

MONTGOMERY CONSERVATION COMMISSION MISSION STATEMENT

To promote land as a community to which we belong.

“The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land... When we see land as a community to which we belong, we may begin to use it with love and respect... That land as a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics.”

-Aldo Leopold

MONTGOMERY CONSERVATION COMMISSION BYLAWS

I. AUTHORIZATION

The Montgomery Conservation Commission shall be governed by all applicable state statutes, local laws, and these rules. Conservation Commissions are authorized in 24 V.S.A., Chapter 118, Sections 4501 to 4506.

II. PURPOSES

The purposes of the Commission are:

- (a) to develop and maintain an inventory and conduct studies of the Municipality's natural, scenic, and recreational resources and other lands which have historic, educational, cultural, scientific, architectural, or archeological values in which the public has an interest (subsequently referred to as social resources) and to assist in planning for their conservation for the continuing benefit of the townspeople;
- (b) to recommend to the legislative body the acquisition of property interests to protect and conserve the Municipality's natural and social resources;
- (c) to protect all water and wetland resources;
- (d) to foster the protection of sensitive natural areas and species;
- (e) to increase awareness of conservation and recreational goals in overall land use planning and zoning;
- (f) to allow for recreational uses on acquired lands which are consistent with conservation goals and have a minimum impact on the land;
- (g) to conduct a broad education program on issues which have an impact on local natural and social resources;

- (h) to make recommendations to and cooperate and communicate with municipal officials, commissions, groups, and organizations having similar concerns and with appropriate agencies of the regional, state, and federal government.

III. MEMBERSHIP

- (a) The Commission shall consist of five members, appointed by the legislative body. Each member shall be a resident of the Municipality. The term of each member shall be for four 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..
- (b) An appointment shall be for a four-year term, except that an appointment filling a vacancy shall be for the remainder of the term.
- (c) The legislative body may remove any member if just cause is stated to the member in writing and after a public hearing on the matter, if that member requests one. Just cause shall include three (3) consecutive, unexcused absences from the Commission meetings during the preceding twelve-month period.
- (d) All vacancies shall be filled by the legislative body forthwith.
- (e) All members shall serve without compensation, but may be reimbursed by the Municipality at the discretion of and with prior approval by the legislative body for necessary and reasonable expenses incurred in the course of their duties.

IV. PROCEDURES

The Conservation Commission generally functions as an advisory body to various municipal bodies, reporting ultimately to the legislative body. The Conservation Commission Chair shall develop an agenda for each meeting.

Clear lines of communication are important to the proper function of the Commission, its committees, and other municipal bodies.

In general, projects and decision-making are to proceed along the following guidelines:

- (a) The Conservation Commission will develop its work program and assign specific tasks to its committees. The committees may present suggestions for projects.
- (b) The committees will develop recommendations for Conservation Commission approval and/or amendment.
- (c) The Conservation Commission will present approved recommendations and/or plans to the legislative body.
- (d) Final decisions and actions are the responsibility of the legislative body.

- (e) The commission and all of its committees shall operate in accordance with the Vermont Open Meeting Law.

V. OFFICERS

(1) The Commission shall elect the following officers at the annual meeting of the group:

- (a) A Chair, who shall preside at all meetings of the Commission at which (s)he is present, and shall direct the work of the Commission. (S)he shall submit a brief annual report to the legislative body and, upon their adoption, to the annual Town Meeting, which report shall review the Commission activities for the year past and present the Commission plans and prospects for the coming year.
- (b) A Clerk, who shall keep minutes of all meetings and proceedings of the Commission and record any action taken by the Commission. (S)he shall post public notices of Commission meetings and give notice to individual Commission members when necessary.
- (c) A Treasurer, who shall recommend action on all bills received by the Commission. Payment authorization for all bills of \$100 or more shall be voted by the Commission. The Treasurer shall prepare and present a financial report at each meeting of the Commission, and shall submit an annual financial statement, approved by the Commission, to the Municipality. The treasurer may serve on the fund-raising committee.

(2) The Commission may also elect other officers it deems appropriate including Vice-Chair, who shall assume all duties and powers of the Chair in his/her absence or when the Chair so requests.

(3) All officers shall be elected for a two-year term and may be reelected for successive terms in the same office.

VI. MEETINGS

- (a) Commission meetings shall be open to the public, and be held from **5:30pm to 7:30pm on the third (3rd) Tuesday of each month** unless otherwise advised. Special and emergency meetings may be held at other times in accordance with Vermont Open Meeting Law.
- (b) All records and minutes of any Commission meeting or action shall be filed with the Town Clerk and be available to the public.
- (c) A quorum shall consist of the presence of three members. No action shall be taken without the affirmative vote of the majority of those present. Any member unable to attend shall notify the Commission in advance of the meeting date.

- (d) In order to secure and preserve the highest level of public trust in the deliberations and decisions of the Conservation Commission, it is incumbent upon each member not only to scrupulously avoid any act which constitutes a conflict of interest established in law but also to avoid any act that gives the appearance of an undue special privilege or a conflict of interest.

A member shall withdraw from all participation, in any matter including all formal and informal discussion and voting, in which the member concludes that (s)he may have a conflict of interest or upon the assertion that there is a reasonable public perception that a conflict or a special privilege may exist.

VII. PRINCIPAL FUNCTIONS

The principal functions of the Conservation Commission shall be as described below.

- (a) **INVENTORIES.** The Commission may prepare and maintain an inventory of the natural resources of the Municipality. This natural resources inventory may include but not be limited to the following: prime agricultural and forest lands; soil capabilities; water resources; floodplains; known mineral resources; unique or fragile biological resources; scenic and recreational resources; and other open lands. The Commission shall also be responsible for the preparation and maintenance of an inventory of the land-related social resources of the Municipality. This inventory shall include but not be limited to those resources which possess historic, educational, scenic, cultural, scientific, architectural, or archeological values to the public. These inventories shall be available for use by the Municipal government and the public for continuing reference in all matters which may pertain to the conservation of the natural and social resources of the Municipality, including amendments or revisions to the Town Plan, zoning ordinances, subdivision regulations, highway plan, and to any applications made thereunder.
- (b) **LAND ACQUISITION.** The Commission may, on the basis of the inventories or other appropriate study, recommend to the legislative body the purchase of, or the receipt of as a gift, specific land and/or property rights (including easements) or other property for the purposes set forth in Article II. The Commission may solicit or suggest sales or donations of specific interests from landowners. Subject properties and/or rights may be acquired by the Municipality, or may be acquired by other suitable organizations, for example, land trusts. Properties and/or rights acquired by the Municipality shall be by consent of the legislative body or affirmative majority vote of the Municipality. Each recommendation by the Commission may include an estimate of the acquisition-related costs to the Municipality, including but not limited to legal counseling, surveying, appraisal, effect on the tax base and the tax rate, and the proposed source of funds to be used for acquisition and related costs.

- (c) **LAND MANAGEMENT.** The Commission shall exercise stewardship responsibility for properties and/or rights acquired by the Municipality for conservation purposes. The Commission will propose plans and regulations for the development and use of acquired property interests which are consistent with the protection and preservation purposes for which they were acquired.
- (d) **PUBLIC REPRESENTATION.** To the extent permitted by law, the Commission may represent the public interest in any matter which it determines may have a significant impact on the natural or social resources of the Municipality. The Commission may initiate recommendations to amend or revise Town plans, ordinances, subdivision regulations, road plans, etc. for consideration by the appropriate authority. The Commission shall make recommendations to any municipal, regional, state, or federal body which it feels are needed to implement the purposes of the Commission.
- (e) **EDUCATION AND INFORMATION.** The Commission shall be responsible for the conduct of educational activities pertaining to local natural and social resources. It shall make information available to the public regarding these resources, especially those relating to public lands.

VIII. COMMITTEES

- (a) The Commission may function with both standing and *ad hoc* committees. Standing committees shall be established by a majority vote of the Commission; *ad hoc* committees may be established by decision of the Commission Chair. The Conservation Commission Chair shall appoint Chairs for all committees.
- (b) All committees shall function in an advisory capacity to the Commission. No action shall be taken by any committee without the prior consent of the Commission.
- (c) Committee membership shall be open to the public. Committee meetings shall be open to the public. The time and place of each meeting shall be posted. Minutes of committee meetings will be submitted to the Commission as soon as possible and incorporated with the records of the Commission.

IX. ADMINISTRATION

The Commission shall have the authority to request appropriations from the Municipality for its land acquisition, operating expenses, land management, inventory, education, and information expenses. Funds appropriated or donated to the Commission shall be carried in a public trust fund. This fund shall be under the trust and management of the Conservation Commission. This fund shall accrue from year to year for the use of the Commission solely for the purposes set out in Article II of these Rules. The Commission shall have the authority to receive gifts, grants, or money from any sources for these purposes. Any funds from private, state, or federal sources which impose any obligation on the Municipality shall be accepted only by consent of the legislative body.

