Mayor with approval of the City Council. Two Alternate Commissioners may be appointed by the Mayor subject to the approval of the City Council. Whenever there is less than seven Commissioners present at a meeting, the Chairman may designate either or both Alternate Commissioners as voting members for the meeting and any public hearing thereat.

Vacancy

If a vacancy exists on the Commission for any reason including a resignation, the Commission shall request that the Mayor appoint a replacement for the remainder of the unexpired term.

Associate Commissioners

The Commission may appoint such Associate Commissioners as may be deemed necessary to assist and advise the Commission. Such Associate Commissioners shall not be eligible to vote.

ARTICLE IV. OFFICERS

Number

The officers of the Commission shall consist of a chairman, vice chairman and secretary

Term

The officers shall hold office for a period of one year, commencing June 1, (except that the first slate of officers shall serve from date of election until May 31, 1973).

Election of Officers

Commission officers shall be elected annually. The Chairman shall form an Election Committee at the regularly scheduled April meeting to secure nominations for the positions of Chairman, Vice-Chairman, and Secretary of the Commission, during the following year. The officers of the Commission shall be elected from among the nominated members by a majority of the Commissioners at the regularly scheduled May meeting.

Vacancy of Office

In the event that a vacancy in an officer's position shall exist, the chairman shall appoint a replacement officer. Should the chairmanship become vacant, the vice-chairman shall assume the office of chairman and appoint a new vice chairman. Appointed officers shall serve until the next regular election.

Duties of Chairman

The chairman of the Commission shall:

- A. Conduct the regular meetings of the Commission, in accordance with established meeting procedures.
- B. Form standing and ad hoc committees and assign and describe the tasks to be performed by said committees and to appoint members, alternate Commissioners, or Associate Commissioners to said committees. The minimum standing committees and their duties are described in Article VI of these Bylaws. The chairman shall be member ex-officio of each committee
- C. Represent the Commission at public hearings and meetings before the City Council, at state and regional meetings, seminars or conferences.
- D. Determine when a vacancy exists on the Commission and seek the advice of the Commission for concurrence.
- E. Cause to have the annual report of the Commission prepared and published. Said report shall be completed, and approved by the Commission as a whole, and presented to the Mayor and City Council prior to February 15th of each year.
- F. Be responsible for the preparation and submission of the annual budget
- G. Call special meetings of the Commission as required.
- H. Be responsible for the disbursement of funds and maintain accountability of said funds and maintain accountability of said funds to the Commission.

Duties of Vice Chairman

The Vice-Chairman shall assist the Chairman as designated by the Chairman and shall assume the duties and responsibilities of the Chairman, as prescribed by these Bylaws, in the absence of or vacancy of the Chairman.

Duties of Secretary

With the assistance of the full-time Conservation Commission Secretary, the Secretary shall keep and maintain the minutes of each regular and special meeting of the Commission, have the minutes formally transcribed, and reproduced for the members of this Commission for consideration at the next regularly scheduled meeting. The secretary shall also maintain attendance and voting records of the Commission and maintain an orderly file of all correspondence coming before this Commission. In the absence of the chairman and vice-chairman, the secretary shall preside over such meetings, and conduct them as prescribed in Section V, and appoint a secretary to record the minutes of the meeting.

ARTICLE V. MEETINGS

Regular Meetings

Regular meetings shall be scheduled by the Chairman based on the number and timing of submissions to the Commission.

Special Meetings

Special meetings may be called by the chairman or by three or more members of said Commission. Notification of such meetings must be made by written notice in accordance with Massachusetts General Law, Chapter 39, Section 23A. All members of this Commission must be notified by written notice or by telephone at least 24 hours before such meeting. However, the foregoing requirement may be waived should the situation be of an emergency nature, and adherence to the above procedures would not be feasible.

Quorum

A simple majority of the members shall constitute a quorum.

Voting

Votes cast by a simple majority of members shall be considered binding on the entire Commission.

Conduct of Meetings

Meetings shall be conducted in accordance with these Bylaws, established Meeting Procedures, and Robert's Rules of Order.

ARTICLE VI COMMITTEES

Formation of Committees

There shall be standing committees to this Commission as determined by:

- A. This Article of the Bylaws

- B. The chairman as described in Article IV under Duties of Chairman
- C. The membership of the Commission.

Land Acquisition Committee

There shall be a Land Acquisition Committee consisting of a minimum of two commissioners whose duty it will be to assess the availability of land within the City of Peabody in accordance with the desires of this Commission, and to negotiate the purchase of land when applicable

Land Use Committee

There shall be a Land Use Committee consisting of a minimum of two commissioners, whose duty it shall be to plan and oversee the maintenance of properties under the control of this Commission and to recommend policies pertaining to the utilization of said property.

ARTICLE VII. BYLAWS RATIFICATION & AMENDMENTS

The Bylaws may be amended by two-thirds (2/3) vote of the Commissioners. The Bylaws shall be ratified and approved by a two-thirds (2/3) vote of the commissioners. Five (5) members shall constitute a 2/3 vote. Any Bylaw ratification or amendment requires forty-eight (48) hour written notice to each member, illustrating the proposed change. Ratification or amendments shall be voted at the next meeting following notification.

ARTICLE VIII. RULES & REGULATIONS

Adopted by the Commission

By majority vote of the members present at a valid meeting of the Commission, the Commission may adopt and promulgate rules and regulations for the conduct of its business on any matter within the Commission's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), Ordinance, or other legal right or authority granted to or conferred upon the Commission.

The proposed rule or regulation shall be submitted to all Commissioners and Alternate Commissioners at least 48 hours prior to any vote to adopt the same; provided, however, the Commission may make such amendments to the proposed rules or regulations as it deems appropriate at the said meeting.

Upon approval of any rule or regulation by the Commission, a copy of the same shall be filed with the City Clerk and become effective as of the date of filing thereof unless the specific vote of the Commission establishes a later effective date.

Interim or Emergency Adopted by the Chairman

Notwithstanding anything to the contrary herein and pending the adoption and promulgation of Rules or Regulations by the Commission on a specific matter, the Chairman at his discretion may establish interim or emergency rules, regulations or forms to assist in the ordinary conduct, powers, duties, functions or responsibilities of the Commission.

Interim Rules and Regulations established by the Chairman shall become effective upon the filing of a copy of the same with the City Clerk. Emergency Rules or Regulations established by the Chairman shall become effective upon the adoption by the Chairman and a copy of the same with an emergency preamble shall be filed with the City Clerk as soon thereafter as is practical, but in no event later than ten days after said adoption.

Any interim or emergency rules or regulations established by the Chairman shall be mailed or delivered to all Commissioners and Alternate Commissioners prior to the next meeting of the Commission following their establishment.

ARTICLE IX. COMMISSION AGENT / ADMINISTRATOR

Any Conservation Commissioner or City staff who is appointed agent by a majority vote of the Conservation Commission at a regularly scheduled meeting of the Conservation Commission, and upon written approval of the Mayor, pursuant to these bylaws or the Wetlands and Rivers Protection Regulations of the City of Peabody, shall have the authority to act on behalf of the Commission in public representation, legal proceedings, preparation of plans and reports, issuance of Enforcement Orders, and any other duties necessary for the administration of Commission affairs. (M.G.L. Chapter 40, Section 8c)