

Burlington Conservation Board

149 Church Street
Burlington, VT 05401
<http://www.ci.burlington.vt.us/planning/>
Telephone: (802) 865-7191
(802) 865-7195 (FAX)



Burlington Conservation Board

Operating and Procedural Bylaws

- 1.) Establishment of Bylaws. The Bylaws of the Burlington Conservation Board are hereby established effective as of the date below. These Bylaws may be amended from time to time by a two-thirds vote of the Board. The purpose of these bylaws is to provide for the fair, impartial, and efficient operation of the Board's deliberations and proceedings.
- 2.) Membership and Term. The Board shall consist of nine (9) full-time residents of the City to be appointed by each Neighborhood Planning Assembly or by the City Council. All are ratified by the City Council. There should be one (1) member representing each ward and two (2) at large members. A member shall serve a four year term, unless s/he has been appointed to fill an unexpired position, in which case the new member will serve until the previous term expires. Members may serve more than one term.
- 3.) Vacancies/Removal. A member may resign by submitting a letter of resignation to the City Clerk's Office. Vacancies shall be filled by the NPA or the City Council upon the expiration of any term or for the unexpired portion of any term. A member may be removed for cause by a vote of the City Council.
- 4.) Abstentions from Participation and Voting; Conduct. In order to preserve the highest level of public trust in the deliberations and activities of the Burlington Conservation Board, it is incumbent upon each member to scrupulously avoid and refrain from any act that could reasonably be constructed to be a conflict of interest.
 - A. Procedures. Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:
 1. Participation. A Board member shall not participate in any official action where s/he has a conflict of interest in the matter under consideration.
 2. Disclosure. Board members with a conflict of interest shall state so prior to commencement of the proceeding.

When recognized by the Chair, any person may request disclosure of potential conflicts of interest. Nonetheless, after disclosing a conflict or perceived conflict, if a member who believes that he or she is able to act fairly, objectively, and in the public interest, shall state on the record the nature of the potential conflict of interest, and the reason(s) why

the member believes he or she is able to act in the matter fairly, objectively, and in the public interest.

This statement shall be part of the minutes of the proceeding pertaining to the matter under consideration.

3. Recusal. A Board member shall recuse him or herself from any matter in which s/he has a conflict of interest, pursuant to the following:
 - a. The applicant or any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself.
 - b. The Board may, by majority vote, recuse one of its members if there is reasonable public perception that a conflict of interest exists.
 - c. A Board member who has recused him or herself from a proceeding shall not sit with the Board or participate in that proceeding as a Board member in any capacity.
 - d. If a previously unknown conflict is discovered, the Board may take evidence pertaining to the conflict, and if warranted, recuse the conflicted Board member.
 - e. The Board may adjourn the proceedings to a future meeting if, after a recusal, it may not be possible to take action through the concurrence of a majority of the Board. The Board may then resume the proceeding with sufficient members present.
- B. Ex Parte Communications. Ex parte communication is prohibited. Any Board member who inadvertently conducts ex parte communication must disclose such communication as required below.
 1. Disclosure. At each hearing, Board members who have received written ex parte communications shall place on the record copies of all written communications received as well as all written responses to those communications. Members shall prepare a memorandum or state the substance of any and all oral communications received, all responses made and the identity of each person making the ex parte communication.
- C. Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where the conflict of interest procedures have not been followed, the Board may take progressive action to discipline an offending board member. In the discipline of a member, the Board shall follow these steps in order:
 1. The Chair shall meet informally, in private, with the Board member to discuss possible conflict of interest violation.

2. The Board may meet to discuss the conduct of the Board member. The Board member may request that this meeting occur in public. If appropriate, the Board may admonish the offending Board member in private.
3. If the Board decides that further action is warranted, the Board may admonish the offending Board member at an open meeting and reflect this action in the minutes of the meeting. The Board member shall be given the opportunity to respond to the admonishment.
4. Upon majority vote, the Board may request that the offending Board member resign from the Conservation Board. The Board shall then notify the City Council of this majority vote.

5.) Officers. At the organizational meeting in July of every third year beginning in 2018, a Chair and Vice Chair shall be established. A new Vice Chair shall be elected by majority vote of the Board. The existing Vice Chair shall become the Chair, and the existing Chair shall step down. In the event that the Vice Chair steps down, a new Vice Chair shall be elected by a majority vote of the Board whenever need be. Also, a representative to the Long Range Planning Committee shall be elected by majority vote of the Board. All terms of office shall be three years.

An executive committee is established, consisting of Board officers and staff. The purpose of the executive committee is to provide guidance to the full Board when necessary.

Chair: The Chair shall preside at Board meetings, set agendas in consultation with staff and the Vice Chair, be a member of, or keep informed of, the activities of all committees, ensure that committees appoint committee chairs, act as Board spokesperson, and represent the Board to City Departments, Boards, and Commissions. The Chair shall communicate with all members of the Board.

Vice Chair: The Vice Chair shall exercise the functions of the Chair in his/her absence, or at the request of the Chair.

Long Range Planning Committee Representative: The Representative to the Long Range Planning Committee shall attend meetings of that Committee and engage in annual duties as established by the Planning Commission.

Staff: It shall be the responsibility of Staff to work with the Chair and committees to develop and carry out Board orientation, training, and development; plan Board meetings; ensure follow through on Board decisions; oversee volunteers and consultants; provide the Board with information necessary to decide on the relative merits of various policy options in a timely fashion; provide materials relevant to presentations, testimony, and public forums; and provide day to day direction and focus for the work of the Board.

6.) Committees. In addition to the executive committee, the Board may establish committees for the purpose of undertaking special assignments and/or implementing the annual work program. Committees shall appoint a Chair, who shall appoint a Clerk to record and prepare minutes of committee meetings.

7.) Powers and Duties. Vermont Statute 24 V.S.A. 4505 and City Resolution proscribe the powers and duties of the Burlington Conservation Board. In addition, the Board shall undertake the following:

- A. Annual Work Plan. The Board shall annually prepare and adopt a work plan, at or before the January meeting, setting forth specific goals and objectives to be accomplished in the next 12 month period. The work plan may be revised as necessary during the year.
- B. Annual Budget. In the event that monies are allotted to the Board, the Board shall prepare a budget for the purpose of funding its anticipated annual activities. Funds may be allocated to hire consultants, technical assistance, and for any other purpose in carrying out the Board's powers and duties.
- C. Annual Report to the City Council. By or before June 1st of each year, the Board shall prepare and submit to the City Council an annual report which describes work undertaken in the previous year and work expected to be undertaken in the next year.

8.) Proceedings and Order of Business. All Board meetings are open to the public. The Chair shall conduct the meeting in substantially the following manner.

- A. Call the meeting to order.
- B. Ask all who are interested in an agenda item to identify themselves at the time of proceeding on the item of interest.
- C. Accept written information presented to the Board.
- D. Invite the applicant or applicant's representative to present the application or proposal.
- E. Invite Board members to ask questions of the applicant, applicant's representative, or of City staff.
- F. Invite the public to present information regarding the application or proposal.
- G. Invite the applicant, applicant's representative, city staff or members of the public to respond to information presented.
- H. The Chair shall either adjourn the proceeding to a future meeting or close the proceeding.

- I. Upon completion of review, the Board shall render a recommendation on the application or proposal by ~~simple majority vote of members present~~ vote of a quorum. An action of the Board shall require concurrence of a quorum of members.

9.) Administrative Review Delegation. The Conservation Board hereby authorizes administrative permit review for properties affected by the Natural Resource Protection Overlay District and involving applications within the following categories:

- A. Zoning permit applications that **do not** involve “construction and construction activity” as defined in Chapter 26: Wastewater, Stormwater, and Pollution Control.
- B. Zoning permit applications that **do not** include new outdoor lighting.
- C. Zoning permit applications that **do not** increase the degree of existing encroachment into the applicable Overlay.
- D. Zoning permit applications for properties that are affected only by an Overlay buffer and are physically separated from the Natural Resource area by existing streets as defined in Article 13, Definitions, of the Comprehensive Development Ordinance.
- E. Zoning permit applications that **do not** otherwise require review by the Development Review Board per Article 3, Applications, Permits, and Project Reviews, of the Comprehensive Development Ordinance.
- F. Seawall reconstruction/replacement applications that meet the following criteria:
 - i. Design and plans are developed by a PE.
 - ii. Designer confirms that the plans are consistent with The Shoreline Stabilization Handbook for Lake Champlain and Other Inland Lakes.
 - iii. Chapter 26 is completed by the Burlington Stormwater Program.
 - iv. State Shoreland Protection Act permit is obtained and/or jurisdictional opinion is provided that such permit is not required.
 - v. An Army COE permit is obtained and/or jurisdictional opinion is provided that such permit is not required.

10.) Expenditures. All expenses made in connection with the Board’s activities shall be approved by majority vote of the Board.

11.) Agendas. Staff, in consultation with the Chair and Vice Chair, shall prepare an agenda preceding each meeting, which shall be mailed to each member and interested citizens before each meeting. Members’ items should be communicated to the Chair before the agenda is mailed to members.

12.) Meetings. Regular meetings of the Board shall be held on the first Monday of each month except on national holidays, at the call of the Chair. The Chair may call additional meetings as necessary. All Board meetings shall be open to the public. The Board may from time to time conduct site visits upon notice to all Board members. No action may be undertaken by the Board during a site visit.

13.) Quorum Required for Voting. No official action shall be undertaken or voted upon unless a majority of Board members are present and voting (a quorum is required for official Board action).

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14.) Board Proceedings. Upon majority vote of the Board, Roberts Rules of Order (most current edition) shall govern proceedings of this Board in all cases which are not specifically governed by these bylaws, municipal ordinances, or state statute.

15.) Minutes. Minutes shall be prepared by Staff for each meeting and shall include the date, time, and location of the meeting, names of persons appearing, and a description of any deliberations and actions taken by the Board. The form and content of minutes shall be approved by vote of the Board at the next meeting.

16.) Notice. No meeting shall be held without providing at least 24 hours written notice to the City Clerk.

Adopted by the Burlington Conservation Board April 6, 1998 and most recently revised October 2, 2017 at Burlington, Vermont.