



CITY OF AMESBURY IN THE YEAR TWO THOUSAND TWENTY- ONE

Sponsored By: **Kassandra Gove, Mayor**

Bill No. 2021-039

An Order to amend Order 2014-073 which created the Amesbury Disposition Committee and its Bylaws.

Summary: The Amesbury Disposition Committee (ADC) was established in 2014 to assist the City with developing and executing a process to surplus municipal sites. In June 2020, Order 2020-051 was passed to surplus, procure a development proposal and sell (the former) Trader Allen's Truck Stop. After reviewing the original order that created the ADC, inconsistencies and errors in the bylaws were found. This order will amend the bylaws to clarify the process for adding Ad Hoc Members, clean up archaic references, and add Section H to evaluate the effectiveness of the Committee.

Amesbury Disposition Committee Bylaws

A. COMMITTEE PURPOSE AND COMPOSITION

These bylaws describe the duties and operation of the Amesbury Disposition Committee, hereafter referred to as ADC. The ADC members are appointed by the Mayor to collaboratively develop strategies to reuse municipal sites. The ADC coordinates with the appropriate Departments and City Boards and Committees, as well as abutters, to achieve a reuse recommendation and release a request for proposals (RFP) to the public.

These bylaws do not limit the actions of the Office of the Mayor in exercising authority over the ADC. Pursuant to the establishment of the ADC, the committee shall be comprised of Core Members and Ad Hoc Members. The Core Members shall remain the same with every property. A minimum of two Ad Hoc Members shall be appointed to assist with disposing of specific properties. This allows the membership to adapt based on the municipal property that is being disposed, and encourages relevant expertise and appropriate representation. When Ad Hoc members are being appointed for a specific property, the ADC shall maintain an odd number of members for voting purposes.

Core Members

1. City Council member
2. Planning Board member
3. Director of the Office of Community and Economic Development (or its successor position)

Ad-Hoc Members

1. District City Councilor in which the property resides.
2. Neighborhood Property Owner: a stakeholder with a primary residence in the neighborhood where the property is located.
3. Experts: Up to three residents with demonstrated expertise as it pertains to the specific property being disposed of. Potential experts include members of the Conservation Commission; Historical Commission; Open Space, Natural Resources and Trails Committee, Economic Incentives Committee, or Energy Committee. Members could also include Amesbury residents with professional expertise, including architects, wetland scientists, archeologist, or other specialized interest that relates to the property. These members shall be appointed by the Mayor and will help provide specific direction as it relates to the social, economic and environmental aspects of the site. No more than 2 members can represent the same interest.

The appointments for the Core Members shall be two-year terms. Ad Hoc Members shall be appointed to dispose of a specific property and assigned to a subcommittee for disposal of that property, with a minimum of two Ad Hoc Members appointed. Their term will end commensurate with the last step for the process outlined in Section G below. Given the possibility of multiple sites in the process of disposition, the ADC may have numerous subcommittees operating simultaneously.

B. ORGANIZATION

1. Responsibilities of Members

All members shall make every effort to attend each scheduled meeting. Members of the ADC have authority only when acting as an ADC legally in session. The ADC shall not be bound by any action or statement of any individual ADC member except when such statement or action is pursuant to instructions from the ADC.

2. Elections

- (a) A Chair, Vice-Chair and Secretary shall be elected at the first regularly scheduled meeting of each year. Election shall be by a majority vote of those present. Only Core Members shall serve as officers.
- (b) Vacancies in membership created during the year shall be filled by the City Council pursuant to municipal ordinances and policies.

3. Committees

The Chair may delegate members of the ADC to investigate matters pertinent to the mission of ADC, to serve on committees, and to perform other duties.

C. OPERATION

The ADC process is intended to be focused and within the constraints of the proposed scheduling and direction. Every effort by the ADC members and staff shall be made to prepare for meetings to maintain the schedule and program for the production of a high quality recommendations to the benefit of the City of Amesbury. Extraneous dialogue, discussions, reports, which raise matters that are not within a reasonable interpretation of the relevant topics, and jurisdiction of ADC, shall be considered as not meeting the intent of a focused and productive process.

1. Meetings

- a. Organizational Meetings - An organizational meeting to elect officers shall be held in June of each year. The ADC may adopt the previous policies and procedures, subject to amendment as provided in these bylaws. The ADC shall establish a schedule for meetings.
- b. Program Meetings - The ADC shall develop formalized sequential meeting agendas for the entire year toward meeting regular goals and objectives. Business shall generally be conducted in accordance with the order of the approved agenda's.
- c. Workshop Meetings - This is a meeting that is less formalized and generally conducted for the purpose of providing ADC members with a more detailed understanding of a limited number of issues or to permit discussion of issues in greater depth. These meetings may be conducted offsite as site visits.
- d. Non-Public Meetings - A non-public meeting would be held for the purpose of City

legal issues in accordance with applicable laws.

- e. Special Meetings - This type of meeting can be called by the Chair in accordance with applicable laws, upon demand of three (3) members of the ADC; or at the request of the Mayor through the Chair. The Chair shall notify each member in accordance with applicable laws.

2. Schedule of Meetings

The schedule shall be published after the first organizational meeting for the entire year. Each meeting shall be posted in accordance with applicable laws. The posting of such schedule shall not limit the ability of the ADC to post and hold additional meetings, amend and post meeting dates, or cancel meetings. The annual ADC schedule is a general guide created to ensure the orderly annual production of an annual report.

3. Reports of Committees

Written/Oral reports from committees received by the ADC shall be filed with and distributed with the minutes of the ADC.

4. Review of Reports, Projects, Submittals

The ADC shall review reports, projects, submittals and other relevant materials in the course of developing recommendations for the Office of the Mayor and City Council as applicable. Such review shall be in accordance with applicable criteria and policies as contained herein and as may be amended.

D. RULES OF ORDER

1. Quorum

A quorum shall consist of two members of the ADC when meeting as only a Core Group and the majority of members when meeting with ad-hoc members.

2. Agenda

Agendas are required to outline the business of the ADC for each meeting.

- a. Persons, including ADC members, wishing to place an item on the agenda must notify the Office of Community and Economic Development two weeks prior to the meeting date. If the person is going to make a presentation s/he must provide a copy of all presentation material and documentation to be included in each ADC "packet" to be delivered prior to the scheduled meeting.
- b. The agendas will occur with specific tasks and anticipated outcomes.
- c. Adjournment - A motion for adjournment will usually not be in order until after the completion of the order of business, unless a motion has been made at the start of the meeting to adjourn at a specified time.

3. **Conduct of Meetings**

Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters Roberts Rules of Order shall serve as a guideline with a vote of the ADC being the final deciding authority.

4. **Recording of Votes**

Votes shall be by a show of hands or by a roll call. The vote of each member present shall be recorded. No action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting.

5. **Requests for Information**

Should it become apparent to the Chair or an individual ADC member, in the interim between meetings, that additional information relative to a specific item may be needed for ADC to use at the next regularly scheduled meeting, a request for this information shall be submitted to the Office of Community and Economic Development (OCED) before the agenda is set. Any information provided to any individual ADC member shall be provided to all other members of the ADC.

E. OFFICER DUTIES

1. **Role of the Chair**

The Chair's duties are as follows:

- Preside at all meetings of the ADC and perform all duties required. In the absence of the Chair, the Vice-Chair shall preside and assume all duties and responsibilities of the Chair.
- To open the session at the time at which the ADC is to meet by calling the members to order; to announce the business before the ADC in the order in which it is to be acted upon;
- to recognize members entitled to the floor;
- to state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings and to announce the result of the vote;
- to assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when un-debatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if he thinks it advisable;
- to manage the members when engaged in debate within the rules or order;
- to enforce on all occasions, the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any two (2) members) unless he prefers to submit the question for the decision of the Board;
- to inform the ADC on a point of order or practice pertinent to pending business;
- to authenticate by his signature, when necessary, all acts, orders and proceedings as directed by vote of the ADC.

The Chair shall vote as a member of the ADC.

Discussions which are not addressing the business before the ADC, or which are conducted

in a disorderly or disrespectful manner, shall be ruled out of order. The Chair shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

2. Role of the Secretary

The Secretary shall be the Recording Officer of the ADC and an official copy of the records are to be filed in the Office of Community and Economic Development and open to inspection by any person at reasonable times. The Recording Secretary shall preside in the absence of the Chair and Vice-Chair. In addition to keeping the minutes of the meetings, it is the duty of the Recording Officer to keep a roll of members and to call the roll when required. The Recording Officer shall record the essentials called "the minutes" of the proceedings as follows:

- a. The kind of meeting - regular, special, work session, or recessed.
- b. Time of meeting and place of meeting
- c. The presence/ absence of ADC members
- d. Whether the minutes of the previous meeting were approved or amended.
- e. All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
- f. The hour of adjournment.

The Recording Officer shall record the essentials of the proceedings, the name of the member who introduced a main motion or amendment and the name of the second, and should enter the number and names of votes on each side.

In addition to the strict record of what is done, the public minutes should contain the list of speakers on each side of every question with an abstract of all relevant points.

Reports of committees should be printed exactly as submitted. The minutes should show what action was taken by the ADC in regard to them.

F. AMENDMENT PROCEDURE

An amendment to these bylaws may be moved at one ADC meeting but shall not be voted upon until the next regularly scheduled meeting, not less than seven (7) days later. A copy of any amendment shall then be certified and submitted to the Mayor's Office, and the office of the City Clerk for inclusion in the City Records.

G. DISPOSITION PROCESS

Property disposition is not solely related to the revenue associated with the sale or leasing. There are other factors that should be appropriately reviewed by the ADC during the disposition process which begins with the property surplus. Amesbury's objectives for disposition of properties are outlined:

1. Eliminate the obligations and costs of maintenance, fees paid, and legal liability to the City for underutilized publicly owned property.
2. Create new opportunities in a manner that seeks the highest and best use for the economy and/or housing that is appropriate to the applicable neighborhood.

3. Create new opportunities for increased tax revenue by guiding the type and nature of the planned improvements during the procurement process.
4. Respect the site and its contextual character by considering the design approach, and proposed use, as a means to aid in proposal selection.
5. Consider long term tax revenue and the inherent value of the sale as may be applicable.

The steps below outline the process for disposing of a site. The advantage is that the City can methodically move through a transparent process that allows developers to efficiently move forward because the property has been released for action. The outline below contains an estimated timeline, however some projects may take longer, others could move more rapidly. Prior to moving forward, the City could begin with a specific property or explore multiple properties for surplus based on factors such as: condition, need for City use, and continuing costs.

1. Months 1 and 2: File Surplus Order with City Council and obtain rights to the site for disposition.
2. Months 2 and 3: Establish a Disposition Committee for the site. The Committee will consist of the Core Members and Ad Hoc Members. The Ad Hoc Members will vary depending on the site as both the applicable District Councilor and abutters will change.
3. Months 3 and 4: Determine reuse for site. The Disposition Committee will hold a public meeting to gain input from applicable abutters and or interested parties to establish a list of acceptable uses. OCED staff will assist in presentation and meeting organization to facilitate a dialogue.
4. Month 5: Make recommendations to Mayor. The Disposition Committee will recommend at least two reuse options for the site. The OCED will assist in the development of the reuse approaches.
5. Months 6 and 7: Project Development: Subsequent to the review by the Mayor's office, OCED will create a project scope for the selected uses and draft the RFP. This would include timing the project to take advantage of grants or other resources where the prospective use aligns with programs. Therefore, if grants or other funding sources are necessary the project schedule could be altered.
6. Months 7 and 8: Procurement: The City would follow Chapter 30B and other laws as required and assume a process of about two months for procurement.
7. Month 9: Proposal Review: The Disposition Committee would review the proposals and make recommendations to the Mayor for the best two proposals. The Mayor would select the proposal and execute the appropriate purchase and sale and or contract. At this time, the City will require that the selected buyer/leaser submit a Pre-Application Meeting request with the Planning Board to introduce their project and learn how to move through the development review process.

The above process provides transparency, the ability to take definitive action with a vote to surplus the property, ample time for scope development, involvement by elected officials and parties of

interest, and enough opportunity to coordinate with other applicable entities and programs to leverage better outcomes. The process will consider no more than three properties at a time (depending on their complexity) with additional properties in development as prior properties are nearing completion.

H. EVALUATION OF EFFECTIVENESS

To ensure that the Disposition Committee effectively adds value to the disposition process the City Council shall annually evaluate the role, outcomes, and significance, of the committee. Such review will provide recommendations to the Office of the Mayor which may contain amendments to these bylaws including dissolution of the committee. . .