FALMOUTH COMMUNITY PRESERVATION COMMITTEE

OPERATING PROCEDURES

November 10, 2014

MISSION AND ORGANIZATION

Committee Purpose – To exercise the rights and powers subject to the duties, obligations, and restrictions as set forth in section 5 of the Massachusetts Community Preservation Act (Act) and in the 2005 Town Bylaw (Bylaw) establishing the Falmouth Community Preservation Committee (CPC). Falmouth governmental bodies also "possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by the [Falmouth] charter, bylaw, or vote of Town Meeting.”

Members – The Bylaw establishes a CPC of nine members serving three-year overlapping terms and appointed one member each from the Conservation Commission, the Housing Authority, the Historical Commission, the Planning Board, and the Recreation Committee, as designated by his or her governing body, and four at-large members appointed by the Board of Selectmen.

Statutory Requirements, Rules and Regulations – All members must be familiar with the Community Preservation Act, the Falmouth CPA Bylaw, The Falmouth Home Rule Charter, the Town of Falmouth Committee Handbook, The Open Meeting Law, and the Conflict of Interest Law.

Terms – Each member may serve three three-year terms. After an absence of one year, a member whose terms have expired may be re-appointed to the CPC. [Charter]

Attendance – If a member has unexcused absences without good cause from one half of the total number of meetings in a fiscal year or from four or more consecutive meetings, he or she will be considered to have vacated the office. The appropriate appointing authority will appoint a replacement member within 30 days.

Officers – The CPC operates under the direction of a chair (or co-chairs), a vice-chair, a clerk, and a financial officer. The CPC elects its officers for a one-year term at the annual re-organization meeting, which is the first meeting after the applicable governing bodies have made their annual appointments or reappointments to the CPC. CPC members notify CP staff (staff) prior to this meeting of their interest in serving as an officer, indicating the position(s) they are willing to fill. Staff gives this information to the chair, who provides it to CPC members at the re-organization meeting. To be considered for an office, a member must be nominated by another member, and no second is necessary. Voting takes place in order of the nominations and election is by majority vote.
**Officers’ Duties** – The chair coordinates meeting schedules and agendas with staff, appoints sub-committees and ad hoc committees as necessary, conducts all meetings, and formally represents the CPC in discussions, negotiations, and public meetings, including making presentations and responding to the Board of Selectmen, the Finance Committee and Town Meeting. The chair may ask for staff assistance in preparing and presenting to these entities. The chair may delegate these responsibilities when necessary. If co-chairs are serving, they share these responsibilities by mutual agreement and no vice-chair is elected.

The **vice-chair** carries out these functions in the absence of the chair as requested.

The **clerk** ensures that meeting minutes are promptly forwarded to the Town Clerk and annually updates the CPC Plan and Operating Procedures as needed. The clerk may also assist in revision and updating of other CPC documents as requested by the chair or the CPC.

The **Financial Officer** (1) monitors reserves, revenue receipts, debt obligations, and funding payments; (2) determines amounts to be allocated to historic preservation and community housing each year under the 10 percent statutory allocation; (3) updates the financial planning tool as needed, including estimated future revenues, in consultation with the Community Preservation Coalition (the Coalition) and in accordance with the Town Finance Director; (4) regularly and as needed reports grant expenditures, fund balances, and available current resources to the CPC; and (5) reconciles the financial planning tool with the Town Budget at the close of each fiscal year.

**Public records** – The CPC chair maintains with the Town Clerk a current description of the duties and responsibilities of the CPC and its members.iv

**Subcommittees** – The chair appoints standing and ad hoc subcommittees as needed. They operate in accordance with the same laws, rules and regulations as the CPC. Standing subcommittees act only under the direction of the full CPC and report to the full CPC. They operate closely with staff, including setting and posting subcommittee agendas and meetings. CPC standing subcommittees comprise the following areas of interest:

- **Executive Committee** – personnel and organizational issues, liaison to Town Government, definition and prioritization of issues for the CPC and its subcommittees
- **Finance Subcommittee** – development and updating of CPC financial planning tool, consultation with Town Finance Director regarding CPA reserves and current and estimated revenues, annual reconciliation of CPC planning tool with Town budget, preparation and delivery of regular financial reports to the CPC
- **Historic Preservation Subcommittee** – choice of historical consultants, consideration of proposals, Historical Commission and Historic Districts Commission liaison, short-term issues
- **Community Housing Subcommittee** – choice of consultants, consideration of proposals, RFP development, issues related to the Falmouth Affordable Housing Fund (FAHF)
Open Space and Recreation Subcommittee – choice of consultants, liaison with The 300 Committee (T3C), oversight of multi-use projects (except housing), liaison with personnel of projects having to do with water quality

Staff – The Act allows each CPC to allocate up to 5 percent of its annual revenues to administration, which may include staff salaries and benefits.v Falmouth governmental bodies may nominate prospective employee(s) of their choice, who will then be considered for appointment by the Town Manager. All such employees work under the day-to-day supervision of the Town Manager and report directly to the CPC chair.vi

MEETINGS

Meetings – Meetings include (1) regularly scheduled meetings on the second and fourth Thursdays of every month, (2) special meetings, and (3) an annual needs assessment meeting. All meetings are public and interested parties may address the CPC during the period designated for public comment or by previous request to the chair or staff, at a time designated on the meeting agenda and at a length subject to the discretion of the chair.

Posting of Meetings – Except in cases of emergency, the CPC provides public notice of all its committee and subcommittee meetings and agendas by posting them on the CPC page of the Town website at least 48 hours in advance of the meeting excluding Saturdays, Sundays and legal holidays. Public hearings may require additional notice. Notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting.vii

Open Meeting Law – The CPC and its members conduct their business in compliance with the Open Meeting Law.viii The Open Meeting Law applies to site visits to properties under consideration in each grant application cycle. Under the Open Meeting Law, email messages among members must be restricted to scheduling, determining agendas, and attendance, and such messages must be directed to staff for distribution, if necessary, to all CPC members. Members should seek information through staff unless the chair delegates an investigation to an individual or subcommittee. Similarly, when the CPC has hired a consultant to provide expert advice, staff should be member’s designated point of contact with the consultant unless the chair appoints an individual or subcommittee to be in direct contact with the consultant.

The Open Meeting Law also requires the distribution through staff of legal or technical expert opinion in connection with any agenda item to all members at the same time. Such information must be distributed in a clearly documented form that includes the questions asked and the responses to those questions.

These guidelines are not intended to limit general discussion by CPC members with the public, CPC members from other towns, or representatives of the Coalition about the work or operations of the CPC when not related to a proposal for CPA funding or legal/technical aspects of an agenda item.
Public Records – All Falmouth governmental bodies maintain records of attendance and minutes of meetings, which are filed with the Town Clerk and posted on the CPC page on the Town website (www.falmouthmass.us).ix The CPC has a designated paid recording secretary.

Conduct of Meetings – CPC meetings are guided by Roberts Rules of Order except that the CPC chair may vote. After consultation with the chair or in a CPC meeting, any member may place an item on the agenda of a future committee or subcommittee. All CPC decisions require a motion, a second, discussion, and a vote by voice or by hand as the chair requests and by hand if a CPC member so requests. The chair may not make or second motions, but any other member may make, move to amend, and second a motion.

Executive Session – The CPC may meet in executive (private) session provided that the chair (1) convenes an open session, (2) states the reason for the executive session and all subjects that may be discussed, (3) states whether the CPC will reconvene in open session at the end of the executive session, and (4) takes a roll call vote of CPC members in order to enter an executive session.x

CONDUCTING BUSINESS

Conflict of Interest Law – CPC members inform themselves of the requirements of the Conflict of Interest Law and act in accordance with them in order to ensure recusal during discussions and voting (removal from the meeting room) in areas of conflict between a member’s private interests and his or her public duties as a CPC member.xi

Quorum – According to the Bylaw, a CPC quorum is a simple majority of the nine members. Because a quorum is essential to CPC meetings and business, it is crucial that a member unable to attend a scheduled meeting notify the chair or staff at the earliest possible moment.

Voting – Following the Bylaw, the CPC does not meet or conduct business, including voting, without a quorum.

A CPC member who misses an applicant’s project presentation or the CPC discussion of that application will (1) review the minutes of that meeting and seek a briefing on the application from staff or (2) abstain from voting on that application. In order to participate knowledgeably in discussing and voting to recommend grant applications to Town Meeting, CPC members will attempt to visit all properties under consideration for each grant application cycle, and these visits must be made in accordance with the Open Meeting Law.

Staff maintains a separate record of voted decisions and policies for future reference.
Communications between Funding Applicants and the CPC – Communications between funding applicants and the CPC occur only in accordance with the CPC application process and the Open Meeting Law.

- Applicants submit projects for funding consideration on the CPC application form and submit 10 copies with cover letter to CPC staff.
- Applicants wishing to communicate with the CPC should address email or other written communication to staff, who will then forward it to CPC members. Staff provides the communication hub between other governmental bodies and the CPC, between funding applicants and the CPC, and between the public and the CPC.
- Verbal communication between applicants and the CPC regarding funding proposals may take place only during public meetings and hearings. Telephone calls from applicants to CPC members to discuss any aspect of a funding proposal will not be accepted. Applicants will be directed to address their questions in writing in the manner described above or request that their proposal be placed on a CPC meeting agenda.
- CPC members, subcommittees, and staff will advise applicants of this communication protocol any time they are approached outside a public meeting or hearing.
- Applicants are encouraged to communicate their questions and concerns and responses to requests for additional information well in advance of CPC meetings, using the communication channels and procedures described above.
- Suggestions to applicants regarding their proposed projects must come from the CPC as a whole or staff representing the CPC. After discussion and consensus, the CPC may communicate to applicants via email from the chair or from staff or at a public meeting or hearing. In no case will a CPC member or subcommittee render an opinion or provide a suggestion to an applicant outside of this protocol.
- Staff will advise all applicants of CPC recommendations to Town Meeting for approval or disapproval of funding for proposed projects.
- The CPC enters into a formal letter of agreement (LOA) with those applicants whose proposals receive a recommendation for funding from Town Meeting appropriation. The LOA outlines the terms, conditions, and time period of any authorized project or purchase.
- After Town Meeting approval of a funding proposal, funded applicants communicate with the CPC through the CPC member assigned as liaison to their project or purchase or through staff, or both. If a funded applicant wishes to address the entire CPC, he or she may request that their project or purchase be placed on a CPC meeting agenda.

Annual Needs Assessment – The CPC conducts an annual assessment of community needs in the four CPA funding areas each year at a public meeting. In addition to a broad discussion of all funding areas, the CPC may also each year at the needs assessment meeting request input on specific issues or concerns in a particular funding area.
**Annual Report** – The chair or his or her designee drafts a summary of CPC actions during the year to be included in the Town's Annual Report to the Town Manager.

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1. MGL Chapter 44B and Falmouth Town Code, Chapter 29, Article VI, sections 15-21
2. Falmouth Home Rule Charter, Appointed Town Boards C7-2.A
3. Falmouth Home Rule Charter, Article VII, C7-2.G
4. Falmouth Home Rule Charter, ____________
5. CPA Act citation [?]
7. See Town of Falmouth Committee Handbook.
8. MGL Chapter 30A, section 19(a). See also Town of Falmouth Committee Handbook.
10. See Town of Falmouth Committee Handbook.
11. MGL Chapter 268A. See also Town of Falmouth Committee Handbook.
12. Bylaw paragraph 9