Falmouth Community Preservation Act Committee
Operating Procedures
Revised 2/29/12

1. **Committee Purpose:** To accomplish the duties and tasks for the Town of Falmouth as stated in the modified Community Preservation Act of 2004 and the subsequent Falmouth by-law approved at the spring 2005 Town Meeting and approved by Falmouth voters at the 2005 elections.

2. **Members:** Committee members are appointed as stated in the Act and serve off-set terms, with three members reappointed each year. Vacancies will be filled by appointment by the designated appointing authorities.

3. **Officers – Chairman, Vice-Chairman and Clerk:** Individuals for each of these positions will be elected for a one year term by the committee at the first meeting after committee appointments are completed each year by the designated appointing authorities. The CPC members shall contact the Community Preservation Planner prior to the reorganization meeting in order to provide notification of their interest in serving as an officer, indicating which position(s) for which they are willing to serve. That information will be given to the CPC Chairperson prior to the reorganization meeting. Each person seeking an officer’s position must be nominated by another member (no second required). Voting will be in order of the nominations.

The chairman will conduct all meetings, appoint sub-committees as necessary, and coordinate agendas with the Community Preservation Planner who will provide them to all committee members at least two days before each committee meeting. The vice-chairman will serve in these roles in the absence of the chairman.

4. **Voting:** Voting will be in accordance with the town by-law for a motion to be approved, a quorum must be present and all actions must receive a majority vote of those present and voting. Members should familiarize themselves with the requirements of recusal as stated in the Conflict of Interest Law.

Any member of the CPC who misses either the presentation of an application for funding or the CPC’s discussion of that application will either (1) review the minutes of that meeting and seek a briefing on that application from the Community Preservation Planner or (2) abstain from voting.

5. **Quorum:** The definition of a quorum will be in accordance with the town by-law: a majority of the appointed members (5 out of 9). Members unable to attend a scheduled meeting shall notify the chairman or Community Preservation Planner as soon as possible. Attendance shall be in accordance with the Town Charter.

6. **Conduct of Meetings:** Meetings will be guided by Roberts Rules of Order, but allowing the chair voting rights. Any member may place an item on a future agenda in advance, coordinating with the Chair. All decisions will require a motion, a second, further discussion, and a vote by voice or hand, as determined by the chair. The chair will not make or second motions. A hand vote on any action shall be required if requested by any member of the committee. Public comment will be taken under agenda items, subject to the discretion of the chair as to time limits.
7. **Conduct of Business:**
   - All members must be familiar with the state Community Preservation Act, Open Meeting Law, conflict of interest law and the Town of Falmouth CPA by-law.
   - The committee will have a designated paid recording secretary.
   - All CPC administrative expenses that may be incurred may be approved by the chairman, or the vice-chairman if the chairman is requesting reimbursement for an incurred expense.
   - All committee members will attempt to make site visits to all properties under consideration for affordable housing, historic preservation, open space, or recreation. These visits should be made in accordance with the Open Meeting Law requirements.

8. **Communication between Applicants and CPC:**
   **A. From Applicants to the CPC prior to Town Meeting Approval**
   - All communications from applicants to the CPC will be in accordance with the CPC application process and Open Meeting Law:
     - Projects for consideration must be submitted in writing via the CPC application form and cover letter.
     - Any email or written communications from applicants should be directed to the CPC chairman or the Community Preservation Planner who will then forward them to all CPC members.
     - Verbal communications between applicants and CPC members regarding proposed projects may only take place during public hearings and meetings. Phone calls from applicants to CPC members to discuss any aspect of a proposed project will not be accepted. Applicants will be directed to address their questions in writing as defined above, or request that their project be placed on a CPC meeting agenda.
     - CPC members and subcommittees shall advise applicants of this communication protocol any time they are approached outside of a public hearing or meeting.
     - For planning and efficiency purposes, applicants should be encouraged to communicate their questions, concerns and responses to requests from the CPC for additional information well in advance of CPC meetings, using the communication channels outlined above.

   **B. From the CPC to Applicants prior to Town Meeting Approval**
   - All communications from the CPC to applicants will be in accordance with the CPC application process and Open Meeting Law:
     - Other communications between applicants and CPC members regarding proposed projects may only take place during public hearings and meetings.
     - Suggestions to applicants regarding their proposed projects must come from the CPC as a whole or the Community Preservation Planner. After discussion and consensus, the CPC may communicate to applicants either via email from the chairman or at a public hearing or meeting. In no case will a CPC member or subcommittee render an opinion or provide a suggestion to an applicant outside of this protocol.
     - The Community Preservation Planner will advise all applicants of the CPC’s recommendations for approval/disapproval of funding for proposed projects.
     - The CPC will enter into a formal letter of agreement (LOA) with those applicants who receive a recommendation for Town Meeting appropriation. The LOA will outline the terms and conditions of any authorized project or purchase.

   **C. To/from the CPC with Applicants of Approved Projects after Town Meeting Approval**
   - Applicants whose projects are approved should communicate via the CPC Liaison assigned to monitor their project and or the Community Preservation Planner. If they wish to address the entire CPC, applicants may request that their project be placed on a CPC meeting agenda.
9. **Internal CPC email communications**
In accordance with the Open Meeting Law, emails should be restricted to scheduling, determining agenda, and attendance. Such emails are a matter of public record.

10. **Legal/Technical matters**
When the Community Preservation Committee is deliberating on an agenda item for which legal or technical expert opinion is important, committee members should all have access to the same information at the same time in a clearly documented form that includes the questions asked and the responses. Therefore, members should seek such information through the Community Preservation Planner, unless the committee chairman delegates such an investigation to an individual or a subcommittee.

Similarly, when the CPC has hired a consultant to provide expert advice, the Community Preservation Planner should be the designated point of contact, unless the committee chair delegates that an individual or subcommittee be in direct contact.

These guidelines are not intended to limit general discussion by committee members with the public, CPC members from other towns, or the Coalition for Community Preservation about the work or operations of the CPC when unrelated to legal/technical aspects of an agenda item or proposal for CPA funding.

11. **Subcommittees and their operating procedures:** Subcommittees will be appointed by the chairman and shall operate in accordance with the Open Meeting Law and the Conflict of Interest Law.

- Standing Subcommittees are appointed by the CPC Chair and will act only under the direction of the full committee and report out to the full committee. Furthermore, they will always be in consultation with the Community Planner:
  - Historic Preservation – choice of consultants, proposal consideration, HDC and Historic Commission liaison, short term issues
  - Community Housing – choice of consultants, proposal consideration, RFP development, issues related to the Falmouth Affordable Housing Fund
  - Procedures/Operations – CPC Plan and Procedures Revisions, updating CPC members on the Plan and Procedures
  - Finance – monitoring CPC financial surcharges and state matching funds, CPC administrative budget, recommendations on usage of fund categories
  - Executive Committee (3 officers) – personnel and organizational issues, liaison to Town Government, define issues for the CPC and subcommittees
  - Open Space/Recreation – choice of consultants, liaison with The 300 Committee, oversight of multi use projects (except housing), liaison with water quality issue projects

12. **Recommendations to the Board of Selectmen, Finance Committee, and/or Town Meeting:**
The chairman, vice-chairman or a designated member appointed by the committee, will present recommendations. The committee may also ask that the Community Preservation Planner assist with presentations.

13. **Annual Report:** The committee chairman (or his/her designee) will draft a summary of the committee’s actions to be included in the town’s annual report.
14. Liaisons: All committee members (except the chair) will be appointed liaison to one or more town approved projects through to their completion.

15. Assessment of Community Needs: The CPC will conduct the annual study required by the CPC by-laws on an annual basis in the spring of each year at a public meeting. In addition, to a broad review of all areas, the CPC may define specific issues or concerns in a particular area.

16. Codifying CPC Decisions: The CPC will ask its Community Preservation Planner to keep a separate record of decisions voted on at the meetings for reference as needed.