

City of Easthampton Community Preservation Act Committee Rules & Regulations

(Adopted 2/18/2016)

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Section 1 - Authority

In accordance with the Easthampton City Charter, Ch. 8, §8, each multiple member body may determine their own rules for the conduct of their business and shall file a copy of said rules with the City Clerk. The Community Preservation Act (referred throughout as “CPA”) Committee, legislated under the Massachusetts General Laws, Ch. 44B and the Easthampton General Ordinances, Ch. 2, §72, adopts these rules consistent with the laws of Easthampton and Massachusetts.

Section 2 - CPA Officers

The first CPA meeting in January shall begin as an organizational meeting. At that time, the Committee shall elect a Chairperson, a Vice-Chairperson, and a Secretary. Subject to fiscal appropriation, the Committee may employ experts, clerical, and other assistants.

The Chairperson of the CPA shall preside at the meetings of the CPA. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both, the members present shall choose a Committee member to preside over that meeting.

In the event of a vacancy in any officership, the Committee shall nominate and elect a new officer from its members at the first regular meeting after the vacancy has occurred.

Section 3 - Meetings and Agendas

The Committee shall hold regular monthly meetings in the Municipal Building on a day and time as determined by the Committee.

The Chairperson shall set and submit agendas for regular meetings. Additional/special meetings of the CPA may be scheduled by the Chairperson or three other Committee members.

To facilitate compliance with the Massachusetts Open Meeting Law (MGL Ch. 30A, §§18-25), agendas for meetings of the committee shall be transmitted, at least one week before the scheduled meeting date, to the City Clerk, all committee members, staff/administrative assistants, current applicants, and any other city department/agency relevant to discussion of items on the agenda.

Any and all executive sessions held by the CPA are governed by Massachusetts General Laws, Chapter 30A, §21.

Section 4 - Conduct of Meetings

The Chairperson or other presiding officer shall call each meeting to order and shall manage each meeting using their best efforts to ensure that all matters on the agenda are addressed in an efficient manner and that all individuals desiring to be speak have the opportunity to do so. The presiding officer shall follow the meeting agenda unless a majority of the members present agree to address agenda items in a different order.

The Chairperson shall announce the opening of the hearing for each application and shall conduct the public hearing consistent with Section 6 - below.

After all items on the agenda have been addressed, the presiding officer may adjourn the meeting or any other Committee member may make a motion to adjourn the meeting.

Section 5 - Quorum and Actions of the CPA

As established in the Easthampton General Ordinances, Ch. 2, §72, the Committee consist of nine members comprised as stipulated therein.

The Committee may not meet or conduct business without a quorum of the membership present. A majority of the Committee members constitutes a quorum.

A majority vote of the entire Committee membership is required to approve any Committee action or recommendation.

Section 6 - Motions and Voting

Any member may make a motion for any reason at any time. The wording of motions for funding should be made in the affirmative so that votes in favor of the motion are votes to approve funding and votes opposed to the motion are votes to deny funding.

Once a motion is made, it shall be immediately addressed by the committee. If no other member seconds the motion, it shall be considered to be withdrawn. If another member seconds the motion, further discussion related to the motion shall be allowed to occur before the vote is held.

Section 7 - Applications and Funding Cycles

The Committee shall determine the submittal requirements for applications for funding and shall make these requirements publicly available in the form of an application form. All applications must be accompanied by a detailed project budget or cost quotes/estimates from reputable sources.

The Committee shall have four (4) funding cycles per year and make funding decisions at the end of each cycle. Applications are accepted on a rolling basis and are preliminarily reviewed for completeness and statutory eligibility by the CPA administrative staff and chairperson before being sent to the Committee for review during the next full funding cycle.

The Committee may take as long as needed to review an application for funding and may be continued to subsequent funding cycles. The Committee shall have the option to exercise flexibility for unforeseen/time-sensitive situations.

Section 8 - Hearing Guidelines

During hearings at which the CPA is considering applications for funding, the chairperson shall ask the Applicant to make a presentation to the Committee. Following the presentation, the chairperson shall invite comment from members of the public. The committee shall grant wide latitude to members of the public wishing to comment on an application, while reserving the right to limit presentations which are uncivil, are repetitive or which are not relevant to the matters under consideration by the CPA. Time limits maybe set by the chairperson prior to the beginning of a meeting or whenever necessary to facilitate discussion and deliberation in an orderly manner.

Members of the CPA shall be free to ask questions of the applicant and other members of the public throughout the hearing. Any committee member may request more information from the applicant and/or comment/review from any City Department, Board, Committee, Commission, or outside agency as appropriate and may continue the hearing to a later date until the information, comment, or review is provided.

The hearing is considered to be completed once committee members have no more questions of the applicant, members of the public are no longer interested in speaking, all questions and requests for information, comment, or review are satisfactorily answered.

Following the hearings completion, the CPA shall deliberate until it reaches a decision. Any CPA member may determine that the committee has reached a decision and may make a motion to approve with or without conditions or deny the application.

Section 9 - Evaluation Criteria and Decisions

The Committee shall determine the evaluation criteria for applications for funding and shall make these criteria publicly available with the application form on the City's website. Project funding is discretionary; in addition to these criteria, the committee may take other relevant information into account when making a funding decision.

The Committee, acting through the presiding officer, secretary, or clerk/assistant to the committee, shall inform the applicant of the committee's decision and what, if any, the next steps are to finalize the funding process.

The Committee shall also inform the Mayor when an application for funding is approved by a vote of the committee. The presiding officer, secretary, or clerk/assistant to the committee shall draft a memo to the Mayor that accurately reflects the action of the committee and clearly states the project scope, name and location, applicant's name and address, any conditions or stipulations, funding amount, CPA accounts to be drawn on, and the bond amount in the case of a recommendation for bonding.

Section 10 - Record Keeping and Reporting Requirements

The committee, acting through the secretary or designated clerk/assistant, shall keep a full and accurate record of all of its meetings, actions, recommendations, appropriations and expenditures made from CPA funds.

The committee shall also keep records of any real property interests acquired, disposed of, or improved by the city upon its recommendation.

Copies of the previous meeting's minutes shall be distributed to all Committee members before the next scheduled meeting. Once approved, a copy of the minutes shall be forwarded to the City Clerk.

The Committee shall be responsible for annual reporting as required by the Department of Revenue.

Section 11 - Funding Limitations, Conditions, and Restrictions

In accordance with M.G.L. ch. 44B, CPA funds may only be used for the:

- acquisition, creation and preservation of open space; and for the rehabilitation or restoration of open space that is acquired or created as provided in MGL Ch. 44B
- acquisition, preservation, rehabilitation and restoration of historic resources
- acquisition, creation, preservation, rehabilitation and restoration of land for recreational use
- acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of community housing that is acquired or created as provided in MGL Ch. 44B

The Committee may, at their discretion, require permanent or temporary deed restrictions beyond those required by law, and/or impose stipulations, conditions, and limitations on project funding.

Section 12 - Preservation Plan

The Committee shall study the needs, resources, and possibilities for Community Preservation within the City on a yearly basis and create a plan that helps anticipate the funding needs to equitably distribute CPA funds for affordable housing, open space protection, historic preservation,

and recreational facilities. The plan shall also identify possibilities for future projects/expenditures through an assessment of current resources and needs in the community and outlines criteria for approval of possible projects. The plan shall be made publicly available on the City's website.

Section 13 - Committee Member Attendance

Committee members are expected to be present at and participate in CPA meetings. In accordance with Section 8-7 of the Easthampton City Charter, any member who is absent from three or more consecutive meetings, or all of the meetings held during four calendar months, or one-half or more of all of the meetings in one calendar year may be asked to resign from the committee or may be removed by a majority vote of the remaining members, provided that notice of the proposed vote is given to the member (as described in the City Charter) and their appointing authority.

Section 14 - Code of Ethics

The Committee requires an atmosphere of professional conduct and civility among its members, and shall not tolerate harassment, discrimination, or offensive behavior based on race, color, religion, national origin, gender, age, disability, sexual orientation or gender identity, nor shall any member of the Committee use profanity, insulting, threatening, or abusive language in the course of public debate or in testimony before any City Agency, Committee or Commission.

This code shall apply whenever a CPA member is in any public setting representing the Committee. These principles shall be enforced by public admonition through resolution, censure, and other action deemed appropriate by the Committee as a whole.

Section 15 - Conflicts of Interest

All members are responsible for knowing and complying with Massachusetts law regarding conflicts of interests (M.G.L. ch. 268A).

Any member may recuse themselves from any matter by disclosing to the Committee that they believe that they have a conflict of interest with the matter under discussion. Members need not disclose the content of conflict to recuse themselves; however, once disclosed the Member may not participate in any further committee discussions or actions regarding that matter.

Any member who believes that they have a potential conflict of interest and wishes to remain involved in that matter may do so, if in accordance with Massachusetts General Laws, after disclosing the potential conflict to their appointing authority.

Section 16 - Amendment and Revision

These rules may be replaced, revised or amended at any time by a majority vote of the CPA and shall take effect upon filing with the City Clerk.