

BY-LAWS
OF
THE CONSERVATION COMMISSION
OF
THE CITY OF CONCORD
AS AMENDED FEBRUARY 14, 2024

Article I – Name

The name of this organization shall be the Concord Conservation Commission, hereinafter called the Commission.

Article II – Principal Place of Business

The principal place of business of the Commission shall be at Concord in the County of Merrimack and State of New Hampshire. The mailing address of the Commission shall be City Hall, 41 Green Street, Concord, New Hampshire.

Article III – Seal and Insignia

The Commission may provide a seal for the organization, which seal shall be circular in form with the name of the organization around the periphery, and the words and figures “Established 1971” within. The Commission also may provide such additional insignia as it deems necessary to further the purposes of the Commission.

Article IV – Establishment and Purpose

The Commission was established by the City Council in 1971, in accordance with RSA 36-A:1. The Commission is codified in the City Code of Ordinances at Title V, Chapter 30, Article 30-3-1. The purpose of the Commission is to protect and promote the proper utilization of natural resources and to protect the watershed resources of the City of Concord.

Article V – Duties and Functions Relative to Purpose

The Commission shall have the following duties and perform the following functions:

- a. Prepare a program of conservation and open space protection for the City.
- b. Identify, research, and monitor the City’s natural resources and open spaces.
- c. Identify the City’s unique areas of natural value or ecological importance.
- d. Maintain an inventory of the conservation and open space areas, water resources, and wetlands within the City.
- e. Keep apprised of the impacts of climate change on the City’s natural resources and of ongoing research regarding climate resilience.

- f. Prepare and adopt, and from time to time review and amend, a conservation and open space plan that is generally consistent with the land use plan for the City, and submit said plan to the Planning Board for consideration as part of the master plan for the City. The conservation and open space plan shall state the specific open space and stewardship goals of the Commission, and those goals shall provide guidance to the Commission in its implementation of a program of conservation and open space protection. In the preparation of a conservation and open space plan, obtain information pertinent to the proper utilization of open areas in the City, including lands owned by the City and the State.
- g. Make recommendations for the better promotion, development, or utilization of natural resources and open areas of the City.
- h. Base the conservation and open space plan and related programs, inasmuch as possible, on the concept of multiple use of natural resources and conservation open space areas to the extent that such use does not adversely affect its primary functions and natural and cultural resources.
- i. Identify the ways and means by which Commission plans and programs may be achieved.
- j. Advise multiple agencies, the City Council, private interests, and the public of the manner in which the objectives of the Commission may be accomplished.
- k. Protect open space and fragile areas through the acquisition of interests in land and conservation easements by purchase or gift consistent with RSA 36-A:4.

Article VI – Real Property Interests

A. Acquisition and Nature

Interests in real property may be acquired in accordance with RSA chapter 36-A by the Commission by gift, purchase, grant, devise, lease or otherwise, subject to City Council approval. Such interests may include the following: the fee interest, any lesser interest, development rights, easement, covenant or other contractual right, including conveyances with conditions, limitations or reversions, or water rights.

B. Purpose of Acquisition

All such interests in real property shall be acquired by the Commission as may be necessary to acquire, maintain, improve, protect, limit the further use of, or otherwise conserve and properly utilize open space and other land and water areas within the City, subject to City Council approval.

C. Approval and Holding

The acquisition of any such interest in real property, whether by gift or purchase, shall be subject to the approval of the City Council and, upon approval, shall be received and held by the Commission in the name of the City.

D. Management and Control

The Commission shall manage and control all such interests in real property in accordance with the purpose of the Commission, subject to the review of the City Council.

Article VII – Personal Property

The Commission may receive and acquire personal property, or interests therein, including money, subject to the provisions of Article VI, above.

Article VIII – Publications and Advertisements

The Commission may advertise, prepare, publish and distribute books, maps, charts, plans and pamphlets, including through electronic distributions and the City website, which in its judgment it deems necessary for its work.

Article IX – Finances

A. Conservation Fund

1. Unless a monetary gift is restricted, any monies received by the Commission under Article VII, above, shall be placed in the Conservation Fund.
2. The City may make annual appropriations to the Conservation Fund.
3. Monies received by the Commission may be expended from the Conservation Fund for purposes consistent with the purposes of the Commission under RSA 36-A:5, and no expenditures shall exceed the annual appropriations by City Council without its approval. Subject to the provisions of Article VI, above, the Commission shall expend monies received with restriction(s) or for a designated purpose(s) in accordance with such restriction(s) for such designated purpose(s).

B. Administrative Expenditures

The Commission shall limit its administrative expenditures, including those for clerks and other employees, to appropriations so designated by City Council. Any unexpended balance from any such appropriations shall lapse in accordance with City budget procedures.

C. City Forest Fund

Monies shall be deposited in and expended from the City Forest Fund in accordance with Article 4-5 of the Municipal Code of Ordinances.

D. Accounting Procedure

The City Treasurer or authorized designee shall have custody of all monies of the Commission and shall expend same only on orders of the Commission or its authorized agent, in accordance with City accounting procedures.

Article X – Members

A. Qualifications and Appointment

1. The Commission shall consist of seven (7) regular members who shall be residents of the City of Concord,
2. The City Manager shall appoint seven (7) regular members of the Commission, who shall serve staggered terms of three years.
3. The City Manager shall also appoint five (5) alternate members to the Commission to act in the place of an absent or disqualified regular member. Alternate members shall serve for three-year staggered terms. The Chair shall designate an alternate to serve in the place of an absent or disqualified member. Alternate members may join the regular members in all presentations, public hearings, and discussions except that such alternates shall not vote on any proposal or motion before the Commission unless such alternate is filling the temporary absence of a regular member as directed by the Chair, in which case, the alternate member shall have the authority to vote on any proposal or motion.
4. The City Council shall appoint one of its members in January of each even year to serve as a liaison who shall be an *ex officio* member of the Commission, who shall be authorized to participate in all meetings and discussions of the Commission, but shall not vote on Commission matters or count for establishing a quorum of the Commission.

B. Vacancies

A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

C. Removal

Any member of the Commission may, after public hearing if requested, be removed for cause by the City Manager.

Article XI – Officers

A. Chair and Vice-Chair

The Chair and Vice-Chair shall be elected by and from the membership no later than the second meeting of the Commission each calendar year. The Chair and Vice-Chair shall serve a term of one calendar year and may be re-elected for successive terms.

B. Chair and Vice-Chair Duties

1. The Chair shall be responsible for the organization and direction of the Commission, appointment of members to committees, preparation of the meeting agenda, scheduling of hearings, conducting meetings, and ensuring that the work of the Commission is carried out promptly and competently. The Chair shall ensure that meeting notices are posted and

shall prepare the annual Commission report. The Chair may delegate these duties in order to accomplish the work of the Commission and to provide training for the members. The Chair shall have the power to sign documents for or on behalf of the Commission, as authorized by the Commission.

2. The Vice-Chair shall preside over all meetings of the Commission in the temporary absence of the Chair and shall perform all duties and have all powers of the Chair in such absence.
3. The Chair, with the assistance and support of City liaison staff when available, shall keep accurate records of the meetings and other proceedings of the Commission.

Article XII – Duties of Members

Each member of the Commission, including the Chair and Vice-Chair, shall carry out the duties, functions and responsibilities of the Commission as set forth in RSA chapter 36-A, the Municipal Code of Ordinances for the City of Concord, New Hampshire, Sections 4-6-5 and 30-3-12, and the By-Laws of the Commission, as from time to time amended. Members shall strive to attend all meetings and notify the Chair in advance when unable to attend a meeting or a scheduled site visit.

For the purposes of receiving written notice of meetings, hearings, or other matters requiring notice, each member shall provide their electronic mail address to City liaison staff (or the Chair). All written notices to members, or written requests by members, as provided for in these By-Laws shall be provided or made by electronic mail, unless otherwise requested by a member.

Article XIII – Committees and Consultants

A. Committees

Committees shall be established or sunset by vote of the members of the Commission for any purpose deemed necessary in accordance with the purpose of the Commission consistent with the RSA chapter 36-A, the Code of Ordinances and the By-Laws. When a Committee is established, the Commission shall state the purpose of the Committee and establish guidelines for that Committee. Committee members shall be appointed by the Chair of the Commission as provided by Article XI(A)(2), above. Unless otherwise provided, the first person appointed to a Committee shall be the Chair of such Committee. The membership of each Committee shall include at least one member of the Commission. Other than the Commission member, other committee members may reside outside of the City of Concord. Each Committee shall report to the Commission at each regular meeting or at such times as the Commission may require. A majority of the Committee members appointed shall constitute a quorum. All meetings of Committees shall comply with RSA chapter 91-A, the Right to Know Law.

B. Consultants

By vote of the members of the Commission, Consultants to the Commission may be appointed or retained for any purpose deemed necessary in accordance with the purpose of the Commission. Each Consultant shall report to the Commission as directed by the Commission.

Article XIV – Meetings

A. Holding of Meetings

1. Meetings. All meetings of the Commission shall be public in accordance with RSA chapter 91-A, New Hampshire's Right to Know Law. The Chair shall direct the holding of not less than one (1) regular meeting of the Commission each month unless canceled by the Commission. The regular meeting shall be held on the second Wednesday of each month at 7:00 p.m. at City Hall, unless otherwise specified by the Commission or the Chair prior to the second Wednesday. The meeting shall be adjourned by 10:00 p.m. unless extended by the vote of the Commission.
2. Special Meetings. Special meetings may be held, if necessary, at the discretion of the Chair or quorum of the Commission. It shall be the duty of the Chair to notify all Commission members of the special meeting and notice such meeting in accordance with RSA chapter 91-A, New Hampshire's Right to Know law. At any special meeting no business other than that specified in the notice for the special meeting may be considered except by unanimous consent of those members present at the meeting.
3. Quorum. A majority of the appointed Commission members shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a regular or special meeting, the meeting shall be considered adjourned and will be rescheduled at such other time and place as the Chair may deem appropriate.
4. Work Sessions and Site Inspections. Work sessions and site inspections may be held, if necessary, at the discretion of the Chair. In the event a quorum shall be attending, such work sessions or site inspections shall comply with RSA chapter 91-A, including all requirements for posting and minutes.

B. Conduct of Meetings

All meetings shall be conducted in accordance with RSA chapter 91-A, New Hampshire's Right to Know Law. The Commission may also employ parliamentary authority, as set forth in Robert's Rules of Order. All agenda items shall be identified by title or subject matter both on the written notice of each meeting and prior to consideration at any meeting. All requests for items to be included on the agenda shall be filed with the Commission or City liaison staff on or before 5:00 p.m. seven (7) days preceding the meeting. Any matter not requiring prior legal notice may be placed on the agenda at any meeting at the discretion of the Chair.

C. Voting

A vote of the majority of the appointed members of the Commission shall be sufficient to take any action. Any member of the Commission, including the Chair, may make motions and members present at the meeting shall vote on all matters. At the request of any member, the Chair shall call for a recorded roll call vote on any issue.

D. Conflict of Interest

No member of the Commission shall introduce, speak on or vote on any motion, resolution or issue in which that member has a personal or pecuniary interest, direct or indirect. Members of the Commission shall comply with the City of Concord's Ethics Ordinance relative to conflict of interest and qualification to participate in any matter before the Commission. A member of the Commission may speak on a matter for which he or she is recused only as a party to the matter or as a citizen. If a recused member seeks to provide testimony or comments, the member of the Commission shall declare at the outset that the member is present in an individual capacity as an interested citizen and not as a member of the Commission.

Article XV – Hearings

The Commission may, in its discretion, hold additional public or informational hearings when it determines that such hearings will be in the public interest. The matter before the Commission shall be presented in summary form by a member of the Commission or by a person designated by the Commission. Any parties in interest shall be privileged to appear before parties not in interest. Testimony or other evidence shall not be presented under oath. A record shall be kept of those persons testifying and/or presenting evidence at such hearings and, if appearing on behalf of another person or entity, the name of such person or entity. Such hearings shall be conducted in accordance with RSA chapter 91-A, unless such hearing involves the use of conservation funds, when notice of at least ten (10) calendar days is required prior to conducting said hearing in accordance with RSA 36-A:5, II (citing RSA 675:7).

Article XVI – By-Laws and Amendments

The Commission shall adopt By-Laws and these By-Laws may be amended, altered, or repealed at any regular meeting of the Commission by a majority vote of the members of the Commission then in office, notice of the action proposed having been included in the written notice of the meeting sent to each member of the Commission at least 72 hours prior to the meeting at which the proposed action is to be taken.

Record of Adoption of By-Laws

At a regular meeting of the Conservation Commission on February 14, 2024, these amended By-Laws were adopted.

ATTEST:



Kristine S. Tardiff, Chair