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# Commission Bylaws

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Amended on 1/21/2021

## 1.0 INTRODUCTION:

The ensuing sections of this document are intended as a code of conduct by which the Amesbury Lakes and Waterways Commission are obliged to conduct their business both individually and as a commission. Any items listed below which are contrary to any existing or future state, federal or local laws shall be automatically superseded by said laws. Exceptions may be made if the item represents a more stringent code of conduct than that in said law and is not in any direct violation of said or any other law.

These bylaws may be added to or changed by means of an amendment provided that the amendment satisfies the above stated criteria.

## 2.0 DUTIES AND RESPONSIBILITIES OF THE COMMISSION:

- 2.1 Develop, recommend, and update a comprehensive management plan for the lakes, ponds, rivers, and waterways of Amesbury. The plan will describe,
  - The districts, sites, and water control structures within the Amesbury watershed
  - The operating procedures for the control structures.
  - The preventive maintenance procedures for both water bodies and control structures
  - The watershed management plan consistent with Massachusetts DCR recommendations
  - Flood operations procedures, including planning for climate change resiliency as it affects waterbodies and planning for implementing priority projects.
- 2.2 Review and advise on the Harbor Management Plan consistent with state requirements.
- 2.3 Review and approve Amesbury's Stormwater Management Program plan.
- 2.4 Identify problems and issues involving lakes, ponds, and waterways and make recommendations to the appropriate authorities to address them.
- 2.5 Act as a forum where community members can express concerns, ask questions, and make suggestions about the condition and use of Amesbury's waterways.
- 2.6 Coordinate with the Amesbury City government, such as Department of Community and Economic Development and Department of Public Works, in researching and developing information for grants or funding mechanisms to be used for improvements to the community's water resources.
- 2.7 Work with city departments and commissions, business associations, community associations, community environmental groups, and city residents to develop and implement programs to improve the extent to which we follow the laws, regulations, and best practices designed to protect our water resources.

## 3.0 COMMISSION COMPOSITION:

### 3.1 Commission Membership:

The commission shall be comprised of the following:

- 5 Full Members
- 2 Ex-Officio Members
- 4 Associate Members

The Full and Associate members are appointed by the Mayor or his/her designee from applicants comprised of citizens of Amesbury. Full members are subject to reappointment by the Mayor or his/her designee in three year intervals. The intervals are staggered such that roughly one third of the full members are subject to reappointment every year. Associate members are subject to reappointment in staggered two year intervals with half being reappointed yearly.

Each full member represents residents from one of five districts (see attached map) delineating the major watershed areas in town. The associate members serve in an at-large capacity. Though preferable, it is not a requirement that a full member reside in the district which he/she represents.

The Ex-Officio members are comprised of one representative from the Amesbury Conservation Commission and one representative from the town's harbor master.

### 3.2 Commission Officers:

The commission membership shall include three officers: a Chair, a Vice-Chair and a Secretary whose rights and obligations are specified in Section 4.6. The officers shall be chosen by commission vote annually or immediately upon the vacancy of an office. Only full members are eligible to hold office. Any member may nominate a full member for office but a vote may ensue only if the nomination is seconded (by any additional member) and accepted by the nominated individual. In the event that two or more individuals are duly nominated, the individual who received a plurality or more of the votes shall prevail as the elected officer. Assumption of office is immediate upon the determination of the vote.

## 4.0 RIGHTS AND OBLIGATIONS OF THE CHAIR:

### 4.1 Agenda:

It is the sole responsibility of the chair to set and prioritize the agenda by which items will be discussed at commission meetings. Any commission member or member of the public can request that the chair place an item on the agenda provided the request is made at least 48 hours in advance of the meeting for which the agenda is being prepared. If said condition is met the chair is obliged to place the requested item on the agenda. However, the chair retains the right to prioritize the items appearing on the agenda and time constraints may prohibit the discussion of items given low priority by the chair.

Any member can request immediate discussion of an agenda item by bringing forth a motion on the priority of the agenda. The motion must be duly seconded and carry a majority plus one vote in favor to pass (see Section 8.3). Once passed the chair is obliged to entertain immediate discussion of said item.

Any discussions / communications occurring between the chair and any federal, state, or local official, or member of the media pertaining to commission business must appear on the agenda for the next commission meeting as a topic for discussion.

### 4.2 Preside Over Scheduled Meetings

The chair presides over every scheduled meeting of the commission. In the event that the chair finds him/herself in conflict of interest over an agenda item, he/she is obliged to step aside as chair while discussion of said item ensues. The vice chair assumes the role of chair until discussion on the item is concluded. In the absence of the vice chair, the secretary assumes this role. In the absence of both the

vice chair and secretary, the item will be tabled until such a meeting as when another officer is able to assume the role of chair.

It is the duty of the chair to encourage discussion and provide/solicit information on agenda items on the table. Though an open discussion should be the norm, the chair reserves the right to limit discussion to individuals formally recognized by the chair. Discussions need not revolve around formal motions and may terminate without formal vote on an issue.

#### 4.3 Commission Spokesman

The chair shall act as the sole spokesman for the commission when interfacing with local, state or federal officials as well as with members of the media. He/she may act as spokesman on any issue without prior approval of the commission provided that said issue has been formally endorsed by the commission. Any discussion on issues that the commission has not yet adopted a formal position on must be clearly represented as the chair's opinion only.

#### 4.4 Designate Spokesman

The chair may designate any commission member to represent the commission as spokesman on any single issue involving discussion with local, state or federal officials or with members of the media. The designee must adhere to the same restrictions placed upon the chair as spokesman listed in Section 4.3. Additionally the designee may only discuss the single issue on which he/she has been appointed to speak. Discussions on any additional issues should be referred to the chair.

#### 4.5 Appointment of Voting Associate Members

In the absence of one or more full members, the chair will appoint one or more associate members to assume the voting vacancy. (See section 8.1).

### 5.0 RIGHTS AND OBLIGATIONS OF THE VICE CHAIR:

The primary obligation of the vice chair is to assume the role of chair in the absence of the chair. When such assumption occurs the vice chair must adhere to all the rights and obligations of the chair listing in Section 4. In the event that the chair is unable to attend a commission meeting, the vice chair assumes the role of chair for a time period confined to when the meeting is called to order until when the meeting adjourns. In the event that the chair resigns, is removed (see Section 8.7) or is subject to any other permanent departure from his/her duties as chair, the vice chair assumes the role of chair both in and outside of scheduled commission meetings until such a time as when a new chair is duly elected (see Section 3.2).

### 6.0 RIGHTS AND OBLIGATIONS OF THE SECRETARY:

#### 6.1 Recording of Commission Meeting Minutes

It is the duty of the secretary to accurately record the minutes of every official commission meeting. The minutes must record but are not limited to...

- The commission members in attendance and absent at the meeting.
- All motions placed before the commission including who presented and who seconded the motion.
- The results of all votes including those voting for, against and abstaining.
- A summary of the discussions occurring on agenda items.

These minutes remain the best recollection of the secretary until such a time as when the commission formally votes to accept the minutes. Once accepted, the minutes become the only official record of the meeting. The secretary must present copies of official meeting minutes to the Amesbury Public Library and the Amesbury Town Hall (clerk's office) to be made available for public viewing.

## 6.2 Official Documentation

It is the duty of the secretary to archive any and all official documentation that is presented at commission meetings (i.e. written correspondence to and from the commission, grant applications, etc.). The secretary shall provide copies of any such documentation upon request from any individual unless said documentation was presented at a closed session of a commission meeting (see Chapter 303 of the Massachusetts Open Meeting Law).

## 6.3 Assumption of Chair

The secretary assumes the role of chair in the absence of both the chair and vice chair under circumstances enumerated in Section 5. Assumption of chair is confined to conditions also described in Section 5 with the additional condition that the vice chair must also be absent as well.

## 7.0 RIGHTS AND OBLIGATIONS OF MEMBERS:

Any commission member may discuss in an official capacity any issue on which the commission has taken a formal position with members of the general public. However, official discussions with local, state or federal officials or members of the media should be referred to the chair (unless the member has been designated an official spokesman by the chair). Any discussions with the general public which involve issues on which the commission has taken no formal position or which the member holds a contrary position to that formally adopted by the commission, must be clearly represented as the opinion of the member only. Additionally the member has an obligation to fairly represent the commission's official position on an issue to members of the general public even if that position is contrary to his/her own.

It is the obligation of all members to present issues/concerns of members of the general public to which he has been made aware before the commission (see Section 4.1).

## 8.0 RULES OF VOTING:

### 8.1 Eligibility

The voting body of the commission consists of seven members. These members include the full and ex officio members. Associate members are not eligible to vote on motions before the commission unless one or more of the full and/or ex officio members are absent during a vote. In this instance one or more associate members become eligible to vote until these voting vacancies are filled or until there are no more associate members available to assume this role. The associate members become eligible to vote based upon appointment from the chair. An associate member may also assume voting privileges if appointed by an absent ex officio member to vote as his/her representative.

### 8.2 Formal/Official Position

A formal position is adopted by the commission when a duly seconded motion before the commission is voted on and carries >50% of the vote in the affirmative. Abstentions to this vote will be excluded from the total when calculating the percentage voting in the affirmative.

### 8.3 Priority of Agenda

As discussed in Section 4.1, any commission member can request immediate discussion of a listed agenda item with a motion regarding the priority of the agenda. The chair must immediately comply with the request if the motion carries with a majority plus one vote in the affirmative.

### 8.4 Budgetary Items

Spending of monies budgeted into the commission's account is subject to commission approval. Motions for such expenses must carry a majority plus one vote in the affirmative for approval. Monies can only be spent in the manner they have been appropriated by the City Council in a budget approved by the Mayor.

### 8.5 Executive Session

The commission may vote to exclude members of the public from portions of a meeting (enter executive session), under the conditions outlined in Chapter 303 of the Massachusetts Open Meeting Law. Such a vote requires >50% of the votes in the affirmative to carry (abstentions excluded from the total).

### 8.6 Censure

A vote of censure may be taken against any commission member if said member has repeatedly violated these bylaws or any local, state, or federal law which governs issues directly relevant to the commission's function/mission, in spite of requests to desist in such violations. A vote of censure may not be taken against any member for holding personal/political viewpoints which are contrary and/or inflammatory to the majority. A vote of censure requires four votes in the affirmative to carry.

### 8.7 Removal of Chair

The commission may vote at any time to remove the chair from office for any reason. The motion must carry six votes in the affirmative for approval. If such a vote is approved, the chair must immediately step down and the vice chair or secretary assumes the role of chair under conditions outlined in Sections 5 and 6.3.

### 8.8 Amendments to the Bylaws

Any bylaws in this document or amendments to this document may be refined, altered or repealed with the addition of an amendment provided that the amendment satisfies the requirements outlined in Section 1. An amendment requires four votes in the affirmative to carry. Approved amendments shall exist as attachments to this document.

#### 9.0 QUORUM:

No official commission meeting may occur without a quorum. A quorum is defined as a minimum of three voting members, including one officer in attendance. If such conditions are not met, an informal discussion for the purposes of information exchange may take place, but no official policies may be discussed.

#### 10.0 RIGHT TO TABLE:

Any member may exercise his/her right to table a motion prior to the vote on that motion until the next scheduled meeting of the commission. This right requires no vote and can not be overridden or circumvented in any manner. The chair must then place such a tabled motion as the item of highest priority on the agenda of the next scheduled meeting.



## **10/20/2011: Amendment to Lakes and Waterways Commission Bylaws**

Change #1: A quorum has been changed to a minimum of three voting members.

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Change #2: A vote of censure, removal of chair and amendments to bylaws requires 4 votes.

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## **1/21/2021: Amendment to Lakes and Waterways Bylaws**

The Section 2 shown here was replaced by the version shown in the body of the Bylaws

2.1. Develop, recommend and maintain a comprehensive lakes, ponds, rivers and waterways management plan encompassing the following:

- 2.1.1. Provide for a Harbor Management Plan consistent with state requirements.
- 2.1.2. Provide baseline waterway levels, drawdown and maintenance recommendations for all control structures such as dams, weirs, stop log bays and gate valves.
- 2.1.3. Protect water quality within Amesbury's watersheds especially as it pertains to the surface water used for the drinking water supply.
- 2.1.4. Protect existing and encourage future water dependent / related uses.
- 2.1.5. Resolve conflict between users.
- 2.1.6. Provide for the safe, orderly and efficient use of the watersheds resources for passive and active recreation and appropriate commercial activities.
- 2.1.7. Provide for watershed management consistent with federal and state flood control laws and regulations and to minimize flood damage.

- 2.2. Monitor the ongoing use of the community's waterways.
- 2.3. Maintain Amesbury's riverfront heritage by encouraging water dependent / water related uses.
- 2.4. Develop a systematic, local decision-making process for waterfront development and activities utilizing the commission as a local clearinghouse.
- 2.5. Work cooperatively with similar organizations in the communities of Newburyport, West Newbury, Salisbury, Merrimac and appropriate NH communities; and with state (both MA and NH) regional and federal agencies to implement the town's comprehensive management plan.
- 2.6. Coordinate with the Amesbury Department of Community and Economic Development in researching and developing information for grants or funding mechanisms to be used for improvements to the community's water resources.
- 2.7. Provide guidance to all town departments, boards and committees on water related issues.