

HANCOCK COUNTY PLANNING COMMISSION

CHANGES RECOMMENDED BY THE HCPC EXECUTIVE BOARD FOR ADOPTION AT
THE 2015 ANNUAL MEETING



COMMISSION BYLAWS

MAY 27, 2003

Our Mission Statement:

The Hancock County Planning Commission is a partner with local and county government to:

- *Protect our heritage and resources,*
- *Plan for the future, and*
 - *Promote a sound economy;
for the people of Hancock County.*

Hancock County Planning Commission – Bylaws: Approved by the full commission May 27, 2003

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HANCOCK COUNTY PLANNING COMMISSION BY-LAWS

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05/27/03 (sect. 7.5, Terms of Office)
05/26/14 (proposed)

HANCOCK COUNTY PLANNING COMMISSION

1. LEGAL BASIS FOR REGIONAL PLANNING COMMISSION

Maine Revised Statutes Annotated, Title 30-A Chapter 2341, Subchapter III as amended.

2. NAME

The name of this corporation shall be the Hancock County Planning Commission, hereinafter referred to as the "Commission". The Commission is incorporated as a non-profit corporation in accordance with the laws of the State of Maine, and shall use a corporate seal.

3. PURPOSES

The purpose of the HCPC is to strengthen local municipal self-government while combining total resources for meeting regional challenges beyond individual capacities; to serve as a mutual forum to identify, study and bring into focus regional challenges and opportunities; provide organizational support to enable communication and coordination among governments and agencies concerned with regional issues and opportunities; to act as an advocate where membership directs; and to exercise such powers as the member municipalities may delegate.

4. MEMBERSHIP

4.1 Conditions of Membership

Membership in the Commission is open to any municipality, village corporation, plantation, or county all or a portion of which is within the Commission's jurisdiction as established by the Governor. These units of government, henceforth referred to as "communities," may become members of the Commission by an authorization of an appropriation as specified in Article 6 of these BYLAWS.

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4.2 Terms of Membership

Terms of membership shall be for one year and shall start at the beginning of Part 2 of the Annual Meeting following authorization to begin or to continue membership.

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4.3 Dues

Membership dues shall become payable July 1 of each year. Communities failing to pay their dues on or before September 1 of each year shall be considered non-members for that fiscal year.

5. REPRESENTATION

5.1 Commissioners

Each member shall appoint two representatives to the Commissioner, who shall be known as the Commissioners. All of the Commissioners, collectively, are referred to as the Full Commission. The two (2) County representatives shall be appointed by vote of the County Commissioners. At least one Commissioner for each member community, shall be a municipal official or a designee elected by a majority vote of the municipal officers. In the case of resignation or removal of any Commissioner, new appointees, appointed in the same manner as the regular appointees, shall serve the balance of the term.

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5.2 Alternates

Each member may appoint one Alternate who may serve in the absence of a member's Commissioners, or in the case of a Commissioner's abstention from voting because of direct personal interest. When serving in either of these capacities, an alternate shall have full voting privileges. Alternates shall not be eligible to hold office in the Commission.

5.3 Terms of Commissioners and Alternates

Terms of Commissioners and Alternates shall start at the beginning of Part 2 of the Annual Meeting. The length of the term of the members' municipal official or designee shall be determined by the municipal officers of the member community. All other Commissioners shall serve for terms of two (2) years and may be removed by the municipal officers for cause after notice and hearing.

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6. COMMISSION FINANCES

6.1 Fiscal Year

The Fiscal Year of the Corporation shall be the year beginning with July 1 and ending with and including June 30 of the following year.

6.2 Commissioners Expenses

Commissioners shall not be remunerated for their services, but may be reimbursed upon approval of the Full Commission for their expenses incurred in behalf of the Commission.

6.3 Annual Work Program and Budget

The Executive Director shall prepare and submit a proposed Annual Work Program and Budget for the next fiscal year to the Executive Board in March of each year for **Full** Commission adoption no later than May of each year.

7. EXECUTIVE BOARD

7.1 Executive Board

The officers of the Commission shall be known as the Executive Board. The Executive Board shall consist of a total of eleven persons, two of whom shall be the County representatives appointed by the County Commissioners, and nine persons who shall be elected on the basis of the following seats:

Three seats representing the Hancock County communities located within County Commissioner District I consisting of:

AMHERST	ELLSWORTH	OTIS
AURORA	GOULDSBORO	SORRENTO
BLUE HILL	GREAT POND	SULLIVAN
DEDHAM	LUCERNE	SURRY
EASTBROOK	MARIAVILLE	WALTHAM
OSBORN	WINTER HARBOR	

Three seats representing the Hancock County communities located within County Commissioner District II consisting of:

BROOKLIN	DEER ISLE	STONINGTON
BROOKSVILLE	ORLAND	VERONA
BUCKSPORT	PENOBSCOT	CASTINE
SEDGWICK		

Three seats representing the Hancock County communities located within County Commissioner District III consisting of:

BAR HARBOR	HANCOCK	TRENTON
CRANBERRY ISLES	LAMOINE	SOUTHWEST HARBOR
FRENCHBORO	MOUNT DESERT	SWAN'S ISLAND
FRANKLIN	TREMONT	

Any one community shall not have more than one seat on the Executive Board, except for those seats appointed by the County Commissioners.

The officers of the Executive Board shall consist of a chairperson, vice-chairperson, secretary and treasurer.

7.2 Election of Executive Board

The HCPC Commissioners from each district shall, during Part 2 of the Annual Meeting, elect by written ballot from amongst themselves three or less Commissioners to the Executive Board of whom one shall serve a three-year term, one a two-year term, and one a one-year term. In succeeding elections, such representatives shall be elected for a three-year term or as appropriate to maintain the balance of staggered terms.

7.3 Election of Chairperson

After the election and installation of the Executive Board, the Full Commission shall elect by written ballot and by plurality vote its Chairperson from among the members of the Executive Board.

7.4 Election of Vice-Chairperson, Secretary, and Treasurer

After the election and installation of the Executive Board and the Chairperson, the Executive Board members shall elect from amongst themselves the Vice-Chairperson, Secretary, and Treasurer.

7.5 Terms of Office

The terms of office of all Executive Board members shall begin immediately upon their election, and they shall hold office until their successors have been elected and installed. Not counting any term served which is less than three years, Executive Board members shall not serve more than two consecutive, full three-year terms. This provision may be waived by a two-thirds (2/3) vote of the HCPC Commissioners present and voting during the annual meeting.

7.6 Vacancies

The Executive Board shall by majority vote fill any vacancies on the Board occurring between annual elections. Officers so elected shall hold office for the balance of the term or until their successors are elected and installed.

7.7 Executive Board Duties

The Executive Board shall supervise the affairs of the Commission and the Executive Director in his/her duties, make recommendations to the Commission, and perform such other duties as are specified by the BYLAWS. The Board, however, shall be subject to the orders of the Commission, and none of its acts shall conflict with action taken by the Commission.

The Chairperson shall preside at meetings of the Commission and Executive Board, may call special meetings of the Commission and Executive Board, may

serve as non-voting ex-officio member of all committees, shall present a report to the annual meeting, and shall perform such other duties as are customary to the office. The Chairperson may vote only in the case of a tie.

The Vice-Chairperson shall preside at meetings in the absence or incapacity of the Chairperson.

The Secretary shall be responsible for reviewing minutes prior to their printing, and shall perform such other duties as are customary to the office.

The Treasurer shall supervise the expenditures of the Commission.

7.8 Removal of Board Members

Board members may be removed with cause by a majority vote of the Executive Board. Any board member with three consecutive unexcused absences from a regular board meeting shall, upon majority vote of the Executive Board, be considered to have resigned. Any such removal may be appealed to the Full Commission.

7.9 Meetings

Regular meetings of the Executive Board shall be held at least six times a year. Special meetings of the Executive Board may be called by the Chairperson or may be called upon the request of five members of the Executive Board.

7.10 Quorum

Five members of the Executive Board shall constitute a quorum for transaction of business by the Executive Board.

8. COMMISSION MEETINGS

8.1 Annual Meeting

The Commission must meet annually during the month of May, with the date, time and place to be determined by the chair. The meeting shall be divided into two parts as follows: Part 1 shall be for the purpose of receiving reports of the Executive Board, committees, staff and for unfinished business. Part 2 shall be for the purpose of electing Executive Board members and Chairperson, and for new business.

8.2 Additional Meetings

Additional meetings may be called by the Chairperson or by two-thirds vote of the Executive Board or by petition of twenty percent of the Commissioners.

8.3 Notice of Meeting

Seven days notice of all meetings of the Commission and Executive Board shall be sent to Commissioners and Alternates except in an emergency, when with the approval of a majority of the Executive Board, the Chairperson may call a meeting on shorter notice.

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8.4 Minutes of Meetings

Minutes of all meetings of the Commission and Executive Board shall be written by the Secretary or staff person and shall be available for public inspection. After review by the Secretary, copies of the Full Commission minutes shall be posted on the HCPC web site and sent to all Commissioners and Alternates who request a copy.

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8.5 Quorum

A quorum for the transaction of business at meetings of the Commission shall consist of a minimum of ten appointed Commissioners or Alternates holding full voting privileges present at the particular meeting.

9. ADMINISTRATION

The administration of the Commission shall be vested in a Full Commission, an Executive Board, and an Executive Director, all of whom shall be selected in accord with the provisions of these BYLAWS and shall function according to a Schedule of Responsibilities outlined as follows:

9.1 Personnel Management

9.1.1 Executive Director - Hiring

Executive Board - Interviews and recommends candidates to Full Commission

Full Commission - Reviews and approves selection

9.1.2 Executive Director - Disciplinary Action

Executive Board - Recommends disciplinary action to the Full Commission

Full Commission - Reviews and approves disciplinary action on appeal

9.1.3 Other Staff - Hiring

Executive Director - Interviews and hires candidates

Executive Board - Authorizes filling of positions consistent with annual work program and budget

9.1.4 Other Staff - Disciplinary Action

Executive Director - Prescribes disciplinary action
Executive Board - Reviews disciplinary action on appeal

9.1.5 Personnel manual - Preparation

Executive Director - Prepares/supervises preparation of draft personnel manual and amendments thereto and recommends to Executive Board
Executive Board - Reviews and approves personnel manual and proposed amendments

9.2 Fiscal Management

9.2.1 Annual Budget - Preparation

Executive Director - Prepares/supervises preparation of draft budget and recommends proposed budget to Executive Board
Executive Board - Reviews and recommends proposed annual budget to Full Commission
Full Commission - Reviews and approves annual budget

9.2.2 Annual Budget - Implementation

Executive Director - Authorizes/signs for approved expenditures

9.2.3 Interim Contracts for Service (not included in annual budget with no cash match from HCPC)

~~Executive Director - Approves contracts < \$15,000. < \$30,000
Recommends approval of contracts \$15,000.-> \$30,000~~

~~Executive Board - Reviews and approves contracts > \$15,000. \$30,000~~

9.2.4 Interim Contracts for Service (not included in annual budget with cash match from HCPC)

Deleted: Executive Board -
- Authorizes/signs approved budget

Executive Director -

Recommends approval of contracts

Executive Board - Reviews and approves contracts

9.2.5 Interim Loans (not included in annual budget) < \$15,000, not to exceed 10% of annual budget

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Executive Director - Recommends loans to Executive Board

Executive Board - Reviews and approves loans

9.2.6 Interim Loans (not included in annual budget) > \$15,000, or greater than 10% of annual budget

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Executive Director - Recommends loans to Executive Board

Executive Board - Reviews and recommends loans to Full Commission

Full Commission - Reviews and approves loans

9.2.7 Interim Purchases (capital expenditures not included in annual budget) < \$3,000

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Executive Director - Approves purchases

9.2.8 Interim Purchases (capital expenditures not included in annual budget) > \$3,000

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Executive Director - Recommends purchases to Executive Board

Executive Board - Reviews and approves purchases

Executive Director - Recommends use to Executive Board

Executive Board - Reviews and approves use

9.2.9 Annual Audit

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Executive Director - Initiates audit process and selects auditor

Executive Board – Reviews and approves audit

9.2.10 Interim Audit

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Executive Director - Recommends interim audit and recommends auditor

Executive Board - R Reviews and approves interim audits

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9.3 Program Management

9.3.1 Annual Work Program

Executive Director - Prepares/supervises preparation of draft annual work program and recommends to Executive Board
Implements approved plan.

Executive Board - Reviews and recommends proposed annual work program to Full Commission. Supervises implementation of approved plan.

Full Commission - Reviews and approves annual work program

9.3.2 Official Plans/Position Statements

Executive Director - Prepares/supervises preparation of draft official plans and position statements, Implements approved plans and positions.

Executive Board - Reviews and recommends proposed official plans and position statements to Full Commission. Supervises implementation of approved plans and statements.

Full Commission - Reviews and approves official plan and position statements

9.3.3 Administrative Policies (other than those specifically outlined)

Executive Director - Prepares/supervises preparation of draft administrative policies. Implements approved policies.

Executive Board - Reviews and approves administrative policies and supervises their implementation.

9.3.4 Committees - Formulation

Executive Director - Recommends formation and prepares/supervises preparation of resolution for Executive Board action

Executive Board - Recommends formation and reviews/approves resolution

9.3.5 Committees - Implementation

Executive Director - Supervises staff support of committees

Executive Board - Appoints members to committees

9.3.6 Services Policy

Executive Director - Prepares/supervises the preparation of services policy and amendments and recommends to Executive Board. Implements approved policies.

Executive Board - Reviews and recommends services policy and amendments to Full Commission.

Full Commission - Reviews and approves services policy and amendments

Deleted: Supervises implementation of approved policies.

9.3.7 News Releases

Executive Director - Prepares/supervises the preparation and approves news releases on general administrative matters
Prepares/supervises the preparation and approves news releases on program and committee activities
Prepares/supervises the preparation of news releases on proposed Commission policies and positions

Executive Board - Reviews and approves news releases on proposed Commission policies and positions

10. COMMITTEES

10.1 Formation of Standing Committees

The Commission may adopt resolutions creating continuing or permanent committees, which shall be known as standing committees. The method of appointment or election of each committee, its chairperson, the filling of vacancies that occur, provisions for committee members who are members of the public though not commissioners, and temporary members according to Section 10.3 of this article, may be included in the resolution forming each committee.

10.2 Terms of Membership on Standing Committees

Unless otherwise provided in the resolution, terms of members of standing committees shall run until the end of Part 1 of the Annual Meeting, except that committee members may continue their duties until their successors are chosen. Resolutions creating such committees may provide for their renewal of terms and may limit the number of terms that may be served.

10.3 Temporary Members on Standing Committees

The Commission may vote to add one or more temporary members to a standing committee, provided that the resolution forming that standing committee provides for the possible addition of temporary members. Such temporary members may be added for the purpose of assisting the committee in considering a particular question. The motion adding temporary members shall specify either the names of the proposed members or how they shall be selected, and whether or not they shall have a vote in the committee.

10.4 Special Committees

Committees formed for the purpose of carrying out a specified task and which will cease to exist at the completion of the presentation of their final reports shall be known as special committees. The Commissioners may adopt resolutions forming special committees in the same manner that standing committees are formed in Section 10.1 above, or the Chairperson of the Commission, with the consent of the majority of the Executive Board, may create a special committee and appoint its members.

Terms of members of special committees shall continue through an Annual Meeting if the committee has yet to present its final report, except that Commissioners or Alternates on a special committee whose terms on the Commission expire at that Annual Meeting may be replaced by new Commissioners and Alternates in the same manner that the original appointments were made.

10.5 Powers of Committees

The Commission may give a standing or special committee power to act for the Commission on a specific question by a majority vote of the Commission.

If a standing committee is to have standing authority to act for the Commission on matters of a certain class without specific instructions from the Commission, or if all business of a certain class is to be automatically referred to a standing committee, such authority may be granted only by a 2/3 vote of the Commission, following previous notice of the motion.

All such powers as authorized in paragraphs 1 and 2 above shall expire at the end of Part 1 of the Annual Meeting but may be renewed at Part 2 of the Annual Meeting in the same manner as they were originally voted.

10.6 Committee Reports

Standing committees shall present reports at each Annual Meeting summarizing the work done by the Committee during the year.

Standing committees, on their own initiative, may make reports recommending action to the Commission. When a subject or resolution has been referred to a standing committee for study or recommendation, the committee may make final or progress reports when ready, or shall report when requested by the Commission or its Chairperson with twenty days notice.

Except when very brief, reports of committees should be in writing.

11. PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these BYLAWS and any special rules of order the Commission may adopt.

12. AMENDMENTS

Amendments to the BYLAWS may only be made by a 2/3 vote of the Commissioners or their Alternates present and voting at any regular or special meeting of the Commission, provided that written or electronic notice of the proposed amendment shall be sent to each Commissioner and Alternate at least 20 days prior to the meeting at which said amendment is in order for enactment.

13. SUPPLEMENT TO BYLAWS

A supplement to these BYLAWS containing the following items shall be maintained and kept current.

- Any Special Rules of Order adopted to supplement or modify rules of order contained in the Commission's parliamentary authority.
- Any Standing Rules related to details of the administration of the Commission, and
- Resolutions creating Standing Committees and prescribing their purpose, size, membership, powers, etc.

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