PROCEDURAL BY-LAWS OF THE MILTON ECONOMIC DEVELOPMENT COMMISSION

The purpose of these By-laws is to assist the Milton Economic Development Commission (hereinafter referred to as the "Commission") with carrying out its duties, meeting its responsibilities, and avoiding misunderstandings by establishing precise rules of procedure. By identifying what is required of the hearings, record keeping, and Commission determinations, cases may be handled more effectively and efficiently, resulting in greater protection for the Town and more equitable treatment for applicants.

ARTICLE I – GOVERNING RULE

The Commission shall be governed by the provisions of the *Town of Milton Charter*, and all other applicable State statutes, local laws, ordinances, and these By-laws.

ARTICLE II – OFFICERS AND DUTIES

1. The makeup of the Commission and the terms of the Commission members are in accordance with the August 21, 2006, Resolution of the Milton Selectboard. In accordance with said Resolution, the Town Manager shall serve as the Chairperson of the Commission. A Vice-Chairperson and a Clerk shall be elected by a majority vote of all members present and voting at the first meeting of the fiscal year.

2. The Chairperson shall preside at all meetings and hearings of the Commission, decide all points of order and procedure, and appoint any subcommittees that may be found necessary.

3. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.

4. The Clerk shall assume the duties of the Chairperson in his/her and the Vice-Chairperson's absence.

5. The Town's Planning Staff representative shall notify members of the expiration of their terms thirty (30) days before it expires.

ARTICLE II – MEETINGS

1. The date and time of all regular meetings of the Commission shall be determined at the annual organizational meeting.

2. The Commission may schedule work sessions as needed to complete its work or to effectively involve the public in the decision making process.

3. The Commission may schedule special meetings regarding any matters it sees fit.

4. The Commission may schedule duly warned public hearings, pursuant to the *Town of Milton Charter.*

5. Members shall be notified by the Town's Planning Staff representative as soon as possible concerning any cancellations or special meetings.

6. Members shall notify the Chair of the Commission and the Town's Planning Staff representative by 4:00 p.m. the day prior to a morning meeting or 4:00 p.m. the day of an evening meeting if unable to attend a regular meeting, special meeting, or public hearing.

7. A quorum shall consist of a majority of the members of the Commission.

8. The order of business at all regular meetings of the Commission shall be as follows:

   a. Call to Order
   b. Public Forum
   c. Agenda Review
   d. Agenda Items
   e. Development Update
   f. Other Business
   g. Approval of Minutes
   h. Adjournment

9. For work session items dealing primarily with proposed regulatory changes, the following general rules may apply:

   a. Subcommittees may be appointed, as necessary.

   b. Membership by members of the community shall be encouraged.

   c. The subcommittees shall arrange for times convenient to all members.

   d. The Commission shall prepare advisory reports to the Selectboard with regard to such regulatory changes and shall present its findings to the Selectboard.

ARTICLE IV – ATTENDANCE

A provision for continued service on the Commission by any member shall be a good attendance record. Any member with unexcused absences for three (3) consecutive regular meetings or six (6) cumulative regular meetings in a year may, by majority vote of the entire Commission, be removed from the Commission (business members) or be recommended to the Selectboard for removal from the Commission (community members). Excused absences shall be approved by the Chairperson; valid excuses shall be: sickness, vacations, death in the family, or other municipal business.

ARTICLE V – CONFLICT OF INTEREST

Members of the Commission are governed by Section 701 of the *Town Charter*, which reads:

(a) A member of any appointed or elected board or commission or appointed or elected person or any person employed by the Town or School District of Milton shall not solicit or receive directly or indirectly any gift or compensation for recommending or voting on any finding, ruling, decision or report, or voting to procure any service, thing or supply purchased with public funds.

(b) Nor shall any such member or employee receive directly or indirectly anything of value by contract or otherwise from the Town or School District unless it is received:

(1) As a result of a contract accepted after a public bid in accordance with law.

(2) In public recognition of service or achievement.

(3) As regular salary or expenses allowed by law for official duties performed as a member of such board or commission.

(4) For employment otherwise authorized by law.

(c) No Board or commission member shall vote on any contract or purchase in which he or she has a direct or an indirect interest.

In addition, no Commission member shall vote on any issue in which he/she has a direct or an indirect interest.

ARTICLE VI – RECORDS

1. All records of the Commission shall be public and shall be kept on file at the Milton Town Planning Office. Records shall be available for inspection by any person upon request after five (5) days from the date of any hearing or meeting. Any request to view records of the Commission shall be made by appointment with the Town's Planning Staff representative, which must be set within five (5) working days of the request.

2. Draft minutes of meetings shall be recorded in the Milton Town Clerk's office within five (5) days and finalized by the Commission at the next regularly scheduled meeting.

ARTICLE VII – PROCEDURES

1. All motions shall be worded positively in order to be considered proper. Negatively worded motions shall be considered out of order.

2. All motions shall carry when they receive an affirmative vote of no less than a majority of Commission members present.

3. A polled vote shall be taken on any motion when called for by a Commission member. A polled vote, when taken, shall be in alphabetical order.

4. Robert's Rules of Order shall determine procedural matters unless otherwise specifically set forth in this By-law.

5. Citizens shall be recognized for comment at the discretion of the Chairperson.

6. Any person may request to be placed on the agenda of the Commission. The agenda shall be set by the Chairperson of the Commission. Other members, staff, and the public may contact the Chair directly, or the Town's Planning Staff representative directly, to request that particular items be placed on an agenda of the Commission.

7. The Town's Planning Staff representative shall be responsible for scheduling all items on the agenda for the upcoming meeting. If the Town's Planning Staff representative determines that there are more items proposed for the agenda than can be reasonably dealt with at the upcoming meeting, the Town's Planning Staff representative shall schedule the time for the following meeting upon approval by the Chairperson. In this instance, the Town's Planning Staff representative shall ensure that the person requesting he item is informed of the meeting date for which the item has been scheduled.

8. The Town's Planning Staff representative shall be responsible for preparing and distributing the agenda, along with the minutes of previous regular and special meetings, and other agenda items, to the Commission members no later than three (3) days prior to the meeting date.

9. In absence of the Town's Planning Staff representative, all administrative functions shall be carried out by the Clerk of the Commission.

ARTICLE VIII – RULES OF CONDUCT AT COMMISSION PUBLIC HEARINGS AND MEETINGS

At all warned hearings of the Commission, or at any Commission regular meeting involving the presence of members of the community, the following rules of conduct shall be applied:

1. The Chairperson shall direct the person setting forth a proposal to present such proposal.

2. The Chairperson shall ask if there are any persons present who have comments with regard to the proposal. The Chairperson shall then ask each person who has any comments or questions to step forward, state his or her name, and ask their questions. Depending on the proposal being discussed, the Chairperson may decide to limit the questions or comments to a maximum of five (5) minutes per person. The person setting forth the proposal shall then be given an opportunity to respond before the next person is asked to step forward.

3. After all persons have been heard, the Chairperson shall open the discussion to members of the Commission. Such discussion shall occur in an orderly fashion, with no more than one person speaking at any given time.

4. If more questions from persons present result from the discussion, the Chairperson shall repeat the procedure set forth in number 2 above.

ARTICLE IX – AMENDMENTS

These rules may be amended at any regular meeting by an affirmative vote of a quorum of the Commission provided that such amendment has been presented in writing to each member of the Commission at least five (5) days preceding the meeting at which the vote is taken.

Dated: September 14, 2011

_____, Chair
Brian Palaia, Town Manager

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Filed with the Town Clerk _____

Signed: _____