

CITY OF PEABODY
COMMUNITY PRESERVATION COMMITTEE
CITY HALL, 24 LOWELL STREET, PEABODY, MA 01960

COMMITTEE BYLAW

ADOPTED:

May 6th, 2002

EFFECTIVE:

May 6th, 2002

STAFF:

Andrew R. Port, City Planner

ARTICLE I. THE COMMITTEE

The name of this organization is the Peabody Community Preservation Committee (CPC), hereinafter referred to as the Committee, and is located in the City of Peabody, Massachusetts. The Committee is established pursuant to Massachusetts General Law, Chapter 44B, "Community Preservation," by adoption of said law by the City Council, and pursuant to Chapter 2, Article IV, Division 11 of the Code of the City of Peabody, "Community Preservation Committee."

ARTICLE II. PURPOSE

The purpose of this Committee is to oversee and advise on the use of Community Preservation Funds, and of any other funds designated for administration by the Committee.

ARTICLE III. MEMBERSHIP

NUMBER AND TERMS OF COMMITTEE MEMBERS

The membership of the Committee shall consist of those members as appointed pursuant to Chapter 2, Article IV, Division 11, Section 2-182, of the Code of the City of Peabody, "Community Preservation Committee – Membership and Terms."

Whenever a primary representative or member of the Committee is absent, the Chairman shall designate the respective alternate member as voting member for that position, for the meeting and any public hearing thereat.

VACANCY

If a vacancy exists on the Committee for any reason including a resignation, the Committee shall request that the responsible appointing authority appoint a replacement for the remainder of the unexpired term.

ASSOCIATE COMMITTEE MEMBERS

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

ARTICLE IV. OFFICERS

NUMBER

The officers of the Committee shall consist of a Chairman, Vice Chairman, and Secretary.

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TERM

The officers shall hold office for a period of one year, commencing April 1st, (except that the first slate of officers shall serve from date of election until April 1, 2003).

ELECTION OF OFFICERS IN GENERAL

Committee officers shall be elected annually, at the regularly scheduled April meeting. The Chairman shall accept nomination for Officers, at the regularly scheduled April meeting, from each Committee Member to secure nominations for the positions of Chairman, Vice-Chairman, and Secretary of the Committee, during the following year. The Officers of the Committee shall be elected from among the nominated members by a majority of the Committee Members at the regularly scheduled April meeting, and shall be considered a binding election and appointment on the entire Committee. Elected officers shall begin their terms at the next regularly scheduled Committee meeting.

ELECTION OF OFFICERS AT FIRST REGULAR MEETING

At the first regular meeting of the Committee (May 6th, 2002) each member shall have the opportunity to nominate members to each of the three (3) said officer positions. In a role-call vote by each member, a tally shall be made of each vote for each of the three (3) said positions. Votes cast for a nominated officer by a simple majority of Committee Members shall be considered a binding election and appointment on the entire Committee.

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. 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.

DUTIES OF CHAIRMAN

The Chairman of the Committee shall:

- A. Conduct the regular meetings of the Committee, 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 Committee Members, or Associate Committee Members 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 Committee 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 Committee and seek the advice of the Committee for concurrence.
 - E. Cause to have the annual report of the Committee prepared and published. Said report shall be completed, and approved by the Committee as a whole, and presented to the Mayor and City Council prior to April 1st of each year.
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- F. Be responsible for the preparation and submission of the annual budget
- G. Call special meetings of the Committee as required.
- H. Be responsible for the disbursement of funds and maintain accountability of administration funds and maintain accountability of said funds to the Committee.

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 Committee Secretary, the Secretary shall keep and maintain the minutes of each regular and special meeting of the Committee, have the minutes formally transcribed, and reproduced for the members of this Committee for consideration at the next regularly scheduled meeting. The secretary shall also maintain attendance and voting records of the Committee and maintain an orderly file of all correspondence coming before this Committee.

ARTICLE V. MEETINGS

REGULAR MEETINGS

Regular meetings shall be scheduled by the Chairman, generally the first Monday of each Month, with the exception of holidays and unusual circumstances. The meeting dates shall be set for the following year at the time of the April 1st meeting (except that dates for the first year of monthly meetings shall be established by the Committee at the first regular meeting May 6th, 2002).

SPECIAL MEETINGS

Special meetings may be called by the Chairman or by three or more members of said Committee. Notification of such meetings must be made by written notice in accordance with Massachusetts General Law, Chapter 39, Section 23A. All members of this Committee 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

The Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum.

VOTING

The Committee shall approve its actions by a majority vote. Recommendations to the City Council shall include anticipated costs. Votes cast by a majority of members of the Committee shall be considered binding on the entire Committee.

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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 Subcommittees as determined by any of the following:

- A. This Article of the Bylaws
- B. The Chairman as described in Article IV under Duties of Chairman
- C. The membership of the Committee.

ARTICLE VII. BYLAWS RATIFICATION & AMENDMENTS

The Bylaws may be amended by two-thirds (2/3) vote of the Committee Members. The Bylaws shall be ratified and approved by a two-thirds (2/3) vote of the Committee Members. Six (6) 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 COMMITTEE

By majority vote of the members present at a valid meeting of the Committee, the Committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the Committee'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 Committee.

The proposed rule or regulation shall be submitted to all Committee Members and Alternate Committee Members at least 48 hours prior to any vote to adopt the same; provided, however, the Committee 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 Committee, 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 Committee 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 Committee 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 Committee.

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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 Committee Members and Alternate Committee Members prior to the next meeting of the Committee following their establishment.

ARTICLE IX. PROJECT SELECTION CRITERIA & PROJECT PROPOSAL FORM

IN GENERAL

The Committee shall adopt Project Selection Criteria and a standard Project Proposal Form for review of all projects pursuant to the Community Preservation Act (CPA) and Community Preservation Committee (CPC) Ordinance.

ADOPTED BY THE COMMITTEE

By majority vote of the entire Committee membership, the Committee may adopt and promulgate Project Selection Criteria for the review of all projects under the provisions of the Community Preservation Act (CPA), Community Preservation Committee Ordinance, and this Bylaw.

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

Upon approval of the Project Selection Criteria by the Committee, 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 Committee establishes a later effective date.

ARTICLE IX. COMMITTEE AGENT / ADMINISTRATOR

Any Committee Member or City staff who is appointed Agent by a majority vote of the Committee at a regularly scheduled meeting of the Committee, and upon written approval of the Mayor, pursuant to these bylaws, shall have the authority to act on behalf of the Committee in public representation, legal proceedings, preparation of plans, reports, letters, and any other duties necessary for the administration of Committee affairs.

CHAIRPERSON:

SIGNATURE

DATE: **May 6th, 2002**

COMMUNITY DEVELOPMENT STAFF:

Andrew R. Port, City Planner

SIGNATURE:

DATE: **May 6th, 2002**