

BYLAWS OF THE  
TOWN OF SOUTH HERO CONSERVATION COMMISSION

I. AUTHORIZATION

The South Hero Conservation Commission (the Commission) shall be governed by all applicable state statutes, local laws and these Bylaws. Conservation commissions are authorized in 24 V.S.A., Chapter 118, and Sections 4501 to 4506.

II. PURPOSES

The purposes of the Commission are:

- a) to develop and maintain an inventory and conduct studies of the Town of South Hero's natural, scenic and recreational resources and other lands which have historic, educational, 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 and future generations;
- b) to recommend to the Selectboard the acquisition of property interests to protect and conserve the Town of South Hero's natural and social resources and with the consent of the Selectboard to accept gifts of land for conservation purposes;
- 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 natural and social resources;
- 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 governments.

III. MEMBERSHIP

The Commission shall consist of a minimum of 5 and maximum of 9 members, appointed by the Selectboard. Each member shall be a resident of the Town of South Hero. 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. The Commission shall strive to recruit members who represent the broad demographics of South Hero residents, particularly those youthful voices of future generations and those traditionally underrepresented in conservation matters.

- a) An appointment shall be for a four-year term, except for an appointment filling a vacancy shall be for the remainder of the term.
- b) The Selectboard 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 unexcused absences from 25% of the Commission meetings during the preceding twelve- month period.
- c) All vacancies shall be filled by the Selectboard.
- d) All members shall serve without compensation, but may be reimbursed by the Town of South Hero 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 Selectboard. 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 Selectboard.
- d) Final decisions and actions are the responsibility of the Selectboard.
- 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 (see section VI) of the group:
  - a. A Chair, who shall preside at all meetings of the Commission at which he/she/they are

present, and shall direct the work of the Commission. He/she/they shall submit a brief annual report to the Selectboard 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. A Clerk, who shall keep minutes of all meetings and proceedings of the Commission and record any action taken by the Commission. He/she/they shall post public notices of Commission meetings and give notice to individual Commission members when necessary.

b. A Treasurer, who shall recommend action on all bills received by the Commissions. Payment for all invoices greater than \$200 must be authorized by a majority vote of 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 Town of South Hero.

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/their absence or when the Chair so requests.

3) All officers shall be elected for a one-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 at 6:30pm on the 3d Tuesday of every month unless otherwise duly noticed. Special and emergency meetings may be held at other times in accordance with the Vermont Open Meeting Law. The Annual meeting will be the meeting in September.

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 a majority of the members. No action shall be taken without the affirmative vote of a majority of those voting. Any member unable to attend shall notify the Commission in advance of the meeting date. Members may vote by duly noticed proxy delivered to the Chair, Vice-Chair, or Clerk.

d) In order to secure and preserve the highest level of public trust in the deliberations and decisions of the 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 he/she/they 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. PRINCIPLE FUNCTIONS

Within approved budget guidelines, or as otherwise authorized by the Selectboard, the Commission may engage or retain the services of any person, partnership, company or corporation, association or enterprise, necessary to provide specialized assistance required to support the functions of the Commission. The principal functions of the Commission shall be:

- a) Inventories – The Commission may prepare and maintain an inventory of the natural resources of the Town of South Hero. 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/ecological 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 Town of South Hero. This inventory shall include but not be limited to those resources which possess natural, historic, educational, scenic, cultural, scientific, architectural, or archeological values to the public. These inventories shall be available for use by the Town of South Hero and the public for continuing reference in all matters which may pertain to the conservation of the natural and social resources of the Town of South Hero, including amendments or revisions to the Town Plan, zoning ordinances, subdivision regulations, highway plan, and to any applications made there under.
- b) Land Acquisition – The Commission may, on the basis of the inventories or other appropriate study, recommend to the Selectboard 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 Town of South Hero, or may be acquired by other suitable organizations, for example, The Lake Champlain, Vermont, and South Hero Land Trusts. Properties and/or rights acquired by the Town of South Hero shall be by consent of the Selectboard or affirmative majority vote of the Town of South Hero. Each recommendation by the Commission may include an estimate of the acquisition-related costs to the Town of South Hero, 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 Town of South Hero 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 Town of South Hero. 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 may support 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

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 Commission Chair shall appoint Chairs for all committees.

a) 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.

b) 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 Town of South Hero for its land acquisition, land management, inventory, education, information, and operating expenses.

Any other 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 Treasurer of the Town of South Hero.

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 Town of South Hero shall be accepted only by consent of the Selectboard.

X. AMENDMENTS

These Rules may be amended at any regular or special meetings of the Commission by a two-thirds vote of the Commission. Written notice of intent to amend must be publicly posted, sent to each member of the Commission and the Chair of the Selectboard at least seven days prior to the meeting at which the proposed action is to be taken.

XI. DISSOLUTION

The duration of the South Hero Conservation Commission is intended to be perpetual. In the event that dissolution is necessary, all existing public trust funds of the Commission remaining after payment of appropriate expenses shall be distributed to tax-exempt organizations emphasizing the same purposes as the Commission. Remaining funds originating from Town of South Hero appropriations revert back to the Town of South Hero's general fund.

Adopted: November 29, 2022.

Approved